

Benedict XVI's "Hermeneutic of Reform" and Religious Freedom

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I. Continuity or Rupture: How Did Vatican II Understand the Church's Relation with the Modern World?¹

IN A notable Christmas message given before the Roman Curia on December 22, 2005, Pope Benedict XVI cautioned against a widespread interpretation of the Second Vatican Council which would posit that the Church after the Council is different than the "preconciliar" Church. Benedict called this erroneous interpretation of the Council a "hermeneutic of discontinuity and rupture."

¹ The present article first appeared in German in *Die Tagespost* 115 (26 September 2009): 14, and online at KATH.NET, 28 September 2009 (www.kath.net/detail.php?id=24068). A Spanish translation of the article appeared in the Appendix I of M. Rhonheimer, *Cristianismo y laicidad: Historia y actualidad de una relación compleja*, Ediciones (Madrid: Rialp, 2009), 167–79. The version presented here includes the text of that article in its entirety, expanded and provided with an appendix, which deals with specific questions concerning the continuity and infallibility of the ordinary universal magisterium, questions inherent to the problem discussed here. This expanded version was first published in French as "L'«herméneutique de la réforme» et la liberté de religion," in the French edition of *Nova et Vetera* 85 (2010): 341–63 (online: www.novaetvetera.ch/Art%20Rhonheimer.htm) and in a slightly abridged version in *Die Neue Ordnung* 65, no. 4 (August 2011): 244–61. Parts of these texts were previously published online also in English: chiesa.espresso.repubblica.it/articolo/1347670. Compared with the version of the French edition of *Nova et Vetera*, this complete English version is slightly updated, including at the end a further response to a critic from the ranks of the Society of St. Pius X.

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The warning was enthusiastically taken up by Catholics plainly faithful to the Magisterium of the Church with the opinion spreading that, in his speech, Benedict had opposed the “hermeneutic of discontinuity” with a “hermeneutic of continuity.” Robert Spaemann also seems to have understood it this way, as the idea seems to him consistent with current efforts at harmonization in the area of religious freedom, efforts which defend the existence of an uninterrupted continuity between pre- and post-conciliar doctrine.²

This understanding, however, is unfounded. In the Pope’s address, there is no such opposition between a “hermeneutic of discontinuity” and a “hermeneutic of continuity.” Rather, as he explained: “In contrast with the hermeneutic of discontinuity is a hermeneutic of reform . . .” And in what lies the “nature of true reform”? According to the Holy Father, true reform is found “in the interplay, on different levels, between continuity and discontinuity.”

1. *The Relationship with the State*

“Continuity,” therefore, is not the only hermeneutical category for understanding the Second Vatican Council. The category of “reform” is also necessary, a category which includes elements of both continuity and discontinuity. But as Benedict emphasized, the continuity and discontinuity are “on different levels.” It is important, therefore, to identify and distinguish these levels correctly.

On this point the Pope first asserted: “The council had to define anew the relation between the Church and modernity”—and in two regards. First, regarding the modern natural sciences. “Secondly, the relation between the Church and the modern state had to be newly defined: a state which gave space to citizens of different religions and ideologies, acting with neutrality toward those religions, and which assumed responsibility only for guaranteeing the orderly and tolerant cohabitation of citizens, and the freedom to practice their own religion.” It is clear, Benedict continued, that regarding the Council’s teaching, “in all of these areas, which as a whole represent a single problem, there could seem to be a certain discontinuity; and in a certain sense, there was discontinuity.”

² Cf. *Die Tagespost*, 49 (April 25, 2009), 5. Some months later Robert Spaemann further specified his position in an article appearing in the *Frankfurter Allgemeine Zeitung*. Cf. R. Spaemann, “Legitimer Wandel der Lehre,” in *F.A.Z.* 228 (October 1, 2009), 7. Spaemann also speaks of a “change of magisterium,” specifically in analogy with the change of the Church’s doctrine on usury and the interdiction of the corresponding practice of lending for interest. The actual relevance of that analogy, however, seems doubtful to me.

At the same time, it can be said that, “in principle, nothing of continuity was given up.” Thus: “Precisely in this interplay on different levels between continuity and discontinuity lies the nature of true reform.”

Benedict XVI then gave as an example of the “hermeneutic of reform” the understanding of the conciliar teaching on religious freedom, as though in anticipation of the current debate. In doing so, he made precisely that separation of the “different levels” that the preconciliar magisterium, for very specific theological and historical reasons, had been unable to accomplish. Gregory XVI and Pius IX—to mention just these two popes—considered that the modern fundamental right to freedom of religion, conscience, and worship was necessarily joined to the denial of the existence of a true religion. They thought this because they could not conceive that, since there was religious truth and there was a true Church, these should not also receive the support of the state-political order and the civil legal order. It is also true that many of their liberal opponents used precisely the opposite argument to defend religious freedom: such a freedom must exist, because there is no true religion.

The liberal view held that the state had neither the competence nor the obligation to assure the prevalence in society of the true religion, which contrasted with the traditional idea of not conceding to other religions the right to exist, but at most only tolerating them within certain limits. Similarly, the liberal view held that the state must not, in service of the true religion, place limits on freedom of press and expression through state censorship, which to the nineteenth-century Church was tantamount to a denial of the unique truth of the Christian religion, and to both “indifferentism” and “agnosticism.” In the preconciliar magisterium, therefore, the doctrine on the unique truth of the Christian religion was linked to a doctrine on the function of the state and its duty to assure the prevalence of the true religion and to protect society from the spread of religious error. This implied the ideal of a “Catholic state,” in which, ideally, the Catholic religion is the only state religion and the legal order must always serve to protect the true religion.

Precisely here lies Vatican II’s discontinuity with the doctrine of the nineteenth-century popes—a discontinuity, however, that brings into view a deeper and more essential continuity. As Pope Benedict explained in his address: “With the Decree on religious freedom, the Second Vatican Council both recognized and assumed a fundamental principle of the modern state, while at the same time re-connecting itself with a deeply rooted inheritance of the Church.” This fundamental principle of the modern state that is simultaneously a deeply-rooted inheritance reassumed by the Church is, for Benedict, the rejection of a state religion.

“The martyrs of the early Church died for their faith in the God revealed to them in Jesus Christ, and as such they also died for freedom of conscience and for the freedom to confess their faith.”

In the modern conception, after all, “freedom of conscience” meant above all freedom of worship, that is, the right, in the contexts of public order and morality, of individuals and the various religious communities to live their faith and to profess it—publicly and communally—without impediment by the state. This is exactly what the first Christians asked during the age of persecutions. They did not demand that the state support religious truth, but asked only for the freedom to profess their faith without state interference. Vatican II now teaches that this is a fundamental civil right of the person—that is, a right of all people, regardless of their religious faith. This right implies the abrogation of the earlier claim of the so-called “rights of truth” to political and legal guarantees, and the renunciation of state repression of religious error. However one views the question, the conclusion is unavoidable: precisely this teaching of the Second Vatican Council is what Pius IX condemned in his encyclical *Quanta Cura*.

Pope Benedict concluded his exemplification of the “hermeneutic of reform” with the doctrine of religious freedom with a concise statement: “The Second Vatican Council, with its new definition of the relations between the Church’s faith and certain basic elements of modern thought, reelaborated or corrected some decisions made in the past.” This correction does not imply a discontinuity at the level of Catholic doctrine on faith and morals—the competency of the authentic magisterium and possessed of infallibility, even as ordinary magisterium. The Pope thus spoke here only of an “apparent discontinuity,” since, in rejecting an outdated teaching on the state, the Church “has recovered and deepened its true nature and identity. The Church was and is, both before and after the council, the same Church: one, holy, Catholic and apostolic, making its pilgrim way through time.”

