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***Defending Religious Freedom in Full: The Challenge of a Generation***

Members of the Board of Trustees; President Fahey and members of the faculty and staff; parents, grandparents, and family members of the graduates; and my fellow-classmates of the Class of 2010 of the Thomas More College of Liberal Arts:

Thank you for inviting me to join you on this great day. Thank you for honoring my work with the gift of a Doctor of Education degree. It has been one of the great graces of my somewhat eclectic professional life to have been given the opportunity to work regularly with young men and women of intelligence, wit, and character – *after* their parents had done the heavy lifting! So thank you, too, to the parents of today’s graduates – and the grandparents, and the other family members – who have helped bring you, the Class of 2010, to this pivotal moment in your lives.

Today is, by its nature – and I think at the Thomas More College of Liberal Arts we can still speak of the “nature” of things! – a day of celebration, a day of remembrance, and a day of thanksgiving. Permit me to take a few minutes to suggest that you consider it a day of challenge as well: a challenge that might lead to a certain kind of vocational commitment.

We share, today, a unique moment, and just perhaps a critical moment, in the history of the Catholic Church in the United States. At the time of the American Revolution, Catholics accounted for less than one per cent of the population of the thirteen colonies – a tiny population clustered primarily in my native Maryland and a few counties of Pennsylvania. Yet within a few decades of the Founding, the great tides of European immigration that began to wash onto the shores of the new nation – those “huddled masses yearning to breathe free,” as they are memorialized on the Statue of Liberty – brought millions of Catholics to the New World: at first, Irish and Germans; later, Italians, Poles, Czechs, Slovaks, Ruthenians, and the many others who wove their lives and aspirations into the rich ethnic tapestry of American democracy. Those 19<sup>th</sup> century immigrants felt the sting of anti-Catholic prejudice, even anti-Catholic violence. But notwithstanding that bigotry – which historian Arthur M. Schlesinger, Sr., once described to the dean of U.S. Catholic historians, Fr. John Tracy Ellis, as the deepest prejudice in the history of the American people – Catholics have, I believe, almost always felt at home in these United States. We have felt at home because we have thrived here; with the exception of immigrant Jews, no religious group has prospered more in America than has the Catholic community. Yet Catholic “at-homeness” in the United States has had a deeper philosophical and moral texture. One of the great Catholic students of American democracy, Father John Courtney Murray, described that side of the Catholic experience of America in these terms, in *We Hold These Truths: Catholic Reflections on the American Proposition*, a book published just a half-century ago:

“Catholic participation in the American consensus has been full and free, unreserved and unembarrassed, because the contents of this consensus – the ethical and political principles drawn from the tradition of natural law – approve themselves to the Catholic intelligence and conscience. Where this kind of language is talked, the Catholic joins the conversation with complete ease. It is his language. The ideas expressed are native to his universe of discourse. Even the accent, being American, suits his tongue.”

There are many grave question of public policy to be debated in America today: the question of the legal protection of innocent human life from conception until natural death; the question of long-term strategy and morally sustainable tactics in the war against Islamist jihadism; the question of how we attend to the sick and how we manage immigration; the question of fitting public policy ends to fiscal means; the question of building an appropriate regulatory structure around the biotech revolution so that the new genetic knowledge leads to genuine human flourishing rather than to a stunted and manufactured humanity; the list goes on and on. Indeed, the very question of what should be on “the public policy agenda,” and what ought to be left to the private and independent sectors, is being as vigorously contested in our country today as at any time since the Great Depression and the New Deal. Yet amidst all this churning, the gravest question for our public *culture* is the question of whether what Father Murray called the “American consensus” – that ensemble of “ethical and political principles drawn from the tradition of natural law” – still holds.

There are reasons to be concerned.

This past October, in the heat of a political campaign, the nation's political newspaper of record, the *Washington Post*, ran an editorial condemning what it termed the "extremist views" of a candidate for attorney general of Virginia who had suggested that the natural moral law was still a useful guide to public policy. The *Post*, determined to nail down the claim that homosexuality is the equivalent of race for purposes of U.S. civil rights law, deplored this as "a retrofit [of] the old language of racism, bias, and intolerance in a new context." The *Post's* claim was, to adopt its language, "extremist," suggesting as it did that the label "bigot" ought to be applied to notable historical personalities who had appealed to the natural moral law in causes the *Post* would presumably regard as admirable: figures such as Thomas Jefferson, staking America's claim to independent nationhood on "self-evident" moral truths derived from "the laws of nature"; or Martin Luther King, Jr., arguing in his "Letter from Birmingham Jail" that "an unjust law is a human law that is not rooted in eternal law and natural law"; or Pope John Paul II, who, at the United Nations in 1995, suggested that the truths of the natural moral law – "the moral logic which is built into human life," as he put it – could serve as a universal "grammar" enabling cross-cultural dialogue.

Appeals to the natural moral law we can know by reason underwrote the American civil rights revolution. Appeals to that same natural moral law underwrite the successor to the civil rights movement, which is the pro-life movement. And appeals to the natural moral law have underwritten U.S. international human rights policy for the past thirty years. Until, that is, December 2009, when the Secretary of State of the United States, in a speech at Georgetown University, emptied the

concept of religious freedom of everything save the “freedom to worship” while asserting, in a catalogue of what she claimed were fundamental international human rights, that people “must be free...to love in the way they choose” – which “choice” must, presumably, be protected by international human rights covenants and national and local civil rights laws.

