

CATHOLIC VOTING & THE "SEAMLESS GARMENT" THEORY

Special Report: *How to vote with a clear conscience.*

WHEN AMERICAN CATHOLICS VOTE, THEY typically divide into roughly two groups — those who consider themselves “life-and-family issues voters” and those who consider themselves “social-justice issues” voters. A life-and-family issues voter will automatically disqualify candidates with a voting record supporting abortion or homosexual civil unions. A social-justice issues voter tends to be flexible on the life issues and will put more emphasis on war and peace, on poverty and taxes, and on the death penalty. The very existence of these “different kinds” of voters makes us ask what, exactly, is the relationship of all these issues? Are some more important than others? If so, how should they be ranked, and by what criteria?

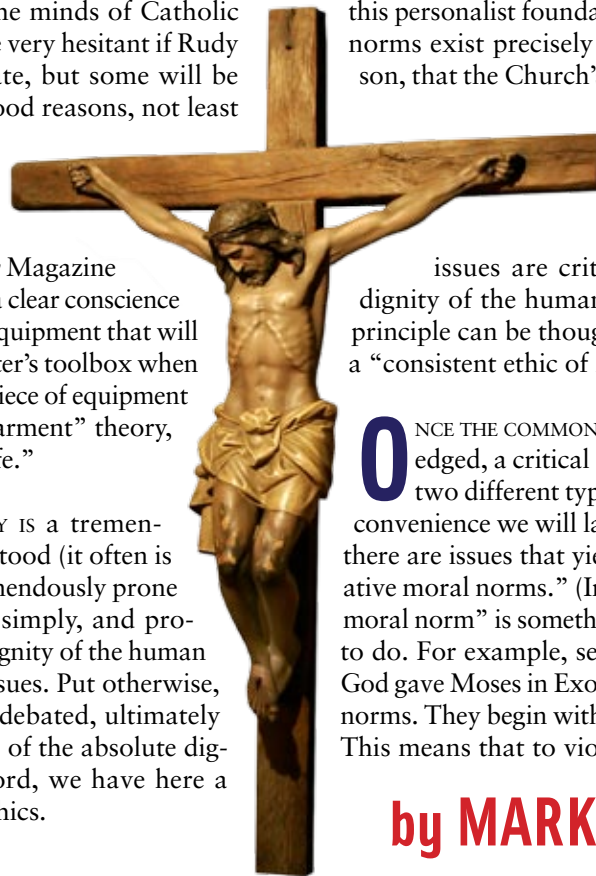
SUCH QUESTIONS WILL matter quite a lot in the upcoming 2008 election, and we are likely to see some rather interesting dilemmas form in the minds of Catholic voters. Life-and-family voters will be very hesitant if Rudy Giuliani is the Republican candidate, but some will be tempted to support him for other good reasons, not least of which is the defeat of a candidate even more deficient on life and family issues and woefully inadequate or even dangerous on other issues.

Our purpose here — in this *Envoy Magazine* “special report” on how to vote with a clear conscience — is to gather some key intellectual equipment that will be necessary items in the Catholic voter’s toolbox when election day comes around. The key piece of equipment we’ll discuss here is the “seamless garment” theory, also called the “consistent ethic of life.”

THE “SEAMLESS GARMENT” THEORY IS a tremendous idea when properly understood (it often is not), and also an idea that is tremendously prone to misuse. Properly understood, it simply, and profoundly, means that the idea of the dignity of the human person is at the heart of all moral issues. Put otherwise, regardless of the moral issue being debated, ultimately the debate redounds to the question of the absolute dignity of the human person. In a word, we have here a highly personalist foundation for ethics.

More boldly than in any other magisterial document, Pope John Paul II, in *Veritatis Splendor*, explored and proclaimed this personalist foundation, showing that absolute moral norms exist precisely to defend the dignity of the person, that the Church’s social doctrine is united with the rest of her moral doctrine by this common foundation, and that the phenomenon of martyrdom is also rooted in the dignity of the person. In a word, all moral issues are critical, because in all of them the dignity of the human person is at stake. Hence, their principle can be thought of as a “seamless garment” or a “consistent ethic of life.”

ONCE THE COMMON foundation is noted and acknowledged, a critical distinction must be made between two different types of issues, which for purposes of convenience we will label “level A” and “level B.” First, there are issues that yield what are called “absolute negative moral norms.” (In biblical terminology, a “negative moral norm” is something we are forbidden by God never to do. For example, several of the Ten Commandments God gave Moses in Exodus 20 are absolute negative moral norms. They begin with the phrase, “Thou shalt not . . .”) This means that to violate such a norm is to violate the



by **MARK LOWERY, PH.D.**

dignity of the human person, always and in every circumstance. These negative moral norms remind us — indeed, they command us — to always and everywhere avoid actions that are intrinsically evil. The most poignant example is the negative moral norm instructing us never to intentionally take the life of an innocent person. To do so inherently denies the dignity of that person. Issues such as abortion, active and passive euthanasia, infanticide, and embryonic stem cell research all fall under this negative moral norm.

SECOND, LEVEL B ISSUES. THESE are issues wherein a moral norm applies, but not a negative moral norm that prohibits the action in each and every instance. Rather, qualified lay people are obliged to critically examine a concrete situation and make a prudent determination as to whether or not a norm is being violated. An excellent example is the phenomenon of the just versus unjust war. The criteria for just war offer a set of norms, but these criteria must be applied cautiously to a particular war or potential war to determine whether or not the criteria can be met. The issue of the dignity of the human person is just as much at work, or at stake, in such a moral setting as it is when a negative moral norm is applicable, but it is harder to determine when dignity is being violated. Alongside the question of just war, other issues that fall under into this second area include school funding (e.g., the issue of vouchers), the rare case where the death penalty might be legitimate, the issue of immigration policy, and technical economic questions involving hunger, population, and third-world debt.

Who makes the decision regarding such applications? Qualified members of the laity have the obligation to do this as part of their larger vocation of bringing the Gospel to bear on all spheres of the temporal order. "Therefore let there be no opposition between professional and social activities on the one part, and religious life on the other.... The Christian who neglects his temporal duties.... jeopardizes his eternal salvation" (*Gaudium et Spes* 43).

It is the laity who have the unique competence to deal with the various spheres of the temporal order. The Church respects the legitimate autonomy of the temporal order (the Church is not an expert in politics, e.g.), and the laity who have expertise are to work toward making each sphere of the temporal order compatible with the Christian faith.

AS CITIZENS AMONG citizens they must bring to their cooperation with others their own special competence, and act on their own responsibility; everywhere and always they have to seek the justice of the kingdom of God. The temporal order is to be renewed in such a way that, while its own principles are fully respected, it is harmonized with the principles

War and abortion are both critically important issues, but they are different kinds of issues.

of the Christian life... (*Apostolicam Actuositatem*, 7 [Vatican Council II]; see also *Gaudium et Spes*, 42).

Having made the all-important distinction between A and B issues, it almost goes without saying that the seamless garment or the consistent ethic of life is vulnerable to misuse whenever that distinction is left unmade. A voter might favor a candidate's position on one or several level B issues, and that candidate might have disqualified himself on one or several level A issues, yet the voter might uncritically justify voting for that candidate on the basis of an unqualified and un-nuanced exhortation

to consider the "full range of issues."

