

There is no contradiction between the teaching of the earlier popes and of Dignitatis Humanae rightly understood.

Catholics and religious liberty: What can we believe?

By Thomas Storck

■ On December 7, 1965, the Second Vatican Council, on almost the last day of its last session, promulgated the Declaration on Religious Liberty, often known from its Latin opening words, *Dignitatis Humanae*. If the usual interpretation of this document is correct, then it is surely one of the most important ever authoritatively issued by the Catholic Church, for *Dignitatis Humanae*, on its face *seems* not merely to supplement or to develop, but to overturn what was the settled teaching of the Church for centuries, a teaching that had been elaborated by several pontiffs within the last hundred years, and in fact had been restated scarcely ten years before the Second Vatican Council opened in 1963.¹ And if *Dignitatis Humanae* did overturn settled teaching, that, obviously, has profound implications for our trust in the Magisterium on a host of questions, from contraception and the ordination of women to, in fact, all of Catholic teaching, even involving the most central dogmas of the Faith. For if the Church can change

one teaching previously proclaimed to be unchangeable, what is to prevent more such changes in the future?² So aside from whether we are apt to welcome or deplore *Dignitatis Humanae*, we can see that there are far-reaching ramifications from any act of the Church that is considered to change previous teaching, for in that case nothing can be trusted and adhered to as permanent Catholic doctrine.

What exactly is the controversy surrounding *Dignitatis Humanae*? The central question of the interpretation of this document contains two related points: 1) Whether the ideal situation for Catholics is to live in a Catholic state, that is, in a state which officially accepts the Catholic religion as the religion of the state and seeks, via its laws, to reflect Catholic social and moral teaching, and 2) In such a state, how much public religious liberty can or must be given to non-Catholics? This second question, moreover, is the more controverted one.

Now what exactly had the settled and traditional teaching of the Church been and how

did *Dignitatis Humanae* seem to contradict it? There are numerous passages from previous pontiffs illustrating the traditional teaching,³ but I will confine myself to quoting just two, both of Pope Leo XIII (reigned 1878 to 1903). The first is from the encyclical *Immortale Dei*, issued November 1, 1885.⁴

As a consequence, the State, constituted as it is, is clearly bound to act up to the manifold and weighty duties linking it to God, by the public profession of religion. Nature and reason, which command every individual devoutly to worship God in holiness, because we belong to Him and must return to Him, since from Him we came, bind also the civil community by a like law. For, men, living together in society are under the power of God no less than individuals are, and society, no less than individuals, owes gratitude to God who gave it being and maintains it and whose ever-bounteous goodness enriches it with countless blessings. Since, then, no one is allowed to be remiss in the service due to God, and since the chief duty of all men is to cling to religion in both its teaching and practice—not such religion as they may have a preference for, but the religion which God

enjoins, and which certain and most clear marks show to be the only one true religion—it is a public crime to act as though there were no God . . . or out of many forms of religion to adopt that one which chimes in with the fancy; for we are bound absolutely to worship God in that way which He has shown to be His will. (no. 6)

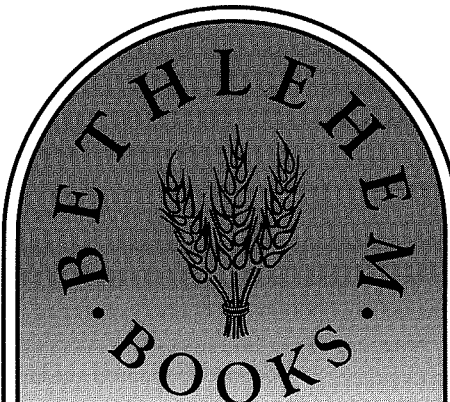
The next example is from Leo's encyclical *Libertas Praestantissimum*, issued June 20, 1888.

