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Constantability of Catholic Church teaching religious freedom

Abstract: The purpose of the article is to embed the twentieth-century teaching of the Church's Magisterium on the right to religious freedom in the Church's Tradition, showing clear evidence for the continuity of this teaching. Religious freedom is not a law that existed in the teaching of the Church fifty years ago, but one of its traditional elements, which may not have been strongly realized for centuries. It is, however, one of the elements of science about the relationship between the Church and the state that does not contradict any other elements.

Keywords: religious freedom, Church Tradition, Catholic Church Magisterium, church-state relations, religious tolerance, Dignitatis humanae

Abstrakt: Celem artykułu jest osadzenie dwudziestowiecznego nauczania Magisterium Kościoła na temat prawa do wolności religijnej w Tradycji Kościoła, ukazując niezbitę dowody przemawiające za ciągłością tej nauki. Wolność religijna nie jest prawem, które zaistniało w nauce Kościoła pięćdziesiąt lat temu, lecz jednym z jej tradycyjnych elementów, który być może nie będąc przez wieki mocno uświadomiony, to jednak stanowi jeden z elementów nauki na temat relacji Kościoła z państwem, które nie pozostaje w sprzeczności z żadnymi innymi elementami.

Słowa kluczowe: Dignitatis humanae, Magisterium Kościoła Katolickiego, relacje państwo-kościół, Tradycja Kościoła, tolerancja religijna, wolność religijna

Religious freedom is of particular interest to political philosophy. The question of “with or without God” – that is, the relationship and mutual relations of the community and power with the Absolute – is the first and most serious question that man must answer if he wants to be an honest philosopher. Therefore, he has a moral obligation to respond to the essence of all things.

Religious freedom is a matter widely discussed in the teaching of the Magisterium of the Catholic Church, especially because it was adopted over half a century ago during the Second Vatican Council Declaration on Religious Freedom, *Dignitatis Humanae* (DH). Religious freedom is a matter widely discussed in the teaching of the Magisterium of the Catholic Church, especially because it was adopted over half a century ago during the Second Vatican Council Declaration on Religious Freedom *Dignitatis Humanae*. The content of this document became the basis for the social teaching of the Catholic Church, and at the same time led to a schism in the form of Lefebvists and sedevacantists. This is the most contested document of the 20th-century teaching of the Magisterium next to the encyclical of Saint Paul VI – *Humanae vitae*.

In order to correctly interpret the Magisterium documents, one must first delineate three planes:

- which texts belong to the field of dogmatic theology and which constitute the content of Catholic social teaching (ethics);
- which texts describe the desired state according to moral theology, and which answer the immediate problems of the reality in which they arose;
- what the author of the document understood by the concept he described.

The traditional teaching of the “pre-Vatican II” Magisterium is an object of fear for many intellectuals. There is a fear of not being able to reconcile this teaching with the great “gain” of the Council. On the one hand, indeed, the teaching of popes (especially the 19th century) is a subject of censorship, which, without paying attention to their content, is often denied with the argument of “embedding in given times”. The most important representatives of supporters of the theory of a *just break* include Ernst-Wolfgang Boeckenford¹ who believed that religious freedom had rightly removed the category of Truth from political life and state law. On the other hand, many great theologians of the 20th century recognise *Dignitatis humanae* as a breakthrough in the teaching of the Church, which is an object of distress for the average Catholic, since the faith of the Church (taking into account the healthy development of doctrine)

¹ Ernst-Wolfgang Boeckenforde (1930-2019) – a German lawyer, judge of the Federal Court. He presented his views on the church-state relationship in the book: *Freedom-state-church*.

is a clear object, without contradictions and a lasting expression of faith of the past, present and future generations of believers. Here we can quote the important words of Cardinal Joseph Ratzinger who considered the document on religious freedom together with other documents of the Council anti-Syllabus through which the Church was reconciled with the modern world created after the French Revolution [Ratzinger 2009: 510-512]². Added to this, there are those who are called “traditionalists” and point to the alleged heresies contained in this document (and thus also rely on the thesis of a crack in the science of the Magisterium). The most important representative of this trend is the founder of the Priestly Brotherhood of St. Pius X³. Needless to say, the great Catholic intellectuals’ failure to tackle this problem today contributes to the impossibility of achieving full unity within the Church.

When examining the invariability of the Catholic Church’s teaching on religious freedom, I asked myself the following questions:

- what place does teaching about religious freedom occupy along with other elements in traditional science of church-state relations?
- why did earlier Magisterium documents condemn religious freedom (what did they mean by this term)?
- what is the basis of the Catholic understanding of the right to religious freedom?
- why did the church shift its focus from religious tolerance to religious freedom?
- what is the fair scope of the right to religious freedom?
- what right of interference in religious matters does secular authority have?
- does teaching about religious freedom include the possibility of legal privilege for one religion only?
- why did Catholic social teaching put the right to religious freedom at the centre in the modern world?

² As we will see in later statements of Benedict XVI, this is not a belief in rupture, but the interpretation of the Council in the spirit of the hermeneutics of continuity as the one that brings out the most important and lasting things.

³ Marcel Lefebvre (1905-1991) – French Catholic bishop, founder of the Priestly Brotherhood of Saint. Pius X standing in opposition to some of the content of the documents of the Second Vatican Council. Currently, the Brotherhood is in a formal schism.