In short: the teaching of Vatican II on religious freedom does not imply a new dogmatic orientation, but it does take on a new orientation for the Church’s social doctrine—specifically, a correction of its teaching on the mission and function of the state. The Council gave the same immutable principles a new application in a new historical setting. There is no timeless dogmatic Catholic doctrine on the state—nor can there be—with the exception of those principles that are rooted in the apostolic Tradition and in Sacred Scripture. The idea of a “Catholic state” as the secular arm of the Church falls outside these principles, which in fact suggest a separation between the political and religious spheres.

The partial dissolution of the genuinely Christian dualism between civil and spiritual power, and their historical intermingling, was a later development, the result of specific contingent historical circumstances: first, as a consequence of the elevation of Christianity to the state religion of the Roman Empire and the conflict with Arianism (which once again claimed a divinization of the state); then, during the early Middle Ages, due to the integration of the Church with imperial governmental structures; and finally, as a reaction against this integration in the medieval political-canonical doctrine of the “*plenitudo potestatis*” of the popes, out of which grew the modern idea of the confessional catholic monarchical state—the view that was still held by Pius IX, with of course its corresponding Protestant version.

We find a clear break here in the teaching of Vatican II, which once and for all abandoned a historical burden. The Council’s doctrine on religious freedom is essentially a doctrine on the functions and limits of the state, as well as on a fundamental civil right—a right of persons, not of truth—involving a limitation in the sovereignty and competence of the state in religious matters. It is also a doctrine on the Church’s freedom, based on the corporate right to religious freedom, to exercise its salvific mission without hindrance, even in a secular state—a right that also belongs to every other religion. Finally, it is a doctrine on the state’s responsibility to encourage, in a neutral and impartial way, the creation of the necessary conditions in the public and moral order within which religious freedom can flourish and citizens can fulfill their religious duties.

2. *Unsuccessful Attempts at Harmonization*

It is precisely this new political-legal doctrine, which asserts that the state is no longer the secular arm of the Church or the representative of religious truth, that traditionalists reject. In fact, Fr. Matthias Gaudron of the German branch of the Society of St. Pius X, responsible for dialogue with Catholic institutions, identified the essential point in a letter published in *Die Tagespost* (June 6, 2009). Whereas some harmonizing positions, such as that of H. Klueting (*Tagespost* 64 [May 30, 2009]: 18), reduce Vatican II’s doctrine on religious freedom to “freedom from forced conversion”—thus falsely suggesting an unbroken continuity—Fr. Gaudron put his finger on the key point: the dissent is not over the question of the rejection of forced conversions, about which there is unanimity, but regards “whether and to what degree the public exercise and propagation of a false faith may be limited.” He thus correctly identifies a break in continuity or, in the words of Benedict XVI, discontinuity.

This is stated even more clearly in the memorandum sent by Fr. Franz Schmidberger, superior in Germany of the Society of St. Pius X, to the German bishops, entitled “The Time Bombs of Vatican II.” According to Fr. Schmidberger, the Council’s teaching implies “the secularization of states and of society” and “state agnosticism”; it denies the right and duty of states “to prevent adherents of false religions from promoting their religious convictions in the public sphere through public gatherings, missionary activities and the erection of buildings for their false cult.” In short: with its teaching on religious neutrality—read: secularity—the Council abandoned the traditional teaching on the Catholic state and the social kingdom of Jesus Christ. In fact, says Schmidberger, here simply following Archbishop Lefebvre, “Jesus Christ [is] the only God, and his Cross the only source of salvation”; consequently “this claim of universal representation must be made efficacious in society to the greatest extent possible, through the prudent policies of state leaders.”

Here we have neither communion nor continuity with the doctrine of Vatican II. I think that attempts at harmonization such as those of Basil Valuet³ (to whom Spaemann refers) and Bertrand de Margerie⁴—despite their laudable efforts to reconcile traditionally minded thinkers with the teaching of Vatican II—are fraught with objective difficulties and doomed from the start. Ultimately they sow confusion, since such attempts obscure not only the real problem, but also the originality of the teaching of Vatican II. The arguments used are false, inasmuch as these efforts at harmonization fail to consider the political-legal context or the distinction of levels called for by Benedict XVI.

Thus it cannot be claimed—with B. de Margerie—that neither for Gregory XVI nor for Vatican II is freedom of press “unlimited” and that there is therefore continuity between Gregory’s condemnation of freedom of press and Vatican II’s doctrine. Gregory asked for ecclesiastically controlled state censorship of the press in the service of the true religion, whereas Vatican II—as did nineteenth-century liberals—situated the limits of freedom of opinion and the press in the rights of citizens, legally defined and juridically enforceable, and in the requirements of public order and morality. These limits correspond fully with the logic of the secular, liberal, constitutional, and democratic state, which is neutral with respect to religious truth claims, and have nothing—repeat nothing—to do with the “defense of religious truth” or the protection of citizens from the “scourge of religious error,” and thus also nothing to do with state censorship in the

³ B. Valuet, *La liberté religieuse et la tradition catholique*, 3 vols. (Le Barroux, France: Abbaye Sainte-Madeleine du Barroux, 1998).

⁴ B. de Margerie, *Liberté religieuse et règne du Christ* (Paris: Editions du Cerf, 1988).

service of and according to the dictates of the Church (a censorship which, in the nineteenth-century Papal states, where canon law functioned as civil law, was enforced by the Holy Office—predecessor of today's Congregation for the Doctrine of the Faith).

Similarly, neither can the tolerance taught by Pius XII in his address "Ciriaces" of December 6, 1953—a tolerance which could be exercised in religious matters "under certain circumstances" and according to the discretionary judgment "of Catholic statesmen"—be considered a form of religious freedom, precisely because this fundamental civil right of the person limits the competence of the state power in religious questions. According to this right, a place for the discretionary judgment of "Catholic statesmen" would no longer be possible, and would even be illegal. A supposed "right of tolerance," therefore, which Basil Valuet attributes to Pius XII and says corresponds to the doctrine of Vatican II, would be a contradiction and cannot exist.

For all these reasons, we are not faced here with, in Robert Spaemann's words, a "battle over principles devoid of consequences," but with a basic question of the relation of the Church with the modern world, and especially with the free democratic constitutional state. Even more, it is a question of the Church's self-understanding and its response to the question of coercion in religious matters. Although the Church has always rejected the idea of forced conversions, it has not generally rejected coercion in religious matters. On the contrary. Pius XI's encyclical *Quanta Cura* was not directed against liberals who denied God, but against the influential group of catholic liberals gathered around the French politician Charles de Montalembert. These were orthodox Catholics, who even defended the existence of the Papal states (it was Montalembert who coined the slogan "A free Church in a free state," later taken up by Cavour in a different sense), and who at the Congress of Malines in August 1863 demanded that the Church recognize freedom of assembly, press, and worship.

This demand, however, collided with the "traditional" position—a legacy of the High Middle Ages—that the Church had the right to use coercion to protect Catholics from apostasy, with the help of legal-punitive state measures. "The acceptance of the faith is a matter of freedom," according to St. Thomas Aquinas; "but one is obligated to preserve the faith once it has been embraced" (*Summa Theologiae* II-II, q. 10, a. 8, ad 3). The theologians who prepared *Quanta Cura* appealed to this principle, understanding it to be the task of the state, as the Church's secular arm, to protect the faithful from influences threatening to the faith and apostasy, by means of state censorship and civil penal law.

