Church and State: Consistency of the Catholic Church's Social Teaching

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INTRODUCTION

The Catholic Church has played a significant role in society by exerting a Christian influence on the political and social order. Throughout the centuries, the Church displayed this influence as an instructor and guardian of morals and human rights, and as a motivator of the political order. Though the response to this influence has varied between total acceptance and total rejection, the Church's efforts have persevered. At times, the Church's instruction was so accepted that the civil government and the Church operated in close harmony. The Church has both influenced the constitution of the social order and affected its relationship with the Church—a constitution and relationship based on Christ's statement to render to Caesar what is Caesar's and to God what is God's.¹

The Catholic Church began to expand its understanding of Christ's statement and formed a body of teaching called "social teaching." The Church has infused its social teaching in numerous political settings by correspondingly with rulers, by publicly condemning particular activities, and by issuing documents with deliberate formality to ensure that the Church's message would be taken with the utmost gravity.

In 1962, a council of Church officials convened in Rome and, as part of its discussion, deliberated the Church's role in the world. The council,

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¹ Pope Leo XIII, Encyclical Immortale Dei (Nov. 1, 1885), reprinted in Church and State Through the Centuries 298 (Sidney Z. Ehler & John B. Morrell eds. & trans., 1954) [hereinafter Immortale Dei]. "Jesus Christ has Himself given command that what is Caesar's is to be rendered to Caesar, and that what belongs to God is to be rendered to God." Id. at 306.
called Vatican Council II ("Vatican II"), issued several documents addressing the Church's place in the modern world and its role within the civil order. Many interpreted these documents as a departure from the Church's previous views on such issues. The position articulated by the Church prior to Vatican II is commonly referred to as the Church's "traditional" teaching, whereas those teachings espoused after Vatican II are described as something other than traditional.

The purpose of this Article is to examine the constancy of a particular aspect of the Catholic Church's teaching—the relationship between the Church and State, with an emphasis on the malleable notion of "religious freedom." Its purpose is not to determine whether a particular point, subpoint, or conclusion is correct, nor to judge whether the position is flawed in any respect. Rather, its purpose is only to examine whether the Catholic Church has been consistent in its social teaching on the relationship between the Church and State. The scope of this topic is quite broad and certainly cannot be entirely explored in a single article. Accordingly, this Article will present a brief sketch of the major contributors to Church thought and comment on a few of the many commentators.

Part I of this Article describes the Catholic Church's historical and traditional social teaching. Part II explains Vatican II's presentation of the relationship between the Church and State. Finally, Part III demonstrates that the Church has been consistent with its teachings by refuting certain commentators' criticisms of the Church's position. This is accomplished by providing the circumstances under which the documents were issued, and explaining the relationship between Vatican II and the Church's prior teaching.

I. THE CATHOLIC CHURCH'S TRADITIONAL SOCIAL TEACHING

A. St. Thomas Aquinas: Natural Law Framework

St. Thomas Aquinas ("St. Thomas") was one of the major influences on the Church's thought regarding the relationship between the Church and State. He often has been quoted and honored by the Church, her popes, and commentators. A major theme in St. Thomas' *Humanae...*
Generes was the reaffirmation of the value of Thomism as the Church's philosophy—a philosophy Pius XII believed "to be under attack." Any attempt to articulate the Catholic Church's view concerning the relationship between the Church and State requires an explanation of St. Thomas' work.

St. Thomas grounded his philosophy on natural law. When he spoke of man's relation to the political order, it was in terms of what is natural and rational to man. St. Thomas' philosophy begins with the observation that men generally aggregate in some form of society. Simply, men naturally live together and are naturally social. However, a community of men living together could not exist unless someone took charge and directed the people toward some end. St. Thomas saw two ways in which a person or government directs people. In one, people are ruled for the utility of the government in a relationship of subjugation of ruler to slave. In the other, people are ruled and directed to their own individual ends for the good of the community. St. Thomas believed the latter to be the better form and supported his conclusion with scripture: "Everyone using the grace he has received for the benefit of his fellow men."

In his view, the purpose of the political order is to direct man toward the "common good" which is "composed of many private goods." Laws must consider these many goods with respect to persons, social affairs, and the times. In addition, laws must be promulgated for the general benefit of the citizens, rather than for some private interest.

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*trans. ed., 1966* ("[S]tudents should learn to penetrate [the mysteries of salvation] more deeply . . . under the tutelage of St. Thomas."); *id.* at 452 n.52. In an allocution delivered at the Pontifical Gregorian University of Studies on March 12, 1964, Pope Paul VI instructed:

> Let teachers reverently pay heed to the voice of the Doctors of the Church, among whom St. Thomas holds the principle place; for the Angelic Doctor's force of genius is so great, his love of truth so sincere, and his wisdom in investigating, illustrating, and collecting the highest truths in a most apt bond of unity so great, that his teaching is a most efficacious instrument not only in safeguarding the foundations of the faith, but also in profitably and surely reaping the fruits of its sane progress.

*Id.*

4 Michael J. Walsh, *Pius XII, in Modern Catholicism* 20, 24 (Adrian Hastings ed., 1991).


6 *Id.*; *see id.* at 367 (*Summa Theologiae*, pt. I-II, question 72, art. 4).

7 *Id.* at 367 (*Summa Theologiae*, pt. I, question 6, art. 4).

8 *Id.*

9 *Id.*


11 *Id.* (quoting 1 Peter 4).

12 *Id.* at 372 (*Summa Theologiae*, pt. I-II, question 96, art. 1).

13 *Id.*
St. Thomas maintained that the State is not autonomous. Its laws must be made solely for the common good and welfare of man, and they must be just. Laws are unjust when they are contrary to the common good or to the attainment of the Divine Good. Man is not bound to obey the first class of laws, but may obey them to avoid scandal or civil disorder. The latter type, however, may not be obeyed under any circumstances.

