

“Religious Freedom, source and synthesis of our human rights”

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“The source and synthesis of these [human] rights is religious freedom”
John Paul II, *Centisimus Annus*, n.47.

The object of this study is the sense and scope of this thesis. The immediate context of this affirmation holds the necessity that democracies have solid juridical orders, founded upon the recognition of human rights. In this field, John Paul II recalls that the principle rights:

... the right to life, an integral part of which is the right of the child to develop in the mother's womb from the moment of conception; the right to live in a united family and in a moral environment conducive to the growth of the child's personality; the right to develop one's intelligence and freedom in seeking and knowing the truth; the right to share in the work which makes wise use of the earth's material resources, and to derive from that work the means to support oneself and one's dependents; and the right freely to establish a family, to have and to rear children through the responsible exercise of one's sexuality. In a certain sense, the source and synthesis of these rights is religious freedom, understood as the right to live in the truth of one's faith and in conformity with one's transcendent dignity as a person¹.(CA 47)

Similar lists to this can be found in other documents of John Paul II, but without the explicit affirmation of source and synthesis of religious liberty². Moreover, offering a list of human rights in *Christifidelis laici* (CFL), the Holy Father qualifies the right to life as the most basic and fundamental right and the condition for all other personal rights³.

In the audience granted to the North American president G. W. Bush (VII-23-01), John Paul II dealt with these rights. He stated that, “respect for human dignity finds one of its highest expressions in religious freedom⁴”, and that the right to life, despite the actual coarsening of consciences bliss to it's recognition, continues to be “the most fundamental of human rights⁵”.

¹ Cf. World day for Peace messages 1988 and 1991; and 2nd Vatican Council, Declaration Dignitatis humanae, regarding religious liberty, nn. 1-2.

² “[...] the right to life and to integrity, the right to a house and to work, the right to a family and responsible parenthood, the right to participation in public and political life, the right to freedom of conscience and the practice of religion.” (CFL n.5). “[...] the right to life at every stage of its existence; the rights of the family, as the basic social community, or "cell of society"; justice in employment relationships; the rights inherent in the life of the political community as such; the rights based on the transcendent vocation of the human being, beginning with the right of freedom to profess and practice one's own religious belief.” (SRS, n.33)

³ “Above all, the common outcry, which is justly made on behalf of human rights—for example, the right to health, to home, to work, to family, to culture— is false and illusory if *the right to life*, the most basic and fundamental right and the condition for all other personal rights, is not defended with maximum determination.” (CFL 38)

⁴ “Respect for human dignity finds one of its highest expressions in religious freedom. This right is the first listed in your nation's Bill of Rights, and it is significant that the promotion of religious freedom continues to be an important goal of American policy in the international community. I gladly express the appreciation of the whole Catholic Church for America's commitment in this regard.” (n.3)

⁵ “Another area in which political and moral choices have the gravest consequences for the future of civilization concerns the most fundamental of human rights, the right to life itself. Experience is already showing how a tragic coarsening of consciences accompanies the assault on innocent human life in the womb, leading to accommodation

Thus we ought to pose the question, in what sense does the Holy Father refer to religious freedom as source and synthesis of human rights, among those which are included, the right to life when he uses the phrase “in a certain sense.”

The scope of this work is the clarification of *this sense*. For this end, it is necessary to determine (1) in what sense is the right to life the most basic and fundamental and even origin (2) what does John Paul II understand, in continuity with the Magisterium of the Church, by religious freedom, (3) in what does it consist and from where does it originate its character of source and synthesis of human rights, and (4) what relation can be established between these two rights; it will be considered peripherically in the forth problem of the possible conflicts between both rights: as might be suicide in the case of “religiously motivated” terrorism, patients that decline necessary blood transfusions for religious convictions, and martyrs that prefer to see themselves deprived of their life than to deny their faith.

1. The Primary, Unconditional and Fundamental Right

Even amidst difficulties and uncertainties, man is open to truth and goodness, «by the light of reason and the hidden action of grace, come to recognize in the natural law written in the heart (cf. *Rom* 2:14-15) the sacred value of human life from its very beginning until its end, and can affirm the right of every human being to have this primary good respected to the highest degree» (EV 2).

The qualifications which the Magisterium reserves to the human right to life perennially: «have been considered as primary and fundamental rights, and root and foundation of all other rights»; the Church demands the «unconditional respect of the right to life of all innocent persons» (EV 101). «Human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person – among which is the inviolable right of every innocent being to life» (CCC 2270). «Human life is sacred because from its beginning it involves the creative action of God and it remains for ever in a special relationship with the Creator, whi is its sole end. God alone is the Lord of life from its beginning until its end: no one can under any circumstance claim for himself the right directly to destroy an innocent human being» (CCC 2258).

It is a primary and fundamental right of the human person, not an acknowledgement of society or the State. Moreover, the Magisterium has frequently affirmed that the acknowledgement of the right to life is “founded in human confraternity and the political community» (EV 2); « It is impossible to further the common good without acknowledging and defending the right to life, upon which all the other inalienable rights of individuals are founded and from which they develop. A society lacks solid foundations when, on the one hand, it asserts values such as the dignity of the person, justice and peace, but then, on the other hand, radically acts to the contrary by allowing or tolerating a variety of ways in which human life is devalued and violated, especially where it is weak or marginalized. Only respect for life can be the foundation and guarantee of the most precious and essential goods of society, such as democracy and peace» (EV 101).

and acquiescence in the face of other related evils such as euthanasia, infanticide and, most recently, proposals for the creation for research purposes of human embryos, destined to destruction in the process.” (n.4)

The reason is fairly obvious: if the existence of the subjects rights are not guaranteed, there is no sense for a juridical ordering of society, that has no other meaning than to serve the person. To deny the person this right to life, not only empties the sense of the juridical social order but moreover renders impossible the realization of the common good which is the end of both society and the State (Cf. EV 72). A “humane” State is that which recognizes as its primary duty, the defense of the fundamental rights of the person and especially those of the weakest (Cf. EV 56).

«The inalienable right to life of every innocent human individual is a *constitutive element of a civil society and its legislation*:

"The inalienable rights of the person must be recognized and respected by civil society and the political authority. These human rights depend neither on single individuals nor on parents; nor do they represent a concession made by society and the state; they belong to human nature and are inherent in the person by virtue of the creative act from which the person took his origin. Among such fundamental rights one should mention in this regard every human being's right to life and physical integrity from the moment of conception until death." (DV, III, p.36). "The moment a positive law deprives a category of human beings of the protection which civil legislation ought to accord them, the state is denying the equality of all before the law. When the state does not place its power at the service of the rights of each citizen, and in particular of the more vulnerable, the very foundations of a state based on law are undermined. . . . As a consequence of the respect and protection which must be ensured for the unborn child from the moment of conception, the law must provide appropriate penal sanctions for every deliberate violation of the child's rights'» (CCC 2273).

