



**Coalition For Informed Choice**

Gary Krasner, Director  
Coalition For Informed Choice  
CFIC.us • CFIC@nyct.net

September 19, 2021

### **Rebuttal to Policy on Religious Exemptions**

Catholics who apply for religious exemption from vaccination are being denied by some administrators because Catholics allegedly are not qualified for exemption. But it's quite the contrary.

Specifically, political leaders have quoted Catholic archdioceses in some cities who have asserted that a Catholic-based rationale for abstaining from COVID19 vaccination doesn't exist. More recently, NYC DoE had denied religious exemption the applications of Catholic DoE employees because Pope Francis purportedly uttered remarks in support of the COVID vaccines.

But neither the Pope nor the archdioceses speak with authority on Church doctrine. The Catechism and the 10 Commandments are the sole authorities (1). Moreover, the Pope's opinion on COVID was not doctrinal in any way, because he did not speak *infallibly* (see below for a full exposition of that distinction). Pope Francis was therefore speaking off the cuff, which might be equivalent to "dicta"—the non-binding observations by a judge about a case or trial at its conclusion. It's not dispositive in any way.

People have also been misled about the Catholic Church and vaccination. The media had misinterpreted Vatican comments purportedly showing support for vaccination. Statements from the Vatican and Pontifical Academy for Life were also mere application guidelines. But it's a moot issue for enforcers of mandates. They must ignore the views of leaders of religious organizations, and instead evaluate the applicant's stated beliefs on their own merits, or else risk getting reversed under judicial review.

NY CLS Pub Health §2164(9), for example, was amended in 1989, because the prior statute authorized schools to judge the correct interpretation of scripture by one cleric over another. See: *Sherr and Levy v. Northport East-Northport Union Free School District*, 672 F. Supp. 81 (E.D.N.Y. 1987).

In point of fact, tens of thousands of applications for exemptions from school vaccine requirements have been granted for Catholics in NYS since 1989. Indeed, several thousand of those exemptions were granted for Catholics by Office of School Health in the NYC Department of Education Immunization Program at Queens Plaza North, since that time, until 2019 when the legislature in Albany repealed NY CLS Pub Health §2164(9)—the religious waiver for grade schools. Does the Department of Education believe the Catholic qualifications for exemption for parents of minor children is somehow different than those of college students and DoE employees?!

Indeed, that was why §2164(9) was amended—to make dispositive solely what the *applicant* believes on his own terms, and not what different ministers, rabbis or theologians might believe. This stemmed from Judge Wexler’s 1987 determination in *Sherr and Levy* that the prior statute had granted preferences solely to religions whose tenets are specifically opposed to vaccination. That essentially authorized a school, under the aegis of government authority, to judge the correct and valid interpretation of ecclesiastical questions. Wexler concluded that such government adoption of the religious conclusions of, for example, one priest over another, had exceeded the Establishment Clause of the First Amendment.

It is also moot, because Catholics who wish to refuse vaccines have a *tenet* of the Roman Catholic Church to justify it—*Moral Conscience*. Moral Conscience supersedes application guidelines, and it is reiterated in the opening pages of the Catechism, in which a letter signed by Pope John Paul II, reads that the book is *a sure teaching norm of the faith*—which makes it a rock solid tenet that *must* be obeyed. Moral conscience—the mandate for all Christians to act in accord with what *they* deem (and not what third parties deem) is righteous, has been tested and prevailed in case law. As instructed in Catholic Doctrine, in *Dignitas Humanae*, Pope Paul VI wrote in 1965: “*It is through his conscience that man sees and recognizes the demands of divine law. He is bound to follow this conscience faithfully in all his activity so that he may come to God, who is his last end.*”

Moral Conscience is ensconced in Catholic Doctrine by way of the Catechism (2). *That’s* the authority of Catholicism.

Most recently, on July 21, 2021, the National Catholic Bioethics Center (3)—which provides guidance to the US bishops—came out with a solid, resounding endorsement (4) of Catholics (and all Catholics are Christians) who abstain from vaccination specifically. It opens with the following words:

“The following authoritative Church teachings demonstrate the principled religious basis on which a Catholic may determine that he or she ought to refuse certain vaccines:” Brief excerpts:

Vaccination is not morally obligatory in principle and so must be voluntary. A person is morally required to obey his or her sure conscience, even if it errs.

