

How *Should* Catholics Vote? Bringing Moral Principles to Life

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ABSTRACT

Based on principles taught constantly by the magisterium and found clearly expressed in the social encyclicals and other documents from Pope Leo XIII to Pope John Paul II, this paper attempts to explain how it is that Catholics should think about what is involved in voting, and especially about how, in certain circumstances, they should exercise this privilege and responsibility. Voting is an act of cooperation in the acts of others, and so must be analyzed on those grounds. By means of a description of the Church's natural law understanding of the relation between the person, morality, law, and the State, Sections I through VI establish a set of principles concerning the gravity of the goods or evils in which we might cooperate by our vote, so as to enable us to analyze the proportionality involved in the decision. Sections VII and VIII explain the circumstances under which it is legitimate to cooperate in another's evil acts, which one often does when one votes. Sections IX through XII combine these principles and apply them to various voting situations.

AS A FOLLOW-UP to Pope John Paul II's encyclical *Evangelium vitae* (*The Gospel of Life*), the Bishops of the United States released, in 1998, a remarkable (yet little remarked) document entitled "Living the Gospel of Life: A Challenge to American Catholics." In November of 2002, the Congregation for the Doctrine of the Faith published a "Doctrinal Note on some questions regarding the participation of Catholics in political life," which, after a momentary flurry, also slipped to the back of people's minds. These documents contain centuries of wisdom, not only practical but speculative, on the nature of participation in the life of our cities, regions and nations. Of particular interest is their statement of the principles which should govern the participation of citizens—both directly as lawmakers, and indirectly through their representatives—and the clear assertion of the primacy of the protection of

human life, and of those rights and freedoms necessary to our living humanly.

Consider the following statements from these documents, statements that are extraordinary for their strength and clarity. First, from “Living the Gospel of Life”:

Opposition to abortion and euthanasia does not excuse indifference to those who suffer from poverty, violence and injustice. Any politics of human life must work to resist the violence of war and the scandal of capital punishment. Any politics of human dignity must seriously address issues of racism, poverty, hunger, employment, housing, and health care. Therefore, Catholics should eagerly involve themselves as advocates for the weak and marginalized in all these areas. Catholic public officials are obliged to address each of these issues as they seek to build consistent policies which promote respect for the human person at all stages of life. *But being ‘right’ in such matters can never excuse a wrong choice regarding direct attacks on innocent human life.* Indeed, the failure to protect and defend life in its most vulnerable stages renders suspect any claims to the rightness of positions in other matters affecting the poorest and least powerful of the human community. If we understand the human person as the “temple of the Holy Spirit”—the living house of God—then these latter issues fall logically into place as the crossbeams and walls of that house. *All direct attacks on innocent human life, such as abortion and euthanasia, strike at the house’s foundation.* These directly and immediately violate the human person’s most fundamental right—the right to life. Neglect of these issues is the equivalent of building our house on sand.¹

Next, from the Congregation’s “Doctrinal Note on some questions regarding the participation of Catholics in political life”:

[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. The Christian faith is an integral unity, and thus it is incoherent to isolate some particular element to the detriment of the whole of Catholic doctrine.... 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 responsibil-

¹ U.S. Conference of Catholic Bishops, Secretariat for Pro-Life Activities, “Living the Gospel of Life: A Challenge to American Catholics,” p. 23 (italics in original).

ity. 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. This is the case with laws concerning *abortion* and *euthanasia*.... Such laws must defend the basic right to life from conception to natural death. In the same way, it is necessary to recall the duty to respect and protect the rights of the *human embryo*. Analogously, the *family* needs to be safeguarded and promoted, based on monogamous marriage between a man and a woman, and protected in its unity and stability in the face of modern laws on divorce: in no way can other forms of cohabitation be placed on the same level as marriage, nor can they receive legal recognition as such. The same is true for the freedom of parents regarding the *education* of their children; it is an inalienable right recognized by the Universal Declaration of Human Rights. In the same way, one must consider *society's protection of minors* and freedom from *modern forms of slavery* (drug abuse and prostitution, for example). In addition, there is the right to religious freedom and the development of an *economy* that is at the service of the human person and of the common good, with respect for social justice, the principles of human solidarity and subsidiarity.²

Despite such forceful statements, these matters have been a cause of deep division among Catholics. The fear, of course, is that the Church hierarchy might appear to be “telling Catholics how to vote.” Direct support for particular candidates would be troubling from a constitutional point of view, and problematic with respect to freedom of conscience. In trying to avoid the appearance of dictating votes, however, we must not be afraid to spell out the proper principles of action, even if doing so makes it obvious that certain candidates are beyond the pale.

In this paper, I will attempt to do two things. First, I will attempt to ground the claims of these two documents in the constant teaching of the Magisterium, particularly as that is embodied in the social encyclicals of the popes from Leo XIII through John Paul II. These are not *ad hoc* pronouncements, but the culmination of long and careful thought on the nature of the human person, morality, law and the social order. Second, I will attempt to draw out the implications of this teaching for specific sorts of voting situations. People of good will, then, will have available to them a principled guide to a very important moral act.

² Congregation for the Doctrine of the Faith, “Doctrinal note on some questions regarding the participation of Catholics in political life,” p. 4 (italics in original).

I. THE DUTY OF CATHOLIC PARTICIPATION

Christians have a moral duty to participate in the life of society in whatever manner is open to them. Christians are called to bring the Good News to the world, to evangelize the culture faithfully. “Christ’s redemptive work, while essentially concerned with the salvation of men, includes also the renewal of the whole temporal order. Hence the mission of the Church is not only to bring the message and grace of Christ to men, but also to penetrate and perfect the temporal order with the spirit of the Gospel.”³ Lay people, in particular, are called to shape the secular world.⁴

In order to carry out this task faithfully, all Catholics have the responsibility to learn and understand the principles that apply.⁵ It is further our duty to live a consistent life, that is, to apply the moral principles of human action not just to one sphere of life, but to all spheres. There is in this regard no separation between public and private, or between religious and secular.⁶ This is the case even in a pluralistic democracy like our own. John Paul II puts it this way:

Nowadays there is a tendency to claim that agnosticism and skeptical relativism are the philosophy and the basic attitude which correspond to democratic forms of political life.... As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism.⁷

Without ignoring the danger of fanaticism, we must admit that freedom

³ Vatican Council II, *Apostolicam actuositatem* 5. See also Leo XIII, *Immortale Dei* 46; John XXIII, *Mater et magistra* 222, 226; Paul VI, *Evangelii nuntiandi* 62-65; John Paul II, *Christifideles laici* 1-3, 14, 32-34; *Evangelium vitae* 79.

⁴ John XXIII, *Mater et magistra* 240-241; Vatican Council II, *Apostolicam actuositatem* 2, 5, 7; Paul VI, *Octagesima adveniens* 48; John Paul II, *Christifideles laici* 1-3, 38; *Catechism of the Catholic Church* 909.

⁵ Vatican Council II, *Apostolicam actuositatem* 31; John Paul II, *Christifideles laici* 60.

⁶ Leo XIII, *Immortale Dei* 46, 47; *Sapientiae christianae* 10; John XXIII, *Mater et magistra* 157, 222, 226, 241; Vatican Council II, *Apostolicam actuositatem* 4, 5; John Paul II, *Christifideles laici* 2, 17, 59; *Evangelium vitae* 79; *Catechism of the Catholic Church* 912.

⁷ John Paul II, *Centesimus annus* 46.

can be attained only through respect for the truth. Since Jesus is “the Way, the Truth and the Life,” we cannot achieve the peace which all persons seek by means of law and government unless Christ and his Church enter into the life of society.⁸

If religion is not a purely private affair, then we are called to bring Christian principles to bear on our world wherever this is possible.⁹ One place where this is possible, and desirable, is the voting booth.¹⁰ The *Catechism of the Catholic Church* concludes, therefore, that “co-responsibility for the common good make[s] it morally obligatory...to exercise the right to vote...”¹¹

If the state is operating legitimately in every respect, there will be no conflict of principles between the state and the Church. As history shows, this often has not been the case. If conflict arises between the actions of the state or the policies of a political party, on the one hand, and Catholic teaching on faith and morals, on the other hand, it should be clear that one’s proper path is to adhere to the faith.¹² There is, of course, a distinction to be made here. We are not bound to a prudential decision or policy followed by Church officials when no basic principle of faith or morals is at stake.¹³ One may not, however, abandon Church teaching on matters of faith and morals for the sake of expediency.

