

## CATHOLIC WITNESS AND RELIGIOUS LIBERTY IN THE LIGHT OF 2013

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One of the great scholars of the last century was the Jesuit Henri de Lubac. As a theologian at Vatican II, De Lubac helped to shape some of the council's most important work. It's less well known that he spent much of World War II hiding from the Nazis in Occupied France. De Lubac edited the resistance journal *Christian Witness*. The Germans caught and killed several of his coworkers. De Lubac himself survived, and while he lived in a time more politically extreme than our own, he faced some of the same basic issues we're dealing with today.

As we begin tonight, we might recall a few words he wrote nearly 70 years ago:

*"I do not have to win the world, even for Christ: I have to save my soul. That is what I must always remember, against the temptation of success in the apostolate. And so I will guard myself against impure means. It is not our mission to make truth triumph, but to testify for it."*<sup>i</sup>

In our day the big murder ideologies are dead. But contempt for the religious soul of men and women is very much alive. The cost of discipleship in the years ahead will be more expensive, not less. Yet we have the duty – and also the joy – of testifying to the truth of Jesus Christ without compromise.

We can't do that if we dilute our zeal as Catholics. We can't do it if we let ourselves be cheated by bad political bargains, or if we trade away our religious mission simply for the right to exist. Our public witness as believers includes the religious identity of our social, educational and charitable ministries. To borrow a theme from De Lubac: If we pollute the *means* of our witness by compromising who we are and what we believe, then we undermine the whole point of testifying.

We can't achieve good ends with impure means. This is the context that surrounds all of our Catholic public ministries in 2013. So I was glad to accept Bishop Brandt's invitation to join you tonight. And I'm glad to speak on the issue of religious liberty. Events in our country have made it an urgent concern.

What exactly do we mean when we say a social ministry is "Catholic"? A social agency is "Catholic" in two main ways. *Structurally*, it serves the local Church and advances her mission. And *evangelically*, it's a witness to the commandment given to us by Jesus Christ to love God first and above all; and then to love our neighbors as we love ourselves.

Catholic teaching isn't something optional for a Catholic social worker. It's basic to his or her identity. Catholic belief is more than a list of dos and don'ts. It involves more than obeying a Catholic moral code -- though it certainly includes that. Catholic teaching is part of a much larger view of human dignity and our eternal destiny. This teaching comes from God through his son Jesus Christ. It's defined by the universal Church. Then it's preached, taught and applied by

the local bishop and by others. The faith of the Church is *central to* Catholic social ministry. And the power of Catholic social witness collapses when we dilute it.

In the end, *all acts of Christian charity should be ordered to communicating to other people the highest form of charity* -- the knowledge of Jesus Christ and his love for them. From that basic fact we can draw some ideals for Catholic social ministry in general, and Catholic Charities organizations in particular.

*First*, all Catholic social work should be faithful to the mission and structures of the local diocese, with special respect for the role of the bishop. It should be true to Scripture, Church teaching and the Code of Canon Law.

*Second*, every Catholic social ministry, along with providing material aid, should allow for the possibility of verbally professing the Gospel, as prudence permits.

*Third* – and this should be obvious -- no Catholic social worker should ever engage in coercive proselytization. He or she should *always* respect an individual's freedom, and be governed by humility and common sense.

*Fourth*, every Catholic social ministry should insist on the best professional skills from its staff. And it should use the best professional means at its disposal to serve others -- *so long as* those skills and means reflect the truth of Catholic moral teaching.

*Fifth*, Catholic social agencies should always provide opportunities for prayer for their employees and volunteers. Prayer is the key to Christian charity both as a means of experiencing the love of God ourselves and of seeking God's help. None of our works can prosper without it.

*Sixth*, every Catholic social ministry – guided by charity and prudence, but also by courage – should bear witness to the truth of Jesus Christ to the wider community. This includes giving a public voice to the rights of the poor, the homeless, the disabled, the immigrant and the unborn child, in a way consistent with the particular nature of its work.

*Seventh and last*, Catholic social agencies should welcome the chance to work with other persons and groups in ways that serve the common good. But we need to be aware that cooperation can easily turn Catholic organizations into sub-contractors of large donors and agencies with very different beliefs about authentic human development. And that can undermine the whole purpose of Catholic social work.

Catholic social work – in fact, every form of Catholic public engagement from higher education to politics -- needs people who first, believe in *real* human development, as understood in the light of Jesus Christ and the Catholic faith; and second, who have the courage to speak God's truth and act on it. We live in an age when a "humanism without God" shapes much of modern thought. But the dignity of men and women cannot be separated from the purposes of their Creator. *There is no such thing* as "humanism without God." It never endures. And it ends by attacking the humanity it claims to serve.

