



On Refusing Holy Communion to Anti-Life Legislators: Canonical, Moral and Pastoral Considerations

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In January, 2004, the little Roman Catholic diocese of La Crosse, Wisconsin, sent shock waves through U.S. political ranks with a decree forbidding Catholic legislators who support abortion or euthanasia from receiving Holy Communion. Emboldened no doubt by the 2002 “Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life,” issued by the Vatican Congregation for the Doctrine of the Faith, Raymond L. Burke, then bishop of La Crosse, drew a line in the sand. In a “Notification” dated November 23, 2003 but only made public on January 8, 2004, he declared that Catholic legislators of his diocese «who continue to support procured abortion or euthanasia may not present themselves to receive Holy Communion.» Moreover, they are not «to be admitted to Holy Communion, should they present themselves, until such time as they publicly renounce their support of these most unjust practices.»

The promulgation of the “Notification” followed on the heels of three private letters sent from the bishop’s office to two Catholic legislators and one congressman. According to reports in the Milwaukee Journal Sentinel, Burke said it was his intention to «ask them not to present themselves to receive the sacraments because they would not be Catholics in good standing.»

As it was to be expected, the letters and subsequent Notification met with an immediate outcry. «Under the Constitution, the public has a right to know that, in the end, the votes I cast are driven by my own independent judgment and conscience, not by a set of marching orders given by any church hierarchy, prelate, or associated lobby group,»

said U.S. Rep. David Obey (D-Wisconsin). Senator Julie Lassa (D-Stevens Point) reportedly was another of the lawmakers to receive a letter from Burke. A day before the Notification was made public, she expressed dismay over Burke's letter and noted that she would not let religion dictate how she served her constituents, according to Associated Press reports. Other legislators raised the specter of a breach of Church-state separation and warned of a slippery slope of increased ecclesiastical meddling in political affairs.

Especially in an election year featuring a Catholic pro-abortion presidential candidate, the stakes of Bishop Burke's move were exceptionally high. Already in February, now Archbishop Raymond Burke of St. Louis advised Kerry not to «present himself for communion» at any church in the city. Since then, several other bishops have weighed in on the matter and a task force was assembled to study the question. After meeting with Cardinal Joseph Ratzinger the task force issued a statement entitled «Catholics in Political Life,» which reached the following conclusion: «Given the wide range of circumstances involved in arriving at a prudential judgment... such decisions rest with the individual bishop in accord with established canonical and pastoral principles.»

To help shed a little light on this complicated question several different dimensions must be taken into consideration. In the following pages I will examine this issue from three inter-related but distinct angles, namely Canon Law, Catholic morality, and a bishop's pastoral responsibilities.

The Canonical Question

The Code of Canon Law is the fundamental legislative document of the Catholic Church and lays down the norms that order the life of the Church. Based on the juridical and legislative heritage of revelation and tradition, the Code contains essential guidelines of ecclesiastical discipline, among which several hundred canons, or numbers, are devoted to the rules governing the administration of the sacraments. It is critical, therefore, to know what the Code has to say regarding the reception of Holy Communion in order to appreciate the full weight of Bishop Burke's Notification.

In the 1983 Code of Canon Law, the questions of presenting oneself to receive Communion and a Eucharistic minister's refusal to give Communion are treated separately. Concerning the first question

we read that, without a very serious reason, a person who is aware of having committed a mortal sin should voluntarily abstain from Communion. «A person who is conscious of grave sin is not ... to receive the Body of the Lord without prior sacramental confession.»¹ This teaching is not new, but was already formally stated in nearly the same manner by the thirteenth session of the Council of Trent,² which in turn, echoed Saint Paul's admonition «Whoever, therefore, eats the bread or drinks the cup of the Lord in an unworthy manner will be guilty of profaning the body and blood of the Lord. Let a man examine himself, and so eat of the bread and drink of the cup.»³