The purpose of this text is to show the invariability of the teaching of the Catholic Church's Magisterium on the human right to religious freedom. For this reason, I intend in this text to refer to the official documents of the Church, in accordance with the best philosophical traditions, "reach to the sources" without prejudice, considering that such a task, although undoubtedly difficult (I do not claim the right to recognise the results of my research as infallible, rather as a voice in the discussion), it can even contribute to the unity of Catholics. This is due to the lack of an interpretation of Church documents that would be based on its invariability. My voice may be of interest because I write from the perspective of political philosophy, not as a theologian dogmatist, although undoubtedly as a religious Catholic. As a Pole, I know the heritage of my culture, which in this matter constitutes an unfathomable wealth, starting with the famous theory of Paweł Włodkowic and the Act of the Warsaw Confederation. The contents are unique, because they belong to the pre-modern heritage, not based on Enlightenment, liberalism and naturalism, which is important in the context of the documents analysed.

Traditional Church teaching

We must give credit to those who mention trying to forget the traditional teaching of the Church about the state-church relationship. After the publication of *Dignitatis humanae*, it is difficult to find a Magisterium document that would simply refer to it and defend it. This gap is only filled by the Catechism of the Catholic Church (CCC) announced in 1992. This work is the first to respond to the logic of the Council's declaration – the study of religious freedom: "it leaves intact traditional Catholic teaching about the moral duty of people and societies to the true faith and the only Church of Christ" [DH 1c] The catechism restores a proper place in the teaching of the Church to the basic documents of traditional teaching, which it refers to: breve *Quod aliquantum* by Pius VI, the encyclical *Quanta cura* (famous because of the Syllabus attached to it, which is a set of sentences condemned by the pope), blessed Pius IX, the encyclical *Libertas praestantissimum* (LP) and *Immortale Dei* (ID) Leo XIII, as well as the encyclical *Quas primas* by Pius XI.

The traditional teaching of the Church consists of several subsequent and complementary elements. Hence the question, what place the right to religious freedom has in it and whether it is compatible with other elements of the Catholic tradition.

Firstly, the Church profoundly believes in the moral obligation to worship God and true faith, both in an individual and social way. Over the centuries, this belief

has been discovered as a natural duty of every believer. Faith as a social virtue, by its very nature, tends to be externalised, not just the subject of subjective beliefs.

The next point is the truth of faith about the divine origin of power as well as human society itself. “Power given from the high” [J 19. 11] proclaimed by the Saviour Himself to Pilate and words about obedience to God because of Saint Paul [Romans 13. 1-7]. are the basis here⁴. It is difficult today for Catholics to contest this truth. The divine origin of society and power as such in traditional science has led to the teaching of the obligation of the one and true faith for the state authorities. The separation of church and state and mutual hostility were also condemned.⁵

An interesting document, which is not part of the Magisterium, but which I think reflects the traditional teaching of the Church on this subject, is a draft Constitution on the Church prepared under the direction of Cardinal Ottaviani, which was ultimately not adopted by the Council Fathers. Initially, we read in it that the goals of every secular community cannot contradict or endanger the ultimate goal, i.e. salvation.⁶ It should be mentioned here, however, that the above-mentioned principles, according to the prepared scheme, were to serve communities mostly composed of Catholics [Ottaviani Scheme 5].

Another important issue present in the traditional teaching of the Church is the condemnation of liberalism, indifferentism, legal positivism, naturalism or rationalism as the basis of “religious freedom”.

Finally, another cornerstone of this science is the objective recognition that “error has no rights”; only truth is the law. This belief arose on the basis of Thomism (which paid attention to reason more than freedom and love, making the Truth

⁴ The development of this truth of faith was described by Leo XIII in the encyclical *Diuturnum illud* (DI) – on the origin of civil power (1881) and in many other documents.

⁵ In the last great document devoted to the issues, the Leon Encyclical *Immortale Dei* – About the Christian State (1885) we read clearly: “the state should have a public religion. Such a community, obliged to God for so many important reasons, should of course pay itself to him with public worship.” [ID: 6]. Just as natural law makes everyone worship God in accordance with true religion, the same law applies to the entire community. Faith should be supported and protected by true authority.

⁶ [Scheme of the Constitution on the Church (Ottaviani Scheme): chapter IX, 1]. This is a document that is not part of the Magisterium, presented by Cardinal Ottaviani as a representative of the Central Pontifical Commission to the Second Vatican Council, rejected at the first session of the Vatican *Secundum*.

something superior to them⁷) was expressed in a rather late document from Pius XII. In a speech to Catholic lawyers, the Holy Father recalled the truths: “no human power, no state or community of states, whatever their religious nature, can issue a positive order or a positive authorization to teach or do what would be contrary to religious truth or moral good. Such an order or authorization would not have any binding force, would not work. No authority can issue such an order, because subjecting the spirit and will of man to error or evil, or treating error and evil as indifferent, is contrary to nature” [Pius XII 1953]⁸. This truth is the subject of the teaching of the Catechism of the Catholic Church: “the right to religious freedom does not imply moral consent to cling to error or the alleged right to error” [CCC 2108].

The science of not granting rights to error has essentially led to some form of “repression” against other denominations. And because of the duty of social love, to create a Catholic teaching on religious tolerance, which, passing from the position of “conditional, final tolerance, to which, for some reasons, unfortunately, we must agree” [LP 33], it experienced internal development, becoming the basis for later teaching about religious freedom. In the said speech, Pius XII [1953] announced: “the question arises whether in such circumstances non impedire or tolerance is permissible and whether, as a consequence, firm suppression of error is not always an obligation. (...) Reality shows that the world is full of error and sin. God does not approve of them, but allows them to exist. Therefore, the claim that religious and moral error should be suppressed whenever possible, because tolerating it would be immoral in itself, is not totally and unconditionally correct.” (...) The words largely weaken the power of the ideological approach to combating error, and consider tolerance of error an obligation! The obligation to suppress error is therefore not the final criterion. Moreover, in some circumstances, tolerating error seems to be a better way of achieving a greater good [ibid.].

