

anchorhold, we are presented with “the text of Christ’s crucified body.”⁸³

A reader is incorporated into the visionary landscape through the fact of Julian’s physical reality, her living out of intimate seclusion with God. The “confines of the anchorhold ensure a space of continual intimacy with God”⁸⁴ that allow Julian the freedom to open her visionary world and refigure it as a textual artefact for the benefit of other Christians. The visions are a site of what is “real in the midst of the formless expanse,”⁸⁵ always pointing outside their textual borders to a privileged reception of the divine. Readers follow Julian into the anchorhold in pursuit of Christ, “enclosing the mystical space within the framework of contemporary spiritual and theoretical inquiry.”⁸⁶

The pilgrim soul is challenged by a desire that leads deeper into the apparent solitude of the body itself. Confronted by the impenetrability of her experience, by the apparent difficulty with which a mystic communicates their experiences, Julian is moved to ask, “Wherfore shewyth he it the?” and the answer comes, “For love.”⁸⁷ Love is the final answer, to the question of why Julian experiences and feels compelled to share her visions.

Mystical space unfolds in infinite potential, enclosing Julian’s embodied experience of Christ. It is the mediation of that sustained encounter that is made present to us in the containment of the anchorhold *Showings*. It is within this particular way of life, which exists in the intersections between liturgical rite, the praxis of anchoritic spirituality, and the physical enclosure of the anchorhold, that Julian is capable of living out her spiritual destiny. She is graced by a God-informed sense of her own bodily mortality,⁸⁸ and cultivates a spirit that is ceaselessly redeemed through its encounter with the living Christ.

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⁸³ Frederick Christian Bauerschmidt, *Julian of Norwich and the Mystical Body Politic of Christ* (Notre Dame: University of Notre Dame Press, 2008), x.

⁸⁴ Miles, “Space and Enclosure,” 159.

⁸⁵ Joseph Sterrett and Peter Thomas, eds., *Sacred Text - Sacred Space: Architectural, Spiritual and Literary Convergences in England and Wales* (Leiden: Brill, 2011), xiv.

⁸⁶ Davies, *Mysticism and Space*, 250.

⁸⁷ Baker, *The Showings*, 124.

⁸⁸ Lichtmann, “I desyrede a bodylye sight,” 17.

Is a Catholic State Still Possible and Desirable in the Light of Vatican Council II?

In order to address the much debated question which constitutes the title of my article, I have chosen the form of a medieval *quaestio*, i.e. a dialectical procedure in which an attempt is made to reconcile conflicting viewpoints.² I believe this scholastic method offers both the writer and the reader the possibility for a rational engagement with the issue at hand.

Videtur Quod Non (Objections)

Objection 1. It would seem that it is not desirable for the Catholic Church to strive towards a Catholic confessional State. For, following the principle *Ad impossibile nemo tenetur* (“No one is bound to an impossibility”), the theoretical impossibility of a Catholic confessional State, as clearly expounded in Vatican II’s decree *Dignitatis Humanae* (DH), makes it not desirable to strive towards a Catholic State.³

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² See Marie-Dominique Chenu, *Towards Understanding Saint Thomas* (Chicago: Regnery, 1964), 88-90; William Hoyer, “Die mittelalterliche Methode der *Quaestio*,” in *Philosophie: Studium, Text und Argument*, ed. Norbert Herold, Bodo Kensmann and Sibille Mischer (Münster, Lit, 1997), 155-178. Unless otherwise stated, all the magisterial texts are taken from the Vatican website (www.vatican.va).

³ For an extensive overview of the various positions up to 2003 see Édouard Divry, “Sur les conséquences du droit à la liberté religieuse proclamé à Vatican II,” *Revue Thomiste* 103 (2003): 249-290; 104 (2004) 421-445, especially 249-275.

Objection 2. Moreover, even if it was desirable to strive towards such a state in the past, “the vicissitudes of human history” (*DH*, no.12), especially those at the time of the composition of *DH*, with the still-fresh memory of the totalitarianisms of the Second World War, the triumph of liberal democracies, and the threat of militant atheistic Communism prior to the Fall of the Berlin Wall, have demonstrated the dangers inherent in an identification of (religious) ideology and the State.

Objection 3. The history of confessional Catholic states has shown conclusively the inherent totalitarian nature of such states.

Objection 4. The pre-conciliar position is illogical and hypocritical because in the case of being a minority the Church demands religious liberty, but in the event of being a majority the Church suppresses minorities.⁴

Objection 5. Even if it would be desirable to strive towards a Catholic State, it is not possible to give a practical plan for achieving such a State, given the plurality of opinions and beliefs. The argument for the possibility and desirability of a Catholic State has therefore no practical implications in today’s pluralistic society.

