

# Holy Communion and Unholy Politics

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When Cardinal Francis Arinze, prefect of the Vatican Congregation for Divine Worship and the Sacraments, was asked at a press conference in Rome on April 23 whether Senator John F. Kerry should be denied Communion, he responded: “The law of the church is clear. The church exists in the United States. There are bishops there, let them interpret it.” The flurry of conflicting statements prompted by the cardinal’s remark suggests that the law relevant to determining who can be barred from the reception of Communion may be clear, but its applicability to Senator Kerry (or any other politician) is not.

## Church Teaching and Politics

The church’s magisterium has emphasized that politicians are not free to leave their moral principles in the cloakroom when they go to the floor of the legislature, or on the bus when they espouse public policy positions on the campaign trail. Pope John Paul II has clearly stated that all citizens, and by implication public officials, have “a grave and clear obligation to oppose” any law that attacks human life (*Evangelium Vitae*, No. 73). In a doctrinal note issued in 2002, the Congregation for the Doctrine of the Faith gave the pope’s directive particular application to public officials. The note quotes from *Evangelium Vitae* (No. 73), “For them, as for every Catholic, it is impossible to promote such laws or to vote for them,” and then comments that nevertheless, when the politician’s personal opposition to abortion is a matter of record and it is impossible to overturn laws allowing abortion, it is permissible for politicians, as *Evangelium Vitae* says, “to support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion or public morality.”

In fact, most Catholic politicians in the United States more or less clearly assert their personal opposition to abortion, but this personal opposition is rarely put to the test in straight up-or-down votes on abortion or other life issues. Conformity with the teaching of the church must be discerned from politicians’ public records—their policy pronouncements, campaign rhetoric and actual votes on a variety of issues touching on life but not directly attacking (or promoting) it. On both sides of the aisle, these public records often reflect, to put it charitably, something less than ringing endorsements for the consistent ethic of life. Discrepancies between personal protestations and public records have sparked the current controversy over the admission of some politicians to Communion.

## Exclusion From Holy Communion

The basic principle concerning admission of Catholics to holy Communion is clear: “Any baptized person not prohibited by law can and must be admitted to holy Communion” (Canon 912). Exceptions to this norm are to be interpreted strictly, i.e., by giving them the narrowest construal consistent with their literal meaning (Canon 18). The Code of Canon Law does contain two exceptions to this principle that are relevant for assessing the eligibility for reception of Communion by politicians whose public record is inconsistent with church teaching. Canon 916 addresses those who are conscious of having committed grave sin and warns such individuals that they are not to approach holy Communion unless they have first been reconciled to God and the church through sacramental confession. Since sin involves not only an external violation of a moral norm but also internal advertence and consent, the law normally leaves the decision about approaching holy Communion to the informed conscience of

the individual. Canon 915, on the other hand, is addressed to ministers of holy Communion and stipulates, “Those who have been excommunicated or interdicted after the imposition or declaration of the penalty and others obstinately persisting in manifest grave sin are not to be admitted to holy Communion.”

### **Excommunication**

If anything is clear, at least to canonists, about the current furor over admission of politicians to holy Communion, it is that no so-called “pro-choice” politician has been excommunicated as a result of her or his public record. Those who successfully procure an abortion and their necessary cooperators do, by that fact, incur the penalty of excommunication (Canon 1398). A necessary cooperator is one without whose assistance a specific abortion would not have occurred (Canon 1329 §2). However reprehensible politicians’ records on life-related issues may seem, it is virtually impossible to establish the causal link between their views and votes and any specific abortion, which is a necessary condition for them to incur the penalty. Nor does it seem plausible to claim that their public pronouncements amount to heresy. Thus, exclusion of politicians from holy Communion must rest on a judgment that they are obstinately persisting in manifest grave sin. The question immediately arises, however, what precisely is their grave sin? Does the fault lie in their views or in their votes?

### **Grave Sin**

Most Catholic politicians do not directly contest the truth of the church’s moral teaching; they do, however, disagree with bishops and often among themselves about how this teaching can and should be applied in a pluralistic society in which there is no consensus on how public policy should deal with critical moral issues. The binding force of church teaching diminishes as it descends from the mountaintop of moral principles to the dark valley of practical applications. Thus it is hard to say, when views of politicians on public policy issues clash with those of church authorities, that the politicians’ dissenting views are per se sinful. They may be open to criticism, wrong-headed, inconsistent, pusillanimous or even stupid, but they are not unambiguously sinful.