On this basis Pius VI, in his Brief “Quod aliquantum” (1791), had earlier condemned the French Revolution’s “General Declaration of the Rights of Man and of Citizens” as the public apostasy of an entire nation. Religious freedom could be demanded by Catholics in an unbelieving or Jewish state, but France was a Christian nation, and the French were baptized Christians, and thus a generalized civil freedom could not be granted regarding adherence to any religion other than the true one—the Catholic faith. Pius VI said it well: the unbaptized “cannot be compelled to obey the Catholic faith; the rest, however, must be compelled (*sunt cogendi*).”

In his 2005 discourse Benedict XVI defended precisely the first, “liberal” phase of the French Revolution, distinguishing it from the second, Jacobin, plebiscitary and radical-democratic phase, that brought with it the Reign of Terror. He thus rehabilitated the 1789 declaration of the rights of man and of citizens, which had been born of a spirit of representative parliamentarianism and American constitutional thought.

3. *The Perspective of Vatican II*

It is thanks to Vatican II that the identification of religious freedom with “indifferentism” and “agnosticism,” typical of preconiliar doctrine, has been overcome. This is an epochal transition for the Church’s magisterium, one which can only be understood according to the “hermeneutic of reform” proposed by Benedict XVI. This transition should be embraced, not watered down by the search for a false continuity that would ultimately distort a genuine continuity and, with it, the nature of the one, holy, Catholic and apostolic Church.

And what of the “traditional Catholic teaching on the moral duty of individuals and societies toward the true religion and the one Church of Christ,” which according to the conciliar Declaration, remains “intact”? This statement, in fact, has often been called up to suggest an uninterrupted “continuity” in the Church’s teaching on religious freedom as well. The Council’s teaching here seems to be ambivalent. The statement, however, is not as ambivalent as it might appear. These duties—as is stated immediately prior to the cited phrase—presuppose a “freedom from coercion in civil society.” It seems that, when the Declaration speaks of the duty “of individuals and societies towards the true religion and the one Church of Christ,” the old doctrine on the functions of states as the secular arm of the Church has already been set aside.

What these duties consist in is specified in what can be considered an authentic interpretation of the debated passage. The passage is quoted in the *Catechism of the Catholic Church*, no. 2105, which explains that it refers

to the duty of individuals and of society of “offering God genuine worship.” This is realized when, “constantly evangelizing men, the Church works toward enabling them ‘to infuse the Christian spirit into the mentality and mores, laws and structures of the communities in which [they] live’.” In their personal involvements and activities in family and professional life, Christians are required “to make known the worship of the one true religion which subsists in the Catholic and apostolic Church.” This, concludes the present section of the Catechism, is how the Church “shows forth the kingship of Christ over all creation and in particular over human societies.”

That is, the perspective of Vatican II calls for the proclamation of the Gospel by the Church and for the apostolate of the Christian faithful so that these penetrate the structures of society with the spirit of Christ – not a word on the state as the secular arm of the Church, which by state coercion must protect the “rights of truth,” and in this way impose the kingdom of Christ in human society. The discontinuity is obvious. And even more obvious is the continuity, where it is truly essential, and therefore necessary.

II. Appendix: Does the Existence of Discontinuity Call into Question the Infallibility of the Magisterium?

The reactions of some theologians to the reflections above have emphasized that my interpretation would bring into doubt the infallibility of the Church’s magisterium, and that it is thus not acceptable because my observations would suggest a real rupture in the continuity of the universal ordinary magisterium. According to their opposing view, in declaring religious freedom a natural right, Vatican II’s doctrine on religious freedom did introduce a genuine novelty, though without for this reason coming into conflict with earlier magisterial declarations that had not yet contemplated such a natural right. We should therefore, according to their view, not speak of discontinuity, but of a broadening of perspective. In fact, the condemnations of religious freedom by the popes of the nineteenth century would have a disciplinary and not a doctrinal value.

Although it is not the task of moral or political philosophy to address questions such as these—which properly belong to fundamental theology—it is nonetheless necessary in this case to fill out my argument, so as to avoid any misunderstanding. For my part, I consider the question to have been settled by what I have already said. In fact, from my interpretation of the relations between the historical dimension and the purely theological dimension, it has already been clearly shown that neither the infallibility of the Church’s solemn magisterium, nor that of its universal

ordinary magisterium, is in any way called into question. This was shown by the distinction between two levels: on the one hand, the level of the principles of the doctrine of the Catholic faith; on the other hand, that of their concrete historical application, as was also advocated in Benedict XVI's discourse. Of course, one who cannot agree to this distinction will certainly have difficulty in accepting my argumentation.

In order to show, then, why I consider the criticism expounded above to be erroneous and the related fears unfounded, I will attempt here to explain this distinction at more length, refuting the above-mentioned objections. In doing so, I will proceed in five steps.

1. *The Question of Infallibility*

The infallibility of the magisterium—the *Compendium of the Catechism of the Catholic Church* affirms in number 185—“is exercised when the Roman pontiff, in virtue of his office as the supreme pastor of the Church, or the college of bishops, in union with the pope especially when joined together in an ecumenical council, proclaim by a definitive act a doctrine pertaining to faith or morals.” In the same way, the infallibility of the universal magisterium of the college of bishops is exercised “when the pope and bishops in their ordinary magisterium are in agreement in proposing a doctrine as definitive.” This infallibility regards not only dogma in the strict sense, but the totality of the teaching on faith and morals, including the interpretation of the natural moral law and any other proclamation that might have an intrinsic historical or logical relationship with the faith, without which dogma could not be correctly understood or preserved.

The first case—definition “ex cathedra” or ecumenical council—clearly does not obtain with the question of freedom of religion. In effect, the first and so far the only council to have expressed itself on this subject has been Vatican II. It was precisely this Council which recognized religious freedom. In the same way, not even the universal ordinary magisterium seems to be affected here, because never before had the pope and the bishops condemned religious freedom and proclaimed this condemnation as a definitive doctrine of the Church. This was rather the case of a few isolated popes, over a span of about a hundred years, and never of an explicit assertion of wanting to present a definitive doctrine in a matter of faith or morals (even if this was the implicit understanding of the nineteenth-century popes).

Prima facie, therefore, it seems at the least very improbable that the discontinuity highlighted above in the Church's doctrine on the freedom of religion could in some way bring into question the infallibility of the

magisterium, including the universal ordinary magisterium. This initial claim should be confirmed by what follows.

2. The Doctrinal Substance of the Condemnation of Religious Freedom by Pius IX

If this is considered under the aspect of his condemnation of both indifferentism and relativism in religion—according to which there is no exclusive religious truth, all the religions are in principle equal, and the Church of Christ is not the only way of salvation—it is undeniable that the condemnation of religious freedom issued by Pius IX in effect touched on a central aspect of Catholic dogma. Upholding the truth of the Catholic Church against this challenge of indifferentism and religious relativism seemed, in any case, what was at stake at the time. If I say “this seemed,” it is because—as Vatican II demonstrated—the doctrine of the exclusive truth of the Christian religion and of the unicity of the Church of Jesus Christ as the way of eternal salvation is in reality not in the least harmed by the acceptance of freedom of religion and worship.

As Vatican II teaches, the right to freedom of religion and worship does not in any way imply that all religions are equivalent. This right is in effect a right of persons; it does not concern the question of knowing to what extent that which persons believe might contradict the truth. In other words, recognizing that the faithful of all religions enjoy the same civil right to freedom of worship does not mean that, because it is a right of all, all religions must be “equally true.”

