

## Minding the gap between the bishops and Catholic health care

John L. Allen Jr. | Jun. 16, 2010



Sr. Carol Keehan, president and CEO of the Catholic Health Association, holds up a pen used by President Obama to sign the health care reform bill into law. (CNS/courtesy Catholic Health Association)

**Denver, Colo.** -- Anyone familiar with London knows the warning mantra of the city's subway system, "Mind the gap." That might also be the motto for relations these days between the U.S. bishops and the Catholic Health Association, in the wake of a bruising debate over health care reform that saw the bishops and leaders in Catholic health care at odds due to differing conclusions about the legislation's impact on abortion.

The key question now seems whether, and how, that gap can be repaired. In mid-June both the bishops and the CHA held plenary meetings, and in their wake the answer seems a bit clearer, at least by means of a *via negativa*: While leaders on both sides say they want reconciliation, it won't be because either party blinked.

The Catholic Health Association held its annual assembly June 13-15 in Denver, bringing together more than 800 leaders in Catholic health care, and officials made clear from the outset that they're not backing down.

"We would not have supported the legislation if it were inconsistent with our values as a ministry of the church," said Colleen Scanlon, a lay medical professional and chair of the CHA Board of Trustees, in remarks opening the assembly.

The association, she said, "firmly believes that the enacted law meets this fundamental, non-negotiable priority -- no federal funding for abortion."

There was pride in the air about the role the association played in supporting health care reform. One highlight was a video tribute from President Barack Obama, hailing the "help and courage" of the CHA as well as the "extraordinary leadership" of Daughter of Charity Sr. Carol Keehan, CHA president.

At roughly the same time, the U.S. bishops gathered in St. Petersburg, Fla., for their June 14-18 spring assembly. Though designed as a spiritual retreat, Cardinal Francis George of Chicago, president of the conference, added a discussion of health care reform at the beginning. Speaking by telephone, George told *NCR*

on June 16 that it was an informational session, and that no decisions were made.

George, too, stuck to his guns, arguing that the dispute with the CHA involves a core ecclesiological principle "about the nature of the church itself, one that has to concern the bishops" ? namely, who speaks for the church on faith and morals?

"The bishops have to protect their role in governing the church," he said.

Despite that apparent logjam, both sides stressed a desire for rapprochement.

"Nobody is enjoying the gap, by a long shot," Keehan told *NCR*. "We've had a very strong and collaborative relationship, and that's what we want to see in the future."

George echoed the sentiment, saying he's written to Keehan and is optimistic about the prospects to "reshape the relationship in dialogue together."

"We're dealing with people of good will, so dialogue should be possible," he said.

For much of 2009 and early 2010, the United States Conference of Catholic Bishops and the Catholic Health Association seemed in lockstep over health care reform, jointly supporting universal access, inclusion of immigrants, no federal funding of abortion, and protection of rights of conscience for religious health care providers. As a final vote neared on the Senate version of the "Patient Protection and Affordable Care Act," however, the CHA embraced the bill, while the bishops opposed it. CHA insisted the measure held the line on abortion funding, while the bishops asserted that it compels Americans to pay for other people's elective abortions.

Many political experts say the CHA's support was crucial.

U.S. Senator Robert Casey, a pro-life Democrat from Pennsylvania who backed the measure, told the assembly via video, "I can say without any hesitation that if the Catholic Health Association were not involved in this effort, it's highly likely we wouldn't be able to pass the bill."

To date, the CHA and the bishops' conference still disagree about the factual implications of the bill for abortion funding, although George conceded that "different lawyers have said different things" and that it's possible to discuss the "empirical content" of the bill.

Beyond that, the CHA and the bishops often seem to have differing impressions of the bigger picture.

CHA officials insist they worked hard to craft a common position with the bishops, and only struck out on their own because the stakes were so high.

"This was not a bill that just did a little pittance of something, like improving reimbursement," Keehan said. "This was a bill that, for the first time in the lives of 32 million Americans, gave them a chance to have decent health insurance ? That was a heavy burden on my conscience, and on our organizational conscience."

CHA officials also insist that their rift with the bishops was narrow.

"We did not differ on the moral question, or the teaching authority of the bishops," Keehan said.

