

Religious Liberty as a Cornerstone of Human Dignity

Introduction

Thank you, President Garvey, Judge Starr, and Dr. Farr. My warmest thanks to all who have organized this summit on religious freedom in these days just prior to the visit of Pope Francis to the United States.

Speaking of Pope Francis, let me begin these reflections on religious liberty as a cornerstone of human dignity by mentioning a few of his quotes, so as to set the stage for our topic. The first sounds like a dire warning: “When, in the name of an ideology, there is an attempt to remove God from society, it ends up adoring idols, and very soon men and women lose their way, their dignity is trampled and their rights violated” (September 23, 2014). The following two quotes are exhortations: “Religious freedom is not only that of private thought or worship. It is the liberty to live, both privately and publicly, according to the ethical principles resulting from found truth” (June 20, 2014). And again: “We must promote religious liberty for all people. Every man and woman must be free to profess his or her faith, whatever it might be. Why? Because that man and that woman are children of God” (May 20, 2013).

Even beyond his enormous personal popularity, Pope Francis stands on the world stage as a credible moral voice raised in defense of human dignity. His voice is raised in defense of the Syrian refugees now flooding into Europe. He is the defender of those Christians who have been brutally murdered by ISIS. The Pope does not hesitate to warn us against “the throwaway culture” that discards the vulnerable, including the unborn, the elderly, and the terminally ill. In *Laudato Si* the Holy Father calls us to care for the world not merely as an ecosystem but as humanity’s common home where God intends human beings and communities to flourish. Before the European Parliament, Pope Francis challenged legislators “who, in the name of some badly interpreted principle of tolerance, end up preventing citizens from freely expressing and practicing their own religious convictions in a peaceful and legitimate way” (May 7, 2015).

Now that Moral Voice is coming to these shores. One of the ways we can prepare ourselves for his message is to reflect anew on what the Church in our times teaches about human dignity, especially in the *Declaration on Religious Liberty* of the Second Vatican Council and the *Pastoral Constitution on the Church in the Modern World* (*Gaudium et Spes*), both of which mark their 50th anniversary on December 7th of this present year. Though differing in scope, the two documents do not differ in spirit. Both take their stand on human dignity: one in defense of religious liberty, and the other on the posture of the Church towards the contemporary world. Both were approved by the same Council Fathers on the same day and so we would expect a certain consistency between the two documents.

Human Dignity in *Dignitatis Humanae*

Indeed, the official title of the *Declaration on Religious Liberty* is: *dignitatis humanae* - “of human dignity”. Reading the signs of the times, the Council Fathers declared, “Men and women of our time are becoming increasingly conscious every day of the dignity of the human person” (DH, № 1). Fifty years later, in a cultural environment conspicuous for its secularism, relativism, indifferentism, and global terror, that assertion may strike us as somewhat optimistic. Nonetheless it alerts us to the Council’s view that religious liberty is at the heart of human dignity. Reflecting on this very passage, St. John Paul II taught that, “the right to religious freedom and to respect for conscience on its journey toward the truth is increasingly perceived as the foundation of the *cumulative* rights of the person” (RH, № 10; VS, № 31).

My sole purpose this morning is merely to offer you a working description of how DH treats religious liberty as foundational to human dignity. I would propose that this document treats religious freedom in three thoroughly interrelated layers, like the layers on a cake:

The first is Revelation – human dignity is most fully revealed in Divine Revelation, most especially in the Person of Christ, thus my allusion to *Gaudium et Spes*. The second is the Church’s reasoned reflection on human nature illumined by faith; The third is the Church’s teaching on the obligations of the State with regard to religious liberty as the heart of human dignity. So now, without further ado, let us eat cake!