But, to justify [liberty of worship], it must needs be taken as true that the State has no duties toward God, or that such duties, if they exist, can be abandoned with impunity, both of which assertions are manifestly false. For it cannot be doubted but that, by the will of God, men are united in civil society; whether its component parts be considered; or its form, which implies authority; or the object of its existence; of the abundance of the vast services which it renders to man. God it is who has made man for society, and has placed him in the company of others like himself, so that what was wanting to his nature, and beyond his attainment if left to his own resources, he might obtain by association with others. Wherefore, civil society must acknowledge God as its Founder and Parent, and must obey and reference His power and authority. Justice therefore forbids, and reason itself forbids, the State to be godless; or to adopt a line of action which would end in godlessness—namely, to treat the various religions (as they call them) alike, and to bestow upon them promiscuously equal rights and privileges. Since, then, the profession of one religion is necessary in the State, that religion must be professed which alone is true. . . (no. 21)

From this and similar teaching Catholic theologians and writers drew what seem to me certain common-sense conclusions. These are ably stated by Msgr. John A. Ryan in these words:

If there is only one true religion, and if its possession is the most important good in life for States as well as individuals, then the public profession, protection, and promotion of this religion and the legal prohibition of all direct assaults upon it, become one of the most obvious and fundamental duties of the State.⁵

Before going on to discuss Vatican II's *Dignitatis Humanae*, I think it would be in order to see exactly what this previous teaching did and did not entail, according to its customary



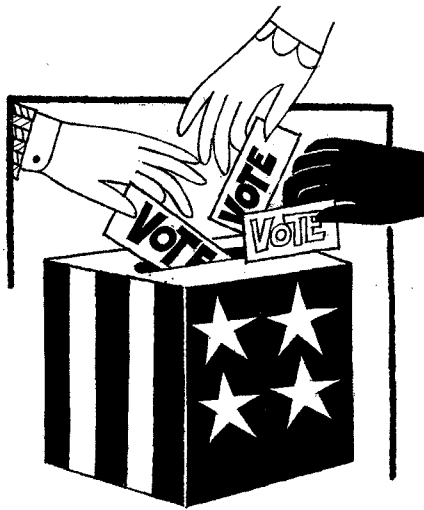
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interpretation. In the first place, although this should not need to be pointed out, it is probably well to say that in no way did this older doctrine sanction the imposition of Catholicism on anyone. Despite violations in the early Middle Ages by some Catholic rulers, the Church has always taught that faith is a free act, and an adult must freely embrace the Faith. Secondly, in regard to the question of the restriction of the public profession of non-Catholic faiths, this was held to apply only in situations where Catholics made up the great majority of the nation; moreover, it did not apply to *private* worship in one's home. Though this doctrine supposes a type of state clearly far from liberal democratic notions of religious freedom, it is equally far from a police state regime in which people fear to voice their opinions even privately.

What was the rationale for this earlier teaching? Was it simply a case of hidebound adherence to the past or can an argument be made for this type of arrangement? In the first place, traditional Catholic teaching always held that man organized on a political basis is not exempt from the duty that obligates each of us as individuals, namely, to render to Almighty God that worship which he himself desires. And even apart from the teaching of the Church, it is hard to see why man organized into a political community should be able to officially ignore his Creator and Redeemer—or, for that matter, why he would even want to ignore the true source of his most important blessings.

In regard to the prohibition of public worship of non-Catholics, three points need to be made. In the first place, this was designed to protect the faith of the ordinary Catholic against proselytism. Everyone is aware of the fact that in Latin America millions of Catholics have been seduced from the Church by the efforts of Protestant and pseudo-Christian sects. It is well and good to say that the faith of each Catholic should be strong enough to resist such attempts at conversion, but it nevertheless always will be the case that some Catho-



lics will be susceptible to the blandishments of error. These weaker brethren, therefore, need our protection and must not be abandoned by us. Secondly, the prohibition of public non-Catholic activity helps to safeguard society as a whole against agitation on behalf of evils, such as abortion, divorce, “an ‘idolatry’ of the market” in economic matters,⁶ and so on. If religious freedom is given to non-Catholics, then it follows almost automatically, that the freedom to seek to remake society in a false image is also given. And lastly, freedom of public worship and of the right to proselytize transforms the public and corporate face of a culture from a Catholic one into a pluralistic one. Yet it should be the ordinary experience of Catholics to live in a society where every aspect of their private and public lives is guided or shaped by the Faith. The separation of our public from our private lives, with religion being relegated to the latter, is unnatural. It is not the Catholic way to live.

Next we must consider the Declaration on Religious Liberty, *Dignitatis Humanae* (December 7, 1965), of the Second Vatican Council. In this document the Vatican Council seems, at least at first glance, to teach much that is contrary to the papal teaching quoted above. Here are the main points of the Declaration.

