

Guide to Moral Duties Concerning Voting

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 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.

[Living the Gospel of Life: A Challenge to American Catholics 34, National Conference of Catholic Bishops, November 1998]

The Role of Common Teaching in Catholic Moral Theology

The public discussion regarding voting suggests that most Catholics think there is little Church teaching on the subject. Besides a comment here and there regarding abortion, same-sex unions, or more recently, gender ideology, some important principles in the *Catechism* and encyclicals, and Pope Benedict's teaching on non-negotiable and negotiable common goods, we are otherwise left to make the hard choices on our own.

This is not really the case, however. Magisterial statements express with authority what is already believed, occasionally with some clarification or even development, but they are to be understood in continuity with the Tradition, including the common theology of the Church. This is the meaning of Pope Benedict's interpretative principle "hermeneutic of continuity." Such is the case with the Church's moral theology.

That Which is Taught Always, Everywhere and by All

St. Irenaeus of Lyon (died 150 A.D.) wrote of the universality and consistency of the Church's teaching as one of the gifts enabling Christians to tend to salvation. Writing in the first systematic theological treatise, he stated,

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[T]he preaching of the Church is everywhere consistent, and continues in an even course, and receives testimony from the prophets, the apostles, and all the disciples—as I have proved—through [those in] the beginning, the middle, and the end, and through the entire dispensation of God, and that well-grounded system which tends to man's salvation, namely, our faith; which, having been received from the Church, we do preserve, and which always, by the Spirit of God, renewing its youth, as if it were some precious deposit in an excellent vessel, causes the vessel itself containing it to renew its youth also. (*Against Heresies* III, 24)

Another Church Father, St. Vincent of Lerins (+450), encapsulated this principle in a formula which is still used,

[I]n the Catholic Church itself, all possible care must be taken, that we hold that faith **which has been believed everywhere, always, by all**. For that is truly and in the strictest sense "Catholic," which, as the name itself and the reason of the thing declare, comprehends all universally. (*Commonitory* 2, 6)

Both Fathers express the truth that the Church *as a whole* is infallible in what she believes, in what is handed on generation to generation, without doubt or contradiction. From time to time the Magisterium affirms some element out of necessity, but the teaching is true even absent such an affirmation.

Blessed Pope Pius IX noted this doctrine in writing to a German bishop about the errors of theologians who had endorsed the proposition that "the Catholic faith is circumscribed to what is formally proposed by the Magisterium." He wrote,

[E]ven if it were a matter concerning that subjection which is to be manifested by an act of divine faith, nevertheless, it would not have to be limited to those matters which have been defined by express decrees of the ecumenical Councils, or of the Roman Pontiffs and of this See, but would have to be extended also to those matters which are handed down as divinely revealed by the ordinary teaching power of the whole Church spread throughout the world, and therefore, **by universal and common consent are held by Catholic theologians to belong to faith**. (*Tuas libenter*, 21 December 1863; DS2879)

Application to Moral Theology

An example of this can be found with respect to abortion. From the first century abortion at every stage was condemned by the Church as an attack on human life, even though neither the Church nor the world understood what was happening biologically in the womb. Today we know exactly when a unique human being begins, at fertilization. The Church's understanding of the science, like the world's, has developed, but her supernatural sense of the faith was correct all along.

Church teaching did not become true, therefore, when Pope St. John Paul II defined the meaning of the 5th Commandment, and abortion and euthanasia as direct taking of

innocent human life, in *Evangelium vitae* (Gospel of Life). He merely confirmed authoritatively what was already “believed everywhere, always, by all.”

Since so little is formally defined by the Magisterium in the area of moral theology, the role of the Church's common moral teaching, especially as found in the theological witnesses to it, assumes a special importance. These witnesses can be of the past or of the present, but in keeping with a hermeneutic of continuity they must be grounded in the moral tradition, and their contemporary application must flow logically from it.

