

Religious Liberty

Response to dubia presented by E.E. Mgr Lefebvre

At the demand of the CDF, I have studied attentively an ample dossier elaborated by S.E. Mgr Lefebvre in which it is presented a certain number of dubia about the possibility to reconcile the teaching on religious liberty from the second Vatican council with the anterior magisterium.

Already, in the diverse phases of the elaboration of the declaration *Dignitatis humanae*, this question had already been very present in the definitive text of the declaration, even in its preamble, which affirms expressly that “this Vatican Council scrutinised the sacred tradition and the holy doctrine of the Church that extracts something new in constant accord with the old” (n. 1). In the same way, since then, in numerous theological studies, commentating upon the conciliar Declaration, want to show in which manner the indisputable novelty which this document represents was in continuity and harmony with the anterior magisterium (1).

- (1) Cf. for instance the volume, *Vatican II. La liberte religieuse*, collection “*Unam Sanctam*”, n. 60, Ed. Du Cerf. Paris 1967, in particular the article by J. Courtney Murray, ‘*Vers une intelligence du developpement de la doctrine de l’Eglise sur la liberte religieuse*’ (‘*Towards an intelligence of development of doctrine of the Church on religious liberty*’). (pp. 111-147). Cf. also Nicolau, ‘*Magisterio eclesiastico sobre libertad religiosa. Conciliacion armonica de sus enseñanzas.*’ (*Ecclesiastical magisterium on religious liberty. Harmonious conciliarisation of its teachings.*’ “*Salmanticensis*” 17 (1970) pp. 57 ss.

However, in order to respond to the questions posed by Mgr Lefebvre, it did not seem sufficient to trust in the existing bibliography, and a realisation of a more detailed study was deemed necessary of which results are present in the following pages.

I. Presentation of the “Dubia” of Mgr Lefebvre

The dubia expressed in the Memoire of Mgr Lefebvre are from diverse formulations of a single question: Are the general perspective and the particular affirmations of *Dignitatis humanae* reconcilable with the anterior Magisterium?

In reality, they seem to express in a dubious manner a profound conviction that the second Vatican Council and Pope Paul VI would have only given their support to ‘liberal values (such as religious liberty)’, which in reality would be ‘incompatible with the vision of the person and the city’ as defined under the pain of condemnation by the popes of the 19th century and the beginning of the 20th century.

This conviction is the object of an attempt of justification in the preliminary declaration strongly emphasising the idea of the Kingship of Christ and the indirect subordination of the temporal to the spiritual.

Three points in particular are attributed to the Council:

1. The dignity of the human person, as presented in *Dignitatis humanae*, will consist in its nature alone, independently of the adherence to the truth and the good. In consequence, the council will admit a moral freedom for evil errors; even the right to spread false doctrines.
2. From this perspective, truth itself would be relative: 'the truth is not one, the catholic religion is not the only true one', the other religions include 'salutary values' a 'signification of the mystery of salvation, which are different parts to arrive to God'.
3. Therefore, we would also equally encourage the principles of agnosticism and religious indifferentism of the State: this one can act independently of the Church and put her at the same level as other religions (erroneous religions). As such, the State does not have to honour God through the cult of the true religion and does not therefore have to recognise the Catholic religion as the religion of the State, in order to favour positively the common good in the temporal order, to bring the assistance of the 'secular arm' against the destroyers of the order of the Church and of the Kingdom of Christ. The Dubia also ask if *Dignitatis humanae* (in particular section n. 13) does not exclude the particular protection of the Catholic Church by the State, contrary to the teaching of Leo XIII on the recognition and special favour which is due from the State towards the true religion.

Aside from these general points, the Dubia asks about the 'troubling parallelism' that emerges from the comparison of the diverse propositions condemned by Pius IX in the encyclical *Quanta cura*, with the correspondent affirmations of *Dignitatis humanae*.

II. Presentation of this response to the 'Dubia'

1. Given the numerous aspects involved in the dubia, each one would give rise to an exposition of practically all the doctrine on religious freedom, with numerous and inevitable repetitions. Additionally, one can try to focus each response on a directly involved aspect of each dubium, and this could in numerous cases be insufficient. Frequently, in effect, the dubia apparently contain secondary nuances, but these are determinant for the response; be it affirmative or negative.
2. In consequence, not only for reasons of brevity (with the end to avoid repetitions), but also for reasons of expositional clarity and rigour, we prefer to give a more detailed response to the fundamental points mentioned earlier. In the measure from which these points are being clarified, it is true also that the other aspects of the dubia will be clarified, since we speak of consequences of the fundamental preceding points. However, due to the tight relations that exist between these fundamental points, we will not always be able to avoid certain repetitions.
3. The study, long and meticulous, from which these pages are the result, were realised with the profound conviction of the fact that the proposed problem requires the application of all the traditional criteria in matters of interpretation of Magisterial texts (2), in particular the consideration of its historical-doctrinal context and their finality. However, this cannot make us forget that frequently, Roman Pontiffs, in the questions that concern us, as in so many other questions, regarding the occasion of error or contingent situations, have given teachings that exceed this contingency, teachings which are more general, or permanent value, independently of the historical circumstances. However, even in these cases, the knowledge of these circumstances can be necessary to comprehend the exact content of the continuous teaching that is offered.

(2) Cf. for example CDF declaration *Mysterium ecclesiae*.

https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_1973_0705_mysterium-ecclesiae_en.html

4. Also, in the study of these questions, it will also be necessary to take into account the fact that as we know, the Tradition of the Church, from which the Magisterium is an organ, and at the same time authentic interpreter, is a true reality. This Tradition is not a simple repetition, but it includes a doctrinal development in continuity, as can be proven amply from the history of the Church (3). The fact about the question of religious freedom, the doctrine of the Second Vatican Council represents indubitably a certain novelty with respect to the prior Magisterium, is not a problem if it is a novelty which falls within the scope of the reality of 'development within continuity'.

(3) Cf. Vatican Council I, Constitution *Dei Filius*, chap. 4: Denz-Sch 3020; Vatican Council II, Constitution *Dei Verbum*, n. 8. <https://www.papalencyclicals.net/councils/ecum20.htm>

III. Response to the fundamental points

1. Religious liberty and human dignity

According to the Declaration *Dignitatis humanae* (below, DH):

"The right to religious freedom has its foundation in the very dignity of the human person as known by the revealed Word of God and reason itself" (DH, 2/a).

"Therefore, it is not a subjective disposition of the person by its own nature which founds the right to religious freedom" (DH, 2/b).

Why is thus the conciliar doctrine according to which the fundament of the right to religious freedom is to be found in the objective dignity of the person, which is founded in turn in human nature, incompatible with the traditional catholic doctrine as it is expressed for example in the following affirmation of Leo XIII?:

"If the intelligence adheres to false ideas, if the will chooses evil and attaches to it, neither of them attains its perfection; both lose their native dignity and are corrupted. Therefore, it is not permitted to bring to light and expose to the eyes of men that which is contrary to virtue and the truth, and much less to place this license under the tutelage and protection of law" (4).

(4) Leo XIII, Encyclical *Immortale dei* (1885).

https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei.html

In the first place, it should be pointed out that the affirmation of the right to religious freedom founded in the dignity of the human person, independently of the truth or error of the religion in question, does

not signify a negation of the fact that the truth and its adherence to good are an integral part of the very dignity of man.

In effect, the text of DH 2 does not say that the dignity of the human person consists solely of nature alone, independent of any adherence to the truth and the good. What it affirms there is that the ontological fact that being a person already comports with a dignity, which at a civil level requires among other things the right to religious freedom as it is understood in DH, “*immunitas a coercitione in societate civili*” (*immunity from coercion in civil society*) (DH, 1).

As John XXIII taught:

“It is always perfectly justifiable to distinguish between error as such and the person who falls into error—even in the case of men who err regarding the truth or are led astray as a result of their inadequate knowledge, in matters either of religion or of the highest ethical standards. A man who has fallen into error does not cease to be a man. He never forfeits his personal dignity; and that is something that must always be taken into account” (5).

On the other hand, it is fitting to point out that the teaching of Vatican II (in the considered text: DH 2) is perfectly reconcilable with the teaching of the Church about the consequences of original sin. Original sin destroyed the supernatural and preternatural dignity of man (based on grace and other supernatural and preternatural gifts), but it did not destroy its natural dignity; this was simply diminished: in deterius commutate (6), like human nature itself. For this reason, human liberty, which is without a doubt one of the principal manifestations of his ontological dignity, is not annihilated but only debilitated (7).

