

Building the House of Freedom

Keynote Address to National Diocesan Attorneys Association

Ritz-Carlton Pentagon City, Arlington, Virginia

April 30, 2018

Seeing the Bigger Picture

Many thanks for such a kind and warm introduction.

It is a pleasure to be with all of you this afternoon and to offer you my warmest thanks for your devoted and expert service to the Church.

As a young priest in Cardinal Hickey's service, I learned to value what you do. During his tenure as Archbishop of Washington, the cardinal faced many challenges with significant legal ramifications.

From him, I learned firsthand how a bishop should interact with a diocesan attorney and how that interaction can overcome legal hurdles so as to contribute to the Church's mission to spread the Gospel.

I also learned how this partnership helps the Church to conduct her mission in a manner that respects the rights of others and relates appropriately to the larger society and to government.

Over the years I have served in three dioceses. In all three, with the help of excellent diocesan attorneys, I found myself engaged in difficult legal challenges, including those arising from the sexual abuse crisis and religious liberty threats. As a result, I know firsthand that you sometimes work under duress, and that many, even in the Church, do not fully appreciate the value of your work.

With all that in mind, I will avoid the presumption of offering you professional advice. Instead I'll propose a model for imaging and contextualizing the work that you do. For as you go about 'from one darn thing to another,' I should imagine it is easy to lose sight of the larger picture - that is to say - an appreciation for the

overarching project in which you are deeply involved.

In suggesting a way of seeing the true significance of your work, I hope to provide you with some measure of inspiration and encouragement. And the way I'd like to depict the project in which you are engaged is this: You are involved in building the House of Freedom . . . and what could that mean?

The Limits and Benefits of the Metaphor “House of Freedom”

The metaphor, “House of Freedom,” does not refer to the Church but rather to society, in this case American society.

Without prejudice to other societies, the principal Architect of this house is God, but a God who graciously employs human architects and builders, such as ourselves, in both the design and construction of this house.

By and by, we'll discuss the Church's place in this house as well as our own, but first, a disclaimer about the metaphor itself.

Every comparison is flawed and this one is no exception. For instance, this metaphor will describe only the United States and will not offer insight into how our nation ought to relate to other nations (please do not peg me as an isolationist!).

It will not depict all that needs to be said about a just and free society, nor will it be an entirely tidy description of what such a society is like.

A few ideas encouraged me, however, to see the House of Freedom metaphor as apt: First, the Second Vatican Council speaks of the societal “*structures and constructs*” to which the Church's social teaching is addressed, namely, its political, economic, juridical, and cultural dimensions.

Second, the Council teaches that in society we live in a network of relationships (GS 32) and it struck me that a house is an apt structure for describing such relatedness.

Third, St. John Paul II often exhorted us “to build a civilization of love.”

Since it may be a little overwhelming for us to think about building a whole society, I

chose the more manageable comparison of building a house; after all, we do have some idea of how houses are constructed and renovated.

And I adopted the title “House of Freedom” because there is no love without freedom and no freedom without love.

Foundations of the House of Freedom

Come with me, if you will, to the foundation of this House of Freedom, a house that is to be large and accommodating enough for everyone, with plenty of windows for sunlight and fresh air, with architectural features reaching into the heavens.

Note well that this House of Freedom is continually under construction and repair so that it may be a suitable place for human beings to live, all human beings, not merely for the few who exercise power, wield influence or shape opinion.

Now, none of us would build our house on sand lest it collapse in stormy weather. In the same way, the House of Freedom must not be built on the sands of passing fads and opinions, lest it too collapse amid the storms of history.

What, then, is the bedrock upon which the House of Freedom is built?

The answer is justice anchored in the truth about the human person. But don’t take this from me, take it from Aristotle who taught that any genuine political community is built on the principle of justice.

Here the word “justice” refers not to the work of the justice system (that comes later), but rather to a virtue, a “cardinal” or “pivotal” virtue at that.

Justice is that virtue by which we give God and our neighbor their due. This means acknowledging, as do our American founding documents, the role of the Creator in endowing each person with “the right to life, liberty, and the pursuit of happiness.”

