

Can the state stop us from practicing our faith?

DEAR FATHER KERPER: I was taught that church and state are completely separate in the United States. Neither should interfere in the activities of the other. This is why I am very disappointed that we Catholics have tolerated government interference during the COVID-19 pandemic. How can the state prohibit us from practicing our faith? How can we follow state regulations that force us to violate the Third Commandment, “Keep holy the Lord’s Day”? I also have read that lay Catholics have a right to receive the sacraments. I deeply am concerned that our Church and nation have entered into a new and scary relationship that includes way too much government interference. What are we supposed to do?

Your comments, which some other Catholics certainly share, touch upon three key matters: the delicate relationship between church and state; the legitimate right of baptized Catholics to receive the sacraments; and the proper understanding of the Third Commandment.

First, we Catholics live within a very large nation whose people adhere to a great variety of religions. Moreover, many Americans now profess no religious beliefs at all.

Religious liberty, a pillar of our free and democratic system of government, requires that we distinguish between the “religious” and “public” sectors of life.

Matters such as worship, selection of Church leaders and the absolute confidentiality of confession all pertain directly to the religious realm. Here the state has no authority whatsoever.

However, religious practice happens within the broader society and necessarily has consequences for other people. As

such, the state can — and must — promote a fair and proper balance between the needs of religious groups and those of society. This happens in many ways. Churches, for example, must abide by zoning rules, fire prevention regulations and so forth. These “state interventions,” though perhaps cumbersome, ultimately serve the common good.

This brings us to various state mandates that strictly limited the gathering of people during the pandemic. In New Hampshire, this quickly went from 50 to 10, thereby preventing the public celebration of Mass.

Some Catholics complained that civil authority had overstepped its boundaries and, in effect, had banned our Masses. Some even claimed that bishops had “lost their faith” by following state-mandated limits on crowds. But neither is the case. As to the first, public authorities had good reason to believe the coronavirus spreads rapidly when people gather in close proximity. Whether this is scientifically accurate

doesn’t really matter. Rather, we must have at least some confidence that elected political leaders will act in fair and reasonable ways. After all, sacred Scripture in several places exhorts Christians to respect and obey political leaders as agents of God, even those who oppose the Christian faith.

While the crowd restrictions made public Masses impossible, the primary intention was always the prevention of serious disease, not the suppression of worship. By contrast, a law enacted that would ban Masses for no reason other than stopping worship would be utterly unjust and deserving of prudent resistance.

We now move on to the right of the baptized faithful to the sacraments.

In the New Testament, whether through the mouth of Christ or any of the Apostles, the term “right” never appears in reference to the sacraments. The *Code of Canon Law*, however, abounds with strong affirmations of the laity’s right to partake of “the spiritual goods of the Church, especially the word of God and the sacraments.” (*Canon 213*)

Rights, of course, have corresponding duties. Those who lay claim to a specific sacrament must be properly prepared, live as faithful Christians, meet age requirements and so forth.

Moreover, those who exercise their right to receive a sacrament, including the Eucharist, “must take into account the common good of the Church, the rights of others, and their duties toward others.” (*Canon 223*) *Canon 223* succinctly cites the two key motives that led most Catholic bishops to close churches and suspend public Masses.

First, these two drastic acts truly advanced the “common good of the Church” by creating a fairly consistent response throughout the United States and by removing devout — yet vulnerable — people from the potential dangers of COVID-19.

Second, the bishops respected “the rights of others,” notably people of other faiths or no belief at all, who could have become infected by COVID-19 unknowingly spread within and beyond Catholic congregations. The Catholic bishops, then, advanced the greater good of life by suspending the sacramental life of all Catholics. Though these actions upset many Catholics, perhaps some future historians will regard many bishops as prudent and courageous.

Now let’s consider your point that “state

regulations force us to violate the Third Commandment.” If you understand the Third Commandment simply as “Keep holy the Lord’s Day,” specifically by attending Mass, then your statement makes sense. However, the commandment is not absolute. In other words, it does not always bind us.

