**The Birth of Human Dignity as a Doctrinal Principle Grounding Religious Liberty:**

**The Hard-Won Emergence of *Dignitatis Humanae* in the Tempest of Vatican II**

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May 18, 2016

*Abstract:*

This paper provides an overview of the development history of the Vatican II conciliar document that would eventually be promulgated as the "Declaration on Religious Freedom: *Dignitatis Humanae*", highlighting the theological and doctrinal concerns raised by the document, which were centered on the Church's understanding of the idea of religious liberty, and demonstrating that the concept of human dignity emerged as the locus of that understanding, providing a ground for the Church to re-define her relationship to the state in the "secularized" environment of modernity, while retaining her a priori commitment to the integrity of the relationship between freedom (liberty) and truth. The paper also provides a summary of the major elements of the Declaration as promulgated. Approximately 4,000 words.

The problem of religious freedom had not been among the many topics proposed for consideration at the Second Vatican Council,[[1]](#endnote-1) but nonetheless became one of the more significant aspects of the Council’s re-alignment of the attitude of the Church toward the world: from one of defensive entrenchment to one of dialogic encounter. Primarily intended as a defense of religious freedom as part of a broader witness to universal human rights over against the social designs of Marxist-Leninist regimes,[[2]](#endnote-2) the text became, according to its American champion, Jesuit theologian John Courtney Murray, the most controversial document of the Council, owing to its underlying implications concerning the legitimate development of doctrine, a theological struggle springing from the relatively recent work of John Henry Newman, which lurked behind much of the entire conciliar debate.[[3]](#endnote-3)

Certainly, the adoption of a stance embracing religious freedom, and renouncing the use of negotiated state protection as a retrenchment technique against religious, cultural, and scientific opposition to the faith, would seem to align the Church to modern realities, fulfilling for its part the general Conciliar desire for *aggiornamento*, and accomplish that through a *ressourcement* of the pre-Constantinian Church’s freedom from profane political encumbrances, all of which, it was hoped, would put to rest the “widespread opinion that the Church was an enemy of freedom”.[[4]](#endnote-4) Indeed, at least in part on account of Protestant experiences in certain Latin American countries, the Council’s stance on the proper relation of the state to religious practice was considered by some “a litmus test of the sincerity of its ecumenical commitment”.[[5]](#endnote-5) Nonetheless, the document would have a rocky ride through the Council.

The initial schema on religious liberty, prepared by the Secretariat for Christian Unity, was accepted by the theological commission by a vote of 18 to 5 on the morning of Tuesday, November 12th, 1963,[[6]](#endnote-6) whereupon it was joined as chapter five to two other drafts, which were cumulatively presented for consideration to the Council Fathers beginning the following Monday as a working draft *On Ecumenism*.[[7]](#endnote-7) On Tuesday, November 19th, a spirited report on chapter five was provided by Bishop De Smedt of Bruges, Belgium,[[8]](#endnote-8) who insisted that the schema’s novel approach to religious liberty did not represent a rupture with traditionally defined doctrine, but rather was in continuity with it through a principle of evolutionary progress or development.[[9]](#endnote-9) He further charged that “The whole world is waiting for this decree.”[[10]](#endnote-10) However, the world would have to wait a bit longer, for although the Fathers voted overwhelmingly on Thursday, Nov. 21st to move forward with the texts of the first three chapters, votes on the more controversial chapters four (On the Jews) and five (Religious Liberty) were deferred, and would not be taken by the time the second session discussion concluded on December 2nd, 1963.