B. Unam Sanctam: Religious Doctrine in the Midst of Political Turmoil

In 1302, approximately fifty years after St. Thomas died, Pope Boniface VIII issued a document entitled *Unam Sanctam.* The last sentence of this document is significant because of its dogmatic character: "[W]e declare, state, define and pronounce that it is altogether necessary to salvation for every human creature to be subject to the Roman Pontiff." Boniface VII made this statement during a struggle for French recognition of the Church’s authority. When the French Church returned

14 *Id.* at 368 (*Summa Theologiae*, pt. I-II, question 93, art 3).
16 *Id.*
17 *Id.* at 373-74.
18 *Id.* at 374 (e.g., with respect to the first, payment of excessive taxes; with respect to the second, idolatry). “We must obey God rather than man.” *Id.* (quoting Acts 5:29).
19 Pope Boniface VIII, *Encyclical Unam Sanctam* (Nov. 18, 1302), reprinted in *Church and State Through the Centuries*, supra note 1, at 89.
20 *Id.* at 90, 92. The immediate controversy was over the king’s taxation of the clergy without prior agreement with the Pope. Pope Boniface VIII considered this act an infringement on the Church’s freedom from civil control. *Id.* at 89 (commentary).
21 See *id.* at 89-90. The French king took offense at any possibility that his power in any area of society was subordinate to the Pope. *See id.* at 89. The king had been trying to sever France, including the Catholic clergy, from Rome because he rejected any notion that France, its king, nobles, and clergy were subject to anyone but the king. *Id.* at 89-90. Many letters passed between the king and Pope Boniface VIII. *Id.* In one letter, Boniface VIII asserted: “[L]et no one persuade you that you have no superior, or that you are not subject to the head of the ecclesiastical hierarchy. . . .” *Id.* The king, seizing an opportunity, burned the letter; he distributed a forged one stating that all are “subject to us in spiritualities and temporalities.” *Id.* The forgery effectively turned the dispute from a defense of the Church against the French king to a defense of the French against a power hungry pope. *Id.*

Boniface had set out to defend the French church against the king. . . . In April of 1303 a great assembly of clergy, nobles, and people met at Paris in the Cathedral of Notre Dame. It was the first meeting in French history of a representative Estates-General—the institution was called into existence specifically to mobilize national opinion for Philip’s antipapal policy. Pierre Flotte
to full union with Rome, Pope Leo X reconfirmed Unam Sanctam’s mandate for obedience to the Pope.22

In light of this political dispute, it may be easy to interpret Boniface’s words as prescribing the Church’s authority over both religious and secular matters. However, the hierarchical relationship between religious and civil powers was by no means a new or settled issue. This specific issue had been addressed by St. Thomas, along with a host of other parties having a stake in a recognized formulation. According to St. Thomas, the religious and civil authorities are both derived from and subject to God.23 Although each authority acts independently, civil authority is subject to religious authority whenever man’s salvation is directly involved.24

Interestingly, Unam Sanctam’s last sentence is borrowed from a treatise written by St. Thomas, On the Errors of the Schismatic Greeks.25 The treatise has little, if anything, to do with the Church’s supremacy over temporal authority. Rather, it targeted Greeks who denied St. Peter’s authority over religious matters.26 Boniface VIII also admonished the Greeks in his document.

Why should Boniface VIII worry about the Greeks in a document written for the French at a time of political unrest? The Pope had called a Council in Rome that year and less than half (thirty-six out of seventy-eight) of the French Bishops attended.27 The document was intended to preserve the Church’s interior unity and solidarity at a time when the French government was trying to sway those faithful to Rome to allegiance to the French state.28 One commentator noted that Unam Sanctam’s “intense preoccupation” with the Church’s inner unity seemed misplaced in a letter written at the peak of a political controversy related to the Pope’s secular claims.29 The Pope’s concern was to avoid the possibility that the Church could become “a cluster of national churches” which would depend on their kings for leadership during crises.30 The

addressed the assembly and apparently told it that the pope had claimed feudal lordship over France. . . . The clergy, deeply embarrassed, wrote to Boniface, addressing him as pope but explaining that they were much perturbed as his ‘unheard-of statements’ and asking to be excused from attendance at the counsel in Rome.

Id.
22 CHURCH AND STATE THROUGH THE CENTURIES, supra note 1, at 93 & 136 (commentary).
24 Id.
25 Id. at 182.
26 Id.
27 Id.
28 Tierney, supra note 23, at 183.
29 Id.
30 Id.
Pope feared that if bishops were forced to choose between obeying the Pope or obeying their king in ecclesiastical matters, the Church would lose its international structure and its autonomy in government and discipline. Therefore, *Unam Sanctam* was not a command for papal supremacy in all matters both religious and civil. Rather, it was a worried plea and a reminder to the Church's French clergy that the Pope is the head of their Church and that they must remain faithful.

**C. Leo XIII: Explanation and Application of Traditional Social Teaching**

In 1885, one of the Church's great writers contributed to delineating the relationship between the Church and State. Operating against the backdrop of the natural law approach and the dogmatic assertions of the Church's supremacy, Pope Leo XIII set out to settle the problems of his era.

Pope Leo XIII authored several documents concerning society. His most influential discussion addressing the relationship between the Church and State is located in *Immortale Dei*, or *On the Christian Construction of the State*. In this document, Leo XIII elaborated on the principles of natural law and addressed a specific issue: How far can a loyal Catholic fulfill the duties of a citizen in the modern, secular, religiously neutral State? His answer was twofold. First, he described the scope of the State's authority and its duties to its citizens. Second, he discussed the Catholic citizen's duty in the State.

