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Roman Catholicism and Religious Liberty

(A review article)

JUST over a year ago, a significant book appeared bearing the title of this article.¹ It presents a minority trend towards religious liberty in the Roman Catholic Church and in effect says to that Church, "Openly declare that this trend is right."

The author of the book, Dr. A. F. Carrillo de Albornoz, is a Spaniard who was formerly a Jesuit serving as general director of the Roman Catholic Movement of Students, with residence in Rome. He left the Roman Catholic Church at the time of the proclamation of the dogma of the Assumption of the Virgin Mary. Well trained in Catholic theology and now an earnest Protestant, he is employed by the World Council of Churches as research associate of its Commission on the Study of Religious Liberty. He is well aware of the fact that the Roman Catholic Church has often been a formidable enemy of religious liberty, but he is convinced that this will not necessarily always be the case.

I

Before dealing with the minority trend towards liberty in the Roman Catholic Church we need to consider briefly the main tradition of that Church.² This is against freedom except where expediency calls for it.

After church and state had been united in the Roman Empire, the church gradually accepted the use of governmental power for the enforcement of religious unity. Augustine developed the theory that "when error prevails it is right to invoke liberty of conscience, but when the contrary truth predominates, it is proper to use coercion."³ For him heresy was worse than murder, since it destroys the soul, whereas murder only destroys the body.⁴ Thomas Aquinas justified the death penalty for heretics by saying that it is more serious to corrupt the faith than to counterfeit money, and if counterfeiters are put to death, with much more justice should heretics be executed.⁵ A firm foundation was laid by theologians for the inquisition and for crusades against heretics.

Few Roman Catholics in modern times have advocated inquisitions and crusades. The leadership of the Church, however, has favoured the use of state power to prevent the spread of heresy and to protect "the true religion."

In 1864 Pope Pius IX made clear in the *Syllabus of Errors* that he was opposed to freedom of conscience, freedom of worship, separation of church and state, civil marriage, and secular education. Among the errors he condemned is the belief that "in the present day it is no longer expedient that the Catholic religion shall be held as the only religion of the state, to the exclusion of all other modes of worship."⁶ Pope Leo XIII in 1885 indicated that his church claims special privileges as the true religion but recognises that in some circumstances a degree of toleration is necessary: "In truth, though the Church judges it not lawful that the various kinds of divine worship should have the same right as the true religion, still it does not condemn those governors of States who, for the sake of acquiring some great good, or preventing some great ill, patiently bear with manners and customs so that each kind of religion has its place in the State."⁷

This seems to support the distinction first explicitly made by Jesuits in 1863⁸ between "thesis" and "hypothesis," though so far as I know no pope has ever used that terminology. The "thesis" is the ideal stand which is to be taken when Catholic principles can be applied. It exists in a Catholic state, that is, a state whose citizens are overwhelmingly Catholic and whose government is friendly to the Roman Catholic Church. In such a situation "error" must not be free to compete with the "truth." The "hypothesis" is a lower, unideal stand which is taken by Catholics when circumstances made it imprudent for them to try to impose their principles. In such a situation "error" may be tolerated as "a lesser evil." The "hypothesis" exists in America, and some Catholics would say in all or most parts of the modern world.

Many Catholics believe that the "thesis" exists in Spain. That nation, more than any other, regards itself as a Catholic state. There, the power of the government is on the side of Catholic unity. The Charter of the Spanish People, proclaimed in 1945, indicates the extent of the religious toleration which may be expected in a Catholic state:

The profession and practice of the Catholic religion, which is that of the Spanish state, will enjoy official protection.

No one will be molested for his religious beliefs, nor for the private practice of his cult. No external ceremonies or manifestations other than those of the Catholic religion will be permitted.

In a Catholic state dissident religions cannot expect freedom of worship. It is not strange that the leaders of the Catholic Church in Spain have sought to limit dissident worship to the interior of

chapels and that they have even connived to close some that had already been opened.¹⁰ An American Catholic textbook on political science says that circumstances in a Catholic state may demand the toleration of dissident worship "carried on within the family, or in such an inconspicuous manner as to be an occasion neither of scandal nor of perversion to the faithful."¹¹

In a Catholic state dissident religions cannot expect freedom of propaganda and proselytism. The American textbook just quoted declares :

Quite distinct from the performance of false religious worship and preaching to the members of the erring sect, is the propaganda of the false doctrines among Catholics. This could become a source of injury, a positive menace, to the religious welfare of true believers. Against such an evil they have a right to protection by the Catholic State.¹²

A recent book on church and state by a Spanish Catholic argues that the Catholic state should come to the aid of the church against heretical propaganda when "in certain circumstances other methods, which are by nature the principal ones, higher and more in keeping with human dignity of susceptibility . . . cannot be used successfully or prove insufficient."¹³ In some cases such as propaganda by Jews, Buddhists, or Moslems within its domain, the Catholic state can ignore what is going on, since it is of little danger, whereas in other cases, such as vigorous Protestant propaganda, the state must intervene. The government should be flexible, sometimes tolerant and sometimes intolerant, supporting the true faith and at the same time avoiding arousing the animosity of people within the nation and on the outside.