The following statement, perfectly acceptable and laudatory in itself, could easily be thus misunderstood: "We hope that voters will examine candidates on the full range of issues and on their personal integrity, philosophy and performance. A consistent ethic of life should be the moral framework to address issues in the political arena" (U.S. Bishops, *The Challenge of Faithful Citizenship*, 2004, from the section "Role of the Church"). This document cites a document from the Vatican's Congregation for the Doctrine of the Faith (CDF) called *Participation of Catholics in Political Life (PCPL)*, 4, which itself avoids any ambiguity. The bottom line is, a candidate with a perfectly legitimate stance on one or more level B issues can disqualify himself by taking the wrong position on a level A issue.

Consider Fr. Frank Pavone's advice on this point: "Suppose your choices in an election aren't that great. One helpful question to ask is, 'How fundamental is the issue on which the candidate is off base? Does the candidate embrace any disqualifying positions?'... Some disagreements with candidates are legitimate; others are not. Some positions are so fundamentally wrong that they should be beyond the realm of the optional.... [You might ask] May we vote for one who, free of disqualifying faults, is better than the alternative, even if not right on everything? Of course."¹

Note very carefully: It is not necessarily the case that the level A issue is more important than the level B issue — that is difficult to weigh and decide, and the whole point of the seamless garment is to recognize that the one super-issue, the dignity of the person, affects every issue. Rather, they are different kinds of issues. That is why various attempts to weigh





issues against one another turn out to be too facile. War and abortion are both critically important issues, but they are different kinds of issues.

The analysis just given is rooted in the natural law, and therefore is applicable to all human persons. A look at the issues from within the Catholic Church, presupposing the validity of Catholic doctrine, perfectly complements the natural law analysis. When Cardinal Joseph Ratzinger (the future Pope Benedict XVI) was head of the CDF, he gave the following clarification of the Church's viewpoint:

Not all moral issues have the same moral weight as abortion and euthanasia. For example, if a Catholic were to disagree with the Holy Father on the application of capital punishment or on the decision to wage war, he would not for that reason be considered unworthy to present himself to receive Holy Communion. While the Church exhorts civil authorities to seek peace, not war, and to exercise discretion and mercy in imposing punishment on criminals, it may still be permissible to take up arms to repel an aggressor or to have recourse to capital punishment. There may be a legitimate diversity of opinion even among Catholics about waging war and applying the death penalty, but not however with regard to abortion and euthanasia.²

HERE THE CHURCH makes use of natural law categories to explain herself and to maintain the reasonableness of her teaching, but the authority of the teaching is rooted first in the authority of the Magisterium. One of the central elements that must be included in the formation of conscience is the exact nature of the Church's teachings on A issues and on B issues.

The A category involves acts that are intrinsic evils, according to the natural law, and are taught infallibly by the Church to be so. On the other hand, decisions about the B issues do not involve intrinsic evil but rather are matters that involve prudential application, in concrete circumstances, of respective sets of objective criteria. For instance, the Catholic tradition sets forth a number of criteria for judging whether it is just to wage war, and these are enumerated in CCC 2309. The criteria for the death penalty are not as developed, but Cardinal Avery Dulles has done a faithful job of interpreting CCC 2266-67, noting that bloodless means of

Mark Lowery, Ph.D. (Envoy Magazine's resident moral theologian), responds to issues and arguments regarding voting raised by Casimir Dadak, Ph.D.

MORAL DISTINCTIONS BETWEEN WAR & ABORTION

DR. CASIMIR DADAK:

Dr. Mark Lowery's "Gray Matters" column in *Envoy's* 7.6 issue, "Catholic Voting and the 'Seamless Garment' Theory," in which he discussed, among other things, the question of abortion versus war is very interesting; however, it was slightly too abstract and sometimes misleading.

First, at the moment, American voters are not facing questions about a *hypothetical* war, but about the actual war in Iraq. Dr. Lowery quotes the then Cardinal Ratzinger (now Pope Benedict XVI) saying that "not all moral issues have the same moral weight as abortion and euthanasia" and that, unlike the above two issues, "it *may* [emphasis added] still be permissible to take up arms to *repel* [emphasis added] an aggressor." So, the critical question here is, what "aggressor" are we "repelling" in Iraq? In sum, is this war just or not? After all, Iraq Body Count, which provides only well documented data on violent civilian deaths (i.e. omits fatalities resulting from malnutrition, deterioration in health care, sanitary conditions, etc.), established that at least 82,199 civilians (and counting) have been killed since the invasion in 2003. I don't think that this is a trivial number.

In the above quote, Pope Benedict XVI said that abortion is *always* evil (therefore, every politician advocating it is automatically unworthy of receiving Holy Communion), but we cannot pass the same judgment on the question of war, because there is a chance that a conflict meets the just war criteria. However, to imply that a conflict that does not meet the just war criteria is NOT on a par with abortion or euthanasia ("level A" in Dr. Lowery's classification) and, instead, belongs to "level B" category (together with such questions as school funding or immigration) is a gross misrepresentation of the teaching of the Church on sanctity of life.

DR. LOWERY:

Dr. Dadak makes an excellent point. In some circumstances a clear-cut answer to a level B issue is available. For instance, a particular war could clearly, with apodictic certainty, fail to meet the just-war criteria. At that point, a politician could disqualify himself based on his stance on that level B issue. It is precisely the "consistent ethic of life" that allows us to give equal import to level A and B issues.

However, if Dr. Dadak were correct that the Iraq war clearly, with apodictic certainty, fails the just-war criteria, we would have just such an instance before us, and John McCain (or whomever) would be a disqualified presidential candidate. However, excellent Catholic thinkers, well-versed in the moral theology surrounding the Catholic just-war tradition, disagree about whether or not the Iraq war meets the just-war criteria. For one example, see the article by Mark Latkovic, in which he argues that the invasion of Iraq was just. For additional links and articles on the just-war theory, including ones related to the conflict in Iraq written up to 2007, see http://www.ratzingerfanclub.com/justwar/#additional_wot.

So, we cannot, objectively speaking, automatically "disqualify" John McCain, et al., on the grounds of their stance on the Iraq War, while we can disqualify Barack Obama and Hillary Clinton, et al., on the grounds of their stance on the issue of abortion.

Still, if Dr. Dadak, in good conscience, comes to his own conclusion that the war in Iraq is inherently unjust, he can, in equally good conscience—according to the social principles we are laying out here—see his way to voting for a candidate who is disqualified on some other grounds. He is allowed to do this based on an important principle in Catholic moral theology involving "cooperation in evil." We will treat this below.

punishment are preferable so long as they can meet, in a concrete situation, the four purposes of punishment: protection, deterrence, rehabilitation, and retributive justice.

Hence, it would be erroneous for a Catholic candidate to state something like this: "I am with the Church on war and the death penalty but not on abortion, which is better than my opponent who is with the Church on abortion but not on the other two issues." Likewise, it would be erroneous for a candidate to say "if the Church expects me to oppose abortion, I must also oppose the war and the death penalty."