As shown above, the conviction of the popes and the dominant theology of the nineteenth century was that a civil right to freedom of religion (or freedom of worship) implied precisely such indifferentism. For them, this also meant abandoning the principle according to which the government of a Catholic country has the task and duty of protecting and favoring the Catholic truth, and of denying the right of any deviant religious confession to exist. At the most, such religious error could be *tolerated* within certain limits and to the extent reasonable (in order to avoid greater evil). To concede, however, a (civil) *right* to profess and cultivate a religion which was not the true one was considered to imply *ipso facto* the admission that there is not only one true religion and Church, but that all religions are equivalent. Now, it goes without saying that at the time the Church could not accept such a view of things, nor moreover can it do so today. Nonetheless, today the Church has modified its conception of the function of the state and of its duties toward the true religion, a conception that in reality is not at all of a purely theological nature; nor has it to do with the nature of the Church and its faith, but

it concerns the nature of the state and its relationship with the Church. So at the most, this is a question concerning an aspect of the social doctrine of the Church.

So when Benedict XVI says that Vatican Council II “recognized and made its own an essential principle of the modern state with the decree on religious freedom,” he is clearly manifesting a conception of the nature and duties of the state very different from and opposed to Pius IX’s conception of the state; he also departs from the traditional view of the subjection of temporal power to spiritual power. Such a discontinuity does not signify rupture with the dogmatic doctrinal Tradition of the Church, nor a deviation from the *depositum fidei* and thus from the canon of Vincent of Lérins: “quod ubique, quod semper, quod ab omnibus creditum est” (from what has been believed everywhere, always, and by all). As a result, there can be no contradiction here, not even with the infallibility of the universal ordinary magisterium of the Church, since such a contradiction is in itself not possible.

Admittedly, the doctrine on temporal power that was developed on the basis of apostolic Tradition, and especially of Sacred Scripture (including the letters of Saint Paul), also contains elements of natural law that are also the object of the infallible magisterium of the Church. This applies in particular to the doctrine that teaches that all power comes from God, that civil governors and authorities are part of the order of creation, and that in conscience, and thus for moral reasons, everyone owes obedience to the civil authority and must also acknowledge its right to adopt punitive measures. Yet it would be excessive to affirm that these principles of Scripture and Tradition also contain guidelines on the relationship between the Church and the state, on the duties of the state toward the true religion, or on the right of the Church to assert its claims by the secular arm of the state, as an instrument of both temporal penalties and civil consequences. It was only in the course of time and under the influence of different situations and historical needs that such positions or doctrines were constituted, principally in relation to the Church’s battle for the *libertas ecclesiae*, the freedom of the Church from civil and political control and oversight. This was an extremely complex process, the stages of which I have discussed in other publications.⁵

⁵ See chapter 12 of my forthcoming *The Common Good of Constitutional Democracy* (Washington, DC: The Catholic University of America Press, 2012), entitled “Christianity and Secularity: Past and Present of a Complex Relationship.” It was previously published in Italian as “Cristianesimo e laicità: storia ed attualità di un rapporto complesso,” in *Laicità: la ricerca dell’universale nella differenza*, ed. Pierpaolo Donati (Bologna: Il Mulino, 2008), 27–138; in Spanish, see *Cristianismo y laicidad*.

In this regard, it must also be emphasized that the discontinuity pointed out by Benedict XVI at the level of the application of principles does not imply any rupture in the continuity of the understanding of the mystery of the Church. On the contrary, Benedict XVI notes that “the Church, both before and after the Council, was and is the same Church, one, holy, catholic and apostolic, journeying on through time.” One grasps here, it seems to me, Benedict XVI’s real concern for a “hermeneutic of discontinuity and rupture” that sees in the Church of Vatican II another Church, a new Church. According to the pope, the supporters of a “hermeneutic of discontinuity and rupture” have considered the Council “as a sort of constituent that eliminates an old constitution and creates a new one.” In reality, Benedict XVI explains, the Council fathers had not received such a mandate. Speaking of continuity and of discontinuity at different levels—on the one hand that of dogma, of the understanding of the mystery of the Church, and, on the other, the level of the always concrete and contingent ways of applying it—“the hermeneutic of reform” defended by Benedict XVI does not establish any rupture in the understanding of the Church. The Church is instead understood there as “a subject which increases in time and develops, yet always remaining the same, the one subject of the journeying people of God.”

3. *Natural Right or Civil Right? The Heart of the Doctrine of Vatican II on Religious Freedom*

As argued in another objection in the criticism cited at the beginning of this appendix, Vatican II proclaims in its declaration *Dignitatis Humanae*, at number 2, that “the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself.” Now, this means that for Vatican II, religious freedom is a natural right. In declaring this, the infallible magisterium of the Church extends the interpretation of the natural moral law and of natural rights. As a result, the objection concludes, there can be no discontinuity or contradiction here, and so it would be false to affirm that Vatican II explicitly taught that which Pius IX condemned, that is, the right to freedom of religion and of worship.

In effect, the *Catechism of the Catholic Church*, at number 2106, states the grounds of this right clearly: “This right is based on the very nature of the human person.” It is certainly correct to say that the Second Vatican Council considers religious freedom as part of natural law. But it is

Historia y actualidad de una relación compleja (Madrid: Rialp, 2009). A much-expanded German version is forthcoming with the title *Christentum und säkularer Staat: Geschichte—Gegenwart—Zukunft* (Freiburg i. Br.: Herder, 2012).

equally true to say that *Dignitatis Humanae* at number 2 asserts: “This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right.” The perspective of Vatican II is therefore not simply and solely that of natural law, but is always also that of religious freedom “as a civil right,” meaning, in the final analysis, as the right to freedom of worship. In fact, this was also the perspective of Pius IX, because the freedom of religion that he was condemning was nothing other than the civil right to freedom of worship asserted by, among others, the Catholic liberals. It is therefore correct to say that the assertion by Vatican II of religious freedom as a demand proper to natural law, meaning the civil right to freedom of worship, is nothing other than what had been condemned in the encyclical *Quanta Cura* of Pius IX and in its supplement, the “Syllabus” of errors.

Natural law as such is therefore not at all affected by the discontinuity that is in question here. The contradiction arises only at the level of the assertion of the civil right, and is therefore only of the political order. The doctrine of Vatican II and the teaching of *Quanta Cura* with its “Syllabus errorum” are therefore not in contradiction at the level of the natural law, but at the level of natural law’s legal-political application in situations and in the face of concrete problems. Besides, the innovation introduced by Vatican II rests not only on its teaching of religious freedom as a natural right but also on the need for this to be recognized as a civil right, as freedom of worship. In other words, from the well-attested conception of religious freedom as a natural right, Vatican II was able to draw a new consequence concerning the positive legal order of the state. And yet, Pius IX had not drawn this same consequence; he considered it, on the contrary, harmful and false because—in his view—it necessarily implied religious indifferentism and relativism, both from the doctrinal point of view and in its practical consequences. Vice versa, if the Second Vatican Council was able to do so, that is because it started from a different conception of the state and of its relationship to the Church, which allowed the Council to move the emphasis from the “right of the truth” to the “right of the person,” of the citizen considered as an individual and of his religious conscience.

