

Relativism or Relativity

Religious Freedom and the Family

Mary Shivanandan

Abstract. This article addresses the issue of whether the Church has the right, even the duty, to inform public debate on reproductive issues. It argues that to deny this right is an infringement of religious freedom. Drawing on the writings of Pope St. John Paul II, it shows how truth, freedom, and the good are intrinsically related. Legislating against the good of human life detaches it from both truth and freedom. When secularism separates freedom from any relationship with God, it tends toward individualism, utilitarianism, and hedonism. The relativism at the heart of *Roe v. Wade*, which enshrined abortion in the Constitution, struck a blow at the dignity of the human person and the family. If the child is seen as an object to be manipulated, not a gift, a pseudo freedom prevails, which ignores the relational character of the human person. This endangers not only the family, but democracy itself. *National Catholic Bioethics Quarterly* 16.4 (Winter 2016): 577–585.

Beginning with the passage of *Roe v. Wade* in 1973, which enshrined a woman's right to abortion in the US Constitution, debates about the role of the family in political, judicial, and legislative spheres have accelerated. In fact, the issue is now much broader, since the very composition of the family, the dignity of its various members, and its presence within the larger social order of our nation are at stake. Are interventions made on behalf of the family in opposition to abortion, assisted

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suicide, and homosexual marriage unwarranted impositions of religious belief on society? Or are they instead legitimate, indeed essential, perspectives to be brought to the public arena? Moreover, is the refusal to allow those views—even to punish those who hold them—a grave violation of religious liberty?¹ At such a critical time, it is worth looking back to the Church's position on religious freedom.

It is generally agreed that *Dignitatis humanae* marks a major step forward in the Church's understanding and endorsement of religious freedom.² Yet right from the beginning, arguments arose about the relationship of freedom to truth. In 1965, when the document was promulgated, the controversies over birth, marriage, and death had scarcely ruffled the surface of public concern. John Courtney Murray, one of the document's architects, acknowledged that governments' "first and principal concern for the common good [is] the effective protection of the human person and its dignity."³ But he did not feel it necessary to spell out what that dignity consists of beyond self-determination and an orientation to the good of society.

David Crawford, a professor at the John Paul II Institute for Studies on Marriage and Family, has argued that Murray's main understanding of religious freedom as a juridical, not an ontological, concept, comprising only immunity from state interference, opens the way for separating freedom from truth. Each self-determining individual is left free to decide for himself the nature of reality, even of good and evil.⁴ That is the definition of relativism: relating everything to oneself without taking into account the objective truth or reality of any thing or person outside oneself.

1. A good survey with examples from the United States, Canada, and Europe is Robert Trigg's *Equality, Freedom and Religion* (Oxford, UK: Oxford University Press, 2012). Helen Alvaré, in "Religious Freedom versus Sexual Expression: A Guide," expertly shows how promoting consensual sexual expression unlinked to children affects Catholic institutions (*Journal of Law and Religion* 30.3 [October 2015]: 475–495, doi: 10.1017/jlr.2015.21). Since unity in difference linked to procreation is at the heart of Catholic belief on the cosmological level, such a move is "tantamount to coercing [Catholics] to practice a different faith" (1).

2. Vatican Council II, *Dignitas humanae* (December 7, 1965). Herminio Rico declared that the document "has effected a definitive break, set an irreversible direction of openness and dialogue in the attitude of the Church toward the World." Herminio Rico, *John Paul II and the Legacy of Dignitatis Humanae* (Washington, DC: Georgetown University Press, 2002), 16.

3. John Courtney Murray, "Arguments for the Right to Religious Freedom," in *Religious Liberty: Catholic Struggles with Pluralism*, ed. J. Leon Hooper (Louisville, KY: Westminster/John Knox, 1993), 239, cited by David Crawford in "The Architecture of Freedom: John Paul II and John Courtney Murray on Religious Freedom," in *Catholicism and Religious Freedom: Contemporary Reflections on Vatican II's Declaration on Religious Liberty*, ed. Kenneth L. Grasso and Robert P. Hunt (Lanham, MD: Rowman and Littlefield, 2006), 198–199.

4. In *Planned Parenthood v. Casey*, 505 US 833 (1992), the plurality opinion written by Justices Kennedy, O'Connor, and Souter said in reference to the non-textual right to abortion (on p. 851 of that opinion), "Our precedents 'respected the private realm of family life which the state cannot enter.' . . . These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of

That relativism is now the recognized content of freedom can be seen in the work of Alan Wolfe, director of the Boisi Center for Religion and American Public Life at Boston College.