2. Right to Religious Freedom

The expression which is object of our study refer to the numbers 1 and 2 of the Declaration *Dignitatis Humanae* of Vatican II and to messages of John Paul II on the occasion of the World Day of Peace in 1988 and 1991.

In the message of the Council to all mankind (XII-7-65), Paul VI directing himself to the political leaders referred to the Declaration *Dignitatis Humanae* (DH) as “one of the most important texts of his Council”. A revolutionary text. Cardinal Avery Dulles considers that “one of the most striking developments in twentieth-century Catholicism was the doctrine of religious freedom set forth by [*Dignitatis Humanae*]”⁶. So revolutionary, “that the far left and right have been in heated agreement that this pamphlet sized document augers a revolution — or, as Hans Kung put it, a “mutation” — rather than an evolution. Archbishop Lefebvre, for example, refused to sign it. Since 1965, any number of prominent theological dissenters — Hans Kung, Richard McBrien, Charles Curran, Juan Luis Segundo — have appealed to DH in support of the position that because the Church changed its official teaching on religious liberty it is liable to do so on other issues as well⁷”

K. O’Flannery considers that that the “developed” doctrine of DH consists in the idea that there exists a human right corresponding to the “bear act of faith,” i.e., the act of faith considered

⁶ A. Dulles, *Religious Freedom: Innovation and Development*, in *First Things*, n. 118, December 2001, pp. 35-39.

⁷ “*How to read Dignitatis Humanae on Establishment of Religion*”, in *CATHOLIC DOSSIER*, March-April 2000.; Also Cf. *ORIGINS*, March 27, 1986. Theologians Hans Kung, Richard MacBrien and Juan Luis Segundo intended to make the same interpretative reading.

independently of its content.⁸ Along with this conception is also the description of the common good as “consists in the entirety of those conditions of social life under which men enjoy the possibility of achieving their own perfection” (DH n.6) that are inspired in the ideas of a pluralistic society of the 20th century, which presumes to prescind that which people believe, in order to believe in it. O’ Flannery considers that this idea of the Common Good is not exempt from the risks, as seen in the United States: «The concrete moral demands are easily discarded as if they were contents of a particular religious creed; democracy being that which concerns itself with the possibility to elect.» It is not necessary that DH support this conception, because the definition of the Common Good in DH 6 not an abolition of the general definition of the Common good held by the social teaching of the Church, but rather as how it should be understood Common Good in DH.

Avery Dulles considers that still today, religious liberty can be described as a “doctrine in development,” as Vatican II did not close the issue, the process of development has continued, especially by means of clarification and application of the doctrine of DH. John Paul II has been a guide in the progress of the doctrine. These are, according to Dulles, his principle contributions:

- He has placed the teaching of DH in a context of a wide and integrated theory of human liberty based in the classical theology and in intuitions of contemporary personalism: freedom cannot be considered only as the immunity of coercion but more so fundamentally as a faculty of self-determination for the person that tends actively to perceive it as true and good, to embrace it and and to adhere to it;
- The triumph over individualism: if DH were to give the impression of being concerned with the protection of the individual from the oppression of social authority the Pope has given a greater attention to the rights of religious groups, the Church included, to enjoy religious freedom.
- The rejection of “integralism” (religious fundamentalism) that does not distinguish between the spheres of competence of faith and civil life (cf. CA 29 & 46);
- The recognition of the need to ask pardon for the errors of the past;
- The distinction between mere moral tolerance and reconciliation. Tolerance is static and cannot serve as a principle of growth.

DH is divided into an introduction (n.1) and two parts. The first (nn. 2-8) bears the title “the general notion of religious freedom.” The second (nn. 9-15) “Religious liberty in light of revelation.” This division could be motivated in n. 2 where the declaration affirms “that the right of religious freedom is really founded in the dignity of the human person, inasmuch as revealed by the Word of God and by our own rational nature.” The document does not deal with the relation between revelation and natural reason. By the philosophical nature it will be studied above all in the first part.

In the introduction of the declaration *Dignitatis Humanae*, the II Vatican council taught that “all men are obliged to seek the truth, above all in what refers to God and the Church, and once known, to embrace it and practice it.” (DH 1). This moral obligation arises from human nature itself (cg. DH 2) and does not contradict a sincere respect towards other religions, that many times reflect elements of the Truth that illumine all mankind” (NA 2), nor the demand of Christian charity that brings with it love, prudence and patience to all men that live in error or

⁸ K. O’Flannery, *Dignitatis Humanae and the Development of Doctrine* in CATHOLIC DOSSIER, March-April 2000.

ignorance of the faith” (DH 14). Religious liberty is founded on this very human nature that bears this duty to seek the truth.

The Church teaches that the adherence to divine revelation, that is, the act of faith, is free. Faith being a free response to God who reveals himself, nobody can be coerced to embrace it against their will. “It is therefore completely in accord with the nature of faith that in matters religious every manner of coercion on the part of men should be excluded” (DH 10). Even though at times “there has appeared a way of acting that was hardly in accord with the spirit of the Gospel or even opposed to it. Nevertheless, the doctrine of the Church that no one is to be coerced into faith has always stood firm” (DH 12). The truth, even religious truth, may never be imposed by external coercion. Truth is not to be imposed, but by its own virtue of truth gently but firmly penetrates the soul” (DH1). In the interior of man there is an aspiration and a natural desire to know the truth⁹, this desire is so rooted in his nature that man can be defined as “that which seeks the truth” (FR 28). The “human” search for the truth can be assisted but not forced. “The inquiry is to be free, carried on with the aid of teaching or instruction, communication and dialogue, in the course of which men explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth” (DH 3)

Religious freedom “means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits” (DH 2). The Code of Canon law, in conformity with DH, states in canon 748 paragraph 2: “No one is ever permitted to coerce persons to embrace the Catholic faith against their conscience.”

Thus the foundation of right of religious freedom is in human nature, in the dignity of the human person, as revealed by the word of God and by his rational nature” and his “moral obligation to seek the truth, above all in what refers to religion” and to “adhere to the truth known” and to “order all his life according to the demands of the truth.” As the right to religious freedom is not founded in the subjective disposition of the person, but in his own nature, “the right to this immunity remains also in those that do not fulfill this obligation to seek the truth and to adhere to it” (DH 2).

The fact that the right to religious freedom is recognized as a fundamental right for all the most important instruments of the international Community, beginning with the very Universal Declaration of Human Rights, as well as the Constitutions of almost all the States of the world indicate that it deals with a fundamental right for the person and for mankind.

The right to religious freedom is closely united to the right of conscience. “On his part, man perceives and acknowledges the imperatives of the divine law through the mediation of conscience. In all his activity a man is bound to follow his conscience in order that he may come to God, the end and purpose of life. It follows that he is not to be forced to act in manner contrary to his conscience“ (DH 3).