In his discussion of the first point, Leo XIII began, as St. Thomas did, by noting that living in a society is something natural to man, and that men need to be led and directed by someone. Like St. Thomas, he emphasized that the political order should direct man "to strive earnestly" toward the common good. In his view, the State must promote the general welfare, safeguard the community, and have the interests of its citizens at heart. Since man has a duty to worship God, the State

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31 Id.
32 See *Church and State Through the Centuries*, supra note 1, at 299 (commentary). Leo XIII faced a problem similar to that encountered by Boniface VIII regarding the French. The French were again the "spearhead of the militantly secularist and anti-clerical" sentiment. Id.
33 *Immortale Dei*, supra note 1, at 300.
34 Id.
35 *Church and State Through the Centuries*, supra note 1, at 298.
36 *Immortale Dei*, supra note 1, at 300-02.
37 Id. at 302.
38 Id. at 303.
must also take into account the religious aspect of man in all areas of society.

Pope Leo XIII also discussed the affirmative duties of the State. He claimed that the State is obliged to promote and encourage religion.\(^{39}\) In his opinion, a state is "[c]learly bound to act up to the manifold and weighty duties linking it to God, by public profession of religion."\(^{41}\) In addition, the State has a duty to protect and shield religion in a manner that facilitates citizens' attainment of their final end—heaven.\(^{42}\) Pope Leo XIII specified these duties in his discussion on the State's duties to the Church. The State may not exclude the Church from making laws, teaching children, family life, or daily events.\(^{43}\) The State may not subject the Church to its civil authority.\(^{44}\) Pope Leo XIII also stated that it is "great folly and sheer injustice" even to wish this.\(^{45}\)

Leo XIII claimed that the Catholic faith is the one true religion and that all men are bound to worship in accordance with the Catholic Church.\(^{46}\) While he did not expressly state that the State is bound to profess the Catholic faith, Leo XIII indicated that it is unlawful to place various forms of religion on the same footing with the Catholic faith. He continued, however, that the Church "does not, on that account, condemn those rulers who for the sake of securing some great good, or of hindering some great evil, tolerate in practice that these various forms of religion have a place in the State."\(^{47}\) Leo XIII emphasized that the Church did not want individuals forced to embrace the Catholic faith.\(^{48}\)

Leo XIII instructed that the State has a duty to protect and foster religion, to prefer the Catholic faith, and to permit other forms of religion only where some good will be achieved or some evil will be avoided. The State must enable its citizens to practice religion and achieve their final home in heaven.

\(^{39}\) *Id.* "Everything, without exception, must be subject to Him, and must serve Him, so that whosoever holds the right to govern, holds it from one sole and single source, namely God, the Sovereign Ruler of all. *There is no power but from God.*" *Id.* at 302 (emphasis in original).

\(^{40}\) *Id.* "Nature and reason, which command every individual devoutly to worship God in holiness, because we belong to Him and must return to Him since from Him we came, bind also the civil community by a like law." *Id.* at 303.

\(^{41}\) *Id.* "[F]or one and all we are destined, by our birth and adoption, to enjoy, when this frail and fleeting life is ended, a supreme and final good in heaven, and to the attainment of this every endeavour should be directed." *Id.*

\(^{42}\) *See id.* at 299, 313.

\(^{43}\) *Id.* at 313.

\(^{44}\) *Id.*

\(^{45}\) *Immortale Dei, supra* note 1, at 317-18.

\(^{46}\) *Id.* at 315.

\(^{47}\) *Id.*

\(^{48}\) *Id.* "[N]o one shall be forced to embrace the Catholic faith against his will, for, as St. Augustine wisely reminds us, 'Man cannot believe otherwise than of his own free will.'" *Id.*
During his discussion of man's religious duty as citizen to the Church, Leo XIII made two general statements. In private matters, individuals must conform their lives and conduct to the precepts of the Gospel. In public matters, all are “bound to love the Church as their common mother, to obey her laws, promote her honor, defend her rights and to endeavor to make her respected and loved by those over whom they have authority.” This statement echoes Pope Boniface VIII's statement in Unam Sanctam requiring obedience to the Catholic Church. Leo XIII specifically admonished Catholics to be faithful in their duties; not only to promote the Church, but also to prevent injury to other Christian religions.

Leo XIII recognized that both Church and State powers are legitimate. The State has the duty to direct men toward the common good. The Church has the duty to spread Christ's message of salvation through the Gospel to all men. The Church's goal of man's salvation is not limited in time or place. Although civil society and the Church direct the same subjects, each has its proper realm or activity in which to exercise its authority. When each issues conflicting mandates, the State must recognize the rights of the Church. According to Leo XIII,

[w]hatever, therefore, in things human is of a sacred character, whatever belongs either of its own nature or by reason of the end to which it is referred, to the salvation of souls, or to the worship of God, is subject to the power and judgement of the Church. Whatever is to be ranged under the civil and political order, is rightly subject to the civil authority.

Other pontiffs have reaffirmed that the Church is the supreme authority of all within her realm of care. In Quadragesimo Anno, Pope Pius XI wrote, “[I]t is Our right and Our duty to deal authoritatively with social and economic problems.” Pope Pius XI believed that, with just cause, the Church could interfere with earthly concerns and all matters that fall under the moral law. The Church's duty to declare and inter-

49 Id. at 317.
50 Id. at 316-17.
51 See supra notes 19-20 and accompanying text.
52 Immortale Dei, supra note 1, at 318.
53 Id. at 304.
54 Id.
55 Id. at 306.
56 Id. Leo XIII compared the relationship between the State and the Church to the relationship which exists between the body and the soul. Id.
57 Immortale Dei, supra note 1, at 306.
58 Quadragesimo Anno, supra note 3, at 424.
59 Id.
pret the moral law demands that the social order and economic life be within the Church's "supreme jurisdiction."\textsuperscript{60}

