



Brief: Religious Liberty

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Key Points:

1. Through religious liberty, we avoid conflicts & advance a common good.
2. We aid those whom society forgets, marginalizes, despises, or ignores.
3. We seek to advance institutional & individual conscience protections.

A Catholic perspective: Religious liberty is a right which requires freedom of belief and action: every person should have the ability to seek and act in accord with the truth.^[1] The basis of religious liberty can be found in Scripture: Jesus orders his disciples to give Caesar the things that are Caesar's and give God the things that are God's.^[2] Reflecting on this, we observe that religious liberty emerges from the different purposes of civil and divine law:

- *Divine law's* purpose is to direct both exterior and interior acts to bring human beings to eternal happiness. The core of this law is contained in the Ten Commandments and the words of Christ, both of which tell us what we must do to love God and our neighbor.^[3]
- *Civil law's* purpose is to help groups of people live in peace by acting virtuously. Lawgivers must compromise with what is possible as well as recognize the difficulty of judging thoughts and beliefs.^[4]

Civil law should maintain religious liberty to avoid civil conflicts over religious differences and to allow religious people to freely worship and contribute to the common good.^[5] In other words, religious liberty offers society both a defensive and affirmative benefit. For example, each year Catholics provide:

- primary and secondary education to about 70,000 student in about 250 schools;
- higher education to about 30,000 students in six Catholic universities;
- healthcare to more than 5 million babies, children, parents, and elderly through Catholic health systems and residential care centers;
- legal services, material assistance, and counseling to more than 750,000 Texans through Catholic Charities;
- help to pregnant women considering abortion at 20 pregnancy resource centers (PRCs) in partnership with the state, as well as through independent PRCs;
- hospitality, medicine, and material assistance to immigrants and refugees at the state's primary respite care centers along the border; and
- daily acts of charity for our neighbors at more than 1,300 parishes across Texas.

We do all of this because our faith compels us to action. We call these acts *works of mercy* and they are central to our lives. We serve not because every neighbor is Catholic, but because every neighbor is loved by God. Side-by-side with other Texans of faith, Catholics are

essential to preserving the common good. If we are not able to serve in accord with our faith, the most poor and vulnerable in our communities would lose the accompaniment they need, and Catholics would not have the opportunity serve, care for, and minister to the people others in our society forget, marginalize, despise, or ignore.

Texas law and policy: The Texas Constitution enshrined the principles of religious liberty into state law. Among other clauses, we find: “No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion.”^[6] In 1999, Texas legislators also passed the Religious Freedom Restoration Act (RFRA), which states, “a government agency may not substantially burden a person’s free exercise of religion” without the government action being:

1. justified in “furtherance of a compelling governmental interest,” and
2. the “least restrictive means of furthering that interest.”^[7]

The RFRA provides a defense religious people can use in court or an administrative proceeding when their free exercise of religion has been substantially burdened by the state.^[8] Still, lawsuits—especially against state agencies—are lengthy and costly; the process is the punishment. To affirmatively protect religious liberty, Texas law also:

- applies the RFRA to pharmacists,^[9]
- protects public school students’ expression of religious opinions and allows schools to give students a moment to pray each morning,^[10]
- allows defendants, attorneys, and jurors to observe a religious holy day during which courts pause their proceedings,^[11]

- allows religious organizations to decline to celebrate marriages which violate their sincerely held religious beliefs,^[12]
- prohibits governmental entities and contractors from discriminating against faith-based non-profits who provide child welfare services,^[13]
- allows parents to opt out of newborn screening tests and vaccinations,^[14]
- exempts places of religious worship from property taxes,^[15] and
- protects a homeowner’s ability to display a religious item on their home’s entryway.^[16]

Key bill summaries: HB 2827 / SB 17:

This bill provides conscience protections to businesses and individual workers so that state agencies do not burden their free exercise of religion, free speech, or religious membership.

HB 4497: This bill provides conscience protections against government discrimination for religious beliefs related to marriage.

SB 784: This bill prohibits a school district from offering human sexuality instruction in a school year unless the school complies with measures to provide each parent with a copy of the curriculum materials by mail in advance of the instruction.

Call to action: To support religious liberty in the Texas legislature, visit txcatholic.org/liberty to find and contact your lawmaker. Please also pray for Texas and for our legislators, that they may preserve religious freedom for us and our children.

The TCCB is a federation of all Roman Catholic dioceses and ordinariates in Texas. There are 8 million Catholics living in our state. To contact us, call our office at 512-339-9882 or find TXCatholic on [Facebook](#) and [Twitter](#).

Endnotes

1. *Dignitatis Humanae [On the Right of the Person and of Communities to Social and Civil Freedom in Matters Religious]* (DH) 2 § 1, 1 § 2, 7 § 3; *Catechism of the Catholic Church* (CCC) #2106.
2. Mt. 22:21; DH 11 § 2.
3. Deut. 6:5, 30:16; Lev. 19:18; Mt. 5:17, 22:34-40; CCC 2053-5.
4. Thomas Aquinas, *Summa Theologica* [I.II Q. 95 Art. 1. Answer](#); [I.II Q. 96 Art. 2. Answer](#).
5. Publius, *The Federalist Papers*. Ed. Charles Kesler. New York: New American Library, 2003. 51:321, 54:370, 55:378; John Locke, *Two Treatises of Government*. Ed. Peter Laslett. Cambridge: Cambridge University Press, 1988. II.7.87, pages 323-324. Contrast Thomas Aquinas, *Summa Theologica*, [I.II Q. 95 Art. 1. Answer](#) and [I.II Q. 94 Art. 3. Answer](#).
6. Texas Const., [Art. I, § 6](#). For other relevant clauses, see [Art. I § 5, 7](#), [Art. VII § 5](#), [Art. VIII § 2](#), and the preamble, which invokes the “blessings of Almighty God” for the establishment of Texas.
7. Id. at § [110.003\(a\)-\(b\)](#). This text closely tracks the federal RFRA.
8. Id. at [110.004](#).
9. Tex. Occupations Code [Sec. 551.008](#).
10. Tex. Education Code, Chapter 25, [Subchapter E](#), [Subchapter Z](#), and § [25.082](#).
11. Tex. Code of Criminal Procedure, § [29.011-12](#).
12. Tex. Family Code, § [2.601-602](#).
13. Tex. Human Resources Code, § [45.001](#), et seq.
14. Tex. Health and Safety Code, § [33.012](#); [161.004](#). Although some insist that they must abide by their conscience and not receive vaccines, it is difficult to find a valid or sound moral rationale to refuse immunizations against dangerous contagious diseases, especially considering the solemn obligation to provide for the good of one’s children, to protect the common good, and to care for the vulnerable in society, including other young children, pregnant women, and the elderly. See: Pontifical Academy for Life, *Moral Reflections on Vaccines Prepared from Cells Derived from Aborted Human Fetuses*. 7.
15. Tex. Tax Code, § [11.20](#).
16. Tex. Property Code, § [202.018](#).