

# LA CIVILTÀ CATTOLICA

*Religious Freedom Facing New Challenges: 55  
years after 'Dignitatis Humanae'*

*Felix Körner, SJ*



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The recognition of religious freedom by the Second Vatican Council is generally understood as a turning point.<sup>1</sup> That said, the Council’s 1965 Declaration *Dignitatis Humanae* (DH) left many questions open. Was it only a matter of the Church distancing itself from the assertion that Christianity did not arrive at its truth until it was established as a State Church? What is the significance of a Catholic declaration on religious freedom for other religions? And to whom should religious freedom be granted: to individuals who follow their own consciences, or to religions as communities operating in the public sphere?

In 2019 the International Theological Commission presented a study on this topic: *Religious Freedom for the Good of All. Theological approaches and contemporary challenges*.<sup>2</sup> In this article I present an analysis of the document.

First of all, let us recall that the documents of the International Theological Commission have a distinctive character: they are written by a group of authors. Since these texts are of increasing breadth, it should be remembered that they should be seen as the result of agreements, just like the Council decrees. In the composition of such a work, theological cultures, intra-ecclesial

1.Cf. R. A. Siebenrock, “Theologischer Kommentar zur Erklärung über die religiöse Freiheit ‘Dignitatis humanae’”, in P. Hünemann - B. J. Hilberath (eds.), *Herders Theologischer Kommentar zum Zweiten Vatikanischen Konzil*, vol. 4, Freiburg im Breisgau, Herder, 2005, 125-207 (with an extensive bibliography on pages 208-218).

2.The document *Religious Freedom for the Good of All. A Theological approach to contemporary challenges* was approved on March 21, 2019.

La Civiltà Cattolica, En. Ed. Vol. 5, no. 1 art. 2, 1020: 10.32009/22072446.0121.2 currents and readings of the signs of different times must find a way to converge in a common formulation. In its fundamental concerns and approach, its structural forms and expressions, there will be significant internal tensions that would be absent in a document that was the work of a single person.

The authors – who since 2004 also include women – are well known. This means not only that their names are public, but also that they have been called into the Commission because of their specialist wisdom. Their expertise within the field of theology, is extensive. Therefore, what these documents represent is not the episcopal magisterium, but the academic magisterium; hence, no other authority decides on which issues they should reflect. Rather, the authors show from the very choice of topics what they believe has not been sufficiently taken into account and expressed by the Magisterium.

The goal is to provide conceptual solutions to the questions that are raised and to guarantee them through consistent justification. However, as the Prefect of the Congregation for the Doctrine of the Faith explicitly authorizes the publication of the texts, and obtains papal consent in this regard, the documents of the International Theological Commission are on a higher formal level than any other written document signed by a group of Catholic theologians. It can be said that they have an authority of guidance and orientation.

The document *Religious Freedom for the Good of All* was published by a subgroup of 10 people, members of the current International Theological Commission. It is openly non-exhaustive (cf. No. 13), but nevertheless goes into great depth: the text is five times longer than the conciliar declaration *Dignitatis Humanae*, which dealt with the same subject.<sup>3</sup>

The document is presented as a theological-hermeneutical reflection (cf. No. 12). In fact, it follows a hermeneutical methodology in two respects: on the one hand, the objective is to enter a new phase in the history of the reception of *Dignitatis*

3.It is now published on the Vatican website ([vatican.va](http://vatican.va)) in multiple languages, including [English](#).

*Humanae*; on the other, this is done by arguing that religious freedom is actually to be considered at two different levels, namely, as personal and social freedom. In addition to the declared application of theological hermeneutics, the document also recalls other approaches; in particular, philosophical and theological anthropology, and a sort of political-ecclesiological sociology. Even so, most of the quotations come from the Magisterium of the Church.

