

THE PRUDENTIAL APPLICATION OF CATHOLIC SOCIAL TEACHING

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There is a common tendency to reduce the broad principles of Catholic social teaching to specific, and often narrowly partisan, public policy positions on contemporary issues. After examining the principles of Catholic social teaching, this article uses three contemporary issues -- welfare reform, health care, and drug sentencing reform -- to illustrate how the faithful application of Catholic social teaching can admit of very different, and often equally legitimate, conclusions regarding appropriate public policy responses to a particular social concern. It also demonstrates that Catholic social teaching is not limited to the role of the State, but also encompasses the responsibilities of individuals, families, the community, and social groups in addressing matters of social concern.

I. Catholic Social Teaching and Public Policy

When we speak today of “Catholic Social Teaching,” the common tendency is to think in terms of specific public policy pronouncements designed to promote “social justice.” The tendency is understandable, because Catholic social teaching, while also aimed at personal, familial, Church and community responsibilities, clearly addresses itself to the proper role of the State in protecting human rights and meeting human needs.

More than 100 years ago, in the encyclical *Rerum Novarum*, Pope Leo XIII focused attention on the rights of workers to a just wage and to the fruits of their labors, and the right of the “poor and badly off” to “especial consideration” in terms of public assistance.ⁱ The documents of the Second Vatican Council call for all human beings to have “ready access” to such basic human needs as food, clothing, and housing; for full employment and just wages for workers; for public assistance for families in need; for just treatment of immigrants and the eradication of “social or cultural discrimination”.ⁱⁱ In the encyclical *Centesimus Annus* Pope John Paul II reiterates the rights of workers and

their families to full employment, just wages and humane working and living conditions; stresses the Church's commitment to a "preferential option for the poor"; addresses the need for nations of affluence to assist the developing world, both as a means of alleviating economic suffering, and as an essential component for promoting world peace.ⁱⁱⁱ Pope John Paul also focuses attention on the need for environmental preservation, reminding us that "humanity today must be conscious of its duties and obligations towards future generations."^{iv}

It is in the context of these teachings that the U.S. Bishops, in their 1999 document, "Faithful Citizenship: Civic Responsibility for a New Millennium," called on Catholics to view our civic responsibilities "through the eyes of faith,"^v and to bring our moral convictions to bear on a wide range of public policy matters impacting on social justice: poverty, just wages, health care, housing, agricultural concerns, the environment, immigration, education, discrimination, and a "growing 'culture of violence.'"^{vi} This call has translated, at the national level through the various agencies of the U.S. Bishops' Conference and at the state level through the individual state Catholic Bishops' Conferences, into advocacy and activism on behalf of specific policies designed to address these social concerns. The U.S. Bishops Conference has in recent years been active in advocating for increases in the minimum wage, extension of unemployment benefits, and universal health care coverage, to name just a few examples, while voicing opposition to such public policies as various cuts in social spending and certain aspects of welfare reform.^{vii}

This effort to transform Catholic social teaching into specific public policy recommendations has resulted, perhaps inevitably, in a tendency to view those teachings

through the lens of partisan politics. Critics as well as supporters of the U.S. Bishops' public policy agenda have observed that that agenda "creates a natural alignment with left-of-center Democrats," in the words of Catholic News Service staff writer John Rossomando. "When you look at issues like welfare reform, the earned-income tax credit, all sorts of programs that are aimed at helping poor people, the bishops and the Democratic Party are much closer together," than the bishops and the Republicans, Rossomando quotes Rev. Thomas Reese, S.J., editor of *America* magazine.^{viii}

Former U.S. Secretary of Health, Education and Welfare Joseph Califano, in an article *praising* the policy recommendations contained in *Faithful Citizenship*, labeled those recommendations "planks" that "resonate with the cadence of a liberal Democratic Party."^{ix} Father Robert Sirico, President of the Acton Institute for the Study of Religion and Liberty, in an article *critical* of the policy recommendations contained in the U.S. Bishops' 1996 document on "Political Responsibility," wrote that "it is not unreasonable to conclude that the statement provides a religious gloss on the policy directions advanced by secular Democrats."^x