The Council explains that religious acts consist “before all else in those internal, voluntary and free acts whereby man sets the course of his life directly toward God. No merely human power can either command or prohibit acts of this kind.(3) The social nature of man, however, itself requires that he should give external expression to his internal acts of religion: that he should share with others in matters religious; that he should profess his religion in community. Injury therefore is done to the human person and to the very order established by God for human life, if the free exercise of religion is denied in society, provided just public order is observed” (DH 3).

⁹ «All men desire by nature to know.» With this phrase Aristotle begins his *Metaphysics* (980a20).

This public meaning of religious freedom “discloses important truths about the structure and operation of a rightly ordered political community.”¹⁰ In past years, international organisms have tried to clarify and give consistency to the right of religious freedom. An important contribution was made by the Holy Father, at the so called Helsinki process over the cooperation and the security in Europe, in which all the European States of the East and West participated, with a message directed to the heads of States of the countries’ participants in order to specify the content of this right. The essential part of this intervention is the following:

a) On the personal level it must be taken into account:

- Freedom to or not to adhere to a determined faith and to a corresponding confessional community.
- Freedom of parents to educate their children in the religious convictions that inspire their own life, as well as the possibility to attend to catechetical and religious instruction given by the community.
- Freedom of families to choose the schools or other means that guarantee the education of their children, without having to suffer, neither a directly no indirectly, supplementary burdens that impede the exercise of this liberty.
- Freedom in order that all can benefit from the religious assistance wherever they may be, above all in the public health residencies, clinics, hospitals, military quarters, and obligatory services of the State, such as penitentiaries.
- Freedom from being obliged whether on a personal, civil or social level to fulfill acts contrary to their particular faith, neither to receive a certain education, nor to pertain to groups or associations whose principles are in opposition with ones own religious convictions.
- Freedom from persecution due to religious convictions, limitations and discrimination with respect to the rest of the citizens, in the diversity of life (in all that pertains to a career, studies, work, profession, participation in civil and social responsibilities, etc.)

b) On a community level, it must be considered that religious confessions, upon reuniting believers to a given faith, exist an act as social bodies that organize themselves according to doctrinal principles and institutional ends that are proper to them. The Church, as such, and the confessional communities in general, need for their life and the fulfillment of their specific ends, to enjoy determined liberties, among which are to be particularly cited:

- Freedom to have its own internal hierarchy or corresponding ministers, freely elected by the former according to their constitutional norms.
- Freedom for the leaders of religious communities, above all, in the Catholic Church for the bishops and the rest of the ecclesiastic superiors to exercise freely their ministry, oversee ecclesiastic positions, to have meetings and contact with those who adhere to their religious confession.
- Freedom to have their own religious formation centers and theological studies, where they can freely receive candidates to the priesthood and religious consacration.

¹⁰ G. WEIGEL, “The Catholic Human Rights Revolution” in *Crisis*, July /August/ 1996.

- Freedom to receive and publish religious books about the faith and worship and to freely use them.
- Freedom to proclaim and communicate the teachings of the faith, both orally and written, inclusive when outside the respective places of worship, and to make known the moral doctrine of human activities and social organization.
- Freedom to realize educational activities of benefit and assistance, that permit to put into practice religious precepts of love towards ones neighbor, especially those in dire need.

Moreover:

- In what refers to religious communities that, as the Catholic Church, has a Supreme authority, as dictates the faith, that englobes a universal responsibility to guarantee both in Magisterium and in jurisdiction, the unity of communion that unites all her Pastors and the faithful in the same confession: freedom to have reciprocal relations of communication between this Authority and her Pastors, the local religious communities, unimpeded to circulate her documents and texts of the Magisterium (encyclicals, instructions...etc.);
- On the international level, freedom to interchange communication, cooperation and solidarity of religious character, above all with the possibility of encounters, meetings of multi-national or universal character;
- Freedom between the interchange of information between religious communities and contributions of theological or religious character.¹¹

In numbers 2 and 3 of DH, there appears a restriction in the external manifestation of religion: the respect of the just public order and more in general, the respect of the common good. The civil authority, thus, can intervene, whether in order to juridically recognize the right to religious freedom as a civil right (cf. DH 2), or in order to watch over the common good. «Government therefore ought indeed to take account of the religious life of the citizenry and show it favor, since the function of government is to make provision for the common welfare. However, it would clearly transgress the limits set to its power, were it to presume to command or inhibit acts that are religious» (DH 3).

Numbers 4 and 5 of the declaration affirm that the religious communities, in reason of their social nature of human persons, enjoy the right of religious freedom, equal as individuals, and not only religious organizations but also families, which have the right to educate their children in their religious beliefs. *Dignitatis Humanae*, moreover recalls the same restriction «provided the just demands of public order are observed» distinguishing what is due by right to the religious communities.

The religious communities abuse this right of religious freedom when they do not respect other groups or their members; for this reason the Council points out «in spreading religious faith and in introducing religious practices everyone ought at all times to refrain from any manner of

¹¹ John Paul II, letter to the presidents of the Heads of States of nations participating in the Helsinki process, cited widely by Mons. Diarmuid Martin in the report for the Third Social Catholic Week of Cuba (May 22-25, 1997), *La Libertad Religiosa como fundamento de los derechos de la persona* / «Religious Freedom as the Foundation of Rights of the Person»: I wanted to make this lengthy letter to the Holy Father because it constitutes, in effect, the most complete presentation of the content of this right, but also because the text has been accepted, for the most part, by governments of diverse tendencies and inspirations, in the works successive to the Helsinki process. The text of this report can be consulted in www2.glauco.it/vitral/pdfs/civica/pdf or www2.glauco.it/nacub/semasoc/1.htm.

action which might seem to carry a hint of coercion or of a kind of persuasion that would be dishonorable or unworthy, especially when dealing with poor or uneducated people. Such a manner of action would have to be considered an abuse of one's right and a violation of the right of others» (DH 4). In the 1988 World Day of Peace Message the Pope recalls precise and grave responsibilities of men and women, equally in the individual profession of their religion as in the organization and life of the respective communities:

- «the leaders of religious bodies are obliged to present their teaching without allowing themselves to be conditioned by personal, political or social interests, and in ways that conform to the requirements of peaceful coexistence and respect for the freedom of each individual.»
- «the followers of the various religions should, individually and collectively, express their convictions and organize their worship and all other specific activities with respect for the rights of those who do not belong to that religion or do not profess any creed» (WDP 88,4).