The Council’s third session opened on September 14th, 1964, and on September 23rd, Bishop De Smedt presented a revised draft of the religious liberty schema. Now itself classed as a Declaration, which would be independent of the Decree on Ecumenism, this schema had been improved through the influence of some 380 observations submitted by the bishops, constituting 280 pages.[[11]](#endnote-11) In his report, De Smedt anticipated objections to the use of the term *liberty* instead of *tolerance*, arguing that the document was speaking to something flowing from the nature of the human person as free: situating the intention of the document in something more profound than a pragmatic concession to deficient circumstances. He also conceded the difficulties inherent in consigning to states the function of limiting this personal liberty, as all versions of the document would do, but he insisted that the state is incompetent to judge religious truth, and thus would have no business making judgments on such terms,[[12]](#endnote-12) although this assertion of incompetence seemed to fly in the face of the practice of establishing concordats with secular states.[[13]](#endnote-13)

Discussion lasted only four days, until Monday, September 29th, after which the Secretariat for Christian Unity began preparing another revision, at this point with American *peritus* John Courtney Murray and *Pacem in Terris* ghost writer Pietro Pavan contributing to the formation of the text.[[14]](#endnote-14) This revised draft was brought to the floor on Thursday, November 19th, 1964, the next-to-last day of the third session. Unfortunately, it had only been made available to the Fathers on Tuesday, and given the significant revisions to the text, a vote on the document was deferred until the fourth and final session, much to the chagrin of many Fathers in the majority.[[15]](#endnote-15) One of the significant changes in this revision was the basing of religious liberty in the concept of human dignity, as opposed to earlier drafts which referred to the requirements of man’s divine vocation.[[16]](#endnote-16) Much debate, pulling in multiple directions, had transpired around this or similar distinctions, such as to whether a divine vocation could truly be said to be the basis of a religious judgment that was erroneous;[[17]](#endnote-17) whether a document addressed to the world as a whole shouldn’t revolve around a philosophical or even practical concept rather than a theological one;[[18]](#endnote-18) whether a council of the Catholic Church should be making any pronouncements of a non-theological nature at all,[[19]](#endnote-19) etc.

Many concerns had been raised by now concerning the nature of the relationship between the Church and states, as the document clearly seemed to contradict the Church’s practice of establishing concordats with states to ensure the rights and privileges of the Church, and made what to some seemed a faulty assumption that governments were incapable of judging between true and false religions. While never admitting a genuine equivalence, at the level of social phenomena, the document held the Catholic religion to be one religion among many with respect to the demands of liberty, but seeing as only one religion is the true religion, that one true religion alone has the right to liberty, since genuine liberty is necessarily defined in relation to truth, and cannot be properly understood apart from it. As Pope Leo XIII had expressed it: “Liberty is a power perfecting man, and hence should have truth and goodness for its object.”[[20]](#endnote-20) Thus: error has no rights! As such, opponents argued, the necessity of tolerating error for the sake of the public good should not be confused with an alleged liberty to hold or teach error. Furthermore, it was noted[[21]](#endnote-21) that affirming the legitimate power of civil government to suppress religious liberty for the maintenance of “public order” opens the door to all kinds of abuses. On the other hand, if liberty harmful to the public good must be civilly restricted, then how can the state permit liberty for erroneous religion, which itself impedes and thus harms religious truth, which, after all, is an important element of the public good properly understood?[[22]](#endnote-22)

Other concerns centered on the implications for life in society, such as that the schema’s emphasis on the freedom to act in conformance to one’s conscience was not adequately counterbalanced by the recognition of the duty to seek religious and moral guidance and truth. Bishop Carli of Segni pointedly maintained that the schema was “founded on the affirmation that man has a real natural and objective right to spread his religious and moral ideas without restraint, provided he observes the limits fixed by civil authority”,[[23]](#endnote-23) a notion he termed the canonizing of the subjective, criticizing the document for trying to find “a positive and absolute basis for a basically negative right”.[[24]](#endnote-24) Besides said subjectivism, the schema was accused of promoting other unwelcome “isms” as well, such as agnosticism, pragmatism, liberalism, laicism, and perhaps most dauntingly, religious indifferentism.

