

Vatican II and the Year of Faith:
Dignitatis humanae and the "Gay Marriage" Debate

A non-Catholic man challenged me recently: "How can you Catholics go on about religious rights when you seek to deny others their rights?" He had in view the putative "right" to "Gay marriage." In his view, a homosexual has as much "right" to define marriage as the union of two men as the Catholic Church does to define marriage as the lifelong, fruitful, monogamous union of a man and woman. His position was that there is no objective fact in dispute here, but merely a clash of values. And values, he held, are purely subjective. Thus, if Catholics want people to respect their "values," then they ought, at least as a matter of prudence, to respect the "values" of others.

So what of it? How can Catholics claim the "right" to religious freedom while denying there is a "right" to gay marriage? At stake here are two radically incompatible views of rights.

What is a right?

My non-Catholic friend has a thoroughly modern and atheistic view of "rights." He holds that there are no objective moral norms, but merely conventions imposed by state or society. On this view, it is simply hypocritical for Catholics to claim the right to religious freedom while denying homosexuals the "right" to marry. "Rights" are merely societal preferences with no foundation in objective reality.

In contrast to this, there is the classical understanding of rights and duties - an understanding found in most societies - from ancient Greece and Rome, to China and India, to classical Christianity, and which is enshrined in our Nation's founding documents: "We hold these **TRUTHS to be self evident . . .** "

The classical view, in other words, holds that moral norms are real, objective, and discoverable through reason. This is what classical and Christian philosophers refer to as "Natural Law." Rights and duties are those moral norms necessarily imposed on us by the nature of the human person. They are not mere "preferences" any more than our understanding of the Pythagorean theorem is a preference.

The Second Vatican Council appealed to this understanding of rights and duties when it treated the doctrine of religious freedom. Its Declaration on Religious Freedom, *Dignitatis humanae*, finds the right to religious freedom precisely in the *fact* of man's rational nature:

It is in accordance with their dignity as persons—that is, beings endowed with reason and free will . . . that all men should be at once impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth. They are also bound to adhere to the truth, once it is known, and to order their whole lives in accord with the demands of truth. However, men cannot discharge these obligations in a manner in keeping with their own nature unless they enjoy immunity from external coercion as well as psychological freedom.

Therefore the right to religious freedom has its foundation not in the subjective disposition of the person, but in his very nature. (*Dignitatis humanae*)

It is important to emphasize the point being made. The council specifically denies that religious freedom flows from differing subjective "value judgments." On the contrary, the foundation of religious freedom is the objective nature of man as rational. Since man is ordered to the pursuit and free acceptance of truth, it is a violation of his nature for the civil authority to compel adherence to a creed, even a true creed.

In the same way, questions of marriage, procreation, parenthood, and family pertain to the very nature of the human person. Indeed, every question of societal wellbeing revolves around the objective consideration of the human person. The Council states:

Since the common welfare of society consists in 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. (*Dignitatis humanae*)

There are fundamental truths about the human person that do not change regardless of preference or convention. Humans are rational or at least potentially rational. Their minds are ordered to the pursuit of truth, and they are capable of abstract and discursive reasoning. They are free, meaning they can deliberate between goals or ends, and are not compelled to act even by the strongest instincts or desires. They are also sexually dimorphic, and produce young that require not only food and protection, but rational and social formation. The Catholic view is that laws, institutions, and conventions that recognize, respond to, and flow from these facts are by definition good.

My non-Catholic acquaintance fails to notice the danger inherent in his view of "rights." A natural law account of morality does impose limits on sexual expression, and other human "preferences." But it also imposes rational limits on government itself. Under natural law, the touchstone of good government becomes the *Dignity of the human person*, as rational and free. Thus, the founding fathers of our nation could offer a rational critique of tyranny. The modernist view, by contrast, leaves us with a chilling alternative. If there are no objective moral rights and duties, then whatever power wants is "right." There can be no principled objection to tyranny without natural law, but merely a clash of subjective values.