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Can Scalia be denied communion now?

Jamie Manson | Sep. 28, 2011 NCR Today

It was widely reported this week that Supreme Court Justice Antonin Scalia defended his pro-death penalty position during a speech at Duquesne University School of Law.

According to John Gehring's Bold Faith Type blog on the Faith in Public Life Web site, Scalia's lecture [link updated 9-29-11] was met with protesters who oppose [1] the death penalty. The lecture took place just days after the controversial execution of Troy Davis.

During the speech, Scalia noted the presence of the protests, and said that he found no contradiction between his Catholic faith and his support of the death penalty. He added,

> "If I thought that Catholic doctrine held the death penalty to be immoral, I would resign," he said. "I could not be a part of a system that imposes it."

Gehring did a fine job of presenting texts from John Paul II, the Vatican's Justice and Peace office, and statements from the United States Conference of Catholic Bishops that clearly state the church's doctrinal opposition to the death penalty. They oppose it on the same grounds that they oppose abortion: executions are seen as an assault on the sanctity of human life. This is why, just last week, Pope Benedict XVI himself asked for Davis's life to be spared.

It is moments like these that I would love to hear the voice of Archbishop Chaput, who is as passionate about the pro-life movement as he is about making his voice heard in government and the public square. Chaput is most famous for denying communion to Catholic politicians who are pro-choice.

A few weeks ago when Chaput was installed in Philadelphia, he proudly reasserted his belief that "cafeteria Catholics" have no place in the Roman Catholic church. "If they don't believe what the church teaches, they're not really Catholic."

If Chaput is to maintain the consistency that he holds so dear, should he not subject Scalia (and, perhaps, the other four Catholic Supreme Court Justices who let Davis's life slip through their hands during a last minute appeal) to the denial of Holy Communion?

As Gehring also points out, this Sunday, the five Catholic justices will attend the Red Mass, a liturgy traditionally dedicated to jurists and lawyers traditionally held at the Cathedral of St. Matthew the Apostle on the first Sunday of October.

Since Catholic members of the Supreme Court typically line the front pew, it would be a bold opportunity for the hierarchy to show just how committed to orthodoxy they truly are.

And if they don't deny Scalia communion, isn't fair to say that they participate in the same kind relativism that they condemn in those "cafeteria" Catholics?

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[1] http://blog.faithinpubliclife.org/2011/09/catholic_theologians_to_justic.html