The question, as Father Sirico observes, is whether the Church's social teachings oblige Catholics to support such specific "policy directions," or whether there is room for a diversity of approaches in bringing Catholic social teaching to bear on the issues of the day.^{xi}

II. Prudential Judgments

"The Church, by reason of her role and competence, is not identified with any political community nor bound by ties to any political system," Vatican II made clear.^{xii}

"The Church has no models to present," writes Pope John Paul II, because "truly

effective” models “can only arise within the framework of different historical situations, through the efforts of all those who responsibly confront concrete problems in all their social, economic, political and cultural aspects, as these interact with one another.” To be sure, the Church “has something to say about specific human situations,” and she “formulates a genuine doctrine for these situations, a *corpus* which enables her to analyze social realities, to make judgments about them and to indicate directions to be taken for the just resolution of the problems involved.” Yet the Church “is not entitled to express preferences for this or that institutional or constitutional solution,” nor to “pass definitive judgments” on specific policy options, “since this does not fall *per se* within the Magisterium’s specific domain.”^{xiii}

Instead, the Church’s role is to “enter into dialogue” with “the whole human family,”^{xiv} offering “her social teaching as an indispensable and ideal orientation” in the quest for just solutions to human problems.^{xv}

The task of applying that teaching to the specific issues of the day falls primarily to the Catholic laity. “It is to the laity, though not exclusively to them, that secular duties and activity properly belong,” instructs the Pastoral Constitution on the Church in the Modern World. “It is their task to cultivate a properly informed conscience and to impress the divine law on the affairs of the earthly city. For guidance and spiritual strength let them turn to the clergy; but let them realize that their pastors will not always be so expert as to have a ready answer to every problem that arises; this is not the role of the clergy: it is rather up to the laymen to shoulder their responsibilities under the guidance of Christian wisdom and with eager attention to the teaching authority of the Church.”^{xvi}

In carrying out that task, Catholics are reminded that there can be different -- and equally legitimate -- prudential judgments as to which public policies will best advance the goals and principles imbued in Catholic social teaching. “Very often,” the Pastoral Constitution observes, a lay person’s “Christian 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 or other of the 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.”^{xvii}

This understanding was reflected in the U.S. Bishops’ statement at the onset of the war in Iraq. While presenting “our prudential judgments about the application of traditional Catholic teaching on the use of force in this case,” the bishops recognized that “people of good will may and do disagree on how to interpret just war teaching and how to apply just war norms to the controverted facts of this case.”^{xviii}

III. Principles of Catholic Social Teaching

Catholic social teaching, then, is not a set of arbitrary public policy positions which we are obliged to support. Rather, it is a set of fundamental moral principles that should guide us as we properly exercise our own prudential judgments about how best to improve the human condition. Yet if those judgments are to be informed by Catholic social teaching, we need to fully appreciate the meaning and depth of that teaching.

It is, first and foremost, rooted in the teachings of the Gospel. Vatican II called us to read and interpret “the signs of the time...in the light of the Gospel”,^{xix} and Pope John Paul II reminds us that “there can be no genuine solution of the ‘social question’ apart from the Gospel.”^{xx} Moreover, “the Church’s social teaching is itself a valid instrument of evangelization” that “proclaims God and his mystery of salvation in Christ to every human being” and thus “reveals man to himself. In this light, and only in this light, does it concern itself with everything else: the human rights of the individual, and in particular of the ‘working class’, the family and education, the duties of the State, the ordering of national and international society, economic life, culture, war and peace, and respect for life from the moment of conception until death.”^{xxi}

Within that Gospel context, the prudential application of Catholic social teaching requires:

- A “correct view of the human person and of his unique value.”^{xxii} “It is man...who is the key to this discussion,” instructed the Second Vatican Council, “man considered whole and entire, with body and soul, heart and conscience, mind and will.” Economic activity, therefore, “is directed to the service of man...in his totality...his material needs and the requirements of his intellectual, moral, spiritual and religious life” and “the integrity of his eternal destiny.”^{xxiii}
- Respect for the sanctity and dignity of every human life, and the “grave obligation...to ensure the preservation of life.”^{xxiv}
- Recognition of “the essential bond between human freedom and truth,”^{xxv} in which freedom is seen not as license “to do anything [we] like,” but as an essential gift that enables us to chose “what is good,” as revealed in the natural law which God has

inscribed in our hearts.^{xxvi}

- An perception of the Catholic understanding of justice and the common good, manifested in a commitment to the rights and dignity of workers, to the “inviolability of private property,” to just wages and “distributive justice,” and to special consideration for the needs of the poor.^{xxvii}

Also central to the Church’s social teachings is the principle of subsidiarity: that “a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions,” but rather should support it according to need, “always with a view to the common good.”^{xxviii} Consistent with this principle the Church, while recognizing a clear role for the State in addressing human needs, looks first to “the responsible role of individuals, families and social groups.”^{xxix}

Individuals are reminded of their responsibility to share their material possessions “without hesitation when others are in need.”^{xxx} The family, “the first and fundamental structure for ‘human ecology’”,^{xxxi} has “rights and duties peculiar to itself which are quite independent of the State.”^{xxxii} The intervention of private associations, including “workingmen’s unions,” is preferable to state intervention in securing workers rights and providing for the needs of the poor and the unemployed.^{xxxiii} The Church itself has a long history of meeting its obligation to intervene “directly on behalf of the poor...maintaining many associations which she knows to be efficient for the relief of poverty.”^{xxxiv}

Within the context of that subsidiarity, the Church recognizes that the State, “while respecting the rightful autonomy of each sector,” has “the duty of watching over the common good and of ensuring that every sector of social life, not excluding the economic one, contributes to achieving that good.”^{xxxv} The state has a role to play, Pope

Leo noted, in promoting “public well-being and private prosperity”,^{xxxvi} a role that it fulfills, writes Pope John Paul, by guaranteeing the conditions necessary for economic prosperity, including “individual freedom and private property, as well as a stable currency and efficient public services.”^{xxxvii}

The State also must safeguard the rights and “provide for the welfare and comfort of the working classes,” provide assistance to the poor,^{xxxviii} and promote policies that strengthen the family.^{xxxix} And it must “provide for the defense and preservation of common goods such as the natural and human environments, which cannot be safeguarded simply by market forces.”^{xl}

Limits on the State

Within these principles of Catholic social teaching, there are certain clear limits and proscriptions against certain types of activity by the State -- limits dictated either by practical concerns or moral imperatives. Addressing coercive government population control policies, for example, the Second Vatican Council “exhort[ed] all men to beware of all solutions...which transgress the natural law.”^{xli}

Thus while the state’s significant role is recognized in *Rerum Novarum*, “This should not lead us to think that Pope Leo expected the state to solve every social problem,” Pope John Paul writes in *Centesimus Annus*. “On the contrary, he frequently insists on necessary limits to the State’s intervention and on it’s instrumental character, inasmuch as the individual, the family and society are prior to the State, and inasmuch as the State exists in order to protect their rights and not stifle them.”^{xlii}

Government policies that intrude on family life are “a great and pernicious error”

that can undermine the family's primary role, within the context of subsidiarity, for caring for its own members;^{xliii} and that, as referenced above, offend against morality and natural law when they transgress on such fundamental parental prerogatives as deciding the number of children a family may have.

Attacks on the sacredness of life, particularly the modern movement "towards limiting, suppressing or destroying the sources of life," are likewise morally unacceptable.^{xliiv} Thus, "solutions" that target the *victims* rather than the *causes*, of human suffering -- abortion as a solution to social problems like poverty and child abuse, abortion and infanticide as solutions for the disabled, euthanasia and assisted suicide as answers to the suffering of the elderly and terminally ill -- must always be rejected by adherents of Catholic social teaching. Likewise, cloning and embryonic stem cell research, which involve the deliberate destruction of human life, are always morally unacceptable.

