

'DIGNITATIS HUMANAЕ PERSONAЕ' AND THE FATHERS

THE late John Courtney Murray, S.J., who, as it is said, took a very active part in the compiling of Vatican II's declaration on religious freedom, and who was the best contemporary authority on the subject¹, said that:

'In any event, the document is a significant event in the history of the Church. It was, of course, the most controversial document of the whole Council, largely because it raised with sharp emphasis the issue that lay continually below the surface of the conciliar debates – the issue of the development of doctrine. The notion of development, not the notion of religious freedom, was the real striking-point for many of those who opposed the declaration even to the end. The course of the development between the "Syllabus of Errors" (1864) and "Dignitatis Humanae Personae" (1965) still remains to be explained by theologians.'²

He, however, held that:

'It can hardly be maintained that the declaration is a milestone in human history – moral, political, or intellectual. The principle of religious freedom has long been recognized in constitutional law, to the point where even Marxist – Leninist political ideology is obliged to pay lip-service to it. In all honesty it must be admitted that the Church is late in acknowledging the validity of the principle.'³

N.B. Quotations from 'Dignitatis Humanae Personae' have been taken from: W.M. Abbott, S.J. – J. Gallagher, *The Documents of Vatican II*, (Geoffrey Chapman, London-Dublin 1966).

Quotations from the Fathers of the Church have been taken from: *The Ante-Nicene Fathers* and *The Nicene and Post-Nicene Fathers* (publ. Eerdmans, Michigan).

¹ See his work 'The Problem of Religious Freedom' (New York) 1965, and an article by him, 'Osservazione sulla dichiarazione della libertà religiosa', *Civiltà Cattolica*, 18 dicembre 1965, Quaderno 2772, N. 24, pp. 536-554.

² Abbott Callagher, *op. cit.*, p. 673.

³ *op. cit.* p. 673.

DOCTRINE CONTAINED IN TRADITION

The first half of this quotation is an undeniable fact, but the last sentence seems to be contradicted by the Council's declaration on religious freedom.

'This Vatican Synod 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.'⁴

and again, that:

'It is one of the major tenets of Catholic doctrine that man's response to God in faith must be free . . . This doctrine is contained in the Word of God and it was constantly proclaimed by the Fathers of the Church.'⁵

Besides, it is all the time making explicit references, through the footnotes, to the Fathers, the documents of the Church and to encyclicals and other documents of the Popes.⁶ However, Courtney Murray may have simply meant to say that the Church was late in speaking out clearly on the subject in such an official document as a Council declaration as it has done now: and that far I agree wholeheartedly. Actually the Council says that:

'This doctrine (of Religious Freedom) is contained in the Word of God and it was constantly proclaimed by the Fathers of the Church.'⁷

RELIGIOUS FREEDOM DEFINED

So, to begin with, what is religious freedom? The Council gives two distinct definitions, a generic one at the opening of the document and a more specific one at the beginning of Chapter I. The document opens with these words:

'A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man. And the demand is increasingly made that men should act on their own judgement, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty. The

⁴Dign. Hum. Per. § 1.

⁵op. cit. § 10.

⁶Notably to the encyclicals of Leo XIII, to the encyclicals and radiomessages of Pius XII and to the 'Pacem in terris' of John XXIII.

⁷Dign. Hum. Per. § 10.

demand is also made that constitutional limits should be set to the powers of government, in order that there may be no encroachment on the rightful freedom of the person and of associations.

'This demand for freedom in human society chiefly regards the quest for the values proper to the human spirit. It regards, in the first place, the free exercise of religion in society.'⁸

And Chapter I gives us what I have termed the specific definition of religious freedom, seeing it to consist in two aspects:

'This Vatican Synod declares that the human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that in religious matters no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.'

'The Synod further declares that the right to religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed Word of God and by reason itself.'⁹

Lactantius also thinks that religious freedom (though he does not term it that way) follows from reason, and indirectly pleads that Christians should be free to adore their God as much as pagans are allowed to adore their gods. This is the line of his argumentation. He tries to show that to prefer to be

'... dragged away, harassed, banished ... (to) be in want, be deprived of his hands, have his eyes put out, be condemned, put into chains, be burned, be miserably tortured also'¹⁰

'rather than to take incense in three fingers and throw it upon the hearth'¹¹

is not sheer folly and foolishness as the pagans think who

'do not know how great an act of impiety is to adore any other object than God'¹²

Because, he sensibly argues:

'if he is accounted the most worthless of slaves who runs away and deserts his master, and if he is judged most deserving of stripes and

⁸ op. cit. §1.