So once again, what is at stake here is not the infallibility of the ordinary magisterium in its interpretation of the natural law, because saying “application” is not the same thing as saying “interpretation.” In effect, interpretation essentially rests on that which concerns the natural moral law and the corresponding moral norm, but it says nothing about the manner in which the natural law or natural rights must be applied, nor is

it concerned with the consequences that must be drawn from a given historical situation. That the magisterium should sometimes express itself on such an application is inevitable, and can also be helpful. That having been said, it still cannot be affirmed that these are cases of magisterial *interpretations* of natural rights or of the natural moral law, capable of being the object of infallibility. They are concrete realizations and applications, which, at the time in which they are made, can be binding for the Catholic faithful and demand their obedience. But this is not in any way a matter of teachings that could not be recused by subsequent magisterial decisions.⁶

4. Discontinuity in Doctrine or Only in Relationship with the Political-practical (Disciplinary) Orientation?

In order to escape from the supposed threat of a doctrinal contradiction, one could nonetheless take refuge in the argument that the condemnations of Pius IX were not doctrinal condemnations, but only disciplinary. In that case, there would not be any doctrinal discontinuity.

Now, in the first place, the pope's speech of 2005 does not oppose doctrinal affirmations on the one hand to simple "decisions" (of a practical and disciplinary nature) on the other. In reality, Benedict XVI goes further, in distinguishing between "principles" and "the ways of their application." In the second place, I consider this objection to be mistaken from the historical point of view as well, because in the nineteenth century this question was clearly of a doctrinal nature. In effect, Pius IX understood his condemnation of religious freedom as a necessity of the dogmatic order, and not solely as a disciplinary measure. As we have already said, the assertion of religious freedom or the affirmation that the Church does not have the right to impose upon the faithful, with the help of the "secular arm," punishments or coercive temporal measures was perceived at the time as a heresy, or at least as a way leading to heresy.⁷ So

⁶ Montalembert, too, submitted to the pontifical verdict, certainly in the more moderate interpretation, approved by Pius IX, of Bishop Félix Dupanloup of Orléans.

⁷ It is true that the main editor for the preparatory work of the encyclical *Quanta Cura*, consultor to the Holy Office Fr. Luigi Bilio, qualified as *heretical* the statement defended by Montalembert that "L'Église n'a pas le droit de réprimer les violateurs de ses lois par des peines temporelles" ("The Church does not have the right to suppress violators of its laws by means of temporal punishments"). See on the theme the remarkably well-documented study of Bernard Lucien, *Grégoire XVI, Pie IX et Vatican II: Études sur la Liberté religieuse dans la doctrine catholique* (Tours: Éditions Forts dans la foi, 1990), 184–85. (Incidentally, Lucien is himself opposed to Vatican II's doctrine of religious liberty.) See also Giacomo

it seems to me historically as well as objectively mistaken to interpret the condemnation of religious freedom on the part of the authorities of the time as a simple measure of practical-disciplinary order.

For Pius IX, what was in danger was the very safeguarding of the essence of the Church, of its claim to be the sole bearer of the fullness of truth and source of salvation. So for him, recognizing the freedom of religion meant denying these truths; it equally meant religious indifferentism and relativism. The greatness of this pope resides precisely in this: that on the basis of the theological positions of his time (the historical character of which he was unable to discern), he unquestionably acted in a spirit of heroic fidelity to the faith and stood firm as a rock in the midst of a tempest

Martina, S.J., *Pio IX (1851–1866)* (Rome: Editrice Pontificia Università Gregoriana, 1986), 336–48. It is important to emphasize that the above position, censured as heretical, does not simply refer to the right of the Church to impose, in the case of the baptized, ecclesiastical penalties which might also include “temporal” aspects—as, for example, the withdrawal of an ecclesiastical office or of a church benefice. The context of the present case makes it clear that with “temporal” the consulters of the Holy Office referred to *state authority* as being in the service of enforcing church laws on the baptized. (The consulters explicitly stated that Montalembert’s condemnable proposition referred to the “freedom of worship and press and to material coercion for religious reasons,” and so in this context “temporal” precisely did not refer to ecclesiastical power and penalties, but to the coercitive power of the state in the service of the true religion.) It is important to emphasize this, because the problem raised by the Catholic liberals around Montalembert was not whether the Church had the right to use coercion by imposing ecclesiastical penalties (spiritual, as for example, excommunication; and temporal, as the examples mentioned above); the question rather was whether the Church had the right to recur to the support of the temporal power of the state to impose its jurisdiction over the baptized, and whether the state, or Catholic state officials, had the duty to serve the Church in that respect. This is why Thomas Pink (a professor of philosophy at King’s College, London) is mistaken in blaming me for having falsely asserted that with Vatican II the Church has renounced to its right to impose temporal penalties to enforce its jurisdiction over the baptized; he is also wrong in writing that, according to me, this was the idea that in 1864 was considered heretical by Bilio and the other consultors of the Holy Office (see Thomas Pink, “Rhonheimer on Religious Liberty: On the ‘hermeneutic of reform’ and religious liberty in *Nova et Vetera*,” *RorateCaeli blogspot* [August 5, 2011] rorate-caeli.blogspot.com/2011/08/on-religious-liberty-and-hermeneutic-of.html). My point was precisely that Bilio and the other theologians consulting the Holy Office referred “temporal” to the state as the secular arm of the Church for the enforcement of ecclesiastical jurisdiction over the baptized and to corresponding “material coercion for religious reasons,” as they expressed it.

of unbridled relativism. The time was evidently not yet ripe for the Church to join this defensive battle in a new and more differentiated way.⁸

It is in the rejection of religious indifferentism and relativism that the still-valid heart of this nineteenth-century condemnation is found. Nonetheless, this battle against religious indifferentism and relativism has become a battle against the civil right to freedom of religion and worship because of the conception that the state is the guarantor of religious truth and the Church possesses the right to make use of the state as its secular arm to ensure its pastoral responsibilities. Now, such a conception of the state did not rest in the slightest on the principles of Catholic doctrine on faith and morality, but rather on the traditions and practices of ecclesiastical law of medieval origin, as also on their theological justifications.

To this it must be added that magisterial discontinuity as such is not at stake here. For Benedict XVI, this is not primarily a matter of the continuity of the magisterium, but of continuity of the Church, and of the understanding of the Church. He is opposed to the idea of a rupture between the “preconciliar” and “postconciliar” Church, as it is presented by the supporters of a “hermeneutic of discontinuity and rupture.” In the magisterial declarations—in particular in those touching on political, economic, and social issues—many elements are found that depend upon historical circumstances. The magisterium of the Church in the field of social teaching also contains, together with immutable principles founded on the doctrine of the faith, a mass of implementations that are often, in hindsight, rather dubious. What is involved here is not a type of “teaching” similar to Catholic teaching in matters of faith and morals, where the Church interprets the natural law in an obligatory manner—as in the cases of questions concerning contraception, abortion, euthanasia, and other moral norms in the field of bioethics. In these last cases, it is not a matter of simple applications of the natural law and concrete situations, but of determinations of that which belongs precisely to the natural law

⁸ For this reason, Pius IX also later approved the distinction between “thesis” and “hypothesis,” which was elaborated by the journal *Civiltà Cattolica* (founded by the Jesuits on Pius IX’s request). According to this distinction, one must, from a practical-political perspective, accept and even demand modern freedoms as a “hypothesis” for the sake of Catholic causes, but one must never affirm them as a “thesis,” that is, as being genuinely true and just. Cf. the statement made, in this decisive context, by Fr. Carlo Maria Curci, S.J., “Il congresso cattolico di Malines e le libertà moderne,” in *La Civiltà Cattolica*, ser. 5, vol. 8, fasc. 326 (2 October 1863): 129–49. With some important exceptions (for example, Jacques Maritain, Yves Congar, and John Courtney Murray), Catholic theology would maintain this distinction between “thesis” and “hypothesis” until Vatican II.

and to the corresponding moral norm. In this field, the universal ordinary magisterium is also infallible.