Since the first half of the nineteenth century, papal teaching had been confronting erroneous Enlightenment ideas concerning conscience, morality, human reason, soteriology, and religious faith – all of which had coalesced into a creeping religious indifferentism. In his 1832 encyclical *Mirari vos*, Pope Gregory XVI, lamenting the evil, had stated that: “*from this most rotten source of indifferentism flows that absurd and erroneous opinion, or rather insanity, that liberty of conscience must be claimed and defended for anyone.*”[[25]](#endnote-25) Pope Pius IX, in a passage that would go on to quote Gregory, called “*impious and absurd*” the assertion that “*the best constitution of public society and (also) civil progress altogether require that human society be conducted and governed without…any distinction being made between the true religion and false ones.*”[[26]](#endnote-26) Addressing the responsibility of the State to protect its people from evils, Pope Leo XIII declared that: “*the State is acting against the laws and dictates of nature whenever it permits the license of opinion and of action to lead minds astray from truth and souls away from the practice of virtue.*”[[27]](#endnote-27) These doctrinal statements posed serious challenges to the language and ideas of the Religious Liberty schema, and formed the basis for its most significant opposition: that the schema represented a departure from the received doctrine of the Church.

Ultimately, this would prove too great a hurdle for a small group of dissenters, following Archbishop Marcel Lefebvre, who would leave the Church in schism after the Council. The rest of the Church would be left to reconcile the new doctrine with the old, taking as points of departure such explanatory ideas as Newman’s teaching on the legitimate development of doctrine versus doctrinal corruption,[[28]](#endnote-28) and/or identifying the development as non-doctrinal, but rather rooted in prudential policy changes concerning the delegation of the Church’s legitimate authority of religious coercion to states.[[29]](#endnote-29) Analyzed through these or other means of interpretation, it is clear that the Church was saying something new in terms of a thematic reorientation of the status of public authority in the religious sphere, and that the locus of that change was in the proclamation of a kind of universal civil right.

Another modified draft of the schema was brought to the floor at the beginning of deliberations of the fourth session of the Council, on Wednesday, September 15, 1965. By Tuesday, September 21, debate ceased, and the schema was accepted “as the basis for the definitive declaration which will be perfected later”[[30]](#endnote-30) by a vote of 1,997 to 224. The Secretariat revised the text again, which was brought back to the assembly for sectional approvals on October 26 and 27. The final schema was received by the Fathers on November 17th. On Friday November 19, 1965 it was accepted in a final vote of 1,954 to 249. On December 7, the date of the last plenary session of the Council, the final form of the document was approved 2,308 to 70, and promulgated by Pope Paul VI.

Although, like all the documents produced by this Council, Dignitatis Humanae was primarily pastoral in character and sought to apply existing Catholic doctrine to the context of the modern world, it did so while declaring three doctrinal tenets of varying scope: “[1] the ethical doctrine of religious freedom as a human right (personal and collective); [2] a political doctrine with regard to the functions and limits of government in matters religious; and [3] the theological doctrine of the freedom of the Church as the fundamental principle in what concerns the relations between the Church and the socio-political order.”[[31]](#endnote-31)

The promulgated document opens by referencing the historical phenomena of a growing awareness of human dignity, and a related demand from among men for freedom from coercion, especially in acts concerning “*the quest for the values proper to the human sphere*”, [#1] that is, for the “*free exercise of religion in society*”. This explicitly situates the demand for freedom in the social sphere, not in the “private” sphere of the individual, where various modern schools of thought would tend to situate man’s religious element. This distinction is reinforced by the document’s recognition of a concomitant demand of contemporary man for the formal (e.g. constitutional) limiting of governmental powers, in order to protect “*the rightful freedom of the person and of associations.*” These demands the Church declares to be “*greatly in accord with truth and justice*”, and so she places herself at the service of mankind in searching out a way to realize these just demands within society.

In a later part of the document (see #12), the growing recognition of human dignity and the developing conviction within society of the inherent freedom of religion are attributed to the “leaven of the Gospel”, but here the Council simply acknowledges the changing conditions of man in modern society. Nonetheless, the introductory section goes on to re-affirm the Church’s age-old proclamation that God has revealed to man the true and salvific religion, which “*subsists in the Catholic and Apostolic Church*”, and that men are duty-bound to seek truth, to embrace it, and to hold fast to it, but also that truth can only impose itself “*by virtue of its own truth*”, and that it is precisely within the human conscience where such obligation binds.

