

Freedom of the Church and Religious Freedom

by A. B. Williams, O.P.

To discuss religious freedom is, in one very real and fundamental sense, to delve into the area of strict mystery. Religious freedom means, at the very least, the immunity of men from coercion in the exercise of religion. Now since the means of coercion in civil society belong first and foremost to the government, or state, the problem of religious freedom is evidently a part of that much larger question which we commonly refer to as "the relation of church and state." From a theological point of view this broader question inevitably takes us into mystery in the proper sense, for the Church, herself, is a mystery. In fact, since the Church on earth is an extension of the Incarnation itself, the church-state problem seems to have as its ultimate theological starting point the very mystery of the Word-made-flesh. This may be brought home more vividly by the historical observation that before the Christian era there appears no distinction between the authority that governed religious matters and the authority that governed other areas of human activity.

This mysterious dimension of our problem will inevitably keep recurring as we go along, but from here on I shall not be directly concerned with it. As we should eventually see, the precise issue of religious liberty can be complex enough in itself; in our present circumstances we are hardly likely to get anywhere with it if we push it back first into the broader church-state problem and finally into the realm of mystery altogether. For my purposes here, I am concerned strictly with religious liberty, that is, the right of men to act free from political direction or coercion in the matter of religion.

The second Vatican Council's *Declaration on Religious Freedom* makes it abundantly clear that this question must be discussed in terms very different from those which formed the context for much of the discussion in the recent past. But this is only half the story. According to John Courtney Murray, the contemporary point of view has set aside the relatively modern framework of discussion, which enjoyed

wide notoriety as the Church's "traditional" view, only to recapture and develop the much more authentically traditional approach that dates from the early Middle Ages. "The Gregorian state of the question," writes Murray, "has been restored to full actuality in our present day; it has also been amplified and adapted in the light of new historical circumstances."¹ Elsewhere he calls the contemporary approach "a renewal of the Gelasian and Gregorian tradition."²

What is this Gelasian and Gregorian tradition of which Murray speaks? The first of these two names refers to Pope Gelasius I (492-496), who gave classic formulation to a general church-state theory first put forward and defended a century earlier by St. Ambrose (d. 397). Gelasius became pope sixteen years after the fall of the Roman Empire in the West, and he was concerned to preserve the Church's independence from the western barbarian kingdoms and especially from the Byzantine emperor in Constantinople. He had inherited a schism between the churches of East and West, a schism to which the eastern emperor's interference in the current Christological controversies had largely contributed. In 494 Gelasius wrote to Emperor Anastasius I rebuking him for supporting Monophysitism, and in this letter he set forth his famous church-state thesis.³

The context of the particular statements which are important for our discussion here is not Gelasius' admonition that the emperor must obey the pope (as anyone who has read the text would admit), but rather his primary insistence that because of the unique sanction which the Church has directly from God, the emperor must leave the Church *free*. He may not "control" the Church, he must refrain from "seeking to bend it to [his] own will." Gelasius was, in truth, vindicating *religious freedom*, which was basically identified with the freedom of the Church. This would become clearer to the Church in later ages, as it should become clearer to us here as we proceed.

The statement of Pope Gelasius had arisen out of a controversy with an eastern emperor. In the West also, the freedom of the Church had to be defended as a check on civil government though here the difficulty arose from different circumstances. After the fall of the Empire in the West the Church had remained the only surviving organized institution, and hence in the gradual reconstruction of society she inevitably became involved in all aspects of social life, secular as well as religious. By the time a recognizable civil authority again came into being in its own right, churchmen were already per-

forming many important civil functions; they could not be easily extricated from such positions without serious harm to the ordinary operations of society as a whole. On the highest levels of government, ecclesiastics were regularly the most important royal functionaries and they held considerable feudal benefices. Under these circumstances kings and emperors were wont to assert a control over ecclesiastical appointments and discipline which was quite understandable from their own point of view, but which nevertheless seriously threatened the Church's freedom to carry out her spiritual mission.