WE CAN NOW apply the Church's consistent ethic of life, with the correct distinctions in order, to the duties of a Catholic politician. The U.S. Bishops, in *Living the Gospel of Life (LGL)* 32, make just the right application. We urge those Catholic officials who choose to depart from Church teaching on the inviolability of human life in their public life to consider the consequences for their own spiritual well-being, as well as the scandal they risk by leading others into serious sin. We call on them to reflect on the grave contradiction of assuming public roles and presenting themselves as credible Catholics when their actions on fundamental issues of human life are not in agreement with Church teaching. No public official, especially one claiming to be a faithful and serious Catholic, can responsibly advocate for or actively support direct attacks on innocent human life.³

Note well that the argument is addressed to Catholic officials as Catholic politicians, and as politicians simply. No politician ought to act contrary to that natural law, and Catholics who have the benefit of Church teaching a fortiori ought not to so act (that is, they have an even stronger set of reasons not to so act). The Bishops' statement quickly homes in on politicians simply:

"However, no appeal to policy, procedure, majority will or pluralism ever excuses a public official from defending life to the greatest extent possible. As is true of leaders in all walks of life, no political leader can evade accountability for his or her exercise of power (c.f., *Evangelium Vitae*, 734). Those who

No public official, especially one claiming to be a faithful and serious Catholic, can responsibly advocate for or actively support direct attacks on innocent human life.

justify their inaction on the grounds that abortion is the law of the land need to recognize that there is a higher law, the law of God. No human law can validly contradict the Commandment 'Thou shalt not kill' (LGL, 1998). The U.S. Bishops are perfectly consistent with the 2002 CDF document *Participation of Catholics in Political Life (PCPL)*, which states in section four: "John Paul II, continuing the constant teaching of the Church, has reiterated many times that those who are directly involved in law-making bodies have a 'grave and clear obligation to oppose' any law that attacks human life. For them, as for every Catholic, it is impossible to promote such laws or to vote for them."

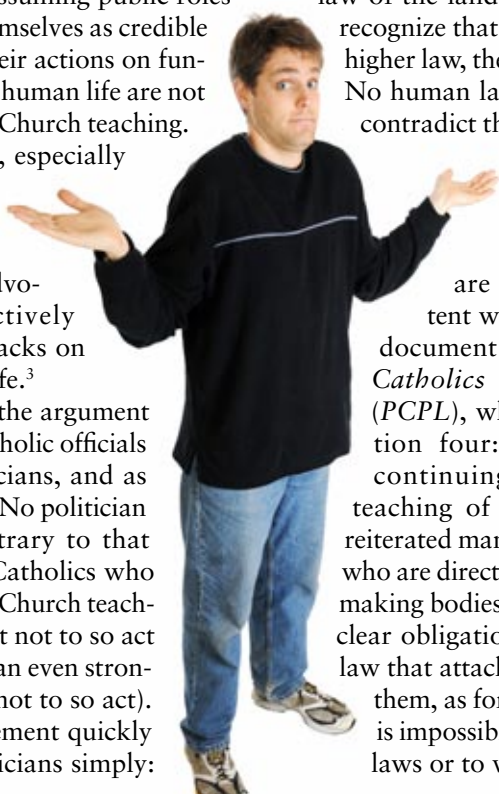
In another important document, the CDF applies these same principles to the issue of homosexual civil unions, addressing voters first, and then politicians:

In those situations where homosexual unions have been legally recognized or have been given the legal status and rights belonging to marriage, clear and emphatic opposition is a duty. One must refrain from any kind of formal cooperation in the enactment or application of such gravely unjust laws and, as far as possible, from material cooperation on the level of their application. In this area, everyone can exercise the right to conscientious objection (*Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons*, 5).

This document provides specific directives to Catholic politicians: "If it is true that all Catholics are obliged to oppose the legal recognition of homosexual unions, Catholic politicians are obliged to do so in a particular way, in keeping with their responsibility as politicians" (Ibid., 10). The document then tells us specifically about this particular obligation:

Faced with legislative proposals in favor of homosexual unions, Catholic politicians are to take account of the following ethical indications. When legislation in favor of the recognition of homosexual unions is proposed for the first time in a legislative assembly, the Catholic lawmaker has a moral duty to express his opposition clearly and publicly and to vote against it. To vote in favor of a law so harmful to the common good is gravely immoral. When legislation in favor of the recognition of homosexual unions is already in force, the Catholic politician must oppose it in the ways that are possible for him and make his opposition known; it is his duty to witness to the truth (ibid.).

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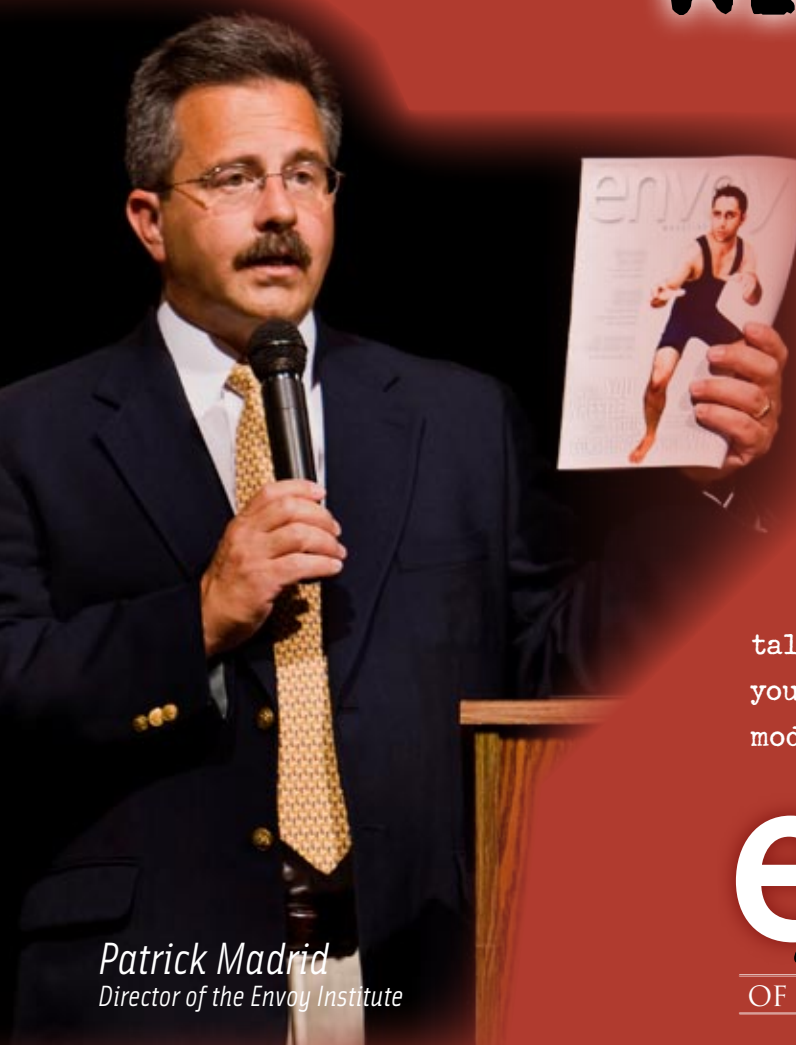
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DEAR READER, CONSIDER YOUR CONSCIENCE informed! Of course, conscience formation is an ongoing process, and as Catholic voters we have a particular obligation to keep this process going. Here is an important point to consider. Some non-Catholic politicians will simply proclaim that they are not bound by the truths enshrined in Catholic teaching to which the Church says Catholic politicians must adhere. While other Catholic politicians employ a different tactic by admitting that they are personally bound by such truths, due to the so-called separation of Church and State principle, they cannot "force" these religious opinions on others and so they are free to avoid conforming their legislative or executive activities to these truths.