The conceptions dominant in the nineteenth century with regard to the role and duties of the temporal power toward the true religion—conceptions founded on models of the Middle Ages and of late Christian antiquity, but which acquired their definitive form only within the modern confessional state—can claim for themselves only with great difficulty the privilege of resting on the apostolic Tradition or of being a constitutive element of the *depositum fidei*. In the same way, it seems very improbable that these conceptions belong to the truths that possess an historical or necessary logical relationship with the truths of the faith or of dogma, truths that would be necessary to maintain for the purpose of preserving and interpreting correctly the *depositum fidei*, as it is explained in several documents of the magisterium.⁹

On the contrary, it would seem that at its origin Christianity even adopted a rather different position. It was born and developed in a pagan environment; it was conceived, on the basis of the Gospel and the example of Jesus Christ, as founded essentially on the separation between religion and politics, and it only demanded from the Roman Empire the freedom to develop without obstacles. In recognizing and making its own through its decree on religious freedom an “essential principle of the modern state,” Benedict XVI affirms in his speech, Vatican Council II “has recovered the deepest patrimony of the Church. By so doing she can be conscious of being in full harmony with the teaching of Jesus himself (cf. Mt 22:21), as well as with the Church of the martyrs of all time.”¹⁰

⁹ Cf. Congregation for the Doctrine of the Faith, *Doctrinal Note on the “Professio fidei,”* and especially John Paul II, Apostolic Letter issued Motu proprio *Ad tuendam fidem* of May 18, 1998. In the latter document one reads regarding the second paragraph of the *Professio fidei*: “This second paragraph of the *Profession of faith* is of utmost importance since it refers to truths that are necessarily connected to divine revelation. These truths, in the investigation of Catholic doctrine, illustrate the Divine Spirit’s particular inspiration for the Church’s deeper understanding of a truth concerning faith and morals, with which they are connected either for historical reasons or by a logical relationship.” It seems difficult to prove that such a relation exists in the case in question.

¹⁰ In his article *Rhonheimer on Religious Liberty* (see note 7 above), Professor Pink wrongly asserts that *Dignitatis Humanae* did not pronounce a teaching on the relations between Church and state; Pink arrives at this conclusion because he interprets *DH* no. 3, the last paragraph (that is, the teaching that the state has no competence in directing or prohibiting religious acts because this contradicts the very nature of the state, which is ordered only to the temporal common good) as referring only to the fact that, by its very nature (“under natural law,” as Pink says), the state has no such competence, but that it has “a duty of reason under natural

Nonetheless, the reference to the Gospel and to the first Christians is a theme mentioned not solely by Benedict XVI. Even earlier it constituted the heart of the argumentation of *Dignitatis Humanae*, which dedicates two paragraphs, 11 and 12, to a reflection on the origins of the Church. The Council explains laconically: “In faithfulness therefore to the truth of the Gospel, the Church is following the way of Christ and the apostles when she recognizes and gives support to the principle of religious freedom as befitting the dignity of man and as being in accord with divine revelation.” It is precisely the reference to the Gospel, to the apostolic Tradition and to the testimony of the first Christians, who, as Benedict XVI emphasizes, “clearly rejected the religion of the state,” that truly characterizes the doctrine on religious freedom of Vatican II. Thus the conception of the tasks and duties of the state toward the true religion, which had been taken as authoritative by Pius IX, was tacitly shelved by the act of solemn magisterium of an ecumenical council.¹¹

law” to profess and promote the true religious faith; and that baptized state officials have the corresponding moral obligations toward the Church; it is precisely the *Church* which has the right to demand this on the basis of her jurisdiction over the baptized. Vatican II, Pink argues, has not abandoned this doctrine but simply sidestepped it for prudential (or pastoral) reasons—for example, the impossibility of enforcing this teaching under modern conditions—thus leaving the traditional teaching intact. Now, this quite sophisticated interpretation actually is nothing other than a new version of the above mentioned distinction between “thesis” and “hypothesis,” elaborated by the nineteenth-century Jesuits. Many passages of *Dignitatis Humanae* make it clear, however, that the Council intended precisely much more: to abandon the centuries-old, but certainly not apostolic, tradition of conceiving the temporal power as being in the service of the spiritual power and to return to the message of the Gospel, the teaching of the Apostles, and the practice of the early Christians (see *DH* nos. 10–12). Unfortunately, Thomas Pink disregards those texts of the magisterium which contradict his interpretation—most importantly, Benedict XVI’s 2005 Christmas message to the Roman Curia, which is never mentioned and in which, as I have repeatedly quoted, the Pope speaks about the Church’s having “made its own an essential principle of the modern state.” This signifies that Vatican II not only omits mentioning—for prudential reasons—the traditional doctrine, but that it actually proffers a new teaching. The novelty of that teaching does not rest in an innovation in Catholic dogma or morals; it rather consists in a different, soundly secularist conception of the state, which logically and necessarily also implies a different understanding of the relation between Church and state. (Another key text of the postconciliar magisterium, disregarded by Professor Pink, is the *Doctrinal Note “On Some Questions Regarding the Participation of Catholics in Political Life”* by the Congregation for the Doctrine of the Faith of November 24, 2002, referenced at note 21 below.)

¹¹ It seems clear to me that a confessional state, in the traditional sense of the term, would be essentially incompatible with the doctrine of Vatican II and in general

5. Fidelity to the Faith, Tradition and “traditions,” and Political Modernity

Vatican Council II freed the Church from a centuries-old historical burden, the origins of which date back not to the apostolic Tradition and to the *depositum fidei* but rather to concrete decisions of the post-Constantinian era of Christianity. These decisions ultimately crystallized in canonical traditions and in their respective theological interpretations, with which the Church tried to defend its freedom, the *libertas ecclesiae*, from the incessant attacks of the temporal powers: one might think in particular of the medieval doctrine of the two swords, which, at the time, sought to justify theologically and biblically the understanding of the pope’s *plenitudo potestatis*. Nonetheless, over the course of the centuries, these canonical traditions and their theological formulations have changed their function and tone. Afterward, and in the tradition of the confessional modern sovereign states, these became a justification of the ideal Catholic state, in which “the throne and the altar” existed in close symbiosis, and Catholic statesmen zealously upheld the cause of the “rights of the Church” instead of the civil right to religious freedom. This symbiosis and this unilateral vision that led to clericalism (in the sense of the unsound meddling of clerics in political and generally worldly affairs) and to a clerical society did not fail to obscure the authentic face of the Church.