⁹ op. cit. §2.

¹⁰⁻¹⁴ Lactantius: 'Divinarum Institutionum' 5, 19.

chains, and a prison, and the cross, and of all evils; and if a son, in the same manner, is thought abandoned and impious who deserts his father, that he may pay him obedience, and on his account is considered deserving of being disinherited, and of having his name removed forever from his family — how much more so does he who forsakes God, in whom the two names entitled to equal reverence of Lord and Father, alike meet?'¹³

All this implicitly shows that one should be free to offer incense to the gods or to the God as one sees good, for God as Lord and Father deserves incense at least as much as the gods. However this does not mean that one is free, before God, to adore the God or gods; all men ought to pay homage to the one God, but it is not for men to judge and condemn one who does not; it is God Himself who metes out the punishment:

'Of what punishments, therefore, is he deserving, who forsakes Him who is both the true Master and Father, but those which God Himself has appointed? who has prepared everlasting fire for the wicked spirits.'¹⁴

FORCE AND COERCION EXCLUDED

The Council teaches that force and coercion should never be brought to bear in religious matters, neither by public authorities, nor by private individuals, neither to force men to act in a manner contrary to their beliefs, nor to restrain them from acting in accordance with these beliefs; rather persuasion is the order of the day and the order of all days. This fundamental principle is repeated *ad nauseam*, so to say, under different forms, by the Council so as to ensure that it be crystal clear. Two excerpts would suffice.

'Truth, however, is to be sought after in a manner proper to the dignity of the human person and his social nature. The inquiry is to be free, carried on with the aid of teaching or instruction, communication, and dialogue. In the course of these, men explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth. Moreover, as the truth is discovered, it is by a personal assent that men are to adhere to it.'¹⁵

'Therefore no one is to be forced to embrace the Christian faith against his own will.'¹⁶

¹⁵ Dign. Hum. Per. §3.

¹⁶ *op. cit.* §10.

Franklin H. Littell in his 'Response' to the document has a beautiful psalmonic quotation, sort of, from P.T. Forsyth, 'the 16th century martyr':

'God wants no compulsory service. On the contrary, He loves a free, willing heart that serves Him with a joyful soul and does joyfully what is right.'¹⁷

The Fathers teach much the same truths. So St Augustine in his *Contra Litteras Petilianus* says that truth of itself is coercion enough against falsehood.

'Petilianus said: "If then there are not some to whom all this power of faith is found to be in opposition, on what principle do you persecute, so as to compel men to defile themselves?" Augustine answered: "We neither persecute you, except so far as truth persecutes falsehood; nor has it anything to do with us if any one has persecuted you in other ways, just as it has nothing to do with you if any of your party do likewise; nor do we compel you to defile yourselves but we persuade you to be cured.'¹⁸

And again in his letters, Augustine holds the same view, that truth is convincing enough:

'My desire is, not that any one should against his will be coerced into the Catholic communion, but that to all who are in error the truth may be openly declared, and being by God's help clearly exhibited through my ministry, may so commend itself as to make them embrace and follow it.'¹⁹

Nor, so far as depends on him, would he let physical force impose internal belief and practice against the sufferer's express will:

'The daughter of one of the cultivators of the property of the Church here, who had been one of our catechumens, had been, against the will of her parents, drawn away by the other party, and after being baptized among them, had assumed the profession of a nun. Now her father wished to compel her by severe treatment to return to the Catholic Church; but I was unwilling that this woman, whose mind was so perverted, should be received by us unless with her own will, and choosing, in the free exercise of judgement, that which is better: and when the countryman began to attempt to compel his daughter by

¹⁷ Abbott-Callagher, op. cit. p. 698.

¹⁸ St Augustine, 'Contra litteras Petilianus' Bk. II, Ch. 83.