In the eleventh century a reform movement developed with the precise aim of securing the independence of the Church from growing secular encroachments; the slogan of its campaign was none other than *libertas ecclesiae*. Matters came to a head with the celebrated struggle between Pope Gregory VII (Hildebrand) and Henry IV over lay investiture—viz., the practice whereby secular rulers invested bishops even with their spiritual insignia of crozier and ring. It is tempting to dwell on the well-known dramatic events of this episode at the expense of seeing what was really involved underneath it all. The excommunication of Henry, his humiliation at Canossa, his re-excommunication and deposition—all these make for exciting storytelling, but they were only among the historical conditions under which the essential, perennial struggle over *libertas ecclesiae* was being fought.

This should become evident if we give careful attention to certain passages in Gregory's letter to the Bishop of Metz.⁴ Henry is denounced because he "is not only a flouter of the Apostolic [i.e., papal] decrees, but also of Mother Church herself . . . , a shameless plunderer and brutal ravager of the churches." Rulers must not "aspire to bend God's priests to their ways" or "seek to subdue or subjugate Holy Church as a handmaid for themselves"; rather, they must "always embrace and guard justice, observing the rights of each man." All this is evidently in line with the teaching of Gelasius, which Gregory indeed cites in precisely the context referred to earlier. What we have here basically is no power struggle between pope and emperor, but another classic papal defense of the freedom of the Church which fundamentally involved the freedom of religion itself. This explains why Gregory's name is deservedly connected with the principle of *libertas ecclesiae* not only in Murray's writing but in the judgment of historians generally.

The contest over the freedom of the Church continued in the succeeding centuries, not only on the universal level of empire and papacy but on the more local level as well. One particularly famous local episode provides a clear illustration that the issue of *libertas ecclesiae* had a much broader dimension than simply the rights of the ecclesiastical hierarchy. Less than a century after Gregory, in 1170, the murder of Archbishop Thomas á Becket in Canterbury Cathedral ended—to all appearance—the struggle for the freedom of the Church in England. But Thomas was very shortly acclaimed a saint and martyr, not at once by the pope (who for various reasons had given only lukewarm support to the archbishop during the controversy), but first and foremost as the result of an upsurge of popular sentiment. It was the people who saw most clearly that their own hope of remaining free from unrestricted secular power depended on a free Church, and their reaction to the murder did most of all to force King Henry II to abandon his measures for controlling the Church in his realm.

The Becket episode also showed in a practical way the common bond that united all Europeans in the one universal society of medieval Christendom. The horrible outrage in Canterbury Cathedral was not seen simply as the tragic issue of a quarrel between one king and one archbishop; it was seen as a crime against the religious freedom of all men throughout Christian Europe. In the struggle for the freedom of the Church in one realm, freedom everywhere was understood to be involved; and this explains why the shrine of St. Thomas the Martyr retained for centuries a unique popularity throughout Europe. This vision of religious freedom as an essential ingredient of human society universally, transcending regional boundaries, would later be lost from view. Only in our own day has it really been restored and, as we shall see, amplified.

But already in Becket's time, and more so in the following century, we begin to meet complications. A new learning has come to the fore, and both sides in the dispute are calling upon this new learning for fresh arguments to support their respective positions. The new learning I am talking about is the study of law, which on the secular side means the renewal of Roman civil law, and on the ecclesiastical side the cultivation of canon law. It is only fair to note that the Church was the first of the two parties to try to exploit this new learning. We meet an array of popes who were themselves accomplished canonists: Innocent III (1198-1216), Innocent IV (1243-1254), Boniface VIII

at the turn of the fourteenth century (1294-1303), and then the popes at Avignon. And so during this period the older theological argument about the freedom of the Church and the higher prestige of the spiritual order begins to become obscured by new arguments turning on power and jurisdiction. On the secular side, meanwhile, Marsilius of Padua (c. 1270-c. 1342) and others are now renewing the ancient Roman view that religion, along with all other aspects of social life, is under the sole jurisdiction of the state.

We need not rehearse here the well-known process whereby the position of the papacy declined during the later Middle Ages in the face of the rising secular power represented in the emerging national monarchies. Let us just note that in terms of this contest the Protestant Reformation and its aftermath amounted to a conclusive victory for the secular power all over Europe. This victory received its classic expression in the formula ratified at Westphalia in 1648: *cuius regio, illius religio*. The civil ruler was now to decide the religion in his territory; even in countries that remained Catholic, it was the fiat of the prince that was decisive. Here, in the proper sense, we are brought to the phenomenon which we call in modern times the confessional state. Certainly we are a long way from religious freedom as understood either of the early Middle Ages or now.