This is why Catholic institutions should use their training and hiring practices to build a sense of Catholic mission within their group culture, especially among their employees. Christian charity is not generic “do-goodism.” Baptism makes us a missionary people. We can’t avoid that vocation. Our faith is meant to be shared. Catholic social ministry exists to serve others. But unless it also speaks vividly about our love for Jesus Christ, Christ’s love for us, and our fidelity to the Catholic Church that Christ founded, it has little worthwhile to share.

That brings us back to the issue of religious freedom.

I served for three years as a Commissioner with the United States Commission on International Freedom, 2003-06. That experience confirmed for me the unique role that religious faith, religious believers and religious communities play in genuine human development. It also taught me the importance of religious liberty both abroad and in our own country. And I began to see the pressures against religious liberty that are developing in our own Western societies.

Religious freedom is a basic natural right. It’s the first among our civil liberties. And this fact is borne out by the priority protection it enjoys, along with freedom of expression, in the Constitution’s First Amendment.

I’d like you to consider a few brief points. I’ll name them together, and then we can look at each one more closely. Here’s the list.

*First: Religious faith and practice are cornerstones of the American experience. Second: Freedom of religion is more than freedom of worship. Third: Threats against religious freedom in our country are not imaginary or overstated. They’re happening right now. They’re immediate, serious and real. Fourth: We need to realize that America’s founding documents assume an implicitly religious understanding of the human person -- an idea of human nature, nature’s God, and natural rights -- that many of our leaders no longer really share. And fifth: Politics and the courts are important. But our religious freedom ultimately depends on the vividness of our own Christian faith – in other words, how deeply you and I believe it, and how courageously we live it.*

Let’s consider the first point first: *Religious faith and practice are cornerstones of the American experience.* James Madison, John Adams, Charles Carroll, John Jay, George Washington, Alexander Hamilton, Benjamin Franklin, Thomas Jefferson – in fact, nearly all the American Founders – saw religious faith as vital to the life of a free people. For the Founders, liberty and happiness grow organically out of virtue. And virtue has its deepest roots in religious faith.

To put it another way: At the heart of the American model of public life is an essentially religious vision of man. This model has given us a free, open and non-sectarian society with a great variety of cultural and religious expressions. But our success doesn’t result from the clever legal mechanics our Founders put in place. Our system works *precisely* because of the moral assumptions that sustain it. And those moral assumptions have a *religious* grounding.

When the Founders talked about religion, they meant something much more demanding than a vague “spirituality.” Many of the Founders were Christian. All of them were shaped by

Christian thought, language and faith. The distinguished legal scholar Harold Berman showed that the Founders – though they had differing religious views among themselves -- saw religion positively as “both belief in God and belief in an after-life of reward for virtue, and punishment for sin.”<sup>ii</sup> In other words, religion *mattered* – personally and socially. It was more than a private preference. It made people live differently and live better. People’s faith had broad implications, including the social, economic and political kind.

That leads to my second point: *Freedom of religion is more than freedom of worship.* The right to worship is a necessary part of religious liberty. But it’s not sufficient. For most religious believers, and certainly for Christians, faith needs community. It begins in worship, but it also demands preaching, teaching and service. In other words, it calls for active engagement with society. Faith is always personal but never private. And it involves more than prayer at home and Mass on Sunday – although these things are vitally important. Real faith always bears fruit in public witness and public action. Otherwise it’s just empty words.

The Founders saw the value of publicly engaged religious faith because they inherited its legacy and lived with its influence themselves. They created a nation designed in advance to depend on the moral convictions and public service of religious believers, and to welcome their active role in civic life.

Here’s my third point: *Threats against religious freedom in our country are not imaginary or overstated. They’re happening right now. They’re immediate, serious and real.* Last year religious liberty advocates won a big Supreme Court victory in the 9-0 *Hosanna-Tabor v EEOC* decision. But what stunned even the Justices in that case was the disregard for traditional understandings of religious freedom shown by the government in arguing against the Lutheran church and school.

*Hosanna-Tabor* is not an isolated case. It belongs to a pattern of government coercion. The pressure takes different forms. The HHS mandate is an obvious example, because it violates the identity of many religiously inspired public ministries. It also interferes with the conscience rights of medical providers, private employers and individual citizens. But the bullying also involves many other pressures on the policies, hiring practices and tax statuses of religious charities and ministries.

