

‘RELIGIOUS LIBERTY’ & THE DEVELOPMENT OF DOCTRINE

“Will there [then]... be no progress of religion in the Church of Christ? Certainly... But progress in truth; not a change of faith... [B]y ‘progress’ something is brought to an advancement within itself: by ‘change’, something is transformed from one thing into another... The progress of religion in souls is like the growth of bodies which in the course of years, evolve and develop, but still remain what they were... Our fathers ... sowed the... wheat of faith in this field which is the Church. It would be unjust indeed and incongruous if we, their descendents, were to gather, instead of the genuine truth of wheat, the noxious error of weeds...”

St Vincent of Lerins¹

“I do not consider it theologically legitimate, or even decent and honest, to contradict a doctrine and then disguise the contradiction under the rubric: growth and evolution.”

American theologian, Fr John C. Ford S.J.²

The most celebrated speech on the subject of religious liberty was delivered by the Belgian bishop of Bruges, Bishop Emile de Smedt, on 19th November 1963 in the course of the Second Session of the Second Vatican Council when, on behalf of the Secretariat for Promoting Christian Unity, he presented to the Council Fathers Chapter V of the draft schema *On Ecumenism*. The speech is set out in full in the Appendix. The reader should study it before considering the criticisms offered below. We have drawn on *The Second Vatican Council and Religious Liberty*³, the fine analysis of the late Michael Davies.

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1. St Vincent of Lerins (†*ante* AD 450) laid down the principle of the development of doctrine in his *Commonitoria* (notebooks). The Church has repeated it time without number. It appears in the *Office of Readings* for Friday of the 27th week of the Year. Catholic doctrine develops as the natural body develops: it grows and matures: it does not change into something else.

2. On 8th December 1864, in the *Syllabus of Errors* attached to the encyclical *Quanta Cura*, Pope Pius IX formally condemned this proposition:

“Every man is free to embrace and profess that religion which, led by the light of reason, he thinks to be the true religion.” [n. 15]

The terms in which he pronounced this (and other) condemnations in the *Syllabus* do not admit of cavil or contradiction. He said:

“We, truly mindful of Our Apostolic duty, and especially solicitous about our most holy religion, about sound doctrine and the salvation of souls divinely entrusted to

¹ *Commonitoria*, 23, 28; trans. by W A Jurgens in his *The Faith of the Early Fathers*, Volume Three, Collegeville, Minnesota, (The Liturgical Press,) 1979, p. 265.

² Quoted by Paul Blanshard in *Paul Blanshard on Vatican II*, Boston, 1967, p. 88; reproduced by Michael Davies in *The Second Vatican Council and Religious Liberty*, Collegeville, Minnesota (The Liturgical Press), 1979, at p. 210.

³ The Neumann Press, Long Prairie, Minnesota, 1992

Us, and about the good of human society itself, have decided to lift our voice again. And so all and each evil opinion and doctrine individually mentioned in this letter, by Our Apostolic authority We reject, proscribe and condemn; and We wish and command that they be considered as absolutely rejected, proscribed and condemned by all the sons of the Catholic Church.”⁴

In condemning the proposition *that a man is free to embrace and profess that religion which, led by the light of reason, he thinks to be the true religion*, Pius IX addressed a matter of faith—because it concerned, by negation, what a man must believe. He also addressed a matter of morals—because morality has to do with human acts, each of which bears upon man’s last end, and the act whereby a man embraces and professes the one true religion is fundamental to the attainment of that end.

Six years after this condemnation, in the Dogmatic Constitution *Pastor Aeternus*, the Vatican Council defined as dogma, that is, as revealed by God, that the Pope speaks infallibly when, 1) speaking *ex cathedra*, that is, carrying out his duty as pastor and teacher of all Christians; 2) in accordance with his supreme apostolic authority; 3) he explains a doctrine of faith or morals; 4) to be held by the universal Church. Each of these four conditions was fulfilled in *Quanta Cura*, as analysis of the words in which the Pope expressed himself shows:

1. [M]indful of Our Apostolic duty... solicitous about our most holy religion, about sound doctrine and the salvation of souls entrusted to us, and... the good of human society;
2. by Our Apostolic authority;
3. We reject, proscribe and condemn [all and each evil opinion and doctrine individually mentioned]; and... wish and command they be considered as absolutely rejected, proscribed and condemned;
4. by all the sons of the Catholic Church.

In other words, when Pius IX condemned this proposition he spoke for Christ’s Church, and he spoke infallibly.

Twenty four years after Pius IX’s formal condemnation of religious liberty, in his encyclical *Libertas praestantissimum* (20.6.1888) Pope Leo XIII set out, book and verse, the reasons behind it.⁵

3. Fast forward 100 years to 29th June 1998: contemporaneously with the promulgation of *Ad tuendam fidem* (Pope John Paul’s *motu proprio* enlarging the content and sanctions in the *Code of Canon Law* and in the *Code of Canons of the Eastern Churches*) the *Congregation for the Doctrine of the Faith* under the presidency of Joseph Cardinal Ratzinger, provided a *Doctrinal Commentary* on the concluding formula of the new *Professio Fidei*, the oath required of any person appointed to an office in the Church. Among the issues requiring full and irrevocable assent on the part of the Catholic faithful—an assent based on faith in the Holy Spirit’s assistance to the Magisterium and on the Catholic doctrine of the infallibility of the Magisterium [n.

⁴ *Quanta Cura*, n. 6

⁵ These are reproduced in the paper *The Trouble With Dignitatis Humanae—Error Masquerading As Right* at http://www.superflumina.org/PDF_files/dignitatis_humanae_1.pdf

8]—the *Congregation* listed “each and every thing definitively proposed by the Church regarding teaching on faith and morals.” [n. 6]

Pursuant to this requirement, then, the jurant was bound to swear his allegiance to the formal teaching of Popes Pius IX and Leo XIII condemning the concept of religious liberty. This presented him with a dilemma. For later popes and bishops now assured him that he must reject this teaching of the Church because the Second Vatican Council (1962-5) had not only ignored it, but had given formal approval to the concept condemned and to whatever reality, or realities, it comprehends.

Which of these teachings was he to follow to be consistent with his oath of fidelity?

4. On 7th December 1965, the Fathers of the Second Vatican Council issued their Declaration on Religious Liberty, *Dignitatis Humanae*. The Declaration had had a difficult and lengthy gestation, the subject of more debate and aggravation than any other document issued by the Council. When finally issued it did not depart in any significant matter from the draft introduced two years earlier by Bishop de Smedt.

In the Walter M. Abbott English edition of the Documents of the Second Vatican Council⁶ the *peritus* primarily responsible for its content, the American Jesuit, John Courtney Murray, provided a commentary on *Dignitatis Humanae* in the course of which he said this:

“In no other conciliar document is it so explicitly stated that the intention of the Council is to ‘develop’ Catholic doctrine... In regard to the right of man to religious freedom, even *Pacem in terris* is unclear and ambiguous. What precisely does religious freedom mean? Does it find place among the inalienable rights of man? These are the questions to which for the first time, the Church gives an unmistakably clear and entirely unambiguous answer. The Council brings forth out of the treasury of truth a doctrine that is at once new and also in harmony with traditional teaching.”⁷

This paragraph isolates the issues well—

- First: was the doctrine set out in *Dignitatis Humanae* “in harmony with traditional teaching”, i.e., a *development* of existing doctrine? or was it an alteration of that doctrine? Was it ‘progress’? or was it ‘change’? Was it ‘the genuine wheat of truth’, or ‘the noxious weeds of error’?
- Second, and of much greater moment, was it in truth *the Church* that had given this “unmistakably clear and entirely unambiguous answer”?