The French Revolution and the subsequent revolutions in the nineteenth century really did not change the basic post-Reformation outlook in this respect. While the revolutions did in most cases destroy the system of national state churches, the essential notion remained that religion is thoroughly subject to the jurisdiction of civil government. Just as the recently overthrown monarchies had considered themselves competent to proclaim a single state religion, with toleration or persecution of other religions as the case might be, so the new democratic states considered themselves competent to proclaim themselves religiously neutral and to tolerate or persecute any or all religions. Religious freedom was now spoken of, not according to the medieval or the contemporary conception as an independent principle which limited the jurisdiction of civil government, but as something decreed by the civil government itself. Of course, the concrete meaning of this in most areas of revolutionary Europe was that the new states were professing atheism or agnosticism just as the old monarchies had professed the Catholic religion or some denomination of Protestantism.

It should not be hard to understand why the popes of the revolutionary era would condemn religious freedom so conceived as a grant from atheistic or agnostic governments. Unfortunately, however, the sounder theological dimension of the notion of religious freedom—the centrality of *libertas ecclesiae*—had been obscured from view since the Middle Ages; and so the radical revolutionary challenge was answered instead with the basic post-Reformation conception, held commonly by Catholics and Protestants, that it was the prerogative of the prince to promote the cause of religion in his realm.

It remained for Pope Leo XIII (1878-1903) to start the reorientation of the Church's thinking precisely by reviving the Gelasian and Gregorian state of the question. His voluminous writings abound with reference to the freedom of the Church as the central issue. In his *Inscrutabili* (1878) Leo denounces the "new regalism" which renders the Church "subservient to the sovereignty of political rulers."⁵ In *Immortale Dei* (1885) he upbraids governmental policies which aim "either to forbid the action of the Church altogether, or to keep her in check and bondage to the state."⁶ Again, *Libertas* (1887) protests against the new states which "diminish and inhibit [the Church's] authority, her teaching, all her action [and] aggrandize the power of civil government to the point of subjecting the Church of God to its sovereign rule."⁷ John Courtney Murray's research has discovered the phrase "freedom of the Church" or its equivalent some eighty-one times in sixty Leonine documents.⁸

Leo does indeed advocate the confessional state in the sense of a civil society where only the one true religion is officially professed, but he does not refer to this as the "ideal" arrangement and he does not base his advocacy on post-Reformation theories about the prerogative of the prince. Murray argues persuasively that Leo's position here is a practical conclusion conditioned by concrete circumstances: given that the absolute state was and had long been a fact of political life in Europe, it must have seemed that the rights of the Church could only be secured through government protection and cooperation. Many later theologians put this historically conditioned conclusion on an equal level with Leo's doctrinal insistence on the freedom of the Church. Such a transposition is certainly not unique in the history of theology, but it remains quite evidently a mistake—roughly comparable, we might say, to taking the excommunications, interdicts, and depositions

of rulers by Gregory VII and his predecessors as the central, doctrinal elements of their thought.

In our own century, papal teaching has followed the direction of Leo and made new contributions preparing the way for the Second Vatican Council's contemporary position on religious liberty. Pius XI, defending the freedom of the Church against Soviet Communism and German Naziism, was led to affirm explicitly the connection between the Church's freedom and the freedom of the person as such. Against the Communists he insists that "the very good of humanity demands that [the Church's] work be allowed to proceed unhindered"; against the Nazis he claims for the believer "an inalienable right to profess his faith and put it into practice in the manner suited to him," adding that governmental hindrances in this matter "contradict the natural law."⁹ These themes recur in the teaching of Pius XII, who expressly demands "social institutions in which a full personal responsibility is assured and guaranteed," including "the right to worship God in private and public and to carry on religious works of charity"; furthermore, in the aftermath of the Second World War, he is led to see the connection between freedom (for the Church and for human persons everywhere) with "the unity of mankind."¹⁰ Not since the days of medieval universalism has this last point received such strong emphasis from any pope before John XXIII.