Throughout *Rerum Novarum*, Pope Leo repeatedly stresses the fundamental importance of private property, as the incentive for human beings to work, the just fruits of their labor, and the means by which they can provide for and better themselves and their families. Thus State policies that endeavor to redistribute wealth by transferring "the possessions of individuals to the community at large, strike at the interests of every wage earner," and are inconsistent with Catholic social teachings upholding the rights of the worker.^{xlv} At the same time, however, we are reminded that it is equally immoral to hoard one's wealth when there are others in need. Regardless of the proper limits on the coercive power of the State, "Man should not consider his material possessions as his own, but as common to all, so as to share them without hesitation when others are in

need.”^{xlvi}

While government has the responsibility for maintaining an ordered society conducive to economic prosperity, it must not do so by “emphasizing and increasing the power of the State” at the expense of “the freedom and values of the person.”^{xlvii} Thus, while some private associations, subversive and revolutionary by nature, are proper targets of State restriction, “every precaution must be taken” to ensure that the State does not interfere with the legitimate right to organize -- an essential component of Catholic social teaching’s commitment to the rights and dignity of the worker.^{xlviii}

The right of religious organizations to be free from State control is also critical, both to their role in promoting social justice, and more importantly, to their ability to remain true to their religious identity. “In their religious aspect” such organizations “claim rightly to be responsible to the Church alone,” Pope Leo wrote. “The rulers of the State accordingly have no rights over them, nor can they claim any share in their control.”^{xliv} Moreover, the Church must resist efforts to “banish law and morality from the political area,”^l and must never “compromise the sincerity of its witness” in order to safeguard certain privileges granted it by the State.^{li}

As we will see, this fundamental principle of Catholic social teaching is critical in today’s health care climate, where Catholic institutions find themselves under constant and coercive pressure to conform with government-mandated “health care” requirements that violate Catholic moral teachings.

Limits on Individuals and Private Associations

Beyond its prescribed limits on the State, Catholic social teaching also proscribes certain practices and attitudes on the part of individuals and groups.

Material gain and economic prosperity, for example, must never be pursued through the exploitation of others. “To gather one’s profit out of the need of another is condemned by all laws, human and divine,” Pope Leo wrote.^{lii}

The poor must never be “considered a burden, as irksome intruders trying to consume what others have produced”; instead, “The advancement of the poor constitutes a great opportunity for the moral, cultural and even economic growth of all humanity.”^{liii} Thus, Catholics should reject approaches such as “anti-childbearing campaigns” targeted toward the poor, whether these be promoted through the coercion of the state or private initiative.^{liv}

At the same time, while advancing distributive justice and the rights of the working class, Catholics should not engage in incitements to class envy, class warfare or violent revolution. “The authority of the divine law” forbids us “in the severest terms even to covet that which is another’s,” Pope Leo wrote.^{lv} “May people learn to fight for justice without violence, renouncing class struggle in internal disputes, and war in international ones,” Pope John Paul prayed.^{lvi}

Finally, while recognizing the God-given potential of humanity, Catholic social teaching warns against an “exaggerated idea of man”^{lvii} and a resultant economic absolutism. By “falling into a humanism which is purely earthbound and even hostile to religion” the human being “may think he is sufficient unto himself and give up the search for higher values,” warned Vatican II.^{lviii}

This can lead to an “idolatry of the market,”^{lix} in which impersonal market forces, absent moral and spiritual considerations, are “heralded as solutions to a host of social problems.”^{lx} “One suspects that it is too much to expect of markets that they will...create virtuous individuals,” writes Andrew Yuengert of Pepperdine University. “It is perhaps a sign of the extent of moral decay in Western society that they are expected to.” In turn, he notes, this same “materialist fantasy is shared by liberals who put their hope for moral regeneration in a more equal distribution of income.”^{lxi}

Catholic teaching, Pope Leo noted, rejects such utopian notions, recognizing that “there naturally exist among mankind manifold differences” in “capacity, skill, health, strength,” with “unequal fortune” a “necessary result of unequal condition.” Thus, recognizing that “no strength and no artifice will ever succeed in banishing from human life the ills and troubles which beset it,”^{lxii} the Church calls us not to a utopian earthly vision, but to a prudential application of Gospel teachings in working to better the human condition.

