

## A Charitable Endeavor

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To understand Catholic charities in the United States today, we need to remember two simple facts. First, the Catholic experience in America has been different from the Church's history in Europe. Second, while the founders' belief in religious liberty remains deeply ingrained in the American spirit, a new and belligerent kind of secularism, alien to the American character, now threatens the mission of Catholic charitable ministries.

It also attacks America's historic commitment to religious freedom. Since the nation's earliest years, the Catholic Church has worked with American civil authorities in many mutually supportive ways to advance what Thomas Jefferson called the "wholesome purposes of society." As the country has grown, so have its challenges. And so has its relation with the Church. In the United States, we have never had a marriage of Church and state at the national level. Therefore, unlike Europe, we have also never had a bloody divorce between religious faith and public life.

Historically, Americans have been—and remain—a religious people. They have found it quite normal for religious charities, including Catholic ones, to make use of public monies in serving the poor, the homeless, and other needy populations. This arrangement has worked well for everybody. Government gets skilled, cost-effective, and compassionate help in meeting social needs. The Church gets funds for her works of love demanded by faith in Jesus Christ.

But Americans have always known that the Church's charitable purposes are religiously inspired, not merely humanitarian. They've also understood that the Church is an independent partner in helping the government to meet its charitable goals. She is not an arm of the government. She is not a private contractor on the state payroll. The tax exemptions offered by the state to religious charities to help their work are not a gift or a display of kindness by civil authority. They are nakedly practical. Religious charities typically do better social-service work than government agencies and at lower cost.

In other words, the government benefits from the partnership and usually gets more than it gives. Unfortunately, these understandings have broken down in recent years. Too often, public officials no longer respect the Church's service to the common good or the guarantee of her freedoms under the Constitution. More and more, Catholic ministries find themselves bullied by civil authorities that seek to meddle in their operations and dictate the terms under which they provide their services. What these public authorities often demand would result in bad public policy. It would also cripple the Church's character and mission.

So far, the Church in the United States has usually managed to defend her rights in the public square. But attacks on her autonomy grow every year—in courts, legislatures, and in federal and state bureaucracies. I believe that today's growing harassment of religious charities flows out of a crisis in America's governing philosophy. And this crisis in public thought stems, too often, from America's knowledge classes, who have forgotten, or rejected, the vision of the country's founders.

The United States is an historical oddity. Unlike the nations of modern Europe, America was not founded on the basis of territorial, cultural, ethnic, or confessional concerns. America is what the Jesuit theologian John Courtney Murray called “a proposition country,” built on a set of moral claims about God, the human person, the meaning of life, and the purpose of society. These propositions, in turn, emerged from the Judeo-Christian values and vocabulary of America’s first settlers and founders.

America’s founding documents are thus a mix of commonsense realism and transcendent idealism. God is named as “Creator” and “Supreme Judge” over individuals and governments. The human person is said to be endowed with God-given, and therefore inalienable, rights to “life, liberty, and the pursuit of happiness.” The purpose of government is clearly defined and sharply limited: to help secure and defend these basic rights for its citizens.

The American proposition envisions the self-rule of a free people living under a limited government. Civil authority governs with the people’s consent and in accord with the natural law and natural rights established by “Nature’s God.” The people’s freedom is not a moral license. Rather, it is the liberty and duty to pursue the good. The American ideal resembles Lord Acton’s famous definition of freedom: “not the power of doing what we like, but the right of being able to do what we ought.”

These beliefs shaped how the founders saw the role of religion in American life. In much of continental Europe, the rise of the nation-state was based on a negative secularity, hostile to religion and often brutally anticlerical. But in America, secularity was pressed into the service of cooperating with and promoting religion. Church and state were kept separate not to diminish religion, but to ensure that citizens could worship freely and practice their faith without government interference. In fact, America’s founders believed that religious faith and its institutions played a vital role in forming the civic virtues needed for national survival.

As Alexis de Tocqueville noted in his great study of American democracy: “I do not know whether all [American citizens] have faith in their religions—for who can read the bottom of men’s hearts? But I am certain that they believe religion to be necessary for the preservation of republican institutions. This is not the opinion of one class of citizens or one party but of the nation as a whole. One encounters it among people of every rank.”