Thus the Council makes clear in the opening section of this document that by *religious freedom* the Church does not intend to promote or approve any kind of religious indifferentism, but simply a right within civil society to be immune from coercion in the carrying out of religious duty according to the dictates of conscience, duty which is further articulated as being that expressed in “*traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ*.” Thus the Church’s embrace of the free exercise of religion in society can be seen to have as its goal the unfettered worship of God in Jesus Christ according to the Catholic religion, with its social form consisting of individual freedom of conscience embracing truth realized in community, operating within social freedoms entrusted to the protection of governments.

In #2, the Council directly declares the right of the human person to religious freedom, a civil right defined as freedom from being coerced to act contrary to one’s beliefs, and it finds this right in the dignity of the human person, as known through revelation and reason. It defines the locus of this dignity in personhood: “*beings endowed with reason and free will*” and thus in moral agency, which binds human beings to a search for truth, and to the adherence to the truth once known. The discharging of these moral obligations, inherent in human nature, requires “*immunity from external coercion as well as psychological freedom*”.

Since freedom is thus requisite to the very existence of the moral duty constitutive of personhood, the right to religious freedom “*has its foundation not in the subjective disposition of the person, but in his very nature*”, and is thus inalienable, and not contingent upon a correct interpretation of or even a good-faith pursuit of religious truth, with the caveat that the requirements of a just public order be observed. Thus, religious freedom does not facilitate the expression of opinion or even belief so much as the expression of what contemporary society – 50 years after the Council – might call personal identity, at least insofar as search for truth incumbent upon men is fruitful.

In #3, the Council recognizes that the divine law is the “*highest norm of human life*”, and as such, the most perfect means of perceiving truth, participation in which requires that man must freely exercise the search for religious truth so as to grasp it in right and true judgments of conscience. To be truly appropriate to the human condition, the inquiry into truth must not only be free, but is to be freely carried out within the context of human society, availing itself of appropriate helps and guidance. Man is bound to follow his conscience, and thus he cannot rightly be forced to act in a manner contrary to it, nor be prohibited from acting in accordance with it, especially in religious matters, which according to their character pertain to the internal acts by which man conducts his own relationship to God, and thus cannot be subject to any merely human external authority. But while such religious acts themselves are primarily free interior acts, they are carried out by men who are by nature social beings, and thus they properly consist also of external and even communal acts. Such external acts, as genuine expressions of the freedom man rightfully possesses in order to address his creator, must also be immune from civil coercion of any kind. Since religious expression belongs to the order established for individual and communal human life by God himself, governments should protect such expression, yet must also recognize the strict limits of civil authority, and never “*command or inhibit acts that are religious*”.

Thus it follows (#4) that religious communities also possess, as communities, the same right to religious freedom that their members possess as individuals consequent to their moral obligations to truth as human persons. This freedom pertains not merely to pious acts and intentions, but also to proclamation, teaching, and social application of their doctrine, although they must themselves respect the freedoms of others by avoiding coercive or manipulative approaches to doctrinal propagation. The family is recognized (#5) as a particular, fundamental religious community, within which parents possess in particular the right to determine the form of their children’s education in accordance with their own religious beliefs. The government is recognized as having a duty to respect and support that parental right, and to avoid imposing religious or irreligious standards of thought upon children whose parents’ religious consciousness dictates otherwise.

In #6, the Council identifies the protection and promotion of religious freedom, which belongs to “*the inviolable rights of man*”, as being an “*essential”* duty of government, and one owed to all citizens and communities, even in those cases where government may grant special civic recognition to particular religion(s). In #7, the Council addresses the social limits of the religious freedom the state must respect and promote within the parameters of the common welfare, by articulating a four-fold framework for describing the just public order. It requires: (1) “*the effective safeguard of the rights of all citizens*” (2) “*the peaceful settlement of conflicts of rights*” (3) “*adequate care of genuine public peace*” and (4) “*proper guardianship of public morality*”. In conformance to these norms, the state rightly regulates the expression of religious freedom, so that such freedom does not become a pretext for committing abuses against the common good. In #8, the Council addresses a concomitant concern regarding individuals who might be tempted to use the notion of freedom as a smokescreen for disobedience and disorder, by stressing the need for sound education and moral formation in society, and proposing that, in actuality, religious freedom properly aims at facilitating greater fulfillment of personal duties within community.