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5. Let us now look at Bishop de Smedt’s Speech on behalf of the Secretariat, in the drafting of which Fr Murray played a large hand, and see what there is of truth in it. Omitting persiflage, its argument (if such it may be termed) may be reduced to the following fourteen propositions.

- a. The expression ‘religious liberty’ represents a reality (or realities) whose desirability can hardly be questioned.

⁶ *The Documents of Vatican II*, Walter M Abbott S J, General Editor, London, 1966.

⁷ *Ibid.* p. 677, footnote.

- b. The “pastoral” character of the Second Vatican Council must be set against “that world of abstractions... so dear to the nineteenth century”.
- c. Each and every man who follows his conscience in religious matters, has a natural right to a true and authentic religious liberty.
- d. The absolute demands of God’s rights are to be reduced to “[conformity with one’s] conscience in religious matters.”
- e. The violation of religious liberty involves the interference with man’s ordination to his supreme and ultimate end.
- f. No one should be hindered in the exercise of religion in accordance with his own conscience, save where this would harm the common good.
- g. The principal document in which the doctrine of religious liberty is developed is John XXIII’s encyclical *Pacem in terris*.
- h. Man’s human dignity is the ground of the right and duty to worship God according to the sincere dictate of his own conscience.
- i. Pius IX’s condemnation of religious liberty and separation of Church and state was only to protect the Church against rationalism.
- j. Leo XIII taught against the same two doctrines because regimes then in power drew inspiration from laicist ideology, and there was danger that their endorsement would lead to abuses to the dignity and true liberty of the human person.
- k. There is no longer any danger, as there was then, that the false concept of liberty might do violence to human dignity.
- l. Pius XI fought for religious liberty not only of the Catholic faithful but of all mankind.
- m. Pius XII developed and expanded the doctrine of Pius XI in favour of religious liberty.
- n. The whole world is awaiting a decree in favour of religious liberty with urgent expectancy.

6. We will address each proposition in turn.

A. *The expression ‘religious liberty’ represents a reality (or realities) whose desirability could hardly be questioned...*

The Secretariat gives a number of apparently cogent reasons for this assertion—it involves a matter of truth; it is necessary to avoid an appearance of hypocrisy on the part of the Church; what it represents is essential to peaceful coexistence in societies with differing religious affiliations; and so on...

Nowhere does the Secretariat consider the essence of human liberty, or make an attempt to distinguish it into its various subcategories to uncover the reality (or realities) the expression ‘religious liberty’ comprehends, as Leo XIII had in *Libertas praestantissimum* (20th June 1888). The Secretariat makes passing, and selective, reference to this encyclical but is silent about Leo’s analyses. Needless to say, in confirming Pius IX’s condemnation of ‘religious liberty’, Leo III’s position contradicted the position taken by the Secretariat.

- B. *The “pastoral” character of the Council must be set against “that world of abstraction... so dear to the nineteenth century”...*

In other words, the popes of that century must be taken to have addressed an ideal world rather than the real world the Council Fathers were now addressing. This is exactly the contrary of the truth. It was Pius IX and Leo XIII who confronted reality. It was the Secretariat and its members who assumed an ideal world, a naivety manifest in a claim made towards the close of the *relatio*—

“There is no longer any danger, as there was in the nineteenth century, that the false concept of liberty might do violence to human dignity.”

We will return to this shortly.

- C. *Each and every man who follows his conscience in religious matters, has a natural right to a true and authentic ‘religious liberty’...*

Protestantism’s signal characteristic, as English historian Sir Maurice Powicke remarked in 1941, is the assertion of the supremacy of conscience.⁸ Here the Secretariat adopts the Protestant principle.⁹ The dictate imposed by conscience is, *eo ipso*, something subjective. Now, rights do not follow *subjective* inclinations—whether or not these be in accordance with the rule of morals—but *objective* reality. The comment of American theologian, Msgr John A Ryan, is to the point:

“The fact that an individual may in good faith think that his false religion is true gives no more right to propagate it than the sincerity of the alien anarchist entitles him to advocate his abominable political theories in the United States, or the perverted ethical notions of the dealer in obscene literature confers upon him the right to corrupt the morals of a community.”¹⁰

- D. *The absolute demands of God’s rights are to be reduced to [conformity with one’s] conscience in religious matters...*

Here something remarkable is essayed in Catholic thinking: individual conscience is made determinative of objective reality. “The absolute demands of God’s rights” require a man to embrace the religion God founded and established, the Catholic religion.¹¹ That teaching was now, so the authors of the speech said, to be ignored in favour of the demands of individual conscience for, as they assured the Council Fathers, “the man who sincerely obeys his conscience intends to obey God Himself...” Fifty years on, we who must daily endure reports of the murderous conduct of Muslim extremists, each “sincerely obey[ing] his conscience”, can have little patience with the stupidity of this claim.

- E. *The violation of religious liberty involves the interference with man’s ordination to his supreme and ultimate end...*

⁸ “The claim of conscience in the end took the place of Rome.” Sir Maurice Powicke, *The Reformation in England*, London, 1941.

⁹ A principle to which the Council Fathers were to give qualified support. ‘Supremacy of conscience’ has bedevilled the Catholic Church ever since.

¹⁰ *Catholic Principles of Politics*, New York, 1940, pp. 317-8; quoted in Michael Davies, *The Second Vatican Council and Religious Liberty*, op. cit., p. 51.

¹¹ Cf. Leo XIII in *Libertas praestantissimum* (On Human Liberty) 20.6.1888, n. 19 et seq; cf also the same Pope’s *Immortale Dei* (On the Christian Constitution of States) 1.11.1885.

The constant teaching of the Catholic Church is that man's supreme and ultimate end, union with God, can be achieved only through faith in Jesus Christ and adherence to the teachings and practice of His Church.¹² Only in so far as the expression 'religious liberty' is confined to the freedom to embrace *the one true faith*, then, is this proposition true.

F. *No one should be hindered in the exercise of religion in accordance with his own conscience, save where this would harm the common good...*

This provision is self contradictory because the common good, by its very nature, precludes the notion of 'religious liberty'.¹³ The Secretariat felt itself constrained by this limiting principle because it purported to rely on John XXIII's encyclical, *Pacem in terris*, which, so frequently does the Pope refer to that reality, might be called 'the encyclical of the common good'. Inevitably, in their subsequent adoption of the alleged principle of 'religious liberty', the Council Fathers abandoned the need to comply with the common good in favour of 'the preservation of public order' [Cf. *Dignitatis Humanae*, nn. 2, 4 and 8].