Both John XXIII and Paul VI urged collaboration, where possible, between Catholics and non-Catholics on projects designed to bring about good ends desired by both groups. This cooperation is an important

⁸ Leo XIII, *Tametsi futura prospicientibus* 8.

⁹ Leo XIII, *Immortale Dei* 21; *Sapientiae christianae* 31,32; Pius X, *Il fermo proposito* 1, 6, 7, 17; Vatican Council II, *Apostolicam Actuositatem* 7, 14; Paul VI, *Octagesima adveniens* 48; John Paul II, *Christifideles laici* 38, 42; *Catechism of the Catholic Church* 2239.

¹⁰ Vatican Council II, *Gaudium et spes* 75; *Apostolicam actuositatem* 14.

¹¹ *Catechism of the Catholic Church* 2240.

¹² Leo XIII, *Sapientiae christianae* 6, 9, 10; *Diuturnum* 15; John XXIII, *Mater et magistra*, 239; Vatican Council II, *Gaudium et spes* 74; Paul VI, *Evangelii nuntiandi* 65.

¹³ Leo XIII, *Sapientiae christianae* 29; *Diuturnum* 7; Vatican Council II, *Gaudium et spes* 75-76; John Paul II, *Christifideles laici* 42.

element in evangelizing the culture, bringing the Christian perspective to bear on society and politics. One might wonder, however, whether the second part of the message was ever heard: We must be extremely cautious about *how* we cooperate with those who do not share our religious and moral convictions. “[T]he Christian must make a wise and vigilant choice and avoid involving himself in collaboration without conditions and contrary to the principles of a true humanism, even in the name of a genuinely felt solidarity.”¹⁴ A Catholic electorate, rightly eager to tackle such pressing social concerns as poverty and civil rights, joined wholeheartedly with others who, for entirely different reasons, sought the same goals. However, strong utilitarian and libertarian beliefs—beliefs which are not compatible with a Catholic understanding of the basic principles of human action—often drive the political agenda in this country. Without guidance from those who should have articulated the proper moral principles, Catholics all too often have adopted these false premises to support their political agendas. Later, when the time came to argue, for example, about abortion, the average Catholic no longer had the vocabulary for opposition to utilitarian and libertarian arguments, as a matter either of morality or law.¹⁵ Before entering into any specific arguments about voting, then, let us remind ourselves of that vocabulary by reviewing the Church’s teaching on the origins of, and relationship between, civil law and natural law.

II. THE SOURCE OF LAW

Almost everything the Church teaches regarding our responsibilities to state and society is grounded, not in revelation, but in natural law, “the law written in our hearts.”¹⁶ Although we as Christians have the light of revelation to aid in this discovery, the natural law is accessible to reason

¹⁴ Paul VI, *Octagesima adveniens* 49. See also John XXIII, *Mater et magistra* 239; *Pacem in terris* 157-62.

¹⁵ See USCCB, “Living the Gospel of Life” 25: “American Catholics have long sought to assimilate into U.S. cultural life. But in assimilating, we have too often been digested. We have been *changed* by our culture too much, and we have *changed it not enough*” (italics in original).

¹⁶ John XXIII, *Pacem in terris* 6, 7.

alone. This means that the natural law applies to everyone, not just to believers.¹⁷ It seems strange, however, that something in our hearts is called “law.” Why does it make sense to call it this?

Law, in its most basic sense, is a plan of proper goals for the common good, and the means to attain those goals, which plan is promulgated by someone in authority to those under his authority.¹⁸ This, in essence, is how Thomas Aquinas, as part of an ongoing tradition, defines it. The ultimate authority is, of course, God who, as both reason and revelation tell us, is the Creator of everything. Since a Creator creates with a purpose, He establishes a goal, and the means to attain it, for every creature. The attainment of that goal constitutes the creature’s good, its fulfillment. In other words, God has in mind the Plan for every type of creature; this plan, therefore, is law, *eternal* law.

How does God promulgate this law? Most creatures, of course, cannot do otherwise than they do. To figure out God’s plan for plants and animals, we need only to watch what they are naturally moved to do. Human beings, on the other hand, can freely reject God’s plan, but the way we discover the plan is the same: we consider those things towards which human beings are fundamentally inclined. This is what it means to say that the law is “written in our hearts.” The law we discover here is known as the *natural* law.

Those things toward which we are fundamentally inclined—for example, self-preservation, sexual intercourse and the care of offspring, knowledge of God and the world, love of others—point us to goals that are fundamentally worth pursuing—that is, to natural goods. What goes against these goods is unfitting to us, and must be avoided if we are to reach our fulfillment as human beings. That fulfillment is not to be found in the pursuit of pleasure, power, money, fame or any ephemeral thing that we can have, but just as easily lose. Rather, our fulfillment lies in the excellent performance of the activities for which we were created: knowing and loving. Actions are right or wrong, not in their results, but in their relationship to this truth about human beings, to the human dignity

¹⁷ Leo XIII, *Sapientiae christianae* 2; John Paul II, *Evangelium vitae* 2, 76, 77, 101; *Catechism of the Catholic Church* 1956.

¹⁸ Leo XIII, *Sapientiae christianae* 8; *Catechism of the Catholic Church* 1951.

of the one who acts and the one who is acted upon.¹⁹

How do eternal and natural law apply to “positive law,” that is, to ordinances established by a political authority? The natural law is “the obligatory point of reference for civil law itself.”²⁰ There are those who argue that *any* ordinance that is made by a human authority demands our obedience, that the power of law comes simply from its being promulgated and enforced. Such a view is not a Catholic one. According to a natural law approach, the ordinance must be directed appropriately to a fitting goal, that is, one that is proper for human beings to pursue. No dictate of any authority that violates our God-given human nature makes sense. Indeed, an ordinance that violates the natural law is no law at all.²¹ Consequently, a government that enacts or enforces such a law is contradicting itself. This is one way to understand the claim of Leo XIII that “a crime against religion is a sin against the State.”²² In other words, whatever in positive law violates the moral law is an attack not only against religion, but also against the very legitimacy of the state. For these reasons, it is our duty to resist such “laws.”²³ Correlatively, it is the duty of all rulers to rule in accordance with the natural law. For whatever the form of government, all power comes from God, and all proper authority derives from conformity with the natural law.²⁴

III. THE STATE SERVES THE HUMAN PERSON

This understanding of law puts the relationship between human society and the state into proper perspective: the state itself makes sense only insofar as it serves us. It exists as a means to human perfection, and is at

¹⁹ John Paul II, *Christifideles laici* 37.

²⁰ John Paul II, *Evangelium vitae* 70; cf. *Catechism of the Catholic Church* 1959.

²¹ St. Thomas Aquinas, *Summa Theologiae* I-II, 93, 3 ad 2; John XXIII, *Pacem in terris* 51; John Paul II, *Evangelium vitae* 72.

²² Leo XIII, *Sapientiae christianae* 10.

²³ Leo XIII, *Sapientiae christianae* 7, 10; *Diuturnum* 15; John Paul II, *Evangelium vitae* 73.

²⁴ Leo XIII, *Sapientiae christianae* 8; *Diuturnum* 8, 15; John XXIII, *Pacem in terris* 46, 47; *Catechism of the Catholic Church* 2235.

the service of the human person, the family, and the whole of society.²⁵ It exists, in other words, to protect justice and the common good.²⁶ One who has authority over a group must protect the goods of individuals in relation to each other, and the good of the group as a whole, the common good. In order to be legitimate, therefore, the state must do what it can to bring about the common conditions that enable human persons to attain fulfillment. By “fulfillment” we do not mean material well-being, although this is by no means inconsequential. Rather, “fulfillment” entails the achievement of human excellence—that is, a life of virtue.²⁷ This being so, it is never legitimate for the state to *support* violations of the moral law by anyone, although occasionally it may *permit* some violations for a suitably grave reason.²⁸ It is never legitimate for the state even to accept, let alone support, violations of fundamental justice and rights. Since human beings precede the state, and are the reason for its existence, the state must, at the very least, attempt to protect us from violations of those fundamental rights without which we cannot move toward our proper end as human persons. “The chief concern of civil authorities must therefore be to ensure that these rights are recognized, respected, co-ordinated, defended and promoted, and that each individual is enabled to perform his duties more easily.”²⁹

All societies aim at peace. As Aquinas notes, peace has two elements: order and tranquility.³⁰ Tranquility cannot be found without order. This

²⁵ Leo XIII, *Rerum novarum* 7, 13, 14.

