The following article by Fr. Marcel Neusch, a French Assumptionist theologian and well-published author, was taken from the most recent issue, #47, of *Itinéraires Augustiniens/Augustinian Journeys)*

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Religious Freedom at Vatican II

With the publication of *Dignitatis humanae*, the declaration on religious freedom, the Second Vatican Council took a decisive step for the Church, and one can hope that it is definitive and irreversible. It took place on December 7, 1965. Up till that time, the Church had at its disposal only two expressions: freedom, which it demanded for itself, and tolerance, which it granted to other religions. To say the least this position was paradoxical: how could the Church refuse to others a freedom that it never ceased claiming as a right for itself? One can understand why a declaration on religious freedom that would go counter to this classical position would have met with resistance among some of the Council Fathers, the most intransigent of whom was Bishop Lefebvre. To grasp the scope of this text, it would be necessary to retrace its history before pointing out its most hard-hitting affirmations and underlining its limits.

A turbulent history

It was John XXII who insisted that the subject of religious freedom be included in the Council agenda, as well as that of Judaism. In the beginning, these two topics appeared in the draft on ecumenism, where each one constituted a distinct chapter. By placing them on the agenda, they wanted to put an end to a double complaint which weighed on the Catholic Church: its refusal in terms of freedom, considered to be an irreversible achievement of modern society, and its anti-Semitism, which the Shoah had shown what horrors it was capable of. In fact the Council gave these two questions full weight by treating them apart, in two separate documents,

one dedicated to religious freedom, the other integrated into the declaration on non-Christian religions.

As to religious freedom, the Council came a long way. The initial draft was based on the classical doctrine according to which the truth had all rights, error none. One reasoned using the twin terms of opposition between thesis and antithesis. According to the thesis, one maintained that the Church, being the only one to hold the truth, had an exclusive right to propagate it, “Outside the Church, no rights!” This position found its spokesman in Louis Veuillot who replied to an opponent with unimaginable poise, “I am a Christian, and you are not. I demand freedom because it is my right; I refuse it to you because it is not your right, because you would misuse it, just as your beliefs, character, and friends show.” (March 30, 1877).

This doctrine had solid support in the Syllabus, the famous catalogue of modern errors (December 18, 1864), which had become the Bible of all fundamentalists. In this context, one did not, however, go so far as to right of existence to non-Catholics: they were tolerated. As for the Church, whenever it was a minority in a country, it changed its tune, appealing to what is designated as the antithesis: it demanded for itself religious freedom, that is to say, in effect, freedom of conscience, the foundation of which was found in Saint Paul: “For why should my freedom be determined by someone else’s conscience?” (I Cor 10: 29), and which was translated in formulas that appeared in France around 1560 such as “Do not exert excessive force on our consciences.” These ideas c an also be found in the declaration *Dignitatis humanae* (2 § 1).

The hypocrisy was blatant. Could one insist on freedom for oneself without recognizing it in the same terms for others? As of 1960, the “Fribourg Document,” a first draft of the conciliar document, denounced this doctrine founded on the twin concept of thesis/antithesis, where the theocratic ideal of the Old Testament was reflected more than the spirit of the Gospel. But still it was necessary to win majority support for the text. In order to arrive at this point, it would be necessary to disarm the opponents. That’s why, in 1963, Bishop De Smedt, then rapporteur at the Council, performed an extraordinary high-wire balancing act by demonstrating that, in affirming religious freedom, the Council was in no way contradicting Pope Pius IX, the pope of Syllabus who, during the last century, referred to it as a “folly.” It would take no less than six successive versions before reaching an acceptable text.

Right up to the last day, the confrontations were rather direct, not to say harsh. The major attach came from Cardinal Ottaviani who felt that “the right of the true religion” was not sufficiently affirmed. Bishop Ruffini added his two cents worth by demanding that there be a distinction between a regime founded on truth and a social structure based on tolerance, the

sole justification of which was, in his eyes, the need for men to live in common. Bishop Granados had a suspicion that the text the text was placing on equal footing truth and error, etc. The sharpest objection, however, would come from Archbishop Lefebvre who refused any right to an erroneous conscience: authority, he declared, must “help men to do good and to avoid evil, that is to say, to use their freedom well,” which would forbid, at least in Catholic states, the possibility of such religious freedom.