Can it be inferred that a bishop's request that a pro-abortion legislator not present himself to receive Holy Communion represents a judgment on the state of the person's soul? In other words, does such an injunction mean that the bishop considers such a person to be in a state of mortal sin? Not necessarily. Catholic teaching holds that it is impossible to know with absolute assurance the state of another's soul.⁴ A mortal sin, by which a person deprives himself of sanctifying grace, requires the fulfillment of three conditions: grave matter, full knowledge and deliberate consent.⁵ Yet the word "sin" has two dimensions, a subjective dimension and an objective one. Without going so far as to make a judgment on a person's soul, the Church may require that persons who persist in an objectively sinful action (grave matter) with no signs of repentance abstain from Holy Communion. By admonishing pro-abortion legislators to refrain from Holy Communion, the bishop is informing them that their actions are objectively sinful and impede their full communion with the Church, which is expressed and indeed brought about by the reception of sacramental Communion. Once they are duly advised, if they fail to amend their conduct it can no longer be postulated that they act in good faith or out of ignorance.

As regards the second question, an absolute benefit of the doubt is accorded to the person seeking to receive Communion. Canon 912 states: «Any baptized person who is not prohibited by law can and must be admitted to Holy Communion.» In other words, the decision

¹ *Codex Iuris Canonici*, can. 916.

² Decree on the Most Holy Eucharist, Canon XI, Denzinger-Schönmetzer no. 1661.

³ 1 Corinthians 11:27-28.

⁴ See *Catechism of the Catholic Church* (hereafter CCC), 1861.

⁵ See Pope John Paul II, post-synodal apostolic exhortation *Reconciliatio et Poenitentia*, 17 § 12.

to deny Holy Communion to a baptized member of the Church cannot be taken lightly or arbitrarily, but must conform to objective justice. The phrase «prohibited by law» receives a fuller explanation a little further along in the Code.

In his Notification, in fact, Bishop Burke cites canon 915, which deals with this matter. In its entirety, this brief canon reads: «Those who are excommunicated or interdicted after the imposition or declaration of the penalty and others who obstinately persist in manifest grave sin are not to be admitted to Holy Communion.» This canon treats two instances where members of the faithful are not to be admitted to Communion. The first deals with excommunication and interdicts (ecclesiastical censure forbidding participation in the sacraments), and the second refers to obstinate persistence in manifest grave sin.

Regarding the first part of this canon, some have hypothesized that pro-abortion legislators may automatically fall under the sanction of excommunication because of their collusion with abortion, and thus should be refused access to the sacraments. Canon 1398 reads: «A person who procures a completed abortion incurs an automatic (*latae sententiae*) excommunication.» Citing canon 1329 of the Code, Pope John Paul II noted that this excommunication «affects all those who commit this crime with knowledge of the penalty attached, *and thus includes those accomplices without whose help the crime would not have been committed.*»⁶

There are three problems with applying this to Catholic legislators, however. First of all, as stated above, a *latae sententiae* excommunication only takes effect when a person is aware that a canonical penalty is attached to the fault, which some Catholic lawmakers may not be.⁷ Secondly, in order to deny access to Communion, according to the exact language of canon 915, the penalty would have to be «imposed or declared,» rather than the automatically incurred through a *latae sententiae* excommunication. Thirdly, it is not clear that voting favorably on pro-abortion legislation necessarily constitutes the sort of aid without which «the crime would not have been committed,» though this point could be argued. What does appear clear is that this complicity in evil may well justify the formal imposition of a canonical censure (*ferendae sententiae*), as

⁶ Pope John Paul II, encyclical letter *Evangelium Vitae* 62, emphasis added.

⁷ See canons 1324 § 1, 9° and 1324, § 3.

made explicit in canon 1329 § 2, if ecclesiastical authorities were to have recourse to this sanction.