It means acknowledging and respecting the dignity of the human person. Here the word “dignity” refers to the basic *truth* about the human person, each without exception created in God’s image and likeness.

Each person is endowed with immeasurable worth at every stage of life; with

intellect, free will, and an immortal soul; with fundamental equality, rights, and freedoms; with a basic inclination to live in community and to realize the overall good of the community.

Because justice is that virtue by which we give God and neighbor their due, it makes possible harmonious relationships between the individual and society as well as between the individual and government at all its various levels.

In the Pledge of Allegiance we lay claim to “liberty and justice for all” yet in the House of Freedom we struggle to attain that ideal and often fall short of it.

Yet, without justice there is no liberty and without liberty there is no justice. This, then, is the foundation of the House of Freedom: justice rooted in truth.

Your efforts in pursuit of justice are thus foundational to the House of Freedom, as, for example, when you defend the rights of pro-life pregnancy centers against unjust laws requiring them to post signs that say to the public - not what they do - but what they do not do.

In litigating such matters, you are repairing the foundations of the House of Freedom!

Foundation and Support

Before a house can be framed, it needs support, namely, columns and crossbeams. Each of these supports bears some of the house’s weight, some more than others. In renovating a home you wouldn’t take out its supporting columns and crossbeams. Instead you’d ensure that they are not rusted, rotted or invaded by termites.

So too, as our society faces new questions, challenges, discoveries and lifestyles, the pillars and crossbeams of the House of Freedom cannot be removed or weakened without gravely endangering the integrity of the whole structure . . . no matter how many people may think

that removing or weakening one or another of these supports is a good idea.

Care must also be taken lest these pillars and beams become corroded or rotted by ignorance, indifference, ideologies and vices that can destabilize the whole house.

What, then, are the supporting columns and crossbeams of the House of Freedom?

They are the fundamental human rights with which God has endowed each person without exception, regardless of one's race, gender, religious persuasion or other factors.

As noted previously, the Declaration of Independence sums up these rights as "life, liberty and the pursuit of happiness," but, as you know, it took the framers a bit longer to spell them out as indeed they did in adopting the Bill of Rights amid the contentious process of ratifying the Constitution.

Now, the word "framers" contributes nicely to my metaphor of building a house, a metaphor in which fundamental rights such as freedom of speech, press and assembly

constitute the major supports for the House of Freedom, sunk deeply as they are in the bedrock of that justice owed to the Creator and to the dignity of the human person.

Where does religious freedom fit in this blueprint?

I would see it as the principal support for all the other freedoms and bearing much of the weight of the whole structure - supporting all other fundamental rights and freedoms.

I say this because religious freedom is the first of our freedoms - not only because it appears first in the Bill of Rights but also because it pertains to our most fundamental relationship of all, the relationship that truly 'grounds' or 'anchors' our human dignity, namely, our relationship with God in whose image we are made.

So I would see religious freedom as the central pillar of the structure with the fundamental freedoms surrounding it and with the structure of human rights serving as crossbeams.

The Distribution Systems

Now, most of a home's mechanical, electrical and HVAC systems are in the basement, so while we're downstairs talking about columns and crossbeams, it seems like a good time also to talk about what I call society's "distribution systems."

For, even as the dimensions of an *ordinary* house are laid out, the architect needs to figure out where and how to place conduits for plumbing, heating and cooling, electric, and information services so that necessary utilities will be readily available throughout the entire structure, for without basic services, even a beautiful house is a harsh place to live.

So also, *in building the House of Freedom*, we need good systems to deliver evenly elemental justice together with those goods necessary for human flourishing.

Nor can we rest content so long as some parts of the house are comfortable while other parts are sorely lacking in basic necessities.

The Church's social teaching confirms this when it says that "[e]ach person [must have] access to the level of well-being necessary for his full development. [Indeed] the right to the common use of goods is 'the first principle of the whole ethical and social order.'" (JP II, *Laborens Exercens*, 19)

Thus you and I must be concerned with the various distribution systems of our contemporary society.

As a pastor of souls I need to be concerned about the conditions in which people live.

My ministry, for example, must be concerned with the uneven availability and delivery of economic and racial justice. As lawyers and officers of the court you are concerned, among other things, with the practice of law and with the administration of justice.