Pope John himself, like his immediate predecessors, is firmly in the Gregorian tradition of *libertas ecclesiae* when he insists:

One of the fundamental rights which the Church cannot renounce is the right to religious freedom, which is not simply freedom of worship. The Church claims and teaches this freedom, and for the sake of it she continues to suffer grievous penalties in many countries. The Church cannot renounce this freedom, because it is of the essence of the service which she is bound to render. . . .¹¹

More evidently than any previous pope, however, John is concerned with human freedom as such and with the need for freedom as a special demand of society in today's world which is more and more becoming one. These points come across clearly in his encyclical, *Pacem in Terris*, in a way which convinces non-Catholics unmistakably that the Church's demands for freedom are not simply a matter of self-interest. And in thus showing that the cause of the freedom of the Church is one with the cause of freedom for mankind throughout

the world, Pope John points directly to the Second Vatican Council's *Declaration on Religious Freedom*.

We have seen that the principle of *libertas ecclesiae*, "freedom of the Church," was the framework within which the Church's thinking developed apropos of religious liberty. We have seen further that this development corresponded with the various critical stages in the political and social history of the West, to the point where in the present century, under the impact of atheistic totalitarianism and world war, the last several popes have explicitly identified the cause of the freedom of the Church with the cause of the personal freedom—including, first and foremost, the religious freedom—of human beings everywhere.

Now the question inevitably occurs: just how is the freedom of the Church to be identified with the religious freedom of persons? This expresses essentially the problem which confronted the conciliar Fathers of Vatican II, so let us pursue its dimensions briefly. When speaking of the freedom of the Church as involving religious freedom generally, I have usually been careful to add a qualifying word like "fundamentally" or "basically." Formally speaking, of course, the two freedoms are not the same thing. By "freedom of the Church" we mean properly the freedom of this unique, divinely established society from earthly political control; and since we know of this unique character of the Church only from divine revelation, we are necessarily in the area of Catholic doctrine and theology. On the other hand the dignity and freedom of the human person derive from the natural law, something which is properly a matter for philosophical discussion; and it is this freedom which has come more and more into the consciousness of mankind through the historical development of political and social institutions.

Consequently, when the Second Vatican Council faced the issue of religious freedom it first had to determine what the *scope* of its consideration would be. Was it to take a doctrinal and theological outlook, or was it rather to address itself to a properly philosophical and political matter in terms of concrete conditions in the contemporary world? Granted that the two dimensions could not be fully separated, either the one or the other would have to furnish the main avenue of approach.

The implications of this problem are revealed in the conciliar controversies which developed over the religious liberty issue. In this

light, first of all, we can understand the position of those Fathers who opposed an endorsement of religious freedom in any commonly recognized sense of the term. Their view would correspond to what was often termed in recent times the "traditional" view; but, as we have seen, it really amounted to conferring the status of theological tradition on historically conditioned elements of earlier papal teaching. To these Fathers, evidently, any general approval of religious freedom must have seemed likely to involve a concession to doctrinal indifferentism.

But even among those who favored religious freedom there was a significant divergence of views. One school, while recognizing the political issues involved, saw religious freedom as a formally theological concept. In this outlook religious freedom is essentially something that is demanded by the very character of religious belief, that is, by the freedom that must characterize the act of faith. This would be the approach generally taken by continental theologians, whose articles on the subject bear such titles as "The Freedom of the Act of Faith" (Cren), "The Notion of Truth and Tolerance" (Schillebeeckx), and "Religious Freedom, an Imperative of Mission" (Liégé).¹² The proponents of this view wanted a document that would stress such points as the Christian notion of liberty within the Church itself, the exigencies of the missionary office of the Church in proclaiming the Gospel, the scriptural teaching on the charitable behavior of Christians toward non-Christians and non-believers, and the ecumenical implications of religious freedom.

