

Catholic Social Justice & the Obama Administration

Personal Reflections by Fr. Dave Heney

Justice is a virtue that demands we give to people what is rightly their due. If you steal five dollars, well, you have to give it back! If you take away a person's dignity that must be restored as well. Catholics support a broad range of social justice issues for which we can justifiably feel proud, such as immigration reform, job growth, and help for the poor. Each provides the dignity that is rightly due to every human being. We oppose any action that takes that dignity away. Every Catholic can and should support these noble goals.

However, intelligent and faithful people can disagree on how social justice goals are accomplished. Whether you believe support for social justice goals should be voluntary and through smaller government and private organizations or supported through bigger government and taxation is a matter of individual prudential judgment and our individual conscience to discern. All Catholics should gladly share the same goals, but can certainly differ on how to achieve them.

That is why good and sincere people can honestly affirm this Administration will handle job creation, immigration, and poverty better. Agreement or disagreement here is a matter of personal opinion, and makes dialogue stimulating!

Yet, there seems to be some antagonism between the Administration and the Church. Is that really happening? Is it reasonable? Let's look through the eyes of objective observers.

What could reasonable and objective observers conclude about this Administration and the Catholic Church's social justice goals?

They would soon notice that 43 major Catholic institutions to date have entered into 12 different lawsuits against this Administration over provisions of the Affordable Care Act (Obamacare). There are about 15 states and many other non-Catholic entities in this lawsuit as well.

For us Catholics, that means 43 different Catholic institutions believe that Obamacare is such a threat to specific Catholic social justice ideals

that it requires this very expensive joint legal action. *Objective Observers* would note that leading Catholic Universities, such as Notre Dame and Catholic University, several major Catholic healthcare systems, and 14 dioceses such as the Archdiocese of New York have joined this legal action.

Universities and healthcare systems are private religious enterprises, but diocesan action means the Bishop officially considers it central to a social justice issue of our Catholic faith. That is an important distinction.

While learned Catholics, theologians, and college professors might offer a variety of opinions on all sides of social justice issues, and they are welcome to do so in a vibrant and stimulating dialogue within the Church, our two thousand year old Catholic tradition affirms that *only Bishops*, as successors to the Apostles chosen by Jesus, have the *true authority to actually define Catholic social justice teaching*.

So why this lawsuit from so many religious and even State institutions?

The 43 major Catholic institutions object to paying for sterilization, abortion, and contraceptive services *within their own Catholic institutions* that our faith considers as violating the most central social justice value, which is to protect the life and dignity of every innocent human person from conception to natural death. We know all these services are legal, but Obamacare requires Catholic institutions to actually pay for

those services that oppose this most central Pro-Life central belief.

Of course, not all people follow our Catholic Pro-Life social justice goals, and we certainly do not seek to impose them on others, but we cannot simply rescind them because some people differ. After all, there is violence and injustice all over the world but we don't change our teachings about those just because there are many violent or unjust people. We would oppose violence and injustice even if no one followed the teachings of Our Lord!

Our moral ideals are not determined by polls, but come from Our Lord, as affirmed by the Bishops in union with the Pope, and by our four thousand year old Judeo-Christian social justice traditions, and we are proud to uphold them. We believe they are the way to true and lasting happiness.

While some Church teachings have evolved over the years, such as usury and celibacy, we know that these are man-made teachings and can change anytime. Not so for the protection of innocent human life. While there can be a healthy debate about moral issues like poverty, foreign wars, healthcare, the death penalty, or the economy, or which are more important and deserve more priority, the Pro-Life issue is not just one issue among so many other important social justice issues. ***Our Pro-Life understanding is foundational to truly understanding all the other social justice issues.***

Our understanding of immigration reform, helping the poor, non-violence, healthcare, the death penalty, or foreign wars, arises precisely from an accurate understanding of what it means to protect the dignity of innocent human life from conception to natural death. Our human dignity in all other issues and at every age arises first from that dignity we receive from God, and we do not want to take that dignity away. Without this pillar there actually is no Catholic faith.

The Religious Freedom and Restoration Act of 1993 prohibits the state from interfering

Therefore, we know Pro-Life issues are not matters of prudential judgment, where people can simply differ on how to accomplish shared noble goals. *Catholics clearly have different goals than this Administration in this important area.* Pro-Life issues are foundational principles of Catholicism. Any changes would be considered "intrinsic evils" which means Catholics must always oppose them. (*Catechism #2319*)

The "accommodations" offered by the Administration do not change the fact that the services are eventually paid for by Catholic employees and employers by insurance premiums.