[...]

A Catholic may judge it wrong to receive certain vaccines for a variety of reasons consistent with these teachings, and there is no authoritative Church teaching universally obliging Catholics to receive any vaccine.

[...]

An individual Catholic may invoke Church teaching to refuse a vaccine developed or produced using abortion- derived cell lines. More generally, a Catholic might refuse a vaccine based on the Church’s teachings concerning therapeutic proportionality. Therapeutic proportionality is an assessment of whether the benefits of a medical intervention outweigh the undesirable side-

effects and burdens in light of the integral good of the person, including spiritual, psychological, and bodily goods.

[...]

It can also extend to the good of others and the common good, which likewise entail spiritual and moral dimensions and are not reducible to public health. The judgment of therapeutic proportionality must be made by the person who is the potential recipient of the intervention in the concrete circumstances, not by public health authorities or by other individuals who might judge differently in their own situations.

[...]

At the core of the Church's teaching are the first and last points listed above: vaccination is not a universal obligation and a person must obey the judgment of his or her own informed and certain conscience. In fact, the Catechism of the Catholic Church instructs that following one's conscience is following Christ Himself.

[...]

Therefore, if a Catholic comes to an informed and sure judgment in conscience that he or she should not receive a vaccine, then the Catholic Church requires that the person follow this certain judgment of conscience and refuse the vaccine. The Catechism is clear: "Man has the right to act in conscience and in freedom so as personally to make moral decisions. 'He must not be forced to act contrary to his conscience. Nor must he be prevented from acting according to his conscience, especially in religious matters.'"

Finally, for a better understanding when a Pope's comments pertain to doctrine or what conforms to it, this article addresses that question (5). Excerpts:

[...] nothing is ever proclaimed infallibly if it does not pertain to faith or morals. The Pope, who routinely comments publicly on current events, constantly makes statements which do not fit this description. Just recently, in fact, the Pope made some public statements about social networking and the use of Facebook. No doubt the Pope checked his facts and educated himself about this phenomenon before speaking publicly about it, and thus we Catholics should of course listen attentively and respectfully to what he has to say—but there is nothing infallible about his comments, because they do not directly address an issue of faith or morals. Thus it is quite possible that the Pope may have made a mistake in his remarks: he could have made a factual error, like getting a date or a statistic wrong; or he might have overlooked some aspect of social networking which he understandably knows nothing about. The point is, on such issues the Pope is a mere mortal like everyone else, and we Catholics are certainly *not* required to accept everything he said about Facebook as infallible.

[...] The Pope only speaks infallibly when he addresses dogmatic issues, and intends that his pronouncement constitutes a definitive statement which all Catholics must accept as the Church's teaching.

[...] We can rest assured that in the future, should Pope Benedict or any of his successors decide that it is time to define some doctrinal matter, we Catholics will be able to see plainly, from the formulation of his declaration, that that is what he intends to do.

The Vatican hierarchy can opine all they want. But no one should construe that it's Catholic Doctrine.

Christians have the right to express their beliefs on the matter, on an individual basis, and have them fairly evaluated on their own merits. Indeed, all applicants should qualify for exemption by identifying aspects of vaccines or vaccination and express in sincere terms how it conflicts with the teachings of their faith. Interpretations of scripture can be evaluated on a reasonable basis by administrative gatekeepers, and can be debated, but not preempted by religious leaders.

### **References**

- (1) <https://cogforlife.org/catholic-exemptions>
- (2) <https://cogforlife.org/catholic-exemptions/>
- (3) <http://www.ncbcenter.org/>
- (4) <https://static1.squarespace.com/static/5e3ada1a6a2e8d6a131d1dcd/t/611bb642cf08455cfd776d21/1629206082788/VER.pdf>
- (5) <https://canonlawmadeeasy.com/2011/02/17/when-does-the-pope-speak-infallibly/>

————— END —————