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. This right of the human person to religious freedom must be given such recognition in the constitutional order of society as will make it a civil right.

... Therefore the right to religious freedom has its foundation not in the subjective attitude of the individual but in his very nature. For this reason the right to this immunity continues to exist even in those who do not live up to their obligations of seeking the truth and adhering to it. The exercise of this right cannot be interfered with as long as the just requirements of public order are observed.

... Consequently to deny man the free exercise of religion in society, when the just requirements of public order are observed, is to do an injustice to the human person and to the very order established by God for men

The freedom of immunity from coercion in religious matters which is the right of individuals must also be accorded to men when they act in community

Religious communities have the further right not to be prevented from publicly teaching and bearing witness to their beliefs by the spoken or written word

Also included in the right to religious freedom is the right of religious groups not to be prevented from freely demonstrating the special value of their teaching for the organization of society and the inspiration of all human activity.⁷

Since both the papal statements here in question and the decree of the Second Vatican Council are examples of the teaching of the Church's Magisterium, it would seem that any loyal Catholic should first try to see if those teachings do not in fact agree. Now, while there is much in *Dignitatis Humanae* that certainly differs in tone from the earlier teaching, and even seems to differ in content, we must take a close look at that document to see what is actually demanded by its text.

In the first place I would suggest that *Dignitatis Humanae* is not as easily understood as it seems at first glance. Although most of the document speaks much of man's right to religious freedom, it also contains the following statement (in no. 1 of the Declaration),

So while the religious freedom which men demand in fulfilling their obligation to worship God has to do with freedom from coercion in civil society, it leaves intact the traditional Catholic teaching on the moral duty of individuals and societies toward the true religion and the one Church of Christ.⁸

Yet this "traditional teaching" is precisely the matter of the encyclicals and other documents of Pius IX, Leo XIII, Pius XI and Pius XII. In other words, *Dignitatis Humanae* explicitly affirms the very body of teaching it is commonly assumed to contradict and supplant!

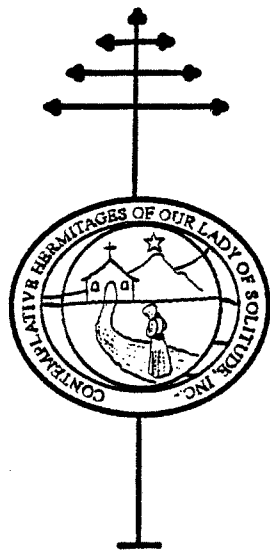
The greater part of *Dignitatis Humanae*, however, does not affirm traditional teaching, but speaks at length and in some detail of man's religious liberty, and in terms very different from Leo XIII. Thus, it seems to me, the task is not just to understand how the earlier papal teaching is congruent with *Dignitatis Humanae*, but how the reaffirmation of the "traditional teaching" at the beginning of *Dignitatis Humanae* is congruent with the discussion of the right to religious freedom that makes up the bulk of the document. Can these seemingly different affirmations in the Declaration be harmonized? Does *Dignitatis Humanae* contradict itself? Let us see if the following procedure makes sense.

If we take seriously the affirmation of traditional teaching at the beginning of the Declaration, then what comes after must be understood in its light. Thus we cannot attempt to understand the latter (and larger) part of *Dignitatis Humanae* absolutely and on its own, but only in the light of this statement in its first article. Now, if this is so, then certain cautions in the document can be seen in a new light.

The larger part of the Declaration on Religious Liberty (nos. 2 through 15) discusses the right to religious freedom, but with limitations. These are the "due limits" and the

“just requirements of public order,” both mentioned in no. 2 (and quoted above) and also an extremely important statement in no. 7, which declares that religious freedom, as is the case with any other freedom exercised in society, is bound by “the rights of others” and “the common good of all.”⁹ Now it may seem to some that to interpret these limitations along the lines of the teaching of Pius IX, Leo XIII and their successors is forced, but this is so only if one forgets what seems to me the guiding principle of interpretation of this document, the statement in its first article that “traditional Catholic teaching” is not changed. If this statement is taken at face value (and I see no reason why it should not be), then the “due limits” and the “just requirements of public order,” and especially the requirement that the exercise of religious freedom is limited by “the common good of all,” must mean more than they might seem to mean at first glance.