On the other hand, John Courtney Murray and his school would place greater stress on the historical, political, and social dimensions of religious freedom. In Murray's own words, religious freedom is "formally a judicial or constitutional concept, which has foundations in theology, ethics, political philosophy, and jurisprudence."¹³ This school would not subordinate theological principles to historical contingencies, but it would insist that "the constitutional question. . . is equally as primary as the theological-moral question."¹⁴ Murray defended the advantage of this approach as giving more recognition to the many-sided complexities of the problem, while he criticized the predominantly theological approach as involving three dangers: (1) the danger of arguing abstractly "in a vacuum of historical, political, and juridical experience";¹⁵ (2) the danger of "over-theologizing" to the point of giving doctrinaire endorsement to some particular political

or constitutional set-up (in this case, the legal institution of religious freedom) as "the ideal instance" of law;¹⁶ (3) the danger of "setting afoot a futile argument about the rights of the erroneous conscience."¹⁷ In Murray's preferred approach this last danger is averted inasmuch as the question of conscience is irrelevant to a "constitutional" outlook; civil government simply is not competent to judge whether a conscience be erroneous or not. (We may note in passing that the three dangers Murray mentions seem to have their counterparts in the so-called conservative view to which we have referred.)

In the history of the genesis of the *Declaration of Religious Freedom*, as well as in the final version of the document itself, we can see the tensions between the conservative and liberal positions on the one hand, and between the two different approaches of the liberal view on the other.

The statement on religious freedom was first introduced toward the end of the Council's second session (November, 1963). In its original form it was the fifth and final chapter of the *Decree on Ecumenism*, and it began with a frank assertion of the importance of the religious liberty issue in relations among Christians. After an introductory paragraph pointing out that the rights of individual persons are fully consistent with the rights of God and of objective truth, the statement proceeded with an exhortation to Catholics to show the spirit of the Gospel in their behavior toward non-Catholics, and then went on to declare the following: religious freedom is demanded by the nature of the act of faith, as well as by the dignity of the human person created in God's image and the rights of the human conscience; this freedom pertains to all men, not only Christians; and it necessarily involves the right to public worship and activity. There followed a reprobation of governmental coercion not only in its extreme forms but in its more subtle forms as well. The final two paragraphs called on all Christians to work for societies based on the moral law in the face of a growing materialism, and then admonished that at all events the faithful must be ultimately guided by the rule of charity and must order all their social activity to the building up of the Church and the glory of God (I Cor. 24:5 and 10:31). All of this was said in less than five pages.

The second version, presented at the beginning of the third session (September, 1964), remained within the structure of the *Decree on Ecumenism*. It represented an effort at improvement by expressing

more clearly the notion of religious liberty as connected with the act of belief and by elaborating the rights of religious assemblies. At the same time, it took up more precisely the question of when some governmental restriction on freedom might be justified; and, to avoid all danger of indifferentism or relativism, it pointed out the obligation to form a right conscience. Finally, the last paragraph introduced the observation that religious freedom in society is all the more necessary in our day by reason of the trend toward greater and greater unity among mankind. The mention of the supreme rule of charity and the universal vocation to the one Church was there too, but in a less overt form than before.

After several days of discussion this second document was withdrawn for further revision. The version which appeared toward the close of the third session was half again as long as its predecessor, and for all practical purposes it amounted to a new statement, altogether separated from the *Decree on Ecumenism*. This is the document on which the postponement of final conciliar approval at the third session caused so much acrimony and recrimination even against Pope Paul; but in retrospect, I think anyone who could compare this version with the former one would see the justice of the postponement. The entire structure had been changed, new arguments had been introduced, and it could hardly have been fair to expect quick adoption of it in the very closing days of the session.

As the text now stood, all reference to ecumenism was dropped from the introduction. Instead, the opening paragraphs called attention to the condition of human society in its current state of development, and then explained the unfortunate historical circumstances under which the Church in the nineteenth century had had to reject a secularist notion of religious freedom that really amounted to an attack on the freedom of the Church itself. The last paragraphs of the opening chapter affirmed the necessity of religious freedom as connected with the freedom of the Church.

In the second chapter the actual discussion of the religious liberty problem began along philosophical rather than theological lines; here the rights of the human person and his conscience, the general nature of religion itself, and the incompetence of civil government to judge on religious truth or on the sincerity of conscience were all pointed up as grounds for man's right to religious freedom both in private and in public. The right of governmental restriction in exceptional cases

was also explored here, and in the following (i.e., third) chapter further political and social consequences were examined, notably the right of parents to secure religious education for their children without unjust handicap.