(5) John XIII, Encyclical *Pacem in terris* (1963); see also John Paul II, Message to the UN:

“*Insegnamenti di Giovanni Paolo II*” (1978).

https://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html

https://www.vatican.va/content/john-paul-ii/en/messages/pont_messages/1978/documents/hf_jp-ii_mes_19781202_segretario-onu.html

(6) Council of Trent, Decree on Original Sin, Can. 1: Denz-Sch, 1511.

<http://www.thecounciloftrent.com/ch5.htm>

(7) Cf. Council of Trent, Decree on Justification, Can. 5: Denz-Sch, 1555.

<http://www.thecounciloftrent.com/ch6.htm>

Also, the teaching of Vatican II (DH 2) is perfectly reconcilable with the teaching of Leo XIII already cited. As it has been said, the dignity of the person presents certain fundamental aspects that cannot disappear even by the cause of sin, nor by the cause of error, and it is to this dignity that DH 2 refers. According to the words of Saint Thomas Aquinas, every man, even a sinner, is an image of God and at least potentially a member of the Body of Christ (8).

(8) Cf. St. Thomas Aquinas, *Summa Theologiae*, I Q3 A4 and III Q8 A3.

<https://aquinas.cc/la/en/~ST.I.Q3.A4>

<https://aquinas.cc/la/en/~ST.III.Q8.A3>

Philosophy as well as simple use of language shows that also existing is another sense of natural dignity: which includes the operative rectitude of the natural faculties: the adherence of the intellect to the truth

and the will to the good. We must understand in this sense the affirmation of Leo XIII according to which by adherence to error and evil man loses the natural dignity of his intellect and his will.

The teaching of DH on religious liberty also does not contradict the second part of the text by Leo XIII previously cited. In fact, the right to religious liberty understood as civil and social immunity in the face of coercion in religious matters, does not imply any right or authorisation to spread error. Well to the contrary, DH teaches explicitly that every man has the grave duty of the search and adherence to the truth and the good:

“Religious freedom (...) leaves untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ.” (DH, 1/c; cf. also n. 2/b).

The correspondent Conciliar Commission, in answer to the second of the general amendment explains it like this:

“Praeterea observetur textum approbatum affirmare ius cuius obiectum est immunitas a coercitione et non contentum alicuius religionis. Huiusmodi immunitas ab ipsa dignitate personae exigitur. Nullibi affirmatur nec affirmare licet (quod evidens est) dari ius ad errorem diffundendum. Si autem personae errorem diffundunt, hoc non est exercitium iuris, sed abusus eius. His abusus impediri potest et debet si ordo publicus graviter laeditur, prout in textu pluries affirmatur et sub n. 7 explicatur” (9).

“ Furthermore, it must be noted that the approved text affirms a right whose object is immunity from coercion, and not the content of any religion. Such an immunity is required by the very dignity of the human person. In no place is it affirmed, nor is it licit to affirm (which is evident) a right to spread error. If nevertheless someone spreads error, he is not exercising his right, but abusing it. This abuse can and must be impeded when the public order is gravely harmed, as it is repeatedly stated in the text and explained in n. 7.”

(9) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, vol. IV, pars VI, p. 725.

The right to religious freedom recognised even by ‘those who do not satisfy the obligations of searching for the truth and adhering to it’ (DH 2) does not contradict traditional Catholic doctrine as articulated by Pius XII in these terms:

“That which does not respond to truth and the moral law has objectively neither a right to exist, nor to propagate, not to act.” (10)

(10) Pius XII, Allocution Ci Riesce, (1953). <https://www.ewtn.com/catholicism/library/ci-riesce-8948>

Indeed, the doctrine of DH does not contradict the doctrine about the ‘objective right’ formulated in this text by Pius XII because DH2 refers to a civil right to immunity from coercion, and not to a right to spread error.

This interpretation is clearly imposed in the light of the Acts of the Council. For instance, see the Relatio of the recommended text, which commented on this detail:

“Non agitur quaestio, utrum homo habeat ex conscientia vera ius agendi, quod ex conscientia erronea non haberet. Quaestio enim est de iure hominis eo sensu, quod ius asserit immunitatem a coercitione. Exactius loquendo, quaestio est, utrum et sub quibusdam conditionibus detur ius ex parte aliorum, ac

nominatim ex parte potestatis publicae, ad hominem impediendum, quominus publice iuxta conscientiam agat. Iamvero ex eo quod conscientia agentis est erronea non sequitur, dari in aliis ius impediendi eius actionem. (...). In hodierna quaestione frustra adducitur principium quod sonat, iura non aequaliter fundari in veritate atque in errore. Quod quidem verum est, si intelligitur, in errore non fundari ius sed in veritate sola. Rursus tamen considerandum est, agi hodie quaestionem de iure, ut est immunitas a coercitione. Iamvero eiusmodi immunitate gaudet homo conscientiae verae; ea tamen gaudet etiam homo conscientiae erroneae, donec probetur, penes alium ac nominatim penes potestatem publicam dari in casu ius impediendi hunc illumve actum externum religionis" (11).

"The text asks not if the man with a true conscience has a right to act which the man with an erroneous conscience has not. The question is about the right of man in the sense of a right which assures immunity from coercion. More precisely, the question is if and under which conditions there is a right for a third party, and especially for the public power, to prevent man from publicly acting according to his conscience. For it does not follow, from the fact that a man has an erroneous conscience, that someone has a right to prevent his action. In this question which we address today it is useless to put forward the principle that rights are not equally founded upon truth as upon error. What is certainly true, if we mean that error cannot be the basis of any right, but truth alone. But we must remember once again that the matter of right which we discuss is the immunity from coercion. This right is enjoyed by the man with a right conscience; it is however also enjoyed by the man with an erroneous conscience, as long as it is not proved that someone, in particular those in charge of public power, eventually has a right to prevent some public act of religion."

(11) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, vol. IV, pars I, pp. 189-190.

From all this, we must conclude that the doctrine of DH cannot be understood as the right to spread error: the notion of religious freedom in DH does not refer to the relations of men or the State with the truth and the good, but of men and the State with other men, in dictating what men should not do (coerce in religious matters).

In consequence, religious liberty is a negative right (12). As every negation it supposes an affirmation, this negative right supposes another, positive one. This positive right is not to spread error, but it is (which is at the same time a grave right) a right to search for the truth and to render cult to God. This grave right is the fundament of the claims of the person in a social space to autonomous activity.

(12) Cf. J. Hamer, *'Histoire du texte de la Déclaration' (history of the text of the Declaration)* in AA. VV., *'Vatican II. La Liberté religieuse' (Vatican II. Religious liberty)*, cit. p. 104.

In this sense, we have already said in the conciliar Hall that:

"Notare iuvat, quod schema Declarationis non affirmat, dari ius ad errores religiosos in societate spargendos. Etenim tum in se tum maxime in statu quaestionis praesenti eiusmodi affirmatio omni caret sensu. Quaestio enim exactius ponitur, utrum et quonam iure possit potestas publica hominem coercitive cohibere, qui sententias suas religiosas publice testatur" (13).

"It must be noted that the schema of the Declaration does not state that there is any right to spread religious error in society. Such a statement in itself and especially in relation to the current state of the question is empty of any sense. The question would be stated with much more exactitude by asking: does

the public power hold any right -and if yes, of what nature- to coercively restrict a man which publicly professes his religious opinions?"

(13) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. IV, pars I, p. 190.

And further down, the Conciliar Commission insists in these terms:

"In memoriam revocetur quod textus schematis non adnoscit ius ad false publice docendum, sed affirmat ius ad immunitatem a coactione." (14)

"We must remember that the text of the draft does not recognize a right to publicly teach error, but a right to immunity from coercion."

(14) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. IV, pars VI, p. 744.

On the other hand, DH does not affirm that the propagation of errors is a good. The good thing is that in civil society there exists a domain of juridical autonomy in religious matters, compatible with public and moral order: DH 7 speaks precisely on these limits of the right to freedom from coercion.

We understand, then, that the immunity from coercion in religious matters is not an evil: it is a good, the same way that the creation by God of human liberty is, even if this one too can result in sin. The right of religious liberty is oriented towards the good, which is the good of civil cohabitation based on friendship and liberty so that all can accomplish their duty to search for and adhere to the truth, and the liberty of the Church can freely carry out its divine mission of universal evangelisation.