G. *The principal document in which is developed the doctrine of religious liberty is John XXIII's encyclical Pacem in terris...*

In *Pacem in terris* Pope John XXIII said this—

"Every human being has the right to honour God according to the dictates of a rightly ordered conscience [*conscientia recta*], and therefore the right to worship God privately and publicly. For, as Lactantius so clearly taught: 'We were created for the purpose of showing to the God who bore us the submission we owe Him, of recognising Him alone and of serving Him. We are obliged and bound by this duty to God; from this religion itself receives its name.' [*Divinae Institutiones*, 1. IV, c. 28, 2: *Patrologia Latina* 6, 535.] And on this point Our predecessor of immortal memory, Leo XIII declared: 'This genuine, this honourable freedom of the sons of God, which most nobly proclaims the dignity of the human person, is greater than any violence or injustice; it has always been sought by the Church, and always most dear to her. This was the freedom which the Apostles claimed with intrepid constancy, which the apologists defended with their writings, and which the martyrs in such numbers consecrated with their blood.' [*Libertas praestantissimum: Acta Leonis XIII, VIII, 1888*, pp. 237-238; EE 3.]¹⁴"

¹² That is, in the ordinary course of things. Almighty God is not constrained by His own laws. He may bring to heaven those who have not heard of His Son but who have yet believed in God as their Judge, and who have acted in charity or in perfect contrition for their sins. [Michael Sheehan, *Apologetics and Catholic Doctrine*, revised and edited by Fr P. Joseph, London (St Austin Press), 2001, p. 288.]

¹³ This is explained in the paper *The Trouble With Dignitatis Humanae—Error Masquerading As Right*, pp. 5-6 and 13. Cf. http://www.superflumina.org/PDF_files/dignitatis_humanae_1.pdf

¹⁴ "In hominis iuribus hoc quoque numerandum est, ut et Deum, ad rectam conscientiae suae normam, venerari possit, et religionem privatim publice profiteri. Etenim, quemadmodum praeclare docet Lactantius, 'hac conditione gignimur, ut generanti nos Deo iusta et debita obsequia praebeamus, hunc solum noverimus, hunc sequamur. Hoc vinculo pietatis obstricti Deo et religati sumus, unde ipsa religio nomen accepit'. [*Divinae Institutiones*, 1. IV, c. 28, 2: *Patrologia Latina* 6, 535.] Qua de eadem re Decessor Noster imm. mem. Leo XIII haec asseverat: 'Haec quidem vera, haec digna filiis Dei libertas, quae humanae dignitatem personae honestissime tuetur, est omni vi iniuriaque maior: eademque Ecclesiae semper optata ac praecipue cara. Huius generis libertatem sibi constanter vindicare Apostoli, sanxere scriptis Apologetae, Martyres ingenti numero sanguine suo consecraverunt'. [*Libertas praestantissimum: Acta Leonis XIII, VIII, 1888*, pp. 237-238; EE 3.]"

It is a distortion of reality for the Secretariat to assert that the phrase, *conscientia recta*, might be translated as ‘sincere conscience’; or to contend that this passage was authority for the proposition advanced [“By the law of nature, the human person has the right to the free exercise of religion in society according to the dictates of a sincere conscience whether the conscience be true, or the captive either of error or of inadequate knowledge of truth and of sacred things.”]. When the Pope cited Leo XIII—“this honourable freedom of the sons of God”—he endorsed Leo’s postulate: the *freedom* to which he referred was that of those called to the life of grace, those baptised in the Catholic faith.

The Secretariat’s subsequent assertion, [“To this right corresponds the duty incumbent upon other men and the public authority to recognise etc...”] relies on a provision which appears later in the encyclical where Pope John confirmed the Church’s teaching that not only are rights and duties correlative, but there is a reciprocity of rights and duties between men.¹⁵ But this latter provision was premised (in the immediately preceding paragraph) on the existence of “the natural rights with which we have been dealing...”¹⁶ It cannot be used to buttress the rights gratuitously asserted by the Secretariat, the falsity of whose claim appears clearly from the following two paragraphs which appear towards the close of *Pacem in terris*:

“The doctrinal principles outlined in this document derive from or are suggested by requirements inherent in human nature itself, and are, for the most part, dictates of the natural law. They provide Catholics, therefore, with a vast field in which they can meet and come to an understanding both with Christians separated from this Apostolic See, and with human beings not enlightened by faith in Jesus Christ, but endowed with the light of reason and with a natural and operative honesty.

“*In such relations let the faithful be careful always to be consistent in their actions so that they may never come to any compromise in matters of religion and morals. At the same time, however, let them be—and show themselves to be—animated by a spirit of understanding and detachment, and disposed to work loyally in the pursuit of objectives which are of their nature good, or conducive to good.*”¹⁷

The then Master General of the Dominicans, Fr Aniceto Fernandez, was scathing in his criticism of the Secretariat’s logic—

“The schema smacks of naturalism. It does not speak of the relationship between man and God... We are wrong to seek a new doctrine in *Pacem in terris*, which is being poorly interpreted.”¹⁸

¹⁵ Quibus probatis, consequens est etiam, ut in hominum consortione unius hominis naturali cuidam iuri officium aliorum hominum respondeat: officium videlicet ius illud agnoscendi et colendi. Nam quodvis praecipuum hominis ius vim auctoritatemque suam a naturali lege repetit, quae illud tribuit, et conveniens iniungit officium. Qui igitur, dum iura sua vindicant, officia sua vel omnino obliviscuntur, vel aequo minus praestant, iidem sunt cum iis veluti comparandi, qui altera manu aedem exstruunt, altera evertunt.

¹⁶ *Quae hactenus commemoravimus iura, a natura profecta...*

¹⁷ These two paragraphs bear the marginal numbers 184 and 185 in the *Australian Catholic Truth Society* edition of the English version of the encyclical. In the last paragraph the Pope is quoting his own words from the earlier encyclical *Mater et Magistra*.

¹⁸ Quoted in Michael Davies, *The Second Vatican Council and Religious Liberty*, op. cit., at p. 134.

H. *Man's human dignity is the ground of the right and duty to worship God according to the sincere dictate of his own conscience.*

Leo XIII explains, in the opening passage of *Libertas praestantissimum*, why this assertion is false—

“Liberty, the highest of natural endowments, being the portion only of intellectual or rational natures, confers on man this dignity—that he is “in the hand of his counsel” (*Ecclesiasticus* 15: 14)—and has power over his actions. But the manner in which such dignity is exercised is of the greatest moment, inasmuch as on the use that is made of liberty the highest good and the greatest evil alike depend. Man, indeed, is free to obey his reason, to seek moral good, and to strive unswervingly after his last end. Yet he is free also to turn aside to all other things; and in pursuing the empty semblance of good, to disturb rightful order and to fall headlong into the destruction he has voluntarily chosen...”

Liberty is, indeed, the mark of man's human dignity, but he must exercise it in accordance with reality. It matters not how sincere a man may be in following the dictate of his conscience, if his choice is not conformed to the objectively good, he runs the grave risk of perdition. This principle applies in the highest degree in that matter which concerns his ultimate destiny, religion.