And while these two dramas were unfolding – and getting far less public attention than they deserved – two related dramas were being played out. Catholic health care professionals were coming under increasing state pressure to yield the rights of conscience, formed by the principles of the natural moral law, to those for whom abortion-on-demand is the rights-claim that trumps all other rights-claims. And Catholic social service agencies and institutions were coming under severe pressure to recognize as “marriage” relationships that the natural moral law teaches us are not, and cannot be, marriages.

What Father Murray called “the consensus” would seem to be fraying – and fraying, not only at the edges, but in the very warp and woof of the moral-cultural fabric of American public life.

This dramatic situation suggests that one of the great challenges of your generation, my fellow-members of the Class of 2010 of the Thomas More College of Liberal Arts, will be to rise to the defense of religious freedom in full. And, indeed, what could be a more apt challenge for the graduates of a college that takes the fact of the natural moral law seriously, and that is named in honor of a martyr to the truth of Catholic faith whom John Paul II declared the heavenly patron of statesmen and politicians? For the defense of religious freedom in full which you must mount

must be both cultural, in the sense of arguments winsomely and persuasively made, and political, in that you must drive the sharp edge of truth into the sometimes hard soil of public policy.

What is this “religious freedom in full” that you must defend and advance?

It surely includes freedom of worship, but it must include more than that; the Kingdom of Saudi Arabia is content with freedom of worship, so long as the Christian worship in question takes place behind closed doors in the American embassy compound in Riyadh. Religious conviction is community-forming, and communities formed by religious conviction must be free, as communities and not simply as individuals, to make arguments and bring influence to bear in public life. If religiously informed moral argument is banned from the American public square, then the public square has become, not only naked, but undemocratic and intolerant. If, on the other hand, religiously informed moral argument is welcome in public life, then we have the possibility of rebuilding, not a sacred public square (a goal the Catholic Church rejected at the Second Vatican Council), but a civil public square, in which tolerance is understood in its true sense as differences engaged within a bond of civility formed by a mutual commitment to reason.

I have long argued that it is a matter of both political common sense and democratic etiquette that Catholics in public life should make our arguments in ways that our fellow-citizens, who may not share our theological premises, can engage and understand – which is to say, in our particular case, that Catholics should bring to bear in public life the moral truths we hold through arguments framed by the grammar and vocabulary of the natural moral law. That is what John

Paul II did at the United Nations in 1979 and 1995, and what Benedict XVI did at the U.N. in 2008. That is what the bishops of the United States, and lay Catholics in their millions, have done over the past thirty-seven years in defense of life. And if there are some who consider such appeals to the natural moral law a form of tarted-up bigotry, well, we shall simply have to inform them, politely but firmly, that they are mistaken, and then demonstrate why.

Religious freedom in full also means that communities of religious conviction and conscience must be free to conduct the works of charity in ways that are commensurate with their conscientious convictions. This is neither the time nor the place to discuss the problems that have been posed by tying so much of Catholic social service work and Catholic health care to government funding – save, perhaps, to note that these problems did not exist before the Supreme Court erected a spurious “right to abortion” as the right-that-trumps-all-other-rights, and before courts and legislatures decided that it was within the state’s competence to redefine marriage and to compel others to accept that redefinition through the use of coercive state power. What can be said in this context, and what must be said, is that the conscience rights of Catholic physicians, nurses, and other health care professionals are not second-class rights that can be trumped by other rights-claims; and any state that fails to acknowledge those rights of conscience has done grave damage to religious freedom rightly understood. The same can and must be said about any state that drives the Catholic Church out of certain forms of social service because the Church refuses to concede that the state has the competence to declare as “marriage” relationships that are manifestly not marriages.

My fellow-graduates, the defense of religious freedom in full in your generation is going to require the skills of argument that you have acquired here at the Thomas More College of Liberal Arts; it is going to require that some of you accept the risk and challenge of public service in elective office; and it is going to require all of you to support the work of those who take as their vocation the defense and promotion of religious freedom in full.

This will be the work of a lifetime. But it must begin sooner rather than later, for the threats to religious freedom in our country are great, and are likely to get greater before they abate. Some of you may suffer various forms of martyrdom in taking up this cause: the martyrdom of ridicule, of being labeled “intolerant” and “bigoted”; the martyrdom of career paths blocked and promotions denied because of your adherence to the moral truth of things that is built into the world and into us; the martyrdom of political defeat, or a judicial case well-argued but lost. As your patron, St. Thomas More, knew, fidelity to the truth can have its costs. Yet as More’s luminous example reminds us, those costs are worth paying because the truth sets us free in the deepest sense of human liberation. Thomas More was never more a free man than when he bent his neck to the executioner’s axe in free adherence to the truth.

Let us pray that it does not come to that for any of you, or indeed for any of us. But let us also be clear, on this commencement day, on the stakes for which your generation is playing, which are nothing less than the long-term integrity of the American experiment in ordered freedom. So: be the heirs of St. Thomas More that your education here has prepared you to be. Be the champions of religious freedom

in full. In doing that, you will give America a new birth of freedom – freedom tethered to truth and ordered to goodness, freedom that sets us free in the noblest sense of human liberation.

Godspeed on your journey.