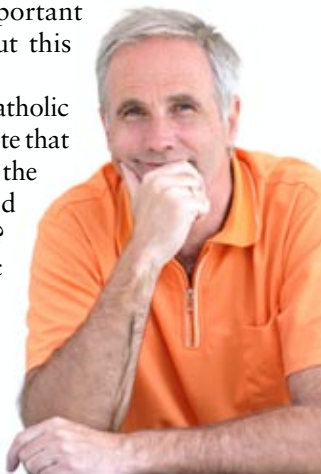
WE HAVE MADE THE ALL-IMPORTANT distinction between two types of issues — those that involve intrinsically evil acts (and with which a candidate can easily be "disqualified" from a Catholic standpoint) and those involving prudential decision-making (we labeled these "level A" and "level B" respectively).

I am delighted to note that the U.S. Bishops clearly made precisely this distinction in their recent statement, *Faithful Citizenship*. I urge all readers of this *Envoy* Magazine special report to take the time to read this important document (<http://www.usccb.org/faithfulcitizenship/FCStatement.pdf>)

Please note especially that paragraphs 22-23 are about "level A" issues and 24-35 (and in particular 29 and 33) are about "level B" issues.

As a reminder about this principle, covered earlier in this special report, see the sidebar for my response to a thoughtful letter. If you are wondering how Catholic social teaching can help you form *your* conscience for the upcoming presidential election (indeed for *all* national elections you are able to vote in), you'll find many important guidelines throughout this special report.

What about non-Catholic politicians who will note that they are not bound by the same truths that bind Catholic politicians? And many Catholic politicians will admit that they are personally bound by such truths, but that due to separation of



DR. DADAK:

Second, Dr. Lowery assumes that politicians who proclaim a pro-life stance indeed walk the talk. But this is not necessarily the case, and the not too distant past provides a very good example. The party that proclaims to carry the pro-life banner controlled the presidency and both houses of Congress; nevertheless not much progress had been accomplished in limiting the culture of death. It is not unlikely that in November voters will face a choice between someone paying lip service to the pro-life cause and determined to carry on the war (until we win, even if it takes 100 years) and someone who favors maintaining the status quo on abortion, but promises to stop the war quickly. How do we choose between such two options, which one is the "lesser evil"?

DR. LOWERY:

I have two points to make here. First, there would be considerable disagreement in the pro-life community and leadership about Dr. Dadak's "lip-service" comment. For instance, the appointment of Supreme Court justices who eschew judicial usurpation of the political process may be about the most important thing a president can do for the pro-life cause. And second, stopping the war in Iraq immediately might be good, but many would argue that it would be imprudent, if not evil. So, "the lesser of two evils" rubric could well be inapplicable here.

DR. DADAK:

This brings us to the central issue; Catholics are banned from supporting any evil, however small. We are expected to do only good, nothing less. In sum, we are supposed to vote for politicians whose views are consistent with the Catholic Church's teaching on *every* major moral issue. The current situation does not offer such a choice and, given the logic presented in Dr. Lowery's article, the party that is promoting a program that is slightly less at odds with Catholic values should get our support.

DR. LOWERY:

Actually, it is assumed in Catholic teaching that at times we may invariably be forced to unwillingly "participate in evil." Some careful criteria are available to let us know when such cooperation is morally licit:

- 1) The cooperation must be material, not formal— i.e., we must not intend the evil.
- 2) The cooperation must be mediate, not immediate. In the latter, one's cooperative act directly produces the evil effect.
- 3) We are obligated to keep our material cooperation with evil as remote as possible, and if we fail to do so we commit evil. The criteria for determining proximity and remoteness are complicated. Much of the analysis belongs with the individual conscience, which must discover "proportionate reasons" for the remote material cooperation, and one can expect legitimate disagreement among people serious about living morally.
- 4) Even remote cooperation could be evil, contingent upon evil foreseeable consequences — the good foreseeable consequences go without saying.
- 5) Finally, even if one's cooperation is remote, it is important that it not cause scandal.

Then-Cardinal Ratzinger, in a reply to Cardinal McCarrick, invoked this very principle in regard to voting:

"Nota Bene: A Catholic would be guilty of formal cooperation in evil, and so unworthy to present himself for Holy Communion, if he were to deliberately...

(Continued on page 7.)



Church and State, they cannot foist these religious opinions on everyone. How would you answer both groups of politicians?"

BUCKLE YOUR SEATBELT, and let's go! Natural Law, as distinguished from "religion" and "revelation," shows why Catholic lay people are not "forcing the Catholic Faith" on people. For instance, the conclusion that all humans (a biological category) ought to be treated as persons (a philosophic category) does not depend on divine revelation, but on the natural law. Everyone agrees with this when analyzing an issue such as slavery — the failure to cross-apply this conclusion to abortion is self-serving.

It is precisely for this reason that a politician cannot argue that his views on abortion must be kept private, so as not to impose his religion on others. Publicly defending the truth about abortion has nothing to do with the imposition of religion. Of course, divine revelation adds a great deal to our understanding of human dignity, but in a constitutional democracy it cannot be the basis for public law (c.f., CCC 2273).

The U. S. Bishops have explained the role of natural law in an exceptionally lucid passage in their 1998 statement:

"We believe that universal understandings of freedom and truth are 'written on the human heart.' America's founders also believed this to be true. In 1776, John Dickinson, one of the framers of our Constitution, affirmed. 'Our liberties do not come from charters;

for these are only the declaration of pre-existing rights. They do not depend on parchments or seals, but come from the king of kings and the Lord of all the earth.' The words of the Declaration of Independence speak of the 'Laws of Nature and of Nature's God,' and pro-

The sanctity of human life is not merely Catholic doctrine, it's part of humanity's global ethical heritage, and is America's founding principle.

ceed to make the historic assertion: 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness . . .' Today, more than two centuries of the American experiment have passed. We tend to take these words for granted. But for the founders, writing on the brink of armed revolution, these phrases were invested not just with their philosophy but with their lives. This is why they closed with a 'firm reliance on the protection of divine providence.' The words of the Declaration of Independence illuminate the founding principles of the American Republic, principles explicitly grounded in unchanging truths about the human person" (*Living the Gospel of Life*, 13).

The Bishops — now on a roll! — go on to make

a direct application to Catholic elected officials:

Since the entry of Catholics into the U.S. political mainstream, believers have struggled to balance their faith with the perceived demands of democratic pluralism. As a result, some Catholic elected officials have adopted the argument that, while they personally oppose evils like abortion, they cannot force their religious views onto the wider society (ibid.).