Human Dignity in Revelation

The top layer, or should I say, the highest and best layer, is the revealed Word of God. Divine Revelation is not mere icing on the cake but rather, it gives the whole cake its flavor, its texture, and its cohesiveness. Put another way, Revelation is the ultimate ingredient in the Church's teaching on human dignity. During the debate on DH on the floor of the II Vatican Council, then-Archbishop Karol Wojtyla of Cracow proposed that "...the very concept of religious freedom found in the conciliar document be presented in essence as revealed teaching, one that is wholly consonant with sound reason, and yet not separated from it." (quoted in D. L. Schindler, *Freedom, Truth, and Human Dignity*, Eerdmanns, [2015] p. 50). That is why I mention *Gaudium et Spes* in the same breath as DH, viz., because *Gaudium et Spes* contains what St. John Paul II and many others regarded as *the* pivotal conciliar statement on human dignity as grounded in the Word of God: "In reality, it is only in the mystery of the Word made flesh that the mystery of man truly becomes clear... Christ the Lord, Christ the new Adam, in the very revelation of the mystery of the Father and of his love, fully reveals man to himself and brings to light his most high calling." [It continues]: "...Human nature, by the very fact that it was assumed, not absorbed, in him, has been raised in us also to a dignity beyond compare..." (GS, № 22). *Dignitatis Humanae* is in full accord with this pivotal teaching of *Gaudium et Spes*. In the second section of DH, entitled "Religious Freedom in the Light of Revelation", the text says that *all* the Vatican Council's declarations "regarding man's right to religious freedom have their foundation in the dignity of the human person" - a dignity known by reason and experience, but also a dignity which "has its roots in divine revelation..." (DH, № 9). Indeed, I would assert that, running through the documents of the II Vatican Council, is a theological anthropology, or more precisely, a Christological anthropology, a robust account of human dignity captured in the phrase, 'the full truth about man.'

Human nature has dignity by the very fact that we were created in God's image. When we strayed, God deemed our human nature worth saving and indeed went to the lengths of the Incarnation and Paschal Mystery to do so, in accord with 'the mystery, the plan he was pleased to decree in Christ' (cf. Eph. 1:9). In assuming and redeeming our human nature, the Second Person of the Trinity, the author of our humanity, revealed its inherent dignity a dignity that has survived the onslaught of

our epic sinfulness. The very fact that wounded, sinful human nature is called to friendship with God sets in sharpest relief the dignity with which God has endowed human nature. Indeed, the Redemption does not merely surround and float above human nature, nor still less does it obliterate human nature. Rather, the Redeemer, by the mystery of his Incarnation, Death, and Resurrection, seeks to “X-ray” our human nature, to “pervade” it in every facet, and to transform it from within, while preserving its identity. Ours is thus an inviolable and transcendent dignity, i.e., it is oriented towards God.

For Christians, then, the kerygma, the proclamation of Christ, is the religious “core” of the notion of “religious liberty”. It shapes how we worship, educate, provide social services, and healthcare. It further shapes how we engage the culture around us, including the political process, that is to say, in ways that seek to protect the human dignity of all, especially the poorest and most vulnerable. From this integral understanding of human nature flow principles of the moral order which the Church must teach, advocate, and put into practice (DH, № 14). Thus, at the outset, DH affirms the truth of the Christian Faith and the worthiness and urgency of the mission to spread that Faith wherein the right to religious liberty is rooted. Correspondingly it affirms the responsibility of the human conscience, ‘man’s most secret core and sanctuary’ (GS, № 16) “to seek the truth, especially in those things concerning God and his Church, and to embrace and hold fast to it once it is known” (DH, № 1).

According to DH, Divine Revelation contains no explicit teaching on religious freedom; it does, however, shed light on the fullness of human dignity, among other ways, by teaching that our response to God’s love must be free and wholehearted. For example, Scripture portrays “the respect Christ showed for the freedom with which man is to fulfill his duty of believing in the word of God” (DH, № 9), ‘Meek and humble, he attracted and invited his disciples with patience’ (DH № 10), supporting his teaching with signs and wonders. So too, one of the chief tenets of the Catholic Faith is that our response to God must be voluntary (ibid) and that the Faith must be taught in a manner that accords with human dignity: never coercively, never deceptively, never manipulatively. Jesus bore witness to the Truth but never advanced his Kingdom by force. Rather the Kingdom grows through proclamation of the Word, by listening to the truth, and by the witness of love of which the Cross of

Christ is the ultimate source and exemplar (cf. DH, № 11). Religious freedom includes the freedom to invite our contemporaries to discover the fullness of their human dignity in the teaching of the Gospel, and, above all, by allowing the Gospel to shape their whole way of life.

