

## LIFE MATTERS: RELIGIOUS LIBERTY AND THE AMERICAN SOUL

The philosopher Hans Jonas once said that three things have distinguished human life from other animal experience since early prehistory: the tool, the image and the grave.<sup>1</sup> The tool imposes man's knowledge and will onto nature. The image—man's paintings and other art—projects his imagination. It implies a sense of beauty and memory, and a desire to express them.

But the greatest difference between humans and other animals is the grave. Only man buries his dead. Only man knows his own mortality. And knowing that he will die, only man can ask where he came from, what his life means and what comes after it.

The grave then is an expression of reverence and hope. When Christians and other people of good will talk about “the dignity of the human person” and “the sanctity of human life,” they're putting into words what we all instinctively know—and *have* known for a very long time. Unique in nature, and unlike any other creature, men and women possess something elevated and sacred that demands our special respect.

When we violate that human dignity, we do evil. When we serve it, we do good. And therein lies one of today's many American ironies. We now live in a society that speaks persuasively about protecting the environment and rescuing species on the brink of extinction. But then it tolerates the mass killing of unborn children, and contemplates the killing of the sick and elderly in the name of their “dignity.”

Modern critics of religion like to point out that God is absent from the U.S. Constitution. And of course that's true—but not because God was unwelcome. In effect, God suffused the whole constitutional enterprise. Nearly all the Founders were religious believers, and some were quite devout. Their writings are heavily influenced by biblical language, morality and thought. America's founding could thus afford to be secular in the best sense, precisely because Americans were so religious.

The Founders saw religious faith as something separate from government but vital to the nation's survival. In his Farewell Address, Washington famously stressed that “religion and morality are indispensable supports” for political prosperity. He added that “reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.” For John Adams, John Jay, James Wilson, John Witherspoon, Alexander Hamilton, Charles

Carroll, George Washington and most of the other Founders—including Thomas Jefferson and Benjamin Franklin—religion created virtuous citizens. And only virtuous citizens could sustain a country as delicately balanced in its institutions, moral instincts and laws as the United States.

To put it another way: Unlike their French revolutionary counterparts, the framers of America's Constitution saw religious liberty as freedom *for* religion, not freedom *from* religion.

The American Founders therefore also presumed the existence of natural law and natural rights. These rights are inalienable because they are guaranteed by the Creator, by “nature's God,” to use the words of the Declaration of Independence. Such ideas seem to be out of fashion in much of legal theory today. But these same ideas are very much alive in the way we actually reason and behave in our daily lives.



Most of us assume that we have basic rights that come with the special dignity of being human. These rights are inherent to human nature. They're part of who we are. Nobody can take them away. But if there is no Creator, and nothing fundamental and unchangeable about human nature, and if “nature's God” is kicked out of the public conversation, then our rights become the product of social convention. But social conventions can change. That means the definition of who is and who isn't “human” can change.

American public life needs a framework that is friendly to religious belief because society can't support its moral claims about freedom and rights with rational and secular arguments alone. In fact, to the degree that our society encourages a culture of unbelief, it undermines its own grounding. It causes its own decline by destroying the moral coherence of a public square in which all are respected and treated as equals.<sup>2</sup>

In the American tradition, people have a right to bring their beliefs to bear on every social, economic and political problem facing their community. For

Christians, that's not just a privilege. It's not just a right. It's a demand of the Gospel. Believers can't be silent in public life and be faithful to Jesus Christ at the same time. Actively witnessing to our convictions and advancing what we believe about key moral issues in public life are acts of truth telling. They're vital to the health of every democracy. And again, they're also a duty—not only of our religious faith, but also of our citizenship.

Today, people of faith are facing a multitude of threats to religious liberty that demand our active witness and opposition. Consider these efforts<sup>3</sup>:

- One state would have forced Catholic parishes to be restructured according to a congregational model
- The Justice Department has argued that a federal agency can redefine and override who a Christian church considers a “religious minister” according to their faith
- State immigration laws forbid clergy to give sacramental and pastoral care to immigrants who lack residency documentation
- Catholic charities in some jurisdictions have been driven out of adoption and foster care services because they refused to place children with same-sex couples or unmarried cohabiting opposite-sex couples
- One jurisdiction prevents churches from renting public schools for weekend worship services, although non-religious groups can rent the same schools for numerous other uses
- Catholic humanitarian services have been discriminated against in the awarding of government grants because they refuse to provide or refer for contraceptive and abortion services
- The Department of Health and Human Services (HHS) preventive services mandate requires almost all private health plans to cover contraception, sterilization and abortion-inducing drugs. For the first time in our history, the federal government will force religious institutions to fund and facilitate coverage of drugs and procedures contrary to their moral teaching, and purport to define which religious institutions are “religious enough” to merit an exemption.

It's important for our own integrity and the integrity of our country that we stand up today against these and other attacks on our religious freedom. History affords many examples, both before and since America's founding, where restraints on religious liberty presaged the denial of other human rights. By standing up for religious liberty now, we can begin to renew the soul of America and strengthen our nation's commitment to all the rights and freedoms we enjoy as children of God. In so doing, we may also discover in our own lives what it means to be fully human.

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<sup>1</sup> Hans Jonas, “Tool, Image and Grave: On What is Beyond the Animal in Man” (1985), in Hans Jonas, *Mortality and Morality: The Search for the Good After Auschwitz*, ed. L. Vogel (Evanston, IL: Northwestern University Press, 1996). By “tool,” Jonas does not mean the stick or stone “employed as a momentary aid” (*Ibid.*, 78) by various mammals and birds, but something imagined, then fashioned for a specific purpose, and often replicated and refined for other uses.

<sup>2</sup> See Colgate University political scientist Robert P. Kraynak, *Christian Faith and Modern Democracy: God and Politics in the Fallen World* (Notre Dame, IN: University of Notre Dame Press, 2001), xii and throughout.

<sup>3</sup> The list appears in “Our First, Most Cherished Liberty,” a statement of the United States Conference of Catholic Bishops' Ad Hoc Committee for Religious Liberty, April 12, 2012; <http://www.usccb.org/issues-and-action/religious-liberty-/our-first-most-cherished-liberty.cfm> (accessed May 20, 2012).



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