The Second Vatican Council dared to take a step here that defined an era. Nonetheless, this did not change the Church’s understanding of itself, or the Catholic doctrine on faith and morals. There was only a redefinition of the manner in which the Church conceives of its relationship with the world, and in particular with the temporal power of the state, a redefinition that in fact hearkens back to the origins, to the founding Christian charism, so to speak, and in particular to the very words of Jesus, who invites us to give to Caesar what is Caesar’s and to God what is God’s. Neither the infallibility of the pope nor that of the universal

with the civil right to freedom of religion, since, necessarily, civil discrimination would be inevitable in a confessional state, especially in the public sphere. The statement of Vatican II in number 6 of *Dignitatis Humanae* (“If, in view of peculiar circumstances obtaining among peoples, special civil recognition is given to one religious community in the constitutional order of society, it is at the same time imperative that the right of all citizens and religious communities to religious freedom should be recognized and made effective in practice”) should not be understood in the sense that the Council maintained here a compatibility between the confessional state and religious freedom, but in the sense that the Council proffered here an admonition to do away with all religious discrimination, addressed to those states in which historical vestiges of privileges accorded to a particular religion still survived.

ordinary magisterium of the college of bishops was harmed or diminished by such a step. On the contrary, through the doctrine of Vatican II on religious freedom there is a much clearer manifestation of the identity of the Church of Jesus Christ and of the extent to which the magisterium of the Church in matters of faith and morals possesses continuity, in spite of all the historical discontinuities; this continuity in matters of faith and morals moreover constitutes the foundation and the most convincing argument for the possibility of its infallibility. For this reason, it seems to me that any interpretation that would seek to smooth over, by means of complicated expedient arguments, any sort of discontinuity in this picture of completeness, is of no support in the defense of the magisterium of the Church. Although motivated by pastoral reasons that are in themselves comprehensible and valid (but are shown to be mistaken in the light of the facts), such an interpretation complicates things unnecessarily. Through the evidence of the concrete intentions regarding ecclesiastical politics of those who promote such an interpretation, smoothing over any discontinuity can even have a counterproductive effect and so damage the credibility of the magisterium.

Against those who, instead, like the traditionalists gathered around the Society of St. Pius X of Archbishop Lefebvre, are no longer able to see in the Church of Vatican II “the one, holy, catholic, and apostolic Church” of Tradition, and who speak of a disastrous rupture with the past, one can reply that in effect there is an irreconcilable dispute here over the conception of the Church, and also of the state and its duties. It is for this reason that these traditionalists, for whom “tradition as such” and “the ecclesial traditions” are clearly more important than the apostolic Tradition¹²—the only one that is ultimately normative—will find it difficult to accept the attempts at mediation mentioned above, because these skirt the heart of the problem, which is none other than the discontinuity that really does exist.

In a response, published online, to Robert Spaemann and to my statements on the theme of religious freedom, Fr. Matthias Gaudron cites a statement of mine: “There is no timeless dogmatic Catholic doctrine on the state—nor can there be,” commenting on it as follows: “If this is true then the new magisterium of Vatican II is no longer dogmatic, but is itself subject to change. By this same fact, then, no one can reproach the Society of St. Pius X for criticizing this magisterium.”¹³ Indeed, the teaching

¹² See, in the opposite sense, the *Catechism of the Catholic Church* 83, and Vatican Council II, Dogmatic Constitution *Dei Verbum* on Divine Revelation.

¹³ *Sie haben ihn entthront! Eine Antwort von Pater Matthias Gaudron zur Diskussion um die Religionsfreiheit* (November 26, 2009), to be found at www.piusbruderschaft.de.

of Vatican II on religious freedom as a civil right is certainly not *dogmatic* in nature. It is, however, the magisterium of an ecumenical council and, as such, must be accepted by the faithful with religious obedience (not less, but indeed much more so, than the condemnations of Pius IX in their time). In any case, this does not justify a division in the Church.

The position of the traditionalists, moreover, does not confine itself to saying that one *may criticize* this teaching; it instead goes so far as to say that this teaching means apostasy from the Church of Christ and is—at least implicitly—*heretical*, and it claims that the Church of Vatican II is no longer the true Church of Jesus Christ. This is why Fr. Gaudron's argumentation also skirts the real issue when he writes: "It should therefore be permitted, in the very bosom of the Church, to criticize a teaching that contradicts the body of the Church's earlier declarations, as well as to raise important objections from a juridical and political perspective. It is a matter here of a right to a different opinion." I consider this statement rather to conceal the facts, because the issue is not that members of the Society of St. Pius X "criticize" the conciliar teaching, but that they claim that the traditional conception of the state and of the relations between the state and the Church—in particular the vision in which the state has the duty to promote the Catholic religion and to the extent possible to hinder the spread of other religions, through coercive means such as the condemnation of a civil right to freedom of religion and worship—would be *a constitutive element of the doctrine of the Catholic faith*, so that in the rejection of such a conception, Christ is "dethroned" and the Church betrayed. Before such a conception, the liberal principle of religious freedom seems an apostasy, the Church of Vatican II is no longer the true Catholic Church, and the schismatic episcopal ordinations of 1988 would ultimately be justified.¹⁴

In a later response to my affirmation above that the members of the Society of St. Pius X consider the doctrine of Vatican II about religious freedom *heretical*, Fr. Gaudron has replied that this is not true, that what I described above is not the position of the Society of St. Pius X, but that of the so-called "*sedisvacantists*."¹⁵ According to Fr. Gaudron, the doctrine of the Second Vatican Council on religious freedom, in its opposition to Pius IX's understanding of the duties of the state toward the true religion, does not oppose a dogma of Catholic faith (and thus it is not heretical),

¹⁴ Cf. also Archbishop Marcel Lefebvre, *Ils l'ont découronné. Du libéralisme à l'apostasie. La tragédie conciliaire* (Escurolles: Editions Fideliter, 1987); Bernard Lucien, *Grégoire XVI, Pie IX et Vatican II*.

¹⁵ See Gaudron's article "Religionsfreiheit und Unfehlbarkeit der Kirche" from 18 May 2011, on www.piusbruderschaft.de.

but only a theological *sententia certa*.¹⁶ Admittedly, this would be a significant precision, and I would like to accept it if there were not considerable doubts about whether Fr. Gaudron is really putting all of his cards on the table. For, like Archbishop Lefebvre, he also quotes Pius VII's Apostolic letter *Post Tam Diurnitas* (1814),¹⁷ which says that the right to freedom of worship signifies the equivalence of all religions (that is, religious indifferentism), and that this is "implicitly the disastrous and ever deplorable heresy which St. Augustine mentions with the following words: 'They assert that all the heretics are on the good way and tell the truth (. . .).'"

Now Pius IX later condemned, in the encyclical *Quanta Cura*, the following opinion of the catholic liberals (Montalembert): "that is the best condition of civil society, in which no duty is recognized, as attached to the civil power, of restraining by enacted penalties, offenders against the Catholic religion, except so far as public peace may require" (this is the wording of *Quanta Cura*). Pius IX adds that this opinion is "against the doctrine of Scripture, of the Church, and of the Holy Fathers"; he therefore suggests what Pius VII, in *Post Tam Diurnitas*, mentioned above, had already indicated to be the core point, namely to "put on the same level the Church, outside of which there is no salvation, with the heretic sects and even with the Jewish faithlessness." This is the decisive point which Fr. Gaudron seems to fail to address and even obscures: the traditional coupling of religious freedom and indifferentism, which necessarily meant that the defense of religious freedom would imply the equivalence of all religions, something which clearly is "against the doctrine of Scripture, of the Church, and of the Holy Fathers" and, thus,

¹⁶ According to the article "Qualifikationen, theol.," in *Lexikon für Theologie und Kirche* (2d ed. 1963, vol. 8), 918, a sentence which is "theologically certain" (*theologice certum*) is a theological affirmation about whose relationship to revelation the magisterium has not yet decided definitively, the denial of which however would be tantamount to a denial of a doctrine of faith or at least indirectly threaten it. According to the article "Theological Censures," in the *Catholic Encyclopedia*, vol. 3 (New York: Robert Appleton Company, 1908), online edition: www.newadvent.org/cathen/03532a.htm, "[a] proposition is branded heretical when it goes directly and immediately against a revealed or defined dogma, or dogma de fide; erroneous when it contradicts only a certain (*certa*) theological conclusion or truth clearly deduced from two premises, one an article of faith, the other naturally certain. Even though a statement be not obviously a heresy or an error it may yet come near to either. It is styled next, proximate to heresy when its opposition to a revealed and defined dogma is not certain, or chiefly when the truth it contradicts, though commonly accepted as revealed, has yet never been the object of a definition (*proxima fidei*)."