Leo XIII conceded that the Church may not be competent in every aspect of the civil order. However, he maintained that the Church retains the right to judge that order whenever moral and religious tenets or rights are violated. \textit{Rerum Novarum}, or \textit{On the Working Condition}, exemplifies the Church's application of its teachings.\textsuperscript{61} Until \textit{Rerum Novarum}, the Church had never provided so detailed a description of the duties of states and citizens. For example, with respect to the horrible living conditions associated with the industrial revolution, Leo XIII believed that employer and employee should agree freely as to wages, and that wages should never be less than that necessary to support a "frugal and well-behaved wage-earner."\textsuperscript{62} In his view, those forced to accept wages below that level were the victims of force and injustice.\textsuperscript{63} Leo XIII advocated that the worker be allowed recourse to unions, boards, societies, or even the State for protection and sanction.\textsuperscript{64} Similarly, in \textit{Quadragesimo Anno}, Pope Pius XI articulated the Church's guidelines on private property. Pius XI wrote that man has a natural right to possess private property and keep it free from the State's interference.\textsuperscript{65} However, the State retains the authority to adjust ownership to meet the needs of the public good, to support human life, and to prevent intolerable disadvantages.\textsuperscript{66} These two instances illustrate how the Church began to specify its general teachings. The Church judges a particular law, course of conduct, or omission on whether it is in discord or harmony with justice, human rights, or man's attainment of an eternal home.

Up to this point, the Church focused on defending her teachings and condemning violative activity. With Vatican II, however, the Church seemed to be taking a new direction. This universal conference produced many changes. An obvious internal alteration was allowing the Catholic Mass to be celebrated in the vernacular language, instead of Latin. Another such change was the introduction of new forms of art and music to the sanctuary and liturgy. Externally, the Church focused on the laity. The Church encouraged them to take an active role in all aspects of life—by fulfilling their duties and aspiring to Christ's message to spread his gospel. In fact, this call was nothing new. As did the Roman Pontiffs before, Vatican II called upon all persons to embrace Christ's message.

\textsuperscript{60} Id.
\textsuperscript{61} \textit{Rerum Novarum}, supra note 3, at 324.
\textsuperscript{62} Id. at 346.
\textsuperscript{63} Id.
\textsuperscript{64} See id.
\textsuperscript{65} \textit{Quadragesimo Anno}, supra note 3, at 427.
\textsuperscript{66} Id.
II. VATICAN COUNCIL II: THE CHURCH'S ROLE IN THE MODERN WORLD

A. Overview of Vatican II and its Documents

Approximately 100 years before Vatican II, from 1869 to 1870, the Church attempted to convene a discussion on its role in the world, but was unable to do so because of political turmoil. The papal states were invaded by political rivals and the council was interrupted. The bishops met to discuss and issue a declaration on the Church's constitution and its relation to the political world. However, they were unable to fully review a fifteen chapter draft entitled the Constitution on the Church of Christ. They deliberated and enacted four chapters regarding the papacy, but failed to consider issues concerning Church hierarchy and the laity. Critics viewed this unbalanced approach as creating an absolute monarchy, making mere lackeys of the bishops. This may explain why the bishops were very active in Vatican II—there were several “pastoral” documents. Pressing questions relating to the bishops' and laity's roles went unanswered until Vatican II. In light of these issues, the Church felt compelled to reassert its place in the modern world.

On October 11, 1962, the bishops of the world convened in Rome to address one main question: What is the Church's role in the modern world with respect to man's religious and social needs? In the opening message, Pope John XXIII outlined the Church's two main concerns. The first concern was peace, of bringing all people together to develop mutual respect for one another. The second concern focused on social justice, for which, according to the Pope, the Church was supremely necessary.

Vatican II promulgated many documents. With respect to the relationship between the Church and State, it issued three documents of primary importance: Dogmatic Constitution on the Church, Pastoral Constitution of the Church in the Modern World, and Declaration on Religious Freedom.

The Church recognized the need to expressly define itself as both the institutional Church founded by Christ and the external Church as the People of God. The distinction may be best understood in terms of the United States government. The framers of the United States Constitu-

67 MESSAGE TO HUMANITY, reprinted in THE DOCUMENTS OF VATICAN II, supra note 3, at 6.
68 Id.
70 PASTORAL CONSTITUTION OF THE CHURCH IN THE MODERN WORLD, reprinted in THE DOCUMENTS OF VATICAN II, supra note 3, at 199.
71 DECLARATION ON RELIGIOUS FREEDOM, reprinted in THE DOCUMENTS OF VATICAN II, supra note 3, at 675.
72 DOGMATIC CONSTITUTION ON THE CHURCH, supra note 69, at 14-16.
tion created a government structure possessing the power and authority to rule. When the government acts, it is rightly said that the United States acts. The framers, at the same time, created a body of people which together constitutes the United States, and who are also properly called the United States. Similarly, Christ established the Church, and all those who have faith in Jesus are the Church. By so defining and explaining the Church, Vatican II did not shirk the bold statements previously made concerning the Church's external and institutional authority and role in the world.

B. Vatican II's Use of Traditional Social Teaching

Vatican II restated the traditional propositions expounded by St. Thomas and Pope Leo XIII regarding the State: Man is naturally a social being; the purpose of political order is towards the common good; the political order must direct man toward morals; and political authority is subject to limitation. Furthermore, in describing the relationship between the Catholic Church and other religions, Vatican II stressed the importance of union with the Catholic Church and “reiterate[d] the traditional Catholic teaching on the necessity of the Church for salvation.”