Objection 6. *DH* clearly intended to provide room for development or renewal, and this intention extends to the possibility and desirability of a Catholic State as well.⁵

Objection 7. Martin Rhonheimer claims that the position of *DH* represents a break with the previous teaching of the Church regarding “the functions and duties of the state”⁶ and hence demands a legitimate secularity of the State. This does not however represent a break with Scripture nor with the apostolic tradition of the Church because “the idea of a Catholic State”⁷ cannot be grounded in Scripture or in the apostolic tradition. Rather, it represents neither a break with the contingent demands of the Church in the nineteenth century. Rhonheimer even claims, moreover, that “there is no timeless dogmatic Catholic doctrine on the State.”⁸

Objection 8. The desire to strive towards a Catholic State represents a nostalgic longing for something that either never existed or, if it did exist, has brought harm to the Gospel of Christ, as history has shown.

⁴ See for instance Cardinal Heenan’s remark during the Second Vatican Council in *Acta synodalia Sacrosancti Concilii Oecumenici Vaticani (AS)* (Roma: Polyglotta, 1976), 4 pt.1:295.

⁵ Cf. *DH*, no.1: “This Vatican Council takes careful note of these desires in the minds of men. It proposes to declare them to be greatly in accord with truth and justice. To this end, it searches into the sacred tradition and doctrine of the Church - the treasury out of which the Church continually brings forth new things that are in harmony with the things that are old.”

⁶ Martin Rhonheimer, “Die Hermeneutik der Reform und die Religionsfreiheit,” November 28, 2009, <http://www.kath.net/news/24068>. See also his *Christentum und säkularer Staat* (Freiburg: Herder, 2012), 156-163.

⁷ Ibid.

⁸ Martin Rhonheimer, “Benedict XVI’s “Hermeneutic of Reform” and Religious Freedom,” *Nova et Vetera (English edition)* 9 (2011): 1029-1054, 1032.

Sed Contra (On the Contrary)

Argument 1. *DH*, no.1 says that “it [the teaching on religious freedom] leaves untouched traditional Catholic doctrine on the moral duty of men and societies towards the true religion and towards the one Church of Christ.”⁹ Assuming a minimal degree of coherence in the document, this can only imply that, whatever the meaning of the statements of *DH*, neither these statements nor the document as a whole can be interpreted as contradicting the constant teaching of the Church.

Argument 2. In its Decree on the Apostolate of the Laity, *Apostolicam Actuositatem (AA)*, the Council asks Christians, especially the laity, to transform the temporal order in such a way that it is directed to God through Christ.¹⁰ The document defines this special obligation of the laity as “the effort to infuse a Christian spirit into the mentality, customs, laws, and structures of the community in which one lives.”¹¹ *Apostolicam Actuositatem* does not limit itself to identifying general (and often vague) attitudes of the Christian life, or to public demonstrations of piety (such as public processions) but rather it specifies very clearly that the laws and structures, i.e. the content of the life of a community itself, should bear the marks of the Christian faith. Unsurprisingly, therefore, Catholics are urged in this same document to actively engage themselves in public affairs in order to “prepare the way of the Gospel” (*AA*, no.14). In doing so, the document echoes Leo XIII’s call to the faithful “to use their best endeavours... to infuse, as it were, into all the veins of the State the healthy sap and blood of Christian wisdom and virtue.”¹²

⁹ “...integram relinquat traditionalem doctrinam catholicam de morali hominum ac societatum officio erga veram religionem et unicam Christi Ecclesiam.” This is one of the central texts in Fernando Ocariz’s argument that the Catholic Church can and should be assisted and protected in a special way by the State, arriving at the confessional State wherever possible. See Fernando Ocariz, “Sulla libertà religiosa: continuità del Vaticano II con il magistero precedente,” *Annales Theologici* 3 (1989): 71-97, 93.

¹⁰ “The whole Church must work vigorously in order that men may become capable of rectifying the distortion of the temporal order and directing it to God through Christ. Pastors must clearly state the principles concerning the purpose of creation and the use of temporal things and must offer the moral and spiritual aids by which the temporal order may be renewed in Christ. The laity must take up the renewal of the temporal order as their own special obligation,” *AA*, no.7.

¹¹ “Apostolatus in ambitu sociali, scilicet studium spiritu christiano informandi mentem et mores, leges et structuras communitatis in qua aliquis vivit, adeo laicorum munus onusque est ut ab aliis numquam debite expleri valeat,” *AA*, no.13.

¹² “In bonum publicum transferant sincerum atque verum, destinatum animo habentes, sapientiam virtutemque Catholicæ religionis, tanquam saluberrimum succum ac sanguinem, in omnes reipublicæ venas inducer,” Leo XIII Encyclical *Immortale Dei*, no.22.

Respondeo (Reply)

No other document exemplifies the challenge of interpreting the decisions of the Second Vatican Council as a renewal within tradition more than *Dignitatis Humanae*, the document on religious liberty. Not only was this document by far the most controversial document at the Council but, fifty years after the closure of Vatican II, the debate on the precise meaning of the text continues to generate different answers. Both supporters as well as critics of the document have proposed a variety of readings which vary from the extremes of either a radical break with tradition, or a complete continuity with tradition, to more nuanced readings of the text.