¹⁹ St Augustine Letters, N. 34.

blows to submit to his authority, I immediately forbade his using any such means.'²⁰

Likewise St Gregory the Great:

'Moreover, your Fraternity knows well what the canons say about bishops who desire to inspire fear by blows. For we have been made shepherds not persecutors. And the excellent preacher says, "Argue, beseech, rebuke, with all long suffering and doctrine" (2 Tim. IV, 2). But new and unheard of is this preaching, which exacts faith by blows.'²¹

Besides, though the physical compulsion used in forcing people 'to the font' may proceed from the love of our Lord, in all probability it will result in the newly-baptized turning away completely from God:

'For where any one is brought to the font of baptism, not by the sweetness of preaching, but by compulsion, he returns to his former superstition, and dies the worst from having been born again.'²²

And this teaching has been held throughout the Church's history. So the IV Council of Toledo (633) declared:

'De Judeis autem hoc praecepit Sancta Synodus, nemini deinceps ad credendum vir inferre: cui enim vult Deus miseretur, et quem vult indurat. Non enim tales inviti salvandi sunt, sed volentes; ut integra sit forma iustitiae: sicut enim homo proprii arbitrii voluntate serpenti obediens periiit, sic vocante gratia Dei, propriae mentis conversione homo quisque credendo salvatur. Ergo non vi, sed libera arbitrii facultate, ut convertantur suadendi sunt, non potius impellendi. Qui autem jampridem ad Christianitatem venire coacti sunt, sicut factum est temporibus religiosissimis principis † Sisebuti; quia jam constat eos esse sacramentis divinis associatos, et baptismi gratiam percepisse et Chrismate unctos esse, et corporis Domini et sanguinis extitisse participes, oportet ut fidem etiam, quam vi vel necessitate susceperunt, tenere cogantur, ne nomen divinum blasphemetur, et fides quam susceperunt vilis ac contemptibilis habeatur.'²³

And much to the same effect Clement III and Innocent III in the thirteenth century.²⁴

²⁰ op. cit. n. 35

²¹ St Gregory the Great, Epistles, iii, 53.

²² op. cit. i, 47.

²³ See Mansi 10/633.

A MORE POSITIVE ASPECT

But religious freedom has a more positive aspect than that force is not to be used in religious matters; civil authority should actually allow for religious freedom not hindering in any way this great gift of God to man, except – and this is the only exception the Council makes – to safeguard 'public order'. And men should have this religious freedom both when they act individually and alone as well as when they act together and in community – and the Council is abundantly strewn about with quotations to this effect. Two quotations would suffice:

'The Synod further declares that the right to religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed Word of God and by reason itself. This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed. Thus it is to become a civil right.'²⁵

'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 fulfill their religious duties, and also in order that so society may profit by the moral qualities of justice and peace.'²⁶

St Ambrose during the time of the great Arian heresy also taught to the same effect in his *Epistula ad Valentinianum Imperatorem*:

'And how, O Emperor, are we to settle a matter on which you have already declared your judgement, and have even promulgated laws, (i.e. a law in favour of the Arians, allowing them to meet together freely, passed through the influence of Justina) so that it is not open to any to judge otherwise? But when you laid down this law for others you laid it down for yourself as well. For the emperor is the first to keep the laws which he passes.'²⁷

²⁴ Clement III: X, V, 6, 9: ED Friedberg, col. 774.

Innocent III 'Epistola ad Arelatensem Archiepiscopum' X, iii, 42, 3, ed. Friedberg, col. 646.

²⁵ Dig. Hum. Per. §2.

²⁶ op. cit. §6.

And St Augustine during the Donatist schism had to hold two different positions in accordance with the same doctrine: first in favour of persuasion and no state intervention as long as this seemed feasible, later on in favour of State intervention when this seemed necessary to ensure public order and justice.²⁸

THE CHURCH'S ABSOLUTE FREEDOM IN MATTERS APPARTAINING TO THE FAITH

As a side issue of the doctrine of religious freedom, the Council treats the problem of Church/State relationship with regards herself (i.e. the Catholic Church). She is clear enough in the enunciation of her principle that lay authority is not to meddle in Church business:

'... the Church should enjoy that full measure of freedom which her care for the salvation of men requires ... The freedom of the Church is the fundamental principle in what concerns the relations between the Church and governments and the whole civil order.'²⁹

However the Council did not mean laicism of the State for it even accepted the notion of a 'religion of the State' though it did not canonize the institution:

'If, in view of peculiar circumstances obtaining among certain peoples, special legal recognition is given in the constitutional order of society to one religious body, it is at the same time imperative that the right of all citizens and religious bodies to religious freedom should be recognized and made effective in practice.'³⁰

The Fathers also defended the Church's right to freedom of action when they were able to do so. Hence St Ambrose in his *Epistula* quoted above:

'Your father (i.e. Valentinian the emperor's) by the favour of God a man of riper age, used to say: It is not my business to judge between bishops. Your clemency now says: I ought to judge. And if he, though baptized in Christ, thought himself unequal to the burden of such a judgement, does your Clemency, who have yet to earn for yourself the

²⁷ St Ambrose, 'Epistola ad Valentinianum Imperatorem', Letter 21.

