

UNIVERSITY OF ST. THOMAS LAW JOURNAL

SPRING 2005

VOLUME 2

NUMBER 2



Symposium

Can the Seamless Garment Be Sewn?
The Future of Pro-Life Progressivism

Sacred Monkeys and Seamless
Garments: Catholics and
Political Engagement

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Fides et Iustitia

ARTICLE

SACRED MONKEYS AND SEAMLESS
GARMENTS: CATHOLICS AND
POLITICAL ENGAGEMENT

JOHN P. O'CALLAGHAN*

A hilarious scene in Evelyn Waugh's *Brideshead Revisited* portrays the politician Rex Mottram, Julia Marchmain's dim but powerful and sexually exhilarating suitor, taking instruction in the faith from a Catholic priest in order to marry Julia. The priest wants to find out whether Rex understands the doctrine of papal infallibility. The priest presents him with a hypothetical: "Supposing the Pope looked up and saw a cloud and said, 'It's going to rain,' would that be bound to happen?" Rex responds, "Oh, yes, Father." To which the priest responds, "But supposing it didn't?" Rex is surprised by the difficulty, and pauses, apparently deep in thought, as he tries to face it. Then inspiration hits: "I suppose it would be sort of raining spiritually, only we were too sinful to see it."¹ Later Rex charges the priest with "holding back" on him the deeper mysteries of the faith. He knows a very pious Catholic who has told him of the sacred monkeys that inhabit the Vatican, as well as the need to sleep with one's feet pointing east so that one can walk to heaven if one dies in the night. Julia's little sister Cordelia had been playing a joke on Rex when she told him these things. Waugh, of course, was not attempting to ridicule the teaching on papal infallibility. He was sending up the general cultural ignorance of Englishmen on the nature of papal infallibility, an ignorance portrayed as comparable to the stupid social prejudices against Catholics who cannot see the absurdity of such claims like sacred monkeys living in the Vatican, and walking one's way to heaven. No need even to mention tunnels between the convents and the rectories. Rex Mottram stands in for William Gladstone, the nineteenth-century prime minister of England, who, upon the proclamation of papal infallibility at Vatican I, had charged that no Roman Catholic could any

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1. Evelyn Waugh, *Brideshead Revisited: The Sacred and Profane Memories of Captain Charles Ryder* 192 (Little, Brown & Co. 1946); *Brideshead Revisited* (Acorn Media 1981) (mini series).

longer be considered a loyal subject of the British throne, since he concluded the proclamation entailed that Catholics owe allegiance in all their acts to a foreign potentate.² Cardinal Newman answered Gladstone's charges in his famous "Letter to the Duke of Norfolk."³

The focus of this paper is not the doctrine of papal infallibility and its bearing upon the thoughts and actions of Roman Catholics. My aim is to consider the broader question of Catholic teaching in general, and the ways in which it ought to inform the minds and actions of Roman Catholics as they seek to engage the political community. In some ways, in our own day, Catholics find themselves in a situation similar to Rex's and Gladstone's within and without the Church when they reflect upon what is often called the *seamless garment* and the *consistent ethic of life*, a concept that they hope can inspire a genuine Catholic engagement with politics, law, and social life. The seamless garment is a beautiful metaphor taken from the Gospel⁴ that is designed to capture the fullness of Catholic teaching about the common good, and to inspire Catholics as they live out their lives as citizens of this nation. But if Catholics regard the seamless garment merely on the level of metaphor, and do not seek to engage and educate themselves about the actual teachings it tries to portray, they run the risk of confusion within their own efforts, as well as the grave disservice of spreading confusion about and discredit upon the Church among their fellow citizens who do not share their faith.

I will argue here that one must distinguish in one's political engagement between questions of principle and questions of prudence. Failure to make such a distinction leads to what I term "policy utilitarianism," which tends to calculate, in a simplistic and uninformed manner, the number of policies a particular politician or party "gets right" from a Catholic perspective without recognizing that some policies are more fundamental to the common good of society than others, because they are principles of that common good. I will argue that such "policy utilitarianism" is an abuse of the virtue of prudence. The genuine exercise of prudence may, according to circumstance, tolerate the violation of a principle fundamental to the com-

2. William E. Gladstone, *Vatican Decrees in Their Bearing on Civil Allegiance: A Political Expostulation*, in *Newman and Gladstone: The Vatican Decrees* 5, 5 (Alvan S. Ryan ed., U. of Notre Dame Press 1962). Gladstone asserts, "That [the pope] therefore claims, and claims from the month of July 1870 onwards with plenary authority, from every convert and member of his Church, that he shall 'place his loyalty and civil duty at the mercy of another': that other being himself." *Id.* at 45.

3. John Henry Newman, *Letter to His Grace the Duke of Norfolk*, in *Newman and Gladstone: The Vatican Decrees*, *id.* at 73.

4. When the soldiers had crucified Jesus, they took his clothes and divided them into four shares, a share for each soldier. They also took his tunic, but the tunic was seamless, woven in one piece from the top down. So they said to one another, "Let's not tear it, but cast lots for it to see whose it will be," in order that the passage of scripture might be fulfilled (that says): "They divided my garments among them, and for my vesture they cast lots." This is what the soldiers did.

John 19:23-24 (New Am. Stand.).

mon good, but it cannot simply trade it off against policies that are means for pursuing the common good. Failure to make that distinction leads to complicity in the violation.

The Seamless Garment: Gospel Value or Confused Metaphor?

Rather than being an invitation to consider more closely and carefully the nature of Catholic teachings that bear upon political issues, the image of the “seamless garment” as it is actually used in contemporary political discourse is little more than a screen behind which abhorrent policies, particularly pro-abortion policies, can hide. And thus use of it promotes serious confusion within the community about how Catholics ought to engage in political life. Instead of being, as it should be, a self-standing, independent approach to legal and policy issues informed by Catholic faith that treats the different political parties as instrumental goods in service to it, the seamless garment becomes a rhetorical instrument enslaved to the goals of the parties, and for historical and cultural reasons, more often than not the Democratic Party. That use all too easily leads to the development of policy utilitarianism in Catholic political action.

Prompted by electoral cycles and the cultural-political arguments about the role that faithful Roman Catholics should play in the development of law and policy, the “seamless garment” is often used to draw vague analogies between Catholic teachings on abortion, the death penalty, war, economic justice, health care, and other law and policy issues of concern to Catholics. The vagueness of these analogies suggests that we are all in danger of being Rex Mottrams now—it seems that either everything said by the pope commands and rules us without exception or nothing does. We might as well go to sleep with our feet pointing to the east, and sometimes we will have to look very hard to discern the spiritual rain.