In his Notification Bishop Burke makes no reference to excommunication or interdicts but explicitly mentions the second part of canon 915. To fail to «uphold the natural and divine law regarding the inviolable dignity of all human life,» he writes, «is a *grave public sin* and gives scandal to all the faithful» (emphasis added). Again, the technical language of the Code which refers to those who «obstinately persist in manifest grave sin» must be carefully parsed. Three essential elements come into play, all of which are necessary to fulfill the conditions laid out in canon 915.

The first element is “grave sin” (*gravi peccato*). As we explained earlier this can only be taken to refer to the *matter* of the action (or omission), without necessarily implying a judgment of subjective culpability.⁸ “Grave sin” in this case simply means objectively evil conduct of a serious nature.

The second requirement specified by canon 915 refers to the public (*manifesto*) character of the sin. Whereas anyone who is aware of having committed a grave sin of any sort, hidden or public, should willingly abstain from Holy Communion, only grave sins committed *overtly* or *publicly* provide grounds for non-admittance to Communion on the part of priests and bishops. This stipulation reiterates the objective aspect of the action (as opposed to subjective intention) as well as the public and ecclesial dimension of Holy Communion, which signifies moral, spiritual and doctrinal union with Christ and with his Church.

Thirdly, to be refused Communion a person must obstinately persist (*obstinate perseverantes*) in this overtly sinful behavior. If a person convicted of murder presents himself for Communion, the priest should not turn him away, because although his sin may be grave and public, it must be assumed by the fact of his presence in the Communion line that it was a one-time occurrence and that the person has repented of his sin. To say that a person *obstinately persists* in a public sin means that he somehow makes it known that he plans to continue engaging in his sinful behavior. According to the Pontifical Council for Legislative Texts, the Latin adverb *obstinate* here refers

⁸ In its June 24, 2000 declaration, the Pontifical Council for Legislative Texts authoritatively interprets this requirement of canon 915 as follows: «grave sin, understood *objectively*, being that the minister of Communion would not be able to judge from subjective imputability» (Declaration by the Pontifical Council for Legislative Texts, June 24, 2000, no. 2, a, emphasis added).

only to the existence of an objective situation of sin that endures in time and which the will of the individual member of the faithful does not bring to an end. Other conditions such as an attitude of defiance or prior warning by ecclesiastical authority are not considered necessary to satisfy this requirement.⁹

Judging from the foregoing considerations, it seems clear that a politician who votes in a way that fails to defend innocent human life on a consistent basis and gives every indication of his intention to keep doing so despite warnings from ecclesiastical authorities can be said to obstinately persist in objectively evil behavior of a public nature, and in this regard seems to fulfill the requirements of canon 915. Moreover, Bishop Burke expressly mentions the avoidance of scandal in his Notification. According to the Code, it falls to the local bishop to determine when such scandal arises and to take the appropriate steps to correct the causes. Canon 1339 states: «An ordinary can likewise rebuke a person from whose behavior there arises scandal or serious disturbance of order in a manner accommodated to the special conditions of the person and the deed.»¹⁰ These factors coincide in placing Bishop Burke firmly in the right in his disciplinary action of anti-life Catholic politicians.

Yet one question remains. Is this behavior *gravely* evil, so as to merit the denial of Holy Communion? What is the precise nature of the evil committed by Catholic politicians in supporting anti-life legislation?

The Moral Question

As explained by the Vatican II pastoral constitution *Gaudium et Spes*, the different areas of secular society enjoy a relative autonomy and in what is proper to their respective competencies do not fall directly under ecclesiastical jurisdiction. The document states that «created things and societies themselves enjoy their own laws and values which must be gradually deciphered, put to use, and regulated by men,» and that «all things are endowed with their own stability, truth, goodness, proper laws and order. Man must respect these as he isolates them by the appropriate methods of the individual sciences or

⁹ *ibid.*, no. 2, b.