In this regime of religious liberty, the human liberty does not remain without norms, because it is totally subject to moral necessity, which is imposed by ethical laws; and it is externally limited in religious matters in the sense indicated by DH 7:

"Furthermore, society has the right to defend itself against possible abuses committed on the pretext of freedom of religion. It is the special duty of government to provide this protection. However, government is not to act in an arbitrary fashion or in an unfair spirit of partisanship. Its action is to be controlled by juridical norms which are in conformity with the objective moral order. These norms arise out of the need for the effective safeguard of the rights of all citizens and for the peaceful settlement of conflicts of rights, also out of the need for an adequate care of genuine public peace, which comes about when men live together in good order and in true justice, and finally out of the need for a proper guardianship of public morality. These matters constitute the basic component of the common welfare: they are what is meant by public order." (DH 7c)

Even if the Declaration *"non intendit exponere applicationes particulares principiorum, praesertim si quaestiones complexas secum ferunt"* (*"intends not to expound the particular application from its principles, especially if they carry with them complex questions,"*) (15), it is certain for example that religious freedom does not exclude the right of the State to prohibit divorce, polygamy etc, including for those whose religion allows them, without it necessarily meaning the prohibition of other external manifestations of said religion not contrary to public order.

(15) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. IV, pars VI, p. 769.

In effect, we have to keep in mind that the reference to ‘an objective moral order’, is introduced in the textus recognitus of DH 7, and it was justified by the corresponding Relatio in the following way,

“Legitur: in ordine morali obiectivo fundati. Est additione magni momenti. Introducta est ad mentem Patrum qui rogant ut in aestimando ordine publico, ratio habeatur non solum ad historicas situationes sed etiam et in primis ad e aquae morali ordine obiectivo postulantur” (16).

“We read: founded upon objective moral order. This is an important addition. It has been introduced according to the mind of the Fathers, which asked that, to determine what is the public order, we must not just consider historic circumstances, but exigences from the objective moral order.”

(16) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. IV, pars V, p. 154.

However, the fact that every single civil law must accord with the natural law, does not signify that every requisite of the natural law must be collected expressly in civil laws: it is evident that human law cannot prevent every single vice or ordain every act towards virtue (17).

(17) Cf. St. Thomas Aquinas, Summa Theologiae, I-II, Q96, AA.2-3.
<https://aquinas.cc/la/en/~ST.I-II.Q95.A2>

Finally, it is fitting to observe that in the context of the words of Pius XII cited in note 10, is demonstrated the doctrine on tolerance, according to which:

“The affirmation: Religious and moral deviation must be avoided as much as possible, because its tolerance is of itself immoral, it cannot be valid unconditionally or absolutely.” (18)

(18) Pius XII, Allocution. Ci riesce, (1953). <https://www.ewtn.com/catholicism/library/ci-riesce-8948>

If this doctrine of tolerance is not equivalent to the doctrine of religious liberty, there is no reason to affirm that they are irreconcilable. There is no equivalence between these, because the principle of tolerance implies that the State has the right and duty to repress the evil which is the dissemination of religious error. But it can on occasion, and on some occasions it must, renounce the exercise to be able to obtain a greater, and vaster common good. But this duty is not recognised by the Conciliar Declaration. However, there is no incompatibility between these formulations, because according to Pius XII, tolerance is justified by the interest in a greater good. Now, the idea of the Council is that the dignity of every human person and the social peace must always demand from the State not to repress religious error whenever it is opposed to good social order (which includes public morals). Therefore there exists a novelty in the conception of the competence of the State with regards to the religious life of its citizens and a doctrinal development concerning the fundament of the absence of legal coercion in religious matters.

It is fitting to insist on this continuity in the teachings of DH and those of Leo XIII and of Pius XII. From the first Schema of DH, we seek explicitly continuity with the Magisterium prior, and analyse the texts of the previously quoted Pontiffs. This is how the relationship in the first Schema was presented to the Council Fathers:

“Initium evolutionis doctrinalis iam fecit Leo XIII clarius faciendo distinctionem inter Ecclesiam, quae populus Dei est, et societatem civilem, quae populus est temporalis et terrestris (cf. *Immortale Dei*, A.S.S., 18, 1885, pp. 166-167; alias sexies eandem doctrinam evolvit). Ita viam aperuit ad noviter affirmandam debitam et licitam autonomiam, quae ordini civili eiusque temperationi iudiciali competit. Ex quo fit, ut gradus ulterior iam possibilis fuerit (regula progressus), ad novum scilicet iudicium de 11 libertatibus modernis”, quae vocantur. Tolerari possunt hae libertates (cf. *Immortale Dei*, A.S.S., 18, 1885, p. 174; *Libertas praestantissimum*, A.S.S., 20, 1887, pp. 609-610). Iamvero “tolerari” tantum dicebantur. Ratio erat evidens. Etenim tum temporis in Europa regimina quae libertates modernas, inclusa libertate religiosa, proclamabant, suam inspirationem adhuc conscio animo ex ideologia laicistica trahebant. Periculum ergo exstabat, quod sensit Leo XIII, ne huiusmodi generis reipublicae instituta civilia et politica, cum essent intentione laicistica informata, ad tales abusus perducerent, qui dignitati personae humanae eiusque genuinae libertati nocivi non passent non fore. Quod enim Leoni Pp. XIII iuxta regulam continuitatis cordi erat, Ecclesiae semper cordi est, tutela nimirum personae humanae” (19).

*“Leo XIII started the doctrinal development by distinguishing between the Church, which is the people of God, and civil society, which is the temporal and earthly people (he develops that doctrine at least six times in *Immortale Dei*). He thus opened the road for the newly affirmed just and licit autonomy which pertains to the civil order and its judicial power. From that it came that one more step could be made, that of giving a new judgment about the so-called “modern liberties”. Those liberties can be tolerated (*Immortale Dei*, *Libertas praestantissimum*). But only “tolerance” was talked about. The reason was evident. For the European regimes of the time which proclaimed modern liberties, religious liberty included, were consciously inspired by laicist ideology. There was thus the danger, perceived by Leo XIII, that those republican political and civil institutions, inspired by a laicist intention, lead to abuses harmful for the dignity of the human person and his genuine liberty. For the protection of human dignity was continuously in the heart of Leo XIII, as it always is in the heart of the Church.”*

(19) *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II*, Typis Polyglottis Vaticanis, cit., vol. II, pars V, p. 492.

And furthermore: “Hic maxime recolenda est doctrina Pii XII de limitatione Status, quod spectat ad errores in societate reprimendos: (“Here above all the doctrine of Pius XII on the limits of the State when repressing errors in society must be remembered:”) ‘Can it be that in determinate circumstance he (God) does not provide man with any mandates, does not impose any duties, not even any right to prevent and repress what is erroneous and false? A look toward reality gives an affirmative response.’ Deinde, allato exemplo divinae providentiae, pergit: (“Then, after putting examples from divine providence, he continues:”) ‘From there, the affirmation: the religious and moral deviation but always be avoided, as much as is possible, because its tolerance is immoral in and of itself. It cannot be valid as an unconditional absolute. On the other hand, God has not even given human authority a precept so absolute and universal, not even in the field of faith and morals. Not even the conviction of common men, nor the Christian conscience, nor the sources of revelation, nor the praxis of the Church know of such a precept.’ (Ci riesce, 1953). Haec declaratio, (regula progressus) est summi momenti pro materia nostra, praesertim si prae oculis habentur quae olim de missione status prolata sunt. (“This declaration (ruled by progress) is of great importance for the present matter, especially if we consider that which has been previously said about the mission of the State.”) (20).

(20) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. II, pars V, p. 494.

We can also cite, in the same sense, the words of Pius XII contained in the said textus prior:

Address from Pius XII to the auditor prelates and the rest of the administrators of the Tribunal of the Roman Rota, 6th October 1946 (AAS 38, 1946 pg 393): “The ever more frequent contacts and mixture of the diverse religious confessions enters the scope (of consideration) of the same group of people which has led the civil tribunals to follow the principle of ‘tolerance’ and of the ‘freedom of conscience’. Indeed, there is a political and civil tolerance towards followers of other confessions which is in those circumstances is also a moral duty for Catholics”.

In addition, on that which pertains to the International Community, cf. Pius XII, Allocution which follows, 6th December 1953 (AAS 35, 1953 pg 797): “The religious and moral interests will require for the whole extension of the community (of peoples) a well-defined regulation which is valid for the entire territory of the single sovereign States, members of the said community of nations. According to probability and circumstances, it is foreseeable that this regulation of positive law will be enunciated as follows: Within its territory and for its citizens, each State will regulate the religious and moral affairs with its own laws; however, throughout the entire territory of the Community of States will be permitted to the citizens of each Member State the exercise of their ethical and religious beliefs and practices, insofar as these do not contravene the criminal laws of the State in which they reside.” According to the Roman Pontiff, Catholic citizens and the moderators of the Catholic State can conscientiously consent to this law. (21)

(21) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. III, pars II, p. 327.

