

Vatican II and Religious Liberty | Catholic World Report - Global Church news and views

Vatican II: Fifty Years Later

Of all the documents produced by the Second Vatican Council, none had more revisions, saw more debate, or garnered more controversy than the “Declaration on Religious Liberty” *Dignitatis Humanae*.



Left: Pope Paul VI. Right: Five U.S. cardinals pose for a photo in St. Peter's Square following a meeting of the second session of the Second Vatican Council in 1963. From left are Cardinals John E. Ritter of St. Louis, James McIntyre of Los Angeles, Francis Spellman of New York, Richard Cushing of Boston and Albert Meyer of Chicago. The American bishops had a notable influence on the Council's teachings on religious liberty. (CNS file photos)

This is in part because the document's 15 tightly-packed paragraphs had the burden of boldly defending the rights of conscience while at the same time respecting the teaching of the embattled Church of the 19th century. This was no easy task, so we should be ever grateful to the conciliar Fathers for the declaration as we face challenges to our religious liberty today.

Change in doctrine?

The controversy stems from the accusation by both progressives and ultra-traditionalists that the Council Fathers reversed earlier Church teaching. The strange bed-fellows of Father Charles Curran and the late Archbishop Marcel Lefebvre agree that the declaration is a break from doctrine and that it is a

break with significant consequences for the Church.

For Father Curran, who advocates for changes in the Church's teaching on contraception, homosexuality, pre-marital sex, and divorce, the perceived break is a welcome example with which to argue for more change. If the Church can totally reverse her teaching once, she can do it again. For Archbishop Lefebvre, founder of the Society of St. Pius X, the break is a betrayal. He went so far as to call the declaration outright apostasy and, because of it, the Second Vatican Council a "robber council." So his followers today point to *Dignitatis Humanae* as exhibit "A" in their dissent from the teachings of Vatican II.

Not everyone agreed with this assessment. The great Dietrich von Hildebrand thought the declaration "marvelous," and indicated that it was overdue. He did not think it was a break from previous teaching, but rather a natural consequence of the Gospel.

This was also the position of the drafters of the document, the members of the Secretariat for Christian Unity. They wrote and scrapped and rewrote version after version of the declaration in their conscientious effort to proclaim the truth about the rights of conscience. They worked so hard because a key aspect of Blessed Pope John XXIII's vision was at stake.

The perception of the Church's teaching by many was that whenever she found herself in the minority, the Church would cry religious liberty. However, if the Church was in the majority, the state would be obliged to suppress other faiths. If that perception was not addressed, argued the Secretariat, the desire of Blessed Pope John XXIII to make inroads with non-Catholic Christians would be impossible.

This was a tension particularly acute in the Catholic Church in America. Paul Blanchard's 1949 anti-Catholic book *American Freedom and Catholic Power* portrayed the Church as a menace to the US Constitution and real religious free-

dom. Thus Father John Courtney Murray, Cardinal Richard Cushing of Boston, Cardinal Francis Spellman of New York, and other American prelates agreed and worked to advance the declaration at the Council.

The 19th century

An objective eye must admit that *Dignitatis Humanae's* language does at least appear to run counter to the language of the 19th-century popes. Those popes had witnessed numerous massacres and open persecutions of priests, religious, and laity in Europe and elsewhere. They witnessed the overthrow of the Papal States and found themselves locked up in the Lateran. Bishops, empowered by hostile governments, were in open rebellion against the popes.

At the root of all this hostility was the new philosophy of the age, a philosophy that argued that reason was the only measure of truth, while tradition and religion were enemies of freedom. Instead of freedom being at the service of truth, truth was at the service of a nearly unbridled freedom. Kant may have believed in a moral order, but with Nietzsche came *Beyond Good and Evil*. It was the birth of liberalism.

As a result, the idea of a right to liberty of conscience—permitting one to believe whatever one wanted or nothing at all—was condemned as “insanity” by Pope Gregory XVI. The notion that the State had no obligation to ensure the triumph of truth was likewise condemned. And since Catholics believed that the ultimate truth of life is found in relationship with God, then the idea that the State had no obligations to protect the Church was pure folly, according to Pope Leo XIII.

Pope Leo argued in *Immortale Dei*, “On the Christian Constitution of States,” that the State is responsible for maintaining the common good. Eternal life is good for man. Thus, the State has an obligation to maintain the conditions possible for the pursuit of eternal life, and that means at least some form of protec-

tion for religion in general and the Church more specifically. In fact, ideally it means some prudential State restriction of the public expression of non-Catholic faith.

From the start, therefore, the reason for addressing the issue of religious liberty at the Council was radically different from previous attempts. The previous popes were combating liberal excesses that denied any limits to freedom. The Council was laying out what justice demands for human dignity. The popes were writing to Catholic bishops. The Council was speaking to the whole world. The popes were writing on the duties of the State. The Council was focused on the rights of individuals. Is it any wonder the language was so different? Still, the difference is only cosmetic.

A new teaching from the old

Article one of *Dignitatis Humanae* begins with the observation that the modern man has, with a new-found sense of freedom, realized a duty to pursue the truth. That truth rests with the one true Church of Christ. Thus, the interior drive within us to seek out the truth must correlate to a freedom to seek and wrestle with that truth in all sincerity.

In a crucial passage, the Council Fathers write that they search “in the sacred traditions and doctrine of the Church” in order to bring “forth new things that are in harmony with the things that are old.” For this reason, they leave “untouched the traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ.” This is no attempt at remaking anything. They mean simply to “develop the doctrine of recent popes.”

From the start, as if using the very “hermeneutic of continuity” that our current Pope Benedict XVI has asked we use, the Fathers precluded any reading of the declaration that would allow for a direct contradiction.