¹⁰ Canon 1339 § 2.

arts.»¹¹ Objections by some legislators to the exercise of the Church's moral teaching by appealing to the autonomy of their political service vis-à-vis ecclesiastical authority therefore enjoy a certain *prima facie* plausibility. Yet the same Vatican II document adds that temporal affairs must always be carried out «in accord with moral norms,» in which case they will never conflict with faith, «for earthly matters and the concerns of faith derive from the same God.»¹²

This holds true for every sector of society. Though economics has its proper laws, Christians cannot engage in business as if it were outside the realm of morality, any more than doctors can practice medicine without due regard for moral norms, and thus we have “business ethics” and “medical ethics” to help people of good will, and especially Christians, to live out these vocations according to the values and principles of the Gospel and right reason. “Political ethics” offers a no less important service to Christians who engage in public service for the good of society. Catholic politicians can no more check their faith at the door of Congress than Catholic businesspeople can conduct their affairs independently of Christian moral principles. The Church condemns the sort of corruption that went on at Enron, Worldcom, etc., and speaks frequently of the moral norms that must govern economic systems, precisely because they deal with human persons. There is a moral dimension to politics just as there is a moral dimension to the economy, medicine, family life, and science.

As a doctor looks after the physical health of his patients, a politician looks after the good of society, a concept which goes by the name of the «common good.» The only *raison d'être* of public authority, in fact, is this common good,¹³ which Catholics define as «the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily.»¹⁴ The common good presupposes in the very first place

¹¹ Vatican II Pastoral Constitution on the Church in the Modern World *Gaudium et Spes* (hereafter GS), 36.

¹² *ibid.*

¹³ The role of public authority is «to ensure as far as possible the common good of the society» (CCC 1898). Aquinas states that «the end of law is the common good» (*Summa Theologiae* I-II, 96, 1, resp.). Later he adds: «And as the care of the common weal is committed to those who are in authority, it is their business to watch over the common weal of the city, kingdom or province subject to them» (*ibid.* II-II, 40, 1, resp.). Elsewhere he writes that «in every community, he who governs the community, cares, first of all, for the common good» (*ibid.* I-II, 21, 4). See also Pope John Paul II, post-synodal apostolic exhortation *Christifideles Laici*, 42.

¹⁴ See GS 26 § 1; also GS 74 § 1.

respect for the person as such. «In the name of the common good,» we read in the Catechism, «public authorities are bound to respect the fundamental and inalienable rights of the human person.»¹⁵ Likewise the first and most basic of these rights is the right to life, such that a legislator who fails to defend this most basic right is defaulting in his most fundamental responsibility as a public servant. «It is impossible to further the common good,» writes the Pope, «without acknowledging and defending the right to life, upon which all the other inalienable rights of individuals are founded and from which they develop.»¹⁶ Catholic morality requires a Catholic to actively defend the right to life. Pope John Paul II has characterized laws permitting abortion and euthanasia as a «tragic caricature of legality» which betrays the democratic ideal to safeguard the dignity of every human person in its very foundations. «How is it still possible to speak of the dignity of every human person,» he asks, «when the killing of the weakest and most innocent is permitted?»¹⁷ The first moral norm in politics, as in the medical sciences, is «*non nocere*,» that is, «Do no harm.» If a politician supports legislation that attacks the life of his citizens, in this case the most vulnerable and defenseless, he contravenes his most rudimentary moral norm to «do no harm» and sets himself up as an enemy of the society he is bound to protect.

The moral evil of abortion itself is an indisputable tenet of the Catholic faith. Pope John Paul II chose to set forth this doctrine in especially solemn language in his encyclical *Evangelium Vitae*: «I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being.»¹⁸ He employed similar language to refer to the sin of euthanasia, the other anti-life crime specifically mentioned by Bishop Burke in his Notification. «In harmony with the Magisterium of my Predecessors and in communion with the Bishops of the Catholic Church,» he wrote, «I confirm that euthanasia is a grave violation of the law of God, since it is the deliberate and morally unacceptable killing of a human person.»¹⁹ The

¹⁵ CCC 1907.

¹⁶ *Evangelium Vitae* 101.

¹⁷ *ibid.* 20.

¹⁸ *ibid.* 62. The Latin text adopts the first person plural (*viz.* «*declaramus*») which adds a further note of solemnity.