The debate has gained new momentum following Pope Benedict XVI's groundbreaking¹³ Christmas address to the Roman Curia of December 22, 2005. The Pontiff spoke of "a hermeneutic of discontinuity and rupture" which "has frequently availed itself of the sympathies of the mass media,¹⁴ and also one trend of modern theology."¹⁵ This hermeneutic "risks ending in a split between the pre-conciliar and the post-conciliar Church." He contrasts this with "a hermeneutic of reform, of renewal in continuity" which starts with the principle of the Church's continuity through time, but allows for development at the level

¹³ Benedict XVI will return to this address time and again during his pontificate and apply it to various controversial questions. Cf. his address for the opening of the Pastoral congress of the diocese of Rome on May 26, 2009; his audience on Vatican II on October 10, 2012; his *Sacramentum Caritatis*, no.3; his address to the Conference on the Priesthood, organized by the Congregation for the Clergy, March 12, 2010; and his *Caritas in Veritate*, no.12.

¹⁴ In his final address to the clergy of Rome on February 14, 2013 the Pope returns to the role of the media: "There was the Council of the Fathers - the real Council - but there was also the Council of the media. It was almost a Council apart, and the world perceived the Council through the latter, through the media. Thus, the Council that reached the people with immediate effect was that of the media, not that of the Fathers. And while the Council of the Fathers was conducted within the faith - it was a Council of faith seeking *intellectus*, seeking to understand itself and seeking to understand the signs of God at that time, seeking to respond to the challenge of God at that time and to find in the word of God a word for today and tomorrow - while all the Council, as I said, moved within the faith, as *fides quaerens intellectum*, the Council of the journalists, naturally, was not conducted within the faith, but within the categories of today's media, namely apart from faith, with a different hermeneutic. It was a political hermeneutic: for the media, the Council was a political struggle, a power struggle between different trends in the Church. ... We know that this Council of the media was accessible to everyone. Therefore, this was the dominant one, the more effective one, and it created so many disasters, so many problems, so much suffering: seminaries closed, convents closed, banal liturgy ... and the real Council had difficulty establishing itself and taking shape; the virtual Council was stronger than the real Council."

¹⁵ Benedict XVI, *Christmas Address to the Roman Curia*, December 22, 2005.

of "contingent matters" or "practical forms." As an "unequivocal" expression of this hermeneutic he quotes John XXIII's well-known words at the opening of Vatican II on October 11, 1962 where the Pope distinguishes between "the substance of the ancient doctrine of the deposit of faith," which is unchanging, and "the way in which it is presented, retaining the same meaning and message."

Benedict XVI, moreover, applied this hermeneutic of renewal in continuity to the question of religious liberty.

Thus, for example, if religious freedom were to be considered an expression of the human inability to discover the truth and thus become a canonization of relativism, then this social and historical necessity is raised inappropriately to the metaphysical level and thus stripped of its true meaning. Consequently, it cannot be accepted by those who believe that the human person is capable of knowing the truth about God and, on the basis of the inner dignity of the truth, is bound to this knowledge.

It is quite different, on the other hand, to perceive religious freedom as a need that derives from human coexistence, or indeed, as an intrinsic consequence of the truth that cannot be externally imposed but that the person must adopt only through the process of conviction.¹⁶

This means, in his own words, that "basic decisions ... continue to be well-grounded, whereas the way they are applied to new contexts can change," or that "the Second Vatican Council, with its new definition of the relationship between the faith of the Church and certain essential elements of modern thought, has reviewed or even corrected certain historical decisions, but in this apparent discontinuity it has actually preserved and deepened her [the Church's] inmost nature and true identity." However, the precise meaning of this hermeneutic of continuity and its application to several aspects of *DH* remain controversial.¹⁷

Before investigating the possibility and desirability of a Catholic State, we first need to have a clear idea of what a Catholic State is. I define a Catholic State as a sovereign political entity whose people predominantly profess the Catholic faith. The constitution of such a political entity is committed to the support of the Catholic faith and as such this political entity establishes laws and policies,

¹⁶ Ibid.

¹⁷ See for instance the discussion between Martin Rhonheimer and Thomas Pink: Martin Rhonheimer, "Benedict XVI's 'Hermeneutic of Reform' and Religious Freedom," *Nova et Vetera (English edition)* 9 (2011): 1029-1054; Thomas Pink, "The Interpretation of *Dignitatis Humanae*: A Response to Martin Rhonheimer," *Nova et Vetera (English edition)* 11 (2013): 77-121; Martin Rhonheimer, "*Dignitatis Humanae* - Not a Mere Question of Church Policy: A Response to Thomas Pink," *Nova et Vetera (English edition)* 12 (2014): 445-470.

both of which are in harmony with the Catholic teaching on faith and morals. Such a Catholic State implements this Catholic social teaching as far as possible. In so far as *Gaudium et Spes*, no.43 describes the “false opposition” between the social and the religious life or “the split” between faith and the daily life as one of “the more serious errors of our age,” and in so far as it invites the laity to make it a matter of conscience “to see that the divine law is inscribed in the life of the earthly city,” the Catholic State is therefore the natural and organic result of the Catholic faith as fully lived by a people.¹⁸

Following the hermeneutic of continuity, the reader of *DH* should start with the presumption that the doctrinal substance of the document stands in continuity with preceding tradition and then try to understand, despite seeming contradictions, subsequent teaching in the light of this preceding tradition. The document itself provides this hermeneutical principle when it says in no.1 that “it [the teaching on religious freedom] leaves untouched traditional Catholic doctrine on the moral duty of men and societies towards the true religion and towards the one Church of Christ.” In other words, whatever the meaning of the statements of *DH*, neither these nor the document as a whole can be interpreted as contradicting the constant teaching of the Church.