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73 Id. at 22.
74 Id. at 26. “God has gathered together as one all those who in faith look upon Jesus as the author of salvation and the source of unity and peace, and has established them as the Church, that for each and all she may be the visible sacrament of this saving unity.” Id.
75 PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD, supra note 70, at 211 (“For by his innermost nature man is a social being, and unless he relates himself to others he can neither live nor develop his potential.”).
76 Id. at 284 (“[P]olitical community exists for that common good in which the community finds its full justification and meaning, and from which it derives its pristine and proper right.”).
77 Id. at 284 (“[A]uthority must dispose the energies of the whole citizenry toward the common good . . . primarily as a morale force.”).
78 Id. (political authority must be exercised within limits of morality).
79 DOGMATIC CONSTITUTION ON THE CHURCH, supra note 69, at 32 n.47. However, according to Vatican Council II (“Vatican II”) the Church never ceases to pray that all Christians may enter the Church. Id. Further, in Ecumenism, Vatican II also says that “it is through Christ's Catholic Church alone, which is the all embracing means of salvation, that the fullness of the means of salvation can be obtained.” DECREES ON ECUMENISM, reprinted in THE DOCUMENTS OF VATICAN II, supra note 3, at 341, 346.
Vatican II understood that the Church and State are distinct entities. The Church sees itself as "a conscience on human society" which must be free and independent to carry out its duties. However, the Church and State govern the same subjects and, therefore, cannot be separated entirely. Since its mission is to all mankind, the Church cannot be hindered by the State, nor subject to its laws. The Church recognizes that she is not competent in the particulars of legislation, economics, and the like. However, she will not hesitate to make moral judgements on the political order when basic personal rights or the salvation of souls are in jeopardy.

C. Vatican II's Declaration on Religious Freedom

As part of its focus on the Church as the People of God, Vatican II took the opportunity to expand a principle contained in its traditional social teaching: No one shall be forced to embrace the Church against their will. As previously discussed, this was asserted by St. Thomas, Leo XIII, and Boniface VIII, and Vatican II elaborated on this tenet in Declaration on Religious Freedom. Essentially, the Church teaches

80 Decree on the Bishops' Pastoral Office in the Church, reprinted in The Documents of Vatican II, supra note 3, at 396, 411 n.54.
81 Id. at 410. "In discharging their apostolic office, which concerns salvation of souls, bishops of themselves enjoy full and perfect freedom, and independence from any civil authority." Id. However, like man, the church herself is to support the civil authority "in the things of Caesar." Id. at 410 n.54.
82 Pastoral Constitution on the Church in the Modern World, supra note 70, at 247. Indeed, God "was Himself made flesh so that as perfect man He might save all men." Id. St. John said that Christ died so that He could gather His scattered children. John J. King, Towards an Adequate Concept of Church, in Vatican II The Theological Dimension 11, 14 (Anthony D. Lee ed., 1963).
83 Pastoral Constitution on the Church in the Modern World, supra note 70, at 287. Because the Church serves all men, id. at 247, "she must in no way be confused with the political community, nor bound to any political system." Id. at 287. While "the political community and the Church are mutually independent and self-governing," each serves the same people. Id. at 288. Therefore, both the political community and the Church should strive for a mutual cooperation. Id.
84 See id. at 287.
85 Id. at 289. Vatican II took great pains to point out that the Church is "a sign and a safeguard of the transcendence of the human person." Id. at 288. This means that the Church has full authority to preach, teach, and discharge her duty toward man without hinderance. Id. at 288-89. Vatican II expressly pointed out that the Church "has the right to pass moral judgments, even on matters touching the political order, whenever basic personal rights or the salvation of souls make such judgments necessary." Id. at 289.
86 Declaration on Religious Freedom, supra note 71, at 689. "It is one of the major tenets of Catholic doctrine that ... no one is to be forced to embrace the Christian faith against his own will." Id. (footnote omitted).
87 Id. at 675.
that a person has a right to religious freedom.\textsuperscript{88} Vatican II explained that

\begin{quote}
[t]his freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that in matters religious no one is to be forced to act in a manner contrary to his own beliefs. Nor is anyone to be restrained from acting in accordance with his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.\textsuperscript{89}
\end{quote}

Vatican II carefully pointed out that the type of religious freedom asserted “has to do with immunity from coercion in civil society.”\textsuperscript{90} To avert the temptation to read more than was intended into this particular right, Vatican II stated that the right “leaves untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ.”\textsuperscript{91} This document expressed opposition to coercion by individuals or a state which would force a person to embrace a particular religion.\textsuperscript{92} Furthermore, it addressed modern political institutions.\textsuperscript{93}

\textit{Declaration on Religious Freedom} laid the bottom-most stone in an edifice which would allow Catholics to fully practice their faith within temporal society. With its emphasis and focus on the laity’s role as members of Christ’s Church, Vatican II urged the faithful to live up to the

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  \item \textsuperscript{88} \textit{Id.} at 678. The Church views freedom of religion as a human and civil right. \textit{Id.} at 678 n.5.
  \item \textsuperscript{89} \textit{Id.} at 678-79.
  \item \textsuperscript{90} \textit{Id.} at 677.
  \item \textsuperscript{91} DECLARATION ON RELIGIOUS FREEDOM, supra note 71, at 677.
  \item \textsuperscript{92} \textit{Id.} at 675. The document argues that it is the “sense of the dignity of the human person . . . impressing itself more and more deeply on the consciousness of contemporary man” at the root of modern calls for religious freedom. \textit{Id.} It is this sense of dignity that led to the increasing demands “that men should act on their own judgement, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty.” \textit{Id.}
  