DH also points out that Christ and the Apostles recognized legitimate civil authority (& did not hesitate to speak out against it when it contradicted God's will, (cf. № 13). It thus sees the robust *exercise* of religious liberty as "a fundamental principle" in the relationship between the Church, the public powers, and the civil order. In DH, advocating and practicing one's faith, allowing it to shape one's life, is seen as a good thing for society, indeed, a condition for human flourishing, for it is through the lens of the Church's doctrine, ethics, and spirituality that human dignity is most thoroughly understood, appreciated, and conserved. Noting as well the inherently social dimension of religious freedom, DH insists that this principle extends not only to individual believers but also to Church institutions and ministries that serve the common good.

Human Dignity in the Light of Reason

As tempting as it is to deal only with the top layer of this cake, time's a wasting, so let me proceed to a second level, the level of reason. Let me make two preliminary comments as we begin this section. The first is that DH itself recognizes that the principle of religious freedom, while rooted in Revelation, can be grasped by unaided human reason, especially by efforts to attain a more adequate philosophical anthropology. The second is that just as Revelation sheds light on reason and indeed defends its inner capacity for truth, so too reason has an inner openness to transcendent truth, i.e., towards God. Thus, to repeat, the layers of this cake form a coherent wholeness.

We delve into this second layer with the simple observation that DH sees religious liberty as rooted in human nature as such. Yet, that assertion alone does not settle the question of what religious freedom is. For many, it is merely a matter of personal autonomy. It pertains to human dignity insofar as it is about the right of an individual to choose whether or not to believe in God or in anything that pertains to religion. In an age of relativism and skepticism, many of our contemporaries truly believe that religious freedom is mostly the right to reject religion or to define it as

they see fit. In fact, an infamous 1992 Supreme Court opinion adopts this very view of things: “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of human life” (Justice Anthony Kennedy, *Casey v. Planned Parenthood*, 1992). Truth to tell, even some learned commentary on the Declaration asserts that in DH the Church moved away from linking religious freedom to truth and grounded it instead in human rights, with less emphasis, one would imagine, on the responsibility to the truth that accompanies such rights. At paragraph № 2, however, DH signals that religious liberty is indeed a human right, but a right rooted in a human nature endowed with reason, free will, & responsibility: “It is in accord with their dignity that all men and women, because they are persons, endowed with reason and free will, and therefore with personal responsibility, are impelled *by their nature* and *bound by a moral obligation* to seek the truth, especially the truth concerning religion” (DH, № 2). The truth to be sought certainly pertains to what God has revealed of Himself but it also pertains to what can be known by unaided human reason. However flawed and limited it may be, human nature, with its twin faculties of reason and will, is oriented towards participating in the truth of God’s eternal law—an unchanging truth, which includes those fixed points, the “givens” of human existence. These fixed points in human existence, both personal and societal, these “givens” that perdure amid the vicissitudes of history, are like the North Star that help guide the way toward the authentic recognition of human rights & dignity as well as the right ordering of a society that is just and peaceful (cf. VS, № 53).

Here, let me again invoke the “cake” analogy (if, indeed, it is an analogy). A cake wouldn’t turn out very well if the baker decided to withhold key ingredients that hold it together. Without baking soda and a few eggs, I would imagine, the cake emerging from the oven would be a pretty sorry sight. Similarly, there is always the temptation to describe religious freedom merely as a right while leaving to the side the question of truth and the obligation to seek the truth. Such a notion of religious freedom as a human right, I would submit, is half-baked. Religious freedom is a human right precisely because the search for truth, indeed, ultimate truth, is rooted in human nature. This inner drive perdures even when it is exercised wrongly, as DH puts it: “The right to religious freedom does not have its foundations in the subjective disposition of the person...but rather in his very nature” (DH, № 2).

Furthermore, the openness of the human spirit to truth, indeed to *transcendent* truth, reminds us that the right to religious freedom is not the State's gift to its citizens, but rather one of the truly beautiful endowments the Creator has bestowed upon human nature itself and thus on *every* member of the human family, even the most incapacitated and vulnerable. To exercise this right, grounded in human nature and oriented toward truth, the person must be psychologically free and free from external constraints (ibid), a question we will return to in the final part of this talk.