What do I have in mind? One frequently hears politicians, media commentators, and even opinion makers among one’s fellow Catholics claiming that if one is supposed to allow Catholic teaching in opposition to abortion, euthanasia, torture, and so on to bear upon one’s views on law and public policy, so equally one must allow Catholic teaching in opposition to the death penalty or the application of principles of just war, economic development, health care, and so on to bear upon one’s voting. At a rather high level of abstraction, this claim is true if Catholics are going to take their faith seriously in pursuit of social and political justice ordered toward the common good. One must strive to have the teaching of the Church on all these questions inform one’s political activity. The problem is that at that high level of abstraction, it gives no actual guidance about how to consider those teachings in relation to one another.

We are by now used to abortion as the major battleground. But we can add torture as well to the list of political hot-button issues the opposition of

which must be weighed against all the other political and social teachings of the Church in the complex weaving of the seamless garment. J. Peter Nixon described in an issue of *Commonweal* how two Catholic, Republican senators who are adamantly pro-life on abortion did not bother to raise an eyebrow at the appointment of a Catholic attorney general-designate who was involved in the second Bush administration's decisions about what acts would and would not count as torture in the War on Terror.⁵

Some might claim that what was argued in the administration was that the various types of acts do not count as torture according to the law, and therefore no one involved in the administration was actually advocating what he or she understood to be legally defined torture as such. But this is where we have to recall that with regard to most types of human action, neither law nor conscious inner intention creates their kind and moral character, but has to reflect it. The corsair may claim that he is merely testing the sharpness of his blade on the sailor's neck. But of course we know that he is wrong in the "merely." If the law allows such acts, it is the obligation of the president's advisors, as public servants, to not simply give the "narrow legal opinion," but to point out that it is a bad law for not reflecting the genuine character of these acts, and that a just government will not do the bad things that bad laws allow it to do. Legislators and officials, informed by the long tradition of the Church's reflections on the natural law and politics, are particularly well placed to make this point. Yet these Republicans lost the opportunity to demonstrate that they are not in the back pocket of their party in the way that pro-abortion Catholic Democrats are in their own when they "weigh" the Catholic teaching about abortion against all the various issues of social justice. So in the political forum one might charge them with inconsistency, as the Church teaches that torture is an intrinsically evil act, just as abortion is.⁶

Still, in charity, those of us who count ourselves as Democrats ought to grant that the Republican Party does not have a thirty-year history of supporting government-sanctioned torture, does not have a plank in its platform supporting torture, does not have a history of using a litmus test for national office involving the support of torture, does not have leaders appearing at the pro-torture conventions seeking political and financial support, and does not yet have numerous Catholic members privatizing their opposition to

5. J. Peter Nixon, *For God or Country?*, 132 *Commonweal* 4, ¶ 5 (Feb. 25, 2005).

6. Consequently, without in the least denying the influence on morality exercised by circumstances and especially by intentions, the Church teaches that "there exist acts which *per se* and in themselves, independently of circumstances, are always seriously wrong by reason of their object." The Second Vatican Council itself, in discussing the respect due to the human person, gives a number of examples of such acts: "Whatever is hostile to life itself, such as any kind of homicide, genocide, abortion, euthanasia and voluntary suicide; whatever violates the integrity of the human person, such as mutilation, physical and mental torture and attempts to coerce the spirit . . ."

Pope John Paul II, *Veritatis Splendor (The Splendor of Truth)* 101 (St. Paul Books & Media 1993). The passage goes on to include many more acts that are "offensive to human dignity." *Id.*

torture. Neither of the senators mentioned said, “I am personally opposed to torture, but”

Against this background, in practice and stated without a serious reflection upon the nature of the teachings involved, too often the “seamless garment” is a vague and misleading phrase that ignores the significant differences between the various teachings involved. In particular, if we are honest, we have to grant that the metaphor of the seamless garment and the vague analogies it is designed at times to advance in our political discourse are often little more than a rhetorical hammer wielded to blunt the criticism directed toward pro-abortion politicians, particularly when they are Roman Catholic. This tactic relies upon a perception, correct or not, that while some candidates are strongly pro-life when it comes to abortion, those same candidates do not adhere to Catholic teaching across the board on these other issues.

The use of the metaphor in actual political contexts is often designed to suggest that pro-abortion candidates who are also Catholic tend to support laws and policies that reflect Church teachings on the death penalty, economic development, and other issues of Catholic social teaching, and so in some ways they are better “overall” candidates on the seamless garment, while pro-life politicians are not. Why then single out Catholic lawmakers who are pro-abortion candidates for criticism for not abiding by their Catholic faith in politics? From the perspective of Catholic teaching, it appears to be a tossup between pro-abortion and pro-life policy makers, as it is practically impossible to find any who are consistently “Catholic” across the board. One ought to recognize that one can be pro-abortion *and* pro-life in the “larger sense” of the seamless garment. A consistent ethic of life will leave room for pro-abortion Catholic politicians, because they get most of the other stuff right. Indeed, because they presumably get most of the other stuff right, perhaps it isn’t even a tossup, and Catholics are actually obliged to vote for the pro-abortion candidates.

On the contrary, the problem we face, if we want to have a genuine seamless garment, is that few care to ask, much less investigate, whether the analogies being made here are appropriate. It is as if we have a seamless garment with no distinction between the patterns woven into it and the thread with which it is woven. It is simply assumed that there are no significant differences between the teachings of the Church that might bear upon one’s informed judgments in the legal and policy-making arenas. In the spring of 2004, in the context of the public discussion of the denial of communion to pro-abortion Catholic politicians, Victoria Kennedy claimed just that in an op-ed piece for the *Washington Post*.⁷ She wrote,

7. Victoria Reggie Kennedy, *The Altar is Not a Battlefield*, Wash. Post B07, ¶ 7 (May 23, 2004).

Despite the unambiguous church law [on the death penalty], there has been no talk of withholding Communion from pro-death-penalty Catholics. Where is the logic or moral justice in punishing those who allow a person to make a private moral decision [to have an abortion], while remaining silent about those who authorize the government to take a life and thereby deprive a human being of his God-given right of salvation?⁸

Let us bracket from this discussion the question of Church discipline involving the reception of communion. Apart from any material questions about the accuracy of Ms. Kennedy's account of the relevant teachings on abortion, the death penalty, and individual conscience, the prospect of denying "a human being of his God-given right of salvation"⁹ is clearly intended to be a rhetorical counterweight to the pro-life movement's charge that abortion denies an innocent human being of his or her God-given right to life. Theologians, of course, may wrestle with Ms. Kennedy's claims that abortion involves a "private moral decision,"¹⁰ and that salvation is a "God-given right,"¹¹ as well as the implied murkier metaphysical depths of the claim that any human being could in some fashion prevent the efficacy of God's saving grace from having its effect upon those who submit to it.¹²