Since the document chooses as a starting point a re-reading of *Dignitatis Humanae*, this will also be our starting point in commenting on it. For this purpose five questions are useful:

1) How did the authors, in 2019, judge the relationship between the pre-conciliar and the conciliar position of the Church with regard to religious freedom in terms of the *history of doctrine*?

2) How does the new document see the *history of the ecclesial effects* of the Council declaration?

3) What *justifications* for religious freedom does the International Theological Commission find in the Council's declaration? The answer to this question will in turn reveal the main interest of the new document.

4) In its *diagnosis of the present*, what new problems does the Commission see compared to 1965?

5) In this context, finally, are the authors providing a correct reading of *Dignitatis Humanae*?

#### *A change of emphasis: Rereading 'Dignitatis Humanae'*

The declaration of Vatican II on religious freedom was welcomed as a turning point, but there were also those who rejected it as a break with tradition. How do the authors of the International Theological Commission describe the relationship between the pre-conciliar vision – which often involved the concept of a State Church – and the doctrine of the Council? On this point, the document presents a wide range of no less than seven elements relating to the history of the doctrine: *Dignitatis Humanae* shows a “maturation of the Magisterium's understanding,” an “homogenous evolution of the doctrine,” a “substantial progress in the Church's understanding,” a “more

profound understanding” of the character and implications of the Christian faith, a “new perspective,” and a “different attitude regarding certain inferences and applications of the previous Magisterium” (No. 14). Finally, the document quotes the brief formula with which Benedict XVI intended to resolve the question whether the Council had broken tradition or had overseen its evolution: its texts are to be understood according to a “hermeneutics of reform” (No. 27). Here the reform must be understood in the double sense of change through a return to the sources. In fact – to paraphrase the idea – Christianity is not faithful to tradition when it remains rigidly attached to it, but when the Church acts anew as *elucidating* the tradition of faith.

The first Christian thinkers had already expressed the intuition that faith is part of our reality, and therefore no one *can* impose it from outside, let alone *must* do so. *Dignitatis Humanae* refers in this regard to the Latin patristic literature (see DH, note 8), and the document we are studying uses the formula: “While God calls all people to himself, he forces no one” (No. 27).

In the context of its rereading of *Dignitatis Humanae*, the document does not limit itself to juxtaposing scattered quotes from the Magisterium, but rather offers a brief history, so to speak, of recent popes and their reception of the Council’s declaration.

Paul VI is presented as an interpreter of religious freedom in the light of a threefold theological-anthropological element: as human persons we have a spiritual dimension “that makes us capable of entering into temporal and transcendent relationships” (No. 23).

John Paul II focused more explicitly on the social dimension and asked for adequate juridical protection for religious freedom, citing the reason that all other freedoms oriented to the common good are based on it: only religious freedom, with its fruitful tension between freedom and responsibility, opens to the human person the true space of freedom (cf. No. 24).

Benedict XVI set out some concerns that play a fundamental role in this document. He noted that religious freedom is still threatened by three tendencies: by discrimination based

on religious affiliation; by potentially violent and sectarian fundamentalism; and by manipulative and ideological secularism (cf. No. 25). The document repeats several times the formula that Pope Benedict used to describe good mutual recognition between the secular state and religion as regards the contribution of the former to society: “positive laicity” (Nos. 25; 65; 86).

Finally, the authors mention the contribution of Pope Francis to the history of religious freedom according to three points. First, he recalls the truly innovative, motivating force of religion; then the victims, indeed the martyrs of religious freedom; finally, cooperation beyond religious boundaries (cf. No. 26). These are three aspects that the authors will return to later (cf. Nos. 48; 81; 77).

According to the International Theological Commission, how did *Dignitatis Humanae* justify religious freedom? It did so by referring to four disciplines: theological anthropology, theological epistemology, a general theology of religion, and political ecclesiology.

From the point of view of theological anthropology, the document assumed the “integrity” (No. 18) of human life: what one has inside must be able to be expressed outside; therefore, the judgments of conscience, including religious beliefs, must be guaranteed their public status.