¹⁷ See Matthias Gaudron, "Die Religionsfreiheit, Das wahre Verhältnis von Kirche und Staat," *Civitas. Zeitschrift für das christliche Gemeinwesen* 10 (2010): 1–19, at 7.

a heretical position. Exactly this equating of religious freedom with indifferentism, however, was undone with the Second Vatican Council. With it, what the popes of the nineteenth century rejected as heretical still is heresy: religious indifferentism. But religious freedom as a civil right is no longer affected by this verdict.

On the grounds of their understanding of Church and state, however, the followers of Archbishop Lefebvre reject exactly this uncoupling of the equation of religious freedom and indifferentism. To the extent that they hold to this position, the doctrine of Vatican II must seem to them heretical, at least regarding its implications. Consider also the following sentence by Montalembert (which was qualified as heretical by Fr. Luigi Bilio, Consultor of the Holy Office and main drafter of *Quanta Cura*): “The Church does not have the right to suppress violators of its laws by means of temporal punishments.”¹⁸ Yet, this position of Montalembert was exactly the one targeted by Pius IX in *Quanta Cura*. The core of the “traditional” and “preconciliar” doctrine included the affirmation that—in religious matters and for the salvation of souls—the Church, by her very essence, had the right to use the temporal power. In modern language, she had the right to rely on the means of state coercion, a right whose defense, as Archbishop Lefebvre has stressed emphatically, was the core of the papal condemnation of religious freedom.¹⁹

This is why we have to ask how Fr. Gaudron, and with him the Society of St. Pius X, can possibly avoid the consequence of asserting that the Second Vatican Council’s doctrine on religious freedom at least implicitly is opposed to the Catholic doctrine of faith and thus is implicated in heresy. He must, moreover, recognize the legitimacy of being asked how he can possibly justify the schismatic act of the 1988 Episcopal ordinations on the grounds of the incongruence of the teaching of Vatican II on religious freedom with a mere theological *sententia certa* (which incongruence he claims the doctrine on religious freedom reflects). Together

¹⁸ See note 7 above.

¹⁹ See Lefebvre, *Ils l’ont découronné*, 76 : “Ce qui est commun à tous les libéralismes, c’est la revendication du droit à ne pas être inquiété par le pouvoir civil dans l’exercice public de la religion de son choix ; leur dénominateur commun (comme le dit le cardinal Billot) c’est la libération de toute contrainte en matière religieuse. Et cela, les papes l’ont condamné.” This shows again why Thomas Pink, in *Rhonheimer on Religious Liberty*, is wrong: the question is not about ecclesiastical power as such and its right to impose, besides strictly spiritual penalties such as excommunication, also so-called temporal penalties such as for example withdrawing a Church office or benefice, but the question of the relation between the ecclesiastical power and the power of *worldly* authorities, that is, the temporal power of the state (see also note 7 above).

with Archbishop Lefebvre, the founder of the Society of St. Pius X, he should rather hold that this teaching implies the “heresy of liberalism” and a general apostasy of the Church and the entire human society from Jesus Christ, and that it therefore puts the whole of catholic faith at stake.²⁰ Provided, however, Fr. Gaudron only intended to defend—against the idea of the religiously neutral, secular state—the integristic idea of a state, which has the task and the right to use coercion for the salvation of souls, this would only be a *political* position (though a theologically grounded one), which I would not consider to be heretical, but anachronistic and regrettable.

Vatican Council II effectively places us before a choice: the choice between, on the one hand, a Church that seeks to affirm and impose its truths and its pastoral duties by means of civil power, and on the other hand, a Church that recognizes—as *Dignitatis Humanae* maintains in number 1—that “the truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power.” It is not a matter here of two Churches that are distinct in the dogmatic or constitutive sense, but of two Churches that have different ways of understanding their relationships with the world and with the temporal order. Vatican II does not speak out either for a strictly “laicist” state in the sense of traditional French “laïcité” or for the relegation of religion to the private sphere, but for a Church that no longer presumes to impose the kingship of Christ by means of temporal power, and that for this very reason acknowledges the political secularity of the modern secular—not militantly laicist—state.

This is precisely the perspective of Vatican II. It has been confirmed by the Congregation for the Doctrine of the Faith’s *Doctrinal Note “On Some Questions Regarding the Participation of Catholics in Political Life”* of November 24, 2002. In number 6 of this note we read that “laïcité, understood as autonomy of the political or civil sphere from that of religion and the Church” represents for Catholic moral doctrine “a value that has been attained and recognized by the Catholic Church and belongs to [the] inheritance of contemporary civilization.”²¹ Though not

²⁰ Ibid.

²¹ I have slightly changed the wording of the official English translation, because it does not correctly reproduce the Italian original which speaks of “laicità” (the Italian equivalent to the French “laïcité”) and of “autonomy” *without any further qualification* (and not, as the English translation does, of “rightful autonomy” which is out of place, because the autonomy of the state regarding the religious and the ecclesiastical spheres is autonomy *tout court*, without any further qualification). The Italian original thus says: “Per la dottrina morale cattolica la laicità intesa come autonomia della sfera civile e politica da quella religiosa ed ecclesiastica—*ma non*

autonomous *morally*—it must satisfy basic, objective moral criteria—the state is at the same time not obliged to recognize one religious truth or one true Church over other confessions or religious communities. As state and as coercive civil power, it declares itself incompetent to judge on religious questions of truth or on any associated privileges. The duties and aims of the state are of a different nature, even when it shows concern for the religious life of its citizens or when it recognizes a particular religion, deeply anchored in a nation's tradition, as a reality belonging to its culture and its public life. The state's activity is ultimately oriented toward the *political* principles of justice and of the equality of all confessions, and toward the recognition of the same rights of all persons. "Government therefore ought indeed to take account of the religious life of the citizenry and show it favor, since the function of government is to make provision for the common welfare. However, it would clearly transgress the limits set to its power, were it to presume to command or inhibit religious acts."²²

The mission of preaching the Gospel, on the part of the Church and by the apostolate of the lay faithful who found themselves upon that Gospel, consists in penetrating the structures of society with the spirit of Christ, and by this means favoring the manifestation of the kingship of Christ.²³ The kingdom of Christ does not begin with the public confession of the true religion; it begins with the proclamation of the Gospel by the Church, which is received in the hearts of men and women, and it continues to grow through the apostolic action of the ordinary faithful who establish it in all of human society, in all the structures and realities of life.

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da quella morale—è un valore acquisito e riconosciuto dalla Chiesa e appartiene al patrimonio di civiltà che è stato raggiunto." Of course, this does not mean that the state must be indifferent regarding the religious life of its citizens or that religion must be absent from public life, as it is in the case of French "laïcité" (see the passage of *Dignitatis Humanae* quoted in continuation). The point is the institutional independence and sovereignty of the political sphere with respect to religious authorities like the Church, that is, the absence of any form of establishment of a determinate religion.

²² *Dignitatis Humanae*, no. 3.

²³ See my reflections on this subject in my book *Changing the World: The Timeliness of Opus Dei* (New York: Scepter Press, 2009).