In addition, just before the election of 2004, in an op-ed piece in the *New York Times*,¹³ the dean of the College of Arts and Letters at the University of Notre Dame explicitly compared the horror of abortion to the horrors of slavery and torture, and suggested that history would in the end judge it to be so.¹⁴ And yet, Stephen Douglas-like, he suggested that the weighing of issues of concern to Catholics against the Church's teaching on the horror of abortion suggests that Catholics would be well advised to vote for candidates who appear to support the wide range of Catholic social teaching despite their clear pro-abortion stance—in effect, that they ought

8. *Id.*

9. *Id.*

10. *Id.*

11. *Id.*

12. Part of the theological difficulty of Ms. Kennedy's argument is that presumably in the Christian tradition salvation is a gift simply. *Id.* It is an extraordinary confusion to place that gift in the political context of "rights" discourse. To claim a "right" to something is to claim that it is due to one, and that others ought to provide or protect it to the extent possible; if the claim to a right is legitimate, certainly others ought not to deny it or destroy it. Thus, because one's life can be destroyed by another, one can speak coherently of a "right" to life, whether that claim is legitimate or not. However, it is only God, through the grace of the incarnation, death, and resurrection of Jesus Christ, who gives salvation. If that gift is accepted by someone, it cannot possibly be denied or destroyed by any other creature. To suggest that it could be denied or destroyed by someone other than the recipient, would, within the Christian tradition, be a heretical denial of the efficacy of God's grace. Because it is given by God through whatever means He chooses, and it can be neither denied nor destroyed by any creature other than its recipient, it is incoherent to claim that salvation is a "right" in the Christian tradition.

13. Mark W. Roche, *Voting Our Conscience, Not Our Religion*, N.Y. Times A23, ¶ 10 (Oct. 11, 2004).

14. *Id.* at ¶ 2.

to vote Democratic.¹⁵ Pursuing this analogy, one might wonder whether in a regime in which slavery and torture are legal acts, one is justified in supporting the pro-slavery and pro-torture lawmakers provided they appear to get “health care,” “welfare,” the minimum wage, and opposition to the “war in Iraq” right.

My concern when I hear this public rhetoric from opinion makers in the Catholic community is that the seamless garment as a metaphor for Catholic political engagement becomes little more than a rather dull, drab, and undistinguished costume for one party or another, little more than a rag concealing a set of utilitarian calculations loosely woven together.

Philosophers are inclined to distinguish two types of utilitarianism. *Act utilitarianism* holds that one ought to pursue the act that here and now maximizes overall happiness. *Rule utilitarianism* holds that one ought to act upon the rule that in the long run and for the most part will maximize overall happiness. Often when I hear Catholic leaders talking about the seamless garment, I am inclined to distinguish a third type, *policy utilitarianism*, which holds that so-called Catholic issues must be weighed one against another to arrive at an overall mix that reflects in some vague way our “sense” of Catholic teaching without having to look too closely at any particular one to see how it is to be judged against another. “We are for the poor.” “They aren’t.” “We want peace.” “They don’t.” And so on. In practice, Catholics end up stifling anything distinctive that might cause them to lose whatever influence they have among the array of interest groups competing for time in one or the other party.

Insofar as this vague utilitarian weighing of issues and policies fails to recognize a fundamental difference in the teaching of the Church on these issues, is this a responsible way for members of the Church to proceed in developing a genuinely Catholic approach to law, policy, and Catholic political engagement? Catholics ought to take seriously in their political lives such teachings as are given on abortion, torture, slavery, economic exploitation, as well as the death penalty, just war, health care, economic development, and welfare, among others. It is a seamless garment; but it is a garment with a pattern woven out of a particular thread, and one ought not to confuse that pattern with the thread. Thus, Catholics ought also to pay close attention to just what those teachings are. The teachings of the Church on the death penalty, a just wage, available health care, just war, and so on are not directly analogous to the teaching on abortion in particular, or slavery, torture, euthanasia, and so on. Because they are not, they cannot simply be weighed in a utilitarian calculus that trades off among them without distinction.

15. *Id.*

At the Foundations of Catholic Teachings Bearing upon Prudence and Politics

The virtue of prudence bears upon determining how to act well in concrete circumstances. It presupposes that the particular acts it bears upon are of such a kind that they may be done. Thus, in order to understand how prudence should function in political decision making, it is necessary to discuss the theoretical foundations for analyzing the features of actions that bear upon, in the first place, the question of whether they may be done, and, in the second place, of those that may be done whether they should be done. Only then can we appreciate how the virtue of prudence is the light within which the metaphor of the seamless garment communicates an authentically Catholic approach to politics.

Stepping back for a moment to consider theoretical foundations, the teaching of the Church is that the moral life of human beings is essentially teleological—it achieves a goal or end. Through deliberate and free action, human beings make of themselves certain characters. Quoting Gregory of Nyssa, Pope John Paul II wrote, “*We are* in a certain way our own parents, creating ourselves as we will, by our decisions.”¹⁶ We are characters whose lives, sometimes more and sometimes less, express a good that is characteristic of human life as such.

The *morality of acts* is defined by the relationship of man’s freedom with the authentic good. This good is established, as the eternal law, by Divine Wisdom which orders every being towards its end: this eternal law is known both by man’s natural reason (hence it is “natural law”), and—in an integral and perfect way—by God’s supernatural Revelation (hence it is called “divine law”). Acting is morally good when the choices of freedom are *in conformity with man’s true good* and thus express the voluntary ordering of the person towards his ultimate end: God himself, the supreme good in whom man finds his full and perfect happiness.¹⁷

However brief, this passage summarizes the longstanding teaching of the Church that human actions find their point and purpose insofar as they lead human beings to union with God—that is their ultimate *telos*, characters fit for union with their creator. More proximate goals of human action are evaluated as good insofar as they participate here and now in limited ways in leading one to that ultimate goal. It also affirms the relation of human action to the natural law. The natural law is no arbitrary set of obligations imposed externally by God upon human life, but the expression within each human being of the imperatives necessary for achieving that union—the signposts along the way, as it were, warning against the dangers to be

16. Pope John Paul II, *supra* n. 6, at 91.

17. *Id.*

avoided and pointing out the goods to be enjoyed. Natural law can be known by human beings apart from any special divine revelation, and it is thus not sectarian.¹⁸ Finally, it points out that knowledge of the natural law, besides being available to reason as such, is available within divine revelation. That claim establishes the authority of the Church to teach about not only what is specific to revelation as such—the Trinitarian character of God, the Incarnation, saving acts of Christ, and so on—but also about the features of the natural law itself.