Our Duty to Vote

CCC 2239. It is the duty of citizens to contribute along with the civil authorities to the good of society in a spirit of truth, justice, solidarity, and freedom. The love and service of one's country follows from the duty of gratitude and belongs to the order of charity. Submission to legitimate authorities and service of the common good require citizens to fulfill their roles in the life of the political community.

2240 Submission to authority and co-responsibility for the common good make it morally obligatory to pay taxes, to exercise the right to vote, and to defend one's country (Rom. 13:7)

... The Apostle exhorts us to offer prayers and thanksgiving for kings and all who exercise authority, "that we may lead a quiet and peaceable life, godly and respectful in every way." (1 Tim 2:2)

The duty to vote is one of co-responsibility for society. Its moral object is the common good. As Catholics our consciences should be specifically informed as to the greatest moral principles, so that we may vote with them in mind.

The Worthy Candidate and the Common Good

Public character, what the candidate intends to do with political power, is the most important qualification. Will he, and those associated with him in governing, serve the common good? Or, will they undermine the common good? Those are the key questions.

Personal moral character is not unimportant, as it obviously informs the candidates appreciation of the moral dimension of public issues, but it is the stated commitment to public policy in keeping with the common good which is the most significant factor.

Since the purpose of voting is to foster the common good, the worthiness or unworthiness of a candidate for office is therefore *best* judged by their relationship to the basic principles of a just social order and their willingness to advance them.

CCC 1906. By common good is to be understood "the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily." The common good concerns the life of

all. It calls for prudence from each, and even more from those who exercise the office of authority.

The *Catechism* goes on to name among the elements of the common good:

- 1) the fundamental and inalienable natural rights of human persons, (CCC 1907)
- 2) the basic common goods of society (food, clothing, health, work, education and culture, suitable information, the right to establish a family, etc.) (CCC 1908),
- 3) and the stability and security that comes with a just social order. (CCC 1909)

We can get a clearer idea of these elements from an address by Pope Benedict XVI in 2006 to European parliamentarians, in which he named the goods which are *non-negotiables*, and thus at the heart of the *common good*.

As far as the Catholic Church is concerned, the principal focus of her interventions in the public arena is the protection and promotion of the dignity of the person, and she is thereby consciously drawing particular attention to principles which are **not negotiable**. Among these the following emerge clearly today:

- (a) **protection of life in all its stages**, from the first moment of conception until natural death;
- (b) **recognition and promotion of the natural structure of the family as a union between a man and a woman based on marriage**, and its defense from attempts to make it juridically equivalent to radically different forms of union which in reality harm it and contribute to its destabilization, obscuring its particular character and its irreplaceable social role;
- (c) **the protection of the right of parents to educate their children.**
(*Address to European Parliamentary Group*, 30 March 2006)

Here the Pope establishes a basic distinction, *non-negotiable* common goods—those involving “fundamental and inalienable rights” (CCC 1907). They are morally unequivocal, and their violation is an intrinsic evil which can never be justified by motive or circumstances.

All other *common goods* are therefore *negotiable*, as they do not involve a single moral good or solution (CCC 1908-1909). While they inevitably touch on matters of life, natural marriage and freedom, they are dependent upon particular circumstances, and decisions about the best *means* to achieve the desired good (e.g. economic justice, health care, domestic and international peace). Unlike the *non-negotiables*, people of good will may disagree on how to achieve that good.

How a candidate stands with respect to the *non-negotiable common goods* of life, natural marriage and religious freedom is, therefore, the paramount test of worthiness to serve in public office. In this regard, the platform of the candidate’s party is also very important, since no one person, regardless of the dignity of the office held, is able to bring their policy views to fruition without the support of a great many others. This

assistance is typically of those within their own political party, as well as those whom they appoint to offices under their control in government.

For Whom We May Vote

For many, of whom I have often told you and now tell you even with tears, live as enemies of the cross of Christ. Their end is destruction, their god is the belly, and they glory in their shame, with minds set on earthly things. But our commonwealth is in heaven, and from it we await a Savior, the Lord Jesus Christ . . . (Phil. 3:18-21)

We've already seen that the *non-negotiables* are the acid test of public character, but how do we use this knowledge in choosing for whom to vote?