IV. Case Studies

Let us return then to the question raised earlier by Father Sirico: Does the application of Catholic social teaching to contemporary social issues require adherence to particular public policy approaches? And are Catholics who do not adhere to these approaches necessarily in contradiction of Catholic social teaching? A look at three contemporary issues -- welfare reform, health care, and drug sentencing reform -- can help us examine the question more closely.

Welfare Reform

The debate, over the last decade, on the issue of welfare reform provides a good case study. President Clinton came into office in 1993 pledging to “end welfare as we know it.” Two years later, a newly elected Republican Congress took him up on it, and crafted a landmark Welfare Reform Bill. The legislation, which the President signed into law, was intended to move people from public assistance to employment, and also to transfer, primarily through block grants, some of the responsibility for assisting the poor from the federal government back to the states and localities, as well as to individuals, families, and private organizations.

To supporters within the Church, this seemed perfectly compatible with the principle of subsidiarity: allowing those closest to the problem to address it directly, and to experiment with innovative solutions in response to their particular situation, rather than having solutions imposed by a distant “community of a higher order,” the federal government; especially when all seemed to concur with the observation of Princeton University Professor John DiIulio, director of the Brookings Center for Public Management and Adjunct Fellow at the Manhattan Institute (and later to be head of the White House Office of Faith-Based and Community Initiatives), that the federal welfare system had done at least “as much harm as good, proven more expensive than anticipated, and had many perverse and unintended consequences (illegitimacy, dependency, voluntary joblessness, family destruction, crime).”^{lxiii}

Yet, while the U.S. Bishops readily acknowledged that “the welfare status quo is unacceptable,” and “genuine welfare reform [is] a moral imperative and urgent national priority,” they were concerned about the consequences of what they saw as a significant reduction of the federal government’s role in providing for those in need. “We cannot support reform that destroys structures, ends entitlements and eliminates resources that have provided an essential safety net for vulnerable children or permits states to reduce their commitment in this area,” Auxiliary Bishop John Ricard of Baltimore, then-chairman of the U.S. Bishops Domestic Policy Committee, wrote to members of the House of Representatives in March of 1995.^{lxiv} “This is a critical juncture in whether or not the nation is going to maintain its commitment to its poorest people,” declared Father Fred Kammer, S.J., then-president of Catholic Charities USA.^{lxv}

John DiIulio agreed. “Warts and all,” he contended, “the federal ‘welfare state’ has dependably delivered food, funds, and medicine to scores of millions of impoverished children, pregnant women, and elderly Americans.”^{lxvi}

Catholic supporters of the reform legislation, however, argued that the federal system was “broken beyond repair,”^{lxvii} and that “most of the existing programs should not be maintained,” that “they are actually hurting the poor by putting and keeping them in a posture of dependency and perpetual political supplication.”^{lxviii}

Catholics concerned that the welfare reform bill was unjustly reducing the responsibility of the federal government to assist the poor could cite Catholic social teaching regarding “distributive justice,”^{lxix} and Pope Leo’s instruction in *Rerum Novarum* that “it is the business of a well-constituted body politic to see to the provision of those material and external helps” needed by the poor and working classes.^{lxx}

Supporters of the welfare reform bill, on the other hand, could point to Pope John Paul's observation in *Centesimus Annus* that "the Social Assistance State leads to a loss of human energies and an inordinate increase of public agencies, which are dominated more by bureaucratic ways of thinking than by concern for serving their clients, and which are accompanied by enormous increase in spending." Moreover, "malfunctions and defects in the Social Assistance State are the result of an inadequate understanding of the tasks proper to the State. Here again the principle of subsidiarity must be respected...it would appear that needs are best understood and satisfied by people who are closest to them."^{lxxi}

Just so, agreed Father Sirico, lamenting that "Catholics' instinctive support for welfare may stem from a misunderstanding of the biblical injunction to help those in need. They have been all too willing to cede to higher authorities -- like the federal government -- responsibilities that should be handled closer to home." While "Catholic bishops have been among the welfare state's most vehement defenders," he wrote, "the moral obligation to help the poor is primarily personal, sometimes social, and rarely political in nature. Individuals are called to give of their own resources, not merely support public agencies."^{lxxii}