In a Catholic state the Roman Catholic Church expects to control education. The proper arrangement is a system of public education which guarantees Catholic instruction for all. The greatest concession which can be made is exemption from Catholic instruction for those whose parents demand it on the basis of belonging to another religion.

The Roman Catholic Church also claims the right to control marriage in a Catholic state. In Spain, since canon law is state law, the only form of legal marriage for Catholics, even in the case of mixed marriages, is that offered by the Church. The stricter Catholics insist that everyone baptized as a Catholic is bound by canon law. Others recognise the right of baptized persons to leave the Catholic Church, and therefore to have civil marriage, but make leaving the Church as difficult as possible.

The situation in Spain with regard to worship, the publicising of non-Catholic beliefs and practices, evangelism, education, and

marriage comes close to the traditional ideal for a Catholic state. In a joint pastoral letter in 1948 the Spanish Catholic hierarchy declared: "Let Catholics of all countries, if they wish truly to be Catholic, if they wish to be faithful to papal teachings . . . be on their guard against ridiculing, as intransigent and backward, the Catholics of Spain or of any other country which has the great fortune of preserving Catholic unity."¹⁴

II

Now we turn to the other side. Some people who regard themselves as real Catholics are advocating full religious liberty. Dr. Carrillo de Albornoz stresses "the momentous importance, within the Roman Catholic Church, of the every day increasing stream in favour of religious liberty."¹⁵

Frenchmen are especially outspoken in favour of religious liberty, but important statements have also been made by Catholics of Germany, Belgium, England, America, Switzerland, Portugal, Spain, Italy, and other lands. They have been published with the "nihil obstat" of Roman Catholic authorities. This does not mean that they reproduce official Catholic doctrine, but it does mean that they have not yet been judged contrary to it. Among the advocates of religious liberty on the basis of Christian principle are members of the hierarchy. Cardinal Feltin, Archbishop of Paris, has said :

Social pressure : spiritual emancipation. Which will win? As a man I cannot tell; as a bishop I am bound to choose. And my choice is freedom. At a higher level than the disputes of the schools and political ideologies, freedom assumes a pastoral dimension. The reason is not exterior and secondary, as if the Church were claiming freedom only to accommodate itself to the taste of the day. Freedom lies at the very heart of Christianity, which seen from without might look like a system, but thought and lived from within is a living bond between persons, a religion of the spirit. Faith is the encounter of a free gift and a free acceptance : a call on the part of God and a conscious and submissive response to God's voice. . . .

Freedom for the sake of freedom, freedom for the sake of approaching nearer to God, such is the Christian order which is ours to promote.¹⁶

Dr. Carrillo de Albornoz concludes :

At any rate, the least one can say about this Roman Catholic position in favour of complete religious freedom is that it is

an "orthodox" doctrine within the Roman Catholic Church, which can be defended with the official "nihil obstat" of the ecclesiastical authority, and which has the favour of many and very important members of the Catholic Hierarchy. For one, Cardinal Ottaviani, who spoke against such freedom (and not without some indirect "rappel à l'ordre" by the Pope), we have several living cardinals who publicly raised their voices in favour of it.¹⁷

The theory of "thesis" and "hypothesis" is condemned by adherents of the present trend towards religious liberty. They insist that religious liberty is not something to be tolerated under certain circumstances as a lesser evil; it is to be practised under all circumstances as a positive good. Unfortunately they have not yet given much attention to precisely what is involved in religious liberty—and some would apparently be satisfied with toleration—but they have given impressive arguments in its favour. Some are philosophical, political, and pragmatic, but the most weighty ones are biblical and theological.

Important Roman Catholic theologians now argue that the dignity and freedom of man as a being created in the image of God with the power of choice call for religious liberty. They dwell much on the nature of redemption and on Christian inner freedom—failing at times to show the connection between these and external religious liberty. They emphasise that love of God must be free and spontaneous, that love of one's neighbour requires respect for his dignity as a person, and that faith must be voluntary in order to be real. In the words of Father Léonard, "A faith that is imposed is a contradiction in terms, not only in relation to God's free will but also in relation to the free acceptance it presupposes in the believer."¹⁸

The Catholic friends of religious liberty also emphasise the sovereignty of God and man's obligation to obey Him. Subjectively they interpret this as the duty to follow conscience, and they insist that every man must be free to obey his own conscience. The German Jesuit, Max Pribilla, declares: "The Church itself will . . . be wise to leave God to decide on the state of conscience of people with different beliefs."¹⁹