Chapter four then took up religious freedom in the light of divine revelation, and started right off by pointing out that the legal institution of religious liberty is consonant with the freedom of the Church which is hers by divine right and by the necessity of carrying out her mission. The harmony between religious freedom and revealed doctrine was then further shown from the freedom necessary for the act of faith. Then, while it was acknowledged that Scripture does not explicitly teach freedom from civil coercion in religious matters, this freedom was shown to be implied in a more sublime way by the example of Christ and his apostles. The chapter closed by admonishing Catholics to attend always to both the living Word who must be preached and the rights of the human person from whom God expects a free response. The conclusion of the entire text praised the increased consciousness of the need for freedom in contemporary society, and also pointed to the growing unification of the world as a special reason why human freedom everywhere, including religious freedom, is rightly demanded.

This text underwent two more revisions, with a lengthening involved in each case, before it achieved the final form in which we now have it; the declaration as finally adopted is at least two and a half times as long as the first version offered at the second session. The first of the two revisions just mentioned resulted in the following noteworthy changes: (1) the introductory paragraphs on the nineteenth-century background were dropped, on the principle that it would be better to say nothing at all on this point than to risk oversimplifying it; (2) a few phrases were added so as to allow explicitly for a confessional state in circumstances where the national traditions and culture would warrant it, provided that full freedom be accorded to other religions; (3) the order of the theological section was reworked so that first place was now given to the example of Christ and the Apostles, together with an expanded scriptural discussion taking in the general range of salvation history; the act of faith as requiring religious freedom was discussed secondly, as before, and the relation of the whole issue to the freedom of the Church was placed last; (4) the conclusion now contained two additional paragraphs which emphasized that freedom is inseparable from responsibility. Except for the third item (i.e., the

ordering of the theological section) this general structure was retained in the final decree, as can be seen from the outline appended to this essay.

As far as content is concerned, the final statement adopted at the fourth session shows the following important differences from its immediate predecessor:

(1) The subtitle indicates the scope of the pronouncement more precisely by stating that the religious freedom under consideration is a "social and civil" freedom. These two adjectives appear here for the first time in the history of the declaration, and they have been added for the express purpose of showing that the document is not concerned either with a man's direct relationship with God or with the relationship between the faithful and the hierarchy of the Church. This important insertion in the subtitle also reflects something which must have become evident during the foregoing narration of the genesis of the declaration, namely, that the view of John Courtney Murray and his school has been vindicated not only against the so-called conservative position but also against the predominately theological outlook which had been preferred by the continental liberals.

(2) The introduction has a new paragraph asserting that the one true religion subsists in the Catholic and Apostolic Church; that men are gravely bound in conscience to seek the truth and to embrace it once they recognize it; that the ensuing discussion on religious freedom, since it pertains to a social and civil question, leaves untouched the Catholic doctrine on the one true Church; and that the declaration intends to develop recent papal teaching on the limited, constitutional authority of civil government.

(3) On the role of civil government: stronger emphasis is placed on government's obligation to *promote* (not merely allow) the free exercise of religion; the reprobation of state interference is broadened to include not only legal coercion but also *de facto* coercion or discrimination; and the grounds for justified governmental restriction are narrowed so as to leave no possible loophole for arbitrary or tyrannical interference. Reportedly this last improvement was the achievement of conciliar Fathers from Communist-dominated countries.

(4) In the theological section, the language on the freedom of the act of faith is tightened so as to make it clear that the freedom here referred to is psychological freedom and not moral freedom; in other

words, the declaration is saying that a man must make the act of faith in accord with the nature of his free will, not that he is morally free to accept or reject the faith. This precision is accomplished by the substitution of the Latin words *voluntarius* and *sponte* in place of the more ambiguous *liber* and *libere* in the earlier versions.

(5) The opening paragraphs pertaining to the Church have been vigorously reworked so as to state more emphatically that the Church's doctrine has always been faithful to the Christian understanding of freedom, while at the same time acknowledging more frankly that certain episodes in Church history have been contrary to the spirit of the Gospel.

(6) The paragraphs on the freedom of the Church have been improved: first, by adding that this freedom serves not only the Church's supernatural ends but also the goals of secular civilization; second, by explicitly calling for formal, constitutional recognition of religious freedom as being in complete harmony with the freedom required by the Church for her mission of evangelization.