²⁶ Leo XIII, *Immortale Dei* 5; John XXIII, *Pacem in terris* 54, 60, 61; John Paul II, *Evangelium vitae* 71.

²⁷ Leo XIII, *Rerum novarum* 34; *Libertas praestantissimum* 9, 21; Pius XII, *Summi Pontificatus* 58, 59; John XXIII, *Pacem in terris* 57; Vatican Council II, *Dignitatis humanae* 6; John Paul II, *Centessimus annus* 49.

²⁸ Leo XIII, *Libertas praestantissimum* 10, 33-34.

²⁹ John XXIII, *Pacem in terris* 60; cf. Leo XIII, *Libertas praestantissimum* 13; *Rerum novarum* 7, 12, 13, 32; John XXIII, *Pacem in terris* 77; John Paul II, *Redemptor hominis* 17. See also Pius XII, *Pentecost Broadcast 1941*, 15.

³⁰ St. Thomas Aquinas, *Summa Theologiae* II-II, 29, 1, ad 1; cf. Pius XII, *Christmas Broadcast 1942*.

requires that the demands of justice be met.³¹ True peace, the peace of Christ, must be a just one. But it is not simply justice; it is also charity.³² While justice removes the impediments to peace, it is completed through an act of self-giving love.³³ Although the State can guarantee justice, it has not the authority to guarantee charity.³⁴ “Enforced charity” is a contradiction in terms. Nevertheless, human beings need the opportunity to exercise this virtue.³⁵ Thus the State is required to smooth the path to charity through justice. True charity is best performed at the level of organization closest to the problem. This is because “needs are best understood and satisfied by people who are closest to them and who act as neighbors to those in need.” Indeed, “certain kinds of demands often call for a response which is not simply material, but which is capable of perceiving the deeper human need.”³⁶

In performing its task of service to the person and society, the state must not overstep its authority. Thus it must be guided in its policies by the Principle of Subsidiarity. According to this principle, we must not assign to a higher level of association what subordinate organizations can accomplish.³⁷ For example, the federal government should not do what can be accomplished at the state or local level; governmental organizations should not be responsible for what can be accomplished by private organizations and individuals. A violation of this principle constitutes “a grave evil and disturbance of right order,” because it upends the relation-

³¹ John XXIII, *Pacem in terris* 27; *Catechism of the Catholic Church*, 1909. See also Pius XII, *Easter Homily 1939*.

³² Pius XI, *Ubi arcano Dei* 34.

³³ Vatican Council II, *Gaudium et spes* 78; John XXIII, *Pacem in terris* 37; John Paul II, *Dives in misericordia* 12. See also, Aquinas, *S.T.* II-II, 29, 3.

³⁴ Leo XIII, *Rerum novarum* 22; Pius XI, *Quadragesimo anno* 47.

³⁵ Leo XIII, *Rerum novarum* 30; John Paul II, *Christifideles laici* 41.

³⁶ John Paul II, *Centessimus annus* 48; cf. Leo XIII, *Rerum novarum* 30.

³⁷ Paul VI, *Octagesimo adveniens* 46; *Catechism of the Catholic Church* 1883-1885.

ship between society and state, putting persons at the service of the state.³⁸ Improper interference in, or usurpation of, the proper responsibilities of those it exists to serve is completely at odds with the state's reason for existence. For example, when a family is in deep economic distress, it may be right to help the family with public aid if no private aid is forthcoming; when it suffers from internal disturbance, it is right to intervene to safeguard the rights of individuals. But the state may go no further: "setting aside the parent and setting up a State supervision act[s] against natural justice, and destroy[s] the structure of the home."³⁹ Admittedly, a large measure of prudence is necessary on the part of public authority. Under one set of circumstances, a government program may appear to be the only workable solution to a particular social problem, while under somewhat different circumstances, it might seem an over-extension. People of good will may reasonably disagree about the application of this principle in the particular circumstances, without disagreeing in principle.

IV. FUNDAMENTAL RIGHTS

What, then, is most fundamental to a properly ordered state? What is secondary? Which demands of justice and the common good are more important than others?

The State *must* recognize the right to certain freedoms and structures that are inseparable from the fulfillment of the human good. There are three that top the list—or, to use a metaphor of John Paul II, who is consistently eloquent on this subject, there are three which are at the center of a series of concentric circles of rights.⁴⁰ "First and fundamental among these is the inviolable right to life of every innocent human

³⁸ Pius XI, *Quadragesimo anno* 79.

³⁹ Leo XIII, *Rerum novarum* 14; cf. *Catechism of the Catholic Church* 2209.

⁴⁰ John Paul II, speech, "Votre doyen," 1/9/89. It is important to note here that the Pope does not work out the metaphor. He does, however, insist on a hierarchy of rights, the most central of which is life, followed by religious and family rights, then other lesser rights. It is a task of this paper to argue for a particular hierarchy and place it within the metaphor of rings.

being.”⁴¹ This is the right not to be assaulted in one's person by other persons, or by the state—except for the protection of the common good and justice, as in capital punishment and a justified war.⁴² Without this right in place, the logical principle at work is that either the state, or each individual, is free to decide who counts, and then act on that decision. A state that violates, or fails to enforce, this right acts in a manner contrary to its own reason for existence, the protection of those under its authority. The logical outcome of this principle of action is either totalitarianism or anarchy. In either event, it is the triumph of the strong over the weak, of power over law, the elimination of society itself.⁴³ “At that point, *everything is negotiable, everything is open to bargaining*; even the first of the fundamental rights, the right to life.”⁴⁴ So, any outcry on behalf of other human rights is simply false if the right to life is not maximally defended. This right anchors the very possibility of any other rights in the state.⁴⁵

In the second ring are the basic human rights of the individual, primarily religious freedom and, implicit in this notion, freedom of thought and conscience.⁴⁶ Our relationship with God is constitutive of individual existence, on the one hand, and essential to the structure of society, on the other.⁴⁷ The point of human life is not ultimately to be found in this fallen world, but rather in God. A state which allows for, and assists in, the living of a moral life will help the individual fulfill his being

⁴¹ John Paul II, *Evangelium vitae* 71.

⁴² In this regard, the Church teaches that capital punishment can be legitimate, but ought not to be used unless necessary. See *Catechism of the Catholic Church* 2266. Similarly, armed assault on people outside one's own borders can be legitimate for the sake of defense, although there are very specific criteria to be met. See *Catechism of the Catholic Church* 2308-09.

⁴³ John Paul II, *Evangelium vitae* 19.

⁴⁴ John Paul II, *Evangelium vitae* 20.

⁴⁵ John Paul II, *Christifideles laici* 38; *Evangelium vitae* 72, 101.

⁴⁶ Vatican Council II, *Dignitatis humanae* 2.

⁴⁷ John XXIII, *Pacem in terris* 9, 14; Vatican Council II, *Dignitatis humanae* 2; John Paul II, *Centesimus annus*, 29; *Christifideles laici*, 39.

and have something to show for his life when he is judged. In addition, every individual must have the ability to practice his faith freely in order to make living the moral life possible and to give it meaning.⁴⁸

Also in this group of fundamental rights—one might arguably place it in this second ring along with religious freedom—there is the right to the protection and support of the primary unit of society, the family.