The second justification for religious freedom was the epistemology of *Dignitatis Humanae*. The truth must be sought and, since human beings are social beings, this search must be carried out at the social level: in communities, starting with the family, and then through publicly accessible institutions. Consequently, the state and society must allow the believer to act as a participant in such collective opportunities to seek the truth. The Commission does not make explicit the implications already known to the Council Fathers. In concrete terms, the fact that humanity, including the Christian community, can and must continue to seek the truth even after the completion of the New Testament, and that therefore finding the truth, including religious truth, is a historical process. But the document explicitly states that the search for truth requires “dialogue” (No. 19). With

this term the International Theological Commission emphasizes that, in order to acquire knowledge, we must meet the other and thus put ourselves into play. Dialogue is the desire to look beyond one's own limits, to question oneself and to find solutions that can be shared.

Thirdly, according to the reading of the International Theological Commission, *Dignitatis Humanae* invoked a general theology of religion when the Council justified religious freedom with the idea that public manifestation is part of the essence of religion (cf. No. 20). Therefore, not only does the human being need visibility, an external sphere that goes beyond the interior (cf. No. 18), but religions also have such a need to express themselves publicly.

The authors of the document recognize in *Dignitatis Humanae* a fourth justification, which derived fundamentally from a consideration of political ecclesiology, and therefore of constitutional law that refers to religions. Initially, only a cautious reference is made to this justification, but it will become the *leitmotif* of the entire document. "The fourth argument [...] concerns the limits of purely human, civil and legal power in matters of religion" (No. 21). But the text immediately recognizes that believers must also exercise constant self-control, because not every form of religious self-assertion is justified. Rather, in all their public activities religious communities must ask themselves whether they are preserving justice and peace; in other words, whether they are serving the common good.

In this way the authors show the concern that is at the heart of the document: the state's action must not intrusively limit religious freedom, since – and to the extent that – religion serves the common good.

But if all this can ultimately be drawn from the Council declaration of 1965, what need is there for a new text on religious freedom? And why does the relationship between an intrusive state and religion oriented toward the common good play a fundamental role in it? The answer to these two questions is: because times have changed. "*Dignitatis Humanae* was approved in an historical context markedly

different from that of today” (No. 1); the Commission considers the new situation in which the Church’s request regarding religious freedom and its promotion is posed. For this reason, in several passages, the text presents a diagnosis of the current religious situation.

*A diagnosis of the present: Religious freedom in a changed context*

According to the document of the International Theological Commission, the context has changed since 1965 and is now characterized by the fact that the “religion” element has taken on a new meaning. The document states that this has taken place in three ways: religion in plurality; religion against neutrality; religion as a problem. What is specifically referred to here?

A first change noted is the evident growth of religious *plurality* (cf. No. 9). If in the 1960s this was barely visible, today the majority of humanity lives in multi-religious contexts (cf. No. 10), perhaps because the composition of world population has changed, for example because of migration (cf. No. 68), or because of the decrease, in numerical terms, of identification – practiced and felt – within a particular religion and religious community. But changes in the legal situation and cultural self-understanding of peoples may also have contributed to this phenomenon.

Here appears a second meaning of social transformation in relation to religion, which again touches on the main concern of the text. According to the authors’ perception, religion is increasingly considered a private matter to be excluded or marginalized from the public sphere. Therefore, the diagnosis presupposes religious-ethnic *neutrality* (cf. No. 11).

Thirdly, and to a much greater extent than 55 years ago, today religion is perceived as a *problem* (see No. 2). In part this is traced back to the phenomena of fundamentalism. This observation leads in turn to three questions: How do such fundamentalisms arise? How can intellectual arguments counter them? And, above all, how do our present cultures justify religious freedom?

