

Religious Freedom: Handing on a Precious Heritage

Introduction

I am delighted to be with you today and I want to thank Bishop Lennon most sincerely for inviting me to address you on the topic of religious freedom. Before turning to the topic at hand let me mention that for many years I served as the priest-secretary of James Cardinal Hickey of Washington. Before coming to Washington, as some of you may know, he served as Bishop of Cleveland. He absolutely loved being the Bishop of Cleveland and spoke in glowing terms about his years in this Diocese, so much so, that at least some Washingtonians began to get an inferiority complex. After listening to the complaints (and I assure you, people in Washington know how to complain), Cardinal Hickey agreed henceforth only to make reference to a certain city on America's north coast. I'm glad to be back here on our nation's "north coast" and I am honored to address you as Catholic educators, catechists, and youth ministers. You and your colleagues throughout the country play a vital role in the Church and in the larger society and you do so at a considerable sacrifice to yourselves and to your families. I mainly came today to say "thank you" and it is in that spirit that I share a few observations on educating for religious freedom.

A Heritage Forgotten

Once in a blue moon or so, I'll find myself watching the O'Reilly Factor, and in particular a segment known as "Watters World". Jesse Watters is correspondent with a wry smile who interviews young people who just want to have a good time. He asks them basic questions about the founding fathers, the Constitution, the 4th of July, current events, and so forth. Usually the answers are, shall we say, wide of the mark.

I'm not a big fan of publicly embarrassing people on national television and I'm going to guess you probably agree that such antics are not good pedagogy. Yet, this segment does point to a national problem which, as believers, citizens, and teachers, we should find distressing: So many people in our country do not know or appreciate

their heritage. In some schools, the fundamentals of American history are no longer taught. Even in some law schools, the basics of Constitutional law and important writings such as the Federalist Papers are no longer studied. Too many citizens not only have a vague idea of history and current events, but more importantly they do not understand how precious and profound our fundamental and constitutionally guaranteed freedoms really are. Nor, it goes without saying, do they fully appreciate the sacrifices many have made to protect those fundamental freedoms.

What Does “Freedom” Mean?

To be sure, most people believe that the United States is a place of freedom but often, when they speak of freedom, it is decoupled from truth, morality & responsibility. Rather, freedom is all-too-often defined as ‘the right to choose whatever we want so long as no one else gets hurt.’ This idea of freedom is almost as pervasive as the air we breathe. It is certainly celebrated in popular culture and most people find it persuasive. But it is not just a matter of popular culture. This idea of freedom was put forward in a 1992 Supreme Court opinion which read: “At the heart of liberty is the right to choose one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.” In that definition our freedom is not anchored in any self-evident truths, in any type of fixed morality, or in any sense of responsibility toward others. The world, it seems, really is my oyster.

When freedom is thought of primarily as “the right to choose” one might think that freedom would be greatly enhanced. Yet freedom so conceived, as devoid of fixed truths about human nature, devoid of sacrosanct moral principles, & lacking in a sense of responsibility for others, actually expands the role of government, including the police. Instead of being peaceful, harmonious, and self-governing, with a legitimate respect for one another’s differences, society becomes a place where everyone’s self interest bumps up against everyone else’s self-interest with the government serving as referee. And the more we call upon the government to referee our freedoms, the more those freedoms are endangered, and the more tempted the government is to impose on all of us a kind of secular orthodoxy that marginalizes countercultural beliefs and convictions. In saying this I’m not denying the legitimate and necessary role of government. Rather, I am saying that our individual freedoms are best protected when they are anchored in morality and responsibility. As St. John Paul II famously said, “Freedom consists not in doing what

we like, but in having the right to do what we ought.” And the first place where this idea of freedom is learnt is the home but it is also learnt through churches, schools, and other associations – in the Church’s social teaching, these are sometimes called “mediating structures” – because they mediate between the authority of government and the freedom of the individual conscience. They help form people for good citizenship who exercise freedom responsibly, and they help ensure that government will not be the be-all-and-end-all of people’s lives, something our Founders never designed it to be. While freedom resides in the individual person, these intermediate institutions which are formed by free persons and play such a vital role in a free and orderly society should also enjoy robust guarantees of their freedom.