*Why is this hostility happening?* Much of it links to Catholic and other religious teaching on the dignity of life and human sexuality. Catholic moral convictions about abortion, contraception, the purpose of sexuality and the nature of marriage and family are rooted not just in biblical revelation, but also in reason and natural law. Human beings have a shared nature that sets them apart from all other creatures. Human nature is not just the product of accident or culture. There are qualities to being “human” that are inherent, universal and rooted in permanent truths knowable to reason.

This idea of the “human person” sustains the whole American experiment. If human nature is little more than a modeling clay, and if no permanent human nature exists by the hand of a Creator, then natural, unalienable rights obviously can’t exist. And no human “rights” can finally claim priority over the interests of the state.

The problem is that critics of religious faith tend to reduce longstanding moral convictions to an expression of subjective religious beliefs. And if they're essentially religious beliefs, then – so the critics argue – they can't be rationally defended. And because they're rationally indefensible, they can be treated as a form of prejudice. In effect, 2,000 years of moral experience, moral reasoning and religious conviction become a species of bias. And arguing against same-sex "marriage" thus amounts to religiously blessed homophobia.<sup>iii</sup>

There's more. When religious belief is redefined downward to a kind of private bias, then the religious identity of institutional ministries has no public value -- other than a way to get credulous people to do good things. So exempting Catholic adoption agencies, for example, from placing children with same-sex couples becomes a concession to private prejudice. And concessions to private prejudice feed bigotry and hurt the public. Or so the reasoning goes. This is how moral teaching and religious belief end up being branded as hate speech.

Here's my fourth point: From the start, believers – alone and in communities – have shaped American history simply by trying to live their faith in the world. *We need to realize that America's founding documents assume an implicitly religious understanding of the human person* -- an idea of human nature, nature's God, and natural rights -- that many of our leaders no longer really share. And that has very big implications for the future of Catholic life in this country.

Here's my fifth and final point: *Politics and the courts are important. But our religious freedom ultimately depends on the vividness of our own Christian faith – in other words, how deeply you and I believe it, and how courageously we live it.* Religious liberty is an empty shell if the spiritual core of a people is weak. Or to put it more bluntly, if people don't believe in God, religious liberty isn't a value. That's the heart of the matter. The worst enemies of religious freedom aren't "out there" among the critics who hate Christ or the Gospel or the Church, or all three. The worst enemies are *in here*, with us – all of us, clergy, religious and lay – when we live our faith with tepidness, cheap compromises, fear, routine and hypocrisy.

In the years ahead, we're going to see more and more attempts by civil authority to interfere in the life of believing communities. No one in Catholic social work can afford to be lukewarm about his or her faith, or naïve about the environment we now face – at least, if we want our Catholic ministries to remain Catholic.

Religious liberty isn't a privilege granted by the state. It's our birthright as children of God. And even the worst bigotry can't kill it in the face of a believing people. But if we value our religious freedom and want to keep it, then we need to become people worthy of it. And that means we need to recommit ourselves to living a full and honest testimony to Jesus Christ in the way we conduct our personal lives and do our public ministries.

America's bishops continue to seek a fair compromise with the Obama administration. And Catholic lawsuits opposing the HHS mandate show real promise. Yet the White House seems determined to force this needless and inflammatory policy on the nation at large. From the start

of the mandate dispute, this administration has talked fulsomely about the need for reasonable compromise. But it has done little to actually bring it about.

Baltimore's Archbishop William Lori noted recently that most of the serious problems with the HHS mandate remain, despite some small improvement in the mandate's language. With the implementation of the mandate set for August, Catholics need to grasp that this is *not* just another political controversy.

On the contrary, the HHS mandate sets an extremely dangerous precedent. It comes with damaging financial penalties that will cripple many religiously affiliated ministries or force them out of the public square. We live in a complex and ambiguous moment of our nation's life, one that will influence millions of lives that come after us. So I ask you to please pray for Bishop Brandt and the bishops of the United States -- and the leaders of religious institutions across the country -- that they may show the same kind of courage Henri De Lubac not only spoke about, but also witnessed by the example of his life.

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<sup>i</sup> Henri de Lubac, S.J., *Paradoxes of Faith*, Ignatius Press, San Francisco, 1987, p. 72; translated from the original French editions *Paradoxes* (1945) and *Further Paradoxes* (1955)

<sup>ii</sup> Harold Berman, "Religion and Liberty Under Law at the Founding of America," *Regent University Law Review* 20 (2007): 32–36

<sup>iii</sup> See the constitutional scholar Gerard V. Bradley, "What's Behind the HHS Mandate?," *The Public Discourse* ([www.thepublicdiscourse.com](http://www.thepublicdiscourse.com)), June 5, 2012