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# THE IMPACT OF CATHOLIC TEACHING AND THE CALL TO DISCIPLESHIP

ROBERT JOHN ARAUJO, S.J.\*

*I die the King's good servant, but God's first.*

—Thomas More<sup>1</sup>

At the beginning of the Spring 2005 semester, one of my students stopped by to discuss the course that she had taken with me. At the end of our conversation, she asked if she could present a personal question regarding faith and the Catholic Church. Accustomed to these kinds of questions from students and a few colleagues, I responded in the affirmative. She then inquired in a sincere fashion if she were a “bad Catholic” since she was “pro-choice.” Her question is of the kind that I have always anticipated being asked regarding the divide between the Catholic faith and endorsement of public and political views inconsistent or in tension with the teachings of the Church. The existence of the division is something that I prefer would not exist, but it does.

As I responded to my student's inquiry, I thought about the current debate emerging in the United States within the context of the recent national election regarding Catholic public officials and the multifaceted duties regarding some of the difficult issues of public policy and the law, including abortion, embryonic stem cell research, armed conflict, and homosexual marriage. Somewhat eclipsed by the notoriety of public officials and their positions on these important contemporary policy matters was the related matter involving the Catholic citizen and his or her duties regarding voting or campaigning on these various contested issues of the day and the Catholic faith the citizen professes.

Knowing that bishops, clergy, public officials, and citizens have provided, sometimes amply and audibly, their views on this important relationship between citizenship and faith, I plan to address the issue of the respective obligations of the Church's

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1. PETER ACKROYD, *THE LIFE OF THOMAS MORE* 394 (1998) (last words before his execution (July 6, 1535)).

teachers and the faithful in the context of this symposium, "Law & Politics as Vocation." Given this context, many Catholics in the United States find themselves in conflict over their faith and their role in public life. Many of these Catholic citizens are trained in the law, but all of them have a role in its development. It is not absurd to suggest that each Catholic citizen is a participant in a vocation of law and politics. My purpose in doing so is not simply to pursue didactic objectives; it is also to present the efforts of a fellow laborer in the vineyard to encourage, support, and make a modest contribution to others to persevere in their particular endeavors to proclaim the Gospel and advance the Kingdom of God in their respective vocations of law and politics.

The principal objective of my study is to identify and examine the relationship between Catholic faith and the duties of the public office holder and of the citizen who is Catholic. It is my position that there is nothing in the civil law and associated regulations to preclude the Catholic officeholder or citizen from adhering to the teachings of the Church in the exercise of one's respective public duties as an officeholder or citizen. Moreover, the citizen and the officeholder have the obligation to be faithful to the Church's teachings if he or she is to be an effective, contributing Christian member of the commonwealth. This means that the Catholic who exercises a role in American democracy simultaneously participates in the exercise of discipleship by applying in this world the substance and content of communion with Jesus Christ and other disciples.

I shall elaborate on this by investigating the following points: (1) what the call to discipleship means to the citizen who is also a believer; (2) how the believer must grow in response to the duties of citizenship and discipleship because "the harvest is great but the laborers are few;"<sup>2</sup> (3) how the Christian citizen must be open to receiving appropriate instruction from those whose duty it is to teach; and, (4) by relying on several historical models, demonstrating how Christian citizens are called to be people for all seasons. I begin my presentation by turning to an early account of two disciples.

#### I. THE CALL TO DISCIPLESHIP—THE STORY OF THE ROAD TO EMMAUS (*LUKE* 24:1–35)

This element of my examination is rooted in the story of Cleopas and his friend—two disciples who, on their way to the village of Emmaus, encounter the resurrected Jesus.<sup>3</sup> Something

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2. *Matthew* 9:37.

3. *Luke* 24:13–35.

prevents them from recognizing Jesus until they dine together and Jesus, after having said the blessing, breaks bread with them and, in doing so, shares communion with them. When Jesus quickly disappears from their sight, they then recognize who he is, and they are *energized* with the breaking of the bread and communion with Jesus to continue his work, mindful that the “repentance and forgiveness of sins is to be proclaimed in His name to all the nations.”<sup>4</sup> By being in communion with the Lord, they are restored to active and vibrant discipleship and respond to the call to serve in His name. Without the communion with Jesus, they seemed to have no direction in their lives but were “downcast.”<sup>5</sup> They needed Him to do the work they were called to do, and with Him they were fortified to labor in His name. Through their communion with Jesus, they maintained right relation with God and with their neighbor.<sup>6</sup> Being in communion with God, His Son, and the Church is essential to anyone’s discipleship regardless of whether one lived in the time of Jesus in Palestine or in the United States at the present time.

Of course, Cleopas and his friend have been succeeded by many faithful disciples including those of the present day. Throughout the Church’s history, they have been simultaneously challenged and invigorated in their work of following the Lord in this world. Indeed, their actions have been threatened by other individuals, groups, and the state. Nonetheless, they have also been fortified by the Lord in answering his call: “follow me.”<sup>7</sup> For example, in the 1930s, the lay group called Catholic Action<sup>8</sup> were targeted by elements of the Fascist state in Italy and later by National Socialists in Germany and other countries. The function of the Catholic Action was to serve as the leaven in this world by instructing the members of their society about the social teachings of the Church.<sup>9</sup> Many members of this important association persevered in their discipleship notwithstanding the difficulties and persecution they faced. Many bishops, priests,

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4. *Luke* 24:47.

5. *Id.* 24:17.

6. See Robert John Araujo, *Justice As Right Relationship: A Philosophical and Theological Reflection on Affirmative Action*, 27 PEPP. L. REV. 377 (2000).

7. *Matthew* 9:9.

8. In the encyclical *Non Abbiamo Bisogno*, Pope Pius XI said this of Catholic Action: “It was Jesus Christ Himself who laid the first foundations of Catholic Action, by choosing and educating the apostles and disciples as fellow workers in His Divine Apostolate. And His example was at once followed by the first Holy Apostles as the sacred text itself proves.” POPE PIUS XI, ENCYCLICAL LETTER NON ABBIAMO BISOGNO No. 48 (1931).

9. POPE PIUS X, ENCYCLICAL LETTER IL FERMO PROPOSITO (1905).

members of religious communities, and lay leaders exhorted them to persist.

More recently, the faithful Catholic laity were reminded of their duty to continue the same and related functions in society by the Second Vatican Council (1962–1965). Two principal documents of the Council address the role of the Catholic disciple in the world and political life. The first is *The Pastoral Constitution on the Church in the Modern World (Gaudium et Spes)*. Two significant points about *Gaudium et Spes* must be noted here. The first is that the Council spoke not only to Catholics, but also to *all* people “in order to shed light on the mystery of man and to cooperate in finding the solution to the outstanding problems of our time.”<sup>10</sup> The second crucial point needing emphasis here is the recognition that the Church teaches that human existence is permeated by the unchangeable reality rooted in Christ.<sup>11</sup>

These two key points acknowledge that the Church and its individual members are called to advance the dignity of each human person in solidarity with all others. Thus, interdependence and the common good are complementary to, rather than in conflict with, the individual person. The Council highlighted these points by stating that each member of humanity in the contemporary world is obliged to take seriously the duty to love one’s neighbor—whoever that may be. In a powerful use of scripture, the Council reminds all what Jesus taught: “As long as you did it for one of these the least of my brethren, you did it for me.”<sup>12</sup> The text of the *Gaudium et Spes* goes on to illustrate this calling by stating that the Church and its members have a duty to combat whatever is “opposed to life itself” by identifying murder, genocide, abortion, euthanasia, willful self-destruction, *or anything else which “violates the integrity of the human person.”*<sup>13</sup> Illustrations of these violations against human integrity include: subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, disgraceful working conditions, and trafficking in women and children.<sup>14</sup> The Council confirmed that these acts injure not only their victims, but also insult God, the Creator of each person.<sup>15</sup>

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10. SECOND VATICAN ECUMENICAL COUNCIL, GAUDIUM ET SPES: PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD No. 10 (1965) [hereinafter GAUDIUM ET SPES].

11. *Id.*

12. *Id.* No. 27 (quoting *Matthew* 25:40).

13. *Id.*

14. *Id.*

15. *Id.*

Disciples are challenged to address all (hence my emphasis on the word “or”) of these problems that face the contemporary world and challenge human existence. Catholics, citizens of two cities, are called to discharge civic responsibilities with the exercise of a Christian conscience inspired by the Gospel.<sup>16</sup> By way of elaboration, the Council expanded on its explanation of this duality of citizenship. First of all, it specified that the person who is a Catholic cannot profess belief in the Gospel but ignore it in everyday life. As the Council stated, it is wrong to “think that religion consists in acts of worship alone and in the discharge of certain moral obligations,” and a Catholic cannot plunge one’s self “into earthly affairs in such a way as to imply that these are altogether divorced from religious life.”<sup>17</sup> For those who assert that faith is a private matter and not to be inserted into public affairs, the Council admonished that the “split between faith . . . and daily lives deserves to be counted among the more serious errors of our age.”<sup>18</sup> The dichotomy of two lives, one of faith and one of citizenship, insulated from one another is incompatible with Christian discipleship.<sup>19</sup>

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16. *Id.* No. 43.