I. *Pius IX's condemnation of religious liberty and separation of Church and state in Quanta cura (1867) was to protect the Church against the doctrines of rationalism according to which the Church was to be incorporated into the monistic organism of the state and subjected to its supreme authority.*

The saintly Pope's condemnation was not confined to an attempt to subvert the Church to the demands of a particular ideology. It condemned all assertions that the Church had no entitlement to involvement in the operations of the state. The Catholic Church was established by God Who also created society, the ground of every state.¹⁹ There could, then, be no more fitting influence upon the workings of a state than God's Church. The evils, *religious liberty* and *separation of Church and state*, are related: once accept one of them and you are bound to endorse the other.²⁰

J. *Leo XIII taught against 'religious liberty' (and other modern freedoms such as 'separation of Church and state') because conditions prevailing at the time brought a danger of abuses to the dignity and true liberty of the human person...*

Leo XIII taught against these evils not because they threatened the dignity and true liberty of man during the nineteenth century, but because they threaten that dignity at all times!

K. *There is no longer any danger, as there was in the nineteenth century, that the false concept of liberty might do violence to human dignity.*

This claim, emulating the misplaced irenicism in certain remarks of Pope John XXIII in his *Opening Speech* to the Council Fathers, contains the seeds of a denial of the effects of original sin. The claim is fatuous, as the recent past history (the Nazi

¹⁹ The Catholic Church is the only Church that has that right: every other is but a creation of men.

²⁰ As occurred once the doctrine of 'religious liberty' was adopted by the Church's bishops. The removal of the Church's influence over various states secured through *concordats* followed quickly.

regime in Germany; the Communist regime in Russia) showed to anyone of common sense. Subsequent history has only confirmed its folly.²¹

L. *Pius XI fought for religious liberty not only of the Catholic faithful but of all mankind...*
The claim is false. It evidences a deliberate obtuseness, if not downright dishonesty, in respect of the teaching of Pius XI in three encyclicals. We deal with each in turn.

Maximam gravissimamque (18.1.1924) addressed certain effects of the instability precipitated by the unilateral action of the Masonic dominated French Government some twenty years previously on 9th December 1905 of abrogating the *Concordat* between the Church and the French State in the notorious 'law of separation'. Pius X, the pontiff at that time, had condemned certain associations and 'lay laws' proposed by the French government. Pope Pius XI's task was to weigh the licitness of proposed Diocesan Associations in the different circumstances now obtaining. He gave these latter his consent *ad experimentum*. Pius XI here opposed the evil of 'laicism' not against any man made religion but, as the context makes clear, against the only true religion. His remarks condemning 'laicism' were made in defence of the Catholic religion, and of no other.

Non abbiamo bisogno (29.6.1931) protested against the banning by Mussolini's Fascist party government the same year of *Italian Catholic Action* and the Catholic Youth organisations. Pius XI demonstrated the underlying influence of Freemasonry upon the Fascists in the unconscionable conduct of compelling children to swear oaths of fidelity to their regime. The assertion that Pius XI's distinction between 'freedom of consciences' and 'freedom of conscience' assists the argument in favour of 'religious freedom' is vacuous. Pius XI there defended the freedom of Catholics to engage in Catholic activities. Far from defending the freedom to engage in any religion, Pius XI attacked a regime *which itself had urged 'religious freedom'*. In its very essence *Non abbiamo bisogno* contradicted the Secretariat's thesis.²²

Mit Brennender Sorge (14.3.1937), written to the Catholic bishops of Germany, dealt with the crisis precipitated by Hitler's Nazi Government. It voiced, with reason and control, the Pope's outrage at the unilateral breach by the National Socialist Government of the 1933 *Concordat* with the Holy See. The Pope said this *inter alia*—

“Beware, Venerable Brethren, of that growing abuse, in speech as in writing, of the name of God as though it were a meaningless label, to be affixed to any creation, more or less arbitrary, of human speculation... Our God is the Personal God, supernatural, omnipotent, infinitely perfect, one in the Trinity of Persons, tri-personal in the unity of divine essence, the Creator of all existence. Lord, King and ultimate Consummator of the history of the world, who will not, and cannot, tolerate a rival God by His side...

²¹ As to the naivety generally of Pope John's Opening Address see the author's paper *Failure of the Executive Power* at http://www.superflumina.org/PDF_files/executivefailure.pdf

²² That 'religious liberty' is a Masonic concept is amply demonstrated by Pope Leo XIII in *Humanum Genus* (20.4.1884), nn. 16, 21. Cf. also the author's *Life Under The Bane of Subjectivism, Part III*, in particular at n. 31 et seq. at http://www.superflumina.org/PDF_files/life_under_the_bane_3.pdf

“No faith in God can for long survive pure and unalloyed without the support of faith in Christ... Nobody... can say: ‘I believe in God, and that is enough religion for me,’ for the Saviour’s words brook no evasion: *Whosoever denieth the Son, the same hath not the Father. He that confesseth the Son hath the Father also.* (1 John ii. 23)...

“In Jesus Christ, Son of God made Man, there shone the plenitude of divine revelation. *God, who at sundry times and in divers manners, spoke in times past to the fathers by the prophets last of all, in these days hath spoken to us by His Son.* (Heb. i. 1)...

“The peak of revelation as reached in the Gospel of Christ is final and permanent. It admits of no retouching by human hand; it admits no substitutes or arbitrary alternatives... Since Christ, the Lord’s Anointed, finished the task of Redemption, and by breaking the reign of sin deserved for us the grace of being the children God—since that day no other name under heaven has been given to men, whereby we may be saved (*Acts iv. 12*). No man, were every science, power and worldly strength incarnated in him, could lay any other foundation but that which is laid: which is Christ Jesus (1 *Corinthians iii 11*)...

“To hand over the moral law to man’s subjective opinion, which changes with the times, rather than anchoring it to the holy will of the eternal God and His commandments, is to open wide every door to the forces of destruction... [nn. 9, 14, 15, 17 and 30]

This is the context in which Pope Pius XI made the remarks relied upon by the Secretariat—“[M]an as a person possesses rights he holds from God, and... any collectivity must protect against denial, suppression or neglect... [n. 30]; and—“The believer has an absolute right to profess his Faith and live according to its dictates. Laws which impede this profession and practice of Faith are against natural law.” [n. 31] It is nonsense to suggest that the Pope was referring to any religion other than Catholicism, or that he intended to defend, or promote, so-called ‘religious liberty’.

M. *Pius XII developed and expanded Pius XI’s doctrine in favour of religious liberty.*
The Secretariat appeals, in support of this proposition, to three documents of Pius XII, the radio messages of 1.6.1941 and 24.12.1942, and the address *Ci riesce* of 6.12.1953. Again, we will deal with each in turn.

Radio Message of 1st June 1941

This Radio Message celebrated the 50th Anniversary of Leo XIII’s encyclical *Rerum Novarum*. The Secretariat relies on one line in the text in support of its thesis:

“The Chief duty of any public authority is to safeguard the inviolable rights that are proper to men and so to provide that each one might more easily fulfil his duties.”