The first and fundamental structure for “human ecology” is the family, in which man receives his first formative ideas about truth and goodness, and learns what it means to love and to be loved, and thus what it actually means to be a person. Here we mean the *family founded on marriage*, in which the mutual gift of self by husband and wife creates an environment in which children can be born and develop their potentialities, become aware of their dignity and prepare to face their unique and individual destiny.⁴⁹

No other grouping of persons is as *fundamentally* important to human development as the “nuclear family” founded on the marriage of man and woman.⁵⁰ Nor can any other person or institution other than the parents hold the primary responsibility for the education of children.⁵¹ Any attempts to undermine this reality—for example, the fostering of competing views of the institution of marriage, or the usurpation of parental rights and duties by the state—are, for that reason, assaults on the family, and therefore assaults on the good of both the individual and society itself.⁵² Thus the Council Fathers wrote:

All those, therefore, who exercise influence over communities and social groups should work efficiently for the welfare of marriage and the family. Public authority should regard it as a sacred duty to recognize, protect and

⁴⁸ Vatican Council II, *Dignitatis humanae* 3.

⁴⁹ John Paul II, *Centesimus annus* 39. See also *Christifideles laici* 40; John XXIII, *Pacem in terris* 16; Vatican Council II, *Gaudium et spes* 48; *Apostolicam actuositatem* 11.

⁵⁰ Vatican Council II, *Gaudium et spes* 47.

⁵¹ John XXIII, *Pacem in terris* 17; Vatican Council II, *Apostolicam actuositatem* 11.

⁵² Vatican Council II, *Gaudium et spes* 47.

promote their authentic nature, to shield public morality and to favor the prosperity of home life.⁵³

As John Paul describes it, further circles of rights emanate from this center: civil rights, guaranteeing various individual freedoms helpful to human fulfillment; and political rights, enabling the citizen to engage in public affairs. He goes on to mention another ring of social and cultural rights, and a “third generation” of rights concerning human development and control of the environment.⁵⁴ This metaphor of concentric rings of rights has not, to my knowledge, been worked out. The relation between the fundamental rights and further rights and freedoms certainly needs further exploration, which we can only begin here. It is, however, a potentially rich and useful metaphor.

One aspect which makes the first three rights (life, religion, family) fundamental is the fact that they follow from the very definition of the human person, both as an individual and as a social being. They are rights without which a state cannot possibly be just, for without them, the state itself would be complicit in an assault upon the very beings it exists to serve.⁵⁵ In other words, there are no circumstances under which a refusal of, or violation of, these rights is anything but an injustice, and thus a basic failure in the state’s use of authority.

The second aspect which makes these three rights fundamental is that there is really only one way properly to instantiate them, and that is fully and completely. In such matters, there is no room for prudential judgment about whether the conditions of justice have been met—no room, therefore, for people of good will to disagree. Failure to instantiate these rights is not simply a neutral lack, but an assault on both person and state. For example, the state must protect the lives of citizens from others. Any refusal to do so—as in abortion—entails a competing principle (i.e., that it is permissible for private citizens to kill one another), which is fundamen-

⁵³ Vatican Council II, *Gaudium et spes* 52.

⁵⁴ John Paul II, “Votre doyen” in TPS 197-98.

⁵⁵ Not surprisingly, these fundamental rights correspond to the fundamental inclinations involved in the natural law: protect physical integrity, allow people to believe and worship, and exalt the traditional family.

tally at odds with the natural law understanding of both the person and the state. Similarly, the state must protect the freedoms of religious belief and practice in keeping with the natural law. Refusal to do so—as in outlawing the public display of religious symbols—entails a competing principle (i.e., that it is permissible for private citizens or the state to keep a person from his proper relationship with his Creator). In like manner, the state must protect the rights and welfare of the nuclear family as defined earlier. Refusals of, or violations of, this protection—as in the recognition of homosexual unions—entail the adoption of principles contradictory to the definition of marriage and family.

We noted earlier that there are two possible times when the state may legitimately take human life: capital punishment and war. Following the natural law, the Church is not opposed to either of these tools of governance in themselves. She is, however, opposed to their illegitimate use. In each case, however, the decision about whether any particular situation requires their use is a matter of prudential judgment on the part of those in authority.⁵⁶ Naturally, the Church urges us to resist the use of these violent means if at all possible. However, people of good will can reasonably disagree about when the limits of forbearance have been reached. They are, of course, issues bearing on human life, but (as our opening quote from the U.S. Bishops makes clear) their legitimate use is not an issue of fundamental right.⁵⁷

V. RELATING FUNDAMENTAL RIGHTS TO SUBSIDIARY RIGHTS

The further rings of rights that follow from the first three (life, religion, family) have characteristics different from those of the first three. First of all, they make sense only when the first three have been acknowledged as fundamental. From the primacy of the nuclear family, for example, there follows the necessity of protecting the proper conditions for family life. The rights to these protections, therefore, precede the State.⁵⁸ For example,

⁵⁶ *Catechism of the Catholic Church* 2266, 2308-09.

⁵⁷ U.S. Conference of Catholic Bishops, “Living the Gospel of Life” 23.

⁵⁸ Leo XIII, *Rerum novarum* 8, 13.

human persons have a right to private property⁵⁹; to earnings sufficient to support their families⁶⁰; to the provision of as decent a level of health care as can be reasonably provided⁶¹; and to assistance when they are unable to provide for themselves.⁶² However, a right or claim to these goods—and subsequent regulation by the state—makes sense only insofar as they serve the fundamental three sets of rights—that is, insofar as they serve the proper ends of the human person.⁶³

Secondly, the claim to such rights, unlike the fundamental three, can be meaningfully and truly satisfied in many ways. Charity, the principle of solidarity, and the universal destination of goods demand that we help others in need when we have an abundance of goods, but the state itself need not always provide the assistance.⁶⁴ Indeed, the principle of subsidiarity assumes it will not do so except as a last resort.⁶⁵ When it does, assistance may legitimately take place in many forms—a primary one being the creation of jobs.⁶⁶ Health care is a right that is limited by the availability of resources and that may be administered in any number of just ways. What counts as a living wage depends to a great extent on cultural factors, like what the society counts as basic necessities, or who

⁵⁹ Leo XIII, *Rerum novarum* 6; Pius XI, *Quadragesimo anno* 47; John XXIII, *Mater et magistra* 19, 109; *Pacem in terris* 21; John Paul II, *Centesimus annus* 30.

⁶⁰ John XXIII, *Mater et magistra* 33; *Pacem in terris* 20; John Paul II, *Centesimus annus* 8; *Catechism of the Catholic Church* 2434.

⁶¹ John XXIII, *Pacem in terris*, 11.

⁶² Leo XIII, *Rerum novarum* 22; Vatican Council II, *Apostolicam actuositatem* 8; *Catechism of the Catholic Church* 2446.

⁶³ See, for instance, John Paul II, *Centesimus annus*: “[E]conomic freedom is only one aspect of human freedom.” (39) “[L]ife in society has neither the market nor the State as its final purpose, since life itself has a unique value which the State and the market must serve.” (49)

⁶⁴ Indeed, the Popes say repeatedly that State assistance cannot replace true charity: cf. Leo XIII, *Rerum novarum* 30; John Paul II, *Christifideles laici* 41.

⁶⁵ Pius XI, *Quadragesimo anno* 79; John Paul II, *Centesimus annus* 48.

⁶⁶ Pius XI, *Quadragesimo anno* 50-51.

in the family is expected to contribute to the family's finances.⁶⁷ The wage is not a concept applicable to the self-employed, so the right to support one's family must be applied differently for such persons. And while private property is a necessity of human dignity, ownership of property may be regulated by the State in various ways for the sake of the common good.⁶⁸

Many political rights are of the same character. Political rights enable the citizen to participate more fully in the life of the community. There are, however, many methods for doing so, and the Church is not committed to any particular system.⁶⁹ The task of the human person is to achieve his proper end, which is heaven. He may well do so within any political system. However, every state is constrained by the demands of justice: it may never violate the three sets of fundamental rights (life, religion, family), and it must establish the conditions which enable its citizens to carry out the duties that follow from his nature as a human individual, as a family member, and as a creature of God.

It is important to establish here the relationship of the outer rings of rights to the first three central ones. We could reasonably call them second and third level rights. The second level rights are those which are discoverable, because they follow logically from more fundamental rights grounded in human nature. For example, we have a natural right to private property, including productive property. This is grounded in the necessity that human beings provide for themselves and their families into the future.⁷⁰ However, policies concerning ownership may promote the good of the person, and the family, and the common good of society, in more than one way. How the implementation of rights such as these best serves the good of the human person is a matter of prudential judgment. Thus, different people may have a difference of opinion over what property may be privately owned, or the conditions of such ownership.