The Relatio on this text (the textus prior) also explains why it did not speak of religious tolerance – a criterion which were maintained until the end – and prefer instead to speak of religious liberty. The reason is because, precisely, it is pretended that to give a response to a question which recently arose, and which was not proposed in previous eras:

“There are those who doubt about the expression ‘religious liberty’ and think we should not talk of this, but instead of ‘religious tolerance’.

Is it not necessary to consider that religious liberty is a term which has gained a modern and well-determined meaning in the contemporary vocabulary? In this pastoral Council the Church intends to express what she herself judges about this matter when ecclesiastical communions, governments, institutions, publicists and jurists of our time use this expression. If we address modern society, we must talk using its words.

We thus consider religious liberty as a purely juridical concept, which states a right founded upon human dignity, that must be observed by all and be recognized by fundamental laws (that is, the Constitutions of States, with juridical guarantees) so that it becomes the common civil right. Its recognition, protection and promotion must be defended by society in general and by governments in particular.” (22)

(22) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. III, pars II, p. 349-350.

In the end, the doctrine of DH does not suppose a disapproval of the conduct followed by certain Christian princes of the past, whose historical assessment is in and of itself complex and in great part

disputable even if one should not cast aside a priori the possibility that there were concrete actions that did not conform to the spirit of the Gospel. (23)

(23) Cf. Paul VI, discourse of 18th August 1971: "Insegnamenti di Paolo VI" 9 (1971) p. 705.

https://www.vatican.va/content/paul-vi/it/audiences/1971/documents/hf_p-vi_aud_19710818.html

2. Religious liberty and the oneness of the true religion

The elements exposed in n. 1 illuminate in large measure the problem presented in n. 2. That is why our development will be shorter and limited to supplementing certain aspects of what has been already said.

The doctrine of religious liberty contained in DH absolutely does not include a relativist conception of truth, nor does it include the negation of the fact that the catholic religion is the only true religion. The dubia in this subject have been formulated a propos to certain affirmations of DH, in particular, of numbers 3, 4 and 6:

"The reason is that the exercise of religion, of its very nature, consists before all else in those internal, voluntary and free acts whereby man sets the course of his life directly toward God. No merely human power can either command or prohibit acts of this kind." (3c)

"In addition, it comes within the meaning of religious freedom that religious communities should not be prohibited from freely undertaking to show the special value of their doctrine in what concerns the organization of society and the inspiration of the whole of human activity." (4e)

"The protection and promotion of the inviolable rights of man ranks among the essential duties of government. Therefore, government is to assume the safeguard of the religious freedom of all its citizens, in an effective manner, by just laws and by other appropriate means. Government is also to help create conditions favourable to the fostering of religious life, in order that the people may be truly enabled to exercise their religious rights and to fulfil their religious duties, and also in order that society itself may profit by the moral qualities of justice and peace which have their origin in men's faithfulness to God and to His holy will." (6b)

The suspicion of a fondness for relativism in these texts was formulated by considering that DH 3 seems to affirm that 'man orders himself directly to God' by means of 'the exercise of religion', which ever religion. In other terms, (by considering that) DH affirms that, by means of which ever religion, man can be ordained validly towards God. The suspicion will be reaffirmed by the paragraphs cited from n. 4 of DH, in the sense that any religion will be recognised as having 'singular efficacy' for 'organising society and inspiring the whole of human activity', and in the same capacity that every religious group renders public and valid cult to God ('honours by public cult the Supreme Divinity'). Also, the paragraph cited from n. 6 of DH will highlight an identical value of all religions as expressions of 'men's faithfulness to God and to His holy will.'

In reality, this interpretation does not correspond to the true meaning of the texts of DH. In effect, DH 3 refers to the internal acts of man in relation to God without considering the objective truth or falsehood of religion. Already, in DH 1, it has been clearly affirmed that the only true religion is the Catholic religion:

“First, the council professes its belief that God Himself has made known to mankind the way in which men are to serve Him, and thus be saved in Christ and come to blessedness. We believe that this one true religion subsists in the Catholic and Apostolic Church” (1b)

We cannot understand the text of DH 3 in an indifferentist manner. In the words of Paul VI:

“The council, in no way, founds this right (that is, to religious freedom) on the fact that all religions and all doctrines, however erroneous, which concern this field, would have more or equal value; it founds it instead on the dignity of the human person, which demands the dignity of not being subjected to external restrictions which tend to oppress the conscience in the search for the true religion and the adherence to it.” (24)

(24) Paul VI, discourse of 20th December 1976: “Insegnamenti di Paolo VI”, 14 (1976), pp. 1088-1089.
https://www.vatican.va/content/paul-vi/it/speeches/1976/documents/hf_p-vi_spe_19761220_concistoro.html

Furthermore, it cannot be denied that there are contained in non-Catholic religions elements which help those to profess the, in good faith to put themselves in relation with God. In particular, in the churches and communities of non-Catholic Christians, the Second Vatican Council discerns the presence of vestiges of the Church, sometimes very rich, and manifests its esteem for their current members. (25)

(25) Cf. Concilio Vatican II, Decretal Unitatis redintegratio n. 3, 14, 15, 20, 22, 23.
https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html

The Council even sees in non-Christian religions “precepts and teachings, which nonetheless often reflect a ray of that Truth which enlightens all men.” (26)

(26) Cf. Concilio Vatican II, decretal Nostra Aetate, n. 2.
https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_nostra-aetate_en.html

Such respect and consideration signifies that the Church shares the merciful patience of God (cf. DH 4d) in the words of the Gospel, “Do not stop him (...) for the one who is not against us is for us.” (Mark 9:39-40 ESVCE), and they do not harm the imperative mission to orient all men towards Christ (27), in whom is the fulness of truth and freedom (cf. Jn 8:31-32).

(27) Cf. Paul VI, Apostolic Exhortation Evangelii nuntiandi, 8th December 1975, n. 80.
https://www.vatican.va/content/paul-vi/en/apost_exhortations/documents/hf_p-vi_exh_19751208_evangelii-nuntiandi.html

On the other hand, the text cited in DH 4 is an affirmation of principle and does not imply any judgment of the efficacy of this or that religious doctrine for organisation society. In the measure that any non-Catholic religions contain some specific partial elements, in these aspects they can cooperate in the organisation of society and human activity. In the measure that they contain falsehoods, these religions cannot cooperate in an adequate organisation of society, and insofar as these errors are contrary to good social order they can and on certain occasions must be prevented by the public authority (cf. DH 7).

In this context, it is important to recall the clarifications provided by the Relatio of the amended text:

“By affirming religious liberty to truly be a right of man, we do not say that all religions have the same God-given positive authority to exist and to propagate. Far from us such a thing! That has the flavour of the worst religious indifferentism. Nor do we say that the public power can give to all religions positive authority, so that they would enjoy equal right in society. Far from us such a thing, too! That would resemble the worst State totalitarianism, which was proper to Laicism.” (28)

(28) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. III, pars VIII, p. 462.

To correctly interpret the text of DH, it is essential to bear in mind the fact that DH refers to a civil right of freedom from coercion, and expressly excludes that this right is based on a non-existent equality of value or of the truth of all religions (indifferentism): cf. DH, 1. Apart from the texts cited above, we must also consider another clarification provided by the Relatio of the amended text:

“Right can be understood in two ways. In the first sense, right is called the moral faculty of an agent, faculty by which someone holds the inner power (empowerment, Ermächtigung, autorizzazione) to act. In the Declaration we do not take it in this sense, as to not touch matters which are out of the question, such as the speculative question of the rights of the erroneous conscience, rights which fall out of the juridical status of religious liberty with which the Declaration deals. In a second sense, right is defined as a moral faculty to demand that no one be forced to or prevented from acting. In this sense, right means immunity while acting, and excludes coercion, both the compelling and the preventing one. It is in this second sense that the right is understood in the Declaration.” (29)

(29) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. III, pars VIII, pp. 461-462.

And equally: “By the term religious liberty, the public law just recognizes that no one can be forced to act or prevented from acting according to his conscience. We do recognize the value of distinguishing the rights of truth and error, but that it not the question here.” (30)

(30) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. III, pars VIII, p. 464.