In the previous numbers just public order and the common good were mentioned. The common good of society has in DH an almost formal meaning, to make the point the content is indicated is: «the entirety of those conditions of social life under which men enjoy the possibility of achieving their own perfection in a certain fullness of measure and also with some relative ease, it chiefly consists in the protection of the rights, and in the performance of the duties, of the human person» (DH 6). The Catechism of the Catholic Church, in numbers 1907-1909 has indicated three demands or implications of the common welfare:

1st , «the common good presupposes *respect for the person* as such. In the name of the common good, public authorities are bound to respect the fundamental and inalienable rights of the human person. Society should permit each of its members to fulfill his vocation. In particular, the common good resides in the conditions for the exercise of the natural freedoms indispensable for the development of the human vocation, such as "the right to act according to a sound norm of conscience and to safeguard . . . privacy, and rightful freedom also in matters of religion» (GS 26, 2)

2nd , «the common good requires the *social well-being* and *development* of the group itself.»

3rd , «the common good requires *peace*, that is, the stability and security of a just order. It presupposes that authority should ensure by morally acceptable means the *security* of society and its members. It is the basis of the right to legitimate personal and collective defense.»

It is not an affront against the common welfare, if the juridical order of society were to give certain civil recognitions to religious communities; they may be just given the particular circumstances of the populace while recognizing and respecting the right of religious freedom and not being seen as a compromise of the citizens juridical equality nor occasions of discrimination: «government is to see to it that equality of citizens before the law, which is itself an element of the common good, is never violated, whether openly or covertly, for religious reasons. Nor is there to be discrimination among citizens.

It follows that a wrong is done when government imposes upon its people, by force or fear or other means, the profession or repudiation of any religion, or when it hinders men from joining or leaving a religious community» (DH 6).

Number 7 affronts the scabrous problem of the legitimate limitation of religious freedom and establishes the principle which can only be legitimate in order to preserve the “public order”, which is related at the same time to the common welfare, that was addressed in number 6. The Catechism of the Catholic Church, citing DH n. 7, teaches that «The right to religious liberty can of itself be neither unlimited nor limited only by a "public order" conceived in a positivist or naturalist manner. The "due limits" which are inherent in it must be determined for each social situation by political prudence, according to the requirements of the common good, and ratified by the civil authority in accordance with "legal principles which are in conformity with the objective moral order" (DH 7)» (CCC 2109). These limits although they are established and guaranteed by juridical means, are by nature moral because, «in the exercise of their rights, individual men and social groups are bound by the moral law to have respect both for the rights of others and for their own duties toward others and for the common welfare of all» (DH 7). These juridical means are necessary, as certain abuses can arise under the pretext of religious freedom and the authority has the right to intervene. «However, this must not be done in an arbitrary manner without favoritism and in accordance with legal principles in conformity with the objective moral order» (DH 7). Civil society has the right to protect itself against these abuses and this corresponds principally to the civil authority to guarantee this protection. Number 8 recognizes that many abuses have been committed in name of religious freedom. The intervention of authority must be limited to the protection of these legitimate rights of society. «People’s freedom should be given the fullest possible recognition and should not be curtailed except when and in so far as is necessary» (DH 7).

In order to better determine the nature of religious freedom, I would like to make a few precisings; many of these correspond to clarifications or applications of the doctrine of DH realized by the Magisterium in these last years.

1st, «The right to religious liberty is neither a moral license to adhere to error, nor a supposed right to error, but rather a natural right of the human person to civil liberty, i.e., immunity, within just limits, from external constraint in religious matters by political authorities» (CCC 2108). To defend the human right to religious freedom does not signify to promote nor foment a “supermarket of religions.” Every individual is obliged to seek the will of God in religious matters and to follow this will when it is found. «There is an unquieting increase of sects, new religious movements and pseudo-religious groups that tend a times to trivialize religion and to commercialize it. Albeit these abuses do not undermine the fundamental right of all mankind so that it may be permitted the necessary freedom of conscience and action in order to fully make religious decisions in a human and responsible manner.¹²»

2nd, The right to religious freedom does not imply any *relativism*. Religions of others are not respected on basis that all religions have the same value, but due to respect for the religious freedom of persons. «Freedom of conscience and religion do not signify a relativization of the objective truth, that every human being, by moral obligation, is obliged to search for. In an organized society, this liberty is only the institutional manifestation of that order disposed by God so that His creatures may know, embrace and correspond to His eternal proposition of alliance, as free and responsible beings» (WDP '88, 1).

¹² Francis Cardinal Arinze, «The Role of the University in the Promotion of Inter-religious Dialogue» conferences given at the University of Bethlehem, March 2, 2001: n. 5 (www.geocities.com/Colosseum/Bleachers/2593/arinzerol29081.htm)

3rd, The exercise of religious liberty has its limits, not only with respect to the truth of man, but also with respect to charity towards him: remaining firm that the right to exercise liberty in religious and moral matters is an inseparable demand from the dignity of man. It is clear then that «the exercise of liberty does not imply the right to say or to do whatever» (CCC 1747).

4th, Religious liberty which so greatly contributes to the peaceful living in democratic societies is not founded upon the presumed agnosticism or scepticism but upon the respect of the human person: «Nowadays there is a tendency to claim that agnosticism and skeptical relativism are the philosophy and the basic attitude which correspond to democratic forms of political life. Those who are convinced that they know the truth and firmly adhere to it are considered unreliable from the democratic point of view, since they do not accept that truth is determined by the majority, or that it is subject to variation according to different political trends. It must be observed in this regard that if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism.» (CA 46)

5th, What is considered as a fundamental juridical good are not the beliefs of each individual, nor the existence of a plurality of beliefs, but the personal conscience free of social and political coercion in relation to religious truths. The object of the right of religious freedom is the immutable coercion in religious matters, not the promotion of religious pluralism. This right to religious freedom is founded in all the dignity of every person, in their nature, that is an ontological datum, common (or equal) in all men, and that is not lost in adhering to error. The fundament of religious freedom is the common dignity of the human person, not the fact that all religions are equal.

6th, Respect for religious freedom of individuals and communities, while not violating the rights of other citizens and the public order is a strict juridical demand in order to safeguard the dignity of the human person and the political common welfare. These religious convictions and behaviour do not pertain to the order of tolerance, as they tolerate in a moral sense what is evil, and in a political sense what is relative to a juridical evil; but the absence of coercion in religious matter is on a moral level, a demand of human dignity, and in the civil ambit, a fundamental right.¹³

7th, The right to religious freedom does not justify the violation of other rights; which are to be equally respected. The Church uses as its own method persuasion and respect for religious freedom. There are, however, abuses of religious freedom on the part of religious fanatics and fundamentalists: «Nor does the Church close her eyes to the danger of fanaticism or fundamentalism among those who, in the name of an ideology which purports to be scientific or religious, claim the right to impose on others their own concept of what is true and good. Christian truth is not of this kind. Since it is not an ideology, the Christian faith does not presume to imprison changing socio-political realities in a rigid schema, and it recognizes that human life is realized in history in conditions that are diverse and imperfect. Furthermore, in constantly reaffirming the transcendent dignity of the person, the Church's method is always that of respect for freedom» (CA 46). Intolerance as aggression to liberty of conscience and religious freedom is a serious threat for the peace and in diverse parts of the world, is intimately united to the oppression of minorities.¹⁴

¹³ Cf. F. Ocariz, *Delimitación del concepto de tolerancia y su relación con el principio de libertad*, in «Scripta Theologica, XXVII (1995), pp. 870 – 874.