⁶⁷ John XXIII, *Pacem in terris* 20.

⁶⁸ Pius XI, *Quadragesimo anno* 49.

⁶⁹ Vatican Council II, *Gaudium et spes* 76; John Paul II, *Centesimus annus* 47; *Christifideles laici* 42.

⁷⁰ Leo XIII, *Rerum novarum* 6.

They may disagree over whether a particular tax is proper or confiscatory. Even so, they may still agree in principle and aim at the accomplishment of the same good.

Third level rights follow from the more central ones, not as logical consequences, but as *useful means* to the accomplishment of the good of the human person. These are rights in a somewhat different sense. The first and second level rights are natural rights which precede the state, and which may not be denied. For instance, one could claim a second level right to travel freely. One might want to say it leads logically to the right to drive a car. But what if I cannot afford a car, or am only twelve years old? What if no one is manufacturing cars? And if I may drive a car, may I drive it anywhere—on private property, or inside a building? May I drive at any speed I desire? The right to drive a car may follow from my right to travel freely, but there are reasonable limitations which may be placed on that right. For sufficient reason, I may even be denied the right to drive, without being able to claim that I have suffered harm, or even that it has impinged on my right to travel freely.

VI. SOME INTERMEDIATE CONCLUSIONS

How does all this information add up? Let's connect the dots. What we know is that a state can support the three fundamental sets of rights in only one way—fully and completely—without employing contradictory principles. The second level rights are natural rights which precede the state, but which may reasonably be implemented in a number of ways. The third level rights do not precede the state, but are recognized as rights only insofar as they are taken to be useful means for giving substance to the more fundamental rights. These, too, can be reasonably implemented in various ways. Thus, even when people of good will have acknowledged the subsidiary rights, there is room for disagreement as to how best to implement them. There will be, to use the common terms, more “conservative” or more “liberal” methods for trying to instantiate these rights, but in choosing one way over another, we are still aiming to bring about the good. The choice is strictly one of prudential judgment.

The social teaching of the Church since Leo XIII has been remarkable for its emphasis on these civil and political rights—for example, for its promotion of labor unions, or for its insistence on social institutions

that reduce poverty. Two things should be noticed in this regard, however. First, the popes spoke to these concerns in situations where the protection of life, religious freedom, and the family were already assumed. Where these rights were threatened or absent, as in Nazi Germany or Communist China, they spoke forcefully about the most fundamental rights rather than the secondary ones.⁷¹ The Church recognizes that the subsidiary rights are rights only insofar as they serve what is fitting for human persons—and in some circumstances human persons and the common good are best served by a limitation of rights. The ownership of property, for example, is fundamentally necessary for the proper good of human individuals and families. Sometimes, however, the human good is better served by limiting that right—through taxation, for example, or the right of eminent domain. Political rights, like the right to vote, are useful to the full participation of the person in the life of the community, and therefore can be very good. While it would be unreasonable to deny the vote to people able to use it properly, it would not be unreasonable to deny it in circumstances where it would clearly hinder rather than promote the common good. On the other hand, no such argument can be made about the fundamental rights. Human fulfillment *cannot* be served if fundamental rights are violated; thus, the state must make every effort to protect them in full.

This, then, is the recipe for the common good. The life of the individual person must be protected from assault. Respect for conscience and religious worship must be ensured. The nuclear family as the fundamental unit of society must not be undermined in any way, but must be given special protection, more so even than other worthy social groups. Whatever else is necessary to the fulfillment of the human good, both individual and common, must be acknowledged and protected, after a prudent investigation of the different opinions on how these subsidiary rights would best be implemented in the current situation. The whole plan must work toward one basic goal: the fulfillment of the human person. Lest there be any misunderstanding about what anchors everything, let me quote from a talk John Paul II gave at the end of his 1987 visit to the

⁷¹ Pope Pius XII's Christmas Broadcasts during World War II are notable in this regard.

United States:

The best traditions of your land presume respect for those who cannot defend themselves. If you want equal justice for all and true freedom and lasting peace, then, America, defend life! All the great causes that are yours today will have meaning only to the extent that you guarantee the right to life and protect the human person:

- Feeding the poor and welcoming refugees.
- Reinforcing the social fabric of this nation.
- Promoting the true advancement of women.
- Securing the rights of minorities.
- Pursuing disarmament, while guaranteeing legitimate defense.

All this will succeed only if respect for life and its protection by the law is granted to every human being from conception until natural death.⁷²

VII. THE MEANING OF A VOTE

The principles outlined above should help Catholic voters identify the relative importance of certain social issues. But how are we to implement these principles? To answer this question, it is necessary to discuss the meaning of voting.

Most simply put, a vote is essentially a “yes” or “no,” acceptance or rejection, a statement of preference between two (or more) possible states of affairs. It is an act of making a choice, and is thus a deeply *human* act, one that fully involves our reason and our will. Because voting is such a fundamental statement of *my* choice, it is an intensely *personal* act. To vote in a way that is most fully human, I must vote freely and with full knowledge of what I am doing. In the public setting with which we are here concerned, my choice involves the good of human society; thus it is very clearly a *moral* act. Voting is therefore an act of conscience. It would not do, in my vote, to appeal to the freedom of other people to act according to their consciences. Here, I must act according to mine alone.

Now one might explain a vote—whether it is concerned with small everyday things or larger matters of public policy—as essentially an act of self-interest. This would serve as an adequate explanation of voting only if human beings were, in the core of their being, purely self-interested.

⁷² John Paul II, "Once again," speech 9/19/87; *TPS* vol. 33, no. 1. Cf. *Evangelium vitae* 101.

Catholicism rejects such an idea of the human person. Self-interest may, of course, be the motivating factor behind many actual votes. Our task, however, is to offer a *justification* for our votes. This means we must ask what are the *right reasons* for a vote, so that we may act in a properly human way.

Since we are here considering society, government and law, let us confine our discussion to the ways we can vote with regard to these matters. If voting is properly an act of my conscience, then what I am trying to do when I vote is to bring into reality my vision of how the world ought to be. I must take into account everything that was stated above about what is a properly human vision of society, government and law. That means that my vote must be an attempt to promote, not my private interests, but the common good.

There are two kinds of votes I can cast: (a) a direct vote (as an elected lawmaker, or as a citizen in a plebiscite) for or against a particular law or policy; or (b) a vote for or against a person who will represent me, who will in turn be involved in making the laws. In the first type of vote, I attempt most directly to bring about my vision of the common good. Most of the time, however, I make use of the second type, election of a representative.

How am I to understand my vote for a representative? If I could elect a representative who would necessarily, in every instance, vote for exactly the public policies and laws I would vote for were I the legislator, then I could view the election as nothing more than putting into place a machine. Voting for this machine would be no different than voting on the policy myself. Of course, candidates for public office are not machines. They are people with their own consciences, which they are obliged to follow. In other words, the best I can do is to vote for someone for office who will attempt to bring into reality *his* vision of the common good. The question then naturally arises: "Can I accept my representative's vision of the common good?" I must be able to respond: "Yes, I can accept his vision (at least under the present circumstances), even if I cannot fully approve it." Why does this matter?

Whether I vote directly for a law, or indirectly for a representative, I am *cooperating* in the actions of others. Because of this fact, my vote implicates me in their actions insofar as I am aware beforehand of the intentions of those whose actions my vote would authorize. If I act

directly as a lawmaker by voting for a particular measure, I authorize citizens by law to perform certain actions. In order to do this morally, I must be able to accept these actions. Similarly, if I elect a representative to make the laws for us, I find his vision of reality acceptable, and authorize him to bring it about. Notice that my vote does not say that I *like* what the lawmaker stands for; rather it says that I find what he claims he will vote for, and the actions it authorizes, to be *permissible* given the circumstances, something I *may* accept and, by my vote, *do* accept. So, what are we to make of a situation in which the action to be authorized is evil?

