

Int'l Religious Liberty

Michael Sean Winters | Sep. 12, 2012 Distinctly Catholic

Today, the Institute for Policy Research & Catholic Studies at Catholic University will be co-hosting [a conference on International Religious Liberty](#) [1] with the USCCB and CRS. NCR's own Jerry Filteau will be covering the event and will have a full report for our readers. As a visiting fellow at the Institute, charged with helping to organize these gatherings, I will be out in the parking lot directing traffic, and inside the hall making sure the microphones are working.

Here in the U.S., much of the Catholic community has been focused on the issue of religious liberty in ways we have not before. Certainly, after the Supreme Court's decision in *Employment Division v. Smith* (authored by that flaming anti-Catholic Antonin Scalia!) there was some interest in the topic, but that interest was hardly controversial as the law designed to legislatively overturn that decision, the Religious Freedom Restoration Act, passed both houses of Congress by wide margins. In the House, it was passed without objection on a voice vote. The law was signed by President Bill Clinton.

Back in 1993, when RFRA was signed into law, the issue of religious liberty may have appeared non-controversial here in the U.S. but in other parts of the globe, the issue was simmering. In fact, there is scarcely a moment in history when the issue has not been simmering. The conference today will examine some of those hot spots where it stopped simmering and boiled over: Nigeria, Iraq and Cuba. In these three very different countries, the universal human rights which we extol, including religious liberty, face markedly different challenges. Some people think invoking a right is enough, but rights live in cultures, and cultures vary. Here in the West, we Catholics are rightly nervous about a secularizing agenda in our culture, but the poor Christians in Pakistan might benefit from a dose of secularism in their polity.

The reasons for religious intolerance and persecution are many-sided and various and ? I hate to say it, but I think it is true ? somewhat understandable. Insofar as we believe our faith leads us to salvation, we wish others to take our path and, most certainly, do not want those we love to take a different path that might lead to perdition and condemnation. As a consequence of original sin, we tend to use inappropriate tools, like coercion, in trying to advance this effort. We are a short step from religious persecution at the moment when the thought of using coercion enters our minds and hearts. As Cardinal Francis George pointed out in June at the bishops' Atlanta meeting, St. Thomas More was a great man, and a great saint, but he is an uneven apostle for the rights of conscience seeing as he himself sent people to the scaffold on account of their beliefs.

Religious intolerance is akin to censorship. There, too, a perfectly humane desire to protect those we love from influences that can harm them, easily morphs into a repressive regime that seeks to enslave ideas and those who express them.

There is a further issue for us to consider. The opponents of the Second Vatican Council's Decree on Religious Liberty, *Dignitatis Humanae*, warned of the danger of indifferentism or laicism. They feared that the idea of religious tolerance would inevitably lead to the idea that any religion was as good as another. They also worried that Catholics would think that they had the same right to religious freedom within the Church that they had in relation to the civil government. Those fears were not without substance as the post-conciliar period has shown.

The idea that civil government has no place dictating orthodoxy, that we humans are immune from such coercion, has indeed been invoked by those who wish to challenge the teachings of the Church and claim a right to be unmolested by ecclesiastical authority. This misunderstands the difference between Church and State in a way that is as extreme as Metternich, albeit from the opposite extreme. I have said it before but will repeat it again: A Catholic, as a Catholic, has no right to private judgment in doctrinal matters. That is what the Reformation was in large part about. In the civic arena, we have a right to follow our conscience, but within the Church, we have the obligation to conform our hearts and minds to the faith. There can be moments, rare moments indeed, in which the enormities of ecclesiastical authority require one, in conscience, to resist. But, when someone starts talking about sacraments in terms of rights rather than in terms of gift, well, you know where that conversation is going.

These issues are enormously difficult and complicated and I am looking forward to today's conference so that I can learn more. Tomorrow, Georgetown's Berkley Center is having a conference on religious liberty in the domestic sphere that I will attend. The conversation is really only beginning and there is much work to be done. I have spent much of the last year turning these issues over in my head, and it is still not at all clear to me that, for example, John Courtney Murray was right, or that the U.S. Constitution is really compatible with Catholic anthropology, or that the liberal political tradition does not need to radically re-think its understanding of the very concept of rights.

It is also clear to me that one of the fruits of the Council has been the great advances in inter-religious dialogue, that historical researchers and contemporary social scientists are realizing that what were understood as primarily religious conflicts often mask other economic or ethnic or tribal conflicts, and that as a Church we are finally shedding the habits of mind we associate with the name Constantine. I do not know if we can ever recapture the good qualities of Christendom without coercion. I do know that modernity desperately needs the insights of the Catholic faith. And, I am clueless as to how it will all pan out. But, today, at CUA, I hope to learn how the story is playing out in real time, with real people, in countries with real challenges. It is a good thing to learn.

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