For my purposes here, the most important claim in the passage cited above is “Acting is morally good when the choices of freedom are *in conformity with man’s true good* and thus express the voluntary ordering of the person towards his ultimate end”¹⁹ The questions here are, What sort of features must a freely chosen act have so that it may be “in conformity with man’s true good,”²⁰ and what sort must it be without to cause it to be out of such conformity?

There are three features of any particular action that have to be taken into account in the evaluation of whether that action is a good action “in conformity with man’s true good”²¹ and, thus, should be done, or a bad action that ought to be avoided as lacking that conformity. The first feature pertains to the “species” or kind of act involved²²—paying a wage to a worker, giving alms to the poor, engaging in sexual relations with one’s spouse, engaging in sexual relations with someone who is not one’s spouse, killing an innocent human being, killing a human being guilty of a crime, and so on. The second feature to be evaluated is the set of circumstances in which the particular act is to take place—whether one is capable of providing for one’s family, whether the act will take place in public or in private, when determining punishment, the extent of extenuating circumstances that were involved in a crime, the condition of the prison system in a society, and so on. The third feature is the goal or goals for which the act is done, and the consequences that can be foreseen following from such an act—whether one is acting for self-aggrandizement, whether one is trying to promote a criminal enterprise, whether one is pursuing the goods of marriage, whether one is attempting to redress a wrong or slake the blood lust of the community, whether harm can be accurately foreseen as coming to others—that is, harm disproportionate to the goodness of the goals one is pursuing—and so on.

18. Notice that the claim that natural law can be known by reason apart from revelation does not imply that it is explicitly known by any particular person, that the knowledge one may have of it is easily defended, or that philosophical arguments defending its theoretical foundations are easily persuasive to all.

19. Pope John Paul II, *supra* n. 6, at 91 (emphasis in original).

20. *Id.*

21. *Id.*

22. Pope John Paul II in *Veritatis Splendor* often uses “object of the act” in these contexts as well. The “object” of the act determines its *species* or kind. *Id.*

In order for a particular act to be judged a good act that should be pursued—that is, as “in conformity with man’s good”²³—it must be good with respect to all three features; it must be an instance of a good kind of act, done in the right circumstances, in pursuit of good goals and foreseeable consequences proportionate to those goals. For example, a particular act of sexual relations with one’s spouse is an instance of a good kind of act, and yet if it is done in public, or for the purpose of expressing one’s dominance over one’s spouse, then it fails to be a particular good act. So an instance of a good kind of act can be rendered a particular bad act, because of the circumstances and, or the goals for which it is done and the consequences that may follow from it.²⁴

However, there is a significant difference to be observed when considering the type of action involved. It is the teaching of the Church that, according to the natural law, there are certain acts that in their kind are intrinsically bad—for example, sexual relations with someone who is not one’s spouse, torturing someone, and so on. What is characteristic of these kinds of acts is that particular instances of them may never be done, in any circumstances, or for any goals however good those circumstances and goals may be. “The weighing of the goods and evils foreseeable as the consequence of an action is not an adequate method for determining whether the choice of that concrete kind of behavior is ‘according to its species,’ or ‘in itself,’ morally good or bad”²⁵ And,

if acts are intrinsically evil, a good intention [for goals and consequences] or particular circumstances can diminish their evil, but they cannot remove it. They remain “irremediably” evil acts; *per se* and in themselves they are not capable of being ordered to God and to the good of the person.²⁶

In other words, no circumstances and no goals can justify performing such acts. Thus, there is a fundamental asymmetry between acts that are good in their kind, and acts that are bad in their kind. An instance of a good kind of act can be rendered bad in particular by bad circumstances or goals, while a bad kind of act can never be made good by circumstances or goals.

Catholic teachings against abortion, euthanasia, torture, and so on concern the kinds of acts involved. They are intrinsically bad. They are kinds of acts that may never be done; there are no circumstances or goals that could possibly justify doing them. Thus, any additional teaching about such circumstances or goals would be otiose. Catholic teaching on the death penalty, war, health care, and so on are *also* about the kinds of acts involved, but there is a significant difference in that these involve kinds of

23. *Id.*

24. *Id.* at 97-104.

25. *Id.* at 98.

26. *Id.* at 102.

acts that *may* be done; they are good in their kind.²⁷ Because they are kinds of acts that *may* be done, more has to be said about the typical circumstances in which and goals for which one should do them, as opposed to circumstances in which and goals for which one should not do them.²⁸ Here the teaching of the Church bears upon prudential counsel. In the case of the death penalty, for example, such counsel is very restrictive, while in the case of just wages and health care it tends to be expansive. But it is crucial that we recognize that these are in fact counsels of prudence. They are not—indeed, they cannot be—commands.

The Church does not claim the authority to *make* the prudential decisions herself about particular cases where, when, and why acts that are good in their kind should be done. On the contrary, consistent with the principle of subsidiarity,²⁹ and the dignity of the secular order, she recog-

27. On war and the death penalty in particular, see *Catechism of the Catholic Church* Nos. 2308-2309 (on war), 2265-2267 (on the death penalty) (Ligouri Publications 1994).

28. *Id.* It may sound odd to say that acts of war may be good in their kind. But keep in mind that being good in kind does not entail that such an act may be done. Given the Church's teaching on just war, it is likely that in most circumstances and for most goals particular acts of war may not be done, even if good in kind. Being good in kind is simply a necessary condition for being a good act in particular; it is not sufficient. Consider the alternative—acts of war are intrinsically bad in their kind, though we may sometimes find ourselves seemingly forced by circumstances to engage in them to achieve certain goals we perceive to be good. Here Elizabeth Anscombe's remarks are apposite. "They become convinced that a number of things are wicked which are not; hence, seeing no way of avoiding 'wickedness,' they set no limits to it." G.E.M. Anscombe, *War and Murder, in Absolutism and Its Consequentialist Critics* 29, 36 (Joram Graf Haber ed., Rowman & Littlefield Publishers 1994).

29. See Pope John Paul II, *Centesimus Annus* No. 48 (May 1, 1991) (available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html) ("[T]he principle of subsidiarity must be respected: a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good.") (emphasis in original); see also Pope Pius XI, *Quadragesimo Anno* Nos. 78-80 (May 15, 1931) (available at http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html). The principle of subsidiarity in Catholic teaching concerns mediating institutions of civil society, those associations that individuals are born into or freely enter. The principle maintains that the authority to engage some sphere of human activity in such associations ought not to be usurped by larger more powerful or comprehensive associations, the most dominant of which will typically be the state. In short, what can be done locally and more personally ought to be done so, since larger more impersonal associations will be less likely to be capable of respecting the human dignity of the individuals involved, and will also distract those larger institutions from pursuing their appropriate goods.