VIII. PRINCIPLES OF COOPERATION AND VOTING

According to the *Catechism of the Catholic Church*, we are responsible for our cooperation in the evil acts of others when we (a) directly participate; (b) order, advise, praise or approve; (c) fail to disclose or hinder the evil when we have an obligation to do so; or (d) protect evil-doers.⁷³ Any one of the last three situations is possible when we vote.

May I cooperate in the evil acts of another? It depends. There are two kinds of cooperation. Formal cooperation is sharing in the intent of the person committing the evil action. The problem with sharing this intent is that I am therefore deliberately choosing the evil, which I may never do. Material cooperation, on the other hand, is offering assistance which makes the action possible, or easier. If I do this by direct participation in the act—that is, I actually do part of the job—I would, in essence, be sharing in the intent to do evil. However, if my material assistance is mediated, I may be able to do an act which is itself good or indifferent, which nonetheless has a bad outcome—that is, it supplies the means for a wrongful act—an outcome that I do not intend, but that I may accept under certain circumstances.⁷⁴

The principles of cooperation in an evil act are species of the principle of double effect. In order to be legitimate, there must be a proportionately serious reason for the cooperation—that is, the effect of *not*

⁷³ CCC, 1868.

⁷⁴ Cf. John Paul II, *Evangelium vitae* 73, 74.

cooperating is proportionately more harmful than cooperating. That proportion, between the harm done by cooperating as opposed to not cooperating, relies on two other factors.

The first factor is the proximity of my cooperation to the evil act. The more remotely my action is connected to the evil act of the other person, the less closely I am implicated in his evil, and therefore the less grave need be the reason for my cooperation. A very proximate act of cooperation requires a quite serious reason: it is permitted only if it is necessary to avoid serious harm. A very remote cooperation requires a good, though less serious, reason.

The second factor is the necessity of my own personal cooperation. My act is considered necessary if I am the only person whose cooperation will bring about the completion of the evil act. Such an act is permissible only if it is necessary to avoid some proportionately serious harm. If, on the other hand, others are available to perform the cooperative act, my act is deemed non-necessary. In this situation, since my lack of cooperation is not going to stop the evil act, then the reasons for cooperation need not be quite so serious. Cooperation which is both remote and non-necessary requires much less serious reasons to meet the requirements of proportionality than cooperation which is both proximate and necessary.

Now how do I understand my vote in light of these principles? First of all, it is clear that my vote is never a direct participation in the evil or good acts of another. However, my cooperation may be objectively formal if the reason I vote to permit an evil is that I actually want to bring about that evil. Assuming this is not my intention, my cooperation would be material and mediate, and a judgment needs to be made about proximity, necessity and proportionality.

Is a vote a proximate or remote cooperation? I would judge it to be proximate. Indeed, it seems it may be as near as one can get to an immediate cooperation in the act of another without actually crossing the line. Authorization by those in charge is absolutely necessary for evil actions to become permissible under positive law. In other words, such authorization is necessary to establish the rules in positive law which violate natural law principles. Of course, a vote for a representative who intends to authorize such actions is at least somewhat removed from the evil acts of citizens—but it is proximate to the evil acts of the representative. Without the votes which put him in office, he has no authority to

proceed.

Is *my* vote necessary to the completion of the evil act, or not? This is a bit trickier to establish. The typical examples in the literature on material cooperation involve the necessity of *my* cooperation, and no one else's; cooperation is non-necessary when there are others equally competent, and willing, to substitute for me. Votes of lawmakers, or votes for representatives, clearly do not work in this way; we are not talking about the act of replaceable functionaries. As we noted above, the vote is necessary to the completion of the evil, but the vote is usually not that of one person (just my vote, for example), but of the plurality or majority of a group (e.g., a legislature, or the voting public). "Necessary" must therefore be understood a bit differently here. Let us say that all eligible voters actually participate in a particular election, and that the candidate I vote for wins by one vote. Clearly, my vote is absolutely necessary for his victory. However, if my candidate wins by two votes, we might say that someone's vote is not necessary—but whose? And what if not all eligible voters participate? The fact of the matter is, we do not know whether any particular vote is necessary or not until after the votes are counted. For this reason, I must enter each voting situation thinking that my vote has the potential to be the deciding vote—indeed, that *my vote may be the only vote cast*. At least from the point of view of the voter, then, every vote may well constitute a necessary cooperation in the actions of those whom my vote authorizes to act. However, I do not know this with certainty. Indeed, our experience is that this rarely happens. This leaves us with room for judgment. Precisely because I do not know whether my vote in this situation is absolutely necessary, a certain amount of prudence is required to determine the likelihood that my vote will have such an impact.

For these reasons, then, my vote should be viewed as proximate and, quite possibly, necessary to the acts of others; at the very least, I have no business assuming that my vote will not matter. Any cooperation in their evil acts may only be permitted for proportionate and extremely grave cause.

Now we have in place two sets of principles: (a) a set demonstrating the seriousness of the goods or evils we might cooperate in by our vote, which enable us to analyze the proportion involved in such a decision (Sections I-VI); and (b) a set explaining the circumstances under which it

is legitimate to cooperate in another's actions, which in essence is what one does when one votes (Sections VII-VIII). Two application questions arise, then: (1) How do these principles apply when a lawmaker votes to make laws? (2) How do these principles apply when we vote for our representatives?

IX. THE VOTES OF LAWMAKERS

Those who make the laws must first of all have a proper vision of the state and its relation to the moral law; that is, they must realize that positive laws may never violate the moral law. So *the lawmaker may not pursue a course of action supporting violations of the moral law*. Politics being the art of the possible, however, he may not be able to effect his vision without assistance from others, and this may mean compromise. The lawmaker must recognize, in this case, which values he may sacrifice, which values he may only compromise as a form of legitimate material cooperation, and which values he may not compromise at all. He must, therefore, be ready to act according to the hierarchy of rights outlined in sections III, IV and V.

At the center of the hierarchy of rights (following John Paul II's metaphor of concentric rings) is the right to life. In the next ring are the fundamental rights related to the individual (religious freedom) and society (the nuclear family). Another metaphor which might be useful is the arch: religious freedom and the family are the sides, with the right to life as the keystone. These three *must all* be respected—the first for the very possibility of society and state, the other two for the possibility of attaining our proper ends as human persons. The lawmaker who does not respect these rights is working *against* the good of society and the good of the person. Any assault on these rights is intrinsically wrong.

The next rings, of civil, political, social and economic rights, follow from the first three central ones. The secondary level natural rights follow logically from the central ones. Their existence precedes the state, though they can be instantiated in various ways. How the right is implemented depends on the circumstances of time and place, and is thus subject to the prudential judgment of the lawmaker. But even if a legislator wished to limit these rights for immoral reasons, or worse, to deny them entirely, *he would not commit so fundamental an assault against the state, society, or*

the person as he would by favoring an assault on the fundamental three sets of rights.

The third level rights follow from the more central ones as useful means to the accomplishment of the human good. They do not precede the state as such, though it might be unreasonable, even unjust, to deny a person a particular right under particular circumstances. These rights exist insofar as they have been implemented by lawful authority to serve more fundamental human rights and dignity. They may, of course, be instantiated in many different ways, as matters of prudence. Failure to provide these rights would not constitute an assault against the state or society, and would be a violation of the good of the person only insofar as their denial is unreasonable.

In *Evangelium vitae* 71-73, John Paul II is very clear about the duty of the legislator (i.e., my representative, or any one of us in a plebiscite) regarding the “first and fundamental” right, the “source of all other rights”—that is, the right to life. Disregard for this right “is what most directly conflicts with the possibility of achieving the common good.” Our obligation to oppose abortion and euthanasia, and all direct assaults on innocent human life, is “grave and clear.” He quotes the *Declaration on Procured Abortion* (CDF, 1973): “In 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 favor of such a law, or vote for it’.” The Pope recognizes one small area of legitimate material cooperation in this regard: one may vote for a law which allows abortion or euthanasia *only* when it is not possible to get a complete victory, *so as to limit harm*. In doing so, one must avoid scandal by making clear one’s opposition to the evil, and by explaining the reasons for the cooperation.⁷⁵ This principle, it seems to me, applies as well to matters pertaining to religious freedom and the protection of the family structure.⁷⁶

⁷⁵ John Paul II, *Evangelium vitae* 73.

