

given all-out aid to Chiang as we did to the Greek anti-Communists. There is no question that dealing with Chiang would have been difficult and often frustrating, but a clear anti-Communist determination could have carried us through.

What lessons do we learn from this experience?

1. The U.S. needed and still needs a consistent anti-Communist policy. We have opposed the Communists on an *ad hoc* basis here and there, but that is not enough. We need to understand the nature of the Communist system--the dialectic, the denial of individual worth, the espousal of revolution. If we know what it is, we will know that it must be fought.

2. We need to help those who are fighting Communism when they ask for our help, even if their government or leader isn't all that we want. Right now, we need to help the Mujaheddin in Afghanistan, UNITA in Angola, RENAMO in Mozambique, the Contras in Nicaragua. Whatever weaknesses these resistance groups have, they would in every way be preferable to Communism and deserve our support.

3. We must realize the power of the media to shape our perceptions and not allow it to bemuse us into ignoring the reality of Communism.

The day that the barbed wire barriers come down and free emigration from Communist countries is permitted, the day that land ownership is returned to the people, the day that full religious freedom is granted, the day that all the gulags are forever closed, the day that free elections and a multi-party system are allowed: when that day comes we can stop worrying about the Communists, because they will no longer be Communists. Until that day, America must always stand on the side of those who fight for freedom for themselves and for their children.

## The Problem of Religious Liberty: A New Proposal

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"Since the Catholic Church has changed her authoritative teaching on more than one point of faith and morals, there is absolutely no reason why she cannot be expected to change it on others. And, this being the case, to silence dissenting theologians is very possibly to prevent the discovery and propagation of new truths, truths which the Church herself will eventually come to accept." We are all likely familiar with arguments of this sort, arguments made in varying ways by theologians who refuse to accept all the teachings of the Church's magisterium.<sup>1</sup> When pressed for specifics, moreover, the two points on which they generally allege the Church has changed her doctrine are the licitness of usury<sup>2</sup> and the question of religious liberty. And if the magisterium really has changed on these issues, then it is hard not to concede to them their point. For if the teaching of the ordinary magisterium on usury or religious liberty has changed over the centuries because of changing social conditions, then why not teaching on contraception or divorce? Therefore, it

<sup>1</sup>Richard McBrien, for example, uses such an argument, and cites both usury and religious liberty as examples. *Catholicism*, study ed. (Minneapolis: Winston Press, 1981), p. 1020.

<sup>2</sup>On usury see, Joseph Rickaby, *Moral Philosophy*, 4th ed. (London: Longmans, Green, 1919), pp. 255-263. This is a very good short discussion showing clearly that Catholic teaching has not changed on this matter.

seems to me of the greatest importance for orthodox Catholics to be able to demonstrate that the Church has never changed any point of its magisterial teachings nor can she.

In the case both of usury and of religious liberty it is a question of the ordinary magisterium, the ordinary day-to-day teaching authority of the Church. According to the First Vatican Council, all Catholics must accept the teaching of this ordinary magisterium with the same kind of assent of faith which we give to a solemn exercise of the extraordinary magisterium, such as the definition of the doctrine of Our Lady's Assumption.<sup>3</sup> So while there can be no doubts among orthodox Catholics as to whether or not ordinary magisterial teaching must be believed, it seems to me that there might be controversy over whether a certain thing is or is not part of the Church's "ordinary and universal teaching." How widespread in time and place must a teaching be found before it becomes "universal," for example? In the case of religious liberty we have the teachings of at least four popes of the nineteenth and twentieth centuries, most of them speaking in formal documents such as encyclicals, and seemingly speaking at variance with the doctrine contained in the Vatican II document *Dignitatis Humanae* (Declaration on Religious Liberty). We should be curious, to put it mildly, to understand how the Church could seem thus to contradict herself when proclaiming God's truth. Yet if all efforts to solve the problem are not successful, it is possible that, despite appearances, the earlier teaching on the subject was not part of the Church's "ordinary and universal teaching," and therefore the problem is more apparent than real. But if it is admitted that the teachings of Popes Gregory XVI, Pius IX, Leo XIII and Pius XII on the subject of religious liberty are part of the ordinary magisterium, then we must by some means show how their teaching was not changed in 1965, when the decree on religious liberty was adopted.

<sup>3</sup>Dz.-Sch. 3011 (32nd ed.)

The problem of reconciling the teaching of these nineteenth and twentieth century popes on religious freedom with that of the Vatican II document *Dignitatis Humanae* has already occupied a number of commentators and occasioned comment by Pope Paul VI. There seems to be some general agreement that efforts hitherto to reconcile the two teachings, while helpful in many ways, have not been completely successful.<sup>4</sup>

I am here proposing another solution. But first we should recall what the exact problem is.