¹⁹ *ibid.* 65. The same Latin word («*declaramus*») is used in this case.

seriousness of these intrinsically evil acts sets them apart from other political and moral issues since they relate so directly to the common good.

We must therefore return to the question of the moral gravity of the actions of those legislators who unambiguously support abortion. Pope John Paul expressly states that «responsibility likewise falls on the legislators who have promoted and approved abortion laws.»²⁰ This co-responsibility, in the language of moral theology, is termed “cooperation in evil,” which varies in gravity according to a series of conditions. Cooperation in evil comes about when a person encourages, counsels, approves, defends, commands, facilitates, or abets another in wrongdoing. Distinctions include remote versus proximate cooperation, direct versus indirect, and material versus formal. Of these, the distinction between material and formal cooperation is the most important, since it distinguishes between willing evil and merely participating in an act without making it one’s own. A simple example bears this out. The responsibility (both moral and legal) of a taxi driver who unwittingly drives a bank robber to the site of his crime differs essentially from that of the willing accomplice who drives the robber to the bank for the express purpose of robbing it. Formal cooperation, in the words of John Paul II, «occurs when an action, either by its very nature or by the form it takes in a concrete situation, can be defined as a direct participation in an act against innocent human life or a sharing in the immoral intention of the person committing it.»²¹ According to Catholic teaching, formal cooperation in a gravely sinful act is considered to be gravely sinful in itself, and in the case of abortion the Catechism explicitly declares: «Formal cooperation in an abortion constitutes a grave offense.»²² Such a clear statement eliminates any doubts regarding the gravity of this complicity.

A legislator, even one who asserts his “personal opposition” to abortion, but who consistently votes in favor of legislation that has as its express purpose the facilitation of abortion or votes against legislation destined to restrict it cannot be said to merely cooperate materially in this evil, since his vote constitutes formal approval of the action itself. The possible argument that by voting thus one is only reflecting the will of one’s constituency carries no moral weight, since

²⁰ *ibid.* 59.

²¹ *ibid.* 74.

²² CCC 2272.

a person is never justified in doing evil (facilitating the killing of unborn children) for the sake of pleasing others, or even to keep one's job. Such reasoning merely echoes the thoroughly disqualified arguments of war criminals who justified their offenses by saying they were «merely carrying out orders.» Moreover, in a representative democracy legislators do not, in practice, simply rubber stamp what their constituents want. They study and analyze issues in light of the common good, and legislate *on behalf of* their people. Their decisions and votes are necessarily moral acts for which they are responsible.

The preceding reflections on cooperation in evil would not apply to legislators who actively work to protect human life, but who in particular cases prudentially support legislation aimed at limiting abortion without thoroughly eliminating it, when the latter would be impossible. In *Evangelium Vitae* Pope John Paul speaks of «cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions, in place of a more permissive law already passed or ready to be voted on.»²³ In other words, support for imperfect laws which would improve the legal scenario by restricting abortion without outlawing it outright may be morally permissible. In the Pope's words, «when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.»²⁴ Such cases, of course, are a far cry from those who proclaim their personal opposition to abortion while consistently voting in such a way as to make abortion more, rather than less, accessible.

A final moral consideration involves the matter of the scandal given by pro-abortion Catholic politicians. Though in common parlance «scandal» often refers to something shocking or disgraceful, the word comes from the Greek σκάνδαλον, (a stumbling block), and properly means «an attitude or behavior which leads another to do evil.»²⁵ In the Gospel Jesus employs particularly severe language in admonishing his disciples to avoid becoming a scandal for others:

²³ *Evangelium Vitae* 73.

²⁴ *ibid.*

²⁵ CCC 2284.