Let us put the line in context. Prefatory to the sentence quoted, Pius XII says this—

“It is... the indisputable competence of the Church... to decide whether the bases of a given social system are in accordance with the unchangeable order which God our Creator and Redeemer has shown us through the natural Law and Revelation, that two-fold manifestation to which Leo XIII appeals in his encyclical... From the form given to society, whether this be in accordance with the Divine Law or not, depends and emerges the good or ill of souls; depends, in other words, the decision whether men, all of whom are called to be revived by the grace of Christ, will in the intricate course of life actually breathe the healthy, life-giving, atmosphere of truth and moral virtue, or the disease-ridden, and often fatal, air of error and corruption...”

The Pope is addressing the strife torn world and the false social principles whose influences are ravaging the societies of various nations. Far from providing support for 'religious freedom', he insists on the need to conform to the teachings of one religion only, that established by Christ, the Catholic religion.

Radio Message of 24th December 1942

The Pope's 1942 Christmas Message contrasted with the chaos of the war, the peace attendant on the birth of the Saviour of mankind. He elaborates the elements of St Thomas's definition of peace—the *tranquillity of order*—laying down five points for the ordering of society which he introduces with the following:

“Anyone who considers in the light of reason and of faith the foundations and the aims of social life which we have traced in broad outline... cannot but be convinced of the powerful contribution... which efforts... could present—or better, could restore—to [the peoples of the] world... when once they had thrown down the intellectual and juridical barriers, created by prejudice, errors... and a long tradition of secularisation of thought... which has succeeded in detaching and subtracting the earthly city from the light and force of the City of God...”

The burden of his Message is the restoration of all things in Christ through the Church He has established. When, then, he goes on to cite the need to uphold respect for fundamental personal rights, “the right to religious formation and education; the right to worship God in private and public and to carry on religious works of charity...” he is referring to the *Catholic religion*. Nowhere does he refer to, or even hint at, a right to 'religious freedom'.

Ci Riesce—6th December 1953:

The Pope here addressed the *Union of Italian Catholic Jurists* meeting in their fifth national convention. After expounding on general principles he approaches a particular question, the co-existence of Catholic and non-Catholic states.

“[P]eoples and member states of the international community will be divided into those that are Christian, non-Christian, indifferent to religion or consciously without it... even professedly atheist. The interests of religion and morality will require... a well-defined rule which will apply to all the territory of the individual sovereign member state... According to probability and depending on circumstances, it can be foreseen that this ruling of positive law will be enunciated thus: within its own territory and for its own citizens, each state will regulate religious and moral affairs by its own laws. Nevertheless... the citizens of every member state will be allowed the exercise of their own beliefs and ethical and religious practices, in so far as these do not contravene the penal laws of the state in which they are residing.

“For the jurist, the statesman and the Catholic state there arises the question: can they give their consent to such a ruling when there is question of entering, and remaining in, an international community? ... A twofold question arises: the first deals with objective truth and the obligation of conscience towards what is objectively true and good; the second deals with the practical attitude of the international community toward the individual sovereign state and the attitude of the individual state towards the international community as regards religion and morality. The first question can hardly be a matter for discussion... The second question, on the other hand, can be of extreme importance and urgency...”

“[N]o human authority, no state, no community of states, whatever be its religious character, can give a positive command or positive authorisation to teach or to do that which would be contrary to religious truth or moral good. Such a command or... authorisation would have no obligatory power and would remain without effect... because it is contrary to nature to oblige the spirit and the will of man to error and evil, or to consider one or the other as indifferent. Not even God could give such a positive command or positive authorisation, because it would be in contradiction to His absolute truth and sanctity.

“In the parable of the cockle, Christ gives the following advice: let the cockle grow in the field of the world together with the good seed in view of the harvest (cf. *Matt.* 13: 24-30). The duty of repressing moral and religious error... [is] subordinate to higher and more general norms which in some circumstances permit, and even perhaps seem to indicate as the better policy, toleration of error in order to promote a greater good... Thus the two principles are clarified... First: that which does not correspond to truth or to the norm of morality objectively has no right to exist, to be spread, or to be activated. But (secondly), a failure to impede this with civil laws and coercive measures can be justified in the interests of a higher and more general good.”

Accordingly, when Pope Pius XII condemns conduct *contrary to religious truth or moral good* he condemns all assertion of religion and morality which does not conform to the truths revealed by God and proclaimed throughout the ages by His Holy Church. Far from an endorsement, this is a rejection, of the Secretariat’s interpretation which would render the adjective ‘religious’ inclusive of every vague human inclination. That interpretation obliterates the distinction between *tolerating* religious error and *endorsing* the error.

N. *The whole world is awaiting a decree in favour of religious liberty...*

Perhaps the simplest response to this *cri de coeur* was provided by G. K. Chesterton—
“What is needed is not a Church that moves with the world, but a Church that will move the world.”²³

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7. One must understand the Secretariat’s thesis in the light of the subjectivist impulse. Once a subjectivist seizes upon an idea and elevates it to the status of a certain truth, he sees in the sources he quotes only a meaning which will accord with that idea. He is incapable of viewing reality other than through the rose coloured glasses of his preconception.²⁴

8. The pre-eminent problem with the term ‘religious liberty’ is ambivalence. It can mean any one of a number of things, *or all of them*—the freedom to believe in the one religion founded by Almighty God (the Catholic principle), the freedom to believe in any religion at all (the Masonic principle), or (inevitably) the freedom *to believe in no religion* (the atheistic principle). This ambivalence is sufficient to alert

²³ The author has not found the original of this quotation but renders it from speech reported in Joseph Pearce, *Old Thunder, A Life of Hilaire Belloc*, San Francisco (Ignatius Press), 2002, p. 82.

²⁴ As to subjectivism’s cause and development, see the papers by the author, *Life Under The Bane Of Subjectivism*, Part I, n. 5; Part II, nn. 9-28; and Part III, nn. 29, 42 et seq. on the *superflumina.org* website.

any objective student to the perils attendant upon the use of the expression as a claim of right. The Secretariat sought to confine the meaning it wished to apply to the term, but in vain; for it embraced—and it invited the Council Fathers to embrace—the Masonic principle *that one is free to believe in any religion at all*.²⁵ Notwithstanding the disclaimers subsequently made in *Dignitatis Humanae*, the term ‘religious liberty’ is universally understood to permit the freedom to embrace any religion, *or no religion*, precisely the peril Leo XIII had identified eighty years earlier.²⁶

9. When the Church speaks infallibly through the mouth of Pope or Council about some element of faith or morals, she establishes that fact as true forever. As St Athanasius said of the Council of Nicaea—

“The words of the Lord which were spoken by the General Council of Nicaea remain in eternity.” [*Epist. ad Afros* 2]

It is impossible that the Church can, or ever will thereafter, contradict that truth. It is this principle to which, obliquely, the *Congregation for the Doctrine of the Faith* refers in its *Doctrinal Commentary* of 29th June 1998.

“The diversity of [the symbols witnessing to the unity of faith and communion] expresses the richness of the one faith; none of them is superseded or nullified by subsequent professions of faith formulated in response to later historical circumstances.” [ibid. n. 2]

Consistent with the teaching of St Vincent of Lerins, a doctrine can never transmute into its contradictory; the *condemnation* of a proposition can never ‘develop’ into its *affirmation*. One who asserts that it can, involves himself in a breach of the most basic of logical principles, the principle of non-contradiction.