3. Duties of the State towards religion. Church and State

On this theme, the dubia considers different affirmations of DH, in particular the following:

“Government therefore ought indeed to take account of the religious life of the citizenry and show it favour, since the function of government is to make provision for the common welfare. However, it would clearly transgress the limits set to its power, were it to presume to command or inhibit acts that are religious.” (3e)

“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.” (6c)

“The freedom of the Church is the fundamental principle in what concerns the relations between the Church and governments and the whole civil order.” (13a)

“In human society and in the face of government the Church claims freedom for herself in her character as a spiritual authority, established by Christ the Lord, upon which there rests, by divine mandate, the duty of going out into the whole world and preaching the Gospel to every creature. The Church also claims freedom for herself in her character as a society of men who have the right to live in society in accordance with the precepts of the Christian faith.” (13b)

This doctrine of DH was understood as irreducibly opposed to the very many texts of preceding Magisterium (especially of Pius IX, Leo XIII and Pius XI), which repeatedly condemned the agnosticism and religious indifference of the State, the liberal principle "the free Church in the free state, "and affirmed the duty of the state to promote true religion. For example:

“(Condemned proposition): In this age of ours it is no longer expedient that the Catholic religion should be the only religion of the state, to the exclusion of all other cults whatsoever.” (31)

(31) Pius IX, Syllabus of Errors n. 77: Denz-Sch 2977
<https://www.papalencyclicals.net/pius09/p9syll.htm>

“(Condemned proposition): Hence in certain regions of Catholic name, it has been laudably sanctioned by law that men immigrating there be allowed to have public exercises of any form of worship of their own.” (32)

(32) Pius IX, Syllabus of Errors n. 78: Denz-Sch 2978
<https://www.papalencyclicals.net/pius09/p9syll.htm>

“Now, when the State rests on foundations like those just named (separation of Church and State) - and for the time being they are greatly in favor - it readily appears into what and how unrightful a position the Church is driven. For, when the management of public business is in harmony with doctrines of such a kind, the Catholic religion is allowed a standing in civil society equal only, or inferior, to societies alien from it (...)” (33)

(33) Leo XIII, Encyclical Immortale dei, 1st November 1885: ASS 18 (1885) pp. 170-171.
https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei.html

“We refer to the plague of anti-clericalism, its errors and impious activities. (...) The empire of Christ over all nations was rejected. The right which the Church has from Christ himself, to teach mankind, to make laws, to govern peoples in all that pertains to their eternal salvation, that right was denied. Then gradually the religion of Christ came to be likened to false religions and to be placed ignominiously on the same level with them.” (34)

(34) Pius XI, Encyclical Quas primas, 11th December 1925: AAS 17 (1925) pp. 604-605.
https://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_11121925_quas-primas.html

Is there a real incompatibility between traditional teaching and the doctrine of DH? To answer this question, it should be borne in mind, first of all, that the text of DH 3 cited is not limited to the particular case of a Catholic nation but gives a general principle which protects freedom of the Church. These lines

of DH 3 have been written and approved precisely so that it does not appear that DH is asserting that the public powers can be allowed to fall into laicism.

“Many Fathers have proposed changes so that it cannot be thought that the text affirms that the public powers can be allowed to fall into laicism, as if they did not have to take care of the common good, a part of which is the practice of religion by the citizens. We propose to you some important changes for the correct understanding of the doctrine: a) Government therefore ought indeed to take account of the religious life of the citizenry and show it favor, since the function of government is to make provision for the common welfare. However, it would clearly transgress the limits set to its power, were it to presume to command or inhibit acts that are religious.” (35)

(35) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. IV, pars VI, p. 721.

This text is integrated into the teaching of DH 7, in particular that of §3 (already quoted), on the protection on the part of the civil power in the face of abuses which are committed under the pretext of religious freedom.

Moreover, DH 3 does not define the concrete mode of assistance that the Catholic Church can request from a Catholic state.

The concrete methods of collaboration between Church and State will vary according to the circumstances, but two principles must always be respected:

- no man can be forced by the state to embrace a specific religious belief;
- it is not within the competence of the State as such to discern truth in religious matters (apart from what relates to natural morality, to what may limit, as we have just said, manifestations supporting or undermining good public order). This principle is based on the distinction between the ends and the means proper to Church and State, in accordance, for example, with the doctrine taught by Leo XIII:

“The Almighty, therefore, has given the charge of the human race to two powers, the ecclesiastical and the civil, the one being set over divine, and the other over human, things. Each in its kind is supreme, each has fixed limits within which it is contained, limits which are defined by the nature and special object of the province of each, so that there is, we may say, an orbit traced out within which the action of each is brought into play by its own native right.” (36)

(36) Leo XIII, Encyclical Immortale dei: ASS 18 (1885) p. 166.

https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei.html

This doctrine was then reaffirmed by Pius XI:

“The Church of Jesus Christ has never contested the rights and the duties of the State concerning the education of its citizens (...). Such rights and duties are unchallengeable as long as they remain within the limits of the State's proper competency, a competence which in its turn is clearly indicated and determined by the role of the State, a role which, though certainly not only bodily and material, is by its very nature limited to the natural, the terrestrial and the temporal. The universal and divine mandate (of the Church) extends to the supernatural, the celestial, the eternal.” (37)

(37) Pius XI, Encyclical *Non abbiamo bisogno*: AAS 23 (1931) p. 303. Cf. also the letter (*famuli vestrae pietatis*) from GELASIUS I to Anastasius I Dicorus in 494: Denz-Sch 347.

https://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_29061931_non-abbiamo-bisogno.html

<https://thejosias.com/2020/03/30/famuli-vestrae-pietatis/>

The distinction of competences between Church and State, and the general affirmation of DH 3 (the State must promote the religious life of citizens), does not exclude that the Catholic Religion can and must be helped in such a special way by the state, depending on the circumstances. And, above all, it is necessary to distinguish this teaching which refers to civil law, from the related moral problems which are here irrelevant. Indeed, the Relatio at the end of the discussion in the Hall of the Council of the re-amended text explains that:

“The problem with which we deal with must be absolutely distinguished from these connected questions:

- a) First connected problem: the obligation in the moral order. In the moral order all men, and all societies, all civil authorities must objectively and subjectively (that is, they are morally obliged) to seek truth, and it is not morally allowed for them to propagate what is false.
- b) Second connected moral problem: the rights and duties of the Church and the moral duty of all men towards the Catholic Church, as well as her doctrine and commandments. The Church has both the right and the duty to predicate Jesus Christ. No human power is objectively morally free to accept or to reject the Gospel and the true Church. And this obligation must also be judged subjective. The faithful - and what is more, all men - are morally obliged to correctly form their conscience and to live in accordance with it.

This our new matter must be distinguished from these connected moral questions. What we now consider is if it can be recognized to every human person the freedom from coercion from the rest of men forming society and from the public power.” (38)

(38) *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II*, Typis Polyglottis Vaticanis, cit., vol. IV, pars I, p. 433.

By studying this "new question", we want to complete the teachings of the anterior Magisterium, which had already studied and solved in an exhaustive and irrefutable way the two problems of a moral nature that DH did not consider necessary to deal with again.

It is also necessary to take into account the fact that the freedom of the Church is not identified with the freedom of other religious denominations. The latter has indeed as its foundation social and civil freedom in religious matters, proper to the dignity of persons. On the other hand, the freedom of the Church, in addition to this common foundation, has another foundation of its own; one exclusive, of a higher order: that of being the only true Church, founded by God himself, and of having a divine mission. In fact, this is affirmed in this same text of DH 13b, which must be considered in its entirety. In particular, DH 13a said: "Among the things which concern the good of the Church, even the good of the earthly city itself, and which everywhere and always must be safeguarded and defended against any attack, the most important is without a doubt that the Church should enjoy in her action as much freedom as required by her responsibility for the salvation of men" and refers in a note to two texts by Leo XIII.

It should be noted that, according to DH, the common regime of religious freedom is compatible with the freedom of the Church and constitutes a necessary minimum. But this minimum is not the only possibility, nor, in certain circumstances, is it the most suitable. Where possible, this will result in the situation considered in DH 6c, in which the freedom of the Church is in harmony with the civil law of religious freedom but gives rise to a more advantageous legal status for the mission of the Church. (For example, when the State renounces to intervene unilaterally in cases of mixed competence.)