¹⁴ «Unfortunately, we are still witnessing attempts to impose a particular religious idea on others, either directly, by a proselytism which relies on means which are truly coercive, or indirectly, by the denial of certain civil or political rights. Extremely sensitive situations arise when a specifically religious norm becomes, or tends to become, the law of the State, without due consideration for the distinction between the domains proper to religion and to political society.

8th, Respect for religious freedom of every person in no way weakens the Church's conscience as deposit of revealed truth, nor compromise her missionary obligation: «The social duty of Christians is to respect and awaken in each man the love of the true and good. It requires them to make known the worship of the one true religion which subsists in the Catholic and apostolic Church. Christians are called to be the light of the world. Thus, the Church shows forth the kingship of Christ over all creation and in particular over human societies» (CCC 2105). The mission moreover of the arduous proclamation of the Gospel, should be respectful of the human dignity of the person, in fact, «the Church addresses people with full respect for their freedom.(64) Her mission does not restrict freedom but rather promotes it. *The Church proposes; she imposes nothing*. She respects individuals and cultures, and she honors the sanctuary of conscience» (RM n.39). In this sense the response of Bishop Emil De Smedt read by the council father before the vote on the Declaration was particularly clear, regarding a petition for amendment presented on the 17th of October 1965 by Cardinals Ruffini, Siri, Florit and Ottaviani that, «the particular right of the Church to disseminate the truth that she alone possesses should be explained»; «truth and error cannot have the same right to be disseminated.» De Smedt responded in terms that seem to be confirmed by numbers 2108 in the recent catechism:

“All these things, as far as the scope of the Declaration permits, are sufficiently put forward in the text. See paragraphs 1, 10, 13 and 14. Moreover, it is to be observed that the approved text affirms the right whose object is immunity from coercion not the content of any religion. Such an immunity is required by the very dignity of the person. Nowhere is there affirmed nor would it be right to affirm (what is evident) the granting of a right to diffuse error. If persons diffuse error, this is not the exercise of a right but its abuse. This abuse can and ought to be impeded if it gravely damages public order, as is affirmed several times in the text and explained in paragraph 7. If these fundamental elements are kept in view, many of the proposals [multi modi propositi] appear unacceptable. Because if the right so understood is denied, then a proposal [modus] goes contrary to the substance of the text approved by the Council Fathers and therefore cannot be admitted” [Acta synodalia, vol.4, part 6, p.725].

3. Source and Synthesis of all Human Rights

In practice, the identification of religious law with civil law can stifle religious freedom, even going so far as to restrict or deny other inalienable human rights. In this regard, I wish to repeat what I stated in the Message for the 1988 World Day of Peace: "Even in cases where the State grants a special juridical position to a particular religion, there is a duty to ensure that the right to freedom of conscience is legally recognized and effectively respected for all citizens, and also for foreigners living in the country even temporarily for reasons of employment and the like"⁸. This holds true also for the civil and political rights of minorities, and for those situations in which an extreme and uncompromising separation of religion and political life, in the name of respect for conscience, effectively hinders believers from exercising their right to give public expression to their faith.

Intolerance can also result from the recurring temptation to fundamentalism, which easily leads to serious abuses such as the radical suppression of all public manifestations of diversity, or even the outright denial of freedom of expression. Fundamentalism can also lead to the exclusion of others from civil society; where religion is concerned, it can lead to forced "conversions". However much one may remain convinced of the truth of one's own religion, no person or group has the right to attempt to repress the freedom of conscience of those who have other religious convictions, or to induce them to betray their consciences by the offer or denial of certain social privileges and rights, should they change their religion. There are cases in which individuals are prevented — even through the imposition of severe penalties — from freely choosing a religion different from the one to which they presently belong. Manifestations of intolerance such as these clearly do not advance the cause of world peace» (WDP 91 n.4).

The affirmation of CA 47, object of our study, “the source and synthesis of these [human] rights is, in a certain sense, religious freedom» refers back to the note in the declaration DH of the Council, but still anterior in two World Day of Peace messages (1988 and 1991) of John Paul II. In these messages, as opposed to DH, an explicit reference can be found to the character of source and synthesis of the rights; and it is this difference where it seems to be confirmed by Avery Dulles that in John Paul II there is a development of the doctrine of religious freedom. A passage of the message for WDP 1981 could also have been included, which is very explicit:

The first and the most fundamental of these values is always man's relationship to God as expressed in his religious convictions. Religious freedom thus becomes the basis of the other freedoms. On the eve of the meeting in Madrid on European security and cooperation, I had the occasion to repeat what I have not ceased to state since the beginning of my ministry: "Freedom of conscience and religion... is... a primary and inalienable right of the person; far more, to the extent that it touches upon the most intimate sphere of the spirit, one can even say that it underlies the *raison d'être*, intimately anchored in each person, of the other freedoms " (Religious freedom and the final Document of Helsinki, 5: cf . *L'Osservatore Romano*, 15 November 1980). (WDP '81 n. 6)

Hence the right to religious freedom is the source and synthesis of other human rights because religion touches upon the most intimate sphere of the person; his conscience and his personal relation with God. The formulation of the WDP of '88 and '91 are even more suggestive:

The importance of religious freedom leads me to stress once more that the right to religious freedom is not merely one human right among many others; "rather, (it) is the most fundamental, since the dignity of every person has its first source in his essential relationship with God the Creator and Father, in whose image and likeness he was created, since he is endowed with intelligence and freedom". "Religious freedom, an essential requirement of the dignity of every person, is a cornerstone of the structure of human rights" (WDP '88). It is thus the most profound expression of freedom of conscience (WDP '91 n.5).

In this advancement the connection is signified between religious freedom and freedom of conscience. In fact, the theme of the message of the WDP '91 is *respect for the conscience of every person*, as a necessary condition for peace in the world. The person, despite his frailty, is capable of searching for and freely arriving at a knowledge of the good, of detecting and rejecting evil, of choosing the truth and opposing error. God has written in the heart of man a law that everyone can discover: the conscience is precisely the capacity to discern and to act according to this law, in which whose obedience consists in human dignity (Cf. GS 16).

By dignity of being and conscience, the person delights in transcendence before society. No human authority has the right to intervene in the conscience of any man, which as such, is inviolable. The right of religious freedom and conscience are based in human dignity, not as a concession of the government, of society, or other associations. It is a right that precedes the person in all parts, valid in all nations and should be freely exercised in whatever parts. Nevertheless, the conscience «... is not an absolute placed above truth and error. Rather, by its very nature, it implies *a relation to objective truth*, a truth which is universal, the same for all, which all can and must seek. It is in this relation to objective truth that freedom of conscience finds its justification, inasmuch as it is a necessary condition for seeking the truth worthy of man,

and for adhering to that truth once it is sufficiently known (WDP '91 n.1). Truth does not impose except in virtue of itself. To deny a person full liberty of conscience and in particular, the freedom to seek the truth, or to attempt to impose a particular way of understanding, goes against the most intimate right.