The *par excellence* guide in reading magisterial statements is the Church itself. Regarding our topic, this becomes abundantly clear when reading the sections of the *Catechism of the Catholic Church* on religious liberty, intended to counter unacceptable readings of *DH* in the post-conciliar Church.¹⁹

The Possibility of a Catholic State

For someone living in the first decades of the twenty-first century, it is difficult to understand that the modern liberal democratic State represents an anomaly in the history of politics and religion. A modern liberal State may be defined as a sovereign political entity, founded on the principle of neutrality towards (any) religious institution, and whose constitution is committed to the recognition of pluralism and the toleration of all views compatible with basic public order. In the ancient and medieval world, both Christians and non-Christians, would have been astonished by the idea that a society would claim to function without religion. Modern liberal democracy is very much an anomalous novelty, and one could argue that there are clear signs that the novelty is wearing off. It is

¹⁸ It is important to underline that there is no intrinsic contradiction between a democracy and a Catholic State, for the vote of the well-formed people would always correspond to the truth of the Catholic faith.

¹⁹ See *Catechism of the Catholic Church* (CCC), nos.2109-2110.

important to understand the anomaly of the modern liberal State because it helps us to understand the Church’s struggle against it, especially from the Reformation onwards. Part of this understanding is the assumption - shared both by many scholars as well as by popular opinion-makers both inside and outside the Catholic Church - that the question of Church-State relations has been resolved, not only *de facto* but also *de iure*, in favour of democratic pluralism. From this perspective, Vatican II’s *Dignitatis Humanae* is taken as the turning point in Catholic social teaching, and as the beginning of a new age in which the Church - “finally” some would say - adapts itself to the democratic pluralism of political modernity.²⁰

In so far as Enlightenment liberalism and its understanding of constitutional order can be characterized as a “government [which] does not express or represent the moral community of the citizens, but is instead a set of institutional arrangements for imposing a bureaucratized unity on a society,”²¹ Vatican II did not endorse liberalism’s state of *laissez-faire*, in which the State merely represents a means of insuring personal freedom and public order, i.e. an instrument to prevent citizens from harming one another. In other words, Vatican II did not oblige Catholics to live forever in societies that refrain from answering the most important questions of human life.

In the key texts of *DH*, religious freedom is declared to mean immunity from coercion such that no one is to be forced to act contrary to his beliefs, within due limits. The Council declared that the basis of this “right to religious freedom” is found in “the very dignity of the human person” as this is known by revelation and reason. This right should be recognized as a civil right (*DH*, no.2). This declaration, in the first paragraph of no.2, is the doctrinal substance of the document and is taught with authority by Vatican II. The relator, Mgr De Smedt, has explicitly declared that the subsequent argumentation is not taught authoritatively and hence should be viewed as a more or less debatable, contingent element within the document.²² Furthermore, it is said that this

²⁰ In an opinion piece in the Flemish journal *De Standaard*, written some twenty years ago (30-31 March 1996), entitled “Where have the Catholic intellectuals gone?” and which caused a very lively discussion, Herman De Dijn claimed that post-war Catholic intellectuals all too easily adapted themselves to modernity and argued that the contribution of the Catholic intellectual should consist “in patiently safeguarding, bringing to light and expressing the richness and insights of a great tradition which is not dead yet and for which there exists a need now more than ever.”

²¹ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, IN: University of Notre Dame, 1981), 236.

²² *Acta synodalia Sacrosancti Concilii Oecumenici Vaticani II (AS)*, (Roma: Polyglotta, 1976), 4 pt. 6:735: “Ut clarius appareat quod argumentatio non auctoritate proponitur, deletur in lin.

right includes two elements: the freedom of conscience and the free exercise of religion “provided the just demands of public order are observed” (*DH*, no.4).

Having said that much, we must however, underline what is not explicitly said. *DH* does not declare that the State is either excluded from the legitimate concern for the common good or that it is restricted to the maintenance of mere public order. This is a crucial point, because if the State is concerned about the common good, then it must be concerned about the spiritual and moral welfare of its citizens. In other words, the common good of society includes the pursuit both of virtue and of the end of human life, i.e., union with God in so far as the virtues dispose man to the reception of beatitude. Among the moral virtues is the virtue of religion as a form of justice that involves rendering worship to Triune God.²³ The common good of society, then, would seem to include ensuring the conditions that would contribute to each of its members attaining his supernatural end, i.e. union with God. At the very least, society’s pursuit of the common good would include preventing those things that positively hinder man’s pursuit of his end.