In addition, according to the maxim "the free church in the free state", such as it is advocated by liberalism, the freedom of the church would be included in the competence of the state. However, this submission of the Church to the competence of the State is categorically excluded by the affirmation of the freedom of the Church made by DH (in particular by DH 13, cited above). It should be noted, however, that state confessionality can be an effective reality, even when there is no formal declaration of confessionality ("substantial confessionality").

Note also that the text quoted from DH 13 does not relegate the Church to the rank of one more association within civil society. It is simply a question of setting out an additional motive for claiming the freedom of the Church, after having indicated the main motive:

"In human society and in the face of government the Church claims freedom for herself in her character as a spiritual authority, established by Christ the Lord, upon which there rests, by divine mandate, the duty of going out into the whole world and preaching the Gospel to every creature." (13b)

That this is the correct interpretation is also demonstrated by the responses to two modi presented in DH 13 (39).

(39) Cf. *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II*, Typis Polyglottis Vaticanis, cit., vol. IV, pars VI, p. 768.

It is also necessary to take into account the explanation given in the *Relatio* to the preceding schema:

"Following the desires of some Fathers, the final text has made a more accurate distinction of the rights of the Church. On one hand, the Church has a right which comes from the divine mandate that must be recognized. Being a spiritual authority and a society of men who live according to the precepts of the faith, the Church has a right of divine origin to live in society and to accomplish her mission. But, in addition to that, a natural right must also be recognized to her. For the members of the Church, as human beings, have the same right as other men not to be impeded by society from living according to what their conscience demands of them. Between both rights, divine and natural, there is no opposition; both are protected if in society there is social and civil liberty in religious matters." (40)

(40) *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II*, Typis Polyglottis Vaticanis, cit., vol. IV, pars V, p. 103.

Let us also recall the explanation of the scope of the text of DH 6 given by the *Relatio* of the revised text:

“When touching the question of a special civil recognition given to a determined religion, the Commission admitted a hypothetical expression asked for by many Fathers. It is true, though, that other Fathers demanded that this special recognition be not touched in any way. But as this special recognition happens de facto in many regions, the Commission noted that this text addresses not all the rights which must be recognized to the Church; the aim of our declaration is not to vindicate all the rights of the Church, but just to defend the rights which must be granted always and everywhere to Catholics and to everyone else.” (41)

(41) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. IV, pars V, p. 102.

A year earlier the Relatio of the amended text explained that we wanted to highlight the compatibility of the regime of religious freedom with that of confessionality of the State:

“When well understood, the doctrine of religious liberty does not contradict the historical concept of the confessional state. The system of religious liberty forbids that legal intolerance whereby citizens or religious communities are subjected to inferior conditions in what pertains to civil rights on religious matters; it does not forbid, however, that the Catholic religion be recognized by the public human right as the common religion of citizens in that country, or as the religion of the State. In this case, however, it must be avoided that from this State confessionality derive juridical or social consequences which harm the equality of all citizens in their public rights on religious matters. In a word, together with the regime of State religion the regime of religious liberty must be respected.” (42)

(42) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. III, pars VIII, p. 463.

Although Proposition 78 condemned by the Syllabus seems equivalent to DH 6, it is not so in reality. What is condemned is not the doctrine subsequently taught by DH.

Indeed, the correct interpretation of the Syllabus requires the examination of the documents in which we condemn each of the formulas involved (the Acerbissimum Allocution in the case of Proposition 78). The anti-catholic laws to which the Acerbissimum allocution refers suppose that the State grants a moral faculty of freedom of worship on the basis of the equality of all cults by themselves, the exercise of which would be for this sole reason objectively just. This moral faculty cannot exist, let alone be created by the State. As has been said before, the teaching of DH only implies that those who profess an erroneous religion have the right, within certain limits, not to suffer violence from the state or from other citizens. It is a negative right which does not grant objective justification to any of the positively mistaken realizations of human freedom.

The freedom of worship referred to in proposition 78 of the Syllabus is understood there as an expression of 'freedom of conscience', that is to say, of an alleged inexistence of the objective moral order, transcending man, which imposes a link on his conscience. Freedom of worship, in this sense, means that all cults are equal, with the claim that the state equally authorizes and legitimizes all cults. In short, what the Syllabus condemns in the quoted text is a practical consequence of religious indifferentism, which is equally incompatible with the doctrine explicitly recalled by DH 1: true religion is found only in the Catholic Church.

Religious freedom should therefore not be confused with religious indifference or syncretism (43).

(43) Cf. Paul VI, discourse of 22nd August 1976: "Insegnamenti di Paolo VI", 14 (1976) p. 672.

As we have already recalled, the right to religious freedom is not founded on an alleged equality between all religions, but on the dignity of the human person, who has the right and the duty to seek the truth freely and without external constraints (cf. DH 2b). In other words, civil and social freedom in religious matters, of which DH speaks, is a legal concept which expresses as much the dignity of the person as the obligation to seek the truth or the manifestation of the fact that the only true religion is the Catholic Religion.

There is therefore no contradiction between the teachings of Pius IX and those of DH, because they do not deal with the same problem, although the expressions used, out of context, may suggest so.

An interpretation of DH along the lines of "state religious agnosticism", or "state naturalism", or "legal positivism" also has no basis. Indeed, when we affirm that the State is not competent to pass judgment on the truth or falsity of religious beliefs, we must understand this in the sense indicated by Leo XIII and Pius XI, that is to say that the state as such has no competence in the supernatural order; in this order, the competence belongs exclusively to the Church:

"Whatever, therefore in things human is of a sacred character, whatever belongs either of its own nature or by reason of the end to which it is referred, to the salvation of souls, or to the worship of God, is subject to the power and judgment of the Church. Whatever is to be ranged under the civil and political order is rightly subject to the civil authority." (44)

(44) Leo XIII, Encyclical *Immortale dei*, 1st November 1885: ASS 18 (1885) p. 167.

https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei.html

We could not defend the freedom and autonomy of the Church without defending this principle.

But this does not mean that the State as such has no obligations towards God and towards the Church, nor that the freedom of the Church vis-à-vis the State is identical to simple civil liberty, of a purely natural order, from which all citizens benefit in religious matters.

Indeed, the doctrine of DH does not defend "the religious agnosticism of the State": the rulers, as rulers and not only as men, must seek the truth and adhere to it (cf. DH 1) , and ensure that the state promotes the true religion, that is to say, the Catholic religion. DH does not say that the State cannot take into account the distinction between the Catholic religion and other religions (for example, by granting special recognition to the Church, by contributing to the subsistence of the clergy, etc.). The precise object of the Declaration is not what the State must do to satisfy God 's duties, but for its sake what the State could not do with respect to the human conscience. In fact, as it has already been said DH does not exclude the confessionality of the State. What DH asserts is that the State cannot compel anyone in religious matters, unless the external manifestations of these religions exceed the limits indicated by DH 7.

It is also necessary to take into account the fact that submission to the Kingdom of Christ does not mean that the State and the Church unite in such a way that the distinction of nature, mission and functions between the two disappears. To submit all creation, especially nations and states, to Christ, means to

inform through the Christian spirit all earthly realities (which is obviously not the same as submitting them to ecclesiastical jurisdiction), and does not mean a single and determined legal regulation of relations between Church and State.

Religious freedom, as understood by DH, has a solid foundation not in a naturalistic conception of the State, but in the dignity of the human person and in the latter's obligation to seek and adhere to true religion (cf. DH 2). In addition, it must be taken into account that the doctrine of Leo XIII and Pius XI according to which the power of the State is limited to the natural order, is not equivalent to a "naturalistic conception of the State". What one calls "naturalistic conception of the State" is based on the thesis contained in proposition 3 condemned in the Syllabus (45), while in DH one expressly affirms the contrary; namely that the supreme norm of the human life is the divine law - eternal, objective and universal - by which God governs and orders the whole universe and human society (cf. DH 3).

(45) Cf. Syllabus of Errors, n. 3: Denz-Sch 2903. <https://www.papalencyclicals.net/pius09/p9syll.htm>

Moreover, the doctrine of DH has nothing to do with legal positivism; on the contrary, it places a limit on the alleged legislative omnipotence of the State, on the basis of a natural right derived from the dignity of the person (cf. DH 1a).

The Relatio of the re-amended text also explained why there is no place for legal positivism:

"This understood, the argument for religious liberty has its origin from reason. To make this argument, it resorts to the growing conscience in contemporary man of the dignity of the human person, and of the civil liberty which flows from it. But it must be noted that the argument is not founded upon the fact of this growth of conscience, nor in the brute fact of the demand of civil liberty, lest the Church yield to public opinion or fall into legal positivism. Be it far from us. On the contrary, the argument is founded upon the truth of the dignity of the person, what is manifested by the present conscience, and by justice itself, which requires the liberty owed to the person." (46)

(46) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. IV, pars IV, p. 185.