Consider the situation where two candidates are both worthy on the non-negotiables. One would expect their upright positions to inform also the negotiable issues, adhering to the fundamental values of life, natural marriage and family, and religious freedom. If there are policy differences between them, they would be opinions about the means and one would be free to vote as one thought best.

The moral tradition speaks of this stalemate, in the context of our next subject, the unworthy candidate. Capuchin Father Heribert Jone states,

Voting is a civic duty which would seem to bind at least under venial sin whenever a good candidate has an unworthy opponent. It might even be a mortal sin if one's refusal to vote would result in the election of an unworthy candidate. (*Moral Theology* n.205. Dublin: Mercier Press, 1929, 1955)

We can get three things out of this teaching.

- 1) If all the candidates are worthy, it would not be sinful if we did not vote.
- 2) If a worthy candidate is opposed by an unworthy candidate, there would be a slight obligation to vote for the worthy candidate (and thus a venial sin to not vote), except,
- 3) If not voting would foreseeably result in the election of an unworthy candidate, it would be mortally sinful to not vote to prevent that candidate's election

For Whom We May Not Vote

Jesuit Father Henry Davis writes similarly,

It is the duty of all citizens who have the right to vote, to exercise that right when the common good of the State or the good of religion and morals require their votes, and when their voting is useful. [*Moral and Pastoral Theology*, vol. 2, Chapter V, 4th Commandment, p. 90 (New York: Sheed and Ward, 1935, 1959)]

Here we see the same sense of the tradition as in Jone, and we also have the nature of unworthiness described: **a candidate is unworthy who is an enemy of the common good of the State, the good of religion and of morals.** These are the same common goods found in the *Catechism* and differentiated into *non-negotiables* and *negotiables* by Pope Benedict XVI.

We thus return, again, to the non-negotiable issues as the defining expression of public character and the worthiness of a candidate for elected office. Davis makes this quite clear in the final sentence of the section cited above, and in which he also notes an exception,

It is sinful to vote for the enemies of religion or liberty, **except to exclude a worse candidate**, or unless compelled by fear of great personal harm, relatively greater than the public harm at stake. (Davis, *Ibid.*)

Father Jone states similarly,

One may vote for an *unworthy candidate* only when this is necessary to prevent a still less worthy candidate from obtaining office; but in such a case one should explain the reason for his action if this is possible. In an exceptional case one may vote for some unworthy candidate; viz., if he can thereby avert some unusually great personal disadvantage. (Jone, *Ibid.*)

A Catholic can therefore have an obligation to vote in order to prevent the election of an unworthy candidate. We now have this defined as an enemy of religion, morals and liberty. This is easy to comprehend if there is a worthy candidate as an alternative. But what if both candidates are unworthy or have defects of view regarding the non-negotiables?

In such a case, both Fr. Davis and Fr. Jone explains, one may vote for an enemy of religion and morals **in order to exclude an even greater enemy of religion, morals and liberty.** Indeed, one can be seriously obliged to do so IF that candidate's election is a foreseeable result of not voting to exclude election.

Pope St. John Paul II wrote about what is wrongly sometimes called the "lesser of two evils" in his encyclical *The Gospel of Life*, in the context of abortion legislation.

A particular problem of conscience can arise in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions, in place of a more permissive law already passed or ready to be voted on. ... In a case like the one just mentioned, when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with

an unjust law, but rather **a legitimate and proper attempt to limit its evil aspects.** (*Gospel of Life* 73)

This is the only exception for such voting which can be found in the tradition, as it is the only case where there is a proportion between the goods being weighed—bad on the non-negotiables versus *less* bad. Both are applications of standard moral principles of the natural law and of Catholic moral theology, the principle of double effect and moral culpability due to an action with foreseeable consequences.