While it is a principle taught by the Church, it is no sectarian rule applicable only to the Church and her members. The claim is that it is a principle that characterizes any human associations as such. One can discern it, for example, in the Tenth Amendment to the United States Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." While the principle does not mean that government governs best that governs least, it does imply that there are appropriate spheres of activity, with appropriate spheres of authority in the pursuit of that activity. Unlimited government would be a grave violation of this principle.

As history abundantly proves, it is true that on account of changed conditions many things which were done by small associations in former times cannot be done now save

nizes that such judgments must be made by appropriate authority, an authority that she does not in general possess.³⁰ So, for example, contrary to what Victoria Kennedy claims,³¹ the Pope's and the Catechism's recent teaching on the death penalty is not a matter of Church "law," nor is it a command directed to Catholics to act in a certain way, but an exhortation that political authority ought to consider very carefully in pursuing the good of our lives together. Catholics in particular should pay special attention to it, and give it a great deal of weight in their decision making. Certainly they may not simply dismiss it in their judgments. However, a particular judgment that is not in accord with such an exhortation is not *ipso facto* a simple dismissal of it, anymore than an exhortation to give as much as possible of one's wealth to the poor is *ipso facto* simply dismissed if here and now one does not throw the entire contents of one's wallet in the poor box.

The Church's teaching on the death penalty is an exhortation with which this author wholeheartedly agrees.³² But it is not of the same order or kind as the teaching on abortion, which does not have the form of an exhortation but of an absolute moral norm.³³ However, the Church does not claim the authority to *command* in cases of absolute moral norms that

by large associations. Still, that most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly.

Id. at 79-80.

Government has its role to play in promoting the conditions necessary for the flourishing of such mediating institutions of civil society. Typically the authority of an association of civil society will not derive from the authority of some larger more comprehensive association. The authority of parents within a family, for instance, does not derive from the authority of the state, even though the family lives within the state. The task of the state is to promote those conditions within the larger community that assist in the free exercise and flourishing of the parents within their sphere of authority. The principle, however, does not simply limit states and governments; it is a principle about all communities and associations. Insofar as the Church is such an association of "universal" extent, with its own internal principles of governance, it too cannot usurp the authority of other mediating institutions like nation states, cities, families, and so on in the exercise of just government.

30. In the case of war, see *Catechism of the Catholic Church*, *supra* n. 27, at No. 2309 ("The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good."). In the case of the death penalty, see *id.* at No. 2266 ("Preserving the common good of society requires rendering the aggressor unable to inflict harm. For this reason the traditional teaching of the Church has acknowledged as well-founded the right and duty of legitimate public authority to punish malefactors by means of penalties commensurate with the gravity of the crime, not excluding, in cases of extreme gravity, the death penalty. For analogous reasons those holding authority have the right to repel by armed force aggressors against the community in their charge. The primary effect of punishment is to redress the disorder caused by the offense").

31. Kennedy, *supra* n. 7.

32. *Catechism of the Catholic Church*, *supra* n. 27, at Nos. 2266-67.

33. Pope John Paul II, *supra* n. 6, at 80.

specify acts that are bad in their kinds. She claims the authority to teach the truth about them. Her teachings on such matters reflect a moral order that she herself does not create—the natural law. She does not command or legislate that acts of abortion, euthanasia, or torture are intrinsically bad any more than she commands or legislates that two plus two equals four, indeed any more than she commands the rain to fall. The authority of the Church to command or forbid particular actions on her own authority is generally restricted to questions of Church discipline.³⁴ Thus, such teachings on negative absolute moral norms—that is, kinds of acts that are intrinsically bad—are neither matters of sectarian belief nor Church discipline. It was Gladstone's failure to recognize these facts that Newman pointed out to him, among other things. Our failure to recognize this nearly a century and a half later makes Rex Mottrams of us all.

In addition to abortion and euthanasia, the Church gives acts of torture and slaveholding, among others, as examples of acts that are bad in their kind.³⁵ No particular circumstances or goals can make acts of torture or slaveholding good, because they are bad in their kind. Insofar as the Church claims to be teaching about the appropriate circumstances and goals for the exercise of the death penalty, however limited and narrowly she thinks those circumstances and goals may be, she has already judged that it is an act good in its kind. If the death penalty were a kind of act that is intrinsically bad, then there would be no circumstances at all in which it could be used. But the Church teaches that there are circumstances in which it may be used. Therefore, the Church teaches that it is not a kind of act that is intrinsically bad. The Church is not saying (thank God) that the death penalty is an evil means that one may use in extreme circumstances in order to achieve some good end.

An Objection to the Role of Prudence in Catholic Political Action

An appeal to the role of prudence in political action can appear to many as little more than an appeal to be cautious in such a way that one refrains from action. Such an objection is based upon a misunderstanding of the nature of prudence. This misunderstanding takes place against the background of a cultural use of the term "prudence" that suggests that in a democratically diverse society one ought to refrain from acting upon highly contested issues. The solution to this problem, however, is not to abandon genuine prudence. It is, rather, to reform the culture in light of the role of genuine prudence in human action and, in particular, the Church's teachings about human action.

Consider the following objection: Some are afraid to introduce the language of prudence into discussions about the pursuit of the goods of social

34. See Newman, *supra* n. 3.

35. See Pope John Paul II, *supra* n. 6, at 80.

justice, because they think it is just a rhetorical way of dismissing the importance of the goods involved in health care, economic development, welfare, and so on. They fear that because it is claimed that these are matters of prudential judgment, and because it often appears that the arguments we have about them are irresolvable, one is really suggesting that we must simply agree to disagree, which in effect means doing nothing. For fear of not doing anything, it's better simply to insist that one's own position or positions very close to it—particularly positions typically advocated within one political party and excluding the other—are the only genuine ways of pursuing the teaching of the Church on social justice.

There is a grain of truth in this objection. Certainly in the course of political engagement some may use the word “prudence” as a tool to dismiss disagreement while one pursues one's own position, heedless of the views of others, particularly the teaching of the Church. But, of course, that use of “prudence” is not real prudence. It is, rather, the abuse of prudence. However, the response of the objector to this abuse of prudence looks to be equally as dismissive of the actual views of his fellow citizens, even as they may dismiss his own.