George, however, isn't so sure.

"This may be a narrow disagreement, but it has exposed a very large principle," he said.

The principle is ecclesiological: Who speaks for the church on matters of faith and morals, including how morality is translated into law?

"If the bishops have a right and a duty to teach that killing the unborn is immoral, they also have to teach that laws which permit and fund abortion are immoral," George said. "It seems that what some people are saying is that the bishops can't, or shouldn't, speak to the moral content of the law, that we should remain on the level of abstract principles."

That's a point, George argued, with implications across the board.

"For example, it affects our discussion of immigration," he said. "Are we supposed to just say that the present situation is morally unjustified, or do we have the right and the duty to make moral judgments about whatever legislation comes down the line?"

The challenge of navigating those two outlooks has already complicated one effort at reconciliation.

In the first week of May, Bishops Kevin Vann of Fort Worth, Texas, Thomas Paprocki of Springfield, Ill., and Kevin Rhoades of Fort Wayne-South Bend, Ind., held a meeting in Chicago with the leadership of the CHA. The three bishops had been appointed by George to work towards a resolution of the differences that surfaced in the health care debate. (Vann also serves as episcopal liaison on the CHA Board of Trustees.)

According to participants in the meeting, they considered a draft of a joint statement for public release. Keehan told *NCR* the statement would have said that despite a "painful difference of opinion," the bishops and the CHA would work together to monitor implementation of health care reform, including vigilance about any new federal funding of abortion.

In the end, however, the bishops decided that rather than issuing a statement, the group should focus on the topic of the bishops' role in governance. At this stage, Keehan said, one additional meeting has been scheduled by teleconference, and it's not clear what might result.

George said that it's premature to talk about any disciplinary measures against the CHA, because his hope is that efforts at dialogue will bear fruit. Moreover, he said, "it's not clear what [disciplinary measures] would look like," since, he said, the disciplinary code in church law "is quite restricted."

In Denver, the CHA's way of framing the dispute drew support from Fr. Bryan Hehir, a Harvard ethicist who serves as the the secretary for health care and social services in the Boston archdiocese. Hehir is also a former head of Catholic Charities USA and a former official of the U.S. bishops' conference.

Hehir said that both the bishops and the CHA reached acceptable Catholic conclusions.

"There was a foundation for the different judgments made about the bill, and those different judgments fitted within the Catholic moral tradition," Hehir said. "It was not about being inside or outside the permissible range of Catholic moral tradition."

At least one bishop seems concerned that the conference may be overplaying its hand.

"I've been associated in one way or another with the episcopal conference of the United States since 1972," said Bishop Robert Lynch of St. Petersburg, Fla. "I have never before this year heard the theory that we enjoy the same primacy of respect for legislative interpretation as we do for interpretation of the moral law."

Lynch, who sits on the CHA Board of Trustees, spoke in a June 13 interview with *NCR* on the margins of the

Denver conference.

"I think this theory needs to be debated and discussed by the body of bishops," he said.

Lynch also said that the bishops need to be mindful of another bit of context: the current Apostolic Visitation of women's religious orders in the United States. That's relevant, he said, given that the president of the CHA is a religious woman, and that much of the leadership of Catholic health care in America is provided by sisters.

"I think religious women are on the receiving end of what they perceive, at least, as a lot of negative reactions by church authority," he said. "That's a climate we have to recognize."

Keehan said that CHA members are solidly behind the association's position. To date, she said, Bishop Thomas Tobin in Providence, R.I., has taken a Catholic hospital out of the CHA, and one other mid-sized health system has jumped ship, but otherwise the membership has held firm.

George said there's an "immediate area" of possible collaboration with the CHA, which is the bishops' desire to insert stronger anti-abortion language, based on the Hyde Amendment, into the new health care law.

"If we can jointly support that change to the law, it would go a long way to fostering reconciliation," he said.

Lynch warned that whatever happens, putting the pieces back together will be complicated.

"There are bishops who feel strongly that CHA somehow betrayed the church," he said ? adding that in his view, the association "acted in good conscience."

"The dust has to settle," Lynch said. "When it does, continued communication and dialogue and the rebuilding of trust can happen."

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