Should the ideal or best civil society, under the guidance of the teaching of the true Catholic Faith, prohibit a particular kind of religious freedom, namely public teaching and proselytism by those who hold to false religious belief (e.g., schismatic or heretical sects, or infidels)?<sup>5</sup>

Several encyclicals and other documents or statements of Gregory XVI, Pius IX, Leo XIII and Pius XII teach that non-Catholics have no right to religious liberty, particularly public profession and preaching of their doctrines, even though peculiar circumstances may render it necessary to allow public profession of heresy in the interest of some greater good, such as the avoidance of civil strife. A sample of the relevant texts follows:

<sup>4</sup>For a summary of attempted reconciliations with criticisms and some new attempts, see *Faith & Reason*, vol. ix, no. 3 (Fall 1983), pp. 181-248. Prof. Christopher Wolfe there criticizes, correctly I think, previous efforts at solving the problem. As for the new contributions, Fr. Most's is, I think, substantially the same as his earlier effort, and can be criticized in much the same way. Mr. Sockey pretty much confines himself to general remarks on the subject, and Mr. Marshner depends, I think, on stretched interpretations of several of the earlier texts; see especially pp. 226-227 where he discusses no. 78 of the *Syllabus of Errors*. Several students of the matter have told me orally that they are not convinced by any of the attempts yet. At the same time, I have found these efforts, especially those of Montejano, Fr. Most and Marshner, helpful in formulating my own argument.

<sup>5</sup>Wolfe in *Faith & Reason*, vol. ix, no. 3, p. 183.

**Gregory XVI, Encyclical *Mirari Vos* (August 15, 1832):**

And from this stinking fountainhead of indifferentism flows that absurd and erroneous opinion or rather nonsense, that liberty of conscience must be claimed and demanded for anyone whatever.<sup>6</sup>

**Pius IX, *Syllabus of Errors* (December 8, 1864):** (The following are condemned propositions.)

no. 77. In the present day it is no longer expedient that the Catholic religion should be held as the only religion of the State, to the exclusion of all other forms of worship.

no. 78. Hence it has been wisely decided by law, in some Catholic countries, that persons coming to reside therein shall enjoy the public exercise of their own peculiar worship.

no. 79. Moreover, it is false that the civil liberty of every form of worship, and the full power, given to all, of overtly and publicly manifesting any opinions whatsoever and thoughts, conduce more easily to corrupt the morals and minds of the people, and to propagate the pest of indifferentism.<sup>7</sup>

**Leo XIII, Encyclical *Libertas Praestantissimum* (June 20, 1888):**

For this reason, while not conceding any right to anything save what is true and honest, the Church does not forbid public authority to tolerate what is at variance with truth and justice, for the sake of avoiding some greater evil, or of obtaining or preserving some greater good. . . . But if, in such circumstances, for the sake of the common good (and this is the only legitimate reason), human law may or even should tolerate evil, it may not and should not approve or desire evil for its own sake. . . .

<sup>6</sup>Dz.-Sch. 2730 (32nd ed.)

<sup>7</sup>*Dogmatic Canons and Decrees* (Rockford, IL: TAN Books, 1977), pp. 208-209.

But, to judge aright, we must acknowledge that, the more a State is driven to tolerate evil, the further is it from perfection; and that the tolerance of evil which is dictated by political prudence should be strictly confined to the limits which its justifying cause, the public welfare requires. . . . And although in the extraordinary condition of these times the Church usually acquiesces in certain modern liberties, not because she prefers them in themselves, but because she judges it expedient to permit them, she would in happier times exercise her own liberty. . . .<sup>8</sup>

**Pius XII, *Ci Riesce* (December 6, 1953):**

The duty to suppress moral and religious error cannot, therefore, be an ultimate norm of action. It must be subordinated to *higher and more general norms* which, *under certain circumstances*, permit and may even make it appear that the best choice for promoting *greater good* is the toleration of error.<sup>9</sup>

Although there are more passages setting forth this teaching, notably several of Leo XIII,<sup>10</sup> these selections accurately give the sense of the traditional view. But, seemingly to the contrary, the Second Vatican Council teaches the following in *Dignitatis Humanae*:

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 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

<sup>8</sup>Etienne Gilson, ed., *The Church Speaks to the Modern World* (Garden City, NY: Image, 1954), p. 77.

<sup>9</sup>Quoted by Wolfe in *Faith & Reason*, p. 185. Emphasis in source.

<sup>10</sup>See Gilson, *The Church Speaks to the Modern World*, pp. 71, 80 (*Libertas Praestantissimum*) and 164-165, 172-173, 177-178 (*Immortale Dei*)

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 or 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.<sup>11</sup>

The apparent conflict here concerns public worship and proselytizing activities, since the papal teaching quoted earlier never contemplated suppressing private religious actions. But how far is the conflict real?