In the face of the experience of communist and Nazi totalitarianism and two world wars, it was difficult to maintain the science of absolute eradication of error, not paying attention, as Pius XII taught, to higher and more general norms. Although

⁷ It should be mentioned here that the sharpening of Thomism in this case led to the ideologisation of the Truth. It is forgotten today that for Saint Thomas Aquinas, the truth is not the basic category of his teaching, but God’s grace.

⁸ Next: “Now let’s return to the two issues we discussed earlier: first of all, unconditional rejection of everything that is religiously erroneous and morally wrong. Regarding this issue, there has never been, and there is now, no hesitation or compromise in the Church, both in theory and in practice.”

the Pope did not specify them, I think they can be mentioned: love, dignity and the resulting freedom, social peace. The doctrine of religious freedom is a healthy development of the doctrine of the state-church relationship, to which Pius XII's logic leads unequivocally. This is also confirmed by *Dignitatis Humanae*, which, teaching that "a wise father who extracts old and new things from the treasury" [Mathew 13. 52], always in line with the old, develops "the teaching of recent popes about the inviolable rights of the human being, as well as the legal system of society" [DH 1].

Religious freedom condemned by popes

Among the documents of the Magisterium of the Catholic Church we can find documents condemning religious freedom. In order to understand the content of this teaching, one must first grasp the concept referred to as religious freedom, conscience or religion by the authors. To this day, this teaching is considered part of the infallible teaching of the Church⁹. Certainly, statements against freedom of religion were set in a tangible reality. Understanding this issue is not easy as earlier papal statements seem to be authoritative. Benedict XVI [2012] wrote as follows: "the interpretation of this right to religious freedom in the context of modern thought was still difficult, because it could seem that the modern version of religious freedom assumed the inaccessibility of truth for man and that, therefore, it detached religion from its foundation and moved it into the realm of the subjective"¹⁰.

In the breve *Quod aliquantum* [1791], Pius VI criticises the civil constitution of the newly emerged revolution of the French Republic. The Pope condemns: "absolute freedom, which not only provides the right not to interfere in one's religious views, but also grants the freedom of unpunished thinking, speaking, writing and even printing on religious matters of everything that the most unfettered imagination

⁹ This can be seen even in the *Breviarium fidei* collection, which is a collection of statements considered to be the infallible teaching of the Church.

¹⁰ He spoke about the correct interpretation of the Council: "in this process of continuing renewal, we were to learn to see more concretely than before that Church decisions regarding ad hoc issues – for example, certain specific forms of liberalism or the liberal interpretation of the Bible – must also have been ad hoc, precisely because they referred to a specific reality that is changeable in itself. It was necessary to learn to notice that in such decisions only rules are a permanent element, constituting the basis of decisions and their deep justification. On the other hand, specific forms that are dependent on the historical situation and therefore can be subject to change are not as permanent. Thus, decisions regarding the substance of matters may remain in force, while the forms of their application change in new contexts" [Benedict XVI 2005].

can suggest”¹¹. It is worth noting here that the Pope clearly wrote about the fact that the civil constitution was aimed at destroying the Catholic religion, and religious freedom was introduced so that one could freely profane faith and promote anti-clerical content. The catechism citing this document states that religious freedom cannot be unlimited in itself; it is not an absolute right.

Gregory XVI [1832] spoke even more sharply. His encyclical *Mirari vos* deserves special mention. This pope responds to the assault on the Catholic faith, as well as a number of errors that were not so much about civil liberties, but under their cover they spread erroneous theses about what the Church teaches. In this document, the pope fights heresy and does not intend to describe social science. For this reason, when he thinks of indifferentism, he condemns the notion that every religion should lead to salvation, provided that man lives well [ibid.: 13]. It is difficult to regard this as an ethical reflection of the Church. This is a fragment of ecclesiological science. If indifferentism is the basis of religious freedom, such freedom cannot be accepted by the Church, then it becomes absolute lawlessness [ibid.: 14]¹².

Gregory XVI's successor was Blessed Pius IX, “Pio No-No”, respected by the faithful for his uncompromising attitude. The Pope who solemnly proclaimed two dogmas (on the Immaculate Conception of the Blessed Virgin Mary and on the infallibility of the Bishop of Rome) and called the deliberations of the Vatican Council I. His statements are of a special nature, and they often took the form of infallible ex cathedra. In the famous encyclical *Quanta cura* [1864], which was accompanied by a Syllabus of errors that are a set of sentences officially condemned by the Church, he wrote: “there is no shortage today of people who bring to society the godless and absurd principle of naturalism, as they call it, and have the courage to teach: that the best equipment of the state and social progress in general require human society to be organised and governed without any religion whatsoever, as if it did not exist at all, or at least without making any difference between different religions, between true and false religions. Moreover, contrary to the teachings of the Gospel, the Church and the Holy Fathers, they are not afraid to claim that the best government is the one which does not impose on the authorities the obligation to stop violators

¹¹ Quote from: [<http://www.piusx.org.pl/kryzys/oni-Jego-zdetronizowala/10.01.07.2019>]. We begin the “search” with Pius VI, because they were then that the first documents regarding the civil right to religious freedom appeared.

¹² Anyway, the pope is attacking the unbridled freedom at all, which he thinks has one purpose – the destruction of the Catholic faith [ibid.: 19].

of the Catholic religion with criminal sanctions, unless required by public order”. This document is also referred to by the Catechism, which concludes from this teaching that the right to religious freedom cannot be limited only by public order understood in a positivist or naturalistic way [CCC 2109].