The intrinsic relation of the conscience to truth follows that, «*Every individual has the grave duty to form his or her own conscience* in the light of that objective truth which everyone can come to know, and which no one may be prevented from knowing. To claim that one has a right to act according to conscience, but without at the same time acknowledging the duty to conform one's conscience to the truth and to the law which God himself has written on our hearts, in the end means nothing more than imposing one's limited personal opinion» (WDP '91 n.3).

Absolute truth is found alone in God. By this, «the search for truth and the search for God are one and the same. This alone is enough to show the *intimate relationship between freedom of conscience and religious freedom*. [...] those who acknowledge the relationship between ultimate truth and God himself will also acknowledge the right, as well as the duty, of non-believers to seek the truth which can lead them to discover the Mystery of God and humbly accept it» (WDP '91 n.2).

«The right to religious freedom and to respect for conscience on its journey towards the truth is increasingly perceived as the foundation of the cumulative rights of the person» (VS n.31). Religious freedom is, «...the premise and guarantee of all the freedoms that ensure the common good of individuals and peoples. It is to be hoped that authentic religious freedom will be granted to all people everywhere. [...]. But it is not a question of the religion of the majority or the minority, but of an inalienable right of each and every human person» (RM n.39). For this reason:

Religious freedom, an essential requirement of the dignity of every person, is a cornerstone of the structure of human rights, and for this reason an irreplaceable factor in the good of individuals and of the whole of society, as well as of the personal fulfillment of each individual. It follows that the freedom of individuals and of communities to profess and practice their religion is an essential element for peaceful human coexistence ... The civil and social right to religious freedom, inasmuch as it touches the most intimate sphere of the spirit, is a point of reference for the other fundamental rights and in some way becomes a measure of them. (CFL n. 39)

Religious freedom can be the fundament of every other right because the religious act, in response to God, man encounters and reaches the summit of his humanity, realizing that action which expresses the greatest potency (being *capax Dei*); fulfilling his vocation of communion with God. Those who do not know Christian revelation aspire, in some way, to participate in this communion through their religious acts, and in this manner respond to the voice of God that resonates in their conscience: «It is by responding to the call of God contained in the being of things that man becomes aware of his transcendent dignity. Every individual must give this response, which constitutes the apex of his humanity, and no social mechanism or collective subject can substitute for it. The denial of God deprives the person of his foundation, and consequently leads to a reorganization of the social order without reference to the person's dignity and responsibility» (CA 13).

Man “lives” in a foundational relation to God in two ways: firstly, inasmuch as he is a creature he is ontologically dependent, he is and lives precisely because he is conserved in being by the Creator. Secondly, inasmuch as God is the foundation of his moral conscience and religious

action. The first way of relation follows the right to life because ultimately life is a gift from God that only He can give and conserve, and the second the right to religious freedom and liberty of conscience. To deny a man physical liberty is a grave offense to the dignity of the human person, but minor concerned to the denial of freedom of the most intimate sphere of the person. To deny man physical liberty supposes to eliminate the subjects rights and liberties, to deny the person that which is ordered to society and which enjoy these rights by their very nature and not by human or social concession. The human person, foundation and end of the social order is the subject of some inalienable rights: no one nor no human institution confers them, as « they arise from his very nature; no one can destroy them; no external constriction can annul them, because they have their root in what is most profoundly human» (WDP '88 n. 1). As society has as its end the good of the person, it should be organized in a manner that permits man to realize his vocation in full liberty and even to help him to achieve it.

«The freedom with which man has been endowed by the Creator is the capacity always given to him to seek what is true by using his intelligence and to embrace without reserve the good to which he naturally aspires, without being subjected to undue pressures, constraints or violence of any kind. It belongs to the dignity of the person to be able to respond to the moral imperative of one's own conscience in the search for truth» (WDP '88 n.1). The violation of the right of religious freedom is a violation, at heart, of freedom of conscience. For this reason it may be concluded that:

The civil and social right to religious freedom, inasmuch as it touches the most intimate sphere of the spirit, is a point of reference of the other fundamental rights and in some way becomes a measure of them. For it is a matter of respecting the individual's most jealously guarded autonomy, thus making it possible to act according to the dictates of conscience both in private choices and in social life. The State cannot claim authority, direct or indirect, over a person's religious convictions. It cannot arrogate to itself the right to impose or to impede the profession or public practice of religion by a person or a community. In this matter, it is the duty of civil authorities to ensure that the rights of individuals and communities are equally respected, and at the same time it is their duty to safeguard proper public order. (WPD '88 n.1)

4. The Relation between the right to life and Religious Freedom

Just as the right of religious freedom has restrictions to safe-guard public order it seems to be that the right to life has some type of restriction. This is most evident in the case of the death penalty, admitted in very special circumstances (Cf. EV 56). Evangelium Vitae affirms, « Certainly *the life of the body in its earthly state is not an absolute good* for the believer, especially as he may be asked to give up his life for a greater good» (EV 47). In point of fact, even the martyrs are presented to the People of God as models of christian life and no one understands the significance of martyrdom as confused with suicide. No christian, even though they concur with St. Paul's when he states "I wish to depart from this life so as to be with Christ, who, without doubt is the better part" (Phil. 1:23), believe that it is legitimate to take one's life and moreover to take the life of another. All the same there are reasons for which one may surrender their own life (i.e., Maximilian Kolbe) or for which one may accept to be assassinated as in the case of martyrs in general (Cf. Angelus Feb 3, 2002 JP II). The martyr is a supreme example of liberty: having to

choose between his principles and to lose his life, sacrifices his life freely. This is the testimony to the truth in accord with the example of Jesus Christ.

Another diverse question is whether there are grounds for which a life is not worth living, such that would justify suicide. Socrates said, «An unexamined life is not worth living» (Cf. Plato, *The Apology*) Someone may formulate the affirmation, that “life without a loved one is not worth living.” The question is merely axiological. What can really deprive life of meaning? But, the question can be stated more harshly. Is there such a motive for which suicide can be considered legitimate? Albert Camus would dare say so as expressed in his literary work *The Myth of Sisyphus*: «Suicide: there is no greater philosophical dilemma more grave. To judge if life is worthy or not to live is to respond to the fundamental question of philosophy. The rest, whether the world has 3 dimensions, whether the spirit has 9 or 12 categories, are but derivatives. They are no more than mental pastimes.