Of course, we frequently have to pay taxes for government programs we may or may not like, such as foreign wars, government bail-outs, or trade policies. We normally cannot opt out of paying taxes or simply pick and choose policies we will or will not support.

However, religions have special protection from government restrictions on their activities by our specific enumeration in the Constitution in the "establishment" and "free exercise" clauses of

the First Amendment, and many subsequent Supreme Court cases. (*Hosanna-Tabor 2012*).

Our nation's Founders did not want the State to either establish religions officially or interfere with them needlessly.

Contrary to what some people think, the First Amendment does not provide rights to religions as bestowed by the State; it prevents the State from interfering with religions (*Congress shall pass no law...etc.*) In addition, the ***Religious Freedom and Restoration Act*** of 1993, prohibits the State from interfering with religious activity unless it can show a "compelling secular State interest," (the highest standard to which the State must provide evidence) as well as ensure the *least restrictive means of interfering with a religion* for the State to accomplish its secular goals.

Objective Observers can see that contraceptive services that Catholics object to are already easily and cheaply available to everyone for a nominal cost, and outside of Obamacare mandated insurance coverage. It can hardly be a compelling government interest to require that religious groups pay for these services when they are so easily and so inexpensively available already.

Moreover, the Supreme Court ruled (*Wisconsin v. Yoder 1972*) that even a \$5 penalty for a religious person to pay was too restrictive an interference on religion, so the \$2,000 penalty per employee for a business opting out of Obamacare is way too restrictive!

Obamacare also regulates what a religious entity actually is, and that definition does not include premier social justice agencies like Catholic hospitals, Universities, Adoption Agencies, or even our Catholic Charities. However, it cannot be a legitimate government role to ever define religious entities!

Both the Constitution and case law (e.g. *Lemon v. Kurtzman 1971*), require that State pass laws with only *secular* purposes and avoid entanglement in religious affairs, which *Objective Observers* could agree prohibits the State from entangling itself in religion by defining religious entities! Even Supreme Court Justice Ginsburg recently wrote, "...a mandate to purchase a particular product would be unconstitutional if it abridged freedom of speech or interfered with the free exercise of religion..." (*Affordable Care Act, P.L. 111-148*)

If our *Objective Observers* were Catholic they would recognize that the Church *does not look for a fight in these areas*, and worries about the divisions these issues cause among friends and family, however the Church simply just ***does not have the authority*** to make any changes to Pro-Life issues even if it wanted to. Our two thousand year Catholic tradition affirms these teachings *come from the Lord*, and so cannot change, even if it made our relationship with this Administration so much easier! We are Christian, which means we follow Christ.

We can certainly admit that the Church hasn't done a great job in communicating these ideas very well. No wonder Catholics might feel uncertain about what to believe.

While there have been many Bishops who have spoken publicly and strongly against the Administration, most notably Cardinal Dolan of New York, Archbishop Gomez of Los Angeles, and Archbishop Vigano, the Vatican Ambassador to the United States, there are many who have been quiet, but all *Objective Observers* would surely notice that there have been ***none*** who have spoken *in favor of this Administration!*

In June of this year, all American parishes were asked by the US Bishops, in consultation with and at the request of the Pope, to help American Catholics understand the issues of religious freedom and the threats from this Administration to our deepest Catholic Pro-Life ideals. While some parish leaders spoke out, it is clear that not every parish did, so it is not a surprise that there is some confusion about the Catholic stance.

This article is meant to help bring some clarity by simple, reasonable, and objective observations.

While this Administration may have just the right prudential judgment about programs for job creation, immigration reform, foreign policy, or helping the poor, and perhaps a whole range of other important Catholic social justice issues, it also strongly supports programs that directly assault our very deepest and foundational Catholic truth.

Perhaps we could simply agree that reasonable and neutral observers looking objectively at the legal action of 43 major Catholic institutions could only conclude that the Catholic Church has a serious disagreement with this Administration.

Objective Observers could also only conclude that the Catholic Church is actually in opposition with this Administration about the Pro-Life issues in Obamacare, and that even if these *Objective Observers* disagreed with these Catholic teachings, they could also only agree that a conscientious Catholic could never reasonably conclude that President Obama was actually *helping* to promote these central Catholic social justice goals.

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