Rightly, the document associates the discourse of freedom with the history of human rights, and therefore with secular-

humanistic and individualistic-pluralist currents. But it also recalls that they derive from Christian anthropology, according to which every individual, as a human person, has the same dignity and must therefore have the same rights (cf. No. 3). This cautious observation may express regret that the cultural influence of Christianity today is often less in evidence, and this is also because religion is too hastily thought to coincide with the fundamentalist dimension. For this reason the authors briefly discuss here the origin of fundamentalism (cf. No. 4). Appropriately distinguishing fundamentalism from the simple “return to traditional piety,” they realize that it can develop as a reaction to the liberal state: either because it offers little orientation (“relativism”), or because it claims excessive power to orient, pushing religion out of the public sphere (“soft totalitarianism” No. 4). The International Theological Commission recognizes, in this regard, the existence of both religious and anti-religious fanaticism (cf. No. 5).

Already in this first section we note the main concern of the document, and also a solution: an effort is required from the theorists of neutrality and from religious communities to find common ground. Liberal cultures, which tend to consider religions fundamentally irrational and ideological, should overcome this prejudice and look more closely at them; meanwhile, religion should also learn to “seek to explain clearly its own vision of the ability of peoples to live together” (No. 7).

At this point the authors make an important statement: the use of political power to spread the faith is not Christian. Rather, evangelization today should be implemented through “the positive valorization of a context of religious and civil freedom of conscience,” which does not impede the proclamation of the faith, which should not take place through power, such as state power, let alone through forced imposition (cf. No. 8). The authors of the document justify this position with the openness of the Christian faith to every encounter with human-cultural truth.

We can therefore ask ourselves whether the International Theological Commission in 2019 interpreted the 1965 Declaration in an appropriate and balanced way. In other words,

is it a correct reading? The choice to highlight Christianity as a particularly rational religion (cf. No. 8) is problematic because it leads one to think that the rationality of Christianity is a unique characteristic. And this risks reducing the relationship of Christianity to history and putting other religions in a subordinate condition, implying they are less rational.

If the Commission insists on the rationality of Christianity, it evidently does so because of its fundamental concern: a religion that wants to be publicly recognized and effective considers itself prepared to participate in the public debate. On this point, the main guidelines of the Commission do not exactly follow DH's theological anthropology, centered on the principle that the human being is a person, and therefore has the right to freedom of conscience. Rather, the Commission defines personality in the tension between individuality and relationality (cf. No. 35). On this point, it does not embrace the theological epistemology of DH 10: "The act of faith is by its very nature a voluntary act." Instead, as I have already said, it emphasizes more the link between the inside and the outside (cf. No. 18), the search for truth that is necessarily a social-communitarian quest (cf. No. 19) and the particular rationality of Christianity (cf. No. 8).

The Commission's reading is therefore not inexact, but clearly oriented; it depends on the socio-political accentuation of the document; it does not want to be limited to the individual.

*A relationship involving a distinction: Religious community and state*

The document calls for mutual recognition between the state and religious communities. This approach to constitutional law in relation to religions rejects any form of "political monophysitism" (No. 61). *Civiltà Cattolica* had already introduced this formula into the debate over 30 years ago,<sup>4</sup> rejecting what that term indicates.

The document of the International Theological Commission considers all the political forms in which the

4. See "Fede e politica. Né confusione né separazione, ma distinzione e rapporto reciproco", in *Civ. Catt.* 1987 II 521-532.

power of God and the power of the state replace one another, and rejects them as not interchangeable. Such an attempt at substitution can take the form of both theocracy and state atheism. In both cases the duality of the spheres of faith and politics would remain blurred. Instead, it is desirable that there should be a distinction between religious independence and political power. Distinction, however, does not mean separation, because the document states – in line with the constitution *Gaudium et Spes*, No. 76 – that the goal is also “cooperation” (No. 60) between political communities and religious communities. On this point it does not limit itself to an assertion, but also provides the reasons for it: in particular, it refers to two philosophical currents of thought that are rarely mentioned in Magisterial writings.