But is not all of this contrary to Roman Catholic tradition? The Catholic friends of religious liberty reply that it is contrary to one tradition of their Church but is in harmony with what the Church has essentially stood for through the centuries. They quote Church Fathers, especially those before Augustine, isolated statements by church leaders of later times, and the provision in canon law²⁰ that no one should be forced to become a Catholic

against his will. They point out that there is no "ex cathedra" statement absolutely binding Roman Catholic consciences. André Latreille has written :

The canons of the councils, approved by the Pope, or the pontifical definitions provided with the particular characteristics of universality and solemnity ought alone to bind rigorously the consciences of the faithful. The other documents, encyclicals, letters or declarations aim to orient the thought and the conduct of Catholics in the circumstances in which they find themselves at a given moment; they often contain contingent elements which bear the mark of a certain historical situation and are consequently subject to revision.²¹

Other writers argue that the popes of the nineteenth century did not condemn religious liberty in an absolute manner. They only condemned the false interpretation of it as the sovereign right of the individual reason and conscience to decide matters of faith without any consideration of objective truth and order. It is only natural concludes Yves Congar, that the Church would condemn a concept of liberty "which regarded freedom as a primary and absolute good and defined it without reference to anything else."²² It is also entirely proper to recognise, declare the friends of religious liberty, that it would be much better if religious pluralism did not exist, but the fact is that it does exist.

The popes of the twentieth century, declare Catholic advocates or religious liberty, have faced a new situation and have sought to find a reconciliation between Catholic principles and the new society based on liberty. In 1931 Pope Pius XI wrote : "We are both proud and happy to fight for the freedom of consciences."²³ In 1953, just after Cardinal Ottaviani had defended the Spanish concept of Catholic unity, Pope Pius XII made a speech in which he denied that the principle, "Error has no rights," can be transferred from the metaphysical plane to the plane of state legislation. He said that God permits error and evil and He has not given men or human authorities any unconditional command to prevent religious error or moral evil. He concluded : "The duty of suppressing moral and religious error cannot, therefore, be the final form for action."²⁴

Since Dr. Carrillo de Albornoz's book was published, Pope John XXIII has told the General Council of Catholic Missions that obsolete ideas and prejudices must be overcome so that those separated from the Roman Catholic Church will return to it. He said, "We must go to work with all the goodwill at our com-

mand, overcoming all our old viewpoints and prejudices and laying aside our less-courteous expressions."²⁵

Certainly the popes of the twentieth century are less harsh in their denunciations of heretics than were those of the nineteenth century. Still, they have made no unequivocal statement in favour of full religious liberty for all people under all circumstances. Dr. Carrillo de Albornoz thinks the reason may be that the theologians have not yet finished their work and the situation is not ripe for a decisive statement.

Whether such a statement will ever be made is a moot question. Obviously there are people of courage, intellectual vigour, and sincerity who think that it may be, and they are seeking to prepare the way for it. They may be silenced tomorrow, but in the meantime they speak, and we may be grateful for it. They are our allies in the struggle for religious liberty.

J. D. HUGHEY

NOTES

¹ A. F. Carrillo de Albornoz, *Roman Catholicism and Religious Liberty* (Geneva: World Council of Churches, 1959).

² See J. D. Hughey, Jr., *Religious Freedom in Spain: Its Ebb and Flow* (London: Carey Kingsgate, 1955).

³ M. Searle Bates, *Religious Liberty: an Inquiry* (New York: International Missionary Council, 1945), p. 358

⁴ *ibid.*, p. 143.

⁵ *ibid.*

⁶ Philip Schaff, *The Creeds of Christendom* (New York: Harper, 1919), Vol. II, p. 232.

⁷ *ibid.*, p. 587.

⁸ Carrillo de Albornoz, *op. cit.*, p. 72.

⁹ Hughey, *op. cit.*, p. 145.

¹⁰ At the present time three Baptist churches in Spain are closed with government seals and several others are verbally closed. The Third Baptist Church of Madrid has recently been permitted to re-open.

¹¹ John A. Ryan and Francis J. Boland, *Catholic Principles of Politics* (New York: Macmillan, 1952), p. 317.

¹² *ibid.*

¹³ Francisco Segarra, *Inglesia y estado* (Madrid: Ifiba, 1958), p. 218.

¹⁴ Carrillo de Albornoz, *op. cit.*, p. 60.

¹⁵ *ibid.*, p. 3.

¹⁶ *ibid.*, pp. 14f.

¹⁷ *ibid.*, p. 16.

¹⁸ *ibid.*, p. 34.

¹⁹ *ibid.*, p. 39.

²⁰ Canon 1351.

²¹ Carrillo de Albornoz, *op. cit.*, p. 61.

²² *ibid.*, p. 69.

²³ *ibid.*, p. 74.

²⁴ *ibid.*, pp. 75f.

²⁵ *Baptist Times*, June 9, 1960, p. 1.