They go on to argue that it is precisely because of the sacrosanct nature of a sincere conscience that “the human person has a right to religious freedom” wherein “all men are to be immune from coercion..., in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly..., within due limits.” This definition of religious liberty is what the Church teaches, for this right is “in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself.” That is, Divine Revelation and logic require that we adhere to this teaching.

The declaration, in the tradition of other social doctrine texts, links rights and responsibilities by tying the right to religious freedom to the corresponding duty to seek out objective truth. This is unlike the rights claims of the 19th-century liberal. *Dignitatis Humanae* states that “the highest norm of human life is the divine law itself,” so the pursuit of one’s own private faith does not fulfill one’s responsibility. One must pursue truth and the divine law, not mere personal whim.

Still, faith must be free. For one to properly adhere to the one true faith, he must be free “to follow his conscience faithfully in order that he may come to God, the end and purpose of his life.” This is an echo of the teaching of the Apostles and the Patristic age. Faith must be entered into freely. Love expressed in faith cannot be forced.

The declaration continues by arguing for a freedom of public worship from State suppression. Like the young lover who desires to tell the whole world of his romance, the believer naturally yearns to spread the good news of his faith. To this, the Council Fathers say that while the State must “take account of religious life,” it would “clearly transgress the limits set to its power, were it to presume to command or inhibit acts that are religious.”

This language in article three of *Dignitatis Humanae* was changed in nearly

every draft of the document. The 19th-century popes taught that the State could inhibit public acts of religion. To avoid a direct contradiction, the Council Fathers argued that the State could not presume to inhibit such acts as if it were the arbiter of the true religion. The State could only inhibit religious acts if those acts violated public order and thus the common good.

As the argument develops, the Fathers apply their principles to groups of believers. As social beings it is only normal that we should seek out and gather with others. This is why the right to religious liberty is one that extends to groups and not just individual persons. This is also why religions ought to enjoy the right to build churches and schools and to administer their own structures without State interference.

Article five of the declaration is particularly interesting as it deals with the rights of parents to educate their child as they see fit. The document says that the State must “acknowledge the right of parents to make a genuinely free choice of schools and other means of education.” It goes on to say that “the rights of parents are violated if their children are forced to attend lessons or instructions which are not in agreement with their religious beliefs.” The recent cases of parents being forced to have their children submit to same-sex curricula is a clear case of the violation of religious liberty as defined by the Second Vatican Council.

Within due limits

The Council upholds the teaching that the State has an obligation to protect religious practice in general. This section of the document, article six, is in part a repeat of the teaching of Pope Leo XIII, who taught that the State’s responsibility for the common good meant the protection of religious practice. But what if the religion in question is harmful to society?

Dignitatis Humanae’s definition of religious liberty at the start has it that “all

men are to be immune from coercion..., within due limits.” That last phrase is most important, for here the Council Fathers had to walk a very narrow line. Article seven of the document starts to unpack the meaning.

Pope Leo XIII criticized the notion that citizens could worship whatever and however they wanted just so long as “public peace” wasn’t disturbed. In other words, condemned is the notion that you’re free to say and do and believe whatever you want so long as you don’t prohibit another from saying and doing and believing what they want. That was too low a bar for Pope Leo.

He taught that the common good should be the standard for State intervention. Practically, this meant that even if no public peace has been violated, the State may at times repress error to maintain the common good.

Some argue that because the phrase “common good” is replaced with “public order” there is a contradiction. But the drafters had a good reason to avoid using “common good.” Bishop Emile de Smedt, the official spokesperson for the drafters, argued that the term was not used by modern governments. So the drafters chose “public order” as “the more basic component of the common good” but were careful to define “public order” to include not just “public peace” but “public morality.”

This was still not satisfactory to some. Archbishop Karol Wojtyła—later Pope John Paul II—noted that the Communists appealed to the “public order” all the time as they suppressed and persecuted the Church. He insisted that a reference be made to an objective moral standard. As a result, the drafters decided to define “public order” as the “objective moral order.”

Therefore, according to the declaration and in line with Pope Leo XIII, a right to religious liberty is necessary for the common good, but if one were going to limit religious liberty one would have to demonstrate that the religion was violating the objective moral order.

Our situation today

This is important in our own context today because there are those who have attempted to defend the Obama administration's HHS mandate by arguing that in the name of the common good, the bishops should give up on battling the administration. The Patient Protection and Affordable Care Act (aka Obamacare) is social policy enacted for the common good. When competing rights like the right to access to health care and the right to religious freedom collide, the State determines what the common good requires. Thus, the argument goes, health care can trump religious liberty for the common good.

But those who make that argument are betraying the Second Vatican Council. Infringing on a faith community's religious liberty would be acceptable only if the objective moral order were violated. The US bishops wish to avoid having to pay for other people's sexual choices and consequences. This is not a violation of the objective moral order, but in fact the opposite. It is a defense of the moral order.

They are also wrong who argue that even if the Church should be exempt from the mandate, individual Catholic business owners should be forced to participate. *Dignitatis Humanae* is crystal-clear, however, that religious freedom is a right not just for groups but for individuals.

The crucible of the Council produced the "Declaration on Religious Freedom" after a whole series of debates and additions, tweaks and subtractions. The document is the fruit of long and careful conversation and consideration between the old teaching and the new way of expressing what was already there in our tradition. In the words of the declaration, "The Church is following the way of Christ and the apostles when it recognizes and supports the principle of religious freedom."

Thus *Dignitatis Humanae* is, as Dietrich von Hildebrand said, a triumph of "the

most elementary of human rights.” We are blessed to have it and to be reminded of its importance during this Year of Faith.