Since religious faith was seen as foundational for public morality and political discourse, America’s churches have always been accepted as key mediating institutions in the nation’s civic life. This idea of mediating structures—such as churches, fraternal organizations, and families, which all stand between the individual and the larger institutions of civic power—helps explain the historically unique role of the Church.

Government was never meant to be a large presence in our American life. But too often today our knowledge classes—leadership groups in politics, law, higher education, and the media—no longer seem to believe that. America was built on the premise that the power of the state should be modest, because real life is much larger than politics. Human beings are the product of a vast, rich fabric of other loyalties and relationships in families, neighborhoods, workplaces, religious communities, and voluntary associations.

The American proposition presumes the truth of Edmund Burke's dictum: "To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle (the germ as it were) of public affections." Such respect for the essentially nonpolitical nature of human life has given a special vigor to American charitable efforts. The American environment has always favored minimal government involvement and maximum participation from individuals and voluntary associations.

Again, this distinguishes America from Europe, as Tocqueville noticed:

Americans of all ages, all conditions, and all minds are constantly joining together in groups. . . There are associations of a thousand . . . kinds: some religious, some moral, some grave, some trivial, some quite general, and others quite particular, some huge and others tiny. The Americans make associations to give entertainments, to found seminaries, to build inns, to erect churches, to distribute books, to send missionaries to the ends of the earth. This is how they create hospitals, prisons, and schools. . . . Wherever there is a new undertaking, at the head of which you would expect to see in France the government and in England some great lord, in the United States you are sure to find an association.

Catholic charities, then, belong to a varied and energetic civil society in America—a sphere that the nation's founders meant to remain distinct from the realms of government, industry, and purely private life.

Two points are vital here. First, the American proposition presumes that large areas of our common life as a nation exist where government has no special competence and no business intruding. Second, self-government means exactly that: self-government. The solutions to problems in American society are mainly the duty of individuals working together in associations. Government involvement is never the first, and usually not the preferred, course of action. The genius of the American system is that government has found ways to work fruitfully with mediating institutions like the Church to solve problems and deliver key social services.

To put it another way, American civic institutions have always been nonsectarian, but they have never been hostile to religion. Although the Constitution forbids the establishment of a state-sponsored religion, historically, no constitutional problem has been seen in directing public monies to religious charities that serve legitimate public-policy objectives—so long as these religious groups do not use public funds to proselytize.

We should note, however, another difference between American and European experiences. America has never had a European-style church tax or allowed direct public funding of religious organizations. In practice, the American formula—government and religious charities supporting each other in working toward common goals—should not be seen as state assistance to religious charities. It has been, instead, state cooperation with independent charities to advance the public

good.

In addition to offering grants and service contracts to Church charities, the government's main form of cooperation is exempting Church ministries from paying taxes on their properties, assets, or income. But we should remember that the Church's tax-exempt status is a form of public respect for religious freedom and the importance of religious institutions—combined with a pragmatic realism about the government's own limited effectiveness. The power to tax is the power to control and even to destroy, as Daniel Webster once observed. And the American government has never—at least, until very recently—tried to wield it as a club in working with the Church.

So, in broad strokes, this is the system that America's founders set in place. Two hundred years later, we have a robust civil society marked by a wide range of philanthropic and charitable activities. Catholics, Protestants, Jews, Mormons, Buddhists, Muslims, and more all play a role in this network of social development and assistance.

In my own state of Colorado, Catholic Charities of the Archdiocese of Denver is one of the largest providers of social services. This holds true at the national level, as well. Catholic Charities U.S.A. ranks among the largest private nongovernmental charitable networks in the country. Its affiliated organizations serve nearly 8 million people each year.

Catholic charities typically have low overhead costs and dedicated staffs, many of whom are volunteers. Because of their Christian commitment and volunteer profile, they make good use of monies received from government sources. They can devote a high percentage of these funds to direct services and program costs.