10. There were many among the Council’s bishops and *periti* who understood this: they accepted that with the proclamation of the *Declaration on Religious Liberty*, the Church must be taken to have resiled from her previous infallible teaching to the contrary. **But this is impossible, for the Church does not contradict herself.** What follows? It was not Christ’s Church, it was *the Church’s bishops*, who committed this solecism. It is worthy of note that it had taken just 95 years for the bishops of the Catholic Church to reject the teaching of the Vatican Council in *Pastor Aeternus* defining the circumstances in which a pope teaches infallibly.

Michael Baker

July 18, 2010—*Sixteenth Sunday of the Church’s Year*

²⁵ It is difficult for the objective observer not to regard the Secretariat as having been infiltrated, in some measure, by Freemasons.

²⁶ *Immortale Dei* (1.11.1885), n. 32. “To hold... that there is no difference in matters of religion between forms that are unlike each other, and even contrary to each other, most clearly leads in the end to the rejection of all religion in both theory and practice. And this is the same thing as atheism, however it may differ from it in name...”

Appendix

***Relatio* (introduction) to the Chapter of *De Oecumenismo* on Religious Liberty of Bishop Emile de Smedt, 19th November 1963²⁷**

Very many Conciliar Fathers have insistently demanded that this Sacred Synod clearly explain and proclaim the right of man to religious liberty. Among the reasons given, four principal ones should be listed:

1. *Truth*: The Church must teach and defend the right to religious liberty because there is question of truth, the care of which was committed to her by Christ;
2. *Defence*: The Church cannot remain silent today when almost half of mankind is deprived of religious liberty by atheistic materialism of various kinds;
3. *Peaceful Social Life*: Today in all nations of the world, men, who adhere to different religions or who lack all religious belief, must live together in one and the same human society; in the light of truth, the Church should point the way towards living together peacefully;
4. *Ecumenism*: Many non-Catholics harbour an aversion against the Church or at least suspect her of a kind of Machiavellianism because we seem to them to demand the free exercise of religion when Catholics are in a minority in any nation and at the same time refuse and deny the same religious liberty when Catholics are in the majority.

Religious liberty is such a grave problem in modern society that it cannot be omitted in a pastoral decree on Ecumenism. Therefore, we submit to your deliberations this fifth chapter of our schema on Ecumenism. The Secretariat for Promoting Christian Unity, to the best of its ability, has carefully watched over the preparation of this material.

Since we are treating a most difficult question and at the same time one of great importance in modern life, the authors of the schema cherish the hope that your attention and pastoral consideration will emend what needs emendment and perfect what is still imperfect in the schema now offered to you.

The term 'Religious Liberty' has a definite meaning in our text. In the forthcoming discussion, great confusion might arise if any of the Fathers give to the expression a meaning that differs from the one intended by the text.

When religious liberty is defended, it is not asserted that it is proper for man to consider the religious problem according to his own whim without any moral obligation and decide for himself according to his own will whether or not to embrace religion (religious indifferentism).

Nor is it affirmed that the human conscience is free in the sense that it is as it were outside of the law, absolved from any obligation towards God (laicism).

Nor is it said that falsehood is to be considered on an equal footing with truth, as though there were no objective norm of truth (doctrinal relativism).

Nor is admitted that man in any way has a quasi-right to maintain a peaceful complacency in the midst of uncertainty (dilettanistic pessimism).

If anyone were to insist upon giving any of the aforesaid meanings to 'Religious Liberty', he would attribute to our text a meaning which neither the words nor our intention possess.

²⁷ Reproduced from Appendix IV of *The Second Vatican Council and Religious Liberty*. The emphases appear in the document reproduced.

What, therefore, is meant in the text by 'Religious Liberty'? Positively, religious liberty is the right of the human person to the free exercise of religion according to the dictates of his conscience. Negatively, it is immunity from all external force in his personal relations with God, which the conscience of man vindicates to itself.

Religious liberty implies human autonomy, not from within certainly but from without. From within, man is not freed of the obligation towards the religious problem. From without his liberty is offended when obedience to the dictates of his conscience in religious matters is impeded.

At this point, two questions must be asked: 1. Can each man claim for himself religious liberty as a sacred right given to him by God? 2. Is there, and to what extent is there, a duty on the part of others to recognise the aforesaid religious liberty?

Our decree, since it is pastoral, tries to treat the present matter especially from the practical point of view and, after the manner of John XXIII, will carefully strive to remove the whole question from that world of abstractions which was so dear to the nineteenth century. The question is put therefore regarding real man in his real dealings with other men, in contemporary human and civil societies.

I

The first pastoral problem which must be examined now by this Sacred Synod is this: *how must Catholics because of their faith conduct themselves towards men who do not belong to the Catholic faith?* We propose the following answer for your deliberations:

1. All Catholics are invited by Christ to strive by prayer, penance, witness and evangelising in the Holy Spirit to bring our non-Catholic brothers to the blessing of the evangelical light and of the life of the Church. The sacred, absolute rights of God as well as the evangelical and natural truths must always and everywhere be honoured and observed by them.
2. They must abstain from all direct and indirect coercion. Although God wills all men to be saved and to come to the knowledge of the truth, the disciples of Christ may not infringe upon the religious liberty of the individual person. On the contrary, they must respect and esteem the right and duty of non-Catholics to follow the dictate of their own conscience even when, after sincere and sufficient study, it errs in good faith. What is the reason of faith why non-Catholics can be forced by no one to admit the Catholic doctrine against their conscience? This reason is found in the very nature of the act of faith. For this act, on God's part, is a supernatural gift, which the Holy Spirit most freely gives to whom and when He wills; and, on man's part, it is and must be an assent which man freely gives to God.
3. All Catholics are bound, by the command of the Lord, to love and to help their non-Catholic brothers with sincere and active charity.

II

At this point, the schema takes a step forward and asserts that each and every man, who follows his conscience in religious matters, has a natural right to true and authentic religious liberty. In this second part, it is proposed that the Sacred Synod solemnly demand religious liberty for the whole human family, for all religious groups, for each human person whether his conscience be sincere (rectam) and true or sincere and false concerning faith, provided only that he sincerely follow the dictate of conscience. Therefore, a general principle is laid down: *no human person can be the object of coercion or intolerance.*

What is the reason why observance of religious liberty is demanded of all? The human person, endowed with conscious and free activity, since he can fulfil the will of God only

as the divine law is perceived through the dictate of conscience, can obtain his ultimate end only by prudently forming the judgement of conscience and by faithfully carrying out its dictate.

From the nature of things, in forming this judgement, whereby man tries freely to conform to the absolute demands of God's rights, neither any other man nor any human institution can take the place of the free judgement of man's conscience. Therefore, the man who sincerely obeys his own conscience intends to obey God Himself, although at times confusedly and unknowingly, and is to be considered worthy of esteem.

When religious liberty is violated, then the very freedom of the human person is violated in its principal matter, in a fundamental demand, in man's ordination to the supreme and ultimate end. The greatest injury is to prevent a man from worshipping God and from obeying God according to the dictate of his own conscience.