More than forty years earlier Dorothy Day, co-founder of the Catholic Worker, had written much the same thing. Catholic Worker founder Peter Maurin, she wrote, "pointed out that we have turned to state responsibility through home relief, social legislation, and Social Security, and we no longer practice personal responsibility."^{lxxiii} Of course that "personal responsibility" means not only one's responsibility to oneself and one's family, but also, in Pope John Paul's words, "attentive and pressing concern for

[our] neighbor in a moment of need.”^{lxxiv} It means that we must truly be willing to give of our own resources to help the poor. “To reach the man in the street you must go to the street,” Dorothy Day wrote. “To reach the workers you...take up manual labor.”^{lxxv} It is not enough for advocates of private charity to leave it to others -- and to market forces -- to provide for the poor; just as it is not enough for advocates of government programs to leave the care of the poor solely to the State. Within Catholic social teaching, “No one can say that he is not responsible for the well-being of his brother or sister.”^{lxxvi}

The experience of Dorothy Day also reminds us of the admonition in *Gaudium et spes* against judging the motives of those who reach a different public policy conclusion on a social justice issue. “In fighting against ‘the all-encroaching state,’” Day wrote, “we have been accused of lining up with Wall Street and private enterprise, and the rich opponents of state control and taxation”; when in fact their goal was simply “to decentralize everything and delegate to smaller bodies and groups what can be done far more humanly and responsibly through mutual aid, as well as charity, through Blue Cross, Red Cross, union cooperation, parish cooperation.”^{lxxvii}

Similarly, *New York Times* columnist Peter Steinfels, recounting a 1996 study of charitable giving conducted by Pew Charitable Trusts, cautions against “ad hominem judgments about the motives and attitudes of...politically and theologically conservative Christians.” Whether they “are right in their prescriptions for relieving poverty is a question distinct from whether they are anti-poor” -- an accusation, he contends, that “seems unwarranted” according to the results of the Pew Survey.^{lxxviii}

At the same time John DiIulio deplores the vile rhetoric of some welfare “reformers” who have “likened welfare recipients to lazy animals, among other

disgraceful word images.”^{lxxix} This clearly offends against the Church’s teaching on the sanctity and dignity of every human person, and Pope John Paul’s admonition that the poor never be treated as “irksome intruders.”

Beyond these practical considerations, there is the potential for conflict between secular welfare policies and the Church’s commitment to Gospel-centered social teachings. “The current welfare system is managed by those same folks who have brought you Official Secularism as America’s quasi-establishment of religion,” wrote papal biographer George Weigel in 1995. “In city after city, and in order to qualify for federal funding, church-based agencies have had to agree not to do anything terribly ‘religious’ in their work with the poor.”^{lxxx} This would seem to fly in the face of the Second Vatican Council’s admonition that the Church “never compromise the sincerity of its witness.”

Health Care

This concern is also front-and-center in the issue of health care. There are, of course, the practical concerns, and the inevitable debate over whether those concerns are best addressed by the State or by the private sector.

There are “over 41.2 million Americans, ‘14.6% of the population,’ lacking health insurance,” according to the U.S. Bishops’ Office for Social Development and World Peace.^{lxxxi} According to an editorial in the May 27, 2000 issue of *America*, “It is estimated that by the year 2008, the number of uninsured will have risen to 55 million -- almost a quarter of all non-elderly Americans -- if current trends continue.”^{lxxxii}

With this increase in the uninsured “due in large part to the drop in those covered

by employer-based plans,” and with the rising costs of health care premiums potentially leading some employers to discontinue health insurance coverage for their workers, the Bishops urge an expanded government role in “achieving affordable, accessible and adequate health care for all.”^{lxxxiii}

Others, however, insist that government-imposed health insurance requirements have “backfired,” driving up the cost of providing health insurance and thus contributing to the increasing numbers of uninsured. Grace-Marie Arnett, president of the Galen Institute, a not-for-profit health policy research organization in Alexandria, Virginia, notes that “In 1996, Congress passed the Kennedy-Kassebaum bill, imposing major federal regulation on the health-insurance industry in an effort to increase access to coverage. Then in 1997, Congress enacted the \$48 billion S-Chip program -- the largest new government entitlement program since Medicare and Medicaid -- to provide health insurance for children with joint federal-state spending.” Yet, she notes, the numbers of uninsured Americans continued to increase.^{lxxxiv}