17. *Id.*

18. *Id.*

19. In this regard, it may be that the words of John F. Kennedy delivered to the Greater Houston Ministerial Association on September 12, 1960 should be recalled in the context of a candidate seeking an office that had never been previously held by a coreligionist:

But let me stress again that these are my views—for contrary to common newspaper usage, I am not the Catholic candidate for President. I am the Democratic Party’s candidate for President who happens also to be a Catholic. I do not speak for my church on public matters—and the church does not speak for me.

Whatever issue may come before me as President—on birth control, divorce, censorship, gambling or any other subject—I will make my decision in accordance with these views, in accordance with what my conscience tells me to be the national interest, and without regard to outside religious pressures or dictates. And no power or threat of punishment could cause me to decide otherwise.

But if the time should ever come—and I do not concede any conflict to be even remotely possible—when my office would require me to either violate my conscience or violate the national interest, then I would resign the office; and I hope any conscientious public servant would do the same.

But I do not intend to apologize for these views to my critics of either Catholic or Protestant faith—nor do I intend to disavow either my views or my church in order to win this election.

If I should lose on the real issues, I shall return to my seat in the Senate, satisfied that I had tried my best and was fairly judged. But if this election is decided on the basis that 40 million Americans lost their chance of being President on the day they were baptized, then it

The role of the laity in the suitable exercise of discipleship is crucial.<sup>20</sup> First of all, it is the laity who have the principal, although not exclusive, role in seeing that the "divine law is inscribed in the life of the earthly city."<sup>21</sup> While enjoying and exercising their appropriate expertise, the laity were properly reminded of the need to turn to the clergy for principled instruction and spiritual advice; however, it is ultimately the responsibility of the laity to combine their Christian wisdom, which is informed by the Church's teaching authority,<sup>22</sup> to implement and practice the divine law in the earthly city.<sup>23</sup>

I have already noted some of the issues that the Council concluded violated human dignity. But the Council went on to specify several problems of "special urgency" requiring the attention

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is the whole nation that will be the loser, in the eyes of Catholics and non-Catholics around the world, in the eyes of history, and in the eyes of our own people.

John F. Kennedy, Address to the Greater Houston Ministerial Society (Sept. 12, 1960), in *LET THE WORD GO FORTH: THE SPEECHES, STATEMENTS AND WRITINGS OF JOHN F. KENNEDY* 133 (Theodore C. Sorensen ed., 1988). Thomas Jefferson's letter of January 1, 1802 to the Danbury Baptist association in which the "wall of separation" language was formulated might also be considered as an address of a politician (or statesman) seeking office from those who may distrust his religious views. Letter from Thomas Jefferson to the Danbury Baptist Association, in *JEFFERSON: WRITINGS* 510 (Merrill D. Peterson ed., 1984).

20. See CONGREGATION FOR THE DOCTRINE OF THE FAITH, DOCTRINAL NOTE ON SOME QUESTIONS REGARDING THE PARTICIPATION OF CATHOLICS IN POLITICAL LIFE (2002).

21. GAUDIUM ET SPES, *supra* note 10, No. 43.

22. The Church's teaching was defined by the Council in accordance with Pope John XXIII's encyclical *Mater et Magistra*, wherein the Holy Father made these relevant points:

These, then, are the educational principles which must be put into effect. It is a task which belongs particularly to Our Sons, the laity, for it is their lot to live an active life in the world and organize themselves for the attainment of temporal ends.

In performing this task, which is a noble one, they must not only be well qualified in their trade or profession and practice it in accordance with its own proper laws, they must also bring their professional activity into conformity with the Church's social teaching. Their attitude must be one of loyal trust and filial obedience to ecclesiastical authority.

They must remember, too, that if in the transaction of their temporal affairs they take no account of those social principles which the Church teaches, and which We now confirm, then they fail in their obligations and may easily violate the rights of others. They may even go so far as to bring discredit on the Church's teaching, lending substance to the opinion that, in spite of its intrinsic value, it is in fact powerless to direct men's lives.

POPE JOHN XXIII, ENCYCLICAL LETTER *MATER ET MAGISTRA* NOS. 240-41 (1961).

23. *Id.*

of the laity. These include: marriage and the family; the proper development of cultural, economic, and social issues; the vocation of promoting the common good; and fostering peace and promoting the friendly community of nations.<sup>24</sup> These vocations properly belong to every Catholic—man, woman, and child—since each bears a calling to follow Christ in this world and do the will of the Father through one's baptism. It is the responsibility of each to continue the teaching that Jesus began and with which the Church, especially through its laity, is charged to continue in both word and deed. It is the laity who are well situated to embrace the duties of citizenship of both cities and transmit God's law and truth to those responsible for directing civil society so that it achieves and maintains the common good.

There may be critics and skeptics who caution against the propriety and legality of such an enterprise. They may argue that the disciple is prohibited from mandating religious doctrine on the secular community. In this regard, one is often reminded of the often recalled address given by Governor Mario Cuomo at Notre Dame University in September of 1984 entitled "Religious Belief and Public Morality: A Catholic Governor's Perspective" in which he raised and addressed the question of the relationship of his Catholic faith and his politics—are they separate or related?<sup>25</sup> For prudential and other reasons, the Governor counseled against *imposing* views based on Catholic teachings on other citizens who may find them unacceptable.<sup>26</sup> He spoke of the "American-Catholic tradition of political realism" in which the Church has avoided settling into a "moral fundamentalism" mandating "total acceptance of its views."<sup>27</sup>

But that is not what the disciple is called to do. The disciple, as John Paul II and Mary Ann Glendon have judiciously explained, *proposes* to the community rather than *imposes* upon it.<sup>28</sup> Governor Cuomo appears to agree with this transformative

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24. GAUDIUM ET SPES, *supra* note 10, Nos. 46–93.

25. Mario M. Cuomo, Religious Belief and Public Morality: A Catholic Governor's Perspective, Address at the University of Notre Dame (Sept. 13, 1984), in 1 NOTRE DAME J.L. ETHICS & PUB. POL'Y 13 (1984).

26. *Id.* at 18.

27. *Id.* at 24.

28. POPE JOHN PAUL II, ENCYCLICAL LETTER REDEMPTORIS MISSIO No. 39 (1990), wherein the Pope stated:

On her part, the Church addresses people with full respect for their freedom. Her mission does not restrict freedom but rather promotes it. *The Church proposes; she imposes nothing.* She respects individuals and cultures, and she honors the sanctuary of conscience. To those who for various reasons oppose missionary activity, the Church repeats: *Open the doors to Christ!*



participation in public life in which the Catholic holds the duty not to coerce but to persuade.<sup>29</sup> If indeed the United States is a pluralistic culture as many note, should we not as believers and non-believers, but citizens all, be aware of the universal obligation of the citizen to contribute to the debates on issues big and small that fuel and sustain democracy? It makes little sense to argue that the person with no faith in his or her perspective on exercising the duties of citizenship is entitled to contribute to the democratic process, but the person who approaches our life in common from a religious background is denied the same opportunity because of the myth of the wall of separation between Church and State.<sup>30</sup> This leads to only certain, rather than all, sources contributing to our common life in a culture that claims to be pluralistic and diverse.

It is through reasoned discourse that the genuine contribution of the disciple can be made for the betterment and benefit of all rather than just some of humanity. It is the example of a way of life that is suitable for making the propositions consistent with God's truth contained in the Church's teachings. These teachings and the authority upon which they are that serve as an

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*Id.* (emphasis in original) (citation omitted); Mary Ann Glendon, *The Women of Roe v. Wade*, FIRST THINGS, June-July 2003, at 14–18.