When judicial relief is available to some and not to others, you and I need to advocate for changes in our societal distribution system and sometimes we need to

join the maintenance crew!

In the House of Freedom all this translates into our defense of the rights that flow from our basic freedoms, rights that accord with the God-given and inviolable *dignity of the human person*.

So in continually rebuilding these systems, as God's assistant architects, we must recognize that everyone in the house has equal dignity and thus, as far as possible, basic human goods must be available to all - among them, the right to life, to live in a family, to be gainfully employed; the right to decent housing, clothing, and nourishment; the right to a good education and health care; the right to be treated fairly under the law and to participate in the political process, etc.

These and other basic human rights are to be protected by a fair judicial system and by the delivery of economic, racial, and social justice.

Because the house is so large and its systems are so complex, re-engineering and repairing these systems is a herculean task.

In your service to justice you help provide the leadership and teamwork so necessary for this ongoing task.

The Ground Floor

Now, let's move from the basement to the ground floor where normally the largest and most important rooms of a house are found.

In a family home, it's where we find shared living spaces for fellowship and dining. In a grand structure such as the White House, the most impressive rooms, such as the East Room, are located on the ground floor.

Impressive as such rooms are, however, they are not the most important rooms.

The Oval Office, for example, a relatively small room, is arguably more important than the large, beautifully decorated public rooms.

Perhaps the White House living quarters are actually most important of all, because that is where presidents sometimes do their soul searching.

In much the same way, the House of Freedom's ground floor includes some very impressive rooms indeed - there are three large rooms for the three branches of the federal government and fifty rooms of varying size for state governments, and mazes of rooms for various departments and agencies, including the military and various law enforcement agencies.

The Divine Architect, however, was careful - as we must be careful - to ensure that government does not take over the whole house or consider itself the most important occupant of the house, or invade the legitimate privacy of those who dwell on the upper floors.

After all, this house was founded 'of the people, by the people, and for the people.'

Just how far the reach of government should extend is a matter of ongoing debate.

As a rule, government has a duty to look after the security of the whole house, to ensure that the aforementioned distribution systems function reasonably well, to protect the rights and freedoms of individuals and groups, and with them and for them, to look after the *common good* of all.

Government is also to coordinate and harmonize its considerable power and resources

so as to ensure that the house is a humane, healthy, just, and good place to live, where individuals, families and their social groups can flourish and develop, and where the vulnerable, the marginalized, and the poor can claim their dignity.

But woe to the inhabitants when the government takes over the house in its totality or uses its powers to stifle the basic freedoms of individuals, institutions or groups.

History teaches that this can happen all at once by revolution or it can happen by degrees as the citizenry gradually becomes less vigilant.

Other important ground floor occupants include service agencies that are closely

connected with the government, such as public hospitals and other healthcare providers.

Of great importance are the public schools and universities which educate and form young people and, in the process, exert great influence on the culture at large.

And just down the hall, perhaps in a separate wing, we find the traditional media in all its many forms - with a duty to inform rather than to divide - (a bit of work to be done there!)

Nearby, and taking up a lot more space these days are high-tech and social media companies

with a mission to engage but also with a penchant to peer into every room.

Down the hall, also in its own wing, are the very large rooms occupied by giant businesses, industries and financial services.

Like government, business has a crucial and beneficial place in the House of Freedom, yet these enterprises also overstep their bounds when they use political and economic clout to dominate opinion or curtail liberty.

Getting just a bit ahead of ourselves, people who live on the upper floors come down each day and work in all these varied sectors. Not only do they derive their livelihood from these endeavors, they also participate in the enormous influence which these sectors exert by their regulatory and economic power as well as by their cultural reach.

As a pastor, I am convinced we are not preparing people well enough to lead and work in these major institutions in such a way as to shape them from within according to authentic human values.

The Mezzanine

Not many houses have mezzanines but in the House Freedom the mezzanine is a very important floor indeed - for it stands between the government and the large

institutions on the ground floor and the individuals who live on the upper floor.