Let me make a few additional remarks before sharing with you some observations on religious freedom that I hope will assist you in your role as educators, catechists, and youth ministers beginning with this: In serving as Chair of the Bishops’ Ad Hoc Committee on Religious Liberty, perhaps the greatest challenge I’ve become aware of is not government overreach or unfriendly policies or unfortunate court decisions. The greatest challenge is that many people still do not understand that religious freedom is actually threatened. Churches are still open. Schools are functioning. No one is in jail over religious liberty issues. There is no bloody persecution going on here as there is in the Middle East where innocent people are losing their lives because they are believers, on a scale and with a brutality we can scarcely imagine, especially in Syria and Iraq.

However, the religious liberty challenges we are facing in this country are real. Some of these challenges are related to cultural shifts, some are bureaucratic, and some pertain to law and the administration of justice. Put another way, unless one is a keen observer of culture or a policy wonk or a church employee, one might miss the challenges to religious freedom that exist in America. Since I’m sure you are familiar with the some of these religious freedom challenges I will briefly touch on some of them.

First is a tendency to reduce religious freedom to freedom of worship. Increasingly government recognizes only houses of worship as “fully religious” and therefore fully deserving of religious liberty protections. So-called “auxiliary ministries” such as church-sponsored schools & charities are seen as “less religious” in the

government's eyes, more of a sideline than a core ministry, and therefore not fully deserving of religious liberty protection. Those who want to run a for-profit business according to their religious principles, such as Hobby Lobby or a mom and pop operation are considered by at least one branch of government to be non-religious and deserving of little or no religious freedom protection.

Second is a tendency to see religious liberty as a cover for unjust discrimination. Religious teachings are often countercultural. Indeed, they are often addressed not only to the sinful inclinations of individuals but also to the sinful aspects of the cultures which such individuals create and inhabit, what we call "structural sin" in Catholic moral theology. Take, for example, the Old Testament prophets and the Lord himself. They did not hesitate to condemn sinful behavior, whether personal or societal. Nor were such condemnations meant to be mere ideas to be pondered. They were meant to bring about a change of heart and thus a change of conduct as well as a change in the culture or the character of God's people as a whole. Prophetic behavior is generally risky business and it's becoming riskier these days as, for example, when the Church defends her authentic teaching on marriage, not merely as a venerable idea but as words of spirit and life to guide God's people and to shape the witness which church institutions are called to give. This extends beyond the Church's not witnessing or 'solemnizing' same-sex marriages and reaches the Church's freedom to hire for mission, at least to hire those who are not publicly contradicting the Church's teachings. Thus any religious group that believes what the Catholic Church believes and teaches about marriage may be accused of having an "animus" or a "bias" against homosexuals akin to racial discrimination. As a result religious groups are sometimes targeted in non-discrimination ordinances and some have called into question the tax-exempt status of such churches, even though individual states and communities as well as the Nation benefit from the services the Church provides.

Third, and most significantly, is the diminished influence of religion in our culture as more and more people cease to practice forms of organized religion. As religion is seen as less and less important in people's lives, the protection of religious freedom will also be seen as less and less important. President John Garvey of Catholic University put it well when he said that if we want to protect religious liberty we must love God more. Thus we see the importance of the evangelizing role of families,

churches, schools, religious education, and youth ministry. Indeed, I would see this as the driving force in addressing our religious liberty challenges. If 40 or 50% rather than 20% of our people went to Mass every Sunday and if more parents sent their children to Catholic schools or participated in their children's religious formation and thus had more opportunity to absorb the Church's teachings on life, marriage, personal morality, and social justice, then there would also be more cultural resistance to incursions against religious freedom and to the secularizing forces at work in our culture.

Currently, those incursions, these challenges to religious freedom express themselves in government regulations such as the HHS mandate, in court decisions such as the decision against the Little Sisters of the Poor and *Obergefell vs. Hodges* and in the legislative process, such as local non-discrimination ordinances, sexual orientation/gender identity laws without religious exemptions - not to mention the furor that is created when various states, including neighboring Indiana, try to enact religious freedom restoration laws, or state RFRA's, as they are known. These specific challenges are symptoms of deeper religious and cultural ills, most especially the flawed notion of freedom noted earlier in my remarks.

