

## Theological and Canonical References

The ***Catholic Bill of Rights and Responsibilities*** (CBRR) comes from our theological reflection on what it means to be Catholics baptized into the Body of Christ as well as the experience and pastoral needs of the People of God in our day. The preamble to the delineated rights provides many insights into the development of this document. Additionally, there is significant support for these rights in the teachings of Vatican II and official Church documents such as the Code of Canon Law and the Catechism of the Catholic Church.

As an aid to informed discussion of and education about the Catholic Bill of Rights and Responsibilities (CBRR), some of these background references for the CBRR are given below. These references are meant as guides to discussion and reflection – they are neither comprehensive nor exclusive, but rather an attempt to encourage thoughtful deliberation.

Embedded in Book II of the current Code of Canon Law ( “Title I: The Obligations and Rights of all the Christian Faithful”) is a group of canon laws (#208-223) commonly referred to as “the bill of rights.” Fr. James Coriden, a canon law scholar and Dean of Washington Theological Union, writes, “The impressive list of rights and responsibilities of all the members of our church, placed dramatically at the very outset of the book on The People of God, possesses constitutional status. It has fundamental and constitutive import....These rights and freedoms are not peripheral or inconsequential... They go to the heart of the reasons for belonging to a church. They are central to participation in a Christian community of faith and love. They are to life within the church what freedom of speech, freedom of religion, due process of law, suffrage and representation are to life as citizens. They are tantamount to what we are accustomed to refer to as constitutional rights.” Further, the introduction to this section of canon law expounds on the nature of the source of these rights, “...rights in the Church derive from incorporation into Christ through the sacrament of baptism and not from a social compact among individuals.” (*New Commentary on the Code of Canon Law*, p. 255) In other words, incorporation into the Body of Christ provides the basis for these rights and responsibilities.

For each of the ten CBRR, we are listing some references which may be helpful in further understanding the foundation of that statement. Please also consult the section of the American Catholic Council website entitled “Resources”. In addition to many other helpful articles and documents, each relevant canon is reprinted with commentary, which helps greatly in understanding its ramifications. All quotes are directly from the cited documents, without changing non-inclusive language.

1. **Primacy of Conscience.** Every Catholic has the right and responsibility to develop an informed conscience and to act in accord with it.

*Gaudium et Spes (Church in the Modern World) #16:* “Deep within his conscience man discovers a law which he has not laid upon himself but which he must obey. Its voice,

ever calling him to love and to do what is good and to avoid evil, tells him inwardly at the right moment: do this, shun that. For man has in his heart a law inscribed by God. His dignity lies in observing this law, and by it he will be judged. (cf. Rom 2:15-16) His conscience is man's most secret core, and his sanctuary. There he is alone with God whose voice echoes in his depths. By conscience, in a wonderful way, that law is made known which is fulfilled in the love of God and of one's neighbor. (cf. Mt 22:37-40; Gal 5:14) Through loyalty to conscience Christians are joined to other men in the search for truth and for the right solution to so many moral problems which arise both in the life of individuals and from social relationships. Hence, the more a correct conscience prevails, the more do persons and groups turn aside from blind choice and try to be guided by the objective standards of moral conduct."

*Dignitatis Humanae (Declaration on Religious Liberty) #2:* "The Vatican Council declares that the human person has a right to religious freedom. Freedom of this kind means that all men should be immune from coercion on the part of individuals, social groups and every human power so that, within due limits, nobody is forced to act against his convictions nor is anyone to be restrained from acting in accordance with his convictions in religious matters in private or in public, alone or in associations with others. The Council further declares that the right to religious freedom is based on the very dignity of the human person as known through the revealed word of God and by reason itself."

*Catechism of the Catholic Church (CCC)*

#1782 Man has the right to act in conscience and in freedom so as personally to make moral decisions. "He must not be forced to act contrary to his conscience. Nor must he be prevented from acting according to his conscience, especially in religious matters."

#1783 Conscience must be informed and moral judgment enlightened. A well-formed conscience is upright and truthful. It formulates its judgments according to reason, in conformity with the true good willed by the wisdom of the Creator. The education of conscience is indispensable for human beings who are subjected to negative influences and tempted by sin to prefer their own judgment and to reject authoritative teachings.

#1784 The education of the conscience is a lifelong task. From the earliest years, it awakens the child to the knowledge and practice of the interior law recognized by conscience. ...The education of the conscience guarantees freedom and engenders peace of heart.

#1790 A human being must always obey the certain judgment of his conscience. If he were deliberately to act against it, he would condemn himself. Yet it can happen that moral conscience remains in ignorance and makes erroneous judgments about acts to be performed or already committed.

2. **Community.** Every Catholic has the right and responsibility to participate in a Eucharistic community and the right to responsible pastoral care.

*Code of Canon Law #213:* The Christian faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments.