²⁸ See H. Daniel-Rops, 'The Church in the Dark Ages', Dent London (1959) pp. 29-31; see also Hughes, Ph., 'A history of the Church' Vol. II: (Sheed and Ward, London 1948) pp. 8-13.

²⁹ Dig. Hum. Per. §13.

³⁰ op. cit. §6.

See also Abbott-Callagher, op. cit., p. 685, footnote 17.

sacrament of baptism, arrogate to yourself a judgement concerning the faith, though ignorant of the sacrament of that faith?'³¹

But, again, this is not laicism; in fact bishops should be ready to listen to laymen and learn from them, be they in authority or subjects:

'Let the laymen argue, and the bishop listen, let the bishop learn of the laymen. But undoubtedly, whether we go through the series of Holy Scriptures, or the times of old, who is there who can deny what in a matter of faith, – in a matter I say of faith, – bishops are wont to judge of Christian emperors, not emperors of bishops.'³²

And here we can refer back to what we said about St Augustine and his stand against Donatism.³³

NOT 'FREEDOM OF CONSCIENCE'

Lastly, the Council teaches that this religious freedom is not what has been termed 'freedom of conscience', which is defined as:

'... I have the right to do what my conscience tells me to do, simply because my conscience tells me to do it.'³⁴

That is why the Council says:

'... all men are bound to seek the truth, especially in what concerns God and His Church, and to embrace the truth they come to know, and to hold fast to it.'³⁵

'(Religious freedom) leaves untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion and towards the one Church of Christ.'³⁶

And as Courtney Murray notes:

'... the Council intended to make a clear distinction between religious freedom as a principle in the civil order and the Christian freedom which obtains even inside the Church. These two freedoms are distinct in kind; and it would be perilous to confuse them. Nowhere does the declaration touch the issue of freedom within the Church.'³⁷

In fact the Council says that:

³¹ St Ambrose, *op. cit.*

³² St Ambrose, *op. cit.*

³³ See note 23 above.

³⁴ Abbott-Callagher, *op. cit.*, p. 679, footnote 5.

³⁵ Dig. Hum. Per. §1.

³⁶ *op. cit. loc. cit.*

³⁷ Abbott-Gallagher, *op. cit.*, p. 694, footnote 58.

'In the formation of their consciences, the Christian faithful ought carefully to attend to the sacred and certain doctrine of the Church.'³⁸

St Augustine also implies this distinction when, in one of his letters, after telling the story of how a certain subdeacon had been forbidden an *accessus indiscriminatus sanimonialium* among some nuns and of how he joined the Donatist schism, he adds:

'... and now, among bands of Circumcelliones and troops of homeless women, who have declined matrimony that they may avoid restraint, he proudly boasts himself in excesses of detestable revelry, rejoicing that he now has without hindrance the utmost freedom in that misconduct from which in the Catholic Church he was restrained.'³⁹

However, it is not for man to punish man for his abuse of his freedom; we should leave that to God. We have already seen the views of Lactantius on this point.⁴⁰ And the Council teaches the same thing, claiming Christ's example as her pledge.

'This truth appears at its height in Christ Jesus, in whom God perfectly manifested Himself and His ways with men. Christ is our Master and Lord. He is also meek and humble of heart. And in attracting and inviting His disciples He acted patiently. He wrought miracles to shed light on His teaching and to establish its truth. But His intention was to rouse faith in His hearers and to confirm them in faith, not to exert coercion upon them. He did indeed denounce the unbelief of some who listened to Him; but He let vengeance to God in expectation of the day of judgement.'⁴¹

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³⁸ Dig. Hum. Per. §14.

³⁹ St Augustine Letters, N. 35.

⁴⁰ See quotation numbered 14.

⁴¹ Dig. Hum. Per. §11.