The alternative to prudence, exhibited at times by those who offer this objection, is, in effect, to make an absolute rule out of every moral and political thesis. But do such rules have exceptions or are they exceptionless? If they are exceptionless, then moral and political life is reduced to a mechanical observation of abstract rules fit for unthinking machines, not persons. Such rules lend themselves very easily to the impersonal bureaucratic state. One's claim about just how much of the national economy ought to be devoted to health care and the alleviation of poverty is not subject to questions about the circumstances in which it is to be carried out, and whether it actually works to promote those goals; it is instead handed over to a class of bureaucrats, technicians, and “experts.” It is simply the rule, and it is either right or it is wrong. If the Church teaches it, we know it must be right. Our task for public life is simply to obey, not to participate thoughtfully and responsibly in the creation of our common life together. There is no genuine democratic life here.

On the other hand, if such rules are subject to exception, and one has to evaluate particular political and moral claims in terms of the circumstances of their application and their effectiveness in pursuing the goals one is trying to promote with them, then prudential judgments need to be reintroduced. To deny the role of prudence here amounts to little more than a cutting off of the need to convince one's fellow citizens through argument and persuasion that one is in fact proposing the best means for pursuing the common good. But insofar as such argument and persuasion is itself part of the common good of living together as free and responsible citizens in a democracy, the denial of it and the effort to simply assert apodictically one's own position as the only legitimate one is itself an attack upon the

common good that only undermines it. It leads to a culture of shouting, not argumentative persuasion.

But for our impoverished, sacred-monkey culture of moral and political discourse, it is not necessary to point out that “prudence” here does not mean cautious inaction. Prudence is that virtue by which we integrate a number of other virtues—in general, justice, temperance, and courage—when we judge whether particular good acts are to be done, in what circumstances, and for what goals, both individually and politically. Prudence has no role to play at all in the evaluation of acts bad in their kind, since such acts may never be done. There is no prudence applied to the task of integrating justice, courage, and temperance in deciding when and for what reasons to engage in torture, rape, theft, adultery, and so on. On the other hand, prudential judgment finds its appropriate application in the integration of justice, courage, and temperance in the evaluation of the circumstances in which, and goals for which, acts good in their kind may be done—for example, the levels of health care, welfare, defense, education, and so on that it is appropriate for the state to provide its citizens. Prudence is the way to pursue genuine goods in our common life together, precisely because they are genuine goods; it is not a way of avoiding them.

Finally, recourse to prudence does not imply that both or all sides to an argument are “right” and it is just a matter of preference which side to pursue. It may often be the case that one or more sides to an argument about the integration of particular goods may be wrong in what they are suggesting is the best policy given a certain goal, or the integration of several goals. On the other hand, there is no particular Church teaching determining beforehand who is and who is not wrong on these issues of social justice. For example, granting that the community must provide adequate health care to its members, there is no teaching on just how involved the various organs of government ought to be in guaranteeing it. The principle of subsidiarity suggests that while government may be involved, the more local and close to hand the better. But it does not tell us just what the balance of public and private initiative should be in providing health care, and what the balance of the national versus the local should be. It is the role of genuine politics, not Church authority, to provide a space for us to work these questions out justly and charitably in our concrete circumstances. Insofar as the Church teaches universally, it is absurd to suggest that she has the authority to teach a detailed, particular policy about how health care is to be structured in all nations at all times. She does not claim the authority to determine for a given nation how its health care ought to be structured versus some neighboring nation, much less a nation on the other side of the world. The case is similar for the death penalty, just war, economic development, a living wage, and so on.

This recognition of the role of prudence is based upon the distinction Pope John Paul II made in *Veritatis Splendor* between negative norms that

bind always and everywhere, and positive norms that do not. Negative norms bear upon kinds of actions that are intrinsically bad, that may never be done in any circumstance or for any goal. Thus, there is no prudence involved in judging when and how to adhere to them; one simply must do so. But as I mentioned above, the Church is not commanding one to refrain from such acts. She is simply teaching the moral norm that she did not create. Positive norms, on the other hand, bear upon the pursuit of the various goods of human life. The reason positive norms do not bind always and everywhere is not because they are merely matters of choice or preference which one may simply disregard as not the good one chooses to pursue. On the contrary, they *ought* to be pursued. But because there are so many ways of doing good, and one cannot exhaust those ways, one must use one's judgment about how best to pursue those goods here and now, as well as in the future as circumstances change. Prudence is the virtue that pertains to that judgment.

If we do not recognize this fact about the positive goods of social justice to be pursued versus the evils to be avoided, we end up with an intolerable conflict between goods, where one is inevitably sacrificed for another. If I am always and everywhere giving to the poor, as supposedly I ought, then I cannot educate my children always and everywhere, as supposedly I ought; I cannot care for my parents; I cannot contribute to my Church; and so on. If I am to devote all my time and resources to alleviating the material poverty of those around me, as supposedly I ought, I will not have time to alleviate the spiritual poverty of my students as I ought. If all of our national resources are to be devoted to the alleviation of hunger, we will have none for health care, economic development, and so on.

In general, it is the teaching of the Church that it is the distinctive task of laypersons acting in the world to examine and evaluate concrete circumstances in order to apply her teachings on the various political and social goods to the particular features of the societies in which they live. Thus, to reduce those teachings to mechanical rules actually rejects those teachings of the Church that one is claiming to uphold. So the danger, when we reject prudence for fear of its abuse in our moral and political judgments in pursuit of the common good, is that we may create something worse than the abuse of prudence. We create modes of self-interested utilitarian calculation in pursuit of public policy, in which it is all too easy to put our own self-interest ahead of the poor and suffering, or we create dehumanizing rules and obligations with which we seek to command our fellow citizens, often in an authoritarian way, rather than to argue and persuade. These rules and obligations often appear to be political idols in the mouths of their defenders. Such idols are put forward as if they were self-evident truths to a community that, failing to grasp their self-evidence, often reacts against them in a self-interested way, not even bothering to consider them as a way to pursue the genuine goods of social justice.

It is true that it is not a prudential judgment that we ought to feed the hungry, clothe the naked, minister to the sick, and attend to the dying. These *are* obligations. The determination of which policies will best promote those genuine goods and help us to fulfill those obligations in our circumstances is, however, a prudential judgment. And, it is both unjust and uncharitable to assume that someone who disagrees with another about which policies will best promote those goods also rejects the basic goods that those policies are designed to promote. Even as I may be convinced that I am correct and my opponent incorrect, to simply assert such is to make idols of my judgments.

Now a prudential counsel concerning some type of act is not itself a prudential judgment concerning a particular instance of that kind of act. In most cases, the authority to make the particular prudential judgments involved in the pursuit of these goods does not reside with the pope or the Church. According to the Church, the authority lies with the person or persons who hold the legislative and executive power to care for the common good of a particular political community. The Church's prudential counsel is no substitute for their prudential judgment. And, a central feature of prudential counsel—whether it comes from me, the pope, or, broadly, the Church—is that it cannot bind beforehand a prudential judgment. Here the “should” involved in such counsel can only be an exhortation, not a command.