No account of human dignity is complete without a focus on the role of conscience. Already, we have seen the description of conscience found in *Gaudium et Spes*, as the inner core, the sanctuary of the human person, in biblical language, "the heart". In light of that description, we now turn to the role of conscience in mediating truth, for unless truth can be sought and found, our decisions are not truly free. Without some capacity for truth, we become, in a word, "Pavlovian", creatures of instinct, entirely conditioned by our genetics and our environment. In contrast, DH teaches that human persons are "by their nature impelled" to seek the truth. As we already noted, human nature is endowed with reason and free will, and arising from reason and free will is the conscience, in which resides our deepest convictions and by which we make practical moral judgments. This facet of human nature is clearly recognized and taught in Divine Revelation, but it is widely recognized and esteemed in secular settings as well. Even today, those who have the courage of their convictions are widely admired. DH reminds us that it is "through the mediation of his conscience that man perceives and recognizes the precepts of divine law..." (DH, № 3). In the same vein, St. John Paul II taught in *Veritas Splendor* that, "...it is always from the truth that the dignity of conscience derives" (VS, № 63), so too a conscience that is culpably in error squanders its dignity (ibid). He went on to say, "Although each individual has a right to be respected in his own journey in search of the truth, there exists a prior moral obligation, and a grave one at that, to seek the truth and to adhere to it once it is known" (VS, № 34).

Today, however, freedom is often decoupled from truth. Many see this as the path to individual fulfillment and autonomy, and they seek to create a culture as free as possible from moral strictures, especially in the areas of personal morality. Far from becoming more free and more autonomous, such individuals and societies become less free, for they are often subject, not to truths that affirm human dignity, but

rather to the whims of popular ideas put forth most often by the powerful who know how to capitalize on the gravitational pull of evil. Further, such individuals and cultures end up creating a new legal positivism that is often based on false and destructive ideas about human nature, such as the rules of political correctness with regard to gender.

Wise philosophers and saints, on the other hand, teach us that self-mastery is the path to authentic and lasting freedom. Among other things, self-mastery includes the personal appropriation of truth which in turn is “translated” by the will into moral convictions and virtues. As Christians we rely on God’s grace in this process but we also recognize the strivings of all people of good will to attain virtue. When we are no longer subject to every vice and weakness then we become the master of our own house, then we enjoy a kind of sovereign freedom. This freedom is not self-referential but rather a healthy autonomy rooted in truth, virtues, and values, by which we relate to others in a principled way, that includes respect for the human rights and dignity of others. Thus, religious freedom and indeed every human right is unthinkable, absent this inner sanctuary oriented towards transcendent truth. For, as St. John Paul II said in Baltimore, “...freedom consists not in doing what we like but in having the right to do what we ought” (October 8, 1995). This is the freedom to choose what is true and therefore good, and to do so prudently, wisely, lovingly, and indeed creatively, in the many moral decisions which we as unique individuals confront daily.

Human freedom and obedience to divine law are not opposed to each other; rather they need each other for true human flourishing to occur. Freedom and truth are intrinsically linked: “the truth will set you free” (John 8:32). As one theologian put it, “freedom from external pressure and force is only a means to an end. We have been created with freedom to choose the morally good, to choose to love, to choose God, to choose to avoid those actions which are incompatible with the love of God ...” (David A. Yocis, “Freedom and Responsibility” *Sacred Heart University Review*, Vol. 14 (1994), p. 76). Another more prominent theologian, Fr. Servais Pinckaers, O.P., makes the distinction between “the freedom of indifference” and “freedom of excellence” or “quality”. To be sure, there will be frequent and deep differences of opinion about what is true and thus about what constitutes the truly excellent use of freedom. Yet, when the intrinsic link between the search for truth and freedom is

broken, and a culture erodes the fixed moral points of reference in human existence, such a culture becomes, not a marketplace of ideas but a cauldron of contention. It becomes a place of colliding claims and counterclaims with government as referee. Then it is that our fundamental freedoms are endangered.

The Obligation of Government to Promote and Uphold Human Dignity

The third and final layer of this proverbial cake pertains to the role of government in promoting and upholding human dignity as described in the foregoing layers, that sovereign freedom of the human person rooted in Revelation and understood by human reason. Again, allow me a preliminary comment to get things started. It is said that DH, in asserting religious freedom as a universal right, made a great contribution to the development of doctrine and even represents a rupture with the teaching of the past which is often summed up by the phrase, “error has no rights.”