As the U.S. Bishops point out, such reasoning from Catholic politicians is seriously mistaken on several key points. First, regarding abortion, the point when human life begins is not only a religious belief but a scientific fact — a fact on which there is clear agreement even among leading abortion advocates. Second, the sanctity of human life is not only Catholic doctrine but part of humanity's global ethical heritage, and our nation's founding principle (c.f., *LGL*, 24).

The Bishops accurately note that the humanity of the fetus is a biological fact; when they add that the *sanctity* of that life is not just Catholic doctrine, they might use the term "natural law," since that is what they are referring to. To assert this sanctity is to claim that all humans ought to be treated as persons — hence, a move from the biological category "human" to the philosophic, ethical category "human person."

The Bishops go on to poignantly cross-apply their argument to slavery and sexism: "Most Americans would recognize the contradiction in the statement, 'While I am personally opposed to slavery or racism or sexism I cannot force my personal view on the rest of society.'"

While the fundamental principles of the natural law are self-evident, a struggle often ensues in trying to discover each concrete application of those principles. At times the concrete



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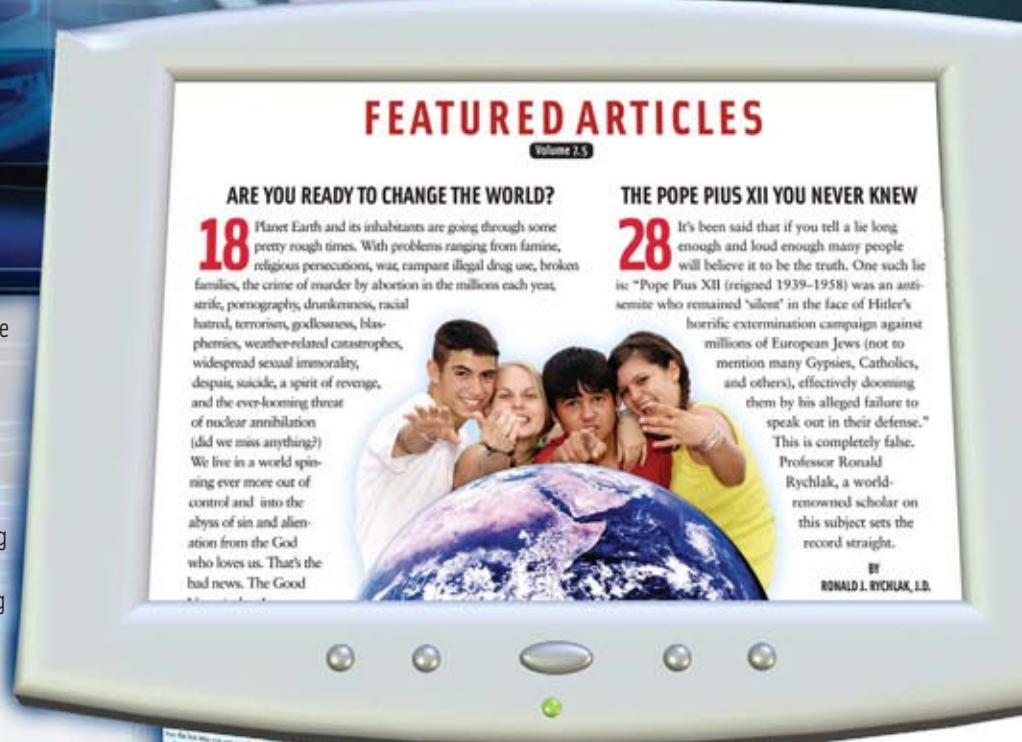
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application is simply difficult to figure out (as in certain death penalty cases and determining the justice of certain wars) and at times concupiscence easily blinds us to the correct application, especially when a violation of the natural law is particularly convenient. Whatever the case, democracy is an adventure in pursuit of the natural law — and it is very messy and very vulnerable. “Real pluralism depends on people of conviction struggling vigorously to advance their beliefs by every ethical and legal means at their disposal.” The Bishops (*LGL*, 38) cite Pope John Paul II, of blessed memory, thus:

It is a tribute to the Church and to the openness of American society that so many Catholics in the United States are involved in political life . . . democracy is . . . a moral adventure, a continuing test of a people’s capacity to govern themselves in ways that serve the common good and the good of individual citizens. The survival of a particular democracy depends not only on its institutions, but to an even greater extent on the spirit which inspires and permeates its procedures for legislating, administering, and judging. The future of democracy in fact depends on a culture capable of forming men and women who are prepared to defend certain truths and values.

NOW ANOTHER IMPORTANT principle comes into view: The human law, about which legislators are particularly concerned, cannot encompass the natural law, but should never contradict the natural law. We can apply this principle to a concrete issue — homosexual civil unions — with help from Pope Benedict, who, as Cardinal Joseph Ratzinger, headed the Congregation for the Doctrine of the Faith, said:

The scope of the civil law is certainly more limited than that of the moral law, but civil law cannot contradict right reason without losing its binding force on conscience. Every humanly-created law is legitimate insofar as it is consistent with the natural moral law, recognized by right reason, and insofar as it respects the inalienable rights of every person. Laws in favor of homosexual unions are contrary to right reason because they confer legal guarantees, analogous to those granted to marriage, to unions between persons of the same sex. Given the values at stake in this question, the State could not grant legal standing to such unions without failing in its duty to promote and defend marriage as an institution essential to the common good. (*Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons*, 6).

(Continued from page 5.) vote for a candidate precisely because of the candidate's permissive stand on abortion and/or euthanasia. When a Catholic does not share a candidate's stand in favour of abortion and/or euthanasia, but votes for that candidate for other reasons, it is considered remote material cooperation, which can be permitted in the presence of proportionate reasons" (*Catholic World Report*, Sept.–Oct., 2004, pp. 30–31).

That statement by Cardinal Ratzinger was widely misinterpreted. To give one representative example: “[I]f a Catholic thinks a candidate's positions on other issues outweigh the difference on abortion, a vote for that candidate would not be considered sinful” (editorial, *Texas Catholic*, July 16, 2004, p. 7). In a word, Cardinal Ratzinger's statement was misconstrued to mean that “everyone decides on his own,” and level A and level B issues can be thrown into the mix indiscriminately. Now, it is true to say this: “Whether or not there is proportionate reason is ultimately a matter for the individual conscience. However, the conscience must be properly formed, and of foremost consideration in that formation is the distinction between level A and level B issues.

DR. DADAK:

In my view, the only solution that in the long-run offers a reasonable chance for bringing abortion and other morally unsound policies to an end is to “waste” our votes on politicians and parties that truly represent Catholic values, in particular, defend life not only of the unborn, but also of our soldiers and all other human beings. If large numbers of Catholics diverted their votes to such candidates, even if their attempts to gain office were ultimately proven unsuccessful, the Catholic electorate would cease to be a “captive audience” and our values would have to be taken seriously by the major parties. In the long run no political force could ignore millions of pro-lifers voting for truly pro-life candidates and would have to genuinely take up their cause.