In his book *Moral Freedom*, Wolfe describes the nineteenth century as the century of economic freedom, the twentieth of political freedom, and the twenty-first of moral freedom, when each individual will determine for himself his moral and ethical standards.⁵ It is not coincidental that the first example Wolfe takes up is homosexual marriage, which calls into question the very identity of the traditional family.⁶ This understanding of moral freedom separates freedom and truth. In *Evangelium vitae*, Pope St. John Paul II says,

Freedom negates and destroys itself and becomes a factor leading to the destruction of others when it no longer recognizes and respects its essential link with the truth. When freedom, out of a desire to emancipate itself from all forms of tradition and authority, shuts out even the most obvious evidence of an objective and universal truth . . . then the person ends up by no longer taking as the sole and indisputable point of reference for his own choices the truth about good and evil, but only his subjective and changeable opinion or, indeed, his selfish interest and whim.⁷

Dignitatis humanae reiterates that all men are impelled by their nature as free and reasonable beings to seek the truth, especially religious truth. At the same time, they are called to be lovers of “true freedom—men that is who will form their own judgments in the light of truth, direct their activities with a sense of responsibility, and strive for what is true and just.”⁸

According to John Paul II, (1) freedom is intrinsically related to the truth and dignity of the human person created in God’s image; (2) freedom from its origin is relational; and (3) relations within the family cannot be detached from the truth of the human person as relational, who finds himself only through a sincere gift of self. In other words, relativity is at the heart of human nature, a relativity that recognizes the objective truth of the other as gift. The debate needs to move to this ontological level. Far from imposing a theocracy, the Church, especially through the thought of John Paul II, is contributing a vital component to our understanding of religious freedom, the dignity of the human person, and the welfare of society.

human life. Beliefs about these matters could not define the attributes of personhood were they formed under the compulsion of the State.”

5. Alan Wolfe, *Moral Freedom: The Search for Virtue in a World of Choice* (New York: W.W. Norton, 2001).

6. See Douglas Laycock, Anthony R. Picarello Jr., and Robin Fretwell Wilson, eds., *Same-Sex Marriage and Religious Liberty: Emerging Conflicts* (Lanham, MD: Rowman and Littlefield, 2008).

7. John Paul II, *Evangelium vitae* (April 6, 1995), n. 19.

8. Vatican Council II, *Dignitas humanae* (December 7, 1965), trans. John Courtney Murray, nn. 2, 8, in *The Documents of Vatican Council II*, ed. Walter M. Abbott (New York: Guild Press, 1966).

Inseparable Bond of Freedom, Truth, and the Good

In his detailed analysis of John Paul II and *Dignitatis humanae*, the Jesuit scholar Herminio Rico erroneously defends the separation of freedom from truth when he calls for the primacy of the individual's freedom. Freedom is joined to the responsible promotion of truth but not intrinsically. Like most commentators who adhere to democratic liberalism, Rico applauds John Paul II's commitment to political human rights. However, Rico and other critics accuse the Pope of uncompromising, dogmatic, and extreme positions on ethical questions.⁹ Rico uses *Evangelium vitae* as an example. John Paul II is indeed uncompromising in viewing the right to life as a fundamental right: "Upon the recognition of this right, every human community and the political community itself are founded."¹⁰ Far from seeing a dichotomy between human rights and the right to life, the Pope states in *Gift and Mystery* that his encounters with Nazism and Communism revealed a profound connection between the two concepts.¹¹

The Pope sees that attacks against life make it "increasingly difficult to grasp clearly the meaning of what man is, the meaning of his rights and duties." In fact, he says, the attacks "represent a direct threat to the entire culture of human rights."¹²

The source of this threat, he charges, lies in secularism, which promotes a "perverse idea of freedom," the autonomy of the individual separated from any idea of God. In such an atheistic environment, man loses the sense of his uniqueness among earthly creatures. "By living 'as if God does not exist,'" he loses sight also of "the mystery of his own being." This leads to utilitarianism, individualism, and hedonism.¹³ This rejection of God and its deleterious effect on the human person run like a refrain throughout *Evangelium vitae*. John Paul II sums it up in n. 96: "Where God is denied and people live as though he did not exist, or his commandments are not taken into account, the dignity of the human person and the inviolability of human life also end up being rejected or compromised."