Firstly, a reflection by Paul Ricœur is presented. In the first volume of *Temps et récit*, the French philosopher considers the effect of narratives and recognizes their formative role with regard to identity consciousness and the dignity of the person, but also warns against the abuse of these narratives. A society must be careful not to rely solely on the *national narrative* (cf. No. 48), because this very easily leads to ideas of superiority and exclusion. Beyond a foundational national narrative, society therefore needs to enrich its essential history through narratives that explain diversity, differentiation and distance, both on a private and universal level; it also needs the traditions of individual families and those stories that describe the whole of humanity as one extended community. And it is mainly religions that provide these elements.

Another philosophical current to which the document refers comes from Charles Taylor. In *A Secular Age*, the philosopher observes a change in the role of religion in societies (see No. 62). Religious belonging, he writes, has become an option, like belonging to a recreational circle, to paraphrase his observation. Taylor points out that at the origin of this comparison there is an inadequate transposition: if modern political theory has fought for the equality of citizens, this means that every individual must have the same rights of protection and participation in relation to the state. But in several countries there has been a shift

toward a different demand for equality and democratization, i.e. that all groups in civil society must be treated equally and that common values must become normative at state level with majority rule. Taylor critically examines this change in the meaning of equality and participation: the state is not indifferent as to whether someone, for example, is passionate about *Star Wars* or whether they are looking for “the kingdom of God and his righteousness” (*Matt* 6:33); one cannot have recourse to the people’s vote when fundamental values are involved. This would imply the state becoming, willingly or not, “ethically authoritarian” (No. 62).

*Discernment: A critique of the terms*

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The authors of the document are aware that in today’s societies religion is often more feared than welcome. People are deeply aware of crimes committed in the name of religion (cf. Nos. 4; 25; 82). Obviously this fuels the idea that religious freedom is also a danger to humanity. If the state does not intervene to tame and civilize this extremely dangerous factor, namely, religion, no one else can do so.

The document addresses this problem using the concept of “discernment” (No. 70). Not everyone is familiar with the meaning of this term. Discernment is the art of listening with prudence even in unclear situations, and of deciding in the light of the good of all rather than according to particular interests, in the hope that in this way the will of God will be recognized and fulfilled. Therefore, what the authors of the document offer with the concept of “discernment” is actually a criterion: “every one of the active religions in a society must be willing to ‘present itself’ before the just demands of the reason that is ‘worthy’ of men and women” (No. 70).

But what are these requirements? Here the document uses a single formula as an example: “the peaceful reciprocity of religious rights,” and it explicitly refers to freedom of conversion. What exactly does this mean? The document does not go beyond this mention, but it is clear what it refers to: in Saudi Arabia, for example, Muslims cannot convert to Christianity, under penalty of death, while in Europe any change of religion

does not involve punishment, including, of course, the case of a Christian who wants to convert to Islam.

This fact should be mentioned in international discussions and justifies the demand for religious freedom. However, the request for reciprocity is problematic: no country with a Christian tradition can deny rights to its Muslim population with the justification that some states with a Muslim majority do not grant such rights to their Christian population. The Muslim population, for example, in France is neither the legal representative of other countries nor a hostage of the French government. Of course, one can and must explain the “rational request” for religious freedom to those who are responsible for making decisions in those countries, but this request is valid regardless of any *de facto* or *de jure* situation. Therefore, the point is not really the reciprocity of a certain generosity, but of religious freedom as a human right to be universally guaranteed.

As the reflection on the criteria has come to a critical point, let us now consider two other formulations that can be criticized. In fact, the Commission uses some terms that may encounter legitimate rejection in various cultures.