The main affirmations

The term “religious freedom” was accepted in the end, and, after several rewrites, the text was voted on December 7, 1965, garnering 2308 placet (yes), 70 non placet (no). In the meantime, the had been given greater definition, notably with a subtitle: “On the Right of the Person and Communities to Social and Civil Freedom in Matters Religious.” After a brief introduction, the declaration is divided into two sections: 1. General aspects of religious freedom (§ 2 to 8), and 2. Religious freedom in the light of Revelation (§ 9 to 15). Let it suffice to highlight the main affirmations of the various numbers.

“On their part, all men are bound to seek the truth, especially in what concerns God and His Church, and to embrace the truth they come to know, and to hold fast to it. This Vatican Council likewise professes its belief that it is upon the human conscience that these obligations fall and exert their binding force. The truth cannot impose itself except by virtue of its own truth” (§ 1).

“This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.” (§ 2).

“Parents, moreover, have the right to determine, in accordance with their own religious beliefs, the kind of religious education that their children are to receive” (§ 5).

“If, in view of peculiar circumstances obtaining among peoples, special civil recognition is given to one religious community in the constitutional order of society, it is at the same time imperative that the right of all citizens and religious communities to religious freedom should be recognized and made effective in practice” (§ 6).

“A wrong is done when government imposes upon its people, by force or fear or other means, the profession or repudiation of any religion, or when it hinders men from joining or leaving a religious community (§ 6).

“The right to religious freedom is exercised in human society: hence its exercise is subject to certain regulatory norms” (§ 7).

“The declaration of this Vatican Council on the right of man to religious freedom has its foundation in the dignity of the person, whose exigencies have come to be are fully known to human reason through centuries of experience. What is more, this doctrine of freedom has roots in divine revelation, and for this reason Christians are bound to respect it all the more conscientiously” (§ 9).

“No one is to be forced to embrace the Christian faith against his own will” (§ 10).

“In human society and in the face of government the Church claims freedom for herself” (§ 13).

Contrary to what one often believes, the declaration does not recognize all freedom of “conscience,” since this is linked to the truth and the duty to seek it. In fact, the declaration is not a comprehensive treatment on freedom. It neither deals with the relationship between Man and God, which falls within freedom of conscience, nor the relationship of the faithful to the Magisterium, which is yet another aspect of freedom which deals with matters within the Church. Religious freedom, in the understanding of the Council, is a term of public right, and it is with this right that the declaration deals, that which the addition of the subtitle, “social and civil freedom,” aims to clarify and which the text itself reveals.

Novelty and limits of the text

The declaration on religious freedom, as the text on Judaism, had to overcome a difficult heritage. While in the past the Church considered religious freedom essentially from a negative

point of view, here she is adopting a radically new view, taking into account the evolution of attitudes or, as it is stated in § 9, of exigencies which “have come to be fully known to human reason through centuries of experience.” In other words, the claim for religious freedom is perceived by the Council as a “sign of the times.” The newness of this attitude should be noted. It is conveyed throughout the text.

A first novelty resides in the juridical status of the text. What we are dealing with in reality is not a “constitution,” which touches upon what is constitutive of the faith, nor even of a decree, which is aimed at Christians and represents a decision for the life of the Church. Here what we have is a “declaration”, as for *Nostra aetate*: a first-of-its-kind genre, by which the Church “makes known its thought on a reality which is the common good of all men and it is actually addressed to all,” as Yves Congar has written. This literary genre, by its novelty, underlines that the Church has an awareness of its responsibility not only with regard to Christians, but with regard to all of humanity. John XXIII had already begun to address himself beyond Christians to all men of goodwill.

The newness also appears in the content of the text. It’s two-fold. On the one hand, from a totally negative tolerance, which, albeit grudgingly, accepted the presence of the other in the social arena, in spite of his errors, the Council moved on to “religious freedom” understood as a positive right, recognized as belonging to the other, a right to exist and to express his difference. That is the principal achievement. On the other hand, so as not to be placed in opposition to the Syllabus, the Council had to refine the difference between “freedom of conscience,” which would be indifferent with regard to the truth – the inacceptable theory of “a conscience without law”-, and “freedom of consciences,” which is the right of each person to follow his conscience according to his convictions, and which implies respect for persons, even those in error, it being understood that everyone is held, in conscience, to search for the truth.