Conversely, where the word of life is proclaimed, life acquires its full meaning and value, since eternal life is the end toward which life on earth is directed. The saving event of Jesus Christ is the guarantor of all human rights: "'By his incarnation the Son of God has united himself in some fashion with every human being.' This saving event reveals to humanity not only the boundless love of God who 'so loved

9. In *Pope John Paul II* (New York: Scribner, 1995), Tad Szulc writes that "the great novelty of John Paul II's reign was his dedication to religious liberty and tolerance" (315). Yet he uses the same phrases as Rico to describe the Pope's stance on moral issues: "inflexibility," "iron opposition to ordination of women," and "unbending insistence on priestly celibacy" (318).

10. John Paul II, *Evangelium vitae*, n. 2.

11. John Paul II, *Gift and Mystery* (New York: Doubleday, 1996), 66–67.

12. John Paul II, *Evangelium vitae*, nn. 11, 18.

13. *Ibid.*, nn. 21, 22.

the world that he gave his only Son' (John 3:16), but also the incomparable value of every human person."¹⁴

In *Veritatis splendor*, John Paul II is even more explicit about the "essential bond between Truth, the Good and Freedom." Here again, in this encyclical on the splendor of truth, he points to the fact that when the good of human life is rejected, truth suffers as a consequence. Man begins to doubt that there can be any true salvation. All that is left is a commitment to a detached freedom that decides for itself both good and evil. Such an attempt to separate freedom from truth results in an even more grave consequence, the separation of faith from its moral content. For faith is "a decision involving one's whole existence" and is deeply bound up with obeying God's commandments. "Only God, the Supreme Good, constitutes the unshakeable foundation and essential condition of morality." Man's freedom is a constituent of his nature, but it is given to him within the truth of his being as ordered to the good, ultimately, the good of eternal life.¹⁵

The Relational Nature of Freedom

Man's life is intimately linked to God. "The dignity of this life," says John Paul II, "is linked not only to its beginning, to the fact that it comes from God, but also to its final end, to its destiny of fellowship with God in knowledge and love of him."¹⁶ As Crawford points out, a person's freedom does not preexist his relationship with God. It is that preexisting relation that allows him to make the decision for or against God. Religious freedom can never be simply a juridical construct. Freedom, as part of the *imago Dei*, comes to men as a gift and finds its fulfillment in a reciprocal gift of self. This notion of freedom as a prior gift to the person whose freedom is fulfilled in becoming a gift to another opens up perspectives of religious freedom that mere immunity from state interference cannot encompass. It places the understanding of religious freedom, indeed all freedom, in its proper theological context.

Crawford draws from John Paul II's encyclicals what he calls "freedom's architecture," which arises from "within the gift character of creaturehood."¹⁷ Central to the Pope's understanding of man is a passage from *Gaudium et spes*, which states that "man is the only creature on earth that God wanted for its own sake" and that "man can fully discover his true self only in a sincere giving of himself."¹⁸ In other words, freedom is a gift from God, given for man to freely give himself as a gift. In *Veritatis splendor*, the Pope describes Christ's total gift of himself on the cross as the "authentic meaning of freedom"; freedom is "ultimately directed towards communion."¹⁹ Man cannot give himself as a gift without the freedom of self-determination and self-possession. Paradoxically, this same freedom offers the

14. Ibid., nn. 2, 29.

15. John Paul II, *Veritatis splendor* (October 14, 1993), nn. 84, 86, 88, 89, 99.

16. John Paul II, *Evangelium vitae*, n. 38.

17. Crawford, "Architecture of Freedom," 209.

18. Vatican Council II, *Gaudium et spes* (December 7, 1967), n. 24, quoted in John Paul II, General audience (August 26, 1998), n. 3.

19. John Paul II, *Veritatis splendor*, nn. 85, 86.

possibility of making oneself over to another as a gift, and Christ tells us our true freedom and fulfillment lie in that self-bestowal.²⁰

As John Paul II amply demonstrates in his catechesis on human love, man is more fully the image of God as a Trinity of Persons in the moment of communion.²¹ The Pope spells this out explicitly in *Evangelium vitae*: “God entrusts us to one another. And it is also in view of this entrusting that God gives everyone freedom, a freedom which possesses an inherently relational dimension. This is a great gift of the Creator, placed as it is at the service of the person and of his fulfillment through the gift of self and openness to others; but when freedom is made absolute in an individualistic way, it is emptied of its original content, and its very meaning and dignity are contradicted.”²²

The Family

In the first encyclical of his papacy, *Redemptor Hominis*, John Paul II writes, “Man cannot live without love. He remains a being incomprehensible for himself, his life is senseless, if love is not revealed to him, if he does not encounter love, if he does not experience it and make it his own, if he does not participate intimately in it.” It is in the love revealed by Jesus Christ that “man finds again the greatness, dignity and value that belong to his humanity.”²³ It is in the family above all that human love is experienced. In fact, the mission of the family is to “guard, reveal and communicate love.”²⁴ Its role is “decisive and irreplaceable.” Emphatically, John Paul II states that “there is no true freedom where life is not welcomed and loved; and there is no fullness of life except in freedom.”²⁵ In other words, freedom and love are inextricably linked. It is this link between freedom, life, and love that compels the Church to speak out on so many issues that affect the essence of the family as a communion of life and love, such as divorce, homosexual marriage, and certain assisted reproductive technologies.