Here the rooms are not quite so large or impressive but they are many in number and are to contribute greatly to the good of all. For this is where intermediate groups in society are to be found - small businesses, local charities, private schools, PTAs, guilds and the like.

These intermediate groups play an important role. After all, human beings are by their nature social and thus apt to come together for friendship and common purpose;

here people experience more fully a sense of human *solidarity*.

These groups arise and take root thanks to the “the creative subjectivity of the citizen” (*Sollicitudo Rei Socialis*, 15) and form a “network of relationships [that] greatly strengthens the social fabric and constitutes the basis for a true community of persons, making possible higher forms of social activity” (*Compendium, Social Doctrine 185, Centesimus Annus*, 49).

These intermediate structures are local and afford people the opportunity to participate, to realize their talents, to exercise their freedoms, and to grow and flourish as individuals and groups and thus contribute to the common good.

In accord with the *principle of subsidiarity*, the occupants of the first floor, especially government, are obliged to protect and foster the occupants of mezzanine and not to overwhelm them.

Of course, the mezzanine floor is a bit problematic for my comparison.

Where, for example, do families dwell in the House of Freedom?

I'd like to put them on the third floor which is reserved for living quarters yet the importance of the family as a “mezzanine” or intermediate structure serving human dignity and the common good of society cannot be overestimated.

So, I'll settle for this - families occupy both the mezzanine and the upper floors!

What about the Church? Where is that located?

On the ground floor one might find large church institutions (e.g., USCCB, Catholic healthcare systems, national shrines and universities, etc.) but your local parish, diocese and their ministries are definitely on the mezzanine, whereas individual parishioners live in the upper stories.

So, I'll say that the Church inhabits all the floors of the house but most people find the Church here on this mid-level.

Let me also add much of your work as diocesan lawyers is here, on the mezzanine, as you help the Church fulfill its mission of faith, worship, and service.

In representing parishes, dioceses, Catholic charities and various other ministries you are defending not merely an institution but a complex of ministries that embody the religious convictions and aspirations of individual believers and you are strengthening an entity that stands between the power of government and the consciences of the individual person.

Here I think of your work in protecting the rights of church ministries from unjust mandates that force the Church to violate core teachings.

I think of our recent struggles against the HHS mandate and now the abortion mandate that is being advanced in a number of states.

I also think of your work in defending the rights of Catholic charities to provide adoption services in accord with our teaching on marriage as well as the Church's right and duty to provide services for immigrants and refugees.

In these and other ways you play a tremendously important role in building and repairing the House of Freedom.

The Upper Floors

Without further ado, we move to the upper floors which I've already begun to describe.

Even so, it's worth our trekking up the steps and having a look around.

The upper floors are where people live: people at all stages of life and from every walk of life; people of differing religious and political persuasions; people with different virtues and vices, talents, and needs; human beings who share commonalities and relationships but each of whom, at base, is a unique, “unrepeatable human reality” (Redemptor Hominis, 13).

God who has a hand in creating each person, calls each to eternal life and friendship. He loves each person with an eternal love, and unites himself to each one by his Son’s Incarnation. He endows each one with an inbuilt desire for his friendship and the freedom to reflect and return the very love which he, the Creator, so freely bestowed in the first place.

Thus, religious freedom is at the heart of human dignity; it’s the basis upon which God calls us into being and breathes life into us.

Whether we are practicing law or engaging in pastoral ministry, we will stumble upon human beings either at their worst and / or their neediest. Let us never become jaded or lose our reverence for each person, especially those who are victims of abuse, but also our most stubborn opponents and the worst offenders.

With that said, we can now see that these are the most important rooms in the house.

In fact, it was for these rooms that the House of Freedom was built in the first place, for, as the II Vatican Council teaches, “man is the only creature on earth God wanted for its own sake” (Gaudium et Spes, 24).

Indeed, as the Principal Architect, God, designed everything else to foster the dignity and freedom of those who inhabit this house and put it on a solid foundation of justice and truth, as we have already seen.

Out of respect for what the Principal Architect has designed, we must work to ensure that the distribution system, mentioned earlier, flows well beyond the lower floors and, that the basic human goods flowing through it reach the inhabitants of these upper floors in as equitable a manner as possible.

