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Bishops are picking a fight this election year

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Carl A. Anderson, supreme knight of the Knights of Columbus, speaks on threats to religious liberty April 19 during the eighth annual National Catholic Prayer Breakfast in Washington. (CNS/Nancy Phelan Wiechec)

Analysis

Few would have wagered a year ago that this presidential election season would be marked by a call to arms for Catholics to fend off the impending death of religious liberty in the United States. Or that one of the hot-button cultural issues in the presidential campaign would be distribution of contraceptives under the Affordable Health Care Act.

Most pundits may see the election as a referendum on the economy, but the Catholic bishops of the United States seem determined to focus on what they insist are dire threats to religious liberty and the claim by some in their ranks that President Barack Obama has a pronounced anti-religious and anti-Catholic bias.

The most extreme version of the anti-Obama script was delivered by Peoria, Ill., Bishop Daniel Jenky in a fiery homily April 14 during an annual ?Call to Catholic Men of Faith.? Jenky compared Obama and ?his radical, pro-abortion and extreme secularist agenda? to Otto von Bismarck and his 19th-century *Kulturkampf*, ?a campaign to close down every Catholic school and hospital, convent and monastery in imperial Germany?; to Georges Clemenceau, ?nicknamed ?the priest eater,? [who] tried to do the same thing in France in the first decade of the 20th century?; and to both Adolph Hitler and Joseph Stalin, who ?at their better moments would just barely tolerate some churches remaining open but would not tolerate any competition with the state in education, social services and health care.?

In clear violation of our First Amendment rights, the bishop said, Obama ?now seems intent on following a similar path.?

This is a war, he said, and no ?believing Catholic may remain neutral.?

Unless every Catholic votes his or her ?Catholic conscience? in the next election, he warned, ?by the following fall our Catholic schools, our Catholic hospitals, our Catholic Newman Centers, all our public ministries -- only excepting our church buildings -- could easily be shut down. Because no Catholic institution, under any

circumstance, can ever cooperate with the intrinsic evil of killing innocent human life in the womb,? adding that Catholic institutions would not be forced to pay for abortions.

There are, of course, federal provisions, including an Obama presidential order, forbidding the use of federal money to pay for abortions. Jenky may have been referring to the contention by the bishops that some birth control methods could be considered abortifacients, a point over which there is scientific disagreement.

?Fortnight for Freedom?

While some of Jenky?s assertions might not make it past the fact-checkers, his points are not entirely disconnected from previous documents released by the bishops establishing their new initiative on religious liberty and summoning Catholics to the cause. In a 12-page statement on religious liberty released in April, the bishops call upon images of the civil rights era and hint at the possibility of the need for widespread civil disobedience. They?re also asking Catholics to observe a ?Fortnight for Freedom? for the two weeks prior to the July 4 holiday.

Jenky?s language is just a few notches beyond that used by New York Cardinal Timothy Dolan in recent interviews. ?This is not a fight we picked,? he has told several TV interviewers, ?but it?s one we?re not going to back down from.?

Jenky may have single-handedly elevated the fight to an all-out war with, perhaps, its accompanying fog.

Margaret O?Brien Steinfels, in an online column for *Commonweal* magazine, questioned exactly what issue was causing the argument between the bishops and the administration. ?Is it religious liberty, as they insist? Is it contraception and sterilization, as the headlines in my archdiocesan paper stress? Is it a desire, conscious or unconscious, to reassert their authority after the dog days of the sexual abuse scandal? Is it simply anti-Obama prejudice??

Whatever the case, writes Steinfels, former editor of *Commonweal* and currently codirector of the Fordham University Center on Religion and Culture, ?the daunting task of explaining the Catholic bishops to others and to oneself has come a cropper. They are digging a hole from which they may never emerge.?

Indeed, it is difficult to get a clear fix on what the bishops hope to gain in all of this. When Jenky tells Obama that our schools and hospitals and so forth are ministries, he hits at a truth around which most Catholics can gather -- and indeed, did gather in opposition to the original mandates that limited exemptions for religious institutions providing contraceptive services to those structures such as churches and church offices.

But the excoriating language about Obama personally -- and the comparison to some of history?s most repulsive figures -- quickly shifts the focus to the bishops and questions about whether they have taken up a partisan Republican line in an election year.

Church historian Fr. Gerald Fogarty said he doesn?t agree with the description of Obama as anti-religious or anti-Catholic, but thinks ?that he?s wading in with a Protestant idea of what a church is? and the notion that religion is entirely a private matter. This is hardly the first church-state fight nor the last, said Fogarty, a Jesuit and William R. Kenan Jr. Professor of the History of Christianity at the University of Virginia in Charlottesville. But he said there is something unusual about this religious liberty battle. ?It?s not unique,? he said, ?but it?s almost unique.?

Administration stumbles

On the other side, the administration, it has been widely opined, did little to help itself. If, as the bishops say,

Obama did not respond to letters from Chicago Cardinal Francis George and then from Dolan, the argument could be made that the Democrats still don?t get religion. If Obama gave Dolan the strong impression, as the cardinal maintains, that the mandate would be expanded to include church agencies, schools and so forth, and then switched, it should be no surprise that the president would receive anger and distrust in return. And a consistent question from nearly every corner is why the administration, in readjusting its original decision on the mandates, didn?t call in Catholic leaders and health care experts to get their views before announcing the ?fix.?

