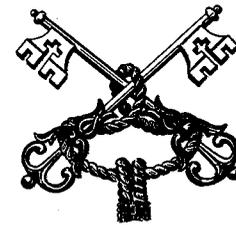


The Freedom of Conscience and of Religion

By His Holiness
POPE JOHN PAUL II

September 1, 1980



ST. PAUL EDITIONS

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Printed in the U.S.A. by the Daughters of St. Paul
50 St. Paul's Ave., Boston, MA 02130

The Daughters of St. Paul are an international congregation of religious women
serving the Church with the communications media.

On the eve of the Madrid Conference on European Security and Cooperation, September 1, 1980, His Holiness Pope John Paul II sent a personal letter to the heads of state of the nations who signed the Helsinki Final Act (1975), enclosing the following document wherein he submits for their consideration and that of their respective governments an extensive reflection on the value and content of freedom of conscience and of religion with special reference to the implementation of the Final Act.

1. Because of her religious mission, which is universal in nature, the Catholic Church feels deeply committed to assisting today's men and women in advancing the great cause of justice and peace so as to make our world ever more hospitable and human. These are noble ideals to which people eagerly aspire and for which governments carry a special responsibility. At the same time, because of the changing historical and social situation, their coming into effect—in order to be ever more adequately adapted—needs the continued contribution of new reflections and initiatives, the value of which will depend on the extent to which they proceed from multilateral and constructive dialogue.

If one considers the many factors contributing to peace and justice in the world, one is struck by the ever increas-

ing importance, under their particular aspect, of the widespread aspiration that all men and women be guaranteed equal dignity in sharing material goods, in effectively enjoying spiritual goods, and consequently in enjoying the corresponding inalienable rights.

During these last decades the Catholic Church has reflected deeply on the theme of human rights, especially on freedom of conscience and of religion; in so doing, she has been stimulated by the daily life experience of the Church herself and of the faithful of all areas and social groups. The Church would like to submit a few special considerations on this theme to the distinguished authorities of the Helsinki Final Act's signatory countries, with a view to encouraging a serious examination of the present situation of this liberty so as to ensure that it is effectively guaranteed everywhere. In doing so, the Church feels she is acting in full accord with the joint commitment contained in the Final Act, namely, "to promote and encourage the effective exercise of civil, political, economic, social, cultural, and other liberties and rights, all deriving from the dignity inherent in the human person, and essential for his free and integral development"; she thus intends to make use of the criterion acknowledging "the universal importance of human rights and fundamental liberties, the respect of which is an essential factor of peace, justice, and welfare necessary to the development of friendly relationships and cooperation among them and among all States."

International Community's Interest

2. It is noted with satisfaction that during the last decades the international community has shown interest in the safeguarding of human rights and fundamental liberties and has carefully concerned itself with respect for freedom of conscience and of religion in well-known documents such as:

a) the UN Universal Declaration on Human Rights of December 10, 1948 (article 18);

b) the International Covenant on Civil and Political Rights approved by the United Nations on December 16, 1966 (article 18);

c) the Final Act of the Conference on European Security and Cooperation, signed on August 1, 1975 ("Questions related to security in Europe, 1, a. Declaration on the principles governing mutual relationships among participating states: VIII. Respect for human rights and fundamental liberties, including freedom of thought, conscience, religion or conviction").

Furthermore, the Final Act's section on cooperation regarding "contacts among persons" has a paragraph wherein the participating states "confirm that religious cults, and religious institutions and organizations acting within the constitutional framework of a particular state, and their representatives, may, within the field of activity, have contacts among themselves, hold meetings and exchange information."

Moreover, these international documents reflect an ever growing worldwide conviction resulting from a progressive evolution of the question of human rights in the legal doctrine and public opinion of various countries. Thus today most state constitutions recognize the principle of respect for freedom of conscience and religion in its fundamental formulation as well as the principle of equality among citizens.

On the basis of all the formulations found in the foregoing national and international legal instruments, it is possible to point out the elements providing a framework and dimension suitable for the full exercise of religious freedom.

First, it is clear that the starting point for acknowledging and respecting that freedom is the dignity of the human person, who experiences the inner and indestructible exigency of acting freely "according to the imperatives of his own conscience" (cf. text of the Final Act under (c) above). On the basis of his personal convictions, man is led to recognize and follow a religious or metaphysical concept involving his whole life with regard to fundamental choices and attitudes. This inner reflection, even if it does not result in an explicit and positive assertion of faith in God, cannot but be respected in the name of the dignity of each one's conscience, whose hidden searching may not be judged by others. Thus, on the one hand,

each individual has the right and duty to seek the truth, and, on the other hand, other persons as well as civil society have the corresponding duty to respect the free spiritual development of each person.