However, it is not possible to set aside the limits of this declaration. It’s possible to indicate at least one, which touches upon the question of the basis of religious freedom, a question which did not receive an entirely satisfactory response, because it ignores the political dimension. John Courtney Murray (1904-1967), the American theologian, who was responsible, at the Council, for the third draft of the text (1964), had nevertheless provided a good direction. Sensitive to religious pluralism in the United States, he based religious freedom on something that he considered to a ‘sign of the times’: pluralism and democracy. In his eyes, political power was not to impose truth, even where religion has the upper hand, but to serve people. In the end what was retained as the foundation of religious freedom were the anthropological (human dignity) and theological (revelation) arguments without giving political arguments all their weight, in spite of the references to the role of the State.

So what can we learn? The declaration on religious freedom opened the way for the Church to be more dialogical. The statement of Paul VI might be cited here, “The Church must enter into dialogue with the world in which it lives. It has something to say, a message to give, a communication to make” (*Ecclesiam Suam* #65). Such an evolution was not possible until one was able to consider the other positively, that which the Council had done in *Nostra aetate* in saying: “The Catholic Church rejects nothing that is true and holy in these religions” (§ 2). Without the declaration on religious freedom, based on the recognition of truth contained in other religions, a meeting such as the one at Assisi (October 27, 1986) would have been inconceivable. It is not surprising that those who rejected this notion of religious freedom were so quick to hit the barricades and denounce the Assisi meeting.

It is the declaration on religious freedom that gives so much weight to the word of the Church when it intervenes today in international matters dealing with human rights and freedom. It was the linchpin of the paragraph on religious freedom at the Helsinki Conference, in particular of a text such as this one: “Participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief.” Let it not be doubted: it will be the Church’s own fidelity to this declaration on which she will be judged in the future. Because the test of its credibility is not a declaration, however solemn it may be, but its implementation, in relations with others, but also within the Church itself.

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What would St. Augustine think?

Saint Augustine did not exclude the use of force in certain situations, notably against the Donatists in view of bringing them back to Catholic unity. Nevertheless, he wasn’t in favor of it, judging that one should be free to choose one’s religion. He never had recourse to coercion, neither with regard to Jews, whose freedom of worship he respected, nor that of pagans, even though he approved laws outlawing idol worship, nor that of the Manicheans, with whom he preferred to engage in a debate of ideas. That his attitude may have bee different with regard to the Donatists is understandable given the insecurity that they caused. Augustine explains himself in a famous letter, most probably from 408 :

“For originally my opinion was, that no one should be coerced into the unity of Christ, that we must act only by words, fight only by arguments, and prevail by force of reason, lest we should have those whom we knew as avowed heretics feigning themselves to be Catholics. But this opinion of mine was overcome not by the words of those who controverted it, but by the conclusive instances to which they could point. For, in the first place, there was set over against my opinion my own town, which, although it was once wholly on the side of Donatus, was brought over to the Catholic unity by fear of the imperial edicts... For how many were already, as we assuredly know, willing to be Catholics, being moved by the indisputable plainness of truth, but daily putting off their avowal of this through fear of offending their own party!! ...» (Letter to Vincentius, 93, ch 5, #17 in New Advent, http://www.newadvent.org/fathers/1102093.htm).

From the moment he accepted the use of coercion, Augustine felt obliged to provide legitimization. As of 405, he justified by the end he was aiming at, distinguishing between good and bad restraint: “One must not consider the restraint in and of itself, but consider its objective, whether it is good or bad” Letter 105 to the Donatists, 2). He makes a difference between an “unjust persecution” ---one that is made against the Church--- and a “just persecution,” one that the “Churches direct at the impious.” Beyond this specious argumentation, Augustine is convinced that in the matter of faith, respect for religious freedom should be the rule. He would have certainly approved the declaration on religious freedom of Vatican II, which corresponded better with his way of thinking than that of recourse to force. Even if circumstances may have pushed him to justify it, force was repugnant to him and, more radically, to this religious convictions.