So why would any government want to undermine a successful, long-standing system of Church-state cooperation with intrusive regulations and abusive demands on Catholic consciences? If Catholic charities left the nation's social-welfare network, the system would clearly suffer. Even if the government assumed all social services itself, it would take years to replace Church charities with government-run programs. Yet government interference—in effect, a kind of extortion—is a growing pattern. The leverage used against the Church is financial. Today, public functionaries and lawmakers often pressure Church-related agencies by threatening to cut funding for their programs or to revoke their historic exemption from paying taxes.

Consider two recent cases. The first comes from direct pastoral experience. Recently, the Colorado state assembly proposed a bill that would have forced every charitable group receiving state money to comply with a set of “antidiscrimination” laws. That may sound harmless. It may even seem reasonable. But in practice the law would have stripped the Church of any control over the people she hires. Because the proposed law banned “discrimination” on the basis of religion, the Church could easily have been forced to hire non-Catholics or people who publicly reject Catholic teaching—even for key leadership positions.

The implications for Catholics were obvious. The right to define our mission as a Church and to select the people who can best transmit Catholic beliefs and values is at the heart of our religious

freedom. No Catholic ministry can ensure its identity if its leaders and staffers cannot be required to be Catholic. Colorado Catholics argued this case forcefully in the state legislature, and the bill was tabled. It never came to a vote. But the issue is by no means dead. And this bad legislation reflected a trend we now see elsewhere. Public officials increasingly push social agendas hostile to religious faith, even at the cost of denying rights historically guaranteed to religious groups.

Here's a second case. In Boston, the local archdiocese ran one of the nation's oldest, most respected adoption agencies. Nonetheless, the Church was forced to shut down her adoption ministry. Why? Because the state demanded that the Church begin placing orphans for adoption with homosexual couples—a demand that violates Catholic moral beliefs that children have the right to grow up in a stable family with a married mother and father. Boston's archbishop, Seán Cardinal O'Malley, sought a conscience clause to exempt the Church from the requirement. State lawmakers refused. The result was the end of more than a century of excellent child-adoption services to the general public.

This case embodied the “grave inconsistency” that Benedict XVI writes about in his encyclical, *Caritas in Veritate*. A small social subgroup—for example, active homosexuals and supporters of homosexual-related issues—demands that the government defend their right to a controversial lifestyle, a right that is “alleged, . . . arbitrary, and nonessential in nature,” as Benedict puts it. To meet this demand and promote this ambiguous right, public officials attack the “elementary and basic rights” of defenseless children without parents.

When we look closely at Church–state conflicts in America, we see that they now often center on a group of behaviors—homosexual activity, contraception, abortion, and the like—that the state in recent years has redefined as essential and nonnegotiable rights. Critics rarely dispute the Church's work fighting injustice, helping community development, or serving persons in need. But that's no longer enough. Now they demand that the Church must submit her identity and mission to the state's promotion of these newly alleged rights—despite the constant Catholic teaching that these behaviors are personal moral tragedies that can lead to deep social injustices.

As a result, the original links between freedom and truth, and between individual rights and moral duties, are disappearing in the United States. In the name of advancing the rights of the individual, other basic rights—the rights of religious believers, communities, and institutions—and key truths about the human person, are denied.

In squeezing the Church and other mediating institutions out of the public square, government naturally assumes more power over the nation's economic and social life. Civil society becomes subordinated to the state. And the state then increasingly sees itself as the primary shared identity of its citizens. But this is utterly alien to—and in fact, an exact contradiction of—what America's founders intended.

America's original vision conforms closely with subsidiarity, a core principle of Catholic social teaching. Through mediating institutions like the Church, America has always sought to meet people's needs at a local and even personal level, thereby keeping the state properly limited. As civil authorities intrude on the daily work of mediating institutions, they also substitute

themselves for the role of the Church and other similar groups. These tendencies are reinforced by a strong secularist spirit among America's knowledge classes. In education, scientific circles, and the mass media, religion is often seen as a backward social force, a source of division and violence. The language of pluralism and diversity is misused to advance the antidemocratic goal of marginalizing believers and religious communities from the national conversation.

Today's distaste for religion among America's leadership classes has created disarray in our civic philosophy. The American proposition, while nonsectarian in nature, has always been marked by a belief in God's sovereignty over human affairs and the importance of religion in personal and public life. The secularization of America's political and intellectual life has weakened these tenets that shaped our common identity. Without God, without the natural-law and the natural-rights tradition, we no longer have any broadly shared moral consensus in which to ground our politics, and from which to draw a common purpose.