  This sense of duty as a motivating factor in religious exercise is in accord with the Church’s position that “all men are bound to seek the truth, especially in what concerns God and His Church, and to embrace the truth they come to know, and to hold fast to it.” \textit{Id.} at 677. This obligation should not be coerced, but is a duty that falls upon the human conscience. \textit{Id.} The truth should not be forced upon someone by civil coercion. Indeed, it “cannot impose itself except by virtue of its own truth.” \textit{Id.} Religious freedom, then, “has to do with immunity from coercion in civil society,” \textit{id.}, because “men cannot discharge these obligations in a manner in keeping with their own nature unless they enjoy immunity from external coercion.” \textit{Id.} at 679.
  \item \textsuperscript{93} \textit{Id.} at 675, 676 n.2 (note by Father John Courtney Murray). \textit{Declaration on Religious Freedom} demands “that constitutional limits should be set to the powers of government, in order that there may be no encroachment on the rightful freedom of the person and of associations.” \textit{Id.} at 675. It is a basic doctrinal theme of the Church that these constitutional limits on government must exist. \textit{Id.} at 676 n.2 (note by Father John Courtney Murray).
\end{itemize}
calling of Christ, to follow his gospel, to actively evangelize, and to practice their faith in all areas of their lives.\textsuperscript{94} As discussed in subpart I(C), \textit{supra}, Pope Leo XIII instructed that the State has a duty to protect religion and enable its citizens to reach their final home,\textsuperscript{95} and that it is sinful to act as if there were no religion.\textsuperscript{96} Following his teachings, Vatican II took the opportunity to lay a foundation to enable the People of God in the modern political atmosphere to fulfill these substantial duties. According to Vatican II, this freedom is one so fundamental that it must be declared a fundamental civil right and incorporated into state constitutions.\textsuperscript{97}

\textit{Declaration on Religious Freedom} seems to speak out against the United States and similar governments. Vatican II both criticized and appealed to civil authority when it stated:

\begin{quote}
[T]he social nature of man itself requires that he should give external expression to his internal acts of religion; that he should participate with others in matters religious; that he should profess his religion in community. Injury, therefore, is done to the human person and to the very order established by God for human life, if the free exercise of religion is denied in society when the just requirements of public order do not so require . . . . However, it would clearly transgress the limits set to its power were [civil authority] to presume to direct or inhibit acts that are religious.\textsuperscript{98}
\end{quote}

The First Amendment of the United States Constitution provides for the free exercise of religion.\textsuperscript{99} It guards against coercion or prohibition in religious matters, and provides for equality of all religions before the

\textsuperscript{94} \textit{Decree on the Apostolate of the Laity}, \textit{reprinted in The Documents of Vatican II, supra note 3}, at 489 \textit{passim}. “The obligation of spreading the faith is imposed on every disciple of Christ . . . .” \textit{Dogmatic Constitution on the Church, supra note 69}, at 36.

\textsuperscript{95} \textit{Declaration on Religious Freedom, supra note 71}, at 685, 685 n.16 (note by Father John Courtney Murray). “[G]overnment is to assume the safeguard of the religious freedom of all its citizens, in an effective manner, by just laws and by other appropriate means.” \textit{Id.} at 685. Further, governments must, as part of this duty, “create conditions favorable to the fostering of religious life, in order that the people may be truly enabled to exercise their religious rights and to fulfill their religious duties.” \textit{Id.}

\textsuperscript{96} \textit{Immortale Dei, supra note 1}, at 303.

\textsuperscript{97} \textit{Declaration on Religious Freedom, supra note 71}, at 675, 678 n.5.

\textsuperscript{98} \textit{Id.} at 681.

\textsuperscript{99} \textit{U.S. Const. amend. I.}
law.\textsuperscript{100} American jurisprudence in this area has traveled far from the original notion. In \textit{McCollum v. Board of Education},\textsuperscript{101} the United States Supreme Court abandoned the principle that the national government cannot \textit{prefer} any one religion in favor of the position that "[n]either a state nor the Federal Government . . . can pass laws which aid one religion, aid all religions, or prefer one religion over another."\textsuperscript{102} When \textit{McCollum} was decided, members of Vatican II witnessed a stunning victory for American secularism. This was a hard blow after the struggle with recurrent French secularism in the past centuries.\textsuperscript{103}

Faced with this dilemma, but experienced with problems of anti-religious and secular sentiment,\textsuperscript{104} Vatican II viewed the First Amendment as a perfect window of opportunity through which to defend against the extinction of all religion from society. From this perspective, it is easy to discern why Vatican II issued an entire document on the right to be free from coercion and prohibition, especially in public affairs and religious matters. When faced with this issue in the past, the Church responded with \textit{Unam Sanctam}\textsuperscript{105} and \textit{Syllabus of Errors}.\textsuperscript{106} Perhaps by stressing a different, rather than opposed, aspect of its social teaching, the Church will more readily win support in the temporal arena.

\textit{Declaration on Religious Freedom} is a practical document. Its practicality derives from its elaboration on religious freedom; a principle which is generally familiar to all men and which promotes the Church's support, growth, and perhaps her very existence in secular countries.\textsuperscript{107}

\textsuperscript{100} \textit{Id.}; John Courtney Murray, \textit{A Common Enemy, A Common Cause, in First Things} 29, 34 (1992).
\textsuperscript{101} 333 U.S. 203 (1948).
\textsuperscript{102} \textit{Id.} at 210. Various religions, including Catholic, Jewish, and Protestant sects, formed the Champaign Counsel on Religious Education (the "Counsel"). \textit{Id.} at 207. The Counsel obtained permission from the Board of Education to offer weekly religion classes, lasting 30 to 45 minutes. \textit{Id.} at 207-08. Parents signed printed cards requesting permission for their children to attend. \textit{Id.} at 207. The Counsel provided the teachers; and the Board made public school classrooms available for instruction. \textit{Id.} at 208-09. The Supreme Court struck down this practice, stating that this was "beyond all question a utilization of the tax-established and tax supported public school system to aid religious groups to spread their faith." \textit{Id.} at 210. Finding the practice unconstitutional, the Supreme Court held that the activity fit "squarely under the ban of the First Amendment." \textit{Id.} at 239.

For an excellent discussion on the effect of this decision from the Catholic perspective, see Murray, supra note 100. Generally, the Catholic Church has stressed the importance of its freedom to act in the area of education. \textit{See generally, Declaration on Christian Education, reprinted in The Documents of Vatican II, supra note 3, at 637.}

\textsuperscript{103} Murray, \textit{supra} note 100, at 34-37.

\textsuperscript{104} \textit{See supra} notes 19-22 and accompanying text.

\textsuperscript{105} \textit{See supra} subpart I(B).