The content that interests us is also contained in the teaching of Leo XIII, who is rightly considered to be the first pope to introduce the Church into a new social reality. In the encyclical *Immortale Dei*, he wrote: “when the people are seen as the source of all rights and all power, it follows that the state feels no obligation to God and no religion publicly confesses that it should not seek which of many religions is true, not one to move over others, not one to favor the most, but all equal rights – with the provision that they do not harm the state order. Therefore, in all religious matters, it is for the court to leave it to everyone, and everyone is allowed to profess the religion they want, or any religion if they do not like it” [ID: 25-26]. Pope Leo XIII clearly shows that religious freedom, understood as the possibility of doing what one pleases, has no moral basis. Such religious freedom cannot be the subject of Church teaching. In this encyclical, he also condemns the separation of church and state understood as recognition by the state that there are no connections or common issues between the tasks and the mission of the Church, or even an attempt to separate as introducing discord between the two authorities [ibid.: 13], equalisation of all religions, which leads to pushing faith into the private sphere [ibid.: 25], erroneous freedom of conscience in stating that professing a given religion or no depends solely on the unlimited will of man [ibid.: 26], unbridled playfulness, which is characterised by the fact that it is not bound by any law that results from the truth [ibid.: 32]. It also reminds of the teaching about religious tolerance [ibid.: 36], which obviously concerns Catholic countries.

The encyclical *Libertas praestantissimum – on human freedom* – is also an important Leon document; after all, religious freedom is its manifestation. The church is shown as a guardian of human freedom, including social freedom [LP 12]. Freedom consists in the fact that everyone can live according to laws and reason, and such freedom should be guaranteed to everyone [ibid.: 13]. Therefore, those who think that freedom is simply playful doing what they like are straying. The Pope defines such views as liberalism [ibid.: 14]. Leo XIII condemns the pernicious separation of church and state, understood as the non-obligatory subordination of power and law to God’s laws. However, Revelation is not meant here, but rather a natural law that we learn with reason [ibid.: 12]. Once again, such freedom of

religion is condemned, which is based on professing or not believing because of what they like [ibid.: 19]. The first moral obligation of man is to worship God and this truth the Church wants to show the world again [ibid.: 20]. Leo XIII writes that the right freedom of conscience is the ability, without any obstacle, to follow God's will to fulfil his orders [ibid.: 30]. This is a particularly important passage, it will be developed in the Declaration on Religious Freedom and constitutes the first positive internal law of the nature of religious freedom, which, as the Pope writes, most effectively protects the dignity of the person. The Pope draws the following conclusion: "truly, completely refuse the supremacy of the supreme God and completely refuse him to obey him completely, whether in public life, or in private and domestic matters, as the greatest inversion of freedom, so is the worst kind of liberalism: and about it one should fully understand what we have accused him of so far" [ibid.: 37].

When reviewing the documents, from Pius VI to Leo XIII, it should be acknowledged that the popes directly condemned liberalism, naturalism and positivism in the context of religion. Religious freedom is therefore not absolute; it cannot be unlimited playfulness (secular authorities must have the right to interfere in these matters)¹³. Nor can it be based on the subjective choice of a man who decides on matters of faith only on the basis of what he likes or dislikes. Religious freedom cannot be based on the belief that all religions are equal, as it pushes faith in the private sphere by making a chapter that can, in the worst case, lead to a conflict between the authorities and the Church. Legal positivism is not the only indicator of religious freedom here, which concerns natural law itself. The teaching of the popes is a great struggle against liberalism understood as an attempt to completely reject the truth of man's life as allegedly harmful to coexistence. Undoubtedly, the texts embedded in concrete reality opposed the destruction of the Catholic faith. Freedoms introduced at the time, based on bad anthropological premises, had such a goal. All these teachings have been included in the Catholic understanding of religious freedom, especially those defined in the Catechism of the Catholic Church and are therefore part of infallible teaching. Archbishop M. Lefebvre rightly wrote that if we understand religious freedom only as the right "to publicly profess the religion of his choice, without violating it by secular authorities"¹⁴, such religious freedom is false and non-Catholic, based on the foundations of non-Christian anthropology: rationalism (claiming that reason is the sole or

¹³ DH will also take up this issue.

¹⁴ See: [M. Lefebvre, *They dethroned Him*, <http://www.piusx.org/pl/kryzys/oni-Jego-zdetronizowala/10.01.07.2019>].

supreme arbiter in the field of good and evil), indifferentism (absolute wilfulness in separation from the Truth) and state monism (the whole law comes only from the state). The mistake of the founder of the Priestly Brotherhood of St. Pius X consists in the fact that he drew such a conclusion from the interpretation of the Council's declaration. However, the logic and assumptions of *Dignitatis Humanae* are different and strongly supported by many documents of the Catholic Church.

The dignity of a human being and the primacy of truth

It is not possible to talk about the Catholic understanding of religious freedom without taking into account human dignity and truth. *Dignitatis humanae* starting the argument recognises that the awareness of the dignity of the human being and his freedom has increased in our age [DH 1]. This cannot be accused of perversity. If for centuries the Church has explored and developed the doctrine regarding the Incarnation of Christ or the Mystery of the Church, he probably did so in the context of the truth about man. The Church wants to base religious freedom on truth and justice. This is important because *Dignitatis humanae* does not stop at acknowledging that only Truth has a moral right to exist, but develops the science of the very essence of Truth. Firstly, he reminds us that from the perspective of Revelation the only true faith is the holy Catholic religion. Thus, it prohibits aligning religious freedom with the belief that religion does not need to be distinguished, that each is good. "All people are obliged to seek the truth, especially in matters concerning God and His Church, and having learned it, to accept and keep it" [ibid.]. This is the moral duty of man to Truth. However, the nature of truth lies in the fact that "truth is no other than the strength of the whole truth, which penetrates the mind gently and strongly" [ibid.]. The nature of truth itself demands freedom, because in freedom it can only be accepted. The impact of scholasticism should be noted here; Catholic religious freedom not only does not reject the requirements of the Truth, but it is founded on its deepest nature.¹⁵