«Obstacles [scandals] are sure to come, but woe to the one who provides them! Better for him to be thrown into the sea with a great millstone around his neck, than to lead astray one of these little ones who have faith!»²⁶ In his letter to Senator Julie Lassa, Bishop Burke wrote: «I call upon you to consider the consequences for your own spiritual well-being, as well as the scandal you risk by leading others into serious sin.» The reason that the Church attaches the canonical penalty of excommunication to the crime of abortion and not to many other sins is to make clear «the gravity of the crime committed, the irreparable harm done to the innocent who is put to death, as well as to the parents and the whole of society.»²⁷ Burke's Notification served not only to call politicians' attention to the gravity of their actions and the subsequent harm to their souls, but also to teach the faithful that abortion and euthanasia cannot be reconciled with Christian faith.

Because of their high public visibility and moral authority, politicians can, by their example, lead others to good or to evil. According to the Catechism, «scandal takes on a particular gravity by reason of the authority of those who cause it... Scandal is grave when given by those who by nature or office are obliged to teach and educate others.»²⁸ We further read that «they are guilty of scandal who establish laws or social structures leading to the decline of morals»²⁹ and that anyone «who uses the power at his disposal in such a way that it leads others to do wrong becomes guilty of scandal and responsible for the evil that he has directly or indirectly encouraged.»³⁰ Along with its practical role of making certain actions punishable or permissible under the law, civil legislation has a pedagogical role as well and thus contributes to the formation of public opinion and private conscience. The criminalization or legalization of determined activities influences the way people view the morality of such activities since it represents a social judgment on this sort of behavior. Thus legislators, even more than other public figures, are called to a higher standard of accountability because of their moral authority and the influence that their decisions have on others.

²⁶ Luke 17:1-2.

²⁷ CCC 2272.

²⁸ *ibid.* 2285.

²⁹ *ibid.* 2286.

³⁰ *ibid.* 2287.

Yet another scandal stems not only from a Catholic politician's pro-abortion voting or lobbying, but from his reception of Holy Communion, which sends the message to the faithful that such a stance is somehow compatible with one's Catholic faith. When an openly pro-abortion legislator is admitted to the Eucharist, an act that testifies to a person's communion with Christ and with his Church, confusion is sure to arise in the conscience of the faithful. Harm is done not only to the one receiving Communion unworthily, but also to the whole body of the faithful.³¹ Furthermore, by refusing to give the Eucharist to an openly anti-life legislator, the bishop does not infringe Church-state separation, since he merely judges an intra-ecclesial activity (Holy Communion), while leaving the person's civil freedoms intact. The politician will continue to act as he sees fit, but he must be aware that his actions will have consequences in his relations with the Church. All these considerations come into play when the Church's pastors make the difficult call to forbid Holy Communion to a member of their flock.

The Pastoral Question

Though Saint Paul wrote to Timothy that «whoever aspires to the office of bishop desires a noble task,»³² the episcopal office is certainly also one of the most thankless, misunderstood and difficult missions in the Church. Even with the best of intentions, a bishop must make decisions that inevitably entail a series of positive and negative consequences, not only for himself, but for many others as well. For this reason, great courage, prudence, and prayer are required in carrying out this ministry, and the faithful should respond with a spirit of gratitude, encouragement and understanding.

On the one hand, like Christ, the Church's pastors do not wish to quench the smoldering wick or break the bruised reed,³³ and they know, along with the holy bishop Saint Francis de Sales, that a spoonful of honey attracts more flies than a barrel of vinegar. Yet

³¹ «In effect, the reception of the Body of Christ when one is publicly unworthy constitutes an objective harm to the ecclesial communion: it is a behavior that affects the rights of the Church and of all the faithful to live in accord with the exigencies of that communion» (Declaration by the Pontifical Council for Legislative Texts, June 24, 2000, no. 1).

³² 1 Timothy 3:1.