The Relatio de modis a Patribus propositis also declared that the reason for not admitting certain modifications had been the concern to prevent religious freedom from appearing as a purely positive civil right:

"The affirmation of a merely positive right would represent a great danger for the liberty of the Catholic Church and the accomplishment of her divine mandate. Positive civil law has for its author the civil legislator. If we say that the liberty of the Church only depends on the will of the legislator, what will happen in civil societies where the legislator is hostile to the Church or where it does not make any distinction between a non-Christian religion and the State? Would not the liberty and sacred independence of the Church of Christ be then de facto dependent on the will of the temporal power? The declaration seeks the good of the whole Church.

From this cannot be concluded that this Synod only admits religious liberty for the advantage of the Catholic Church. In our declaration it is explicitly stated that the immunity from external coercion is demanded by truth itself, that is, by the human nature itself. It is founded upon the dignity of the human person made by God in His image and given free will and personal responsibility." (47)

(47) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. IV, pars VI, p. 720.

Finally, it must be taken into account that immunity from external coercion in religious matters, as understood by DH, refers to the social and civil domain. For this reason, in particular, made by Christ, and others concerning episodes of similar reprimands of the New Testament, the Conciliar Commission clarified that, in DH, are not treated the problems of the intra-ecclesial life (relation of the faithful among themselves or with ecclesiastical authority):

“Examples and quotes taken from the New Testament (and many from the Old Testament) refer to the internal religious life of the community of Israel, in which Jesus and the Apostles lived, or to the intra-ecclesial life of the primitive Christian community; both of which are not the matter of the Declaration.” (48)

(48) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. IV, pars VI, p. 763.

We can also see it in more detail in the response to the following modo:

“After ‘confirmed’ it is added ‘Plus, the Church has not only a right, but also a duty to impose upon those which are freely subject to her the Catholic doctrine and discipline with sanctions and the force of authority. This coercion is not opposed to true liberty, rather it favors it; Christ acted in such a way when he constantly reprimanded those unbelievers who had the duty to recognize the truth: Whoever does not believe will be condemned (Mark 16:16)’.

Answer: Rejected, for here we do not talk about the duties of the Church, but of her rights, nor do we touch the matter of liberty inside the Church itself. Plus, the described action of the Church must not be called coercion.” (49)

(49) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. IV, pars VI, p. 770.

In conclusion, it is perfectly in line with the teachings of DH that moral norms and just civil norms are accompanied by sanctions. What is admitted in the Declaration is that error in matters of faith, where it is subjectively imputable, deserves punishment from God and the Church (50), but not from the state, unless this error amounts to a breach of just public order.

(50) “La potestà coercitiva e anch’essa fondata nell’esperienza della Chiesa primitiva, e già San Paolo ne fece uso nella comunità Cristiana di Corinto (cf. 1 Cor 5)” (Paul VI, Discourse of 29th January 1970: “Insegnamenti di Paolo VI” VIII (1970) p. 89).

https://www.vatican.va/content/paul-vi/it/speeches/1970/documents/hf_p-vi_spe_19700129_a_nno-giudiziario.html

4. On the comparison of *Quanta cura* and *Dignitatis humanae*

The propositions condemned by Pius IX in the encyclical letter *Quanta cura* and the corresponding affirmations of DH, between which one might have the impression that there is an identity or a relation of necessary implication, are as follows:

- I) Condemned proposition from Quanta cura: “the best constitution of public society and (also) civil progress altogether require that human society be conducted and governed without regard being had to religion any more than if it did not exist; or, at least, without any distinction being made between the true religion and false ones.” (ASS 3 (1867) p. 162). <https://www.papalencyclicals.net/pius09/p9quanta.htm> (#3)

Teaching of DH: "In religious matters, that no one is forced to act against his conscience, nor prevented from acting according to his conscience, in private and in public, alone or associated with others, within the right limits." (DH 2a)

- II) Condemned proposition from Quanta cura: “liberty of conscience and worship is each man’s personal right, which ought to be legally proclaimed and asserted in every rightly constituted society.” (ASS 3 (1867) p. 162). <https://www.papalencyclicals.net/pius09/p9quanta.htm> (#3)

Teaching of DH: “the human person has a right to religious freedom. (...) This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right.”

Despite appearances, there is no incompatibility between the condemnations of Quanta cura and the teachings of DH. To understand the reasons which justify this response, it should be recalled that the question posed here was taken into account in the elaboration of DH from the first schemae, presented in the conciliar Hall, which indicated the continuity with the previous doctrine. The explanations provided by the Relator help to highlight the sense in which the Fathers understood the terms used in the Declaration, and that they approved of it:

This point of view makes easier the correct understanding of many XIX Century pontifical documents which, while addressing religious liberty, used words that seem to condemn the liberty which we now talk about.

The clearest example can be found in Pius IX’s Quanta cura, which reads: “From this completely false idea of a social regime (i.e. “naturalism”), they fear not to defend an erroneous opinion on the Catholic Church, extremely damaging for the *salus animarum*, called “madness” by our predecessor Gregory XVI of blessed memory, the idea that liberty of conscience and worship are a right of every man, which must be proclaimed and protected in any well-ordered society. (ASS, 3, 1867, p. 162)

As it can be easily seen, this liberty of conscience is condemned because of the ideology defended by rationalists, which relied on the basis of individual conscience being above any law in such a way that it is not limited by any rule divinely transmitted (cf. Syllabus, prop. 3, ASS, 3, 1867, p. 168). It is thus condemned that liberty of worship whose foundation is religious indifferentism (cf. Syllabus, prop. 15, *ibid.*, p. 172), according to which the Church itself must be incorporated to the monistic organism which is the State, and be subject to its supreme authority.

To exactly interpret these condemnations, it must be searched in it the doctrine of the Church and her continuous protection of the true dignity and true liberty of the human person, guided by the rule of continuity. For human dignity is founded upon the fact that man is a creature of God. He is not God Himself, but God’s image. From this absolute dependency of man towards God comes every right, as well as every duty, to reclaim for oneself as well as for others true religious liberty. That is the reason why every man is obligated to the worship of God according to the right rule of his conscience, for he objectively depends absolutely on God. That is why no one can be impeded from the free practice of

religion - be it by other men, be it by the public power - so that his absolute dependence on God is not obstructed for any reason. Fighting against laicism, be it philosophical or political, the Church has through reason defended the dignity of the human person and its true liberty; from which it follows that the Church, following the rule of continuity, and despite the changing conditions, remains consistent with herself." (51)

(51) Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II, Typis Polyglottis Vaticanis, cit., vol. II, pars V, p. 491-492.

It is therefore necessary to affirm that the two propositions from the encyclical *Quanta cura* already cited have a different meaning from the two corresponding propositions of DH.

It is certain that the errors mentioned by the Encyclical *Quanta cura* were condemned in themselves, and not only because of the historical circumstances of the time. However, it is necessary to be very aware of what these errors were, in order to understand correctly the terms by which they are referred to in the Encyclical. We thus see that we are in the presence of a case - which is not unique in history - where a doctrine expressed in words is condemned which, later, will be used by the Church itself, giving them a different meaning.

One can find other cases of apparent contradictions between texts of the Magisterium. Perhaps the oldest example is that of the word consubstantial, rejected by the Council of Antioch in 264, in the modalist sense given to it by Paul of Samosate, who used it to deny the real distinction between the Persons of the Father and Son. It was then adopted by the Council of Nicaea in 325, in a different sense, the only correct one, defined by the Council itself (52).

(52) Cf. Dictionnaire de Theologie Catholique, Vol. I, col. 1434; vol. iii, col. 1611-1612; vol. xii, col. 50.

In Sacred Scripture, find examples of this type. The "Ego et Pater unum sumus" (Jn 10:30) who do not read the Holy Scriptures itself, we can say the words of the Lord: may appear -to in sinu Ecclesiae- incompatible with the statement "Pater maior me is" (Jn 14:28). Likewise, the texts of the Magisterium, in a manner analogous to those of Sacred Scripture, must be read in sinu Ecclesiae, avoiding free interpretation (53).