The Conciliar Declaration was further developed in the teaching of the next popes. John Paul II [1988] taught: "Freedom of conscience and religion does not,

¹⁵ "Because of their dignity, all people, because they are persons, i.e. beings equipped with reason and free will, and thus with personal responsibility, are urged by their own nature, and also obliged morally to seek the truth, especially in the field of religion. They are also obliged to stick to the truth they have learned and arrange their whole lives according to the requirements of truth. And this obligation cannot be fulfilled by people in a manner consistent with their own nature if they cannot enjoy both psychological freedom and freedom from external coercion. So the right to religious freedom has its foundation not in the subjective attitude of a person but in his very nature" [DH 2].

of course, mean relativization of objective truth, the search for which is the moral duty of every human being. In an organised society, this freedom is merely an institutional expression of that order, according to which God decided that his creatures could, as free and responsible persons, know and accept his eternal plan of the covenant and respond to it". Truth is the moral requirement of all freedom. After all, as Christ said: "You will know the truth and the truth will set you free" [John 8.32]. For this reason, religious freedom is always a permanent principle of the existence of every political community, after all religion is what is the most important in man, and therefore it is something that has a special impact on mutual interpersonal relations.

In the Message for the World Day of Peace for 2011, the Holy Father Benedict XVI noted that it is thanks to the right to religious freedom that man can focus on God. Narrowing this freedom is the result of narrowed anthropology and, consequently, the creation of an order of injustice that never leads to social peace. The possibility of being open to God, not only in a personal way, but also socially, is a recognition of the dignity of the human being. An important conclusion, which the Pope draws, is the belief that the Catholic understanding of religious freedom is not based on the lack of coercion in matters of faith, but on the ability to subordinate one's choices to the truth [Benedict XVI 2011].

Religious tolerance and religious freedom

The doctrine of religious freedom, as Benedict XVI [2012] said, had to be developed due to deficiencies in the doctrine of religious tolerance. Can we therefore conclude that the doctrine of religious tolerance for centuries has been replaced (sic!) by the doctrine of religious freedom?

There is no doubt that the only constant element of Catholic religious freedom, accepted by all, and present since the time of the Fathers of the Church is the belief that faith can only be adopted by a free act.

To protect the true faith, Ottaviani's scheme is directed towards mercy and prudence. It is important to ensure that not only society but also the Church does not suffer any harm. People should bow to Christ's faith, not be offended by it. Under certain circumstances, the Church can even force just tolerance on the part of secular authorities in order to avoid greater evil (scandal or civil war) or to obtain a greater good (greater freedom of the Church, peace and social harmony). One should look not only at the common good of the political community, but also

take into account the prosperity of the Church's mission [Ottaviani Scheme: 6]. In non-Catholic countries, especially where Catholics are a minority, according to the scheme, non-Catholic secular power is obliged at least to observe natural law [ibid.: 7]. Catholics are obliged to persuade non-Catholic authorities to sacred faith through their virtues and civic action.

Pope Pius XII, in the quoted speech to Catholic lawyers on religious tolerance [1953], exceeds the basic moral assumption of defending the truth against error: "the basic theoretical principle of dealing with the problems and trends: consists in supporting everything within the limits of possibilities and lawfulness, which facilitates unification and makes them more effective, and rejects everything that disturbs; sometimes they tolerate things that cannot be repaired, but on the other hand, do not let them break the community from which we expect to obtain the higher good. The difficulty is applying this principle"¹⁶. Social unity is becoming a value highly valued by Catholic teaching. Tolerance is becoming a virtue that is supposed to guard social consent. According to Pius XII, the church is the unifier of all nations. This teaching was developed by the Council in the document *Lumen Gentium* [1964: 1], which stated that the Church as a sacrament aims to unite God and all mankind.

It is impossible to ignore the documents which, although not clearly stated, have already written about freedom, not tolerance. Grzegorz I, in a letter from *Qui Sincera* [602] from 602, teaches that one should approach the holy faith with a kind, not a harsh, word. All coercion drives away those who seek the truth. The letter concerns the protection of the right of the Jews to their own public worship. The Pope teaches that those who would like to forbid them to pay attention to their own affairs, not God! "For what good does it bring, when, although they were banned from long-standing habits, nothing helps them with faith and conversion? Or why do we set rules for Jews, how should they perform their ceremonies if we can't win them?. You need to convert gently and intelligently, at most with

¹⁶ The Pope appeals to the Church of the Martyrs: "over the course of history, the Church's behavior has not changed and cannot change anytime and anywhere; in its various forms, the Church always faces a choice: either incense for snowmen or blood for Christ. The place where you are now, Eternal Rome with the remnants of the greatness that has passed away and with wonderful memories of his martyrs, is the most eloquent proof of the Church's response. Stupid people did not have incense burned, and Christian blood flowed and sanctified the earth. The temples of the pagan gods lie in ruins, however majestic, but chilling; while at the graves of martyrs, the faithful of all nations and all languages strongly repeat the ancient Apostolic Confession" [ibid.].

admonitions. The words: “let them have rather unlimited permission to preserve and celebrate all their festivities and holidays, so far [...] they maintained” [ibid.] – hard to consider them as based on the ground of hard, exceptional tolerance. This is rather the thought behind *Dignitatis Humanae*.

Innocent III speaks in a similar tone in the constitution *Licet perfidia Iudaeorum* [1199]. The Jews should have the right to their worship, as the law had foreseen. Nobody should bother them about this. Innocent III refers to similar acts protecting the Jews: Callistus II, Eugene III, Alexander III, and Clement III. This constitution was approved by his successor Honorius III. By referring to freedom, protection of property and the right to worship, the Pope excommunicates all those who would like to break this right. Moreover, he writes that he is obliged to protect the rights of those who are under no circumstances plotting against the destruction of holy faith¹⁷.

