

# Never take religious liberty for granted

Catholics in Europe found that if they wanted freedom themselves, they must demand it for all. American Christians should take note

BY JAMES MUMFORD

Religious liberty is for losers. Only when you're denied it do you really gauge its value. Only then do you truly understand the preciousness of the right to practise your faith freely and publicly.

Right now American Christians increasingly feel they are losing. With the media stoking the culture wars, many people of faith, pulverised by hostile campaign groups and feeling betrayed by the government, think their whole way of life is under attack. The atmosphere has changed; that's their sense of it. It has turned hostile, and quickly. A florist in Washington state and a baker in Colorado have been sued for refusing to arrange flowers and bake cakes for same-sex marriages. In their defence they appealed to religious liberty. Why? Because religious liberty is for losers. Last month, the California state university system, comprising 450,000 students on 23 campuses, banned access to Christian student ministries for not allowing non-Christian leaders. This past summer President Obama signed an executive order on LGBT discrimination among federal contractors, sweeping aside the historic exemption for religious organisations.

The apparent novelty of these trends can seem intimidating. It's therefore worth framing this set of issues—culture wars, legal battles, clashes of rights—by seeking an historical perspective on the intriguing dynamic that communities learn something profound about liberty via the concrete experiences of suffering its loss. Iraq is a case in point, with the fate of the Shias under Saddam Hussein and more recently the Sunnis, not to mention Christians and other minorities. But turning to Europe, modern Catholicism supplies perhaps the most dramatic example. How did an institution adamantly opposed to religious liberty in 1800 become one of its leading advocates by 2000?

A profound comment by an important but much neglected Catholic historian is a good launchpad. After founding the first Catholic democratic party in 1919, the Partito Popolare Italiano, Sicilian priest Luigi Sturzo was outmaneuvered by Mussolini and fled to England. There, in 1939, he published his landmark book *Church and State*. At one point he proffers this reflection on the relationship between modern Catholicism and religious freedom. At the beginning of the 1800s, the Catholic Church “had been against the introduction of political liberties”. Yet “in the following period of veiled or open separation and strife the Church was compelled by events to demand these liberties for herself . . . if she would carry on her religious activity”. He continues:

But liberties are coherent or they cannot exist; if they were denied to the Church as the adversary of the State, they would soon be denied to all who were considered as adversaries of the State, till they became the monopoly of the Government . . . If on the other hand the Church demands them for herself, she admits or supposes that such liberties are general for all.

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For Sturzo, the story of modern Catholicism is of a Church brought to its senses by being brought to its knees. The Church learns from being on the losing side, and what it learns is the necessary reciprocity of religious freedom. If the Church demands them for herself she must “suppose that such liberties are general for all”. Yet is Sturzo's narrative too neat? Is the shift from the descriptive—what did happen—to the normative—what should have happened—too easy? Or does he get the story right?

The historical period Sturzo starts with, when the Church “had been against the introduction of political liberties”, is the Bourbon Restoration. After the paroxysms of the French Revolution and the Napoleonic Wars, the Great Powers attempted to turn the clock back and reestablish the theocratic union of throne and altar. It was a doomed project, but one attempted nonetheless. In France, no sooner was the church reinstated to its unassailable position than it clamped down on religious freedom for non-adherents. In 1818 Protestants who refused to decorate their houses for processions of the Blessed Sacrament were prosecuted.

Meanwhile, in Italy religious freedom was even more grossly restricted. “There is no clearer way to discover the popes' attitudes and policies towards the Jews,” remarks historian David Kertzer, “than seeing how the popes dealt with them when they had the power to do what they liked.” The power to do what they liked was restored to the popes with the return of their lands in 1815. To avoid, as an internal Inquisition report put it, “the danger of the perversion of the Catholic faithful”, the popes shamefully set about segregating Jews and Christians. Jews were forced into overcrowded, disease-ridden ghettos and banned from owning property outside them. In Rome they were forced to listen to sermons. When this persecution was questioned, Pope Gregory XVI retorted: “Disorders such as [Jews settling among Christians], while they may be illegally tolerated in secular states, cannot be tolerated in the Ecclesiastical state.” A pure theocracy meant no place for religious liberty.