As things are now, the pro-life movement wants to defeat the culture of death on the cheap. We hope that some party will do it for us, if only we keep voting their candidates into office. This strategy has proven to be a failure and now is the time to take a proactive stance; we need to go out and run for office, even if our chances of winning are next to nil. Christ Himself gave us an example, after all in the short run He lost terribly (and so did the martyrs). However, almost 2000 years after the Crucifixion we can say without a doubt that His death has proven to be a smashing success; Christianity is the largest religion on earth. So, standing for office, or voting for a proven pro-life candidate may lead to defeat in the short-term, but will surely succeed in the long-run, if only Catholics start consistently implementing the most fundamental precept of their Faith — we must always choose good over evil.

DR. LOWERY:

If you really are going to include not only abortion but also a full gamut of “other morally unsound policies” in the platform of a 3rd party Catholic candidate, I am afraid you are trying illicitly to mix level A and level B issues. And practically, how many voters will agree with his particular mix? If you focus on the central level A pro-life issues, however, you have a very legitimate proposal—up until you say “even if our chances of winning are next to nil.” The virtue of prudence suggests that we set our sights on projects—even huge and daring projects — that have “reasonable hope of success” (to borrow one of the Just-War criteria). So yes, “go out and run for office,” do it right, build it big, and you’ll have my vote. And, it won’t be a wasted one. ☺

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Some might contend that, however true some or all of the above points might be, it is not the role of the Magisterium to interfere in what is the legitimate domain of the laity. It is the role of the laity to be engaged in the affairs of the temporal order. Especially in an era in which the clergy are often tempted to overstep their bounds, this role must be protected.

To discover the correct set of boundaries between Magisterium/clergy and laity, answer "yes" or "no" to the following questions — in so doing, you will be drawing a very significant line, critical to understanding the role of the church in the temporal sphere, and specifically the political sphere. A special challenge: try to explain *why* you drew the line where you did!

THE A, B, C'S OF VOTING MORALLY

Level A issues are those involving an action that is always wrong — like abortion or homosexual acts (and by extension, homosexual unions). **Level B** issues are those in which a prudential judgment must be made about whether the action is right or wrong — warfare is the most pertinent example, and the Church gives us a set of "just war" criteria to determine if a war is just or unjust. Rarely, a level B issue can be analyzed with absolute certainty; more often than not, there is room for legitimate disagreement. Hence, candidates can disqualify themselves on A issues, but only rarely on B issues.

Question: Does the Magisterium have the right and duty to speak, to the laity and to all people, about the existence of the natural law and the importance of its application in civic life to human law (namely, that no human law should be incompatible with the natural law)?

Does the Magisterium have the right and duty to speak, to the laity and to all people, about the importance of the laity making this application?

Does the Magisterium have the right and duty to speak, to the laity and to all people, about certain cases where the human law clearly is incompatible with the natural law — such as slavery, abortion, or a war that can be judged with certainty to be unjust — about which all people should take some kind of action proportionate to their respective positions in life and society? (These are "level A" issues, to use our earlier label, and can also be "level B" issues in some instances — see sidebar.)

Does the Magisterium have the right and duty to speak, to the laity and to all people, about moral issues wherein the natural law must be considered, but wherein several different stances could arguably be compatible with the natural law? (These are "level B" issues, to use our earlier label.)

Does the Magisterium have the right and duty to speak, to the laity and to all people, about the advisability of one particular stance on those "level B" issues?

Does the Magisterium have the right and duty to speak, to the laity and to all people, about the best political strategies to use when engaging the political order in regard to either a level A or a level B issue?

IN ORDER TO ACCURATELY ANSWER these important questions, let's return to an earlier issue: the respective roles of the laity and the clergy, especially in the political sphere. We get some clarification here from Vatican II:

What specifically characterizes the laity is their secular nature. It is true that those in holy orders can at times be engaged in secular activities, and even have a secular profession. But they are, by reason of their particular vocation, expressly and professedly ordained to the sacred ministry. Similarly, by their state in life, religious give splendid and striking testimony that the world can not be transformed and offered to God without the



We need the courage and the honesty to speak the truth about human life, no matter how high the cost to ourselves.

spirit of the beatitudes. But the laity, by their special vocation, seek the kingdom of God by engaging in temporal affairs and by ordering them according to the plan of God (*Lumen Gentium*, 31).

Note well that, as a lay person, you have to be involved in politics, at least in some degree, in particular by voting with a well-formed conscience. To discover the correct boundaries between the Magisterium/clergy on one hand, and the laity on the other, we then provided the following challenge: Answer "yes" or "no" to the following questions — in so doing, you will be drawing a very significant line, critical to understanding the role of the church in the temporal sphere, and specifically the political sphere. *Now, we'll provide the answers (in italics) after each question.*

- 1) Does the Magisterium have the right and duty to speak, to the laity and to all people, about the existence of the natural law and the importance of its application in civic life to human law (namely, that no human law should be incompatible with the natural law)? *Absolutely yes! The Catholic theological tradition consistently*

This special report continues on page 9...



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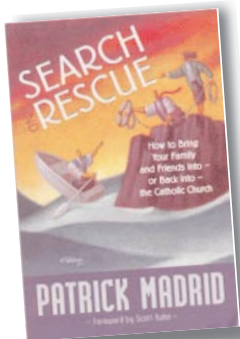
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notes the importance of reason in discovering the truth. By the way, if you have never read John Paul II's magnificent encyclical on faith and reason, *Fides et Ratio*, now would be a great time to do that! (It's available electronically for free at www.vatican.va.)

- 2) Does the Magisterium have the right and duty to speak, to the laity and to all people, about the importance of the laity making this application? *Yes. Lay people should regularly be exhorted, right from the pulpit, to fulfill this urgent task. And such exhortation should certainly increase at election time.*
- 3) Does the Magisterium have the right and duty to speak, to the laity and to all people, about certain cases where the human law clearly is incompatible with the natural law — such as slavery, abortion, or a war that can be judged with full certainty to be unjust — about which all people should take some kind of action proportionate to their respective positions in life and society? (These are “level A” issues, to use our earlier label, and can also be “level B” issues in some instances — see sidebar for quick review on A and B issues.) *Yes. Note that we are getting more specific, but this kind of judgment is clearly within the purview of the clergy.*
- 4) Does the Magisterium have the right and duty to speak, to the laity and to all people, about moral issues wherein the natural law must be considered, but wherein several different stances could arguably be compatible with the natural law? (These are “level B” issues, to use our earlier label.) *Yes — a great example would be a document in which bishops reminded the laity of the basic principles used for determining whether or not a war is just.*
- 5) Does the Magisterium have the right and duty to speak, to the laity and to all people, about the advisability of one particular stance on those “level B” issues? *No. This is the unique task of the laity.*

- 6) Does the Magisterium have the right and duty to speak, to the laity and to all people, about the best political strategies to use when engaging the political order in regard to either a level A or level B issue? *Likewise, this is the unique task of lay experts.*

Now, let's turn to a few Magisterial documents to see these points confirmed and fleshed out. You'll see they have done

less to propose a single solution as the acceptable one — to temporal questions that God has left to the free and responsible judgment of each person. *It is, however, the Church's right and duty to provide a moral judgment on temporal matters when this is required by faith or the moral law.* If Christians must “recognize the legitimacy of differing points of view about the organization of worldly affairs,” they are also called to reject, as injurious to democratic life, a conception of pluralism that reflects

THE “GS43” PRINCIPLE

Spirited debate about level B issues needs to take place, and we actually get *distracted* from that debate when we do not have the proper distinctions in place. Heeding unity on level A issues will allow a better flourishing of legitimate debate on level B issues. As for this spirited debate, *Gaudium et Spes* 43 reminds us that laypeople, with their various areas of expertise, are the ones who should apply the principles of Catholic social thought to each sphere of the temporal order, that disagreement among laity is to be expected, no party may claim his view as the only “Catholic” one, that the teaching authority of the Church does not have a final answer to the disagreement, and that the debate be carried on civilly and charitably. So important is this principle, for both level B and level A issues, that I suggest it be given an appropriate label so as to place it with the other marvelous Catholic social principles. Until I or someone else can think of a short, pithy label, I will call it the “GS43 principle,” after the document and article in which it is so well articulated.