We must also mention the breve of Paul III, *Pastorale officium* [1537] to Archbishop Toledo. This letter is written to teach about the duties of America’s colonisers. The Pope defends the Indians. Because they are human, no one may dare take them captive; no one can snatch their freedom and property. This behaviour is inhuman. They are, after all, able to accept faith and salvation. You can only encourage by example and teaching. Those who hurt them make the hearts of Indians harden at the words of the Gospel, which is why the Pope calls them ungodly. All those who were captured or plundered by Indians were excommunicated with *lateae sententiae*.

Leo XIII in the encyclical *Libertas Praestantissimum* explicitly points to the fact that religious freedom cannot be absolute, but as such it can exist as long as it has specific limits: it is necessary to circle the measure so that they do not arise in playfulness and impudence. And where the freedoms come into use, let the citizens use them for good deeds and let them think about them as the Church thinks. All freedom must be considered legitimate; when the most lends greater ability to fair conduct, otherwise never [LP 42]. He also reminds in the encyclical *Diuturnum illud* that the Church “has never opposed honest freedom, and has always hated tyranny” [DI 26].

It is impossible to bypass the teaching of Pius XI, who published two great encyclicals against European totalitarianisms. In the encyclical condemning

¹⁷ An important fragment, Popes of the 18th and 19th centuries speak against those who want to destroy the Church.

Nazism Mit brender sorge [1937: 42] we read: “a believer has the indestructible right to profess his faith and practice it properly. Laws that prevent or impede the profession and practice of this faith are contrary to natural law”. This, let’s say straight, religious freedom in *Dignitatis Humanae* will also be extended to unbelievers¹⁸. In the encyclical *Divini redemptoris* [1937: 57] the Pope warns against the illusion that communism in a milder form will retain freedom of worship and conscience, which proves that the Pope considered such freedom to be right. In another encyclical directed against the anti-Christian terror in Mexico, *Nos es muy conocida* [1937], Pope Pius XI teaches: “besides, when the gradation of values and actions has been recognised, it must be admitted that resorting to external and practical means must be used for the development of Christian life; because the Church, being in a community of people, cannot exist or develop unless she enjoys freedom of action and its members have the right to find in civil society the opportunity to live according to the instructions of their consciences. Consequently, it is quite natural that when the most basic religious and civil liberties are attacked, Catholic citizens will not passively pass away these freedoms themselves”.

Another cornerstone is the encyclical of Saint John XXIII *Pacem in Terris*. Human dignity requires that man act in accordance with his own prudence and freedom [1963: 34]¹⁹. “In addition, man has the natural right to respect due to him, to have a good opinion, to freedom in the search for truth and – while observing the principles of moral order and the general good – to express and disseminate his views... Human rights also include the possibility of worshiping God, as required by his own right conscience and to profess religion privately and publicly [ibid.: 14].

The Conciliar Declaration clearly states that a human being has the right to religious freedom. [...] In addition, it declares that the right to religious freedom is indeed rooted in the very dignity of the human being, which we recognise by the revealed word of God and by reason alone. This human right to religious freedom should be recognised in the legal system of society in such a way that it constitutes civil law [DH 2]. Thanks to religious freedom, society can enjoy the

¹⁸ And this statement by DH is perhaps the most serious dilemma of modern Catholic theology; however, it does not concern the invariability of teaching.

¹⁹ It explicitly corresponds to the statement of the Conciliar declaration: “in our era people are becoming more and more aware of the dignity of the human being and the number of those who are demanding that in action people should enjoy and direct their own prudence and responsible freedom, not forced, but knowing duty” [DH 1].

goods of justice and peace, because they result from people's faithfulness to God and His will [ibid.: 6].

Fair scope of religious freedom and authorisation of power

Religious freedom in the Catholic meaning is not an ecclesiological principle but an element of Catholic Social Teaching²⁰. Like any ethical principle, it has a "fair scope." The condemnation of religious freedom is based on the condemnation of playfulness, absolute freedom without limit. What scope does the Church set for the right to religious freedom and what secular authorities have got the power to intervene in these matters?

Religious freedom within the meaning of the Second Vatican Council concerns freedom from coercion in civil society [DH 1]. People demand defining the limits of public authority so that the fair freedom of individuals and associations is not undermined in both private and public activities, "just to a fair degree" [ibid.: 2]. Religious freedom with a fair scope recognises just social order [ibid.: 3] and just public policy requirements [ibid.: 4].

Previous considerations show that the popes opposed absolute freedom because they believed that man and state power had the duty to combat moral error, which led to the granting of the right of interference by secular authorities in religious space, as well as the protection of true faith by the holy authority. *Dignitatis humanae* condemns unbridled freedom, but immeasurably depletes the possibility of secular interference in matters of conscience, due to the healthy development of doctrine [Benedykt XVI 2011].

The Conciliar Declaration was made in cooperation with the American Episcopate. American bishops grew up in a culture of religious freedom. We also know that it was supported by Poles who expected an improvement in the position of Catholics in communist countries.²¹ Benedict XVI [2006] strongly emphasised the return to

²⁰ For this reason, a section of the Catechism discussing this issue is not in Part I – Confession of Faith, but in Part III – Life in Christ, devoted to Christian morality in the subsection on Commandment I: "You will not have other gods beside me".