29. Cuomo, *supra* note 25, at 31.

30. Influential commentators do not always understand this point. See Editorial, *The President's Stem Cell Theology*, N.Y. TIMES, May 26, 2005, at A28, in which the editors of *The New York Times* argue that President Bush's position on embryonic stem cell research, while it "deserves respect," is a religious view and therefore "wrong to impose on this pluralistic nation." *The New York Times* is wrong in this assertion that the President's perspective and position are only a religious view; they also happen to be founded on biological science. *The New York Times* further asserts that it is dangerous to let "one group's religious views dictate national policy." The editorial board makes a number of mistakes in these conclusions, which are founded on their misunderstanding of the science of human embryology. By referring to the early embryo or blastocyst as "emerging human life," the editors fail to recognize that human life is always "emerging" until we die. Moreover, each editor who avers that the President is "wrong" was at one stage of his or her life the same kind of distinct human being that the editors conclude can be sacrificed for research. But assuming that there is merit to the view that a "religious view" is being forced upon a pluralistic nation, it can be said, relying on the editors' own logic, that if Congress concludes that the human embryo can be sacrificed, Congress would be adopting the views of other "religious" persons who believe it permissible to conduct embryonic stem cell research. Putting aside the issue of embryos and stem cell research, one could argue that the Civil Rights legislation of 1964, which was based on the "religious views" of Rev. Dr. Martin Luther King, Jr., would be similarly suspect. Arguments from religious people concerning debt relief, health care, free education, and peace should follow suit. I wonder if the editorial board of *The New York Times* would wish to extend its reasoning for critiquing religious perspectives to those public policies with which it agrees.

antidote to the cynical and sinister in this world, which God has given His disciples as one of our two cities. Archbishop Charles Chaput has recently commented that regardless of one's status as a public official or private citizen, Catholics share a duty of conforming their lives to the beliefs they profess and to do something about this in a public fashion if the common good is to be a goal of society.<sup>31</sup> He accurately acknowledged that "[a]ll law is the imposition of somebody's beliefs on somebody else. That's exactly the reason we have debates and elections, and Congress—to turn the struggle of ideas and moral convictions into laws that guide our common life."<sup>32</sup>

The wisdom and teachings from *Gaudium et Spes* must be complemented by a second conciliar text, the *Decree on the Apostolate of the Laity* (*Apostolicam Actuositatem*).<sup>33</sup> At the outset, the objective of this text was to support intensification of the apostolic activity of the laity who possess and exercise a proper and indispensable role in the Church's mission in the world—a role necessitating zeal and intensification.<sup>34</sup> A major objective of this apostolic activity is the need to address the serious errors of the contemporary world that undermine "the foundations of religion, the moral order, and human society itself."<sup>35</sup> Of special concern to the laity are vocations involving Christian married life, the family, and the influence of Christians (especially the young) on culture and society. Regardless of the activity, the laity are called to build up the Church and to sanctify the world.<sup>36</sup> Keeping in mind the earlier work of Catholic Action, the Council viewed that the laity, who must maintain a proper relationship with Church authorities, would pursue a wide variety of apostolic activities providing reinforcement for the transcendent and objective moral order in the world.<sup>37</sup> Of course, it is important to note that no one could claim the use of the modifier "Catholic" unless it had obtained the consent of the appropriate and lawful authority in the Church.<sup>38</sup>

A graphic illustration of a group claiming to be "Catholic," but without such juridical approval, is the pro-abortion group

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31. Charles J. Chaput, Address at the National Catholic Prayer Breakfast: Political Conversation and Witness to Belief (May 20, 2005), *reprinted in* 35 ORIGINS 60, 60–61 (2005).

32. *Id.*

33. POPE PAUL VI, *APOSTOLICAM ACTUOSITATEM: DECREE ON THE APOSTOLATE OF THE LAITY* (1965) [hereinafter *APOSTOLICAM ACTUOSITATEM*].

34. *Id.* No. 1.

35. *Id.* No. 6.

36. *Id.* No. 16.

37. *Id.* No. 20.

38. *Id.* No. 24.

calling itself "Catholics for a Free Choice" [CFFC]. This organization has been declared by the United States Conference of Catholic Bishops on May 10, 2000, not to be a "Catholic" organization.<sup>39</sup> However, when a "Catholic" voice explaining some important issue is sought, influential secular media outlets still seek out the opinion of the CFFC.<sup>40</sup>

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39. Press Release, United States Conference of Catholic Bishops, NCCB/USCC President Issues Statement on Catholics for a Free Choice (May 10, 2000), *available at* <http://www.usccb.org/comm/archives/2000/00-123.shtml>. The full statement of the United States Conference of Catholic Bishops reads as follows:

For a number of years, a group calling itself Catholics for a Free Choice (CFFC) has been publicly supporting abortion while claiming it speaks as an authentic Catholic voice. That claim is false. In fact, the group's activity is directed to rejection and distortion of Catholic teaching about the respect and protection due to defenseless unborn human life.

On a number of occasions the National Conference of Catholic Bishops (NCCB) has stated publicly that CFFC is not a Catholic organization, does not speak for the Catholic Church, and in fact promotes positions contrary to the teaching of the Church as articulated by the Holy See and the NCCB.

CFFC is, practically speaking, an arm of the abortion lobby in the United States and throughout the world. It is an advocacy group dedicated to supporting abortion. It is funded by a number of powerful and wealthy private foundations, mostly American, to promote abortion as a method of population control. This position is contrary to existing United Nations policy and the laws and policies of most nations of the world.

In its latest campaign, CFFC has undertaken a concentrated public relations effort to end the official presence and silence the moral voice of the Holy See at the United Nations as a Permanent Observer. The public relations effort has ridiculed the Holy See in language reminiscent of other episodes of anti-Catholic bigotry that the Catholic Church has endured in the past.

As the Catholic Bishops of the United States have stated for many years, the use of the name Catholic as a platform for promoting the taking of innocent human life and ridiculing the Church is offensive not only to Catholics, but to all who expect honesty and forthrightness in public discourse. We state once again with the strongest emphasis: "Because of its opposition to the human rights of some of the most defenseless members of the human race, and because its purposes and activities deliberately contradict essential teachings of the Catholic faith, . . . Catholics for a Free Choice merits no recognition or support as a Catholic organization."

*Id.* (citation omitted).

40. See, e.g., *The Religion Report* (Australian Broadcasting Corp. radio broadcast Apr. 20, 2005), *available at* <http://www.abc.net.au/rn/talks/8.30/relrpt/stories/s1349547.htm#anchor2> (discussing views regarding the April 19, 2005, election of Pope Benedict XVI).

What is envisaged in the text on the role of the laity is a vital partnership in which the ecclesiastical hierarchy teaches and authentically interprets the moral principles to be addressed and advanced by the laity in the temporal sphere.<sup>41</sup> Otherwise, any speaker addressing the temporal sphere could advance his or her or its views, as does the CFFC, in the name of the Catholic Church. However, to do so would be falsehood and would lead to confusion amongst not only the laity but the citizenry at large. Any speaker who suggests that he or she is offering a Catholic perspective to a debate but whose views do not accord to the Church's teachings and positions is offering erroneous testimony and falsehood. This introduces the issue regarding the mission of the disciple who works in vineyards where law and politics are active.

## II. GROWTH IN DISCIPLESHIP—THE HARVEST IS GREAT BUT THE LABORERS ARE FEW (MATTHEW 20:1-16)

Saint Matthew's Gospel provides the instructive parable of the landowner who goes several times to the market place to hire laborers for his vineyard.<sup>42</sup> While the verse about the last being first and the first being last is well remembered, the parable reminds all of the need to pursue the duties of discipleship regardless of the time when one hears the call—be it earlier or later in one's life. The call is the same regardless of the time of hearing it and the time of the response. God needs laborers to follow His Son, for the harvest is great, but the workers seem to be few in number. As Pope John Paul II kept reiterating in his post-Synodal apostolic exhortation, *Christifideles Laici*, "you go into my vineyard, too."<sup>43</sup>

A principal justification for this exhortation is the suitability of the laity, considering the unique character of their vocation, to engage in the temporal affairs of the world and order them according to the plan of God.<sup>44</sup> Through their call to holiness, the laity who encounter the temporal affairs of the world are the

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41. APOSTOLICAM ACTUOSITATEM, *supra* note 33, No. 24.

42. *Matthew* 20:1-16.

43. POPE JOHN PAUL II, POST-SYNODAL APOSTOLIC EXHORTATION CHRISTIFIDELES LAICI (1988) [hereinafter CHRISTIFIDELES LAICI] (quoting *Matthew* 20:3-4).

44. *Id.* at No. 9 (citing SECOND VATICAN ECUMENICAL COUNCIL, LUMEN GENTIUM: DOGMATIC CONSTITUTION ON THE CHURCH No. 31 (1964) [hereinafter LUMEN GENTIUM] ("[B]y reason of their special vocation it belongs to the laity to seek the kingdom of God by engaging in temporal affairs and directing them according to God's will.")).

branches sprouting from Jesus' vine.<sup>45</sup> And it is from these branches that God's fruit will be brought into this world. God's peace, the protection of human life, the preservation of the family (the basic unit of society), the growth in authentic human wisdom and progress, and hope for the future will be cultivated, blossom, and produce abundant fruit through the efforts of the conscientious disciple.