Dignitatis Humanae also does not say that the State is restricted to the maintenance of mere public order. On the contrary, according to *DH* the civil authority of the State is directly linked to the maintenance of the common good: “Therefore the civil authority, the purpose of which is the common good in the temporal order, must recognize and look with favour on the religious life of its citizens” (*DH*, no.3). Moreover, the document contains a clear definition of the common good: “The common good of society consists in the sum total of those conditions of social life which enable men to achieve a fuller measure of perfection with greater ease” (*DH*, no.6). In a Catholic document such as *DH*, the “perfection of man” can only refer to the final supernatural end of union with God. In its attempt to correct a strictly liberal understanding of the common good, the *Catechism* links the common good to the development of the human vocation. Respect for the person as such, being one of the necessary conditions for the common good, entails that “society should permit each of its members

7 verbum ‘enim.’” (“So that it more clearly appears that the argumentation is not proposed with authority, the word ‘for/because’ in line 7 is to be deleted”). The second paragraph of no.2 in the final version begins with “Secundum dignitatem suam homines cuncti ...” (“In accordance with their dignity all men...”). The previous version had “Secundum dignitatem enim suam homines” but ‘enim’ (“for/because”) was removed from the text in order not to give the impression that the argumentation itself stood at the same authoritative level as the first paragraph of no.2 beginning with “Haec Vaticana Synodus declarat ...” (“This Vatican Council declares...”).

²³ This is a point that the *CCC* makes very clear: “Justice towards God is called the “‘virtue of religion’” (no.1807); see also nos.1836, 1839, 2087.

to fulfill his vocation. In particular, the common good resides in the conditions for the exercise of the natural freedom indispensable for the development of the human vocation” (*CCC*, no.1907). Moreover, the distinctly human vocation “is to show forth the image of God and to be transformed into the image of the Father’s only Son” (*CCC*, no.1878). With this in mind, it follows that the definition of the common good in *DH* includes the traditional understanding of the common good as that which concerns the spiritual and moral welfare of the citizens.

Dignitatis Humanae does not preclude the possibility of a Catholic confessional state because the document carefully avoids limiting the State to a concern for mere public order and it unambiguously affirms that the State exists to ensure the common good. According to Catholic tradition the common good includes the virtuous life of the citizens, as exemplified pre-eminently by the virtue of religion. *DH* clearly repudiates the secularist view of the State as a mere instrument for preserving public order and, on the contrary, holds that the State does have a responsibility for the moral and religious education of its citizens. At the same time, the document denies that the State is the final arbiter of moral and religious truth because this prerogative remains with the Catholic Church.²⁴

Moreover, *DH* unambiguously places the right to religious liberty in the context of the obligatory nature of the truth and, therefore, presents this right as a limited, not as an absolute, right. This leaves open the possibility of a Catholic State. In *DH* we read: “It is in accordance with their dignity that all men, because they are persons, that is, beings endowed with reason and free will and therefore bearing personal responsibility, are both impelled by their nature and bound by a moral obligation to seek the truth, especially religious truth” (*DH*, no.2). The connection between the right to religious liberty and truth is crucial for two reasons. First, this right only exists as a consequence of the primary obligation to seek the truth - and therefore is not absolute, but is ordered towards the truth. Secondly, once truth is found, that truth demands adherence and imposes moral obligations. This means that (1) the right to religious liberty cannot be exercised outside of the truth in so far as this truth can be known by reason; and that (2) it cannot be exercised in such a way that it contradicts the truth. The right to

²⁴ See *inter alia*, the introduction of *DH* and no.14. In the introduction we read: “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.” In *DH*, no.14 we read: “The Church is, by the will of Christ, the teacher of the truth. It is her duty to give utterance to, and authoritatively to teach, that truth which is Christ Himself, and also to declare and confirm by her authority those principles of the moral order which have their origins in human nature itself.”

religious liberty is not rooted in radical liberalism's autonomous individual who may determine the purpose and meaning of human life for himself. The right is grounded in human nature in so far as it is inclined to the good of human reason, which is ordered towards the truth. Furthermore, the right to religious freedom is always exercised in a concrete human society and "for this reason its use is subject to certain regulatory norms" (*DH*, no.7). Hence, the Council taught that the right to religious freedom could not be prescribed when the just requirements of public order are not observed (see *DH*, no.2).

The *Catechism*, while providing a more organized presentation of the same issues, is clear that "the right to religious liberty is neither moral license to adhere to error, nor a supposed right to error, but rather a natural right of the human person to civil liberty, i.e., immunity, within just limits, from external constraint in religious matters by political authorities" (*CCC*, no. 2108).

There are two key points about this passage. First, the *Catechism* reiterates that religious liberty is a negative or passive right - it is immunity from external constraint. As such, a negative right presupposes a positive right, i.e. the obligation to search for and adhere to the truth. The second point is that the *Catechism* makes it clear that the right is not absolute, but only relative, and therefore bound by "just limits." Not only can it not be exercised outside of the limits of public order, but it also cannot be exercised outside the limits of the order of truth, the objective moral order.