³³ See Matthew 12:20.

bishops' solicitude for the faithful also demands taking sometimes very unpopular stands when necessary, since «the Bishop is not only called to bear witness to the faith, but also to evaluate and discipline its outward expression by the believers entrusted to his pastoral care.»³⁴ In this regard Pope Saint Gregory the Great's forceful admonitions to bishops are well known. He has only the strongest rebukes for those pastors who «hesitate to say openly what is right because they fear losing the favor of men.» Such leaders, he writes, «are not zealous pastors who protect their flocks, rather they are like mercenaries who flee by taking refuge in silence when the wolf appears.»³⁵ How does one walk the fine line between not alienating the faithful through over-harshness, while at the same time defending the flock from the corrosive influence of the culture of death?

As the Second Vatican Council teaches, it is a part of the Church's mission «to pass moral judgments even in matters related to politics, whenever the fundamental rights of man or the salvation of souls requires it. The means, the only means, she may use are those which are in accord with the Gospel and the welfare of all men according to the diversity of times and circumstances.»³⁶ What are the most appropriate means for the times and circumstances we live in? What are the pastoral consequences of refusing Holy Communion to anti-life politicians?

Such a measure aims in the first place at the amendment of the person directly affected by the ban. One hopes that no longer being able to receive Communion would spur the party concerned to self-examination and a reweighing of his positions. If he truly values receiving the body and blood of the Lord in Holy Communion, he will reflect well on his actions and their consequences for his own soul. Despite these good intentions on the part of the Church's pastors such a measure may also produce the contrary effect of hardening a politician in his resolve, and simply separate him from the Church. Judging from past experience, legislators who flout the Church's teaching on life issues rarely are moved to compunction and conversion by public censure.

A second reason for refusing Communion to anti-life politicians relates to the bishop's prophetic role as witness and teacher of the faith. In the face of widespread moral uncertainty in contemporary

³⁴ Pope John Paul II, apostolic exhortation *Pastores Gregis* 44.

³⁵ Saint Gregory the Great, *Pastoral Guide*, Lib. 2, 4: PL 77, 30.

³⁶ GS 76 § 5.

society, fostered by what Pope John Paul has characterized as a «culture of death,» the bishop's teaching mission on behalf of life takes on a special relevance. Though more ordinary teaching instruments such as homilies, articles and pastoral letters make up the vast majority of a bishop's pedagogical repertoire, the Church also allots to her pastors more forceful didactic tools to be used in graver situations. When reason and exhortation fail to produce the intended results, disciplinary measures may be employed to illustrate the seriousness of what is at stake.³⁷ A step like refusing Communion to anti-life politicians sends an extremely clear message to Catholics regarding the evil of abortion and euthanasia, and its radical incompatibility with Christian morals. Such a measure may also be misunderstood by some. Some will take it to be an example of ecclesiastical heavy-handedness; others will see it as undue intervention in secular affairs; others will undoubtedly call the move hypocritical in the light of recent clerical scandals and demand that the Church clean its own house before trying to regulate the behavior of Catholic lawmakers. In these cases Church pastors will have to patiently explain that Catholic politicians, too, make up part of the Church's house, ever in need of cleaning, and that a stronger hand in Church discipline represents a positive response to legitimate complaints of ecclesiastical permissiveness and «looking the other way,» at the root of sex abuse scandals.

A glance at the past may also prove instructive. History tends to be severe in its judgments of Church leaders who failed to use all the means at their disposal to put an end to egregious sins against human rights. It is sufficient to recall events of the past centuries such as the African slave trade or apartheid or Hitler's Germany to bring home this argument. Situations which appeared complicated and multifaceted at the time take on a peculiar starkness when viewed with historical hindsight. A dispassionate analysis of the facts may show that the current situation with legalized abortion is no less grave than

³⁷ «Naturally, pastoral prudence would strongly suggest the avoidance of instances of public denial of Holy Communion. Pastors must strive to explain to the concerned faithful the true ecclesial sense of the norm, in such a way that they would be able to understand it or at least respect it. In those situations, however, in which these precautionary measures have not had their effect or in which they were not possible, the minister of Communion must refuse to distribute it to those who are publicly unworthy. They are to do this with extreme charity, and are to look for the opportune moment to explain the reasons that required the refusal. They must, however, do this with firmness, conscious of the value that such signs of strength have for the good of the Church and of souls» (Declaration by the Pontifical Council for Legislative Texts, June 24, 2000, no. 3).

