

Catholicism and Religious Freedom: Contemporary Reflections on Vatican II's Declaration on Religious Liberty

Kenneth L. Grasso and Robert P. Hunter (Editors)

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Few of the sixteen documents issued by the Second Vatican Council sparked as much heated debate as the council's Declaration on Religious Liberty, *Dignitatis Humanae* (DH). Prior to the democratic revolution in modernity, religious liberty was not claimed as a fundamental right possessed by each individual human being. Nor, for that matter, was religious toleration raised to the level of a universal principle. At best, religious toleration from time to time was encouraged as a matter of sound, but by no means indispensable, political policy. Liberal democracy, however, institutionalized precisely such a form of toleration and enshrined religious freedom as one of modern democratic man's newly discovered fundamental natural rights. Confronted with the new social and political landscape brought about by the modern democratic movement, the Catholic Church, from the time of the Restoration of 1815 to the years immediately leading up to the issuance of DH, typically addressed the thorny question of religious liberty in terms of the thesis and hypothesis formula. By no means was that formula developed in the abstract. Rather, it grew in large part out of the all-too-real social, political, economic, and religious problems the Church increasingly faced with the continued spread of liberal democracies in the West.

Too often naively identified with an overly romantic, airbrushed image of the theological and political arrangements of medieval Christendom, the so-called thesis represented the ideal situation in which the Catholic Church informed nearly the entirety of public life. Under such an arrangement, governments presumably had an obligation to acknowledge the truth of the Catholic faith, formulate laws that favored the Church, and among other things provide financial support for the Church. The desire for such an idealized arrangement still fuels the dreams of a small—but at times quite noisy—number of contemporary Catholics who nostalgically pine for the return of the “confessional state.” The hypothesis, in turn, recognized the far-ranging series of practical concessions the Church had to make in a social and political world that was no longer unified under one faith and one Church.

It was against this backdrop that DH was formulated and received. To gain something of an appreciation of the undeniable shift of emphasis and approach that the Church took in DH, one only has to note that in the opening of its very first chapter the declaration asserts that the basic “right of the human person to religious freedom must be given such recognition in the constitutional order of society as will make it a civil right.” Appealing to the “dignity of the human person as it is known through the revealed Word of God and by reason itself,” DH affirms a “harmony ... between the freedom of the Church and the religious freedom which is to be recognized as the right of all human beings and communities.”

As the editors of *Catholicism and Religious Freedom* astutely note in their panoramic and extremely substantive introduction, while DH “marks a dramatic expansion in the Church’s teaching on the subject of religious liberty (viii)” and for that reason represents “a pivotal step in the far-reaching development of Catholic social teaching” the Vatican council that promulgated DH nonetheless finally could not agree on the precise intellectual foundations that grounded the fundamental right the document so resoundingly affirmed. The articulation of those foundations, Grasso and Hunt correctly argue, remains part of DH’s “unfinished agenda.”

That this agenda still remains unfinished—and to a remarkable degree unnoticed or, worse still, “largely ignored (xxvi)” by American Catholics—helps explain why a volume like this one is both so timely and so needed. In seeking to begin to fulfill this agenda, the nine essays contained in this collection, as Grasso and Hunt also point out, not surprisingly repeatedly examine and appeal to the work of two thinkers in particular: John Courtney Murray and Pope John Paul II. Murray’s work both before and during the council undoubtedly left its imprint on the Declaration, even if “he was not entirely satisfied with [its] final draft (xxix).” John Paul, while not having a direct hand in DH’s drafting, through “his encyclicals emerged as one of its leading interpreters by insisting on the Declaration’s centrality to the Church’s social magisterium (xxx).”

While the essays in this volume are uniformly solid and to greater or lesser degrees thought provoking, two chapters clearly stand out. Along with the editors’ introduction, they make this a valuable volume for those who want to think about the nature of Catholicism, religious liberty, and modern democracy more deeply. The first is by Father Francis Canavan, S.J. With much subtlety and erudition, Canavan convincingly argues that “what the Church actually changed in DH was the concept of the state on which the previous confessionalist doctrine was based, not its own authority or the duty of its members to uphold and defend that authority” (69). Indeed, for Canavan, the idea of the Catholic Church’s basic ability simultaneously to affirm its own authority and priority in the economy of salvation and the legitimacy of the individual human being’s divinely given *duty* freely to pursue the truth about God essentially flows from the transpolitical nature of Christian revelation. As Canavan rather impishly puts it, Christ did in fact present “his listeners with a clear-cut choice: Either accept his invitation to eternal life or lose it ... he did not advocate civil or criminal penalties for those who rejected the invitation” (70). This, according to Canavan, explains why a series of Catholic thinkers beginning in the Middle Ages with Aquinas and Suarez provided theoretical defenses of a kind of limited constitutional government, “even if all the political implications of that defense for religious freedom were not developed fully by its proponents” (70). I would add that it also explains why Augustine, the first Christian thinker to treat Christianity’s response to the theologico-political problem in a sustained and serious way, forcefully argued that there is no such thing as a distinctively Christian polity. As Canavan implicitly shows, DH reaffirms Augustine’s central point in the *City of God* that the faith and sacramental life extended to man through the Church transcends all regimes, including the modern regime, and is therefore of limited direct practical use to the workings and ordering of political life.

The other essay that shines in this book was written by its editor, Kenneth Grasso. Following a brief review of what DH actually says about religious liberty, Grasso offers a thoughtful and tough-minded discussion of whether Murray's own thought is finally capable of affirming the robust notion of religious liberty envisioned by the document. While he is critical of some of Murray's writings that tend to reduce the state merely to the role of a "night watchman" (179) protecting a minimalist public zone of religious liberty for both individual and groups, he does note that Murray in at least some of his writings also shared this concern. The problem with such a line of argument, as Grasso emphasizes, is that it systematically neglects "the whole subject of the nature and role of the full range of human flourishing" (189). By contrast, "the road to the political theory presupposed by DH indeed must begin with the idea of man's dignity as a person, it necessarily passes through an account of society's pluralist structure" (189).

As helpful as this volume is, the one important thing missing is a sustained, convincing treatment of the exact nature and theoretical grounds of the right to religious liberty announced in DH. Many of the authors in this volume simply assert this right as an established fact, while many others seem to move much too quickly and with too much ease from speaking about religious liberty as a natural or a civil or a human right. Yet, there is a profound difference between saying something is a natural right or that it is merely a civil right that every legitimate regime must acknowledge and support in its upholding of the common good. To their credit, both Canavan and Grasso are aware of this problem. As a result, their essays tend to emphasize DH's claim that because man is created in the image of God and possesses both reason and free will, he has a fundamental duty to pursue the truth about God, and every decent regime has an obligation to respect this truth about man. The question of how to square the duties articulated by natural law with the individual claims articulated by natural or human rights has plagued Catholic social thought for more than fifty years now. The answer to this question, if there is one, no doubt also remains a part of DH's "unfinished agenda."

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