Ratzinger on Proportionality and Voting

Some claim, however, that Cardinal Ratzinger in a letter to the U.S. Bishops in 2004 authorized voting for a candidate with a *permissive view* of abortion or euthanasia whose policies on the negotiables issues were compatible with Catholic teaching.

A Catholic would be guilty of formal cooperation in evil, and so unworthy to present himself for Holy Communion, if he were to deliberately vote for a candidate precisely because of the candidate's permissive stand on abortion and/or euthanasia. When a Catholic does not share a candidate's stand in favor of abortion and/or euthanasia, but **votes for that candidate for other reasons, it is considered remote material cooperation, which can be permitted in the presence of proportionate reasons.** (Joseph Cardinal Ratzinger, Letter to the U.S. Bishops on *Worthiness to Receive Holy Communion*, 2004)

In fact, however, the use of *proportionate reason* by the father of the “hermeneutic of continuity” is adequately explained by the tradition which permits such a vote to exclude a worst candidate on the non-negotiables, or due to some grave moral impossibility (see below). A *proportionate reason* simply cannot be found by comparing goods from different moral categories.

Unlike abortion, for example, no one factor governs the existence or absence of the common good of basic health care. The death of the innocent results from the will to kill, sanctioned by an unjust law, and perpetuated by the continuing election of candidates who support it. Death from inadequate health care, while evil, is not the consequence of a single choice or circumstance, except when it's abortion or euthanasia delivered as “health care”.

A basket of negotiables (health care, immigration, wages etc.), therefore, represent multiple levels of judgment regarding moral principles and applicable circumstances, the possibility of achieving a policy politically and economically, balancing principles of subsidiarity and solidarity, private action versus public action, etc.. Only the comparison of two candidates on their relative worthiness or unworthiness regarding the non-negotiables establishes a proportionate reason of the same moral goodness.

Consequentialism and Proportionalism

In some cases, the line of reasoning that leads Catholics to conclude that the non-negotiables and negotiables are comparable follows from errors condemned by the

Church, either of consequentialism or proportionalism. Essentially, in these moral theories circumstances can make an action the Church calls intrinsically evil justifiable, either by making the moral object good, or by weighing the good versus the bad consequences, and finding a greater proportion of good consequences.

This is quite different than the Church's uses of proportion in applying the principle of double effect, which depends on the moral object already being good in itself, and not by virtue of some clever redefinition. In these theories, abortion (adultery, homosexual unions etc.) are only morally wrong in non-justifying circumstances, or when the bad consequences outweigh the good.

This is a view that is clearly widespread both in society and in the Church and one that influences how citizens view their political choices. It was condemned by Pope St. John Paul II in his moral theology encyclical *Splendor of Truth*, and also falls under Pope Benedict's condemnation of moral relativism.

Moral Impossibility

It is sinful to vote for the enemies of religion or liberty, except to exclude a worse candidate, or **unless compelled by fear of great personal harm, relatively greater than the public harm at stake.** (Davis, *Ibid.*)

In an exceptional case one may vote for some unworthy candidate; **if he can thereby avert some unusually great personal disadvantage.** (Jone, *Ibid.*)

In both these citations can be found the moral principle of *impossibility*. Impossibility can be physical (weather prevents fulfilling the Sunday obligation) or moral, as in the examples given above. Imagine voting in the Soviet Union, where one was obliged to vote, and expected to vote for the Party candidate. One could not be expected to make a futile protest vote and risk oneself and one's family's well-being.

In cases of moral impossibility (to do the right thing), the will is determined by factors other than the worthiness of the candidates. This lessens or even completely mitigates the moral culpability for voting to elect an enemy of religion, freedom and morality, or the worst of several such candidates, if that situation exists.

Excusing is different from justifying, however. In the circumstance of two or more unworthy candidates, the moral object of voting must be to limit the damage that the greatest enemy of religion, liberty and morals would do if elected. This is done by voting for a candidate who is more worthy on grounds of the non-negotiables, and, applying the principles of prudence, who has the foreseeable possibility of *actually* excluding the worst candidate from being elected.

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