

Religious Freedom: Challenges and Opportunities in a Democracy

To Archbishop Jozef Zycinski I express my deep appreciation for the invitation to be here and for his gracious hospitality. To the Rector, the Reverend Professor Andrzej Szostek and the Academic Senate of the Catholic University of Lublin go my thanks for the degree which is conferred and for this opportunity publicly to reflect on issues that matter a great deal on both sides of the Atlantic Ocean.

Religious freedom and the kindred issue of the relationship between church and state have a long and tangled history. A Polish scholar active at the Council of Constance (1415-1418) had a significant early role to play. Pawel Wlodkovic (died 1435) was the rector of the University of Krakow, and in his work *De potestate papae et imperatoris respectu infidelium* he condemned the forced conversion of the Baltic tribes by the Teutonic Knights. Clearly, this was a stand against coercion in matters of religion and, it appears, the beginning of a distinctively Polish contribution to the formation of international law and the protection of human rights by international legal means.

In the following century, the Declaration of the Confederation of Warsaw of January 28, 1573 struck a note that contrasted greatly with the restrictive governmental policies and practices in Western Europe and the British Isles. Said the Declaration: ". . . we swear to each other, on behalf of ourselves and our descendents, in perpetuity, under oath and pledging our faith, honor and consciences, that we who differ in matters of religion will keep the peace among ourselves, and neither shed blood on account of differences of faith, or kinds of church, nor punish one another by confiscation of goods, deprivation of honor, imprisonment or exile." This helped create a culture far different from that of the contemporary France with its St.

Bartholomew's Day Massacre and of England with its vigorously enforced anti-Catholic penal laws.

In significant part, the tragic religious wars and persecutions of the 16th and 17th centuries arose from a genuine confusion about the principles which should govern relationships between church and state. The things which were Caesar's and the things of God were badly mixed, and conscientious men were seeking answers to such questions as these: Did the state have the right to require citizens to take an oath of allegiance to the state, and also to the religion professed by the state's ruler? Did the Church have power to release its members from their obligations to the state? Was religious heresy a civil crime, or was religious dissidence the equivalent of treason? With the wise and good unable to agree upon answers to these questions, the way was left open for the unwise and sometimes malicious to abuse both church and state.

Yet, out of this sad state of affairs, a new concept emerged—new to the times, but actually a return to the principle of the “Two Powers” which had been affirmed as early as the fifth century by Pope Gelasius. He referred, of course, to the power of the Church and imperial power. Admonishing Emperor Anastasius I, Gelasius said: “You must submit yourself faithfully to those who have charge of divine things, and look to them for the means of your salvation.” It should not be inferred from this statement that Gelasius wished to put the imperial power at the disposal of the Church. What he sought, instead, was a reticence on the part of both church and state in dealing with each other.

Nine hundred years after Gelasius, Saint Thomas More would feature the two-powers formulation in his *Utopia*, writing, in effect, that the state, if it errs, should do so on the side of restraint when it deals with the Church, and that the Church, if lenient, should support the state in its role of promoting the temporal good and the religious freedom of its citizens, whether pagan or Christian.

It was in March of 1634 that two ships touched the shore of what is now the State of Maryland