The expression “positive laicity,” which the document repeatedly praises as balanced, is not beyond criticism. In 2008 Benedict XVI used it in his response to the speech of French President Nicolas Sarkozy. What do these two terms mean? The adjective “positive” should not be understood in the sense of the philosophy of law, as if it meant something similar to “dogmatic, normative.” Rather, here it is used in the common linguistic sense of “appreciable,” which can expand in the direction of “value”: the state recognizes religion as “positive,” that is, as a welcome and constructive sphere of influence. And the term “laicity” indicates not so much distinction as mutual separation between state and religion. But neither Benedict nor the document would want this, nor would such a separation guarantee true religious freedom, i.e. allowing religious communities to participate in the activities of society and culture. What the document means by “positive laicity” is rather the concept which in terms of civil law affirms a “benevolent laicity” toward religions.

Secondly, when the document expresses concepts such as the “humanistic” attitude (see, for example, Nos. 68; 75), the Commission’s opinion on humanism is not always clear. Every political program usually proclaims humanity as a fundamental value; but what is “human”? The slogan of “humanism” is also used by those aggressive and substantially atheistic currents that want to abolish any constructive cooperation – characterized by mutual recognition – between religious communities and the state, declaring it an unjust privilege accorded to faith. And here let me state that, if in this study of the text I criticize some of its terms, I do so in order to show where, according to the linguistic expressions of various cultures, the document could encounter difficulties of reception, not due to a substantial rejection, but to simple misunderstandings.

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Let us add one last remark on terminology. When the Church’s proclamations and reflections, even in the public sphere, speak of “conscience,” “freedom,” “humanity,” “human dignity” and “common good,” this does not mean it is employing a vocabulary that the Church and society have in common. The ecclesial voices, in these cases, do not pronounce words that are purely “worldly”; and it is not enough to remind readers that today’s cultures owe many of these ideas and formulations to the important cultural mediation of Christianity (cf. No. 3). Rather, the proclamation of the Church, her witness to life and her theology can continually remind people that the Christian conception of these fundamental categories is in permanent dialogue with them. Christian witness always seeks to question other interpretations of these terms, in order to continue to enlighten and enrich them. Naturally, by doing so, theology declares itself willing to engage not only in inculturation – that is, to contribute to the formation of cultures – but also in cultural exchanges (cf. No. 28): it is itself open to learning from other conceptual histories, other traditions and other experiences.

In the document, the authors also suggest a third field of the effects of religious freedom. *Dignitatis Humanae* presented a theory of religious freedom based rather on individual ethics, developed in the light of the concepts of conscience and

personality; in other words, it put personal religious freedom first. Now the document also develops, and more markedly, the right of the religious community to act as a determining factor in the public sphere, i.e. a concept of religious freedom based on social ethics. And the Commission applies this principle not only to Christianity, but also to other religious communities, because “Christianity does not enclose the history of salvation within the confines of the history of the Church” (No. 83).

The text also briefly mentions a third area: beyond the individual and the social sphere, religious freedom also challenges the internal culture of religious communities. How to deal with the criticism – at the official level and among the members of the communities – and the lack of understanding of differences among their brothers and sisters in the faith? “One does not treat the application of religious freedom with respect to other religions alone. This question also demands a critique of one’s own religion” (No. 80).

In conclusion, the authors of this document have presented a text at a high theoretical level, which does not uncritically exalt Christian history (cf. No. 83), and yet, with solid reasons, demands a new appreciation of religion on the part of the state and society, as well as the recognition of religious communities as collaborators with the entire community. The fundamental idea is not only that the Church must invoke freedom of religion and conscience, but rather that it is the state that acts as guarantor. The main reason is that religions, and the freedom granted to them to participate in the formation of the world,<sup>5</sup> are at the service of the common good.<sup>6</sup>

5.Cf. F. Körner, *Political Religion. How Christianity and Islam Shape the World*, New York, Paulist, 2020; Id., *Politische Religion. Theologie der Weltgestaltung – Christentum und Islam*, Freiburg, Herder, 2020.

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