"The right to religious liberty can of itself be neither unlimited nor limited only by a "public order" conceived in a positivist or naturalist manner. [Here the *Catechism* refers to Pius IX's *Quanta cura*]. The "due limits" which are inherent in it must be determined for each social situation by political prudence, according to the requirements of the common good, and ratified by the civil authority in accordance with "legal principles which are in conformity with the objective moral order" [reference to *DH*, no.7].²⁵

Conformity with the objective moral order obliges a State to prohibit by law religious practices such as human sacrifice, prostitution or suicide, because these violate the just limits of public order and legal principles in conformity with an objective moral order. From the perspective of the intrinsic link between freedom and truth, this means that freedom becomes morally significant only in so far as it is ordered to the truth.²⁶ The words of Jesus about Judas ("It would

²⁵ *CCC*, no.2109.

²⁶ Cf. the response by the Conciliar Commission in *AS* 4 pt.6:725: "Si autem personae errorem diffundent, hoc non est exercitium iuris, sed abusus eius. Hic abusus impediri potest et debet si ordo publicus graviter laeditur, prout in textu pluries affirmatur et sub no.7 explicatur." (If,

have been better for that man if he had not been born," Mt 26:24) illustrate that, once the gift of freedom has been radically abused by turning away from the truth, man is in grave danger of losing his supernatural destiny.

Summarizing my argument thus far, I have demonstrated, in the light of *DH*, that the Catholic State remains a possibility because (1) the common good, as understood by Catholic tradition, remains the concern of the State, and (2) the right to religious freedom is not absolute but limited by the obligatory search for truth and the limits of public order. Having established the possibility of a Catholic State, I have also answered the objection: *ad impossibile nemo tenetur*.

The Desirability of a Catholic State

In its Decree on the Apostolate of the Laity, *Apostolicam Actuositatem* (*AA*), the Council defines the special obligation of the laity as "the effort to infuse a Christian spirit into the mentality, customs, laws, and structures of the community in which one lives" (*AA*, no.13). Thus the document specifies very clearly that the laws and structures, i.e. the content of the life of a community itself, and not merely some general beliefs and practices should bear the marks of the Christian faith. Unsurprisingly, therefore, Catholics are urged in the same document to actively engage themselves in public affairs in order to "prepare the way of the Gospel" (*AA*, no.14). In doing so, the document echoes Leo XIII's call to the faithful "to use their best endeavours . . . to infuse, as it were, into all the veins of the State the healthy sap and blood of Christian wisdom and virtue."²⁷

Assuming that the Catholic faith is the one true religion, and given the divine mandate to proclaim this faith, it can only be desirable that the Catholic faith becomes the central principle of both the personal life of believers as well as the public life of a people. For only in this way and through the supernatural perfection of the virtues, will the heavenly reward promised by Christ be attained by as many people as possible. Given that the Catholic faith is true, a non-Catholic society can never be a good thing in itself. On the contrary, the divine mandate implies that Catholics direct all their activities towards a nation of explicitly Catholic institutions, closely working together with the Church.

This becomes all the more clear when one considers that a political community has not only an intrinsic common good but also an *extrinsic* common good. The intrinsic common good of a community consists in the social happiness and

however, persons spread an error, this is not an exercise of a right but an abuse of that right. Such an abuse can and should be prevented if the public order is greatly hurt as is being affirmed often in the text and explained in no.7").

²⁷ Leo XIII, Encyclical *Immortale Dei*, no.45.

peace of the citizens, which is realized by a fitting provision and distribution of earthly goods and the impartial administration of justice, in light of the known truth. The extrinsic common good of a community is God. It is characteristic of a Catholic community that the extrinsic common good is more easily and more widely attained by adhering to the true religion because in a Catholic State the citizens have all the instruments at hand to attain this extrinsic good.

However, in a non-Catholic State (at least in the West), the ideological background of liberalism entails the *de facto* recognition of pluralism and the toleration of all views compatible with a positivistic interpretation of public order. Even if one leaves aside the anti-Catholic nature of some of the social contract-theorists such as Thomas Hobbes and John Locke, who excluded Catholics from participating in political life, the liberal democratic State only permits Catholics to live in such a State on condition that these Catholics explicitly or implicitly renounce the revealed nature of their faith and its social implications.²⁸ This is clearly exemplified in the strategy of many Catholic politicians who separate their private beliefs from their public duties and set the “interest” of the country over and against what they regard as outside religious pressures or dictates. In so doing, religious beliefs are privatized in order to win or hold on to an office.

On the contrary, *DH*'s unqualified reaffirmation that the teaching on religious freedom “leaves untouched traditional Catholic doctrine on the moral duty of men and societies towards the true religion and towards the one Church of Christ” (*DH*, no.2) indicates clearly that *DH* supports the desirability of a Catholic state.

Conclusion

Given that *DH* itself reaffirms the traditional position, the “thesis,” i.e. the ideal of a fully Catholic State in which every aspect of its cultural and political life is infused by the Catholic faith, remains intact. The “hypothesis” of a pluralistic state, in which cultural and political life are guided by principles contrary to the Catholic faith, can only be tolerated but never approved. The Catholic faith is not one religion among many but the one true religion, whereas the other religions are partial and distorted images of the one true religion, images which receive their salvific efficacy from the grace and truth entrusted to the Catholic

²⁸ This would constitute a *de facto* submission of the Church to the competence of the State, an idea which explicitly goes against *DH*, no.13. Reinhard Hüter, however, argues that there can be a form of “genuine liberalism” that would not demand this. See his *Dust Bound from Heaven: Explorations in the Theology of Thomas Aquinas* (Grand Rapids, MI: Eerdmans, 2012), 102-126.