Beginning with #9, the last part of the document seeks to ground its declaration of the right to religious freedom in revelation – admitting that revelation does not explicitly address man’s immunity from coercion in religious matters, but rather observing that the dignity of the human person which is the foundation of this right is, in revelation, disclosed “*in its full dimensions*”. The necessity of freedom for man’s response of submission to God in faith is identified as “*one of the major tenets of Catholic doctrine*” (#10). Examples of respect for others’ freedom in the ministry of Jesus Christ are provided as models for the actions and attitudes of the Apostles (#11), and thus for the faithful witness of the Church (#12).

The divinely-bestowed salvific mission of the Church is identified as the peculiar ground for her claim to a “*full measure of freedom*”, opposition to which is identified as opposition to the very will of God (#13). While it has already been shown that the individual human person is endowed with a duty to seek and hold fast to truth, the Church herself is endowed with the duty to: “*give utterance to, and authoritatively to teach, that truth which is Christ Himself, and also to declare and confirm by her authority those principles of the moral order which have their origins in human nature itself*” (#14).

In conclusion the Council asserts that: “*in order that relationships of peace and harmony be established and maintained within the whole of mankind, it is necessary that religious freedom be everywhere provided with an effective constitutional guarantee and that respect be shown for the high duty and right of man freely to lead his religious life in society*” (#15).

The most significant question raised by the promulgation of *Dignitatis Humanae* concerned whether or not the unquestionable discontinuity of the document with 19th century Papal teaching on religious liberty constitutes a reversal of doctrine. Both the Lefebvre camp and certain elements with an interest in seeing perhaps other Church doctrine reversed saw the discontinuity as reversal – albeit for very different reasons and with polar opposite views of its propriety.[[32]](#endnote-32) However, it seems clear enough that the social contexts within which these varying statements were proposed are sufficiently different from one another to support the understanding that the language used, though similar in form, referred to substantially different realities, and thus would not form a contradiction. The goal of proclaiming the underlying truth concerning the nature of man, of Christ, and of His Church, remained consistent, though the means for expressing it diverged – even sharply – according to circumstance. As Dulles put it concerning the view of Vatican II: “If the State would simply establish conditions under which the Church could carry on its mission unimpeded, it would do more for the Church than many Christian princes had done in the past.”[[33]](#endnote-33)

By no means should everything said in this Declaration be considered new – the necessity of freedom for the profession of the Catholic faith is hardly a novel idea – but what is new could be expressed as being the role in which the Church places the state in the advancement of her purpose: “For the first time since late antiquity, the state is no longer directed to act as the Church’s agent to enforce and defend her jurisdiction.”[[34]](#endnote-34)

Ironically, this new Church-State model based on *Dignitatis Humanae* has probably strengthened the Church’s position in the world to promote gospel values across the globe, a reality invoked by George Weigel in his assessment of Pope John Paul II’s leveraging of the Church’s accentuated role as champion of universal human rights in the rise and eventual triumph over communism of Poland’s Solidarity movement.[[35]](#endnote-35) Thus, we can perhaps say that the world has already at least begun to realize the fruit sought by the Council in this document’s concluding blessing:

*May the God and Father of all grant that the human family, through careful observance of the principle of religious freedom in society, may be brought by the grace of Christ and the power of the Holy Spirit to the sublime and unending and “glorious freedom of the sons of God”* (#15).

All quotations from the conciliar document taken from: “Declaration on Religious Freedom: Dignitatis Humanae,” in *Vatican II Documents*. Vatican City: Libreria Editrice Vaticana, 2011.