III

The schema takes still another step forward and enters upon a most difficult question. Religious liberty would be fruitless and empty if men were not able to carry out the dictate of their conscience in external acts whether in private life, in social life, or in public life, or if human persons were prevented from forming religious groups whose members could worship the Supreme Deity by common and social acts and lead a religious life.

Here, however, there arises a most difficult problem. For, if a human person carries out the dictate of his conscience by external acts, there is danger of violating the rights and duties of another or of others. Since man is a social being and since in the human family men are subject to error and to sin, the conflict of rights and conflict of duties cannot always be avoided.

From this it is evident that *the right and duty to manifest externally the dictate of conscience is not unlimited, but can be and at times must be tempered and regulated for the common good.*

This ordering of the common good must be done juridically in human society and belongs to public authority (*potestati publicae*). "One of the fundamental duties of civil authorities, therefore," we read in *Pacem in terris*, "is to coordinate social relations in such fashion that the exercise of one man's rights does not threaten others in the exercise of their own rights nor hinder them in fulfilment of their duties. Finally, the rights of all should be effectively safeguarded and, if they have been violated, completely restored."

How is public authority to carry out this duty? In establishing order for the common good, public authority can never act contrary to the order of justice established by God. As St Thomas says: " Human law is truly law to the extent that it is in accordance with right reason; and therefore it is evident that it is derived from the eternal law. In so far as it departs from reason, it is a so-called 'wicked law', and therefore is not truly a law but a kind of violence' [*Summa Theologiae* I-II, q. 93, a, 3, ad 2.].

Recent Roman Pontiffs again and again have bewailed the fact that not a few governments have gone too far in this matter, ignoring and violating religious liberty. In our own day, there are some regions in which tolerance in religious matters has been so little observed that the Supreme Pontiff, Paul VI, in his allocution to the Fathers of the Second Vatican Council on 29 September 1963, said, speaking of the violated right to religious liberty:

"Because of sufferings of this kind, with what sadness are We affected, and how deeply We are grieved, when We behold that in some territories religious liberty,

together with the other principal rights of man, is suppressed by the principles and arts of those who do not tolerate opinions different from theirs on politics, on races of men, or on religion of any kind. We are sorrowed also by the many injuries which are done to those who would like to profess their religion honestly and freely."

IV

In order that we might clearly understand the doctrine of the Church on the extent and limits of the civil power's duty relating to religious liberty, we must, in a few words, develop the history of this doctrine. Bear with me, Venerable Fathers, if I seem to make more than just demands on your patience. But the Secretariat for Promoting Christian Unity is convinced that many difficulties and confusions can be avoided in the study of the schema if, before the discussion begins, I show very briefly what the Supreme Pontiffs since the time of Pius IX have taught concerning the duties of public authority in religious matters.

On the question of religious liberty the principal document is the encyclical *Pacem in terris*, in which Pope John XXIII especially developed these two points of doctrine: 1. By the law of nature, the human person has the right to the free exercise of religion in society according to the dictates of a sincere conscience (*conscientia recta*) whether the conscience be true (*conscientia vera*), or the captive either of error or of inadequate knowledge of truth and of sacred things. 2. To this right corresponds the duty incumbent upon other men and the public authority to recognise and respect that right in such a way that the human person in society is kept immune from all coercion of any kind (cf. AAS 55, 1963, p. 299, pp. 273-4).

Moreover, this doctrine must be understood as the contemporary terminus of a process of evolution both in the doctrine on the dignity of the human person and in the Church's pastoral solicitude for man's freedom. This doctrinal evolution took place according to a two-fold law:

1. *Law of continuity*: The Church's doctrine and solicitude are always self-consistent, always remain the same. This perennial doctrine can be expressed in the words of Pope John: "The dignity of the human person demands this, that in his actions man should enjoy his own counsel and freedom" (ibid p. 265). This doctrine has its deepest roots in the Sacred Scriptures which teach that man was made to the image of God. From this doctrine stems the continual pastoral solicitude of the Church for man's true freedom.
2. *Law of progress*: The ecclesiastical magisterium adapts, explains and defends genuine doctrine according to the demands of errors which are spread and according to the needs which arise from the development of man and of society. By this progress the mind of the Church is led to search more deeply into doctrine and to understand it more clearly.

In this way, there has arisen in two areas a distinction which no one has explained more clearly than Pope John XXIII in his encyclical *Pacem in terris*: 1. A clearer distinction between false *philosophical teachings* and the *endeavours and institutions* which these ideologies give rise to or nourish. While on the one hand the ideologies are always to be condemned, on the other hand the economic, social and civil institutions which have arisen therefrom can contain something that is good and worthy of approval. 2. A clearer distinction between *errors* and the person who *errs* in good faith. While on the one hand errors must always be rejected, on the other hand the man in error "does not cease to be endowed with human nature, nor does he ever lose his dignity as a person, due consideration of which must always be maintained" (ibid. pp. 299-300).

These two laws of continuity and progress must be kept before our eyes always when the documents of the Apostolic See are read and interpreted.

V

In this way the door is opened to a correct understanding of many pontifical documents which in the nineteenth century treated of religious liberty in such words that this liberty appeared as something that had to be condemned. The clearest example is found in the encyclical *Quanta cura* of Pius IX, in which we read: "From this completely false concept of social rule (naturalism), they do not hesitate to foster that erroneous opinion which is especially injurious to the Catholic Church and the salvation of souls, called by our predecessor Gregory XVI *deliramentum*, namely that the freedom of conscience and of cults is the proper right of each man, and this should be proclaimed and asserted in every rightly constituted society." (ASS 3, 1867, p. 162)

As is evident, this freedom of conscience is condemned because of the ideology of the rationalists who founded their conclusions upon the principle that the individual conscience is under no law, and, therefore, is subject to no divinely given norms. (Cf. *Syllabus*, prop. 3; ASS 3, p. 168). Freedom of worship is condemned also when it is based upon religious indifferentism (*ibid.*, prop. 15, p. 170). Finally, there is condemned that separation of the Church from the State which is based upon the rationalistic principle of the juridical omnicompetence of the State, according to which the Church is to be incorporated into the monistic organism of the State and is to be subjected to its supreme authority (*ibid.*, prop. 39, p. 172).

To understand these condemnations correctly, we must see in them the constant doctrine and solicitude of the Church concerning the true dignity of the human person and his true liberty (law of continuity). For the ultimate basis of human dignity lies in the fact that man is a creature of God. He is not God himself, but an image of God. From this absolute dependence of man upon God there flows every right and duty of man to claim for himself and for others true religious liberty. For man is subjectively bound to worship God according to the sincere dictate of his own conscience (*juxta rectam suae conscientiae normam*) because objectively he is absolutely dependent upon God.

In order, therefore, that his absolute dependence upon God might not be infringed in any way, man must not be impeded in any way by others or even by public authority from freely practising his religion. Therefore, in opposing the philosophical and political tenets of laicism, the Church was fighting for the dignity and true liberty of the human person. In accordance with the law of continuity, then, the Church in spite of changing conditions, has remained consistent both in the past and in the present.