Here is the pertinent text from GS43 — great to remember when you and a friend disagree on a level B issue!

“Very often [the layman's] vision will suggest a certain solution in some given situation. Yet it happens rather frequently, and legitimately so, that some of the faithful, with no less sincerity, will see the problem quite differently. Now if one of the other of the proposed solutions is too easily associated with the message of the Gospel, they ought to remember that in those cases no one is permitted to identify the authority of the Church exclusively with his own opinion. Let them, then, try to guide each other by sincere dialogue in a spirit of mutual charity and with anxious interest above all in the common good” (GS 43).

their job — now it is time for you to get to the voting booth and do yours.

The CDF's analysis of the above distinctions is stellar (recall, CDF = *Congregation for the Doctrine of the Faith*). Two tremendous texts draw just the right lines. Here is the first:

It is not the Church's task to set forth specific political solutions — and even

moral relativism. Democracy must be based on the true and solid foundation of non-negotiable ethical principles, which are the underpinning of life in society (*PCPL* 3, emphasis added).

IRONICALLY, THOSE WHO ACCUSE the Catholic Church of wrongfully interfering with politics are the very ones who object strenuously to the policy taken by Pius XII in regard to the

Holocaust! They typically argue that consistent and repeated intervention should have occurred and would have prevented much of the horror, while Pius remained convinced such intervention would have made the horror considerably worse.

Here is the second important text, again clearly drawing the line of Magisterial intervention at the right place:

On the level of concrete political action, there can generally be a plurality of political parties in which Catholics may exercise – especially through legislative assemblies – their right and duty to contribute to the public life of their country. This arises because of the contingent nature of certain choices regarding the ordering of society, the variety of strategies available for accomplishing or guaranteeing the same fundamental value, the possibility of different interpretations of the basic principles of political theory, and the technical complexity of many political problems. It should not be confused, however, with an ambiguous pluralism in the choice of moral principles or essential values. The legitimate plurality of temporal options is at the origin of the commitment of Catholics to politics and relates directly to Christian moral and social teaching. It is in the light of this teaching that lay Catholics must assess their participation in political life so as to be sure that it is marked by a coherent responsibility for temporal reality.

Then, the document returns to “level A” issues — recall that these are issues involving an intrinsic evil, and hence a clear-cut judgment is available. This text answers question #3 in the above list:

When political activity comes up against moral principles that do not admit of exception, compromise or derogation, the Catholic commitment becomes more evident and laden with responsibility. In the face of fundamental and inalienable ethical demands, Christians must recognize that what is at stake is the essence of the moral law, which concerns the integral good of the human person.

The U.S. Bishops exhort us to not be afraid to take the right stances, even when the cost is high:

First and foremost, we need the courage and the honesty to speak the truth about human life, *no matter how high the cost* to ourselves. The great lie of our age is that we are powerless in the face of the compromises, structures and temptations of mass culture. But we are not powerless. We can make a difference. We belong to the Lord, in Him is our strength, and through His grace, we can *change* the world. We also need the *humility* to listen

A Catholic would be guilty of formal cooperation in evil, and so unworthy to present himself for Holy Communion, if he were to deliberately vote for a candidate precisely because of the candidate's permissive stand on abortion and/or euthanasia.

well to both friend and opponent on the abortion issue, learning from each and forgetting ourselves. We need the perseverance to continue the struggle for the protection of human life, no matter what the setbacks, trusting in God and in the ultimate fruitfulness of the task He has called us to. We need the prudence to know when and how to act in the public arena -- and also to recognize and dismiss that fear of acting which postures as prudence itself.... (LGL 27).

THESE TEXTS PROVIDE ideal guidance for the upcoming election, in which huge

level A issues are at stake (like abortion and same-sex marriage). Laity, looking over the main candidates and the third party candidates, have the task (fairly easy and obvious) of figuring out who might be disqualified on a level A issue. (Remember that there are no disqualifications on level B issues.)

The Democrat Party platform, for example, makes it especially important for voters to use careful judgment in determining which items of the platform a given candidate supports. The Democrats would have done well to meditate on this CDF text at their convention:

The Church teaches that abortion or euthanasia is a grave sin. The Encyclical *evangelium Vitae*, with reference to judicial decisions or civil laws that authorize or promote abortion or euthanasia, states that there is a “grave and clear obligation to oppose them by conscientious objection. [...] In the case of an intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it, or to ‘take part in a propaganda campaign in favour of such a law or vote for it’” (no. 73). Christians have a “grave obligation of conscience not to cooperate formally in practices which, even if permitted by civil legislation, are contrary to God’s law. Indeed, from the moral standpoint, it is never licit to cooperate formally in evil. [...] This cooperation can never be justified either by invoking respect for the freedom of others or by appealing to the fact that civil law permits it or requires it” (no. 74; c.f., *PCPL*, 2). It follows that

one cannot vote in good conscience for a candidate with a political platform that includes an unjust law: “. . . a well-formed Christian conscience does not permit one to vote for a political program or an individual law which contradicts the fundamental contents of faith and morals” (*PCPL*, 4).

As if that were not strong enough, consider this U.S. Bishops’ text, in which they make a specific application to the



political realm: if a candidate's platform contains support for an unjust law, on a level A issue, a Catholic cannot in good conscience vote for that candidate. The Bishops speak directly about the voting booth:

The Gospel of Life must be proclaimed, and human life defended, in all places and all times. The arena for moral responsibility includes not only the halls of government, but the voting booth as well. Laws that permit abortion, euthanasia and assisted suicide are profoundly unjust, and we should work peacefully and tirelessly to oppose and change them. Because they are unjust they cannot bind citizens in conscience, be supported, acquiesced in, or recognized as valid. Our nation cannot countenance the continued existence in our society of such fundamental violations of human rights (LGL, 33).

Is this — combined with the explicit command cited earlier that a voter may not formally cooperate with a disqualified candidate — tantamount to a politicization of the faith (and in turn a violation of the separation of Church and State) as well as a usurpation of the role of the laity? *You are about to uncover the absolute genius and superiority of the Catholic mode of "political involvement" — something no other religious group possesses.*

It is precisely the careful distinction between the respective roles of clergy (and Magisterium) and laity that allows there to be no undue incursion of the Church into the political sphere. In fact, concretely embodied in the distinction



between laity and clergy is the conviction (the doctrine) that the Faith can never be treated as a means to any worldly end, but is an end in itself. This is precisely why a priest should not engage in partisan politics (regardless of the side of the political spectrum) and speak a candidate's name from the pulpit. To do so would both treat the Faith as a means to a political end, and usurp the role of the laity.