\textsuperscript{106} \textit{See infra} subpart III(C).

\textsuperscript{107} Vatican II takes a Thomistic approach in upholding the right to religious freedom. In \textit{Summa Theologiae}, St. Thomas argued primarily from revelation and scripture because he intended it to be used by people versed in those areas. In \textit{Summa Contra Gentiles}, St.
III. CONSTANCY OF THE CHURCH’S SOCIAL TEACHING

A. Approach of Vatican II

Many viewed the documents of Vatican II as an avenue for radical change within the Church. Others viewed the marked difference in vocabulary as an indication that, not only was the Church beginning to teach something new and different, it was also departingly opposed to the Church’s previous teachings despite Vatican II’s explicit statements that it was following its prior social decrees. It is submitted that Vatican II entirely followed the Church’s traditional social teachings. Its teachings are wholly consistent and harmonious with the Church’s traditional position on the Church and State.

Aside from the textual differences between translations, there is an obvious difference in language use and diction between the documents of Vatican II and the Church’s prior statements. This difference may be attributable, in part, to real differences in cultural language usage. In the twelfth and thirteenth centuries, literacy was not widespread. Official documents written in Latin were seen as somewhat immutable. The nuance of official documents may be best exemplified by a cursory look at any legal document today, particularly a deed. However, the documents of Vatican II clearly target a wider audience than did the Church’s prior statements.

Thomas chose another common ground on which to base his arguments—natural law. In areas where people had no familiarity with scripture or even with Christ, missionaries found a basis upon which to spread Christ’s message. Vatican II utilized a similar technique. Declaration on Religious Freedom establishes freedom from religious coercion as a common ground used to facilitate the practice and consequent spread of the faith.

It is evident that the popular perception of Vatican II is that it led to radical change in the Church. One commentator declared that “[t]he changes wrought by Vatican II were the most radical in Catholic life in centuries.” Richard N. Ostling, Discord in the Church, TIME, Jan. 4, 1985, at 50. Others have maintained that “[w]hen Pope John XXIII convened Vatican II, he set in motion powerful and irresistible winds of change in the Catholic Church.” Helen Van Son & George Van Son, Letters to the Editor, TIME, Nov. 3, 1986, at 9.

Vatican II teaches that “the political community and the Church are mutually independent and self-governing. Yet, . . . each serves the personal and social vocation of the same human beings.” Pastoral Constitution on the Church in the Modern World, supra note 70, at 288. This teaching is in accord with and is a continuation of the writings of Pope Leo XIII:

The Almighty . . . has appointed the charge of the human race between two powers, the ecclesiastical and the civil, the one being set over divine, and the other over human, things. Each in its kind is supreme, each has fixed limits within which it is contained, limits which are defined by the nature and special object of the province of each, so that there is, we may say, an orbit traced out within which the action of each is brought into play by its own native right. But . . . each of these two powers has authority over the same subjects . . . .

Immortale Dei, supra note 1, at 306.
In addition, Vatican II deliberately attempted to avoid rigid definitions, condemnations, and anathemas, and to present the Church in a positive light using biblical, historical, and dynamic terms. Vatican II made a concerted effort to reach all Christians in order to bring them back into one fold.\textsuperscript{110} Vatican II avoided undue divisiveness among Christians in an attempt to achieve one of the Church's chief concerns—the restoration of Christian unity.\textsuperscript{111} Sensing a widespread yearning for unity in one Church,\textsuperscript{112} the Council set out to speak to all in common terms of \textit{The Bible} and history, while adding to its discussion an evident ecumenical flavor.

\textbf{B. Use of St. Thomas Aquinas}

In light of Vatican II's approach to ecumenism, it may be true that "the Council was an attempt to restate the faith in categories more suited to the modern world, [rather] than the patently discarded ones of the Thomists and the Schoolmen."\textsuperscript{113} Some hold that the philosophical and theological works of St. Thomas have been discarded entirely. In secular institutions today, this is true; one need only look to the modern university for proof. St. Thomas' thought is emphasized in only perhaps two or three colleges in this country. In fact, the entire subject of philosophy has largely been abandoned in favor of highly specialized degrees. Some may attribute this attitude to the Church as well, but that is misplaced.\textsuperscript{114} Vatican II has time and again encouraged the study of St. Thomas and the scholastic method. In \textit{Declaration on Christian Education}, Vatican II stated that the Church pursues her goals in the "manner of her most illustrious teachers, especially St. Thomas Aquinas."\textsuperscript{115} In \textit{Decree on Priestly Formation}, Vatican II stated that "by way of making the mysteries of salvation known as thoroughly as they can be, students should learn to penetrate them more deeply with the help of speculative reason exercised under the tutelage of St. Thomas."\textsuperscript{116} Pope John Paul II has also quoted from and relied on St. Thomas' thought.\textsuperscript{117}

\footnotesize
\begin{itemize}
\item 110 See \textit{Decree on Ecumenism}, \textit{supra} note 79, at 346-47.
\item 111 Id. at 341. Vatican II felt that the division among Christian churches "openly contradicts the will of Christ, provides a stumbling block to the world, and inflicts damage on the most holy cause of proclaiming the good news to every creature." \textit{Id.}
\item 112 Vatican II expressed the belief that there has been, "[i]n recent times[,] . . . remorse over [Christian] divisions and a longing for unity." \textit{Id.} at 342.
\item 113 Edward Norman, \textit{An Outsider's Evaluation}, in \textit{Modern Catholicism}, \textit{supra} note 4, at 457, 457.
\item 114 See \textit{supra} note 3 and accompanying text.
\item 115 \textit{Declaration on Christian Education}, \textit{supra} note 102, at 648.
\item 116 \textit{Decree on Priestly Formation}, \textit{supra} note 3, at 452.
\end{itemize}
In fact, Vatican II documents discussed above on the political order, the common good, and the choice of government are consistent with St. Thomas' teachings on these topics. So, while it may be true that Vatican II used different language, it still used, promoted, and followed the teachings of St. Thomas.