Albert Camus states the man is the only creature that deny what he is «L’homme est la seule créature qui refuse d’être ce qu’elle est» (*L’homme révolté*). Even in the case of suicide which is the most radical negation of being and the most anti-natural action, «in the end it is the very human nature itself which permits this self-contradiction by our freedom in the mode of our behaviour» (Cf. Millán-Puelles, *La libre afirmación de nuestro ser*, p. 194). The philosophical relevance of suicide is in the being free to act which radically contradicts and affronts the natural tendency of auto-conservation, the innate inclination in every person to preserve one's life. The explanation of such strange behaviour can be found in factors such as psychological, cultural and social conditions as well as a false piety of oneself and the incapacity to find meaning in life and suffering. From an objective point of view, suicide is a grave immoral act, as explains EV 66 synthesizing the teaching of St. Thomas Aquinas in the *Summa Theologiae* II-II Q. 64 a. 5: «it involves the rejection of love of self and the renunciation of the obligation of justice and charity towards one's neighbour, towards the communities to which one belongs, and towards society as a whole. In its deepest reality, suicide represents a rejection of God's absolute sovereignty over life and death» (EV 66).

Right to life seems to enter into confrontation with religious freedom when they lead to religious motives to omit necessary actions for the conservation of life, or to justify aggression against the life of others. The terrorist acts perpetrated September 11 in New York, Washington ***characterize suicide *** aunque their apostogists exhalt these actions as “martyrdom”¹⁵. The case of the physician who attends to a Jehova’s Witness is juridically complex when the believer denies a necessary blood transfusion on basis of his religious confession. The physician in principle must have the express will of the patient, although there do exist exceptions and legal protection which are necessary to know in order not to impede the health physician from fulfilling his mission to save the life of the individual without incurring legal risks. In view of these cases, it is convenient to analyze the existent relation between the right to life and religious freedom.

The relation between the right to life and the right to religious freedom is analogous to that which exists equally from the point of view philosophically as from the perspective juridically. In the encyclical *Evangelium Vitae* this is formulated as, «the former underline the influence exercises in the alteration of the moral order and moral law, certain current of thought end by separating human liberty from its essential and constitutive relation to the truth» (EV n.4). The encyclica when referring to the urgency to promote a “new culture of life” and the inseparable union between life and liberty, re-affirms the necessity to rediscover the constitutive link between freedom and truth because separating freedom from objective truth renders it impossible of found

the rights of the person on a solid rational basis (cf. n. 96). Affirming the right of the person to freedom while depriving the objective truth of that person, makes it impossible to construct an intrinsically just order, because it is precisely the person- as created by God- that is the foundation and end of the social order to which that right must serve (cf. AAS 87 [1995], p.510). In this John Paul II appears to clearly affirm the relativity and dependence of liberty with respect to the truth, and moreso particularly the truth of the human person which is the foundation of rights and the end of society. The truth of the person consists fundamentally in his nature and in the free and conscious development of his potential: in fidelity to his conscience man responds to the call of God to perfection and beatific communion.

The relation between truth and liberty, in the thought of John Paul II, holds an undisputable centrality. In the second chapter of the encyclical *Veritatis Splendor*- The Church and the discernment of some contemporary moral theological tendencies (paragraphs 28-83) a series of ethical systems that propose new criteria for moral evaluation of human action are analyzed. «these tendencies are at one in lessening or even denying *the dependence of freedom on truth*. If we wish to undertake a critical discernment of these tendencies — a discernment capable of acknowledging what is legitimate, useful and of value in them, while at the same time pointing out their ambiguities, dangers and errors — we must examine them in the light of the fundamental dependence of freedom upon truth» (VS 34).

Liberty is not to be reduced to the absence of physical coercion or psychological compulsion. It rather is the interior self-determination in motivated actions.«In my free actions I follow what I apprehend as good and worthy of being chosen, but the choice is not forced upon me. I consent to the action because my reason approves of it. In acting freely I experience myself as the source of my own activity and as responsible for the results. My actions recoil to some degree upon myself, and so make me to believe what I am. Thus the freedom to determine one's activity is at the same time self-determination.¹⁶

Freedom reaches it's highest dignity when it opts for that which perfects the dynamism of the human spirit in rapport with the divine. This is a response which solicits a motivation of free adhesion. «For God willed that men and women should be left to make their own decisions so that they might of their own accord seek their creator and freely attain their full and blessed perfection by cleaving to God» (GS 17).

Freedom, goodness and truth are intimately united. To act freely against the truth is to corrupt liberty itself submitting the conscience to contrary impulses, in other words it is the suicide of freedom itself. The person truly free is he who does good for love of goodness itself.

There is a *theonomy* that does not annihilate liberty, not because it is a heteronomy or self-alienation but which consecrates self-determination in obedience to God. The law proceeds from His benevolence and love towards the creatures. Human liberty, is not denied in obedience to the Divine Law. It is only in obedience in the truth that man conforms to his dignity (Cf. GS 17). «The Law should be considered as an expression of divine wisdom» (VS 41). « "It follows that the natural law is *itself the eternal law*, implanted in beings endowed with reason, and inclining them *towards their right action and end*; it is none other than the eternal reason of the Creator and Ruler of the universe". Man is able to recognize good and evil thanks to that discernment of good from evil which he himself carries out by his *reason, in particular by his reason enlightened by Divine Revelation and by faith*, through the law which God gave to the Chosen People, beginning with

¹⁵ Serious exegetes of the Koran such as the Tunisian Mohamad Talbi, say that according to the Koran, life is a gift from God and the taking of it pertains to God alone (Cf. *Weekly Jeune Afrique/ L'intelligent*, Sept. 18, '01).

¹⁶ A.DULLES, *Truth as the Grounds of Freedom: A Theme from John Paul II*, Occasional Paper No. 4, Acton Institute, 1995, 18pp.

the commandments on Sinai. Israel was called to accept and to live out *God's law as a particular gift and sign of its election and of the divine Covenant*, and also as a pledge of God's blessing» (VS 45).

A participated theonomy (cf. VS 41 can be spoken of because the God's law is not extraneous to man but written in his conscience, although it is no "his" but "of God": «In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience when necessary speaks to his heart: do this, shun that. For man has in his heart a law written by God; to obey it is the very dignity of man; according to it he will be judged» (GS 16). The conscience, hence, is not purely a subjective and autonomous principle, but can be described by those words of Cardinal Newman: the conscience is «the voice of God in the nature and heart of man»¹⁷. «Conscience is the aboriginal Vicar of Christ, a prophet in its informations, a monarch in its peremptoriness, a priest in its blessing and anathemas»¹⁸. The rights of conscience follow their obligations. Newman, in a famous text cited by *Veritatis Splendor* 34 said, «Conscience has its rights because it has its duties»¹⁹. As the conscience, neither liberty is absolute. «Freedom of conscience is never freedom with respect to a truth, but always and only freedom when it is in the truth» (GS 64).