While the Catholic Faith is never to be reduced to a means to a political end, Catholic moral principles always and everywhere *apply* to the temporal order. The entire spectrum of principles — much of Catholic social thought — for such application needs to be taught boldly, including from the pulpit. But a critical line must be drawn: the application of the principles must be left to the laity, even when — especially when — the application seems blatantly obvious. For the Magisterium or the clergy to engage in the application politicizes the faith (precisely what liberation theology does, which is at the heart of the Magisterium's critique of those theologies).

ON LEVEL B issues, the above guidelines are easily recognized and applied (though many clergy have failed in this regard, thereby engaging in a "laicization of the clergy"). On level A issues, it can easily look as if the above guidelines are violated, since a priest can (and must) state that a citizen's vote may never be a formal cooperation with a disqualified candidate. Is this not politicizing the Faith? Is this not tantamount to telling the laity exactly what to do in the voting booth?

No. It is not, provided no specific candidates or political parties are mentioned. This may appear as a mere technicality — "we all know Father is telling us we may not vote for Democrat George Jones" — but it is not. The very fact that a priest may be tempted to "spell it out in black and white" and name candidates' names, and might be frustrated at not being able to do so, is proof enough. And furthermore, the layperson's conscience

may on rare occasion allow for remote material cooperation with a disqualified candidate — treated just below. If the priest were to name names, such remote material cooperation, however rare, would be ruled out.

WE NOW TURN to the issue of material cooperation with a disqualified candidate. Say you have a family member or friend who plans to vote for a avowedly pro-abortion candidate based on his stance on the war in Iraq and on health care, for instance. Next, assume that your relative disagrees with with this candidate's stance on abortion (if there were agreement, this would be formal cooperation in evil, which is beyond the pale). *Under what conditions can a Catholic materially cooperate with a candidate who fails on a "disqualifying issue"?*

Then-Cardinal Ratzinger, in a reply to Cardinal McCarrick, said the following:

Nota Bene: A Catholic would be guilty of formal cooperation in evil, and so unworthy to present himself for Holy Communion, if he were to deliberately vote for a candidate precisely because of the candidate's permissive stand on abortion and/or euthanasia. When a Catholic does not share a candidate's stand in favour of abortion and/or euthanasia, but votes for that candidate for other reasons, it is considered remote material cooperation, which can be permitted in the presence of proportionate reasons.

That statement was widely misinterpreted. To give one representative example: "...[I]f a Catholic thinks a candidate's positions on other issues outweigh the difference on abortion, a vote for that candidate would not be considered sinful" (editorial, *Texas Catholic*, July 16, 2004, 7). In a word, everyone decides on his own, and level A and level B issues can be thrown into the mix indiscriminately. Now, it is true to say this: Whether or not there is proportionate reason is ultimately a matter for the individual conscience. However, the conscience must be properly formed, and of foremost consideration in that

formation is the distinction between level A and level B issues.

Consider the following hypothetical case as an example wherein proportionate reason might exist: if candidate X, disqualified by his stance on abortion, actually possessed a certain solution for AIDS and world hunger, and if candidate Z clearly refused to consider those obvious solutions, then one would have a proportionate reason to vote for candidate X. The example borders on the absurd, but makes clear that something like the following would *not* constitute a proportionate reason: Candidate X, disqualified by his stance on abortion, shares my view on the imprudence of continuing to wage a war in Iraq, a war about which thoughtful people can and do disagree. Candidate Z considers it essential to continue the war. So, in a word, it is hard to imagine, for this voter at any rate, the possibility of finding a proportionate reason to vote for a disqualified candidate in the upcoming election.

A final suggestion before you head to the polls, as noted earlier in this *Envoy* Magazine special report: Remember that you are voting not just for the next president, but for other elected officials, including the senators who, in response to the next president's judicial nominations, will vote either to confirm or deny those nominees to the Supreme Court. And that is precisely where some of these critical level A issues will really get hammered out. So, vote well! ☺

Mark Lowery, Ph.D., is an assistant professor of moral theology at the University of Dallas and a regular contributor to Envoy Magazine. His e-mail address is lowery@udallas.edu.

Notes:

- 1 Fr. Frank Pavone, Reflections on the Political Responsibility of Christians (www.priestsforlife.org), see pages 31-32.
- 2 The letter is available in *Catholic World Report*, August-September, 2004, pages 30-31.
- 3 Washington D.C.: United States Catholic Conference, 1998. This document is extraordinarily rich, and much superior to the "Faithful Citizenship" documents of 1999 and 2003.
- 4 For stylistic purposes, we have modified the original British spelling "favour."

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FREE DOWNLOADABLE VIDEOS:

- "Is it a Sin to Vote for a Pro-Abortion Candidate?" by Patrick Madrid, www.patrickmadrid.com
- "Voters Guide for Serious Catholics," Catholic Answers, www.catholic.com
- "Vote Your Conscience," www.catholicvote.com
- "Vanished," www.virtuemediacorner.org/television.htm
- "Stem Cell Research," [virtuemediacorner.org/television.htm](http://www.virtuemediacorner.org/television.htm)

WEBSITES:

- Catholic Answers Action: www.caaction.com
- Priests for Life: www.priestsforlife.org
- Human Life International: www.hli.org

DOCUMENTS:

- "On Embryonic Stem Cell Research," by the U.S. Catholic Bishops' Conference, www.usccb.org/prolife/issues/bioethic/bishopsESCRstmt.pdf
- "Public Servants and Moral Reasoning," by Archbishop Charles J. Chaput, www.archden.org/repository/Documents/ArchbishopChaputCorner/Addresses/PublicServants&MoralReasoning9.8.08.pdf



- "On the Separation of Sense and State," by Archbishop Charles J. Chaput, www.archden.org/repository/Documents/ArchbishopChaputCorner/Addresses/OnSeparationofSense&State_OpenLetterCJC8.25.08.pdf
- "Conscience and the Catholic Voter," by Bishop William E. Lori, www.usccb.org/prolife/programs/rlp/loripamphlet.pdf
- "Worthiness to Receive Holy Communion," by Cardinal Joseph Ratzinger (Pope Benedict XVI), www.priestsforlife.org/magisterium/bishops/04-07ratzingerommunion.htm
- "Catholics in the Public Square," by Bishop Thomas J. Olmsted, www.priestsforlife.org/magisterium/bishops/olmsted-catholics-in-public-square.htm
- "Is It a Sin to Vote for a Pro-Abortion Candidate?" by Patrick Madrid, www.patrickmadrid.com

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"The greatest destroyer of peace today is abortion, because it is a war against the child – a direct killing of the innocent child – murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another?"

– Blessed Mother Teresa of Calcutta



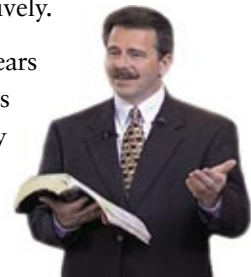
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