Politicians’ votes on issues touching on the sacredness of human life can be equally ambiguous. In European countries, laws allowing abortions were enacted by (and could be repealed by) legislatures; in the United States, however, the basic law allowing abortion has since 1973 been one imposed by judicial fiat. Absent a constitutional amendment or a change of heart by the U.S. Supreme Court, public officials must make their choices within the stifling parameters established by *Roe v. Wade* and its progeny. Consequently, what is possible for politicians in this less than best of all possible worlds may fall considerably short of enactment of the full pro-life agenda. A legislator’s voting record, moreover, reflects only a fraction of his or her legislative activity. Votes on the floor do not disclose the log-rolling, compromising, horsetrading, armtwisting and other behind-the-scenes legislative maneuverings, which may render the bill on which politicians eventually vote, if not ideal, at least less toxic than it might otherwise have been. Votes on the floor, furthermore, especially when they are negative votes on bills favored by church authorities, leave opaque the motives without which a moral assessment of a legislator’s public actions is hazardous. In short, it is difficult to characterize a politician’s voting record as unambiguously sinful.

### **Manifest Grave Sin**

Even if a politician’s views or votes can be fairly characterized as sinful, they do not qualify as “manifest” grave sin, as that word has been used in canonical tradition. For a sin to be manifest, it is not enough that it be public or even notorious; it must also be so habitual that it constitutes an objectively sinful lifestyle or occupation. The 1917 code, like the current Eastern code, spoke of excluding the “publicly unworthy” from holy Communion. Commentators suggested that these publicly unworthies included pimps, prostitutes, fortunetellers and magicians. While wags have long accused politicians of bearing uncanny resemblances to these miscreants, no one has seriously suggested that politicians constitute a comparable class of practitioners of an inherently disreputable occupation or cultivators of an intrinsically immoral lifestyle.

Under Pius XII, the Holy Office declared that, as presumed apostates who adhered to an anti-Catholic society, members of the Communist Party and some of its “fellow travelers” were to be refused holy Communion, since they were not properly disposed for its reception. But it requires a stretch to find an analogy between the Communist Party in Italy in the late 1940’s and any mainstream American political party today. If there were such an analogy, the refusal of holy Communion would have to be extended beyond politicians to those who support and vote for them, as it once was in Italy.

In its declaration in 2000, the Council for the Interpretation of Legislative Texts affirmed the traditional exclusion from holy Communion of the divorced and remarried as a class of people “obstinately persisting in manifest grave sin.” As authority for its declaration, the council cited Pope John Paul II’s *Familiaris Consortio*, which justified this traditional exclusion by the fact that the “state and condition of life [of divorced and remarried Catholics] objectively contradict that union of love between Christ and the church which is signified and effected in the Eucharist.” However loathsome some politicians’ views and votes on life issues may be, it is hard to see how it can be said that theirs is a state and condition of life in such objective contradiction to the Gospel that their grave sin should be judged “manifest.”

### **Obstinacy**

To be refused admission to holy Communion, one must also “obstinately persist” in manifest grave sin. Such obstinate persistence presupposes that the one who would refuse politicians Communion has engaged in a serious effort to teach them to see the truth of the church’s teaching and the error of their ways. Effective teaching requires something more than turning up the rhetorical volume and brandishing anathemas. Resort to disciplinary measures like refusal of holy Communion is an implicit acknowledgment by church authorities that they have failed as teachers to convince Catholic politicians in particular and the larger society in general of the truth of the Gospel of life. Resignation to such a failure ill befits those who are charged to “proclaim the message; be persistent whether the time is favorable or unfavorable; convince, rebuke, encourage with utmost patience in teaching” (2 Tim 4:2).

### **Conclusion**

It may be objected that by making it difficult to discipline erring members of the flock by refusing them Communion, this strict interpretation of Canon 915 makes “a scarecrow of the law.” This was, in fact, an objection raised during the code revision process about drafts of what eventually became Canon 915. The response of the commission responsible for revision, however, was not to lower the bar for refusing holy Communion but, if anything, to raise it. One of the functions of law in the church, as in every society, is to make it difficult for people, especially those in authority, to act on their visceral instincts, lest hasty action inadvertently harm a higher ecclesial value. By making it difficult for church authorities to refuse admission to holy Communion to politicians whose public records arguably cannot be squared with church teaching, a necessarily strict interpretation of Canon 915 serves as a brake on the temptation to politicize the Eucharist by allowing the sacrament that signifies and effects the union of love between Christ and the church to become a sacrament that signifies and brings about disunity. Zeal to protect the Eucharist from profanation by sinners can unwittingly lead to an even greater profanation by transforming the eucharistic celebration into a continuation of politics by liturgical means.

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