Instilled with the mission of discipleship, the laity are called to be God's conscious instruments in a world often plagued with exaggerated autonomy that ignores both the neighbor and God and sees only the isolated self.<sup>46</sup> By remaining in contact with the magisterium of the Church, the laity, through their work, become a light to the world illuminating the minds and spirit of those who might otherwise be overwhelmed by the darkness of evil. In this regard, we need to take account of what John Paul II stated in his last World Day of Peace message issued in 2005, by recalling the words of St. Paul, "do not be overcome by evil, but overcome evil with good."<sup>47</sup> This is a noteworthy appeal to the disciple who labors in the fields of law and politics.

A major task in regard to pursuing and implementing St. Paul's exhortation is the need to identify and counter the falsehoods that beleaguer the world today. As a teacher at a Catholic university,<sup>48</sup> I am always intrigued by colleagues who, in the context of discussion about violence against women, proclaim the merits of the *Monologues* of Eve Ensler<sup>49</sup> but think it would be inane to discuss and learn the story of Maria Goretti.<sup>50</sup> With regard to debates about human rights, I am captivated by the

45. *John* 15:1-6.

46. MARY ANN GLENDON, *RIGHTS TALK: THE IMPOVERISHMENT OF POLITICAL DISCOURSE* 45 (1991).

47. Pope John Paul II, Message of His Holiness for the Celebration of the World Day of Peace (Jan. 1, 2005), available at [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/messages/peace/documents/hf\\_jp-ii\\_mes\\_20041216\\_XXXVIII-world-day-for-peace\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_20041216_XXXVIII-world-day-for-peace_en.html) (quoting *Romans* 12:21).

48. Gonzaga University states in its Mission statement that it is Catholic, Jesuit, and Humanistic. Mission Statement, Gonzaga University, <http://www.gonzaga.edu/About/Mission/Mission+Statement/default.htm> (last visited Mar. 30, 2006).

49. EVE ENSLER, *THE VAGINA MONOLOGUES* (2000).

50. At the age of eleven, Maria Goretti suffered lustful advances from a neighboring young man, who, after Maria consistently repelled his advances, ultimately assaulted her and stabbed her repeatedly. During the last hours of her life, Maria inquired about her attacker and forgave him, saying that she would pray for his repentance. After eight years of imprisonment, her unrepentant attacker in fact had a change of heart, and he lived to see her canonized by the Catholic Church in 1950. *LIVES OF THE SAINTS*, 275-76 (Hugo Hoever ed., 1999).

assertions of a vast cohort of teachers who support “reproductive rights and sexual autonomy” but ridicule (or at least down play) the most fundamental right of all—the right to life. Indeed, the harvest is plentiful but the laborers seem to be few in number. Why is this so? If indeed the numbers of disciples are prepared to meet the challenges of this world, they should not be deterred from their work in light of the enormity of tasks that lie ahead of them, for the harvest will remain plentiful.

In a particular way, those called to the legal profession have numerous ways in which they can contribute to the betterment of the human family at the local, regional, national, and international levels. As members of the body of Christ who are trained in the legal and political mechanisms of society, they are suitably equipped to confront and remedy the sad mistakes of human manufacture, for as Jesus said, “I have appointed you to go forth and bear fruit.”<sup>51</sup> And the disciple responds and goes into the world not in his or her own name, but in the name of Jesus for whom the disciple is an ambassador.<sup>52</sup> It is this person who is called to counter the errors of the false prophets of the day. But what is it that the contemporary disciple must face in the twenty-first century?

### III. A SPECIAL CONCERN—CHRISTIAN CITIZENSHIP MOLDED BY TEACHING (*ROMANS 13:1–7*)

When considering particular challenging topics that today’s disciple must confront, we turn to St. Paul, who reminds us about the duties of citizenship and how discipleship and citizenship are designed to be complementary, rather than separate and independent of one another.<sup>53</sup> But Paul also cautions that the civil authority must be mindful of its duties and properly exercise its power, for it is supposed to be an instrument of God as well.<sup>54</sup> Citizens as disciples and the political, social, and economic structures in which they live and work are all responsible for being the keepers of our brothers and sisters, whoever they may be. An informative and perspicacious account of this important point appears in Archbishop Raymond Burke’s pastoral letter to the Church in St. Louis, issued on October 1, 2004, entitled “On Our Civic Responsibility for the Common Good.”<sup>55</sup> The Archbishop

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51. *John* 15:16.

52. *2 Corinthians* 5:20.

53. *Romans* 13:1–7.

54. *Id.* at 13:4.

55. Raymond L. Burke, Pastoral Letter: On Our Civic Responsibility for the Common Good (Oct. 1, 2004), available at <http://www.priestsforlife.org/magisterium/bishops/04-10-01burke.pdf>.

begins his letter with a story from the time of his study of the German language in 1982 and his associated work in a German parish. He got to know the sacristan of the parish church, who had been a teenager during the rise of National Socialism. A "haunting" question persisted with the sacristan about how he and his fellow citizens of Germany could have permitted horrible evils to happen and to go on for as long as they did.<sup>56</sup> The Archbishop adds another chapter to the story: How could the bishops, the shepherds of Germany, have failed in their instruction and exhortation to the laity regarding these evils?<sup>57</sup> These accounts are provocative in that each is a catalyst for reflection by the clergy and the laity of the Church today, according to the rest of Archbishop Burke's pastoral letter concerning his role as shepherd of the Church in St. Louis and the roles of the laity who are citizens or holders of public office, regarding the evils of the present day. And what are these evils?

Within the context of the Church's teachings and their natural law foundation based on the use of right reason,<sup>58</sup> the evil to be avoided is frequently any situation in which *either* the self-serving interest of the individual prejudices the interests of other individuals in the community *or* the interest of the collective harms or frustrates the flourishing of each individual. John Mahoney has captured the essence of this in his examination of an ethic that focuses on *koinonia*, the community, and fellowship: the Church in its totality is the principal agent of moral theology, reflection, and action. Moreover, through the Church, the human race can recognize each member's fellowship with the other and with God.<sup>59</sup> This is akin to Pope Benedict XVI's recent

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56. *Id.* ¶ 2.

57. *Id.*

58. The significance of right or practical reason and the law was relied upon and developed by Thomas Aquinas in his Treatise on Law, where he stated, as the first principle of the law, that "good is to be done and pursued, and evil is to be avoided." THOMAS AQUINAS, *Summa Theologiae*, I-II, q. 94, art. 2 (Fathers of the English Dominican Province, trans., Benzinger Brothers 1947). Right reason is a search for truth that is not only conceptual but also practical. The search for truth is inextricably combined with the application or implementation of the truth. In this way, the rational and the moral merge through the exercise of right reason. For a more contemporary explanation of right reason, see AUSTIN FAGOTHEY, *RIGHT AND REASON: ETHICS IN THEORY AND PRACTICE* 99-101 (6th ed. 1976). See also GAUDIUM ET SPES, *supra* note 10, No. 63, wherein the Second Vatican Counsel stated, "the Church down through the centuries and in the light of the Gospel has worked out the principles of justice and equity demanded by right reason both for individual and social life and for international life, and she has proclaimed them especially in recent times."

59. See JOHN MAHONEY, *THE MAKING OF MORAL THEOLOGY: A STUDY OF THE ROMAN CATHOLIC TRADITION* 345 (1987).

observation commemorating *Gaudium et Spes* that the virtue of justice contains two inextricably related elements: “the firm will to render to God what is owed to God, and to our neighbor what is owed to him.”<sup>60</sup> The Holy Father’s point is related to the notion of justice as right relationship.<sup>61</sup>

As a follower of Jesus Christ, the disciple might begin to address how to pursue this form of justice by thinking of Jesus addressing the same situation. The methods of instruction used by Jesus would vary, but they would include exhortation, the miracle, and the use of the parable. It is the parable that draws the listener-disciple into the lesson, not only as an observer but as a participant as well. As one scholar has noted, “The Kingdom in word, a parable performed and repeated, elicits and at the same time reflects the Kingdom in deed.”<sup>62</sup> While the citizen as disciple is generally free to take action that he or she considers desirable (a type of freedom), the use of parable informs the individual’s conscience within a Christian context about the positive or negative action of the individual’s decisions. The parable of the Good Samaritan remains a powerful instrument of instruction and formulating a course of action for the disciple.<sup>63</sup> The lawyer in that parable who asks the question “who is my neighbor” is reminded of the nexus between love of God and love of the neighbor, and he learns what that means regarding human action in daily life. At the conclusion of the parable, he is instructed: “go and do likewise.”<sup>64</sup>

Being a good citizen means being a good neighbor, and being a good neighbor means that one takes personal discipleship seriously. The cognizable neighbor in the parable is the victim of the robbers. But the neighbor could be just as easily the persons involved with the issues outlined in the concerns from *Gaudium et Spes* addressed earlier, i.e., murder, genocide, abortion, euthanasia, or willful self-destruction—or whatever else insults human dignity.<sup>65</sup> The reader of the parable who becomes a participant in its teaching might identify with all the story’s characters, including the victim, the Samaritan, the robbers, the

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60. Cardinal Joseph Ratzinger, Homily at St. Peter’s Basilica on the Fortieth Anniversary of *Gaudium et Spes* (Mar. 18, 2005), available at [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20050318\\_ratzinger-gaudium-spes\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20050318_ratzinger-gaudium-spes_en.html).