Leo XIII had already started this doctrinal development when he distinguished clearly between the Church, the People of God, and the civil society, a terrestrial and temporal people (cf. *Immortale Dei*, ASS 18, 1885, pp. 166-7). By this means he opened the way to a new affirmation of the due and lawful autonomy which belongs to the civil order and to its juridical dispositions. Because of this, it was possible to take a step forward (law of progress) towards a new judgement on 'modern freedoms'.

These freedoms can be tolerated (cf. *ibid.*, p. 174; *Libertas praestantissimum*, ASS 20, 1887, pp. 609-610). And yet they were to be *tolerated* only. The reason was evident. For at that time in Europe, the regimes which proclaimed the modern freedoms, religious liberty among them, consciously drew their inspirations from the laicist ideology. There was danger, therefore—and Leo XIII sensed this—that the civil and political institutions of this kind of republic, since they were of laicist orientation, would lead to such abuses that they would necessarily do violence to the dignity and true liberty of the human person. In accordance with the law of continuity, what was dear to Leo XIII is always dear to the Church—the safeguarding of the human person.

With the rise of State-Totalitarianism in its various forms, Pope Pius XI brought the pastoral and doctrinal development to a new height. There is no longer any danger, as there was in the nineteenth century, that the false concept of liberty might do violence to human dignity. There is a new danger, that every kind of human and civil liberty, and above all religious liberty, will be destroyed. For this reason, the Church is beginning in a new way to manifest her concern, which through the centuries has never wavered, for human liberty and dignity. With the increase of her pastoral concern, the Church's doctrine continues to develop.

Faithfully observing the law of continuity, Pius XI maintained the unstinting opposition of the Church to anti-religious laicism: "Those things which Pius X condemned we also condemn; as often as there is in 'laicism' any meaning or purpose that is harmful or contrary to God or religion, we condemn laicism, and openly declare that it must be condemned, as alien to God and religion" (*Maximam gravissimamque*, ASS 16, 1924, p. 10).

But observing the rule of progress no less, Pius XI introduced a new distinction which was of great importance for a deeper understanding of Catholic doctrine. He made a distinction between the "freedom of consciences" and the "freedom of conscience". The latter he rejected as "equivocal", as often used by the laicist to signify "an absolute independence of conscience, which is an absurdity in man who was created and redeemed by God"; the former however, "freedom of consciences", he accepted, stating that he would joyfully fight the good fight for "freedom of consciences" (*Non abbiamo bisogno*, ASS 23, 1931, pp. 301-2).

Moreover, Pius XI not only fought for the religious liberty of the faithful, but he was at the same time compelled to show the pastoral concern of the Church on a wider basis. For not only Christian, but human reality was at stake, if we can rightly distinguish between two things that are in reality one.

By the way of new advances, Pius XI developed a truly liberal and Christian doctrine when he taught: "man as a person possesses God-given rights which must remain immune from all denial, privation, or interference on the part of society" (*Mit brennender Sorge*, AAS 29, 1937, p. 159). And he continues in no ambiguous words: "The believer possesses the inalienable right to profess his faith and to practise it in a proper way. Laws which interfere with or render difficult this profession and practice are in contradiction to the natural law" (*ibid.*, p. 160). No one, who understands the condition of the times and the purposes of this encyclical, can fail to understand the universal intent of this statement.

Deeply sharing the pastoral solicitude of his predecessor, Pius XII developed further and expanded his doctrine (law of progress). One thing he kept before his mind, the human person, created by God, redeemed by Christ, yet placed in stringent circumstances and surrounded on all sides by dangers.

In this context of doctrine and pastoral solicitude (law of continuity) must we read the text which in this matter is supreme. Enumerating "the fundamental rights of the person" which must be recognised and respected in every well-ordered society, he repeats the doctrine of Pius XI and vests it with new authority, affirming "the right to the private and public worship of God, including religious *actio caritativa*" (*Nuntius radiophonicus* 24 Dec. 1942, AAS 35, 1943, p. 19).

The Roman Pontiff did not propose this doctrine as a tenuous opinion or as a theory belonging to the schools. On the contrary, he carries the doctrine to its juridical conclusions so that it becomes a principle according to which just limits are placed on public authority: "The chief duty of any public authority is to safeguard the inviolable

rights that are proper to men and so to provide that each one might more easily fulfil his duties (*Nuntius radiophonicus*, 1 June, 1941, AAS 33, 1941, p. 200).

Here we must recall especially the doctrine of Pius XII on the limitation of the State, because it deals with the suppression of errors within society: "Could it be that in certain circumstances He (God) would not give men any mandate, would not impose any duty, and would not even communicate the right to impede or to repress what is erroneous and false? A look at things as they are gives an affirmative answer." Then, having cited the example of divine providence, he proceeds: "Hence the affirmation: religious and moral error must always be impeded, when it is possible, because toleration of them is in itself immoral, is not valid absolutely and unconditionally. Moreover, God has not given to human authority such an absolute and universal command in matters of faith and morality. Such a command is unknown to the common convictions of mankind, to Christian conscience, to the sources of revelation, and to the practice of the Church" (*Circesce*, AAS 45, 1953, pp. 798-9).

This declaration (law of progress) is of the greatest importance for our question, especially if we keep in mind what was in the past held concerning the role of the State.

At the end of this historical development comes the encyclical *Pacem in terris*. This document comes forth as the ripe fruit of a slow process of growth which has taken place within the Church, under the light of the Holy Spirit, throughout the whole of the last century.

Our schema had already been prepared and had been studied by the Central Commission and by the Commission for Coordination when Pope John, on 11 April of this year, published his last encyclical *Pacem in terris*. We believe that our text is in complete conformity with his pellucid doctrine, which was received within the Church and outside of the Church with unprecedented praise.

We now submit this text for your consideration. In the historical conspectus of this doctrine, we have shown that, in the pontifical documents, along with continuity, we must look for a progressive spelling out of doctrine. It is evident that certain quotations from the Popes, because of a difference of words, can be put in opposition to our schema. But I beseech you, Venerable Fathers, not to force the text to speak outside of its historical and doctrinal context, not, in other words, to make the fish swim out of water.

Let our document be studied as it stands. It is not a dogmatic treatise, but a pastoral decree directed to men of our time. The whole world is waiting for this decree. The voice of the Church on religious liberty is being waited for in universities, in national and international organisations, in Christian and non-Christian communities, in the papers and in public opinion—and it is being waited for with urgent expectancy.

We hope that it will be possible to complete the discussion and the approbation of this very brief, but very important, decree before the end of this second session. How fruitful our work would appear to the world if the Conciliar Fathers, with the voice of Peter's successor, could announce this liberating doctrine on religious liberty!

Venerable Fathers, we will add our labours to yours. Our Secretariat will study your emendations most attentively and also with the utmost speed. We will work day and night. But our hope is in the Lord. May Jesus Christ assist all of us with His grace. If at the end of this session He asks of us: "Young men, do you have any fish?", seeing the faith and good will of this Council, He might say to their successors what once He said to the Apostles: "Cast the net to the right of the boat; and you will find..." (John 21: 6).