Basically, the solution that I suggest is this:¹⁰ That the “just requirements of public order,” the “due limits,” and considerations of the rights of others and of the common good vary considerably from society to society, and that in a society overwhelmingly and traditionally Catholic they could easily include restrictions, and even an outright prohibition, on the *public* activities of non-Catholic sects, particularly on their proselytizing activities. Man’s religious liberty is real and the Council’s Declaration is not false or heretical; simply that the right to exercise such freedom is not the same in every place and time. A non-Catholic has the real *right*, even in a Catholic state, to privately profess his own religion and privately meet with his co-religionists; in a liberal regime he has a right to considerably more freedom. In both cases the freedom is real, simply that the “requirements of public order” and of the common good differ.¹¹



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In his address in 1953, *Ci Riesce*, Pius XII stated that the “duty of repressing moral and religious error cannot . . . be an ultimate norm of action. It must be subordinate to *higher and more general norms* . . .”¹² One of these more general norms is, of course, that of the common good, not only the national, but that of the Church and of the entire world. Thus obviously it could never be in accord with the common good to repress non-Catholics where they are in the majority nor even in a large or traditional minority. So while in some cases the common good would allow and might even require limitations on non-Catholic public activity, in other cases the common good permits or demands that a greater degree of the exercise of liberty be granted to non-Catholics, for, as *Dignitatis Humanae* itself states, the right to religious freedom is subject to the “common good of all” (no. 7).¹³

If this manner of interpretation seems contrived, I would simply ask how else can we make sense of the claim at the beginning of the Declaration that it is leaving “intact” the “traditional Catholic teaching” on this subject? This position, moreover, receives official support in the new *Catechism of the Catholic Church*. Here are the relevant passages:

Freedom is exercised in relationships between human beings. Every human person, created in the image of God, has the natural right to be recognized as a free and responsible being. All owe to each other this duty of respect. The *right to the exercise of freedom*, especially in moral and religious matters, is an inalienable requirement of the dignity of the human person. This right must be recognized and protected by civil authority within the limits of the common good and public order. no. 1738 (Emphasis in original.)

The duty of offering God genuine worship concerns man both individually and socially. This is “the traditional Catholic teaching of the moral duty of individuals and societies toward the true religion and the one Church of Christ.” By constantly evangelizing men, the Church works toward enabling them “to infuse the Christian spirit into the mentality and mores, laws and structures of the communities in which [they] live.” The social duty of Christians is to respect and awaken in each man the love of the true and the 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. no. 2105

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.” no. 2109

(Moreover, the footnotes in the *Catechism* also point the way toward full acknowledgment of the continuity of the earlier teaching with that of *Dignitatis Humanae*, and include references to *Immortale Dei* and *Libertas* of Leo XIII, *Quas Primas* of Pius XI and even *Quanta Cura* of Pius IX, the encyclical which accompanied the *Syllabus of Errors*. See pp. 511-12.)

Paragraphs 1738 and 2109 from the *Catechism* affirm not only that the common good is the controlling principle in the regulation of religious liberty, and that “public order” may not be conceived after a merely “positivist” manner, i.e., without taking into account moral and spiritual realities, but even more to the point, that “each social situation” requires a different estimation of the common good according to political prudence. The requirements of the common good, and thus, the type and degree of religious liberty that should be granted in “each social situation,” will necessarily differ. In a culture entirely Catholic, or almost so, the requirements of the common good have traditionally been seen as demanding prohibitions, to one degree or another, on public non-Catholic religious activity. Thus *Dignitatis Humanae* can clearly be interpreted in harmony with the common teaching on religious liberty that obtained before the Second Vatican Council.¹⁴ The genuine development of doctrine accomplished by *Dignitatis Humanae* can then be seen to lie not in overturning centuries of Magisterial teaching,

but in pointing out that non-Catholics have a real *right* to religious freedom, although necessarily "within the limits of the common good and public order."

I believe, then, that there is no contradiction between the teaching of the earlier popes and of *Dignitatis Humanae* rightly understood, despite the very different tone of the latter document. If we examine the Declaration carefully, as we must, then we can see that "traditional Catholic teaching on the moral duty of individuals and societies toward the true religion and the one Church of Christ" does indeed remain "intact!" ■

¹ By Pius XII, in the address, *Ci Riesce*, to the Fifth National Convention of the Union of Italian Catholic Jurists, December 6, 1953.