Teaching About Religious Freedom: Resources

With that in mind, let me share some thoughts with you about educating and forming young people for religious freedom. I don't propose anything systematic, just a few suggestions that I hope you might find helpful in your ministry of forming young minds and hearts. Let me begin by mentioning a few resources you may find helpful and then proceed to a few points related more to content and less to method, if I could state the matter that way.

The first resource is a lesson plan on religious freedom put together by the Education Department of the United States Conference of Catholic Bishops. We may have this wrong, but a perception exists in the Committee I chair that teaching on religious freedom may tend to get short shrift in some accounts of Western Civilization and even American history. In addition, there are two different but complementary aspects to religious freedom: First is the understanding of religious freedom as fundamental to the American experiment of limited government with basic constitutionally guaranteed freedoms - which, as President John F. Kennedy

stated in his Inaugural Address – come not from the generosity of government but from the hand of God. Second is the fuller account of religious freedom found in the Declaration on Religious Liberty of the II Vatican Council. It recognizes the importance of governmental restraint and protection of rights while grounding religious liberty deeply in human nature. The lesson plan attempts to bring both strands together and present them in ways that may be helpful both in the classroom and also in a parish religious education setting. This lesson plan is being “road-tested” but I hope you will find it to be of great assistance.

A second resource that is currently in production is a short video celebrating the 50th anniversary of *Dignitatis Humanae*, the II Vatican Council’s Declaration on Religious Liberty. We are using a production company that has produced inspirational films on subjects such as vocations to the priesthood and we hope it will be a fast-moving, interesting and informative presentation of the basic ideas that are to be found in that important document. With God’s help, this will be available by late fall as the anniversary date of *Dignitatis Humanae* is December 7th.

Let me also suggest that class trips present good opportunities to teach about religious freedom – especially trips to Philadelphia (everyone’s going there this year!), and, of course, to Washington, D.C. where we find not only the monuments to freedom but also founding documents and also religious symbols of freedom. I would especially encourage you to visit the St. John Paul II National Shrine. In the fall of 2016 it hopes to open an exhibit on religious freedom, based on the witness of the English martyrs. And if you’re coming to Washington, you have to come to Baltimore, home of the first Catholic diocese, America’s first Catholic Cathedral, and the place where Mother Elizabeth Ann Seton first began educating children and where the first parish and school for African-American children were erected.

A final word about resources and it’s this: Some treatments of Western civilization portray the Church solely as a bad actor. To be sure, the Church is made up of fallible, sinful people and as St. John Paul II made clear in the great Jubilee in the Year 2000, we who are members of the Church must undergo a purification of memory as we come to terms with those painful episodes. Recently, travelling in South America, Pope Francis acknowledged grave injustices that were done in the name of evangelization. Yet, if that is the only side of things young people absorb, if

they fail to see the immense contribution of the Church in the transmission of knowledge, skills, and culture, in the development of universities and hospitals, and in the understanding of human rights and dignity – then young people will not understand why they should be concerned with the freedom of the Church or its members. Such a bad actor, they might reasonably conclude, should be marginalized. In the process they might easily miss what the Church is doing right now – for example, its tremendous network of social services and healthcare.

Teaching About Religious Freedom: Content

Now, let me turn to a few points regarding the messaging on religious freedom that we might appropriately share with the young people entrusted to our care, beginning with a few preliminaries.

First let me return to the importance of imparting a notion of freedom more adequate than freedom of choice, the freedom to do whatever I like, when I want, and how I want – so long as it's legal and so long as no one else gets hurt (that one knows of). Religious freedom cannot rest on such a flawed idea of freedom, for it pertains to our relationship with the God who is the ground of our being and of the life of each person. It is thus the most fundamental and important relationship in our lives. Freedom has to do with our response of love to this God, not on our terms but on his, trusting, as said the immortal Dante, that “in his will is our peace”. Freedom has to do with choosing what is truly excellent and what is more excellent than we can even imagine is God Himself, in the splendor of his truth and love. In choosing to serve God, all our freedoms are linked to our moral responsibilities toward others and to our responsibility to live as men and women of virtue. Thus we should teach not merely freedom of choice but freedom for excellence, i.e., freedom for a life of virtue and service to others.