²¹ Benedict XVI said: "it was certainly a providential thing that thirteen years after the end of the Council, Pope John Paul II came from a country where religious freedom was contested by Marxism, that is, on the basis of a special form of modern state philosophy. The Pope knew the situation which resembled the situation of the ancient Church, so that the internal ordering of faith towards the subject of freedom, especially freedom of religion and worship, became visible again" [https://opoka.org.pl/biblioteka/W/WP/benedykt_xvi/inne/soborv2_02082012.html].

the Church of the first centuries: “The Second Vatican Council, recognizing this fundamental principle of a modern state and advocating it in the Declaration on Religious Freedom, returned to the deepest heritage of the Church. The Church can believe that in this way it remains in full harmony with the teachings of Jesus himself, as well as with the Church of martyrs, with martyrs of all times. (...)The martyrs of the early Church died for their faith in God who revealed himself in Jesus Christ, and thus also died for the freedom of conscience and for the freedom to profess their faith – which cannot be imposed by any state authority, which can only be accepted by the grace of God, in freedom of conscience”.

Thus, secular power can interfere in religious matters, taking into account social order and the requirements of justice [Jan Paweł II 1988]. Some consider the fact that this scope has not been defined as the biggest disadvantage of the Declaration. In my opinion, the opposite is the case. Every ethical principle is based on love, practical social virtue and is adapted to a specific reality. But you can actually try to define these most important principles. Therefore, if we consider as superior values: love, peace, social consent, common good, right to life, freedom, dignity of the human being and truth, it follows that the restriction of religious freedom (through specific interference of secular authorities) should be used:

- in the prohibition of such religions that would commit psycho-manipulation in their activities;
- in the prohibition of such religions that would openly call for aggression, rebellion, violence, war;
- in the prohibition of the profanation of religious symbols, people and places of worship of religious communities forming a given political community;
- respecting the culture and traditions of a given nation, which historically is usually associated with one specific religious denomination;
- respecting natural law, which not every person recognises with his or her own conscience.²²

²² At this point it should be noted that the study of religious freedom almost completely replaced the study of religious tolerance. Breaking natural law is a breach of religious freedom based on the Truth, however, accepting principles sometimes contrary to natural law would be tolerance. And it is perhaps in this one and only place that the science of religious tolerance maintains its relevance in our time.

They are principles that rightly grant secular authorities the opportunity to interfere in religious matters. As John Paul II wrote about freedom (also religious): “in some currents of contemporary thought, the importance of freedom is emphasized to such an extent that it is made absolute, which is to be a source of value. (...) Individual conscience is accorded the prerogatives of the highest instance of moral judgment, which categorically and infallibly decides what is good and what is bad. To the thesis about the obligation to follow one’s conscience, the thesis that moral judgment is true by the very fact that it comes from conscience was wrongly added. As a result, however, the indispensable requirement of truth disappeared, giving way to the criterion of sincerity, authenticity, and agreement with oneself, which led to an extremely subjective interpretation of moral judgment” [1993: 32]. For this reason, the Council’s declaration speaks of protection against religious freedom! Every society has the right to defend itself against abuse of this right. The concern for defence against playfulness is entrusted to secular authorities. Even if it is considered that man should be granted as much freedom as possible, he is limited then and to the extent necessary for the maintenance of public order and the common good [DH 7].

The privilege of one religion

The quoted fragments of the Church’s traditional teaching indicate that the state should have its own religion, it should profess true religion. Does such a position, favouring one religion, conflict with the doctrine of religious freedom?

If the state cannot be religiously indifferent, if secular authorities are obliged to seek and accept the only true faith, protect it legally and nationally, then the principles apply only to Catholic states, Catholic communities [Ottaviani Scheme 5].

Of course, Ottaviani’s cited scheme clearly indicates that faith can be accepted only by a free act of will and no one, even in such legal conditions, can force anyone to accept faith. The regulations are apparently in conflict with religious freedom. If we assume that a given community consists exclusively or almost exclusively of Catholics (such a state of affairs has occurred in history), the authorities can increase their rights, especially in the field of protection of the holy faith. Repression related to limiting the manifestation of other denominations would be rather incompatible with the healthy development of doctrine in this matter. The Council taught that in no case should one discriminate or tolerate violence against religious minorities [Benedykt XVI 2011]. The principle refers to non-Catholic countries, for example Muslim, where the Christian faith faces persecution and

discrimination. In this scheme, it should be noted that the state should not have a specific religion, but secular authorities. I think common sense personalisation takes place here.

The Catechism quotes the *Dignitatis Humanae* declaration: “if, given the particular situations of nations, a unique civil community is granted a unique civil position in the legal system of society, it is necessary that the right of all citizens and religious communities to freedom in religious matters be recognised and respected at the same time” [DH 6; KKK 2107]. In my opinion, this is a timid reminder that Catholics also have the right to a Catholic state, although the special circumstances of the second half of the 20th century as well as modern times do not allow for too clear definition of this position due to fear of misunderstanding and attacks on totalitarian tendencies. Let us recall that *Dignitatis humanae* was criticised by some Catholic circles not only because it led to forgetting the traditional teaching of the Church in this dimension, but also to the interference of the Vatican, which itself asked the local authorities to abolish the Catholicity of the state, where it worked very well!²³

As Leo XIII wrote, the support of secular power for true freedom usually brought better results than freedom itself [Leon XIII 1895: 6], it is not necessary for the mission of the Church. As the holy Polish Pope teaches, Catholics and the Church must remember that a gift, privilege or special entitlement depends on ad hoc situations, political strategies or the will of political authorities [Jan Paweł II 1998].

Perhaps in this most interesting issue for political philosophy the answer and interesting solution is the first chapter of the *Constitution of May 3*: “Roman Catholic faith is the dominant national religion, with all its rights. The transition from prevailing faith to any religion is prohibited under apostasy. That holy faith alone shows us to love our fellow men; therefore, we owe peace to faith and government protection to all people, whatever religion or belief; and for all rites and religions freedom in Polish countries, according to national laws, we are going down”²⁴. Catholic religion prevails in the nation, but the state protects religious freedom. The very idea of religious freedom, at least in the Catholic sense, is not

²³ Such a state of affairs occurred in Spain, Colombia and the Swiss cantons of Valais and Tessin. Legally, the announcement of *Dignitatis Humanae* resulted in the secularisation of Italy, Portugal, Ecuador, Bolivia, Chile and Brazil.