Church.²⁹ The audacity of this logic requires us therefore to say that any political theory, that places the Catholic religion on a basis of equality with other religions, is in principle impossible and therefore morally inapplicable.

Consider the case of abandoning the ideal of a Catholic State as the goal of the earthly life of the Catholic faithful. In such a case the motivating forces of faith, hope and charity would cease to exist and would be replaced by political prudence, the absence of a transcendent goal, and a distorted view of love as sentimentality which ultimately means indifference. Moreover, and taking into account the reality of human sinfulness, this situation would pave the way for the large-scale public approval of inhuman vices.

In so far as the Enlightenment promotes a social order of universally respectful and benevolent values, whose content is only to be decided by the sovereign individual conscience, Catholics should always and everywhere strive towards a Catholic vision of the political life. Even if it is likely that the realization of such a fully Catholic political life lies in the distant future, and that the only means towards that goal is divine intervention motivated through our prayer, the idea that secularist liberalism is somehow an ally in pursuing that goal constitutes a grave mistake and one that finds no support in *Dignitatis Humanae*.

Reply to Objections

Reply to Objection 1. I answer that the principle *ad impossibile nemo tenetur* (No one is bound to an impossibility) does not apply; given that I have shown in my *respondeo* the theoretical possibility of a Catholic State in the light of Vatican II.

Reply to Objection 2. I answer that it was precisely in this historical situation that Pope Pius XII made his bold address *Ci riesce* to the National Convention of Italian Catholic Jurists on December 6, 1953 in which he outlined in detail that in some historical situations, the most prudent policy can indeed be the toleration of “moral and religious deviations,” but on condition that such toleration can only be justified by the general well-being of society, and its common good, which may suffer more from attempts at suppression of these religious and moral errors.³⁰

Reply to Objection 3. I answer that there is a *non sequitur* between the premise of historical mistakes in the past and the conclusion that a Catholic State is not desirable. Such an objection often finds its inspiration in the conventional cliché that monotheistic religions are more inclined to intolerance and violence than

²⁹ Cf. Congregation for the Doctrine of the Faith, *Dominus Iesus* (August 6, 2000), no.16.

³⁰ *Acta Apostolicae Sedis* 45 (1953), 798-799. For a Thomistic foundation cf. Thomas Aquinas, *Summa Theologiae* I-II 101.3, ad 2 and II-II 10 a. 11.

ideologies that define themselves as “secular” and “pluralistic.” In recent years this cliché has been found wanting.³¹ Moreover, a Catholic State is not intrinsically opposed to democracy, although democracy is not in itself a guarantee for preventing abuse of power.

Reply to Objection 4. Again, I reply that there is a *non sequitur* between the premise of a Catholic state and the necessary “suppression” of minorities. Moreover, in so far as the objection describes the status of minorities as “being suppressed,” it fails to recognize that *DH* does not argue for an unlimited and positive right for religious liberty.

Reply to Objection 5. I answer by recalling to mind the philosophical and common sense truth, established by Aristotle and scholastic philosophy, of the intimate connection between the essence of a thing and the goal or *telos* of a thing.³² The goal makes the essence intelligible just as the essence makes the goal intelligible. If there is a crisis in the Church in the West, a crisis of identity and authenticity, it is probably because we have lost sight of this intimate connection between essence and goal. The fully-lived Catholic life is not intelligible without the desire for a Catholic State as the best medium to achieve the goal of supernatural beatitude. One can express this differently by way of the following comparison: A navigation system is a severely impaired instrument as long as it does not receive a destination from its user. Although such an impaired navigation system can provide useful information to its user regarding his surroundings, the navigation system would fail with regard to its goal, i.e., in providing a route to the destination chosen by the user. Similarly, the absence of the desire for a Catholic State severely impairs the life of the Catholic faithful with regard to their supernatural destination, even if such a desire can only manifest itself through prayer for a Catholic State.

Reply to Objection 6. *DH* indeed retains the traditional doctrine that there does not exist a right to moral or religious error but only a negative and limited right of non-coercion by a civil power in the religious domain. Neither does it endorse indifferentism of the individual or of the State but, on the contrary, underlines the obligations to promote the public cult of the true religion and the magisterial teachings regarding natural law. In this way, the doctrinal substance

³¹ See William T. Cavanaugh, *The Myth of Religious Violence* (Oxford: Oxford University Press, 2009) and Cavanaugh, “Religious Violence as Modern Myth,” *Political Theology* 15 (2014): 486-502 where Cavanaugh responds to his critics.