The inhabitants themselves must thank God for these spiritual and material goods,

integrate them into their lives, make them the basis for strong families, and use them to serve the needs of others.

This is a good place for me to reiterate the need for the Church to form people to exercise leadership throughout the entire House of Freedom, as they go about their daily work with integrity and holiness.

There are a few more features of this house I'd like to mention before calling it a day, beginning with the hidden rooms in these upper floors - hidden to some degree from everyone except the Divine Architect who sees what is in them clearly and completely.

Here I refer to that inward sanctuary of each person, the conscience, where one is alone with God and wherein his voice echoes (cf. *Gaudium et Spes*, 16).

In the House of Freedom these hidden, inward rooms, belonging to each inhabitant, deserve the greatest respect by government and by all the other inhabitants. But neither are these hidden rooms to be hermetically sealed.

Rather, they relate to another architectural feature of the House of Freedom, namely, its skylights and windows.

Skylights represent man's inner openness to the transcendent, that is, an inner openness to God, the source of human freedom and dignity.

This skylight, this opening to the transcendent, has the capacity to flood with light all the inward rooms, for Christ is 'the true light which enlightens every person' (Jn. 1:9).

In addition, however, this opening to the transcendent also has the capacity to light up the whole house, for Christ is also "the light of the world" (Jn. 8:12),

In shedding the divine light of his redeeming truth and love, Christ neither obscures nor cancels out the light of human reason nor the capacity of the human mind and heart to discern good from evil; but rather his light transforms and greatly enhances the powers of human reason.

Thus the House of Freedom is designed with large windows, windows that let in the light given off by all forms of truth, goodness and beauty, windows that let in the fresh air of the Gospel, the breath of the Holy Spirit.

Permit me to describe one last feature, the “soul” of the House of Freedom.

When earthly architects are inspired they create a building with an inner beauty, a building that is more than a sum of its parts, a building that has, as it were, a soul.

So too, the Divine Architect has created the House of Freedom to have a soul, a spiritual dimension unseen and unheralded by many of its occupants, but nonetheless real and visible in its operations, operations that extend to every floor and every corner of the house.

And what might that soul be?

According to the Letter of Diognetus, probably composed in the 2nd century, Christians (who are “in the world but not of the world” (Jn. 16:17)) are its soul!

Just as ‘the flesh desires what is contrary to the spirit’ (Gal. 5:17, cf. 1 Pet. 2:11) so too many occupants of the House of Freedom will hate Christians and even regard them as “resident aliens” (Cf. Chaput, *Strangers in a Strange Land*).

Even so, these faithful Christians keep together this house, that is society, just as the soul keeps the body together.

They serve as a guardian, indeed the principal guardian, of human dignity and freedom.

They do so principally by proclaiming the Gospel to the poor and vulnerable, and, by being missionary disciples who bear the Good News of a humanity redeemed, of dignity restored, of the true use of freedom, of the joy of basking in God’s friendship in the company of the redeemed.

Conclusion

Well, I've done my best to exhaust the metaphor of building the House of Freedom, and in the process, I've managed to exhaust you as well!

Let me leave you with this: I haven't imparted to you any practical wisdom for your daily labors on behalf of a Church that is often sorely tried.

What I hope I have imparted is a sense of the grandeur of your work, a grandeur that sometimes might be missing in the sound and fury of defending the Church in matters great and small.

I would hope you'd see that you are instrumental in helping the Church to maintain in society, not a self-chosen position of prominence, nor still less prerogatives more worldly than spiritual.

Rather, you are helping the Church - her personnel, membership, and institutions - to fulfill its God-given mission to breathe the new life of the Spirit into society, to proclaim the truth that truly sets human beings free-free from the tyranny of evil - and free to embrace and live that transcendent love for which they were created.

You help the Church to engage with integrity in its mission of service to the poor, in short, to engage in "a charity that evangelizes"— and to participate with full freedom in public square. And most of all you help the Church to be herself, to be the leaven, the salt, the light that Jesus created her to be, so as to lead as many as possible from this earthly House of Freedom to the House of the Heavenly Father!

Thanks for listening!