The causes are, of course, the subject of legitimate debate. *America* places part of the blame on welfare reform: “Adults pushed into the workplace were often dropped from Medicaid along with their children, without being told they might still be eligible.”^{lxxxv} Arnett, argues, however, that “parents themselves are resisting signing their children up for a welfare program -- which is what Medicaid is -- just as they rejected the sweeping government-dominated plan that Mr. Clinton proposed in 1993. The solution to the rising number of uninsured,” she insists, “lies not in expanding government programs but in liberating the private, competitive health sector to create more attractive, more affordable health insurance for American families.” She notes that during the 2000

Presidential campaign, both major party candidates -- Democrat Al Gore and Republican George Bush -- advocated tax credits to afford families greater flexibility in choosing their own health care plans.^{lxxxvi}

Again, this practical question -- how best to assure that all Americans have access to quality, affordable health care -- is a subject for legitimate debate within the parameters of Catholic social teaching.

Yet if our preferred solution is greater State involvement -- either through government-provided health care or government mandates on the private sector -- we need to address the critical issue of how government regulation and intervention is currently threatening the moral integrity and religious freedom of the Church's own health care ministries.

In New York as elsewhere, the State has challenged the right of Catholic hospitals to affiliate with other health care institutions while continuing to adhere to Catholic moral and ethical standards and practices. Legislation has been considered that would force Catholic hospitals to provide "emergency contraception" and even abortions.^{lxxxvii} And in 2002 the State Legislature passed, and Governor George Pataki signed, a "Women's Wellness" bill requiring insurers -- even those affiliated with religious institutions -- to provide coverage for contraceptives and abortifacients. A partial exemption for some Church agencies actually served to make the bill even more insidious, as the State took upon itself the authority to define what activities constitute the Church's religious mission. Catholic parishes, for example, were granted an exemption from the requirement, but Catholic hospitals, Catholic Charities and certain Catholic schools were deemed by the State to be outside the Church's religious mission, and required to provide

such insurance coverage for their employees.^{lxxxviii} Recently, the California Supreme Court issued a very similar dictate, declaring that Catholic Charities of Sacramento is not a “religious” organization, and must therefore pay for contraceptive coverage through its employee health plan.^{lxxxix}

While the Church is challenging both the New York State law and the California judicial ruling in the courts, the guidelines of Catholic social teaching raise a critical question: If these laws stand, will Catholic agencies and institutions have to stop providing *any* health care insurance for their employees -- or perhaps even close down altogether -- rather than acquiesce in a law that would require them to violate Catholic moral teaching and “compromise the sincerity” of the Church’s witness?

And this does not even begin to address the moral dilemma for individual Catholics -- Catholic business owners, for example, who would be required to provide such morally objectionable “health care” coverage for their employees, and who would not be protected even by a more comprehensive “conscience clause” designed to protect Catholic institutions.

Drug Sentencing Reform

On the question of reform of drug sentencing laws, I have in recent years experienced, first-hand, two very different perspectives: first as Associate Director for Communications for the New York State Catholic Conference, and currently as spokesman for Nassau County, New York District Attorney Denis Dillon.

The Catholic bishops of New York State, in their 2000 Pastoral Statement on Criminal Justice, “Restoring All to the Fullness of Life,” observed that “Under the harsh

and mandatory sentencing provisions of the Rockefeller Drug Laws [enacted in the early 1970s], more than 23,000 New Yorkers are in prison for substance violations -- 9,000 incarcerated in 1998 alone. Many are non-violent first time offenders, including mothers of young children. Incarcerating them for long periods of time does not serve to enhance public safety, nor does it offer the most effective approach to rehabilitation and restoration.”^{xc} Instead, the Bishops urged -- and continue to urge, in this year’s New York State Catholic Conference Legislative Agenda -- reforms designed to give greater discretion to judges in sentencing for drug offenses, and increased emphasis on, and funding for, drug treatment programs.^{xci}