Let us compare what the Church teaches about the family to the message our culture implicitly gives through technological manipulation of sexuality and procreation. In *Gratissimam sane*, John Paul II contrasts the civilization of love, which has the family as its center, with the anti-civilization of agnosticism and utilitarianism. Instead of being a gift, the child is seen as a hindrance to the woman’s self-realization or a product to be purchased from a fertility clinic. The woman, often with her own unwitting cooperation, becomes a mere object of sexual desire. With contraception and abortion readily available, she absolves the man of making a true gift of himself. A pseudo-freedom belongs to both, one that short-circuits the total gift of self, which alone can fulfill their freedom.²⁶ The lure of such pseudo-freedom led the Obama

20. Crawford, “Architecture of Freedom,” 204.

21. John Paul II, *Theology of the Body: Human Love in the Divine Plan* (Boston, MA: Pauline Books and Media, 1997).

22. John Paul II, *Evangelium vitae*, n. 19.

23. John Paul II, *Redemptor Hominis* (March 4, 1979), n. 10.

24. John Paul II, *Familiaris consortio* (November 22, 1981), n. 17, emphasis added.

25. John Paul II, *Evangelium vitae*, nn. 92, 96.

26. John Paul II, *Gratissimam sane*, Letter to Families (February 2, 1994), n. 13.

administration in 2012 to issue, in the name of women's reproductive health and autonomy, a contraceptive mandate that compels organizations that are not actual churches to cover employees' contraceptive costs or be subject to prohibitive fines.²⁷

In *Gratissimam sane*, John Paul II speaks a great deal about the connection between freedom, truth, and love. The gift character of the human person demands freedom. He must be free both to give himself and to receive in a way that honors his dignity and humanity. Bodily sexual union is the sign of the total gift of self between a man and a woman. The fact that man is a body is intimately bound up with his dignity as a person and as a gift. To treat the body as mere raw material that can be molded according to the desires of the individual denies the very nature of the person as a unity of body and soul. As Pope Benedict XVI says, "Although in modern culture, the concept of 'human nature' seems to have been lost, the fact remains that human rights cannot be understood without presupposing that man, in his very being, is the bearer of values and norms that must be rediscovered and reaffirmed, not invented and imposed in a subjective and arbitrary manner."²⁸ One might say that relativism has been enshrined in the US Constitution as a result of *Roe v. Wade*.

This applies both to values, such as masculinity and femininity and their ordination to union and fruitfulness, and to the nature of the human embryo. It is specious, for example, to claim that "no one thinks that blastocysts (the microscopic balls of human cells from which embryonic stem cells are derived four or five days after fertilization) are actual people, and potentiality alone is not a sufficient basis for rights. We do not, for instance, think that a child of ten who has the potential to become medically qualified actually has the right to practise as a physician."²⁹

Medical qualification adds an extrinsic quality to the human being. There is no inevitability that the ten-year-old child will become a doctor, whereas the human blastocyst, if allowed to develop normally, inevitably shows itself to be a human person. This intrinsic humanness of the blastocyst accords it rights. Otherwise, at what stage of development do rights begin?

The Public Debate

Abortion and all the other life and family issues are not likely to go away. In fact, they are increasing daily, with right-to-die initiatives in several states and with the Supreme Court's decision of *Obergefell v. Hodges* legalizing same-sex marriage in 2015.³⁰ These issues cannot be separated from the issue of religious freedom, as

27. An exception has been made for the closely held corporation Hobby Lobby, and as of this writing, an order has been issued to the parties representing the Little Sisters of the Poor to work out an accommodation.

28. "Benedict XVI Stresses Inviolability of Human Values," *Zenit*, December 1, 2005, <https://www.zenit.org/>.

29. Onora O'Neill, "The Ethical Dimension," *Cambridge Alumni Magazine* 46, (Michaelmas Term, 2005), 24.

30. See Patrick N. Cain and David Ramsay, eds., *America Constitutionalism, Marriage and the Family: Obergefell v. Hodges and U.S. v. Windsor in Context* (Lanham, MD: Lexington Books, 2016).

