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Editorial Comment

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Editorial Comment

As we go to press, the world still awaits the promulgation of the Vatican Council's Decree on Religious Liberty. It seems clear however that the document as it presently stands will be adopted without further amendment. The Fathers of the Council have already indicated by their November 17 voting an enthusiastic acceptance of the doctrine of Pius XII that the common good demands the universal recognition of religious liberty today. Accordingly, the final text of the document affirms that religious liberty is a genuine personal right founded in human dignity and demanding recognition in civil society as a civil right. No man may be prohibited from following the dictates of his conscience except by the demands of public order.

Anticipating this pronouncement, the Fifth International Congress of Catholic Jurists chose for its topic "The Law and Religious Liberty" at its recent meeting last September in Salamanca, Spain. Several of the papers which were presented at the Congress appear in this issue.

One of these papers, "The State and Religious Freedom," by Professor Orio Giacchi, of the Catholic University of Milan, presents a very valuable study of the diverse conceptions of relations between Church and State. An equally important aspect of the problem is covered by Professor D. Joaquin Ruiz-Gimenez Cortez of the University of Madrid in his paper "The Right of Parents in the Education of Their Children."

The significance of this Conference to Spain itself becomes obvious in view of the fact that it has provided strong impetus for new Spanish

legislation granting considerable religious freedom to non-Catholics which is expected to be enacted by the Cortes Parliament next summer.

The proposed Spanish statute grants wider latitude to religious minorities. It nevertheless adheres to the provision in the succession law that Spain must be ruled by a Catholic, and it is expected to contain imprecisions as to the freedom of non-Catholics to proselytize.

There are still key juridical problems to be solved: How to define non-Catholic proselytism, how far to tolerate it, and how to reconcile legally the ban on public worship by non-Catholics written into Spain's "Bill of Rights" with the new law that proposes to authorize such worship. However, the regime of Generalissimo Francisco Franco is fully committed to the granting of religious freedom to minorities, and the new law is virtually certain of promulgation in 1966.

The following resolutions were adopted by the Congress at the conclusion of its three day session:

"Considering that the Second Vatican Council was called to express its views on the subject of religious liberty and will establish the philosophic and theological teaching and the pastoral directives of the Church in this domain—teachings and directives to which the Catholic Jurists give their full and filial union;

"Considering also the action of international organizations and of certain states up to now in seeking to extract norms recognizing and guaranteeing religious liberty—in particular the Universal Declaration of the Rights of Man, the project of the Sub-Committee Against Measures of Discrimination, and numerous National Constitutions;

"Considering, however, that these norms do not always grant an adequate assurance of religious liberty, the Catholic Jurists wish to

adopt the following principles and pray they shall obtain in positive international law and in national laws:

“The search for God and for religious truth, the acceptance of a faith and the effort of man to pattern his life according to this faith, extolling the essential rights of the human being—these natural and inviolable rights should be recognized and guaranteed by the State against all direct and indirect coercion.

“Religious liberty should be envisioned not only as an individual liberty of conscience and expression but also as the liberty of communities united in the same faith.

“Consequently, the international and juridical orders should respect the structures of these communities and should not be an obstacle to the accomplishment of their mission within the limits of lawful conduct. They should guarantee more specifically the private and public worship of the belief, the teaching of the faithful and the formation of the ministers of the belief.

“In the scholastic organization of each country, parents should be assured the right within practical limitations to choose the instruction and education of their children according to their personal convictions.

“A State may give recognition to a particular religion in conformity with its actual social situation, but it should do so only with a corresponding recognition of religious liberty for all other citizens and communities of different faiths.

“The Congress expresses its total brotherhood to all Christians of the countries in which the Church and the Faith are persecuted.”

Elsewhere in this issue is an interesting summary by Edward L.

Wright of the work in progress on the revision of the Canons of Legal Ethics by a special committee of the American Bar Association. Mr. Wright is the Chairman of this committee. It is hoped that the final recommendations of the committee will result in appropriate revisions or additions to the present Canons which will contribute significantly to more effective grievance procedures as well as to increasing the level of voluntary compliance.

A handwritten signature in cursive script, reading "Edward Tager". The signature is written in black ink and features a prominent, stylized initial "E" and a long, sweeping horizontal line at the end.

EDITOR