(53) Cf. Paul VI, discourse of 20th December 1976: "Insegnamenti di Paolo VI", 14 (1976) p. 1088.
https://www.vatican.va/content/paul-vi/it/speeches/1976/documents/hf_p-vi_spe_19761220_concistoro.html

In the present case, the expression "freedom of conscience and worship" in the Encyclical *Quanta cura* and the expression "religious freedom" in the Declaration *Dignitatis humanae* denote different realities. As the Encyclical *Quanta cura* points out, the condemned propositions are the result of the application "to civil society of the unholy and absurd principle called naturalism." (54)

(54) Pius IX, Encyclical *Quanta cura*: ASS 3 (1867) p. 162.
<https://www.papalencyclicals.net/pius09/p9quanta.htm> (#3)

This principle states that "Human reason, without any reference whatsoever to God, is the sole arbiter of truth and falsehood, and of good and evil; it is law unto itself, and suffices, by its natural force, to secure the welfare of men and of nations." (55); and that "All the truths of religion proceed from the innate

strength of human reason; hence reason is the ultimate standard by which man can and ought to arrive at the knowledge of all truths of every kind." (56)

(55) Syllabus, n. 3: Denz-Sch 2903. <https://www.papalencyclicals.net/pius09/p9syll.htm>

(56) Ibidem, n. 4: Denz-Sch 2904. <https://www.papalencyclicals.net/pius09/p9syll.htm>

In this doctrinal context, the relationship between human reason and truth in general, and that between human reason and truth peculiar to religion and worship, are defined in only one way: autonomy or freedom. Thus, the freedom of conscience and worship condemned by Pius IX means that "This is based on the principle that every man is free to profess as he may choose any religion or none." (57)

(57) Leo XIII, Encyclical Libertas: ASS 20 (1887) p. 603.

https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_20061888_libertas.html

The Roman Pontiffs (in particular Pius IX and Leo XIII) teach precisely that it is not licit to claim a right or a moral faculty to exercise some worship according to one's good pleasure, because that would imply denying the existence of a one true worship and willed by God. No one has before God the right or the moral faculty (the ethically legitimate power) to adhere internally to an erroneous religion, nor the moral faculty to practice it externally. No ruler can establish or decree a right of freedom of conscience or of worship, which would consist in claiming to create the moral possibility of adhering to any religion. The truth which man is obliged to seek and the true worship which man is obliged to practice, are created neither by individual reason nor by political power but transcend these two human instances.

As we have already recalled in the previous pages, Leo XIII and Pius XII also teach that in certain circumstances erroneous worship can be tolerated, that is to say, not be prevented by coercion. (58)

(58) Cf. Leo XIII, Encyclical Libertas: ASS 20 (1887) pp. 609-610; Pius XII, Allocution Ci riesece: AAS 45 (1953) pp. 797 ss.

https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_20061888_libertas.html

<https://www.ewtn.com/catholicism/library/ci-riesce-8948>

This civil tolerance is not owed to him in justice as a form of worship. Tolerance does not sanction or create a moral faculty to exercise an erroneous worship (it does not make it ethically legitimate). By virtue of tolerance, without having the moral faculty to act badly, one can have the civil right not to be prevented by coercion, if there is available a civil law based sufficiently on reasonable grounds: namely, to obtain a greater good, or to avoid a more serious evil (59). Tolerance is not the same as conceding moral legitimacy to error.

(59) Cf. St. THOMAS, Summa Theologiae, II-II, q. 10, a. 11; <https://aquinas.cc/la/en/~ST.II-II.Q10.A11>
LEON XIII, Enc. Libertas, loc. cit.

https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_20061888_libertas.html

The practice of tolerance corresponds, apart from the stated reasons, to the very nature of the act of faith. "And, in fact, the Church is wont to take earnest heed that no one shall be forced to embrace the Catholic faith against his will, for, as St. Augustine wisely reminds us, "Man cannot believe otherwise than of his own will." (60) Also, Leo XIII and Pius XI distinguished the error of the freedom of conscience of the legitimate freedom of conscience. (61)

(60) Leo XIII, Encyclical *Immortale dei*: ASS 18 (1885) pp. 174-175.

https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei.html

(61) Cf. Leo XIII, Encyclical *Libertas*: ASS 20 (1887) pp. 608-609; Pius XI, Encyclical *Non abbiamo bisogno*: AAS 23 (1931) pp. 301-302.

https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_20061888_libertas.html

https://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_29061931_non-abbiamo-bisogno.html

All of this doctrine remains unchanged in the declaration *Dignitatis humanae*, although there is a doctrinal advance and a change in the perspective from which the problem is approached. In DH:

- a) we affirm the obligation to seek the truth in religious and moral matters, and we do not admit any type of freedom of conscience, understood as ethical autonomy;
- b) religious autonomy is not admitted either: the only true religion is that of the Catholic Church (cf. DH 1). Consequently, the doctrine on the relationship between man and truth in religious and moral matters remains unchanged from traditional doctrine;
- c) the point of view of DH, fundamentally legal, leads to examine the interpersonal relations between men and between man and the State. Civil constraint (ab extrinseco necessity) in religious matters is excluded by the very nature of the person, by the nature of the act of faith, by the personal nature of the obligation and responsibility in relation to the truth, in no way on the basis of an alleged indifference of man vis-à-vis religion or equality between all cults. In this sense - different from that of the Encyclical *Quanta Cura*, we can speak of a natural right to religious freedom. It is a negative right which indicates to the State and to the person what they should not do to another man in religious and civil matters, but in no way legitimizes on the moral and religious level this what each does in their sphere of personal responsibility. DH does not claim to create or concede any moral faculty for error or adherence to error on the part of the subject.

The Encyclical *Quanta cura* condemns those who "dare to subject to the will of the civil authority the supreme authority of the Church and of this Apostolic See given to her by Christ Himself". (62).

(62) Pius IX, Encyclical *Quanta cura*: ASS 3 (1867) p. 164; cf. the distinction between the two societies according to Leo XIII, Encyclical *Cum multa*: ASS 15 (1882) pp. 242-243, and *Immortale dei*: ASS 18 (1885) pp. 166-167.

<https://www.papalencyclicals.net/pius09/p9quanta.htm>

https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_08121882_cum-multa.html

https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei.html

The very evolution of the doctrinal core of rationalism goes from an initial individualist presentation to a collectivist or totalitarian image of man. For this reason, the Roman Pontiffs have insisted more and more on the fact that the common good requires above all respect for the dignity and rights of the person, created in the image of God, who enjoys an eternal personal destiny. (63).

(63) Cf. Pius XI, *Mit brennender Sorge*: AAS 39 (1937) pp. 159-160; Pius XII, Radiophone message, 1st June 1941: AAS 33 (1931) p. 200; John XXIII, *Encyclical Pacem in terris*: AAS 55 (1963) p. 260; etc.
https://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_14031937_mit-brennender-sorge.html
<https://www.vatican.va/archive/aas/documents/AAS-33-1941-ocr.pdf>
https://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html

Under current conditions, the insistence on the transcendence of the religious domain considered in itself, vis-à-vis the competences of political power, corresponds on the one hand to the truth traditionally taught by the Church, and, on the other hand, is necessary to safeguard the freedom of Catholics and of the Church itself. The common status of religious freedom on the civil and social level is the minimum necessary that the Church needs to accomplish her divine mission, which does not mean - as we said previously - that this minimum is the only possible one or the most advantageous for the Church. In DH 6, we contemplate the possibility of a particular recognition and collaboration which, in turn, must avoid legal behaviors excluded by the very nature of the person and of the religious domain. In fact, the existence of Concordats between the Holy See and certain States places Church-State relations above the simple regime of religious freedom on the civil and social level. Another problem is that of the value of each Concordat in particular, which may depend on the circumstances in which it was drawn up, and on the people who intervened in its realization.

5. Conclusion

At the end of this argument, I think that we can accept as sufficiently well founded the following conclusion: there are not sufficient reasons to justify in good conscience a questioning of the compatibility of the doctrine of the declaration *Dignitatis humanae* and the previous Magisterium. However, it should be noted that the explanations given in these pages necessarily contain disputable theological aspects.

Once it has been demonstrated that there is not sufficient reason to affirm that there is a contradiction, there remains the possibility of a later study of the problem, with the aim of explaining in an even more perfect way the existence and compatibility and continuity of the teaching; that is, *de quaerere rationem quomodo sit* (to find out how it is the case), and not *quomodo non sit* (how it is not the case), which is taught by the Church. (64)

(64) Cf. Pius X, *Encyclical Communion rerum*, 21st April 1909: AAS 1 (1909) p. 381.
https://www.vatican.va/content/pius-x/en/encyclicals/documents/hf_p-x_enc_21041909_communion-rerum.html