Herminio Rico implies, because they deal with absolutes. As Benedict XVI says, “Prior to any positive law emanated by states, such rights are universal, inviolable, and inalienable, and must be recognized as such by everyone, especially by the civil authorities who are called to promote them and guarantee that they are respected.”³¹ Crawford concludes his discussion of Murray on religious freedom by noting Murray’s emphasis on the need for a public conversation and consensus.³² Murray recognizes that no society can survive if it cuts itself off from foundational truths, but the public debate itself cannot be fruitful if it is based on a concept of freedom severed from truth and the good.

There is increasing recognition in the United States that the discussion that should have taken place on abortion was short-circuited by the Supreme Court decision in *Roe v. Wade*, which legalized abortion through virtually all nine months of pregnancy.³³ In 1968, a University of Alabama Law professor suggested that, rather than legalize abortion through the democratic process in state legislatures, it would be quicker to secure it as a right through judicial fiat. A privacy right was conjured up from the Fourteenth Amendment. This privacy right now extends far beyond abortion. It has come to mean “personal autonomy—everyone’s right to do whatever he or she pleases so long as others are not harmed.”³⁴

When abortion became a matter of constitutional law, the opportunity for principled discussion of the ultimate values involved was cut short. As Justice Antonin Scalia wrote, *Roe v. Wade* “destroyed the compromises of the past, [and] rendered compromise impossible in the future. . . . To portray *Roe* as the statesmanlike ‘settlement’ of a divisive issue . . . is nothing less than Orwellian.”³⁵ Confrontational politics took over, with the religious right on the losing side and secular liberalism ostensibly on the other. Yet according to several opinion polls, the majority of Americans declare that abortion should be illegal in the second (71 percent) and third (86 percent) trimesters of pregnancy.³⁶ Because of *Roe v. Wade*, these views can find no expression in state legislatures or state laws.³⁷

31. “Benedict XVI Stresses Inviolability of Human Values,” *Zenit*.

32. Crawford, “Architecture of Freedom,” 215.

33. See *Roe v. Wade*, 410 US 113 (1973), *Doe v. Bolton*, 410 US 179 (1973), and *Planned Parenthood v. Casey*, 505 US 833 (1992).

34. George F. Will, “The Abortion Argument We Missed,” *Washington Post*, December 1, 2005, <http://www.washingtonpost.com/>.

35. Kevin A. Ring, ed., *Scalia Dissents: Writings of the Supreme Court’s Wittiest, Most Outspoken Justice* (Washington, DC: Regnery, 2004), 128–129. *Planned Parenthood v. Casey* brought about just the kind of extremist situation of *Pilgrims v. Park Rangers* that Kevin Seamus Hasson describes in his book *The Right to Be Wrong: Ending the Culture War over Religion in America* (San Francisco: Encounter Books, 2005), 1–7.

36. Lydia Saad, “Common State Abortion Restrictions Spark Mixed Reviews,” Gallup, July 25, 2011, <http://www.gallup.com/poll/148631/common-state-abortion-restrictions-spark-mixed-reviews.aspx>.

37. *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 US 747, 814 (1986) (O’Connor, J., dissenting).

In such circumstances, the Church has a duty to inform public debate. There is recognition that *Evangelium vitae* has, in fact, significantly influenced public discussion. The November 2005 issue of *Washingtonian*, a magazine read widely by policy makers in the capital, lists a handful of titles in the last forty years that “have moved the debate.” Among them are such influential books as Alan Bloom’s *The Closing of the American Mind* and Francis Fukuyama’s *The End of History and the Last Man*. *Evangelium vitae* merits the following evaluation: “From its use of such phrases as ‘culture of life’ and ‘culture of death’ to its insistence that human life must be protected at every stage, Pope John Paul II’s 1995 encyclical laid the foundation for today’s evangelical conservatives. A book that reaches far beyond its Catholic roots.”³⁸

Speaking to American bishops on the relationship between democracy and the moral life, John Paul II said, “Your country prides itself on being a realized democracy, but democracy is itself a moral adventure, a continuing test of a people’s capacity to govern themselves in ways that serve the common good and the good of individual citizens. The survival of a particular democracy depends not only on its institutions, but to an even greater extent on the spirit which inspires and permeates its procedures for legislating, administering, and judging.”³⁹

38. Howard Means, “Books That Changed Washington,” *Washingtonian*, November 2005, <https://www.washingtonian.com/>.

39. John Paul II, Address to the Bishops of Texas, Oklahoma and Arkansas (June 27, 1998).