This concrete liberty has its foundation in man's very nature, the characteristic of which is to be free, and it continues to exist—as stated in the Second Vatican Council's declaration—"even in those who do not live up to their obligation of seeking the truth and adhering to it; the exercise of this right is not to be impeded, provided that the just requirements of public order are observed" (*Dignitatis humanae*, no. 2).

A second and no less fundamental element is the fact that religious freedom is expressed not only by internal and exclusively individual acts, since human beings think, act and communicate in relationship with others; "professing" and "practicing" a religious faith is expressed through a series of visible acts, whether individual or collective, private or public, producing communion with persons of the same faith, and establishing a bond through which the believer belongs to an organic religious community; that bond may have different degrees or intensities according to the nature and the precepts of the faith or conviction one holds.

Church's Thinking on the Subject

3. The Catholic Church has synthesized her thinking on this subject in the Second Vatican Council's Declaration, *Dignitatis humanae*, promulgated on December 7, 1965, a document which places the Apostolic See under a special obligation.

This declaration had been preceded by Pope John XXIII's Encyclical, *Pacem in terris*, dated April 11, 1963, which solemnly emphasized the fact that everyone has "the right to be able to worship God in accordance with the right dictates of his conscience."

The same declaration of the Second Vatican Council was then taken up again in various documents of Pope Paul VI, in the 1974 Synod of Bishops' message, and more recently in the

message to the United Nations Organization during the papal visit on October 2, 1979, which repeats it essentially: "In accordance with their dignity, all human beings, because they are persons, that is, beings endowed with reason and free will and, therefore, bearing a personal responsibility, are both impelled by their nature and bound by a moral obligation to seek the truth, especially religious truth. They are also bound to adhere to the truth once they come to know it and to direct their whole lives in accordance with its demands" (*Dignitatis humanae*, no. 2). "The practice of religion by its very nature consists primarily of those voluntary and free internal acts by which a human being directly sets his course towards God. No merely human power can either command or prohibit acts of this kind. But man's social nature itself requires that he give external expression to his internal acts of religion, that he communicate with others in religious matters and that he profess his religion in community" (*Dignitatis humanae*, no. 3).

"These words," the UN address added, "touch the very substance of the question. They also show how even the confrontation between the religious view and the agnostic or even atheistic view of the world, which is one of the 'signs of the times' of the present age, could preserve honest and respectful human dimensions without violating the essential rights of conscience of any man or woman living on earth" (Address to the 34th General Assembly of the United Nations, no. 20).

On the same occasion, the conviction was expressed that "respect for the dignity of the human person would seem to demand that, when the exact tenor of the exercise of religious freedom is being discussed or determined with a view to national laws or international conventions, the institutions that are by their nature at the service of religion should also be brought in." This is because, when religious freedom is to be given substance, if the participation of those most concerned in it and who have special experience of it and responsibility for it is omitted, there is a danger of setting arbitrary norms of application and of "imposing, in so intimate a field of man's life, rules or restrictions that are opposed to his true religious needs" (Address to the UN 34th General Assembly, no. 20).

On the Personal and Community Levels

4. In the light of the foregoing premises and principles, the Holy See sees it as its right and duty to envisage an analysis of the specific elements corresponding to the concept of "religious freedom" and of which they are the application insofar as they follow from the requirements of individuals and communities, or insofar as they are necessary for enabling them to carry out their concrete activities. In fact, in the expression and practice of religious freedom, one notices the presence of closely interrelated individual and community aspects, private and public, so that enjoying religious freedom includes connected and complementary dimensions:

a) *at the personal level*, the following have to be taken into account:

—freedom to hold or not to hold a particular faith and to join the corresponding confessional community;

—freedom to perform acts of prayer and worship, individually and collectively, in private or in public, and to have churches or places of worship according to the needs of the believers;

—freedom for parents to educate their children in the religious convictions that inspire their own life, and to have them attend catechetical and religious instruction as provided by their faith community;

—freedom for families to choose the schools or other means which provide this sort of education for their children, without having to sustain directly or indirectly extra charges which would in fact deny them this freedom;

—freedom for individuals to receive religious assistance wherever they are, especially in public health institutions (clinics and hospitals), in military establishments, during compulsory public service, and in places of detention;

—freedom, at personal, civic or social levels, from any form of coercion to perform acts contrary to one's faith, or to receive an education or to join groups or associations with principles opposed to one's religious convictions;

—freedom not to be subjected, on religious grounds, to forms of restriction and discrimination, *vis-à-vis* one's fellow citizens, in all aspects of life (in all matters concerning one's

career, including study, employment or profession; one's participation in civic and social responsibilities, etc.).

b) *at the community level*, account has to be taken of the fact that religious denominations, in bringing together believers of a given faith, exist and act as social bodies organized according to their own doctrinal principles and institutional purposes.