² Richard McBrien, in fact, instances the case of religious liberty (as well as usury) in support of his program of dissent. See his *Catholicism*, study ed. (Minneapolis: Winston Press, 1981) p. 1020.

³ Papal documents which contain the traditional teaching include: Pius IX's *Syllabus of Errors*, nos. 77-79; Leo XIII, *Humanum Genus*, nos. 22, 24, *Immortale Dei*, nos. 21, 32, 35, 43, *Libertas Prae-stantissimum*, nos. 18, 19-30, 33, *Longinqua Oceani*, no. 6. Also several encyclicals of Pius XI restate this doctrine. They include *Ubi Arcano*, no. 22 and *Quas Primas*, nos. 8 and 20.

⁴ Quotations from the encyclicals of Leo XIII are from Etienne Gilson, ed., *The Church Speaks to the Modern World* (Garden City, N.Y.: Image Books, 1954). The quoted passages are on pages 164 and 70-71.

⁵ John A. Ryan and Francis J. Boland, *Catholic Principles of Politics* (New York: Macmillan, 1947) p. 319. Msgr. Ryan was one of the foremost Catholic crusaders for social justice in the United States in the first half of this century. In the confused use of political labels that prevails here in the United States, Ryan is sometimes considered a liberal, but as a loyal son of the Church he was neither liberal nor conservative. He upheld Leo XIII's and Pius XI's teachings on social justice at the same time as he upheld their teachings on the nature of the Catholic state.

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⁶ John Paul II, Encyclical *Centesimus Annus*, no. 40.

⁷ Austin Flannery, ed., *Vatican Council II, the Conciliar and Post Conciliar Documents*, (Northport, N.Y.: Costello Publishing, c. 1975, 1980 printing) pp. 800-803. This printing, variously called the 1981 edition or the 2nd edition, corrects a printing error in a crucial passage on page 800 in the previous printings done by Liturgical Press.

⁸ *Ibid.*, p. 800.

⁹ *Ibid.*, pp. 804-805.

¹⁰ I argued for a similar, though not identical, explanation of the difficulties surrounding *Dignitatis Humanae* in an article, "The Problem of Religious Liberty: A New Proposal," *Faith & Reason*, vol. 15, no. 1, spring 1989, p. 59.

¹¹ In Catholic teaching on religious liberty before the Second Vatican Council, the common good was held to be the controlling factor on how much and what kind of religious liberty should be granted to non-Catholics. Cf. Leo XIII, *Libertas Praestantissimum*, no. 33.

¹² The entire address is reprinted in Michael Davies, *The Second Vatican Council and Religious Liberty* (Long Prairie, Minn.: Neumann Press, c. 1992), pp. 303-315. The excerpts quoted are on page 311 and the emphasis is in the source quoted.

Although in this talk Pius XII discusses occasions when the duty of restricting non-Catholic wor-

ship must yield to other and higher duties, he never doubts that there is such a duty toward non-Catholic worship, simply that it is not the supreme and sole of our duties.

¹³ *Vatican Council II, the Conciliar and Post Conciliar Documents*, pp. 804-805.

Even John Courtney Murray, in commenting on this very passage, wrote, "Note that the right itself is always inalienable, never to be denied; only the exercise of the right is subject to control in particular instances." Walter Abbott, ed., *The Documents of Vatican II* (New York: Guild Press, 1966), footnote 20 on page 686.

¹⁴ According to Michael Davies in *The Second Vatican Council and Religious Liberty*, p. 158, quoting Fr. Wiltgen's *The Rhine Flows into the Tiber*, at one point in the conciliar deliberations on the religious liberty declaration, the International Group of Fathers (the group of bishops who were concerned that the Council's documents explicitly uphold traditional Catholic teaching and which included Archbishop Marcel Lefebvre) suggested that if *Dignitatis Humanae* were changed so that the common good, rather than simply public order, were made the limiting factor on religious freedom in society, then their group would be willing to accept the Declaration! As a matter of fact, the principle of the common good is clearly noted in no. 7 of the Declaration. But the *Catechism* has made this much clearer. See also Davies, p. 157.



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