Yet while the Church opposed religious freedom in countries where it held sway, in other European countries it was Catholics who found themselves the losers. In 1800, Britain's union with Ireland massively inflated the nation's Catholic population, rendering increasingly intolerable the injustice of the exclusion of Catholics from the political process. Across the channel, when the Dutch monarch William I absorbed Belgium into Holland in 1815, Calvinists seized control of education, to the chagrin of Catholics. Under Russian rule the Catholic Church in Poland was denied self-government.

This contradiction did not escape notice, provoking a powerful internal challenge to the Church. It came from a French Catholic priest, Félicité de Lamennais, and the movement he founded from the 1820s onwards. Vexed by what he did not hesitate to call “the murder of Poland, the dismemberment of Belgium and the conduct of governments which call



*Félicité de Lamennais: The French writer and priest believed that religious liberty had to be a reciprocal right*

themselves liberal”, Lamennais called on all Catholic nations to unite behind the cause of religious freedom “and the political liberties which are inseparable from them”. Why did this task fall above all to Catholics? Because, Lamennais declared, “they have greater need of it than all others”. He looked out across Europe and saw in how many places the losers were Catholics.

In his greatest rallying cry, the manifesto he entitled the “Act of Union”, Lamennais made two arguments which are remarkably salient today. First, ridding a society of theocratic rule does not mean questioning the public presence of the Church. On the contrary, Lamennais contended that freedom of religion must be shored up by freedom of education and association. Second, Catholics could not limit freedom “to their own religious beliefs”. He went on: “In each constitutional state, the rights which [Catholics] defend are

the public rights of all their fellow-citizens.” Lamennais had hit upon what Sturzo calls the “coherence” or reciprocity of rights.

When Lamennais ventured to Rome to persuade the Pope in person, however, his plea for pluralism fell on deaf ears. Gregory XVI thundered against “the erroneous proposition which claims liberty of conscience must be maintained for everyone”. Even though “some repeat over and over again with the greatest imprudence that some advantage accrues to religion from it”, one should expect nothing more from freedom of opinion than “transformation of minds, corruption of youth, contempt of sacred things and holy law”.

Lamennais took that as a “no”.

So Rome refused to learn from the experience of losing—in England, Belgium and then Poland—and ignored Lamennais’ challenge. Yet it was not long before the Church again suffered strife, again ►



*St John Paul II: Experience taught him the importance of freedom*

finding herself, in Sturzo's words, "compelled by events to demand these liberties for herself".

In Germany, Bismarck famously initiated the *Kulturkampf*, or "culture war", in the 1870s. His symbolic exclusion of Catholics from national culture was motivated in part by a view of Catholicism as a foil to modernity, an impediment to progress. Religious orders were banned, seminaries shut down, and the civil service cleansed of Catholics.

But persecution would not be confined to countries where Catholics were a minority. In France, the longer the Third Republic lasted, the more aggressive the policy of *laïcité* became. In 1901 the government passed a law of association requiring religious orders to gain residency permits in order to exist. Few of these permits were then granted. Becoming prime minister a year later Émile Combes closed 13,000 of France's 16,000 religious schools, boasting of his agenda:

Unlike the Catholic priest anathematising dissent from his bully pulpit—do we [not] impose upon others our rule of conduct and way of thinking... All we ask of religion—because we are entitled to do so—is that it keeps within its temples, that it limit its instruction to the faithful, and that it refrain from unwarrantable interference in the civil and political domain.

It was the Church's public presence, its outward-facing ministry, Combes could not and did not abide—precisely what Lamennais had shrewdly realised any defence of religious liberty needed to cover.