²⁴ Full text: [https://en.wikisource.org/wiki/Ustawa_rz%C4%85dowa_czyli_Konstytucja_3_maja_1791_07/07/2019].

only the good of the humanities, but this right stems directly from Revelation and God's relationship with man. God, giving man freedom, also gave him religious freedom²⁵.

The nature of religion is social. It demands publicity and manifestation, and this right results from the nature of religious freedom [DH 4]. For this reason, we should recall the great teaching of Pius XI about the royal dignity of Christ: "Christ's peace was sought in the kingdom of Christ and we announced that we intend to do it, if it was given to us: to contribute more effectively to the restoration and consolidation of peace, as to restoring the reign of Our Lord" [1925: 1]. He must reign until he puts all his enemies under his feet – reminds Saint Paul [1 Cor 15. 25]. "Let the governments of the countries not refuse themselves and, together with their nation, give Christ's kingdom public signs of reverence and obedience, if they wish to maintain their integrity intact and contribute to the multiplication of the prosperity of their homeland" [Pius XI 1925: 18c]. In Poland (in the spirit of Pius XI) a religious (not political) act was carried out – the Act of Enthronement of Jesus Christ as King of Poland, with the participation of public authorities, which is a manifestation of full religious freedom.

The condemned separation of church and state was not lifted. It is not possible for the state not to respond to religion. Pius XII in a speech to Catholic lawyers [1953] stated that the contemporary expression of the lack of separation between the state and the Church of Christ are concordats in which both institutions can proclaim common religious values if they wish. In Ottaviani's scheme we read: "it is the citizens themselves who make the free choice, deciding to shape public life according to Catholic principles, and thus the path to Heaven will be more open, as Saint Gregory the Great says" [Ottaviani Scheme 5]. In short: the emergence and duration of the Catholic state, the legal privilege of the Catholic religion is possible in accordance with the doctrine of religious freedom, because it is a manifestation of the religious freedom of the Catholic community!²⁶

²⁵ This happened in Paradise when he said: "You can eat from every tree in this garden as you please; but you must not eat from the tree of knowledge of good and evil, because if you eat of it, you will surely die" [Gen 2. 16–17]. Of course, we see that from the beginning this freedom was oriented towards good and truth, towards God. Still, Adam was given the opportunity to reject Him from the beginning.

²⁶ For all those who are afraid or expect the Church to come back to the idea of a Catholic state, let them know that it is not our task to know the place and time. The reality can change so much that, taking into account the doctrine of religious freedom, the wise Church "will extract the old and new things from its treasury".

Religious freedom in the contemporary world

I would like to point out some of the most serious problems with respecting religious freedom. Undoubtedly, not only the social teaching of the Church today is based on this idea, but reality forces the Catholic Church to defend religious freedom more and more.

Firstly, one must realise that today's world is immersed in globalism. People have become incredibly mobile. By opening borders, people of different denominations live side by side. This fact cannot be denied and the Church must care for peace and unity of society [Benedykt XVI 2011: 10]. For this reason, the Church conducts a dialogue with various denominations and religions. This dialogue is not an expression of relativism or religious syncretism. The Church proclaims Christ, but according to the teaching of Saint Thomas Aquinas, it seeks the Truth together with others, because it always comes from the Holy Spirit, no matter who proclaims it [ibid.: 11].

In addition to growing religious fundamentalism, the second extreme opponent of religious freedom is also growing: secularism. It is characterised by hostility towards religion, limiting the role of believers in public life. Secularism is also based on a narrow vision of the human being. A society wishing to reject faith in God through coercion is unfair not only to God in the theological sense, but also to man [ibid.: 8]. Secularism fights religion; it is not the freedom to introduce religious freedom, but freedom from religion. It considers religion a private matter, so it pushes it out of public force and violence. This is, for example, denying religious stories and symbols that express the identity and culture of a given nation, cutting off future generations from the heritage of their fathers [ibid.: 13].

End

The purpose of this article was to show the invariability of the Catholic Church's teaching on religious freedom. First of all, it should be noted that the issue of religious freedom does not contradict other elements of traditional science, but is an element that has been present in it for centuries and is closely related to others. Secondly, what the popes condemned under the concept of "religious freedom" is not the same as the law promulgated in *Dignitatis Humanae* which Catholics closely linked understanding to the nature of truth and the dignity of the human being, completely rejecting the vision of human playfulness; recognising the fair scope of this freedom, it also grants interference rights to secular authorities. Finally, the study of religious freedom does not tolerate any other element of the study of state-church relations.

On the contrary, the development of this science sustains and in a way gives a new character to the elements (especially the science of religious tolerance). The right to religious freedom is also closely linked to the possibility of privileging one religion as one of the manifestations of religious freedom. And finally, it should also be noted that the emphasis on today's Church teaching on the issue of religious freedom is not related to breaking or forgetting the other elements of this teaching, but is an expression of response to contemporary challenges and threats.

Religious freedom is an inspiration for a Catholic in political life, as well as an infallible deposit of faith. This teaching cannot be rejected, it must be explored and fully understood in connection with bygone ages. After all, below the document we read the words of the Vicar of Christ, Saint Paul VI: "everything that was expressed in this Declaration, has been fully and in detail recognised by the Fathers of the Holy Council. And we, by virtue of the apostolic authority given to us by Christ, together with the Venerable Fathers in the Holy Spirit, approve, decide and determine, and we recommend to declare the conciliar decisions for the glory of God" [DH: Ending].

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