⁷⁶ Congregation for the Doctrine of the Faith, “Considerations regarding proposals to give legal recognition to unions between homosexual persons,” 10, which cites the argument of *Evangelium vitae* 73 as its authority.

X. VOTING FOR ELECTED OFFICIALS

There is not, to my knowledge, any document of the Church that has explicitly and fully applied these principles to citizens voting for their representatives, as she has to legislators. However, consistently applied, the principles show us a clear path to follow. Voting for a representative differs, of course, from voting directly for a law; one is not voting directly for a set of policies, but rather for a person. Reason insists that our government officials be good people, worthy of our trust. Since “legislation is the work of men invested with power,” notes Leo XIII,

the quality of the laws depends more on the quality of these men than upon the form of power. The laws will be good or bad accordingly as the minds of the legislators are imbued with good or bad principles, and as they allow themselves to be guided by political prudence or by passion....⁷⁷

The test of the worthiness of a person for office, then, is wisdom. This is measured by the candidate’s relationship to the truth. Without wisdom, he is severely crippled in his ability to bring about the good.

In this regard, we must be careful not to confuse wisdom with either high intelligence or sincerity. Too often, we are convinced that the person who demonstrates the highest intelligence quotient, as evidenced by an easy command of massive amounts of facts, numerous university degrees, or a capacity for witty repartee, is thus the obvious person for the job. This might be true were public office a merely technical position, and a public official's intellect merely a cog in the great governmental machine. Intellect in itself is neither virtuous nor vicious. It may be grounded in the truth, or it may not. Our public officials, however, must be men of virtue, in terms both of morality and of practical knowledge (the knowledge of our proper ends, and the means to attain them). True wisdom is not the same as intelligence or cleverness.

As to sincerity, it is hard to say who is more dangerous: (a) the person who, sincerely and with all his heart, believes that what is wrong is right, and strives to bring about that evil; or (b) the person who believes that what is wrong is right, but gives the appearance of believing the

⁷⁷ Leo XIII, *Au millieu des sollicitudes*, 22.

opposite. A person can *appear* sincere, without really being connected with the truth. Neither the hypocrite, nor the person who sincerely supports what is objectively wrong, is grounded in the truth. On the other hand, we must take care not to confuse a candidate's apparent personal prejudices with his or her program for political action. For example, a person might let slip a racially derogatory remark, though he never had performed, nor would ever intend to perform, a racially discriminatory act. While those biases may be revealing, they reveal thoughtless habit more often than a considered relationship with the truth.⁷⁸

What are we to say about a legislator who supports a regime of abortion and euthanasia, or who seeks by law to exclude any specifically religious points of view from public life, or who favors policies directly destructive of the family, such as sexual license or same-sex "marriage," or forms of state control over the upbringing of children? We would have to say that such a person is not grounded in the truth about human beings, or about the relationship between morality and the law, or about the proper structure of the state. Such a person would favor policies which are directly at odds with our understanding of the most basic things necessary for human flourishing.

Now, I must ask myself, simply from a tactical point of view, why I would wish to elect to office a person so fundamentally at odds with my own vision of the good. It would seem rather foolish. Far more important than this tactical question, though, is whether I may *morally* support such a candidate. Remember that a vote for the candidate is a cooperation in his actions. Through my vote, I intend to put him in the position to bring about those policies he claims he wants to enact, both good and bad, both just and unjust. To justify my vote, I would have to say either a) that his policies are morally acceptable ones, or at the very least b) that there are proportionately serious reasons for putting up with the morally unacceptable policies he favors.

Obviously, it would be absolutely illegitimate to favor this candidate for office *because* of his support for laws which are evil or unjust, either

⁷⁸ This is not to say that words do no harm. It is rather a caution not to look at a single instance of wrongdoing apart from the pattern of words and deeds in a person's life.

intrinsically or situationally. This is formal cooperation, a sharing in the candidate's evil intention. Could there, however, be a proportionately serious reason to vote for him or her? If what we noted earlier about my level of cooperation in the representative's actions is correct, then we must employ the strictest standards here: there must be a proportionate and very serious reason for accepting such a candidate. We must use the hierarchy of rights to weigh the proportionate seriousness of the policies the candidate wishes to enact.

Nothing is as important as the right to life. Allowing private citizens first to decide who counts, and then to act on that decision, is logically to advocate not the rule of law, but anarchy, the destruction of the state and society. Such a position, if acted upon, renders impossible the achievement of both the common good, and the good of the individuals killed. The bishops of the United States have been forceful in their call to Christians in this regard:

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.⁷⁹

Religious freedom and the protection of the family are next in seriousness. Without them, the state and society can exist, but citizens are substantially prevented from pursuing their proper ends as human beings. If the state fails to guarantee these rights, it is working to the detriment of those whom it exists to serve.

Second and third level rights have a situational aspect. In other words, policies designed to support (or limit) these rights are appropriate depending on whether or not they actually assist in bringing about the goods promised in the fundamental three. Failure to have these rights in place does not absolutely prevent us from attaining our proper human

⁷⁹ United States Conference of Catholic Bishops, "Living the Gospel of Life," 33.

ends. However, that failure may substantively impair our pursuit of these ends (as in second level rights), or unreasonably deprive us of important means for attaining them (as in third level rights). While it is true that these civil, economic, and political rights do in fact promote the good of the individual and the family, we must remember that many of these rights can be achieved in various and equally permissible ways. Thus, one candidate may support universal health care, another completely privatized health care, and both would be pursuing the same good in permissible ways. These are issues of prudential judgment, not of fundamental justice. So, while I might disagree with a particular policy as a matter of prudence, I may still *accept* that policy.

The last category of policies would have to do, not with rights, but with the positive laws which are conducive to public order and organization. Examples would be traffic laws, and ordinances requiring residents to shovel the sidewalk when it snows. Whatever laws are reasonable and do not fail in justice are permissible.

How do I use this information in the voting booth? In any election there are at least two candidates from which to choose. Of course, if there is one candidate with whom I completely agree, I will have no difficulty deciding for whom to vote. In reality, however, it is rarely that simple. Usually, I disagree with every candidate about something. In making a choice, the question becomes one of the proportionate moral seriousness of the policies over which we disagree—that is, of the proportionate seriousness of the candidate's connection (or failure to connect) with the truth. Each ring of rights raises a set of issues on completely different levels. Policies concerned with rights in the outer rings only incidentally involve justice issues—that is, they are just or unjust based on accidental circumstances. These policies are always outweighed by policies concerning rights in the inner rings, which inherently entail rights and justice. The right to life is proportionately far more serious than all the others, since it is the anchor for all other rights.

XI. SOME APPLICATIONS

It should be useful to try to apply these principles to some concrete (albeit hypothetical) situations. I have included here some situations that I have actually encountered, some that I have created to test the theory, and some

suggested to me by critical readers. While I believe that these applications follow from principles stated and emphasized in Church teaching, it is well to note that they go beyond what is explicitly contained in doctrinal statements.

Suppose we have two candidates, Mr. A and Ms. B. Let us suppose that, in terms of the outer rings of rights and their implementation, you and Mr. A could not be more completely in agreement. In your best judgment, Mr. A's plans regarding distribution of health care, the minimum wage, welfare, social security, unions, education funding, affirmative action, the treatment of criminals, and national security, are all, in your opinion, exactly right. Ms. B, however, has an approach to these issues with which, as a matter of prudential judgment, you strongly disagree. The difficulty you find, however, is that Mr. A is in favor of opening the definition of "marriage" to include relationships other than that of one man and one woman. Ms. B, on the other hand, is opposed to such changes.

One might argue that we ought not get too caught up in this one issue, and few of us wish to be thought of as "single issue" voters. However, this one issue completely outweighs all the others mentioned. It involves an issue of fundamental justice and the good of the basic social unit, the family. It would be more proper to call it a "singular issue."⁸⁰ Mr. A's position on marriage is one which may not be morally taken. The other issues as outlined here are matters of prudence; one could be on either side of the debate, and still be holding a morally permissible position. As it stands Mr. A has a plan to support, along with some good things, something intrinsically evil. Ms. B is supporting the same good things—though by different means—and also intends to use her actions to defeat this intrinsic evil. And even if some of Ms. B's proposed policies were, in fact, contrary to justice, they would not attack the good of human persons and society fundamentally, as do Mr. A's proposals.