This time the Church was ready to learn from losing. The paradigm shift really begins with the remarkable pontificate of Leo XIII (1878-1903). The rise of the nation state, and then its turn against Catholicism, caused Leo fundamentally to rethink the freedom of the Church. But logically this meant rethinking not just the periods when the Church had suffered at the state's hands but also the times when the Church had benefited from an all-too-close relationship

with it. What did it really mean to maintain a proper distinction between the temporal and spiritual realms? And when the Church had drawn upon coercive force had it honoured that distinction? Leo began to think it had not, famously telling French Catholics intent on overthrowing the secular Third Republic (and crowning a new Christian Bourbon king through whom the church could rule once more) that their cause was lost and their thinking outdated.

It was left for others to draw the deepest implications of this paradigm shift. From Leo's conviction about the freedom of the Church flowed a conviction about the freedom of the believer. The Sorbonne-educated Parisian intellectual Jacques Maritain, the most influential lay Catholic thinker of the 20th century, worked through this logic in *Man and the State* (1951). He also drafted Article 18 of the Universal Declaration of Human Rights in 1948: "everyone has the right to freedom of thought, conscience and religion", including freedom to change your religion and freedom to practise it "in community with others".

Most important of all is the Second Vatican Council's Declaration on Religious Liberty, *Dignitatis Humanae* (1965). This is the moment when the Church really demonstrated what it had learnt from its own experiences of, in the declaration's own words, "force [being] brought to bear in any way in order to destroy or repress religion... in a particular country or in a definite community". Religious liberty is no political expedient—the Church has learnt that religious freedom must be rooted in the dignity of the human being. People are truth-seekers—therein lies their dignity—and the only authentic way of seeking truth is in the context of free inquiry.

But religious freedom must also have real content to it; it can't be too abstract. The declaration thus fleshes out what the right to the free exercise of religion must entail: on the one hand, immunity from being coerced into belief; on the other, immunity from being restrained from practising faith.

Next, the Church has had to learn that religious freedom will always be threatened if it is construed too narrowly. It must mean more than the right to pray silently to the God of your choosing in the privacy of your own room. It has to include what Combes despised: ministering in public, being allowed to be outward-facing, and to share freely what you believe to be true about the world.

Finally, the declaration shows the Church to have at last learnt the deepest lesson of all: "The right of all citizens and religious communities to religious freedom must be recognised and respected." The prophet Lamennais has finally been vindicated: religious liberty must be a reciprocal right.

Since the Second Vatican Council, and not just in the context of the fall of Communism, the role of the Catholic Church in pressing for religious freedom is difficult to dispute. The international ministry of Pope St John Paul II is a case in point, advocacy coming straight out of the experience of deprivation.

Returning to the US in 2014, this historical perspective, the lessons Catholics learnt from losing, suggests two things. First, though it is crucial to guard against alarmism—it's not as if American evangelicals are being subjected to the fate of their spiritual siblings in Iraq—it does feel as if *laïcité* has arrived in the US 100 years after it did in continental Europe. Religious discrimination, as Kent puts it in *King Lear*, follows "an old course in a country new". To make the comparison will prove an intelligent, sensitive way for people of faith to respond to being culturally marginalised. It is particularly important to observe, as we have seen, how aggressive secularism has it in for the public presence of the Church.

Second, if the experience of losing taught believers about the reciprocity of religious liberty rights, perhaps this is a truth they now need to press home to their opponents. The Church learnt, to cite Sturzo again, that "if the Church demands [liberties] for herself, she supposes such liberties are general for all". Maybe now she needs to turn this around and ask universities, courts and governments whether, if liberties are general for all, they should be for the Church too. Maybe the US interdenominational Christian student movement InterVarsity should swallow its pride, overcome its anger and—with a gentle heart—say to the the Alliance of Happy Atheists at the Californian state universities, "We recognise your table at the freshers' fair. Will you recognise ours too?" 