61. See Araujo, *supra* note 6.

62. BRUCE CHILTON & J.I.H. McDONALD, *JESUS AND THE ETHICS OF THE KINGDOM* 20 (William B. Eerdmans Publ’g Co. 1988) (1987).

63. See *Luke* 10:25–37.

64. *Id.* 10:37.

65. See *supra* note 10 and accompanying text.



priest, the Levite, and even the innkeeper—that unsung hero who probably does what the Samaritan asks of him when the Samaritan must continue his journey and leaves the victim in his care.<sup>66</sup> The parable explores what the ordinary citizen, including the lawyer, can do as a disciple of Christ.

Civic duty—be it of the officeholder or citizen—is compatible with, not contrary to, discipleship. The two are not mutually exclusive but, for the Catholic, inextricably related. When they become separated from one another, the tragic events underlying the story of the German sacristan as related by Archbishop Burke can be and often are repeated. Nonetheless, the disciple must be as “wise as a serpent and as innocent as a dove”<sup>67</sup> and recognize that some will reject the role of the disciple-citizen. For when Church authorities and citizens speak out on issues from the Catholic persona, they might be challenged, albeit on dubious grounds, that this “preaching” is prohibited by the Establishment Clause of the First Amendment.<sup>68</sup> But do these same critics, especially when they have access to mass media outlets that welcome their strongly secularist views, exercise similar restraint? It often appears that the result is dependent on who is doing the preaching and whose Gospel is being preached. Whatsoever you do to the least of your brothers and sisters, that which you do unto me.<sup>69</sup> It is a well-formed Christian conscience that richly contributes to the public debate by adding alternatives that reflect genuine pluralism and diversity and is not subjugated by the monolithic view of a culture that is antagonistic to the religious viewpoint—not by “imposing” but by “proposing.” Nevertheless, conscience is under attack and efforts are underway to silence those who exercise it in good faith and for the promotion of the common good.

Over the past several months, ominous developments regarding “conscience exceptions” have been emerging. Abortion providers, such as the Planned Parenthood Federation (PPF), have been alarmed by the exercise of conscience clause protections invoked by pharmacists, physicians, and other health

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66. For my development of the Lukan parable, see Robert J. Araujo, *The Teleology of Law: Responsible Citizenship and Discipleship*, 35 CATH. LAW. 57, 74–76 (1991).

67. See Matthew 10:16.

68. See generally Robert J. Araujo, *A Dialogue Between the Church and Caesar: A Contemporary Interpretation of the Religion Clauses*, 34 B.C. L. REV. 493 (1993) (exploring this myth and concluding that the First Amendment does not preclude the Church’s participation in public discourse, regardless of who its speaker may be).

69. Matthew 25:40.

care providers from providing “emergency contraception” to women who request these agents after sexual intercourse—regardless of whether it was consensual or not. As PPF has argued, “Prescription refusal is a disturbing trend that can jeopardize woman’s [sic] reproductive health.”<sup>70</sup> The same report of PPF also notes that access to “reproductive health care diminishes as an increasing number of non-religiously affiliated hospitals are merging with Catholic hospitals.”<sup>71</sup> One source of information relied upon by PPF is from Catholics for a Free Choice.<sup>72</sup> Interestingly, PPF asserts that, “While we firmly believe that all people have the right to their own opinions and moral beliefs, it is unethical for health care providers to stand in the way of a woman’s access to safe, effective, legal, and professional health care.”<sup>73</sup> It now appears that PPF is behind the recent efforts of Illinois Governor Rod Blagojevich, who recently issued an executive order requiring health care providers and pharmacies to dispense “emergency contraception” and other birth control pharmaceuticals.<sup>74</sup> It is clear that many of the health care providers who are objecting to prescribing or dispensing certain of these abortifacient potions are doing so out of conscience and religious or moral conviction, but that is not of interest to the governor or the powerful “reproductive health” lobbies.

One need only recall the story of the German sacristan—why did people do nothing? Because if they did, their lives, livelihood, and other manifestations of existence would be adversely affected, sometimes even in harsh ways. But notwithstanding these persecutions, people of conscience are demonstrating to the world that they will not be swayed, as the pharmacists and health care providers are demonstrating.

But if one assumes the title of disciple, does not one also assume certain risks that go along with the vocation? In answering this question, one need only recall the names of all those disciples in the Roman canon who were martyred for their beliefs and the exercise of their conscience.<sup>75</sup> There are indeed risks of proclaiming the truth, the Good News that some treat as unwell-

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70. Planned Parenthood Federation of America, *Refusal Clauses: A Threat to Reproductive Rights* (2004), <http://www.plannedparenthood.org/pp2/portal/files/portal/medicalinfo/birthcontrol/fact-041217-refusal-reproductive.xml>.

71. *Id.*

72. *Id.*

73. *Id.*

74. Kari Lydersen, *Ill. Pharmacies Required to Fill Prescriptions for Birth Control*, WASH. POST, Apr. 2, 2005, at A2.

75. THE SACRAMENTARY: THE ROMAN MISSAL 543 (1985).

come, but there is the moral obligation not to give into bullying or pressure, subtle or otherwise. Sound prudential judgment may dictate when this obligation is exercised in a public fashion, but it does not mandate avoidance of the obligation in perpetuity.

Disciples of today, be they electors or holders of office, shoulder duties in the name of God and His Son. There are occasions when these disciples need not fear the decisions they take in the public square, so long as those decisions sufficiently coincide with the views of the secular components of society; however, there may be occasions when the situation is otherwise. It is clear that the disciple, be that person officeholder or elector, may not be able to eliminate that which is evil entirely. That is understandable, but the disciple has the continuing obligation to ensure that the evil in this world that is of human manufacture at least be reduced if it cannot be eliminated at present.<sup>76</sup>

It must be intriguing to those disciples who are trained in the law to hear remarks that scoff at the suggestion that the law has any relation to morality or to faith. One need only think of the recent quarrels involving the location of representations of the Decalogue on public property.<sup>77</sup> Yet, putting aside the first three commandments for the moment, are not most of the remaining ones at the core of civil legal institutions that prohibit abuse to elders, homicide, adultery, theft, perjury, and other crimes or acts contrary to law? In an American context, one needs to reflect on the civil rights legislation of 1964 and recall the enormous contribution made by religious leaders, disciples who convinced the Congress of the United States that the moral views coming out of religious faith were consistent with the American proposition that "all men are created equal."<sup>78</sup> Along these lines, think of how frequently one hears in civil discourse references to the "Golden Rule"<sup>79</sup> or the "Silver Rule."<sup>80</sup>

Those who consider themselves good citizens and good disciples seem to be neither when it comes to some of today's difficult issues such as euthanasia, abortion, same-sex marriage, or certain kinds of stem cell research requiring the creation and inevitable destruction of human embryos. They may assert: "I cannot legislate morality" or "I cannot impose my religious views on others who do not share my faith," as Governor Cuomo

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76. CONGREGATION FOR THE DOCTRINE OF THE FAITH, *supra* note 20, No. 9.

77. See *McCreary County v. ACLU*, 125 S. Ct. 2722 (2005); *Van Orden v. Perry*, 125 S. Ct. 2854 (2005).

78. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

79. *Luke* 6:31; *Matthew* 7:12.

80. *Tobit* 4:15.

opined.<sup>81</sup> It may seem odd that when the matter under debate involves some aspects of civil rights or criminal legislation addressing, for example, sexual assault, welfare reform, increasing medical benefits for the underinsured or uninsured, or the protection of civil rights, the reservations toward the religious perspective tend to be silent. But why do they surface when the matter involves the conscious destruction of human life—the most precious right of all (for without it, all others wither)? When these events take place and chill the words of deeds of the disciple in contemporary life, we find ourselves on the decline back to the Germany of the sacristan who met Archbishop Burke and asked why he and his fellow countrymen did not do something to stop the spread of evil.