In *Dignitatis Humanae* itself there are two limitations of the right to religious freedom. First, this freedom is restricted "within due limits" and by "the just requirements of public order."

<sup>11</sup>Austin Flannery, ed., *Vatican Council II* (Northport, NY: Costello Publishing, c. 1975, 1980 printing) pp. 800-803. This printing, variously called the 1981 edition or the 2nd edition, corrects printing errors on p. 800 in the previous printings done by Liturgical Press.

Second, the assertion of man's right to religious liberty seems to be considerably qualified by a further statement in the declaration. This statement appears in the paragraph immediately preceding the section quoted, and runs thus:

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.<sup>12</sup>

What do these reservations mean?

In regard to "the just requirements of public order," at first glance this phrase might seem to mean things such as keeping civil peace, obeying health regulations, respecting morality and the like.<sup>13</sup> But even Professor Wolfe implicitly acknowledges that it could include suppression of polygamy, although polygamy is a practice by no means necessarily contrary to civil peace.<sup>14</sup> This also despite the fact that polygamy is or has been permitted by several major religions, and its prohibition would be a limiting of religious freedom. In other words, "the just requirements of public order" apparently mean more than merely keeping order in society, and extend to repressing socially harmful practices.

But I think one can go further than this. I suggest the following: That "the just requirements of public order" vary considerably between a Catholic state and a religiously neutral state. If a neutral state can prohibit polygamy, even though it is a restriction on religious freedom, then a Catholic state can likewise restrict the public activity of non-Catholic groups. "The just requirements of public order" can be understood only in the context of a people's traditions and modes of living, and in a Catholic society would necessarily include that social unity based

<sup>12</sup>*Ibid.*, p. 800.

<sup>13</sup>Cf. Wolfe in *Faith & Reason*, pp. 188-189.

<sup>14</sup>Wolfe in *Faith & Reason*, p. 188.

upon a recognition of the Catholic Church as the religion of society, and the consequent exclusion of all other religions from public life. Western secular democracies, committed to freedom of religion for all sects, find no contradiction in proscribing polygamy, although some religions permit it, because its practice is contrary to the traditions and mores of these nations. A Catholic country can certainly similarly maintain its own manner of life.

What about the repeated declarations in *Dignitatis Humanae* about religious freedom as a personal human right? The Council proclaims, I think, an abstract human right, but a right that is not necessarily fully applicable in any given circumstance or place. Because of the "dignity of the human person" man does indeed have a right to religious liberty, in fact, by giving us a free will God has necessarily given us a kind of religious liberty, including the liberty to err. But this does not mean that this liberty may be exercised without reference to anything else. There are many rights that are contingent upon circumstances. Man, for example, has a right to marry. But what of those who are impotent or who cannot find anyone to marry? The right is a right in the abstract and not necessarily in any given concrete situation. Furthermore, even in a Catholic confessional state there is a certain religious liberty, that is, a liberty to privately exercise one's non-Catholic faith, to meet corporately but privately with one's coreligionists. This is a real liberty, occasioned by the "dignity of the human person," but also restricted within "the just requirements of public order."

But what of the second limitation on religious freedom found within *Dignitatis Humanae* itself?

Usually the supposed contradiction in Church teaching on religious liberty is seen as a conflict between earlier papal teaching and *Dignitatis Humanae*. But if the text of *Dignitatis Humanae* is taken seriously this is not so. *Dignitatis Humanae* states, as I quoted above, that it "leaves intact the traditional Catholic teaching on the moral duty of . . . societies toward the

true religion and the one Church of Christ." The moral duty of societies toward the true faith and Church, however, is precisely those propositions found in the traditional papal teaching supposedly at variance with *Dignitatis Humanae*. In other words, if an interpretation of the declaration is insisted upon that conflicts with Gregory XVI, Pius IX, *et al*, then *Dignitatis Humanae* conflicts with itself, for, as I just quoted, the earlier teaching, far from being changed, is explicitly left intact. If we keep this in mind when reviewing the declaration, we will see that the common interpretation, although at first glance seemingly obvious, must be based on a misunderstanding. Probably *Dignitatis Humanae* was intended to be irenic, and perhaps some of its framers wanted to change the teaching, but as Fr. Most points out, "we must confine ourselves to what the writer succeeded in setting down on paper explicitly."<sup>15</sup> No one will deny that *Dignitatis Humanae* says what it says in a curious way, but I think I have shown that one need not read it in such a way that it conflicts with former teaching.

I have tried to give full weight to the plain meaning of all the texts I have discussed, within the constraints imposed by logic and revealed truth. *Dignitatis Humanae* turns out to be a much more complicated document than usually supposed, but, when carefully examined, not in disagreement with what seems to be the previous teaching of the ordinary magisterium on the question of religious liberty.

<sup>15</sup>Most in *Faith & Reason*, p. 198. Emphasis author's.