End Notes:

1. Franz König, “The Right to Religious Freedom: The Significance of *Dignitatis Humanae*” in *Vatican II Revisited: By Those Who Were There,* ed. Alberic Stacpoole (Minneapolis: Winston Press, 1986), 285. [↑](#endnote-ref-1)
2. König, 284. [↑](#endnote-ref-2)
3. John Courtney Murray, Introduction to “Declaration on Religious Freedom” in *The Documents of Vatican II*, ed. Walter M. Abbott (Piscataway, NJ: New Century Publishers, 1966), 673. [↑](#endnote-ref-3)
4. Giuseppe Alberigo, *A Brief History of Vatican II,* trans. Matthew Sherry (Maryknoll, NY: Orbis, 2006), 69. [↑](#endnote-ref-4)
5. John W. O'Malley, *What Happened at Vatican II* (Cambridge MA, London: Belknap Press, 2008), 196. [↑](#endnote-ref-5)
6. Henri Fesquet, *The Drama of Vatican II: The Ecumenical Council, June, 1962-December, 1965, t*rans. Bernard Murchland (New York: Random House, 1967), 223. [↑](#endnote-ref-6)
7. Alberigo, 54f. [↑](#endnote-ref-7)
8. Fesquet, 240-243. [↑](#endnote-ref-8)
9. O’Malley, 196. [↑](#endnote-ref-9)
10. Fesquet, 243. [↑](#endnote-ref-10)
11. Fesquet, 336. [↑](#endnote-ref-11)
12. *Ibid*. [↑](#endnote-ref-12)
13. C.f. the intervention of Cardinal Ruffini on Sept 23rd, 1964 (Fesquet, 337); the intervention Cardinal Ottaviani on the same day (Fesquet, 338). [↑](#endnote-ref-13)
14. O’Malley, 218. [↑](#endnote-ref-14)
15. O’Malley, 241. [↑](#endnote-ref-15)
16. Fesquet, 540. [↑](#endnote-ref-16)
17. C.f. the intervention of Fr. Joseph Buckley, Prior General of the Marist Fathers, on Sept 24th, 1964 (Fesquet, 345) [↑](#endnote-ref-17)
18. C.f. the intervention of Cardinal Leger of Montreal on Sept 23rd, 1964 (Fesquet, 339); the intervention of Cardinal Archbishop Ritter of St Louis on the same day (Fesquet, 340). [↑](#endnote-ref-18)
19. C.f. the intervention of Cardinal Ottaviani on Sept 23rd, 1964 (Fesquet, 337f). [↑](#endnote-ref-19)
20. Pope Leo XIII, *Immortale Dei*, 32. [↑](#endnote-ref-20)
21. C.f. the intervention of Archbishop Aramburu of Tucuman, Argentina on Sept 16th, 1965 (Fesquet, 601f). [↑](#endnote-ref-21)
22. C.f. the intervention of Cardinal Archbishop Bueno y Monreal of Seville on Sept 23rd, 1964 (Fesquet, 338). [↑](#endnote-ref-22)
23. Fesquet, 599. [↑](#endnote-ref-23)
24. *Ibid*. [↑](#endnote-ref-24)
25. Henry Denzinger and Karl Rahner, eds., *The Sources of Catholic Dogma*, trans. Roy J. Deferrari (St. Louis, MO: B. Herder Book Co., 1954), 403. [DS 2730; SCD 1613] [↑](#endnote-ref-25)
26. Pope Pius IX, *Quanta Cura*, 3. [↑](#endnote-ref-26)
27. Pope Leo XIII, *Immortale Dei*, 32. [↑](#endnote-ref-27)
28. See, e.g. Avery Dulles, “Religious Freedom: Innovation and Development,” *First Things* No. 118 (Dec 2001). Accessed December 4, 2014, <http://www.firstthings.com/article/2001/12/003-religious-freedom-innovation-and-development>. [↑](#endnote-ref-28)
29. See, e.g. Thomas Pink, “Conscience and Coercion,” *First Things* No. 225 (Aug/Sep 2012). [↑](#endnote-ref-29)
30. Fesquet, 614. [↑](#endnote-ref-30)
31. Murray, 672f. [↑](#endnote-ref-31)
32. Dulles, *ibid.* [↑](#endnote-ref-32)
33. *Ibid.* [↑](#endnote-ref-33)
34. Pink, 50. [↑](#endnote-ref-34)
35. George Weigel, “Dignitatis Humanae: Origins and Unexpected Consequences,” *Communio*. Vol. XL, No. 2-3 (Summer-Fall 2013): 377-382. [↑](#endnote-ref-35)