The Church as such, and confessional communities in general, need to enjoy specific liberties in order to conduct their life and to pursue their purposes; among such liberties the following are to be mentioned especially:

—freedom to have their own internal hierarchy or equivalent ministers freely chosen by the communities according to their constitutional norms;

—freedom for religious authorities (notably, in the Catholic Church, for bishops and other ecclesiastical superiors) to exercise their ministry freely, ordain priests or ministers, appoint to ecclesiastical offices, communicate and have contacts with those belonging to their religious denomination;

—freedom to have their own institutions for religious training and theological studies, where candidates for priesthood and religious consecration can be freely admitted;

—freedom to receive and publish religious books related to faith and worship, and to have free use of them;

—freedom to proclaim and communicate the teaching of the faith, whether by the spoken or the written word, inside as well as outside places of worship, and to make known their moral teaching on human activities and on the organization of society: this being in accordance with the commitment, included in the Helsinki Final Act, to facilitate the spreading of information, of culture, of exchange of knowledge and experiences in the field of education; which corresponds, moreover, in the religious field to the Church's mission of evangelization;

—freedom to use the media of social communication (press, radio, television) for the same purpose;

—freedom to carry out educational, charitable, and social activities so as to put into practice the religious precept of love for neighbor, particularly for those most in need.

Furthermore:

—With regard to religious communities which, like the Catholic Church, have a supreme authority responsible at world level (in line with the directives of their faith) for the unity of communion that binds together all pastors and believers in the same confession (a responsibility exercised through Magisterium and jurisdiction): freedom to maintain mutual relations of communication between that authority and the local pastors and religious communities; freedom to make known the documents and texts of the Magisterium (encyclicals, instructions, etc.);

—at the international level: freedom of free exchange in the field of communication, cooperation, religious solidarity, and more particularly the possibility of holding multi-national or international meetings;

—also at the international level, freedom for religious communities to exchange information and other contributions of a theological or religious nature.

Person's Primary Right

5. As was said earlier, freedom of conscience and of religion, including the aforementioned elements, is a primary and inalienable right of the human person; what is more, insofar as it touches the innermost sphere of the spirit, one can even say that it upholds the justification, deeply rooted in each individual, of all other liberties. Of course, such freedom can only be exercised in a responsible way, that is, in accordance with ethical principles and by respecting equality and justice, which in turn can be strengthened, as mentioned before, through dialogue with those institutions whose nature is to serve religion.

No Geographical Borders

6. The Catholic Church is not confined to a particular territory and she has no geographical borders; her members are men and women of all regions of the world. She knows, from many centuries of experience, that suppression, violation

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or restriction of religious freedom have caused suffering and bitterness, moral and material hardship, and that even today there are millions of people enduring these evils. By contrast, the recognition, guarantee and respect of religious freedom bring serenity to individuals and peace to the social community; they also represent an important factor in strengthening a nation's moral cohesion, in improving people's common welfare, and in enriching the cooperation among nations in an atmosphere of mutual trust.

In addition, the wholesome implementation of the principle of religious freedom will contribute to the formation of citizens who, in full recognition of the moral order, "will be obedient to lawful authority and be lovers of true freedom; people, in other words, who will come to decisions on their own judgment, and, in the light of truth, govern their activities with a sense of responsibility, and strive after what is true and right, willing always to join with others in cooperative effort" (*Dignitatis humanae*, no. 8).

Moreover, if it is properly understood, religious freedom will help to ensure the order and common welfare of each nation, of each society, for, when individuals know that their fundamental rights are protected, they are better prepared to work for the common welfare.

Respect for this principle of religious freedom will also contribute to strengthening international peace which, on the contrary, is threatened by any violation of human rights, as pointed out in the aforementioned UN address, and especially by unjust distribution of material goods and violation of the objective rights of the spirit, of human conscience and creativity, including man's relation to God. Only the effective protection of the fullness of rights for every individual without discrimination can guarantee peace down to its very foundations.

To Serve the Cause of Peace

7. In this perspective, through the above presentation the Holy See intends to serve the cause of peace, in the hope it may

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contribute to the improvement of such an important sector of human and social life, and thus of international life also.

It goes without saying that the Apostolic See has no thought or intention of failing to give due respect to the sovereign prerogatives of any state. On the contrary, the Church has a deep concern for the dignity and rights of every nation; she has the desire to contribute to the welfare of each one and she commits herself to do so.

Thus the Holy See wishes to stimulate reflection, so that the civil authorities of the various countries may see to what extent the above considerations deserve thorough examination. If such reflection can lead to recognizing the possibility of improving the present situation, the Holy See declares itself fully available to open a fruitful dialogue to that end, in a spirit of sincerity and openness.

From the Vatican, September 1, 1980.

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