Being silent with regard to the vital issues confronting the human family is not always golden. The exercise of silence can be prudent and sometimes offers a useful delay to consider the best manner of addressing a grave problem. But when all is said and done, silence is rarely a solution to difficult problems that must ultimately be addressed. It can be, in some of today's political debate, a form of weakness and fearfulness or cooperation (material or formal)<sup>82</sup> in perpetrating and continuing evil. That is why the disciple of today must be willing to embrace the exhortation of John Paul II: "Be not afraid!"<sup>83</sup>

#### IV. PEOPLE FOR ALL SEASONS—LORD, GIVE ME A SIGN (MATTHEW 28:16–20)

Prior to his ascension into heaven, Jesus exhorted his disciples with this command: "All authority in heaven and on earth has been given to me. Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything that I have commanded you."<sup>84</sup> There are occasions when these words are clear to us today, but there may be occasions when an illustration or two might help the contemporary disciple understand what he or she is called to do in teaching what Jesus commanded. Like Gideon, our petition for assistance is raised, "Lord, give me a sign!"<sup>85</sup>

Disciples of today have been blessed with many signs—those which recommend proper conduct or action and those which do

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81. Cuomo, *supra* note 25.

82. See Burke, *supra* note 55, ¶ 38.

83. Pope John Paul II, Inauguration Homily (Oct. 22, 1978).

84. *Matthew* 28:18–20.

85. *Judges* 6:17.

not. There are three categories of signs that I would like to address in the context of law and politics as a vocation: (1) instructions from the hierarchy; (2) models provided by citizens (particularly those trained in the law) who respond to the call of discipleship; and (3) models of those who have resisted the call of discipleship and its accompanying obligations.

In an American environment of discipleship, there are two sources of instruction: those from the American bishops and those from the Holy See. In the domestic context, these instructions emerge from the United States Conference of Catholic Bishops (USCCB) in Washington, D.C., and from individual bishops to the faithful of their dioceses. In a universal context, they are issued by the Pope in the exercise of his office and by the various dicasteries of the Holy See. The USCCB in June of 2004 exercised its role as the college of American bishops to teach the Catholic faith and moral law. As they stated, "We have the duty to teach about human life and dignity, marriage and family, war and peace, the needs of the poor and the demands of justice."<sup>86</sup> They addressed specific issues, including the killing of an unborn child, but it was their instruction on broad issues affecting abortion, marriage, euthanasia, peace, and justice that also need to be highlighted here. They noted that the legal system must not be used as a tool of evil, and the bishops asserted that the legal system sometimes fails to protect "the lives of those who have no protection except the law."<sup>87</sup> They continued by stating that those persons responsible for making the law have an obligation to remedy morally defective laws, and they extended their good offices in providing counsel to those in need of instruction on how to accomplish this objective that protects the moral order and the common good.<sup>88</sup> The USCCB acknowledged its duty to persuade all Catholics to support the principles the bishops exhort regarding how the faithful are called to act in public life. This would presumably include officeholders and citizens alike. Governor Cuomo essentially endorsed these positions two decades earlier.<sup>89</sup>

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86. See United States Conference of Catholic Bishops, *Catholics in Political Life* (June 21, 2004), available at <http://www.usccb.org/bishops/catholicsinpoliticallife.shtml>.

87. *Id.*

88. *Id.*

89. See Cuomo, *supra* note 25, at 14 ("[T]he Bishops will teach. They must [teach], more and more vigorously and more and more extensively.") Cuomo further explained that bishops must be teachers rather than pollsters, and they "should not change what we Catholics believe in order to ease our consciences or please our friends or protect the Church from criticism." *Id.* at 22. He also agreed that as a Catholic, "I accept the church's teaching author-

In November of 2002, the Congregation for the Doctrine of the Faith (CDF), for the benefit of the universal Church, addressed in a doctrinal note some questions regarding the participation of Catholics in public life.<sup>90</sup> While the text was directed to the bishops of the Church, it was also directed “in a particular way” to “Catholic politicians and all lay members of the faithful called to participate in the political life of democratic societies.”<sup>91</sup> The CDF noted that the success of how citizens make political choices is contingent upon their proper understanding of the nature of the human person.<sup>92</sup> With regard to lawmakers, their attention was redirected to Pope John Paul II’s encyclical *Evangelium Vitae*, in which the Holy Father reminded law makers and public officials of their duty to protect human life.<sup>93</sup> However, all citizens shared in these responsibilities.<sup>94</sup>

Special attention was given by the CDF to “the rightful autonomy of the participation of lay Catholics.”<sup>95</sup> The CDF as a teacher helped to clarify the role of the laity in public life. The CDF, aware of the problems of merging the Church and the State, articulated a careful but clear instruction to the laity. It defined their coexistence in such a way that the Church and the State each have their proper roles in the world. However, it is the citizen, whose conscience has been formed by moral teaching of the Church directed to the common good, who has the right and the duty to pursue the truth and to promote and defend moral truths that bear on society, authentic freedom, jus-

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ity.” *Id.* at 21. Perhaps most importantly, he agreed that the Church has a vital public teaching role when he said in the context of the debate over abortion:

Unless we Catholics educate ourselves better to the values that define, and can ennoble, our lives, following those teachings better than we do now, unless we set an example that is clear and compelling, we will never convince this society to change the civil laws to protect what we preach is precious human life.

Better than any law or rule or threat of punishment would be the moving strength of our own good example, demonstrating our lack of hypocrisy, proving the beauty and worth of our instruction.

*Id.* at 27.

90. This Doctrinal Note was approved by His Holiness John Paul II a few days prior to the Congregation for the Doctrine of the Faith’s publication. See CONGREGATION FOR THE DOCTRINE OF THE FAITH, *supra* note 20.

91. *Id.*

92. *Id.* Nos. 7–8.

93. POPE JOHN PAUL II, ENCYCLICA LETTER *EVANGELIUM VITAE* Nos. 141–45 (1995) [hereinafter *EVANGELIUM VITAE*].

94. *Id.* Nos. 143–47, 154–55; see also POPE JOHN PAUL II, APOSTOLIC LETTER ISSUED *MOTU PROPRIO* PROCLAIMING SAINT THOMAS MORE PATRON OF STATESMEN AND POLITICIANS (2000) [hereinafter *MOTU PROPRIO*].

95. CONGREGATION FOR THE DOCTRINE OF THE FAITH, *supra* note 20, Nos. 11–14.

tice, and the advancement of human rights including the non-derogable right to life.<sup>96</sup>

The fact that a source of the citizen's truth may be the teachings of the Church does not disqualify the Church from teaching that which may be used by the citizen, nor does this qualify the citizen from using that which the Church teaches regarding the moral issues affecting law and politics. As the CDF acknowledged, the Church does not interfere with the State's proper function, but it does retain and must exercise its proper role to provide instruction on moral truth that can be appropriated and used by the citizen in his or her participation in the exercise of the democratic process.<sup>97</sup> Thus, the Church does not intrude into the affairs of the State by exercising political power that it does not possess; however, the citizen is free to rely on the truth which the Church teaches instead of the relativism or secularism that others promote and sometimes urge on citizens as they exercise their judgments made in the political processes.

As the CDF explained, it would be problematic to insist that the citizen must observe an unnatural dichotomy in his or her life, insulating the spiritual and moral from the public and the

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96. *Id.* No. 6; see also, Article 6.1 of the International Covenant on Civil and Political Rights, which states that, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), at 52, U.N. Doc. A/6316 (Mar. 23, 1976). Article 6.2 of the same Covenant states:

In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

*Id.* The United States is a party to the Covenant, but the Senate, in ratifying this instrument, made a reservation to the provisions addressing capital punishment. See S. EXEC. REP. NO. 102-23, at 23 (1992) ("The United States reserves the right, subject to its Constitutional restraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crime committed by persons below eighteen years of age.") The American Convention on Human Rights which the United States signed, but did not ratify, states in Article 4.1 that, "Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life." Organization of American States, American Covenant on Human Rights, July 18, 1978, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123.

97. See CONGREGATION FOR THE DOCTRINE OF THE FAITH, *supra* note 20, No. 6.

political.<sup>98</sup> It also recalls in this context the Johannine text of Jesus' farewell: "I am the vine, you are the branches. Those who abide in me and I in them bear much fruit . . . ."<sup>99</sup> Those who would insist on defeating this participation by the disciple-citizen would deny legitimate and authentic pluralism and would *impose* a regime of intolerant secularism.<sup>100</sup> This can result in the strong oppressing the weak,<sup>101</sup> and it would transplant the environment of the 1930s and 1940s described by the German sacristan to the United States.<sup>102</sup> In quoting Pope John Paul II, the CDF notes that the authentic freedom of the citizen does not exist without the truth: "Truth and freedom either go together hand in hand or together they perish in misery."<sup>103</sup>

A number of models of behavior reflecting these principles would be Thomas More and John Fisher from the early sixteenth century and the late Governor Robert Casey from the late twentieth century. All were citizens. John Fisher was Bishop of Rochester, and Thomas More and Robert Casey were public officials who held high appointive or elective office. Fisher and More relied on their informed conscience molded by Church teachings and dared to practice the truth they learned to the peril of their lives. More was recently proclaimed the patron of statesmen and politicians by the late Pope John Paul II.<sup>104</sup> In conferring this honor on Thomas More, John Paul once again emphasized the "unity of life of the lay faithful"—a point made earlier in this essay.<sup>105</sup> More and Fisher both relied on enlightened consciences that exercised fundamental truths in the field of political and legal ethics.<sup>106</sup>

Closer to home, geographically and temporally, is the example of the late Governor Robert Casey. He was a staunch believer in the rights of human beings—not just some, but *all* human

98. *Id.*

99. *John* 15:5.