Others, however, offer a different perspective. John DiIulio, citing a study funded in part by the National Institute of Justice, argues that “the label ‘drug offender’ is a misnomer. It implies a degree of specialization not supported by research...which shows plainly ‘that drug offenders commonly commit other types of crime, most notably robbery, burglary, and violent offenses.’” The study shows that “virtually all ‘drug offenders’ behind bars are in for drug trafficking, not mere possession,” DiIulio writes, with “truly first-time, non-violent, low-level drug offenders...the exceptions. ... Based on a review of 3,500 pages of criminal records, we found that first-time drug offenders were less than 2 percent of the prison population. The imprisoned ‘drug offenders’ had multiple arrests, bouts on probation, and adult and juvenile crimes, including auto theft, burglary, robbery, retail theft, domestic violence, sexual assault, drunk driving, jumping bail, and, of course, drug dealing.”^{xcii}

Advocates of drug sentencing reform point out that drug dependency most certainly plays a key role in the overall aberrant behavior of those who commit drug-

related crimes; and that therefore effective treatment, rather than incarceration, holds the best hope of reforming these criminals.^{xciii} Law enforcement agencies counter that it is primarily the threat of tough sanctions that convinces many drug offenders to get the help they need through treatment. Relaxing stringent sentencing requirements, they contend, would provide a disincentive to obtaining and sticking with such treatment.^{xciv}

Ultimately, as New York State's bishops made clear in their 2000 Pastoral Statement, protection of the public requires a balance between punitive measures designed to prevent crime, and restorative approaches designed to assist convicted criminals in rehabilitating themselves and re-integrating into society. Again, there is room for legitimate policy differences among concerned Catholics truly committed to restorative justice, and to the social teachings of the Church. The Bishops' position on the Rockefeller Drug Laws is a prudential judgment, reached through careful study and reflection, and through years of experience in ministering to those incarcerated and to those struggling with drug dependency. It is a judgment that merits the careful consideration of concerned Catholics; but it does not negate, or place outside the realm of Catholic social teaching, the conclusions of other Catholics whose own careful consideration has led them to embrace a different public policy approach.

V. Conclusion

Through these three contemporary social issues -- welfare reform, health care and drug sentencing reform -- we see how fundamental goals of Catholic social teaching -- assistance to the poor, care of the sick, public safety and public order -- avail themselves of different prudential judgments in terms of public policy.

The test of whether a particular policy judgment is consistent with Catholic social teaching lies not only in *what* conclusion was reached, but also in *how* and *why* it was reached. Was it arrived at through the application of the Gospel on which Catholic social teaching is based? Did it result from careful consideration of the basic principles of Catholic social teaching: a correct view of the human person and his or her unique value; respect for the sanctity and dignity of every human life; recognition of the essential bond between freedom and truth; and an understanding of the Catholic concepts of justice and the common good? Was it a conclusion reached out of concern for the common good, rather than self-interest? Does it in any way threaten to undermine the integrity of the family, the sanctity of life, basic human rights, or the sincerity of our Catholic witness? And, obviously, does it offer the promise of a just solution to the particular social concern we are trying to address?

These are the questions to be answered as we seek to apply -- in our own lives and in our “dialogue with the world” -- the principles of Catholic social teaching to the issues of our time.

ENDNOTES

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- ^{xxiv}*Centesimus Annus*, No. 8.
- ^{xxv}*Ibid.*, No. 4.
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- ^{xxvii}*Rerum Novarum*, No. 15, *Centesimus Annus*, Nos. 6, 10.
- ^{xxviii}*Centesimus Annus*, No. 48
- ^{xxix}*Gaudium et spes*, No. 75.
- ^{xxx}*Rerum Novarum*, No. 22.
- ^{xxxi}*Centesimus Annus*, No. 39.
- ^{xxxii}*Rerum Novarum*, No. 12.
- ^{xxxiii}*Ibid.*, Nos. 45, 48.
- ^{xxxiv}*Ibid.*, No. 29.
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