It cannot be denied that DH takes a tone very different than, let us say, the pontificates of the 19th century. Certainly DH recognizes the rise of democratic states and the varying situations in which believers find themselves the world over. Nonetheless, DH remains insistent that, integral to the right of religious liberty, is a corresponding responsibility “to respond to” the truth (Cf. Yocis, op. cit. pp. 75-76). And this sets the stage for a few observations for outlining what DH says about the obligations of the State with respect to religious freedom.

At a minimum, the State should avoid all forms of coercion in religious matters. This painfully calls to mind the bloody persecutions such as we see in the Middle East but it also includes, I would imagine, other forms of governmental coercion such as oppressive government regulations, fines, and the like that seek to compel people of faith to compromise their beliefs or to cooperate to one degree or another in matters that violate their beliefs, such as the Health and Human Services contraceptive / abortifacient mandate. Raising the bar just a bit, DH makes clear that the State should avoid other, more subtle forms of coercion, including the creation of an unfriendly cultural atmosphere in which it becomes very difficult for believers to profess and act on teachings that represent minority views in society, views that are distinctly countercultural. For example, those of us who maintain that marriage is between a man and a woman and has something to do with bringing children into the world now often find ourselves condemned to be in the ranks of racists and

bigots, (even though the high court allows that, for now, we are free to advocate for our views on marriage). So, at a minimum, the government should not be involved in coercion against individuals who are believers or against religious, i.e., church communities.

DH, however, sees a constructive role for the State to play in religious freedom. It is the guarantor of God-given rights. DH goes on to say that “[t]he civil power...whose proper end is the care of the temporal common good, should in fact acknowledge and show favor to religious life of its citizens (DH, № 3) while also ensuring that the exercise of those rights does not harm the common good, (but I would stress that here DH is careful not to give civil powers *carte blanche*). DH says that “the freedom of the Church is a fundamental principle in relations between the Church and the public powers and the whole civil order” (DH, № 13). The Church (indeed churches) should be, for the most part, in the driver’s seat in determining its zone of freedom, viz., “as much freedom as man’s salvation may demand” (ibid.). Instead of exerting coercion, overt or subtle, against believers and their churches, the State has the responsibility of creating an atmosphere where the practice of religion can prosper and where individual believers and religious communities contribute to the common good. In the American context, the State is not to endorse any religious creed or truth claim but it must respect “the journey toward truth” inherent in the human spirit and the link between religious freedom and the search for truth, both in the conscience of individuals and in the “corporate” conscience of churches and church-run ministries such as schools and charities. By recognizing that persons & the societies they create are on a journey toward truth, the State does not thereby endorse any religion but does endorse the idea that truth has a claim on the human person, and on the societal institutions necessary for his flourishing, among them the family and churches. Indeed, in recognizing this claim as an *intrinsic* part of the human experience, the State more securely recognizes religious freedom as a universal right. Paradoxically when the question of seeking for truth is left out of the equation, religious liberty, including freedom of speech and liberty of exercise, is vulnerable to the oppression of those who make claims, not on the basis of truth, but power. This is what Pope Benedict XVI meant, I think, when he spoke of “the dictatorship of relativism”.

To sum up, DH makes clear that absent a threat to the common good of society

believers and religious communities should have the freedom not merely to advocate for their teachings but to do so publicly, in the public square, as it were and indeed to put them into practice. Indeed, individuals have the right “to live in civil society according to the precepts of the Christian faith” (DH, № 13) and churches and church ministries have the right to go about their work in accord with their teachings without government interference.

Conclusion

Well, at length, a three layer cake has been baked, though quite imperfectly. You might wonder if the top layer (Revelation) should be the bottom layer inasmuch as Revelation is foundational to the teaching on religious liberty. So you may think that I have served you a pineapple up-side-down cake! I hope, though, that you will see that I began with Revelation because I believe it sheds light on the other two dimensions of religious freedom and that it is best to deal with the things of God in the first instance “from above” rather than “from below”.

Whatever the case may be, I hope this working description of religious liberty as the cornerstone, the very heart and foundation of human dignity will provide a useful orientation and sketch as other speakers take up specific topics dealing with the state of religious liberty in the world today, both domestic & foreign. Thank you for listening! May God bless you and keep you in his love!