There is a logical point here as well. As statements, prudential counsels themselves can only be of general—that is, indefinite—logical form. They are, for example, of the form “you ought to pursue the good of children”; “you ought to pursue the good of health care”; “you ought to avoid the use of the death penalty”; and not of the form “you ought always and everywhere to pursue the good of children”; “you ought always and everywhere to pursue the good of health care”; “you ought always and everywhere to avoid the use of the death penalty.” It is absurd to claim that such counsels apply always and everywhere, because, in the first place, there may well be circumstances in which one or another of them does not apply at all because one is pursuing some other counsel. One cannot be pursuing the good of health care when one is pursuing the good of marital relations; one cannot be pursuing the good of marital relations when one is pursuing the good of teaching one's students; and so on. It is at least conceivable that a human being could simultaneously and successfully avoid engaging in all those acts specified in absolute negative norms; it is not conceivable that a human being could simultaneously engage in all the acts specified in positive norms as goods. Apropos of this point, Walker Percy wrote, “Lucky is the man who does not secretly believe that every possibility is

open to him.”³⁶ It requires prudence to determine which goods to pursue here and now.

In the second place, even in circumstances in which they may apply, those circumstances will be almost infinitely different in different places and different times. But it is equally absurd to claim that these prudential counsels actually could specify how they are to be applied differently in every possible different circumstance. In other words, they cannot be statements specifying exact particulars, since as prudential counsels they precede any possible particular circumstances to which they might be applied and, thus, *a fortiori*, the range of possible particular circumstances does not exist and cannot be precisely specified to every jot and tittle. Newman made a similar point to Gladstone in the “Letter to the Duke of Norfolk”:³⁷ “Plus ça change”

Prudence in Act

Against the background of this theoretical discussion of human action and prudence, what practical applications does prudence have for Catholic political engagement? Prudence has a twofold role to play in the politically engaged Catholic’s contemporary life. In the first place, it has a role to play in the judgment of how to integrate many different social goods involving actions that may be done. It has no role to play in pursuing social evils involving actions that may not be done. In the second place, however, it does have a role to play in judgments involving the toleration of various social evils, particularly when those social evils are legitimated and even promoted by laws and public policies that one is unlikely to be able to change in the present context. Failure to observe this secondary role of prudence may lead to policy utilitarianism and, ultimately, complicity in them; that is, a complacent cooperation in those social evils.

So, by engaging a proper understanding of prudence, Catholics are faced with different questions about the various Church teachings that enter into the seamless garment when they try to develop law and public policy. What is the nature of the teaching involved? Does it enunciate an absolute negative moral norm, or does it enunciate prudential counsel? Consider the difficult decisions Catholics face in voting every election cycle. As a Catholic and a citizen, I agree with the Pope’s teaching concerning the death penalty expressed in *Evangelium Vitae* and the Catechism. I would urge my fellow Catholics and citizens to maintain it as wholeheartedly as I do. But we should oppose the use of the death penalty for the right reasons. Given what that teaching is, it does not itself pose an obstacle for me to vote for a candidate who favors the death penalty as a kind of punishment,

36. Walker Percy, *The Last Gentleman* 4 (Farrar, Straus & Giroux 1966).

37. Newman, *supra* n. 3, at 134.

since that is what the Church teaches is its good.³⁸ For example, given the fact that John Kerry supports the use of the death penalty in certain circumstances, his support for it did not provide me with a reason to oppose him for president in 2004. If Senator Kerry supported it in line with the teaching of the Church, he did so because he thought it is an act good in its kind. I certainly hope he did not do so because he thought it an evil means that in certain circumstances one could use to achieve a good goal. But I may judge that this or that particular candidate has been particularly vicious in the circumstances of his or her exercise of the death penalty, or I may judge that the goals for which he or she proposes to exercise it are base, and these judgments may give me prudential reasons to vote against him or her.

This kind of analysis holds for other aspects of the teaching of the Church concerning acts good in their kind that fall under the broad category of social justice, such as a just wage, available health care, economic development, and so on. The extent to which government should be involved in setting minimal legal standards in promoting these aspects of the common good is a matter of political prudence, and a candidate's particular weighing of that involvement may give me prudential reasons for or against voting for him or her. My particular background tends more often than not to lead me to agree with the older traditions of the Democratic Party. But that there are Catholics—Democrats and Republicans—who disagree with me in such judgments is simply a reflection of the ways in which judgments of political prudence differ among people of good will, much like judgments of marital prudence differ among couples pursuing the goods of marriage as to when, how often, why, and so on.

Political support for abortion, euthanasia, and so on is quite different, however, as it involves political and at times financial support legitimizing the act of killing innocent human beings, a kind of act that is bad in its kind. It is part of the tradition and history of political wisdom in the Church that not every act bad in its kind need be prohibited by law—adultery or lying, for instance. It does not follow, however, that there are none that *must* be prohibited—rape and murder, for instance. Indeed, the case of killing innocent human beings is unique and fundamental to the common good in questions of lawmaking and policy. The common good is constituted by the social and political good of its members. There is little point or purpose to pursuing the common goods involved in adequate wages, welfare, health care, and education, for instance, if the subjects of those goods may be killed at will. All innocent human life must be protected in law if the promotion of these other goods is to be genuine and anything other than a promotion of ersatz “values” determined by social whim. If we will trade the lives of the innocent for these prudential goods, it is little wonder that others would trade in favor of torture under the guise of protecting them.

38. See *Catechism of the Catholic Church*, *supra* n. 27, at No. 2266.

And, it is little wonder that many others care little for our talk of the importance of pursuing prudential goods in a “seamless garment” when they see the ways in which we are willing to abandon the thread of the common good—namely, the inviolability of innocent human life. There is no justice or mercy where there is no ability to say no.

Consider a second objection to my appeal to the distinction between adherence to absolute moral norms that forbid always and everywhere, and the prudence that judges how, where, and when to pursue various goods. This objection grants the legitimacy of prudential decision making in political life, but claims that prudence is not only involved in deciding which goods to pursue in our lives. In a pluralistic democracy like ours, prudence must also be involved in the political judgments about what can and cannot be achieved through the political process. This is particularly the case when those teachings are grounded in principles involving reference to our ultimate *telos*, as Catholic teachings about them typically are. We cannot assume in a pluralistic democracy like ours that our fellow citizens share that vision of our ultimate *telos* or adherence to those principles. Thus, it is a prudential judgment that one must tolerate liberal abortion laws in our pluralistic society, and the failure to make that prudential judgment may well distract one from pursuing policies that will promote the other goods the Church teaches ought to be pursued for the sake of the common good. Where the first objection I considered questioned the place of prudence in such discussions, this one grants its legitimate role in many areas of our lives, but seeks to expand it to include judgments as to whether one ought to support or work against pro-abortion politicians and their policies. So, the objector may well grant that while one may personally abhor pro-abortion policies, one must exercise a judgment of political prudence as to whether one ought to oppose those politicians who advance them.