⁸⁰ This is a term I have used frequently over the years. For instance, it appears in my article, "More Than A Hill of Beans," in *The Human Life Review* (Spring/Summer 2000, pp. 147-159). Others represent the same idea with different terms. Deal Hudson, for example, has long used the phrase "dominant issues" (see, for example, "How to Vote Catholic," *Crisis*, October 2006). The *Catholic Matters* website and voters guide uses the term "non-negotiable issues."

What reason might be put forward for supporting Mr. A over Ms. B? The most likely reason would be that, given the two candidates' programs, it would do more harm than good to support Ms. B. This, however, supposes some sort of parity between the issues involved. But we have shown that there is no parity. The evil that Mr. A intends to support is on a completely different level. A vote for Mr. A is a form of cooperation in his proposed actions. In order to vote for him, I would have to either (a) intend the good or evil he intends—which I do not—or (b) have a proportionately serious reason for materially cooperating in his evil. But *there is no proportionately serious reason* for supporting Mr. A. Thus, to support him would constitute an objectively grave evil.

What if Mr. A is running, not against Ms. B, but rather against Mr. C, who is not only in favor of homosexual marriage, but also legalized prostitution and a special tax on all church-related schools. In this case, I have a choice between bad and proportionately worse. Now I can make a case for material cooperation with Mr. A, because the evil Mr. C plans to bring about is more serious than the evil Mr. A supports. Thus, I could vote for Mr. A, provided I do not share in his evil intent, but only intend the good he plans, *and* I look to replace him in the next election with someone who does not support these evils.

Here is an intriguing election possibility. Ms. D favors abortion rights across the board. Mr. E favors most abortion rights, but is against partial birth abortion and would like to see parental notification laws. Both of these candidates are running strong in the polls. Mr. F, on the other hand, is fully opposed to abortion and euthanasia and embryonic stem cell research, but is only making a three percent showing in the polls. In other words, Mr. F is the best candidate, but it is highly unlikely that he will be elected. Must one vote for Mr. F? I think the answer is no; I might reasonably choose Mr. E under the circumstances. I appeal here to the principle of material cooperation for the lawmaker in *Evangelium vitae* 73, mentioned above in Section VIII: one may vote for a law which allows abortion or euthanasia *only* when it is not possible to get a complete victory, *so as to limit harm*. I believe the same principle may be applicable in this instance to the case of voting for a representative. The intention involved in voting for Mr. E over Mr. F is not to approve of Mr. E's policies in their own right, but to perform an act which has the best chance of limiting the proportionately serious harm which might otherwise be

done by Ms. D. It must be clear, as before, that I will vote against Mr. E if that option is reasonably available.

Many people (I have a number of friends among them) who are morally opposed to abortion, euthanasia, embryonic stem cell research and the like, nonetheless consistently vote for legislators and executives who support these things. They use the following reasoning: "Prolife candidate P is in no position to change the situation. She will have little chance to bring or sign any legislation this term. Neither will prochoice candidate Q. However, Q will be in a position to help enact other important legislation which I support. Therefore I will vote for candidate Q." This argument sounds intriguingly similar to our last situation. However, I think there are important differences.

First, in the previous case, I would be voting to limit the harm against life already in place, which would be furthered by Ms. D. That principle of limiting the harm does not apply to the situation of candidates P and Q. Here, the argument is to *abandon* the cause of life entirely, so as to effect other goods—far less important goods. Second, one has to wonder what the basis is for assuming that candidate P will not be able to effect her legislation, while candidate Q will be able to effect his. Is it because there are clearly far more votes on the pro-death side than the pro-life side? Is it because candidate P is a neophyte, while candidate Q is a veteran legislator? All the more reason to get candidate P into office, so that he can help change the balance, and become an effective leader. Perhaps nothing will change this term—but what about next term? We should all remember well the lessons of partial birth abortion legislation in Washington. Twice it passed through Congress, only to be rejected by President Clinton. The third time through, President Bush signed it into law. But it would never have reached either president's desk if we had refused to elect legislators to office because "it was unlikely to pass."

Throughout our deliberations prior to an election, we must always remember the hierarchy of values. There is no right with a higher value than the right to life. A candidate who favors abortion or euthanasia must be rejected unless the opposing candidates are even more pro-abortion or pro-euthanasia. A candidate who supports abortion through all nine months is worse than one who only wants abortion legal in the first trimester; a candidate who supports abortion for any reason is worse than one who supports it only in tragic circumstances. A candidate who

supports both abortion and euthanasia is worse than one who supports only one. A candidate who wants to keep parents out of the abortion decisions of their minor children not only supports abortion, but also acts which are destructive of the family. But these are differences only of degree within the innermost ring. The point we have been striving to make is that *the distinction between circles is one of kind*; there is no proportionality between one ring and another.

One may be tempted to blur the distinctions between circles when the circles are adjoining. Say, for example, that candidate X supports abortion on demand, but is opposed to homosexual unions. Candidate Y, however, is strongly pro-life, but just as strongly in favor of homosexual unions. Let us further say that they would represent a strongly pro-abortion, and increasingly pro-homosexual, state. Do I have to go with candidate Y over candidate X? Will prudence allow the abandonment of the higher, more central value in favor of the lesser, but still very important, value? We must ask the same questions as before: On what basis are we convinced that the abortion fight is beyond hope, but the marriage fight is not? On what basis are we convinced that candidate X will have an influence, but candidate Y will have none? If either issue could be identified as based on a principle the application of which people of good will could disagree about, the answer would be easy. As it stands, it is difficult for me to see how the less central value of the family—important as it is—can be proportionate to the most central value of life, even if there appears to be a better chance of making the law concerning the lesser value better.

These sorts of problems in application (and others like them) are important in that they force us to face the difficulties in applying general principles to concrete situations. On the other hand, how likely is it that we will face a scenario like the last one? Is it not far more likely that a candidate will be either consistently in favor of traditional views on life, religion and family, or consistently opposed to those traditional positions? This will usually be the case, because *these issues are connected in a coherent vision of the person, morality, law and government*.

In light of this observation, let me make one last argument, perhaps the most daring one of this paper. So important are these principles in our decisions about whom to elect to office, that I believe they should be applied to every candidate for public office—for instance, to city council—even if his office has no direct connection to the making of laws

concerning these fundamental rights. Every public official should have to take a public stand on questions of life, religion and family, for in doing so he reveals his underlying vision of person, morality, law and government. Unless his office is that of a mere functionary that can be filled by anyone with technical expertise, the candidate will have to bring his wisdom to bear on the common good in the execution of that office. This vision—this wisdom, or lack thereof—is by this fact *the single most important qualification for holding public office*. As a practical point, even when the office in question has very little direct influence on these “inner ring” issues of fundamental rights, every election raises that official just a bit higher in public stature, and thus in the ability to assert his leadership, for good or ill, through increased power. We voters should never pretend that these issues sometimes do not matter in an election. They always matter.

XII. CONCLUSION

If there is a head to this article, it is the intellectual and spiritual argumentation laid out by one hundred and twenty-five years of social encyclicals. If there is a heart to this article, it is the plea to act, and to act in particular ways. Let me close by returning, one last time, to “Living the Gospel of Life,” for I can think of no better way to sum up the heart of this article than the following words:

We encourage *all citizens*, particularly Catholics, to embrace their citizenship not merely as a duty and privilege, but as an opportunity meaningfully to participate *in building the culture of life*. Every voice matters in the public forum. Every vote counts. Every act of responsible citizenship is an exercise of significant individual power. We must exercise that power in ways that defend human life, especially those of God’s children who are unborn, disabled or otherwise vulnerable. We get the public officials we deserve. Their virtue—or lack thereof—is a judgment not only on them, but on us. Because of this, we urge our fellow citizens to *see beyond party politics, to analyze campaign rhetoric critically, and to choose their political leaders according to principle, not party affiliation or mere self-interest*.⁸¹

⁸¹ U.S. Conference of Catholic Bishops, “Living the Gospel of Life” 34.