



AMERICAN CATHOLIC COUNCIL

Catholic Bill of Rights and Responsibilities

June 2011

CATHOLIC BILL OF RIGHTS AND RESPONSIBILITIES

To be human is to have rights. These include life and freedom, together with rights necessary to sustain them: shelter and nourishment, health and work, education and leisure. None of these rights is absolute. One may not exercise them so that other people are exploited.

Citizens of the United States are particularly conscious of their rights, written into our constitution: speech and peaceful assembly, dissent and due process, the choice to believe or not, freedom of the press and protection from cruel and unusual punishment, voting and the presumption of innocence.

When one decides to become a Catholic, one brings all these human rights into the Church. The Church has a solemn obligation to protect these and not to violate them. When one is a Catholic in the United States, the Church is obliged to safeguard those rights which define what it is to be a citizen— unless they are incompatible with Catholicism. One must not be told that one becomes a Catholic at the cost of being less an American. We cannot declare that fundamental rights have no place in the Church of Christ.

We often hear that the “Church is not a democracy.” This is not true: ecumenical councils, papal elections and the election of religious superiors occur regularly. The first Ecumenical Council in 325 declared that no priest was validly ordained unless the community made the selection. Popes and bishops were chosen by the people at large. Fundamentally, Catholic doctrine maintains that the Spirit is given to all and that baptism makes every Catholic equal.

Distinctions between clergy and laity are functional and arbitrary. Their value is always subordinate to the baptismal equality which gives all Catholics the priesthood, the right to the Eucharist, and full status in the community. Christ did not preach a Gospel of privilege and priorities, of entitlements, and of lesser or greater discipleships. Christ did not proclaim that the Reign of God was made up of those whose right to speech or due process or presumption of innocence would now be curtailed.

The Reign of God has its charter in the beatitudes, its constitution in the Gospels, and its mission in the Great Commandments.

In light of these principles and precepts, we, mindful of our baptism, eager to be fully citizens of the United States and thoroughly Catholic, articulate this

Catholic Bill of Rights and Responsibilities

1. **Primacy of Conscience.** Every Catholic has the right and responsibility to develop an informed conscience and to act in accord with it.
2. **Community.** Every Catholic has the right and responsibility to participate in a Eucharistic community and the right to responsible pastoral care.
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.
4. **Freedom of Expression.** Every Catholic has the right to freedom of expression and the freedom to dissent.
5. **Sacraments.** Every Catholic has the right and responsibility to participate in the fullness of the liturgical and sacramental life of the Church.
6. **Reputation.** Every Catholic has the right to a good name and to due process.
7. **Governance.** Every Catholic and every Catholic community has the right to a meaningful participation in decision making, including the selection of leaders.
8. **Participation.** Every Catholic has the right and responsibility to share in the interpretation of the Gospel and Church tradition.
9. **Councils.** Every Catholic has the right to convene and speak in assemblies where

diverse voices can be heard.

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

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 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. 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. 1 Jn 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 unfaithfully 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.

— *The Beatitudes:* Matthew 5: 3-12

— *Gaudium et Spes (Church in the Modern World) #1:* The joy and hope, the grief and anguish of the people of our time, especially of those who are poor or afflicted in any way, are the joy and hope, the grief and anguish of the followers of Christ as well.

— *Lumen Gentium (Dogmatic Constitution on the Church) #8:* Similarly, the Church encompasses with her love all those who are afflicted by human misery and she recognizes in those who are poor and who suffer the image of her poor and suffering founder. She does all in her power to relieve their need....The Church, clasping sinners to her bosom, at once holy and always in need of purification, follows constantly the path of penance and renewal.

— *CCC #2423:* Any system in which social relationships are determined entirely by economic factors is contrary to the nature of the human person and his acts.

— *Sollicitudo Rei Socialis #40:* The "evil mechanisms" and "structures of sin" of which we have spoken can be overcome only through the exercise of the human and Christian solidarity to which the Church calls us and which she tirelessly promotes.

— "Themes of Social Teaching," United States Conference of Catholic Bishops, Publication #5-315.

— Documents too numerous to mention, including these encyclicals: *Rerum Novarum* – 1891 (Leo XIII), *Quadragesimo Anno* – 1931 (Pius XI), *Populorum Progressio* – 1967 (Paul VI), and *Sollicitudo Rei Socialis* – 1987 (John Paul II)

Implications and Applications of the CBRR

1. Primacy of Conscience

- Church teaching would be grounded in the experience of all the baptized—regardless of gender or sexual orientation
- Church pronouncements on Catholic life would be preceded by dialogue among all the faithful
- Such pronouncements would take into account an analysis of the perceptions of Catholic people, in accord with sound scientific discipline and theological reflection.
- Catechetics, consistent with Catholic norms and practice, would focus on conscience formation and moral decision making.