100. See CONGREGATION FOR THE DOCTRINE OF FAITH, *supra* note 20, No. 6.

101. *Id.*

102. In this context, Governor Cuomo, when speaking of translating Catholic teachings into public policy, claimed that silence may not be "a mark of moral indifference" but could be "a measured attempt to balance moral truths against political realities." Cuomo, *supra* note 25, at 23. The Governor's view raises the question of how long must the "measured attempt" continue when the silence of those with the moral view is greeted by a growing evil whose appetite is insatiable.

103. CONGREGATION FOR THE DOCTRINE OF THE FAITH, *supra* note 20, No. 7 (quoting POPE JOHN PAUL II, ENCYCLICAL LETTER *FIDES ET RATIO* No. 90 (1998)).

104. *MOTU PROPRIO*, *supra* note 94.

105. *Id.* No. 4.

106. *Id.*



beings. He was a progressive leader who sought relief and comfort for the oppressed. He was also a Democrat who disagreed with his party's stance on abortion. In 1992, he requested the opportunity to address his party one last time at its quadrennial national convention; however, he was denied the honor. Curiously, the Democrats allowed several pro-abortion Republicans to address the convention. As one commentator noted, Governor Casey was humiliated by the party he faithfully served for so long because he would not go along "for fellowship"<sup>107</sup> on the abortion issue.<sup>108</sup>

A different model of discipleship emerges from a May 10, 2004 letter signed by forty-eight members of Congress to His Eminence Theodore Cardinal McCarrick, Archbishop of Washington.<sup>109</sup> At the outset of their letter, the signatory legislators expressed their concern to His Eminence about the assertion that "some members of the Catholic hierarchy" were indicating that "the sacrament of communion should be withheld from certain Catholic legislators because of their votes on public issues."<sup>110</sup> These public officials further avowed that it would be wrong for a bishop to withhold the Eucharist from an individual on the basis of a "voting record."<sup>111</sup> It is not my intention or purpose to examine in this particular essay the issue of withholding communion from an official or any citizen because of positions a person may take on public policy issues. But it is my objective to examine the models that may be portrayed in the context of the duties of discipleship that are entrusted to the laity. As will become evident, the legislators who wrote Cardinal McCarrick did not possess or reflect an accurate understanding of the relationship between the laity, who are officeholders in a political system, and their bishops, who are officeholders in the

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107. See ROBERT BOLT, *A MAN FOR ALL SEASONS* 132 (Vintage 1990) (1960). In the play, the Duke of Norfolk appeals to More to sign the Act of Succession for the sake of "fellowship," and More responds: "And when we stand before God, and you are sent to Paradise for doing according to your conscience, and I am damned for not doing according to mine, will you come with me, for fellowship?" *Id.*

108. William McGurn, Archdiocese of Denver, Annual Robert Casey Lecture (Oct. 28, 2004), *available at* <http://www.nationalreview.com/comment/mcgurn200410281138.asp>.

109. Letter from forty-eight Members of Congress, to Theodore Cardinal McCarrick, Archbishop of Washington (May 10, 2004), *available at* [http://www.washingtonpost.com/wp-srv/politics/documents/letter\\_to\\_mccarrick\\_05-10-2004.pdf](http://www.washingtonpost.com/wp-srv/politics/documents/letter_to_mccarrick_05-10-2004.pdf) [hereinafter Letter].

110. *Id.*

111. *Id.*

Church. *The Dogmatic Constitution of the Church (Lumen Gentium)* is the roadmap that explains the appropriate relationship.

Although the letter of the legislators goes on to state that “some” of the them have “‘pro-life’ voting records,” “some” are viewed as “pro-choice” but are opposed to capital punishment and support “hunger relief” and “human rights.”<sup>112</sup> They note that the Supreme Court has “declared that our Constitution provides women with a right to an abortion.”<sup>113</sup> It is useful to recall that at various times in its history, the Supreme Court has declared “slavery,”<sup>114</sup> “separate-but-equal treatment,”<sup>115</sup> and the internment of Japanese-American citizens constitutional,<sup>116</sup> too. But declaring something legal does not mean that it is right, moral, or desirable, as I have just demonstrated in an American context. The story related by Archbishop Burke about the German sacristan extends this point further. Nor for that matter is the legal always logical. That is another matter to which the disciple is called to remember. In a notable assertion on the matter of abortion, the legislators writing Cardinal McCarrick stated that “[m]embers who vote for legislation consistent with that mandate are not acting contrary to our positions as faithful members of the Catholic Church.”<sup>117</sup> It is clear from the work of His Holiness Pope John Paul II and the work of the CDF, which have been previously cited,<sup>118</sup> that this view is in serious conflict with the teachings of the Church. To conclude that a legislator who consistently supports the right to abortion without attempting to restrict abortion or abolish it is a “faithful member of the Catholic Church” is not only problematic, it is also wrong. This contention does not portray the proper model of one who believes that he or she is a disciple for reasons that follow nor does it properly reflect the relationship that this person has or should have as a disciple of Christ.

These legislators make the point, previously raised in the discussion about Governor Cuomo, that they are not obliged to prohibit all conduct which they may “as a matter of personal morality, believe is wrong.”<sup>119</sup> Closely tied to this position is the

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112. *Id.*

113. *Id.*

114. *Dred Scott v. Sanford*, 60 U.S. 393 (1856).

115. *Plessy v. Ferguson*, 163 U.S. 537 (1896).

116. *Korematsu v. United States*, 323 U.S. 214 (1944).

117. *See Letter, supra* note 109.

118. *See CONGREGATION OF THE DOCTRINE OF THE FAITH, supra* note 20; *EVANGELIUM VITAE, supra* note 93; *MOTU PROPRIO, supra* note 94, and accompanying texts.

119. *See Cuomo, supra* note 25.

view that “we do not believe it is our role to legislate the teachings of the Catholic Church.”<sup>120</sup> But it would appear that they legislate the teachings or views of the Catholic Church when the legislative matter or state matter involves capital punishment, debt relief, humanitarian relief, or health-care reform.<sup>121</sup> This assertion of these legislators is not on a strong foundation legally or politically. Nor is it logically defensible.

The legislators further argue that to be held to “public criticism” for doing one’s public duty of upholding the Constitution and the laws of the United States is “deeply hurtful.”<sup>122</sup> One need only recall that Leander Perez was upholding the laws of Louisiana—which were in conflict with *Brown v. Board of Education*<sup>123</sup>—when he was excommunicated by Archbishop Joseph Rummel of New Orleans.<sup>124</sup> That may have been deeply hurtful to Mr. Perez. But it was most likely deeply hurtful to Governor Casey to be prevented from speaking at his Party’s convention before he died. It was surely “deeply hurtful” to Thomas More and John Fisher when their heads were severed from their bodies as the penalty for the fictitious charges of treason that were established on perjured testimony.

The legislators who wrote to Cardinal McCarrick believe that they are being “scorned” by their Church leaders on the basis of a single issue.<sup>125</sup> However, it is evident that more than one issue is involved when tensions between elected politicians, who state that they are faithful Catholics, and bishops emerge from the debates about abortion, embryonic stem cell research, homosexual marriage, and the family. Some of these public officials, how-

120. See Letter, *supra* note 109.

121. In their quadrennial statement, “Faithful Citizenship: A Catholic Call to Political Responsibility,” the Catholic bishops of the United States again took the opportunity to remind the faithful of the Church’s teachings on such diverse issues as the family and marriage, social justice, protecting human dignity and the right to life, and protecting the environment, amongst other important issues. See United States Conference of Catholic Bishops, *Faithful Citizenship: A Catholic Call to Political Responsibility* (2003), available at <http://www.usccb.org/faitfulcitizenship/faitfulcitizenship03.pdf>. The bishops reiterated:

[W]e have a responsibility as Americans and as religious teachers to speak out on the moral dimensions of public life. The Catholic community enters public life *not to impose sectarian doctrine but to act on our moral convictions, to share our experience in serving the poor and vulnerable, and to participate in the dialogue over our nation’s future.*

*Id.* (emphasis added).

122. See Letter, *supra* note 109.

123. 349 U.S. 294 (1955).