Following upon the first point, religious freedom must be set squarely within the Church's teaching on human dignity. Indeed, all our fundamental freedoms, including religious liberty, are inscribed on our human nature by the hand of God. *Dignitatis Humanae* clearly recognizes and approves of a juridical understanding of religious liberty as “freedom from coercion” – rather like the notion of religious freedom in the founding documents of our nation. And while referring in various places to that “negative” definition of freedom, the document goes on to root the gift

of religious freedom in the transcendent dignity of the human person – that is to say – the truth that each human being is made in God’s image and is called to eternal life and friendship with God. During the debate on religious liberty at the II Vatican Council, the future St. John Paul II, then the Archbishop of Krakow, observed: “There is no freedom without truth” – i.e., the truth about the human person. While no one expects a secular state to endorse a theologically developed notion of religious liberty, we should expect that the state would respect our understanding of it. And yes, the government must avoid the establishment of any religion, but we should expect it to acknowledge, as did George Washington, that religion and morality are the pillars upon which democracy rests.

What’s more, while religious liberty is rooted in the individual person, it is not meant to be anyone’s private preserve – it is personal but not private. Religious freedom includes worship but it also includes all that flows from worship – indeed a whole way of life – which Pope Francis calls “missionary discipleship”. According to DH it extends to how we order our lives and conduct our daily work. To put it another way, religious freedom includes not only the right to teach and advocate for what we believe but also liberty of exercise, the right to act on what we believe, to put it into practice. Like all of God’s gifts, religious freedom is social; it is meant to be shared and lived in free associations – whether that is a parish church gathered for Mass on Sunday or any of the ministries that flow from what we believe and how we worship, including the ministry of Catholic education and charity. Those free associations should enjoy the same freedoms as do individuals. Pope Francis often warns Catholic ministries not to become N.G.O.’s, non-governmental organizations that are mere private sector extensions of government programs. Rather, he calls for all Church institutions and ministries to undergo what he calls ‘a missionary conversion’ – to dedicate themselves to evangelization. Thus we see the importance of maintaining our fundamental freedoms.

A further and fundamental point is that religious freedom is part of the good news, not merely for Christians or Catholics but for the whole world. Sometimes, when we are discussing some hot button challenge to religious liberty such as the HHS mandate or hiring practices, and the like, religious liberty is portrayed as an attempt on the part of churches to feather their nest, to be above the law, to impose their beliefs on others. To be sure, the Church defends her right to proclaim her faith, her

freedom to bear witness to the faith through ministries that are conducted in accordance with the Church's deeply held teachings. The Church worships according to the Catholic Tradition; the Church sponsors schools with a Catholic mission and identity; the Church sponsors charities based on the Church's full-bodied understanding of the inviolable human dignity of the human person from conception until natural death and every stage in-between. Those who disagree with the Church's teaching or find that they cannot respect the values the Church tries to uphold in its vision and mission statements, its code of conduct, and so forth – are free to seek employment in venues more in line with their personal beliefs. The Church should also work in a pastoral way with those who struggle to accept various teachings. At the same time, Church recognizes that it lives and ministers in pluralistic societies, is prepared to cooperate with individuals and groups that do not entirely share her truths and values. The Church has at hand nuanced ways of reaching such determinations – of when and how to cooperate in ways that do not violate Catholic moral teaching. But the Church rejects the charge that she is engaging in unjust discrimination because she wishes to maintain the Catholic character of her institutions & ministries. Indeed, when forced to abandon or fatally compromise that Catholic character, it is the Church that suffers unjust discrimination. And so, we should aim for a society that respects the freedom and the rights of all, not a society that makes everyone bend to a gray secular orthodoxy.

Conclusion

Finally, let me conclude by thanking you. Our parish religious education programs, youth ministry, and our schools are vital for the formation of our young people to cherish and exercise religious freedom. More and more, I know, you find yourselves involved in forming not only young people but often their parents in the ways of faith. How wonderful when they discover that 'Jesus Christ loves us; that he gave his life to save us; and how he is living at our side every day to enlighten, strengthen, and free us' (cf. EG, № 164).

Once we and the young people and the families we serve fall in love with God all over again – as if for the first time – what the Church believes and teaches becomes less and less a set of rules and more and more a response of love to be made in freedom. Then it is that the true beauty & greatness of the gift of religious freedom shines forth. Then it is that we as believers and citizens will be willing to step up to

the challenge of defending religious freedom at home and abroad.

Thanks for listening. May God bless you and keep you always in His love!