*Code of Canon Law #214:* The Christian faithful have the right to worship God according to the precepts of their own rite approved by the legitimate pastors of the Church and to follow their own form of spiritual life so long as it is consonant with the doctrine of the Church.

**3. Universal Ministry.** Every Catholic has the right and responsibility to proclaim the Gospel and to respond to the community's call to ministerial leadership.

*Code of Canon Law #211:* All the Christian faithful have the duty and right to work so that the divine message of salvation more and more reaches all people in every age and in every land.

*Code of Canon Law #216:* Since they participate in the mission of the Church, all the Christian faithful have the right to promote or sustain apostolic action even by their own undertakings, according to their own state and condition. Nevertheless, no undertaking is to claim the name Catholic without the consent of competent ecclesiastical authority.

*CCC #3:* Those who with God's help have welcomed Christ's call and freely responded to it are urged on by love of Christ to proclaim the Good News everywhere in the world. This treasure, received from the apostles, has been faithfully guarded by their successors. All Christ's faithful are called to hand it on from generation to generation, by professing the faith, by living it in fraternal sharing, and by celebrating it in liturgy and prayer.

*CCC#900:* Since, like all the faithful, lay Christians are entrusted by God with the apostolate by virtue of the Baptism and Confirmation, they have the right and duty, individually or grouped in associations, to work so that the divine message of salvation may be known and accepted by all men throughout the earth. ...Their activity in ecclesial communities is so necessary that, for the most part, the apostolate of the pastors cannot be fully effective without it.

**4. Freedom of Expression.** Every Catholic has the right to freedom of expression and the freedom to dissent.

*Canon law #212.2:* The Christian faithful are free to make known to the pastors of the church their needs, especially spiritual ones, and their desires.

*Canon law #212.3:* According to the knowledge, competence, and prestige which they possess, they have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons.

*CCC #907:* (repeats Canon law 212.3)

*Elizabeth Johnson, CSJ*: “Responsible dissent begins as an act of conscience and continues as part of a committed life in the church.” (*Commonweal*, vol..123, January 26 1996, pp. 8-10.)

**5. Sacraments.** Every Catholic has the right and responsibility to participate in the fullness of the liturgical and sacramental life of the Church.

*Code of Canon Law #213*: The Christian faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments.

*CCC #1134*: The fruit of sacramental life is both personal and ecclesial. For every one of the faithful on the one hand, this fruit is life for God in Christ Jesus; for the Church, on the other, it is an increase in charity and in her mission of witness.

**6. Reputation.** Every Catholic has the right to a good name and reputation.

*Code of Canon Law #220*: No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.

*Code of Canon Law #222.1*: The Christian faithful can legitimately vindicate and defend the rights which they possess in the Church in the competent ecclesiastical forum according to the norm of law. *#221.2*: If they are summoned to a trial by a competent authority, the Christian faithful also have the right to be judged according to the prescripts of the law applied with equity.

*Code of Canon Law #212.2 and #212.3*

*NCCB 1972 resolution*: “The promotion of adequate protection of human rights and freedoms within the Church is central to the bishops’ role of service to the people of God.” (“On Due Process”, Washington, D.C.: USCC, 1972)

**7. Governance.** Every Catholic and every Catholic community has the right to meaningful participation in decision making, including the selection of leaders.

*Code of Canon Law #212.2 and #212.3*

**8. Participation.** Every Catholic has the right and responsibility to share in the interpretation of the Gospel and Church tradition.

*Code of Canon Law #208*: From their rebirth in Christ, there exists among all the Christian faithful a true equality regarding dignity and action by which they all cooperate in the building up of the Body of Christ according to each one’s own condition and function.

*Code of Canon Law #214,216*

*Lumen Gentium (Dogmatic Constitution on the Church) #12:* The whole body of the faithful who have an anointing that comes from the holy one (cf. 1Jn 2:20, 27) cannot err in matters of belief. This characteristic is shown in the supernatural appreciation of the faith (*sensus fidei*) of the whole people, when, “From the bishops to the last of the faithful” they manifest a universal consent in matters of faith and morals. By this appreciation of the faith, aroused and sustained by the Spirit of truth, the People of God, guided by the sacred teaching authority (*magisterium*), and obeying it, receives not the mere word of men, but truly the word of God...The People unfailingly adheres to this faith, penetrates it more deeply with right judgment, and applies it more fully in daily life.

**9. Councils.** Every Catholic has the right to convene and speak in assemblies where diverse voices can be heard.

*Code of Canon Law #215:* The Christian faithful are at liberty freely to found and direct associations for purposes of charity or piety or for the promotion of the Christian vocation in the world and to hold meetings for the common pursuit of these purposes.

*Code of Canon Law #216:* Since they participate in the mission of the Church, all the Christian faithful have the right to promote or sustain apostolic action even by their own undertakings, according to their own state and condition...

**10. Social Justice.** Every Catholic has the right and responsibility to promote social justice in the world at large as well as within the structures of the Church. and in the world at large.

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