the greatest human rights issues of other times. Though we may be inured to the grim reality of abortion, it seems likely that once civilization has come to its senses, future generations will look back on our time as one of the most barbarous in history, not merely for our wars and terrorism, but especially for the antiseptic extermination of the most defenseless members of our society, the poorest of the poor, precisely because they have no voice. Furthermore, the mere magnitude of the crisis—now more than 40 million planned deaths of unborn children in the United States alone since the legalization of abortion in 1973—is sufficient to make abortion the greatest social justice issue of all time.

If we look back again to Nazi Germany we struggle to find heroic Catholic voices that rang out in opposition to the heinous crimes perpetrated. One bishop renowned for his courage was Bishop Clemens August Graf von Galen, the so-called «Lion of Muenster.» Denounced by some as being a leader of a «political brand» of Catholicism, Bishop Galen is best remembered for his outspoken sermons of July and August 1941 condemning the crimes of the Gestapo, especially the murder of thousands of German mentally handicapped patients during the so-called euthanasia program. The pressure created by his denunciation of these “mercy killings” helped force Hitler to put a temporary end to the euthanasia program in 1941. At great personal risk Galen delivered and published these sermons at the very moment when Nazi military aggression was at its peak, and he survived only because Hitler decided to delay vengeance until the war was won.

In the specific case of Catholic politicians who openly dissent from the Church’s stand on life, prudence is particularly necessary. Especially in the present instance when the major political parties differentiate themselves along these lines, great care must be taken to avoid the appearance of partisan politics while at the same time giving an unequivocal message of both the Church’s position on abortion and the importance she accords to this issue because of its centrality to the common good. Where a political party takes an anti-life stand as a fundamental component of its platform, the Church may have no choice but to denounce it. If the Church’s pastors were to make it clear to politicians that abortion is truly a non-negotiable question and one on which they were prepared to “go to the mat,” they would exert considerable moral (and political) pressure on all politicians to give this moral issue the weight it deserves.

Sometimes a prophetic voice is needed to shake people out of their moral lethargy, especially when people have come to accept as “normal” something which by rights should provoke moral outrage.³⁸ If publicly supporting abortion doesn’t constitute a sufficient pastoral reason to justify the denial of Holy Communion, it is hard to imagine when recourse to this measure would be appropriate.

Summary: *The Code of Canon Law stipulates certain situations when persons «are not to be admitted to Holy Communion» (can. 915). One category of persons not to be admitted to Communion are those who «obstinately persist in manifest grave sin.» A variety of factors, including the appearance of a Catholic, pro-abortion candidate for the presidency of the United States, have stimulated much open debate regarding the application of the canon to unambiguously pro-abortion legislators who profess to be Catholic and wish to approach the sacrament of the Eucharist. Bishops themselves have often been divided on the issue. This article sets forth and clarifies the relevant canonical, moral and pastoral considerations involved in evaluating whether or not to deny Holy Communion to Catholic, pro-abortion legislators.*

Key words: Communion, Eucharist, politician, legislator, politics, abortion, euthanasia, cooperation in evil, sin, scandal, Canon Law.

Parole chiave: comunione, eucaristia, politico, aborto, eutanasia, cooperazione nel male, diritto canonico, peccato, scandalo.

³⁸ With regard to denial of Communion to the divorced and remarried, the Pontifical Council for Legislative Texts wrote: «That scandal exists even if such behavior, unfortunately, no longer arouses surprise: in fact it is precisely with respect to the deformation of the conscience that it becomes more necessary for Pastors to act, with as much patience as firmness, as a protection to the sanctity of the Sacraments and a defense of Christian morality, and for the correct formation of the faithful» (Declaration by the Pontifical Council for Legislative Texts, June 24, 2000, no. 1).