This section on the freedom of the Church is worth quoting here in full, since it serves to tie up all of the foregoing discussion in these past two sessions:

Among the things that concern the good of the Church and indeed the welfare of society here on earth—things therefore that are always and everywhere to be kept secure and defended against all injury—this certainly is pre-eminent, namely, that the Church should enjoy that full measure of freedom which her care for the salvation of men requires.

This is a sacred freedom, because the only-begotten Son endowed with it the Church which He purchased with His blood. Indeed it is so much the property of the Church that to act against it is to act against the will of God. The freedom of the Church is the fundamental principle in what concerns the relations between the Church and governments and the whole civil order.

In human society and the face of government the Church claims freedom for herself in her character as a spiritual authority, established by Christ the Lord, upon which there rests, by divine mandate, the duty of going out into the whole world and preaching the Gospel to every creature. The Church also claims freedom for herself in her character as a society of men who have the right to live in society in accordance with the precepts of Christian faith.

In turn, where the principle of religious freedom is not only

proclaimed in words or simply incorporated in law but also given sincere and practical application, there the Church succeeds in achieving a stable situation of right as well as of fact and the independence which is necessary for the fulfillment of her divine mission.

This independence is precisely what the authorities of the Church claim in society. At the same time, the Christian faithful, in common with all other men, possess the civil right not to be hindered in leading their lives in accordance with their conscience. Therefore a harmony exists between the freedom of the Church and the religious freedom which is to be recognized as the right of all men and communities and sanctioned by constitutional law.¹⁸

In this passage we can hear the voice of a long line of popes from Gelasius and Gregory VII through Leo XIII and on down to Pius XI, Pius XII, and John XXIII. And in it, too, we have perhaps the clearest possible expression of how the cause of religious freedom and the cause of the freedom of the Church are one.

FOOTNOTES

¹ John Courtney Murray, *The Problem of Religious Freedom*, Westminster, Md.: Newman Press, 1965, p. 48.

² *Ibid.*, p. 70.

³ *Pope Gelasius I: Letter to Emperor Anastasius I*, 494. . . . from *Readings in Church History*, ed. Colman J. Barry, Vol. I (Westminster, Md., Newman Press, 1960) fifth printing, 1965, p. 147.

⁴ *Pope Gregory VII: Letter to the Bishop of Metz*, March 15, 1081; (*Ibid.*, pp. 249-250, 254)

⁵ *Acta Sanctae Sedis XXVI* (1893-94) 712.

⁶ ASS XVIII (1885) 171. cf. also: Pope Leo XIII encyclical "Immortale Dei", 1885—Barry, ed., *Readings in Church History*, Vol. III (Westminster, Md., Newman Press, 1965), pp. 96, 100, 101-102.

⁷ ASS XX (1887) 612.

⁸ Murray, *op. cit.*, p. 61.

⁹ Pope Pius XI, "Divini Redemptoris" (1937)—Barry, ed., *Readings in Church History*, Vol. III, pp. 331, 336-337., Id., "Mit Brennender Sorge" (1937); *ibid.*, pp. 375, 377.

¹⁰ Pope Pius XII, *Christmas Allocution*, Dec. 24, 1939—Barry, ed., *Readings in Church History*, III, 381.

Id., *Christmas Allocution*, Dec. 24, 1942—Robert C. Pollock, ed., *The Mind of Pius XII* (New York, Crown Publishers, 1955), p. 67.

Id., *Christmas Allocution*, Dec. 14, 1945—Barry, *loc cit.*, 384-385.

¹¹ *Radio Message*, September 11, 1962; AAS LIV (1962) 682.

¹² Cren in *Lumière et Vie*, LXIX (1965), 36-50. Schillebeeckx and Liégé in *La Liberté Religieuse* (Paris, Centurion, 1965).

¹³ John Courtney Murray, *The Problem of Religious Freedom*, p. 20.

¹⁴ Murray, *op. cit.*, p. 20.

¹⁵ Murray, *op. cit.*, pp. 20-21.

¹⁶ *Ibid.*, p. 21.

¹⁷ *Ibid.*, p. 22.

¹⁸ Vatican II, *Declaration on Religious Freedom*, n. 13 (NCWC translation).