Having established, however, that Catholics don?t want their religious practice defined by government -- and having extracted a quick accommodation from the administration -- the question becomes: Where to go from here?

While religious liberty may be at stake in the analysis of the bishops, religious voices are hardly absent from our politics. The effect, according to polls, has been a growing reaction during the past two decades against religious involvement in public debate.

The accommodation by the administration, as Steinfels describes it, gets the bishops ?off the ?material cooperation? hook? since they don?t have to directly provide health care they find objectionable in any of their institutions. Problems remain, she states, ?but isn?t this how policy-making goes in a pluralistic society??

The heated rhetoric of the bishops and others ringing the religious liberty alarm -- describing the moment as a last-ditch fight for religious freedom and even anticipating widespread civil disobedience -- doesn?t leave much room for negotiating.

Church leaders list, as part of their brief to prove religious liberty at risk, the Obama administration?s decision last year to deny renewal of a long-standing contract to a Catholic agency serving immigrants because the agency won?t refer people for contraceptive or abortion services. But is that more a matter of political payback -- nasty as that might be -- aimed at an institution that was one of the largest and most insistent opponents of Obama?s signature health care bill than it is a stand against religion or Catholicism?

Is snubbing George, as some have alleged, a sign of anti-Catholic sentiment or is it, again, a political consequence of George?s vociferous criticism of Obama personally and of the cardinal?s high-profile opposition to health care reform?

Knight weighs in

The themes that are emanating from the bishops? newly formed Ad Hoc Committee on Religious Liberty were notably amplified in a lengthy speech by Supreme Knight Carl Anderson during the National Catholic Prayer Breakfast April 19.

Before outlining threats that he said the Obama administration poses to religion, Anderson, a White House operative during the Reagan administration, began with language of last resort, declaring, ?Never in the lifetime of anyone present here, has the religious liberty of the American people been as threatened as it is today.?

Whether the language matches the threat, of course, is a central question. And the fact that a former White House staffer could register such a claim in widely covered national prayer breakfast might be one of the reasons Steinfels and others have termed the rhetoric hyperbolic. Others have pointed out in commentary and editorials that it might also be difficult to make the case about threatened religious liberty given the amount of religious content in our political conversation and, in terms of Catholics, given that five Supreme Court justices and the vice president are Catholic, and that the most heavily represented denomination in Congress is Roman Catholicism.

Like the bishops in their document, Anderson walks through American history, depicting courageous stands from the Revolution, to the dark days of the Cold War, from ?reforms in education, labor and women?s rights? to the civil rights era, to drive home the seriousness of the current threat.

How much is driven by partisan politics and how much by true concerns about religion is difficult to decipher. Bishops don?t openly declare their allegiances, though it is known and spoken privately that among the U.S. episcopacy there are some for whom the dislike of Obama reaches a visceral level. At the same time, if there are countervailing feelings among bishops who disagree with the tone and intensity of the campaign, they have not been expressed.

Mark Silk, professor of religion and public life at Trinity College in Hartford, Conn., pushes the discussion in the direction of the tension that always exists between the constitutional poles of religious freedom and freedom from religion. Changing civil norms, he said, ?always pose new challenges for weighing free exercise rights against others that are also constitutionally guaranteed. It would be nice if the bishops would stop hyperventilating and acknowledge that what they call the ?American public square? involves constant negotiation of the boundaries of free exercise and no establishment. It does not mean that religious bodies get to do whatever they?d like.?

Of course, governments providing and paying for women?s health care services that the church objects to is hardly anything new on the planet. Most nations in the Western world have long had universal health care, and while they may not have the ethical complications that arise with church-run hospital systems, tax dollars from Catholics certainly fund these services. And there is little resistance from church leadership elsewhere to services that would raise a howl from some quarters in the U.S.

Dolan makes reference to that reality in his book-length interview, *People of Hope*, with *NCR*?s John L. Allen Jr.

He recalls at one point being with a group of bishops during an ad limina visit about the time of the 2004 elections while Pope Benedict XVI was still Cardinal Joseph Ratzinger, head of the Congregation for the Doctrine of the Faith.

Ratzinger said he wanted to know the bishops? thoughts on the matter of politicians and Communion. One bishop, in his turn, said that it seemed Rome expected the U.S. bishops ?to be much more definitive on the issue of pro-abortion politicians, and much stricter, than you bishops in Europe.? Dolan recalled the bishop saying that he had seen placards and signs throughout Rome for political leaders who were known to be both Catholic and pro-abortion. ?We?ve never heard the bishop of Rome asking to dialogue with the mayor about this particular problem, or threatening to deny him Communion. Why is that never brought up here, but we get instructions all the time on this issue?? Dolan recalled the bishop asking Ratzinger.

In the end, said Dolan in the interview, ?there really was no answer given.?

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