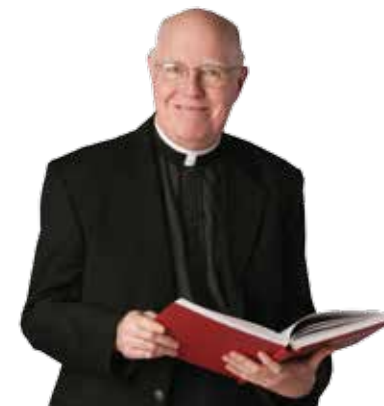
Canon law simultaneously affirms the obligation of attending Mass on every Sunday and holy days of obligation while also explicitly mentioning dispensations — acts that suspend the law in certain cases.

Last March when the coronavirus began spreading, some bishops proclaimed a general dispensation from Mass attendance. Others simply restated the long-standing teaching that people impeded from attending Mass because of illness, lack of transportation, charitable obligations towards others and — most of all — the complete unavailability of Mass, are dispensed from the law.

In short, no state regulation has “forced” anybody to violate the Third Commandment. It couldn’t. Why? Because the Catholic legal specification of the commandment, namely Mass attendance, was either impossible to fulfill or had been formally dispensed by the diocesan bishop.

As horrible as the COVID-19 pandemic has been, especially for people who became infected and died, the Lord always raises up great good from disasters.

In this case, maybe the Church and state will reconsider and improve their relationship. Maybe our encounter with the novel coronavirus will cause us to recognize our own fragility and mortality. And maybe our sudden and unprecedented hunger for the sacraments will renew within us deep gratitude for the gifts we have missed. ■



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Healing and hope on the front line



The COVID-19 pandemic has been a stressful, life-changing and, in some cases, faith-challenging experience for everyone. I recognize that some of you who are reading this column have experienced personal loss as result of the pandemic and I extend my sympathies to you. As CEO of a Catholic hospital, one of the most stressful things to have witnessed was the discussion around how to allocate scarce resources to our fellow human beings. The Italian government reportedly recommended that health care resources be rationed to patients by age and the largest number of life years saved. Others suggested to first save those with the highest quality-adjusted life-year (QALY), which is a measure of disease burden that includes both the quality and the quantity of life lived. Imagine having to make these choices when you have taken an oath to heal and protect.

Triage and rationing protocols are necessary when there is a lack of resources, so long as those protocols incorporate sound ethical principles in the Catholic moral tradition. At Catholic Medical Center, we understand that all life has equal value. When in a disaster or crisis mode, Catholic Medical Center adopts a set of ethical norms for disaster management that is consistent with CMC’s mission and values, and is based on the *Ethical and Religious Directives for Catholic Health Care Services* (ERDs) and current literature on the ethics of disaster management. Discerning these matters is a collaborative effort between caregivers and leadership. The allocation of resources is based on objective measures that take into consideration the dignity of every human life, as well as CMC’s mission to provide health, healing and hope. In allocating scarce resources, we need to remember that we are united to one another as St. Paul so powerfully stated in Galatians 3:28: “There is neither Jew nor Greek, there is neither slave nor free, there is no male and female, for you are all one in Christ Jesus.”

We never ration scarce resources based on age, status, disability or someone’s definition of “quality of life.” We will always allocate resources in a fair and equitable manner and without discrimination. CMC will be guided by the principle of ethically proportionate and disproportionate means of preserving life. We will stand up for the marginalized and vulnerable. Most importantly, we will allocate these resources to those most likely to directly benefit from treatment rather than those arbitrarily considered most worthy. Lastly, we will never abandon any patient and will always provide palliative care when a decision is jointly made to end treatment.

I have never been more proud of our troops on the front line. The health care workers at CMC ran into this battle, risking their lives and jeopardizing their families. They did this because they were called to do so. We must support them in the difficult decisions that nobody wants to own. These are the men and women of the year! May God bless all of them. ■



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