³² See Oscar Wilde: “A map of the world that does not include Utopia is not worth even glancing at, for it leaves out the one country at which Humanity is always landing.” From “The Soul of Man Under Socialism,” *Fortnightly Review* 291 (February 1891): 292-319, quoted in Lawrence Danson, “Wilde as Critic and Theorist,” in *The Cambridge Companion to Oscar Wilde*, ed. Peter Raby (Cambridge: Cambridge University Press, 1997), 93.

of *DH*, no.2 is fully traditional, although clothed in a modern (“rights”) and twentieth century (“human person”) idiom. However, as the subtitle of the document (“*On the Right of the Person and the Communities to Social and Civil Freedom in Religious Matters*”) clearly indicates, *DH* does not intend to deal with all the rights proper to the Church.³³ The traditional doctrine starts from the perspective of the integral order of both nature and revelation; it presupposes a Catholic State and a public authority that is Catholic. The object of the traditional doctrine, therefore, concerns that which the Catholic State is obliged to do in order to fulfill its obligation towards God. However, *Dignitatis Humanae* wishes to address all societies, of which most are unfortunately pluralistic or non-Catholic. The object of the document, therefore, is different from that of the traditional doctrine and hence is concerned not with that which the Catholic State is obliged to do in order to fulfil its obligation towards God but with that which the State cannot do in the light of the dignity of the human person. A pluralistic or non-Catholic State does not possess the competence to discern the truth in religious matters, and hence the traditional idiom of tolerance with regard to errors does not apply here. In short, the development from the idiom of tolerance to the idiom of rights does not undermine traditional doctrine but is a consequence of the difference in objects, treated for instance by Pius XII’s *Ci Riese* address and Vatican II’s Declaration *Dignitatis Humanae*.³⁴

Reply to Objection 7. While the position of Martin Rhonheimer is much more nuanced than I have summarized in the objection and needs a much more thorough reply, a few elements in the light of the *respondeo* become clear. First, if there is no “timeless dogmatic Catholic doctrine on the State,” how is it logically possible to speak of *DH* as “a correction of [Church] teaching on the mission and function of the State” and “a clear break ... which once and for all abandoned a historical burden”?³⁵ Secondly, his definition of the teaching of Vatican II regarding religious liberty, namely that it is “a doctrine on the State’s responsibility to encourage, in a neutral and impartial way, the creation of the necessary conditions in the public and moral order within which religious freedom can flourish and citizens can fulfill their religious duties,” can easily be read as an historically conditioned option for religious pluralism as the religion of a democratic, liberal state anno 2016. Thirdly, and most importantly, the famous

³³ See *AS*, 4 pt.1:195 and 4 pt.5:102.

³⁴ On the difference between tolerance and religious liberty, see Fernando F. Ocariz, “Delimitación del concepto de tolerancia y su relación con el principio de libertad,” *Scripta Theologica* 27 (1995): 865-883.

³⁵ Rhonheimer, “Benedict XVI’s “Hermeneutic of Reform” and Religious Freedom,” 1029-1054, 1033.

phrase in *DH*, no.2 that the document “leaves untouched traditional Catholic doctrine on the moral duty of men and societies towards the true religion and towards the one Church of Christ” cannot be read as referring merely to individuals and societies and not to states, as Rhonheimer claims,³⁶ because the official relator, Mgr E. De Smedt, explicitly said on November 19, 1965 that *DH* retains “the moral duties of the public power towards the true religion.”³⁷

Reply to Objection 8. In so far as nostalgia implies sentimentality, I trust that the audacity of reason, used in this article, gives testimony to the absence of nostalgia on my part. One could argue, moreover, that, instead of exposing the lures of nostalgia through irony, as post-moderns tend to do, nostalgia can also be regarded as something positive in that it creates an historically-aware (Catholic) culture, which is less open to manipulation and which can reinfuse lost histories with credibility, substance, and emotional resonance.

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³⁶ Rhonheimer, “*Dignitatis Humanae*: A Response to Thomas Pink,” 445-470, 460.

³⁷ *AS*, 4 pt.6: 719.

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Carmelo Muscat¹

“Moral Reflections on Heart Transplant Surgical Procedure,”

Excerpt from *Melita Theologica* 20/1 (1968): 1-11

In order to dispel doubts and misgivings about the fact of a donor’s death, once death has been satisfactorily defined, it has been suggested that the fact of the donor’s death should be established by a medical board completely independent from the surgical team entrusted with the performance of the transplant. It should be made clear that the consent of both recipient and donor, or the person responsible for the latter, has been freely secured before the operation can be undertaken. Adequate safeguards should qualify every stage of the procedure in order to ensure that human bodies are treated with all the respect and reverence due to them. Even so, responsible medical opinion has been expressed that future hope for critically ill heart patients may not lie in the way of heart transplant techniques until, at least, storage methods are so perfected that hearts could be preserved in a usable state till required for transplanting, and as long as the technique itself has not advanced to the stage in which it will offer reasonable promise of success.

Thus, to quote one representative of this line of thought, the outstanding medical scientist Dr Irvine H. Page, who directs research at the Cleveland Clinic and edits the scientific journal ‘Modern Medicine’, has confessed that he looks with grave moral misgivings upon the cavalier attitude that is lately being adopted towards the human body, which he still regards as the sacred vessel of man’s soul and spirit.

Dr Page views with concern the medical attitude to meddle too lightly with the human body since he feels and fears that disregard for the human body may easily lead to disregard for human life in general. He believes that rather than

¹ Mgr Carmelo Muscat (1926-2009) was Professor of Moral Theology at the University of Malta.