2. Community

- Ministerial decisions would be based on the needs of communities for the "Word of God and the Sacraments" as a first priority
- All the faithful would be involved in decisions relating to closing parishes.

3. Universal Ministry

- The Church will return to its earliest tradition of welcoming both married and celibate priests.
- Women would freely discern and test their calls and would be eligible for ordination alongside their brothers.
- Each community would have a meaningful voice in choosing married or celibate, women or men pastors.

4. **Fundamental Rights**

- Bishops would cease denying facilities to those who disagree with them on matters unrelated to the deposit of faith.
- Oaths of allegiance would be eliminated
- Expression, discussion and open speech would be encouraged. Individuals would not be excluded from employment or ministry solely because of differing views on matters unrelated to the deposit of faith. All church employees have a right to due process in this regard.

5. **Sacraments**

- Sacraments would be viewed as grace-filled experiences, not “rewards” for certain conduct
- Artificial barriers to sacraments would be abolished (e.g. divorced and remarried Catholics, LGBT Catholics etc)
- Sacraments would not be withheld from Catholics who intend to receive them in faith and good conscience.

6. **Reputation**

- Procedures to censure individuals (such as theologians and politicians) for specific acts or statements would be subjected to due process—particularly in that the accuser and the judge should not be the same person or panel
- Bishops would first seek to dialogue with those with whom they disagree before arbitrarily deciding that they are not “Catholic.”

7. **Governance**

- Parish councils and diocesan councils would be elected and would be deliberative and empowered, not advisory
- The baptized faithful would be accorded realistic and meaningful input into the selection of pastors and bishops
- The baptized faithful would have realistic and meaningful participation in rule making bodies (such as curial offices)
- Episcopal appointments to a diocese would normally be considered permanent (within the term limit) unless the people of the diocese elect otherwise—also suggesting that ladder climbing advancement within the hierarchy into different dioceses would be rare.
- Episcopal pronouncements must have at their heart a spirit of love and compassion, consistent with the Gospel

8. **Sensus Fidelium**

- Assemblies and other forums to hear the voices of all the faithful, including those who are not ordained would occur regularly.
- Ecclesial pronouncements would take due regard of the life experience of all Catholics

9. **Councils**

- Mechanisms will be developed for regularly gathering input and advice from theologians and all the baptized faithful.
- These assemblies of the faithful would be accorded the respect and influence their work deserves.

10. **Social Justice.**

- —The Gospel message of Jesus which focuses on the poor, the marginalized, and the sick would become the primary role of the Church.
- —The “preferential option for the poor” would become the standard for judging decisions.
- —The Church would refocus its attention on peace-making, equal justice for all, and real economic

minimum standards for all.

History of the ACC Catholic Bill of Rights and Responsibilities

ACC was “formed” in September 2008—after about six months of conference telephone calls among individuals who were concerned about the state of our Church. At this meeting in Washington DC, representatives of many lay Catholic reform groups determined that we needed to educate ourselves about the authentic meaning of the Second Vatican Council, to make education materials available, to engage Catholics over the US in a discussion of the state of our Church—and to plan a meeting for the eve of the 50th Anniversary of the Opening of the Second Vatican Council—to celebrate that important event.

In January 2009 ACC issued its Declaration (on the website) in which we “read the signs of the times” in our Church—and we invited others to join with us in working toward a celebration of the Motifs of the Spirit which had been so present at Vatican II—as a possible way of reversing the difficult situation in which we found our Church.

We concluded that the structure of our Church was flawed, that it had moved beyond the earliest Church structures toward a monarchical/feudal model that was not envisioned by the Gospels. We concluded that a more participatory, inclusive—yes democratic—model was more appropriate for modern life, particularly in the Western Democracies and specifically in the United States. We decided to continue our work on the governance theme, the return to the early Church model, and the search for a more inclusive Church. A sub-group of ACC Planning Committee (Dr. Anthony Padovano, Chair, Margaret Mary Moore, Dr. Gaile Pohlhaus, Sr. Chris Schenk, Sheila Peiffer, —all theologians, and John Hushon—an attorney and theologian, together with Dan Daley –former CTA director) undertook to draft a Catholic Bill of Rights and Responsibilities. We took as models the United States Bill of Rights, the United Nations Declaration of Human Rights, and similar adaptations for Church life which had been published by some of our partners, such as ARCC’s Catholic Bill of Rights. As the first draft surfaced, many commented that we needed to temper “rights” with “responsibilities.” We published our first draft on the ACC website in 2009.

Subsequent drafts over the next two years responded to the listening sessions and individual critiques calling for simplicity, clarity, and brevity—and the need for a clear reference to social justice. The final draft is the result of thousands of responses and hundreds of hours of work.