124. See Alvin J. Bronstein, *Representing the Powerless: Lawyers Can Make a Difference*, 49 ME. L. REV. 1, 5–6 (1997).

125. Letter, *supra* note 109.

ever, fail to make a critical distinction between being scorned and being taught by one who holds the authority to teach and instruct.<sup>126</sup> As the Second Vatican Council stated in the Dogmatic Constitution *Lumen Gentium*:

The distinction which the Lord has made between the sacred ministers and the rest of the People of God involves union, for the pastors and the other faithful are joined together by a close relationship: the pastors of the Church—following the example of the Lord—should minister to each other and to the rest of the faithful; the latter should eagerly collaborate with the pastors and teachers.<sup>127</sup>

The legislators are not being “scorned,” they are more likely being instructed by those who have the authority to teach (and not only on one issue). As the debates continue on other matters involving marriage and family life, bioethics (including embryonic stem cell research and human cloning), debt relief, and the use of armed force, it is dubious to assert that only one issue concerning Catholics is at stake in the political debates of today. Given the growing trend of conflict with the Church’s teachings on marriage, family, and bioethical issues,<sup>128</sup> it would be inaccurate to conclude that only the matter of abortion is of concern. Reiterating instruction on the pressing moral and social issues of the day is the proper role of a teacher, and exercising this responsibility is not mounting scorn on those who are the pupils of this teaching. It is the exercise of a solemn obligation and fundamental moral duty of the bishops to inform the consciences of those entrusted to their pastoral and teaching duties.<sup>129</sup>

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126. LUMEN GENTIUM, *supra* note 44, Nos. 20, 21, 24, 25 (explaining the duties of bishops as teachers of doctrine, in communion with the Roman Pontiff, endowed with the authority of Christ and rulers who ward off errors that threaten their flocks).

127. *Id.* No. 32. As noted in the previous footnote, it is the bishops who are the principal “teachers.”

128. For example, the following articles and debates illustrate the fact that more than one issue is at stake: Alan Cooperman & Daniel Williams, *Catholic Dissidents Call for Openness*, WASH. POST, Apr. 16, 2005, at A1; Charles E. Curran, *A Place for Dissent: My Argument with Joseph Ratzinger*, COMMONWEAL, May 6, 2005, at 18; Avery Cardinal Dulles & Ladislav Orsy, *In Dialogue*, AMERICA, Nov. 25, 2000, at 12; George Weigel, *Catholic Church Must Lose the Psychobabble*, L. A. TIMES, Dec. 17, 2002; Matthew Lamb, *Theological Malpractice*, NAT’L REVIEW ONLINE, Oct. 3, 2002, <http://www.nationalreview.com/comment/comment-lamb100302.asp>.

129. LUMEN GENTIUM, *supra* note 44, Nos. 21, 27 (explaining the rights and duties of bishops in this regard).

The legislators argue that *if* Church leaders “ridicule” them on the basis of “a single issue,” other Catholics will be deterred and discouraged from seeking public office.<sup>130</sup> That remains to be seen, since it is clear that not one but several fundamental issues are at stake, but at this stage it is relevant to understand that any Catholic—clerical or lay, office holder or not—cannot compartmentalize the discipleship and his or her public life and insulate one from the other. It is also the belief of these legislators that disciplinary action would promote division within the Church, including division between the hierarchy and the laity.<sup>131</sup> They also suggest that action by bishops improperly inserts these ecclesiastical officials in partisan politics.<sup>132</sup> But are these assertions correct? They are not, for all Catholics, regardless of their clerical or lay state, are subject to observe and abide by the same teachings of the Church.<sup>133</sup> As has been pointed out, it is the respective duty of each to live these teachings holistically in one’s life. These teachings cannot be followed when it is convenient; they cannot be honored at one moment and ignored at another when one “feels” like it. A Catholic cannot conveniently follow those teachings that he or she prefers and ignore those which are not in accord with his or her personal favor that may be influenced by powerful lobbying groups.<sup>134</sup>

Ultimately, each person who chooses to remain a Catholic exercises the freedom to adhere to the Church’s teachings or not. That is the authentic freedom of each Catholic regardless of his or her status in the Church as lay or clerical. But by proclaiming that one is a Catholic, one has declared to the world that he or she is a Catholic because of this exercise of authentic freedom. But when one elects not to follow these teachings on all fronts, can it be said that this person is in communion with the Church? If the bishop fails in his duty, can he be in communion with the Church? If the officeholder fails in his or her duty, can he or she

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130. See Letter, *supra* note 109.

131. *Id.*

132. *Id.*

133. LUMEN GENTIUM, *supra* note 44, Nos. 24, 25 (explaining that bishops are “authentic teachers” endowed with the “authority of Christ”).

134. As Justice Scalia has noted in the juvenile death penalty case *Roper v. Simmons*, regarding the selective use of foreign law in Constitutional adjudication:

The Court should either profess its willingness to reconsider all these matters in light of the views of foreigners, or else it should cease putting forth foreigners’ views as part of the *reasoned basis* of its decisions. To invoke alien law when it agrees with one’s own thinking, and ignore it otherwise, is not reasoned decision-making, but sophistry.

125 S.Ct. 1183, 1228 (2005) (Scalia, J., dissenting) (emphasis added).

be in communion with the Church? In either case, the answer must be in the negative because when one fails to abide by the Church's teachings, one removes himself or herself from the communion by severing ties between the branches and the vine.

Finally, these legislators opine that they have the "responsibility and right to balance public morality with private morality without pressure from certain bishops."<sup>135</sup> No explanation of the asserted distinction between "public" and "private" is made in this regard. They do, however, offer a justification for disagreeing with any bishop whose authority is not questioned. The justification provided is that each of them is "in the best position to know the state of our soul and our relationship to God and our Church."<sup>136</sup> In a striking manner, they conclude that as a child of God, each is qualified to be the final judge about their suitability to receive the sacraments. However, this would be more in line with the perspective of some of the Reformed churches, but not the Catholic Church. Such a person by his or her own action disconnects one's self with the vine who is Christ. It is the vine of Christ, through His Church, which unites all the branches. Here it seems that some branches have decided to sever themselves from the vine, but "apart from [Christ] they can do nothing."<sup>137</sup> It is necessary for the disciple to abide by what God has commanded,<sup>138</sup> and passing on the knowledge of what God has commanded is the responsibility of those who are called to be His authentic teachers endowed with the authority of Christ.<sup>139</sup>

The proper relationship between the bishops and the laity is addressed by the Second Vatican Council. The relationship is built on trust, love, dialog, and respect.<sup>140</sup> Each member of the relationship is obliged to respect and implement these elements of the relationship. Nonetheless, there are several important points made by the Council necessitating emphasis that shed light on the relationship between the legislators who wrote to Cardinal McCarrick and the Church. The first is that the faithful laity must exercise obedience to the bishops, who as teachers represent Christ, who exercised His fidelity in His obedience to the Father.<sup>141</sup> At the same time, the bishops need to acknowledge and encourage the dignity and responsibility of the laity to

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135. See Letter, *supra* note 109.

136. *Id.*

137. *John* 15:5.

138. *John* 5:10.

139. LUMEN GENTIUM, *supra* note 44, No. 25.

140. *Id.* No. 37.

141. *Id.*

contribute to the affairs of the temporal world.<sup>142</sup> Moreover, bishops are to be mindful of their duty to rely on the "prudent advice" of the laity and "confidently assign" them duties which are in service to the Church in the exercise of which they enjoy a proper measure of freedom.<sup>143</sup> But all of these individuals—be they clerical or lay—grow from the vine of Christ on which they are branches. And for so long as they choose to remain branches, they must direct their energies to producing fruit abundantly in the name of Christ and the Church. For that is what the vine needs and expects if we are to remain in communion with Him.

### CONCLUSION

This modest essay is an effort to contribute to the work of many other fellow Catholic citizens to persevere in their individual endeavors to proclaim the Gospel and advance the Kingdom of God. Through this project, I have attempted to identify and examine the relationship between Catholic faith and the duties of the public office holder and of the citizen who is Catholic. There is nothing in the civil law to preclude the office holder or citizen from adhering to the teachings of the Church in the exercise of one's respective public duties as an officeholder or citizen. The Catholic citizen is not imposing religious dogma on the rest of the citizenry; rather, this person is educating other citizens about legitimate moral considerations that permeate public policy issues. As long as they freely choose to remain Catholic, the citizen and the officeholder have the obligation to be faithful to the Church's teachings if they are to be effective, contributing Christian members of the commonwealth. The Catholic who exercises a role in American democracy participates in the exercise of discipleship by applying in this world the substance and content of communion with Jesus Christ and other disciples for the advancement of the common good.

As has been noted earlier, we are citizens of two cities. Each of us is one person who holds and exercises various duties through this dual citizenship—we are the branches who remain tied to Christ, but we also exist and act in the temporal world. This fact should not deter us from embracing what Thomas More said when he declared his allegiance to both sovereigns, but to God first.

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142. *Id.*

143. *Id.*