Just as there was a grain of truth in the earlier objection, there is one here as well. Voting will always be an exercise of prudence. Insofar as one must consider candidates—all or many of whom may be pro-abortion—in the midst of supporting other genuine goods that promote the common good, the fact that they do support such policies must enter into one’s prudential judgment about whether to vote for them. Nonetheless, the teachings of the Church on such things as health care, the death penalty, war, economic development, and so on are no less grounded in principles referring to our ultimate *telos* than are the teachings on abortion, euthanasia, torture, and so on. So, if we are not to try to persuade our fellow citizens in our pluralistic democracy about these latter truths because of their relation to that *telos*, so equally, it seems, we ought not to try to persuade our fellow citizens about the former truths. On the contrary, the promotion of both sets of truths requires argumentative skills in a pluralistic democracy that will likely not appeal to that ultimate *telos*. After all, one’s opponents in such civic argument, if they hope for success, will most likely not make any

more reference to their own ultimate visions of human nature and destiny. And yet, they will continue to try to persuade on the matter at hand, looking for points of agreement. Those points of agreement may be more or less available to the participants depending upon the matter at hand. But the difficulty of persuasion is no warrant for failure to engage in it. That is, in part, precisely what it means to live in a pluralistic democracy, crafting our lives together.

Now it is part of the long moral tradition of the Church that while one may never do evil, one may tolerate it. Thus, it is conceivable that one might make a prudential judgment to vote for a particular candidate who promotes an evil policy, because one is tolerating the evil of the policy. However, one may only tolerate an evil for fear of a proportionately greater evil occurring if one acts against the immediate evil. But this is where the distinctions I drew among the teachings of the Church are relevant, between those that concern evils that are never to be done and those that pursue goods and require prudential judgments as to when they should be done. One cannot simply say that prudence is involved in judgments about voting but then not actually look at the nature of the policies a candidate advocates when one decides to tolerate the candidate's promotion of abortion, euthanasia, or torture. Support for laws or policies in favor of the death penalty, limiting welfare, and so on does not involve the toleration of evil policies as such. If one is faced with a candidate who wants to limit welfare in a fashion that one disagrees with, one does not have to ask oneself whether in voting for him or her one needs to tolerate the evil involved in that policy for fear of a proportionately greater evil. The policy may be wrong because it is ineffective in promoting the common good. But it is not an evil policy as such. So, the toleration of evil principle does not even come into play here in the pursuit of those goods. One simply has to ask oneself whether such policies will effectively promote the common good or not.

On the other hand, support for laws or policies in favor of legal abortion, euthanasia, or torture does involve the support of evil policies as such. Political prudence in a pluralistic democracy like ours may indeed allow that, for a proportionate reason, we should tolerate such things while we work gradually to eliminate them, because we fear a greater evil if we do not tolerate them. But the fact is that in practice we do not hear much call from Catholic opinion makers and politicians to the effect that we ought to tolerate torture for the sake of our democratic pluralism. We used to hear that about slavery, but no more. Why then abortion? Indeed, given the fundamental and unique importance of the protection of innocent human life to the pursuit of goods such as welfare, health care, just wages, economic development, education, and all the other goods of human life, it is very difficult to see just what proportionate reason might be involved in the toleration of pro-abortion policies. The protection of innocent human life is so fundamental to the common good that presumably the burden of proof

lies with the one who would tolerate the promotion of an evil policy legitimating the destruction of innocent human life rather than with the one who would not so tolerate it, unless, that is, one's moral and political reflection is little more than a utilitarian calculus of "values" that does not reflect the significant distinctions in the Church's teaching on these matters.

Finally, one must be ever mindful of the fact that the toleration of an evil purportedly for a proportionate reason very often becomes little more than actual complicity in it. Toleration here and now of the status of abortion in our country does not require complacency and inaction to do what one can to eliminate it, perhaps only gradually. A sign of political complicity is that, in the name of toleration, one does nothing at all to eliminate it in even gradual steps, and one never challenges or holds accountable those who actually promote it. Certainly toleration does not mean soliciting and accepting money from those lobbies. In addition, toleration does not mean a kind of political autopilot that never challenges and reevaluates one's toleration with an eye toward possibly abandoning it. Precisely because it is evil that one is tolerating, one must be ever vigilant and constantly reevaluate whether one's toleration is in fact the best course of action or is now no longer warranted.

Conclusion

It is revealing to consider with whom, in hindsight, history would judge us to have stood in those times and places where slavery and torture were legally sanctioned—those who opposed those horrors and worked to eliminate them or those who more often than not became complicit in them by their efforts at a utilitarian toleration that in practice traded in favor of more prudential goods against the fundamental abandonment of great masses of human beings to lives of enslavement and torture. Time and again in the Church the "value" of toleration on the part of individual Catholics becomes the fact of complicity undermining the common good, as it did with slavery and the Holocaust.

There is little doubt in my mind that my party, the Democratic Party, has over the last thirty years ceased to simply tolerate our culture of abortion and has become actually complicit in it, particularly at the national level. Let us be honest with ourselves. In practice, the first objection that "prudence" is a way of not pursuing the goods of social justice rings a little hollow if we consider the last thirty years with open eyes. We have not seen in the name of prudence a mad rush of Catholics to abandon the goods of health care, just wages, education, and so on. Indeed, it is worth considering the fact that the Catholic Church is the single largest provider of social services in this country after the federal government; it is simply an ignorant canard to suggest that Catholics only care for their fellow human beings before they are born. One does not often hear Catholic Democrats

saying, "I am personally in favor of welfare, but who am I to impose my private religious beliefs upon a pluralistic society such as ours?" On the contrary, what we have seen is the abandonment of the innocent unborn by many Catholics in positions of leadership. I still vote for Democrats whenever my political prudence judges that I can promote the common good by doing so. I would like to be a Catholic committed to the seamless garment. But that garment must be woven with loving hands from the genuine teaching of the Church, not bought from the lowest common denominator thrift stores that are so often our two parties. The protection of the lives of the innocent from womb to tomb is not simply one pattern among many in the weave of the seamless garment; if that garment is to be a vibrant, sturdy, and robust covering, absolute commitment to the inviolability of the lives of the innocent must be the thread out of which it is woven; if, that is, it is to be a garment of which we can honestly say, "We should not tear it."³⁹

39. *John* 19:24 (New Am. Stand.).