Returning to the argument, it can be said that there are two fundamentals to the rights of persons: his life and his dignity, inasmuch as (1) both are necessary conditions in order to respond to the divine interpellation, and (2) remit to the being and nature of man what are real dynamic principles of the tendency and aspiration of communion with God.

As necessary conditions in order to respond to the divine interpellation, the Magisterium of the Church in virtue of her evangelical mission proposes "the moral doctrine in conformity with the dignity of the person and his integral vocation, exposing the criteria for moral worth of the application of scientific and technical investigation of human life, in particular in its first stages. These criteria are the respect, defense, and promotion of the person, endowed with a spiritual soul, moral responsibility and called to the beatific communion with God" (DV, introduction, 1, p.6). Life and dignity of the human person constitute in this way the two fundamentals of the rights of the person. Thanks to both, although in diverse ways, man can respond to the divine interpellation. Therefore, "after the right to life, the right most esteemed of all human rights is the right to religious freedom. Only if persons are free will they be capable to assume completely the responsibility of all their actions before God. This principle leaves intact the obligation that every has to seek religious truth, and having found it, to embrace this truth"²⁰.

The existence of a double fundament intrinsic of the two human rights of the person should not greatly surprising. St. Thomas as well, when referring to the ontological excellence and dignity of the person spoke of two maximum perfections: "simple being" (esse) and "rational being":

- a) Being is more noble than that which it signifies, be it a faculty or an operation, even though it has to do with a specific operation as noble as to understand, to choice or to

¹⁷ JOHN HENRY NEWMAN, *Letter to the Duke of Norfolk in Newman and Gladstone: The Vatican Decrees*, ed. Alvan S. Ryan Notre Dame Press, p. 128

¹⁸ Ibid. p. 130

¹⁹ JOHN HENRY NEWMAN, *A Letter Addressed to His Grace the Duke of Norfolk: Certain Difficulties Felt by Anglicans in Catholic Teaching*, Uniform ed.: Longman Green and Company, London, 1868-1881, vol. 2, p. 250

²⁰ CARDINAL FRANCIS ARINZE, *El rol de la universidad en la promoción del dialogo interreligioso*, conference given in the University of Bethelehem, March 2, 2001 n. 5 (www.geocities.com/Colosseum/Bleachers/2953/dialogo/arinzerol290801.htm)

love (if one can think of an operation without being). In the philosophy of St. Thomas, the *actus essendi* or *esse* is the perfection of all perfections (De Potentia q. 7 a.2 –9). The soul gives life and being to the living (*vivere viventibus est esse*) and is as well the principle of action.

- b) Human intelligence or rationality, through its proper acts, opens man to knowledge of all things, and his maximum (secondary) perfection because it permits man, in a certain way (intentionally) to be all things and to realize the perfection of his nature (cf. Contra Gentiles I, q. 44 n.6). The human soul is at the same time energy «*entelequia*» and «*eidos*», principle of existential activity which structures in a determined way the way of being and the end which must be reached (Summa Theologica I, q. 29, a.1).

St. Thomas, defining the person, says that he is that which is most perfect in nature; that is, subsistent rational nature (ST I q. 29, a. 3). Subsistence has the act of being (*habet esse per se*). Being a subject of rational nature, the person has an intelligence and will open to all reality, to the truth and goodness. He is capable of receiving divine revelation and expressly capable of knowing and love God (*capax Dei*). The person who possesses these two perfections is a *subsistens* (*habet esse in se e per se*) and is of a rational nature. The most noble expression and seal of his dignity and particular perfection of human person, consists in the dominion that man has over his acts, sic., the faculty of liberty. «The particular and the individual are found in the rational substances which have dominion over their own actions; and which are not only made to act, like others; but which can act of themselves; for actions belong to singulars. Therefore also the individuals of the rational nature have a special name even among other substances; and this name is "person"» (S.T. q.29, a.1).

The realization of the human person is found in the free exercise of those acts with which he perfects himself: it supposes the free will of his being and the free realization of the dynamisms of his own nature, and reaches perfection in the sincere gift of himself to another person. The interior guide for his own realization is the natural law in which resonates in the conscience, which «is nothing more than the light of intelligence infused in us by God. Thank to this light we know what must be done and what must be avoided. God gave this light and the law in creation» (VS nn. 12 and 19).

The conscience is hence, their guide of man to reach his ultimate perfection through his actions – operations. When we speak of right to life it is ordinarily understood as a right to physical integrity. However, it could be broadened to signify a wider vision of the two fundamentals of human rights. “Life,” according to Aristotle and St. Thomas can be understood in two senses: life as being in what is living (*vivere viventibus est esse*) and the operation of the living being (*operatio rei viventibus*): man lives in the first sense by union of body and soul. “Life” is used in the second sense when referred to for example in Jn 17:9 «This is the eternal life, that they know you». “Life” thus in this sense is more radical. It refers both to the existence of the living being as to fulfillment of the ultimate end of man: the beatific vision and communion in God. «Because the glory of God is the living man and the life of man is the vision of God: if already the revelation of God through creation has given life to all living beings on the face of the earth, how much more is the manifestation of the Father through the Son will bestow life to those who gaze upon the face of God».²¹

²¹ ST. IRENEUS OF LYONS, *Adversus haereses*, IV, 20 (cited in CCC 224)

The dignity of man consists in: his free action ordered to the final end which his nature tends towards, in being free to know and love explicitly God and in the capacity to participate by grace in the divine nature (Aquinas, *De Veritate*, q.22, a.5). Grace is a supernatural gift, but the religiosity of man is natural. As natural it is an aspiration towards the good and towards the end for which he was created (although impossible to reach without the assistance of grace). The natural presupposition of this gift of grace and the human response is the openness of the particular man to the totality of being, and the liberty to receive and correspond to it (Cf. Aristotle, *De Anima* III, 8,43 1 b 20). The greatest offence that can be done against the dignity of the human person consists in impeding by coercion those acts which are freely ordered to the ultimate end; the acts of religion.

In conclusion, life can be predicated in the two senses and it can also be predicated that a right is a fundament of all other rights in the two senses. The right to physical life inasmuch as a violation of it leaves the existence of the subject's rights without protection. The right to religious freedom, likewise, because a violation is an impediment to those actions that refer to the sense of mans ultimate end and the fulfillment of his perfection. The phenomenon of suicide demonstrates this with tragic evidence that a lack of sense of ones life can lead a subject to prefer to loose their physical life than to live a life that for whatever reason they consider to be without value. Of course, in the former mentioned this is a case of a disorder and a morally grave act. To appeal to the moral conscience or to religious motives for grounds to take ones life is a perversion of personal autonomy and in a religious sense- all assassinations independent of what may be the justifications, for a free choice or profound religious convictions, are perversions- but illuminate, in contrast, those objective and subjective realities that give an ultimate sense to human life and liberty.