American political thought has dwindled to what Christopher Wolfe has called "antiperfectionist liberalism" and what Michael Sandel has identified as the liberalism of a "procedural republic." In reality, what these political philosophers describe bears a strong resemblance to Benedict's "dictatorship of relativism." This relativism shows itself in the claim that—out of respect for pluralism and the diversity of its citizenry—the state should never act as if any one way of life is any better than the next. The government, under this theory, exists not to promote "the good life" of its citizens but only to create a framework of individual rights and legal procedures that will enable each person to pursue his or her own version of the good life.

But we should notice two unhappy things about this public philosophy. First, it allows no room for mediating structures or civil society. In this universe, only individuals and the government finally exist. Families, religious institutions, and voluntary associations are either irrelevant or possible threats to individual rights. This explains, in part, why the Church and other mediating groups so often find themselves attacked by the government for allegedly discriminating against the private rights of individuals.

Second, despite its claimed neutrality, this philosophy is not at all "value free." As Wolfe notes, in practice, "this new libertarianism constitutes strong government support for one particular way of life, one that is secularized and skeptical, hostile to revealed religions and to traditional morality."

The issues here are complex, but the simple point is that the troubles of the Church and her charitable efforts in the United States today are not merely political in a partisan sense. They are symptoms of a larger breakdown of public reasoning and discourse—and of leaders who have forgotten the moral vision of our nation's founding thinkers.

In Colorado, and in many other Catholic communities around the country, the Christian mission of social service to the poor will continue, with or without government support. But not at the cost of our Catholic identity. We will always work with people of good will to ease the needs of the wider public. At the same time, it would make no sense to subject who we are as disciples of Jesus Christ, and what we believe as Catholics, to terms that would undermine the very purpose of our service.

The mission of Catholic Charities and all Catholic social ministries is not humanitarian but religious—to proclaim by our words and deeds the love that God has shown to the world in Jesus Christ. The spiritual and corporal works of mercy are not an option for the Church. They are a duty. Nor are they a generic act of kindness. They are a form of distinctly Catholic witness.

Today, more urgently than ever, those of us who are Catholic need to recover a gospel hunger to help the homeless, the disabled, and the immigrant. We need to deepen the professional skills in our charitable services; we need to offer our gifts to the world—and we need to be committed Catholics first. We need to love and serve the poor; we need to thirst for social justice—and we need to remember that the poorest of the poor is the unborn child who cries out for our protection. There can be no social justice while the weakest and most innocent among us are legally killed.

We need to rededicate ourselves to the work of Christian charity and the Catholic soul of our institutions. Charity is a duty for the whole believing community. But it is also an obligation and privilege for every individual member of the Church, flowing from our personal encounter with the mercy of Jesus Christ.

Government cannot love. It has no soul and no heart. The greatest danger of the modern secularist state is this: In the name of humanity, under the banner of serving human needs and easing human suffering, it ultimately, ironically—and too often tragically— lacks humanity. As Benedict foresees in his encyclical, *Deus Caritas Est*:

The state which would provide everything, absorbing everything into itself, would ultimately become a mere bureaucracy incapable of guaranteeing the very thing which the suffering person—every person—needs: namely, loving personal concern. We do not need a state that regulates and controls everything, but a state that, in accordance with the principle of subsidiarity, generously acknowledges and supports initiatives arising from the different social forces and combines spontaneity with closeness to those in need. The Church is one of those living forces: She is alive with the love enkindled by the Spirit of Christ. This love does not simply offer people material help, but refreshment and care for their souls, something that often is even more necessary than material support.

In the face of modern critics who would crowd out the Church's ministry of love, American Catholics must reclaim the vision Benedict speaks of here. We need to insist on the guarantees promised by the founders at the beginning of the American proposition: autonomy and noninterference from civil authorities.

But a more important task also remains. Catholics must come to a new zeal for that proposition, a new faithfulness to their own Catholic identity as they live their citizenship, and a new dedication to renewing the great public philosophy implicit in America's founding documents.

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