C. Syllabus of Errors

One commentator noted that "[t]he critic who is still unconvinced that the document [Declaration on Religious Liberty] ushers in a new era is invited to compare it with an earlier Catholic treatment of the same issues—Syllabus of Errors—and see if he does not emerge from the comparison rejoicing."118 Pope Pius IX wrote Syllabus of Errors in 1864 as a response to then-current theories on the nature of man and his place in society.119 Syllabus attacked various principles regarding the Church and State, particularly the State's right to interfere with all aspects of society and with the organization and life of the Church and its educational activities.120

The best response to this commentator is that he is apparently correct if you look no further. However, if the propositions of Syllabus of Errors were studied as the documents of Vatican II were studied, the critic does, in fact, come away rejoicing because Vatican II has stated and reaffirmed traditional teaching contained in Syllabus.121 First, it must be understood that Syllabus of Errors and the documents of Vatican II are not the same type of document; further, Syllabus of Errors is an ex-

118 THE DOCUMENTS OF VATICAN II, supra note 3, at 310 (commentary by Robert McAfee Brown).
120 Id.
121 Vatican II's documents contain many of the principles set forth in Syllabus of Errors. For example, Syllabus renounces as false the proposition that "[i]n a legal conflict between either authority civil law should have precedence." Id. at 283. Vatican II holds that the Church has full authority to judge political matters whenever political activity infringes on the basic rights of humans. PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD, supra note 70, at 289. Syllabus also states that "[t]he Church should be separated from the State and the State from the Church." Syllabus of Errors, supra note 119, at 284. Vatican II states that, while the Church and State are distinct entities, they cannot be separated because they each have as their subject the same object—humanity. PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD, supra note 70, at 288. Syllabus further rejects the notion that "[t]he principle known as that of 'non-intervention' [i.e. of the Church in political affairs] is to be proclaimed and observed." Syllabus of Errors, supra note 119, at 284. As we have seen from the documents of Vatican II, the Church cannot be subject to civil authority, nor can the State prohibit a person from practicing the Catholic faith. See supra note 83 and accompanying text; DECLARATION ON RELIGIOUS FREEDOM, supra note 71. Indeed, the arguments and explanations stated in Syllabus of Errors are capable of further elaboration.
tremely condensed list of propositions which are fully explained and de-
veloped in other documents referring to the particular practices or 
problems of the time. Many of Syllabus' contents are explained by Leo 
XIII in his documents.

4. Tolerance as Catholic Doctrine

There is another, more pressing question that must be addressed: How did Vatican II affect the traditional social teaching regarding tolera-
tion of religious beliefs? Toleration of religion is a difficult concept be-
cause it is susceptible to many different interpretations. In the present 
context, it seems to cover two areas: (i) Church toleration of individual 
religious beliefs and practices, and (ii) State duties toward religion.

In Tolerance as Catholic Doctrine,122 Derek Cross summarized the 
Church's traditional perspective on these areas. As stated by Cross, 
man's duty is to worship God in the way He has prescribed, namely by 
and through the Catholic faith; the State's duty is to promote religion 
and to prefer the Catholic faith, tolerating other forms of religion only 
when the common good requires.123 This is a clear and accurate state-
ment of traditional Catholic thought.

Cross continued explaining Vatican II's position. Cross viewed Dec-
laration on Religious Freedom as a "novelty" to Church teaching.124 He 
may be partially correct because the Church had never set forth its 
teaching on religious toleration in a single document. In Declaration on 
Religious Freedom, Vatican II pronounced:

This Vatican Synod declares that the human person has a right to reli-
gious freedom. This freedom means that all men are to be immune 
from coercion on the part of individuals or of social groups and of any 
human power, in such wise that in matters religious no one is to be 
forced to act in a manner contrary to his own beliefs. Nor is anyone to 
be restrained from acting in accordance with his own beliefs, whether 
privately or publicly, whether alone or in association with others, 
within due limits.125

As previously posited, Declaration may be construed to represent only 
the proposition that persons cannot be forced to accept a particular faith, 
and that civil law may not prevent individuals from practicing their 
faith. Cross interpreted this document differently. Quoting the French 
Dominican Yves Congar, he noted, "It cannot be denied that a text like

122 Derek Cross, Tolerance as Catholic Doctrine, in FIRST THINGS 38 (1992).
123 Id. at 38-39.
124 Id. at 43.
125 DECLARATION ON RELIGIOUS FREEDOM, supra note 71, at 678-79 (emphasis added).
this does materially say something different from the Syllabus of 1864."  

Cross sees Declaration as promoting a new individual right, within limits, to profess any religion in the State. He considers the document as guaranteeing "the natural right to teach and practice any fundamentally decent form of religion in the public forum." This reading is incorrect because it is contrary to the plain language of this and other Vatican II documents. Declaration proclaims that "all men are to be immune from coercion." Further, it expressly states that it is wholly following traditional Catholic social teaching. Nowhere in traditional social teaching does the Church posit an affirmative right to practice any fundamentally decent form of religion. People have a right only to be free from coercion and prohibition; to posit a right to do whatever the conscience tells "is a perilous theory." As one commentator described,

in assigning a negative content to the right to religious freedom (that is, in making it formally a "freedom from" and not a "freedom for"), the Declaration is in harmony with the sense of the First Amendment to the American Constitution. In guaranteeing the free exercise of religion, the First Amendment guarantees to the American citizen immunity from all coercion in matters religious. Neither the Declaration nor the American Constitution affirms that a man has a right to believe what is false or to do what is wrong. This would be moral nonsense. Neither error nor evil can be the object of a right, only what is true and good. It is, however, true and good that a man should enjoy freedom from coercion in matters religious.

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126 Cross, supra note 122, at 39.

127 Id.

128 Declaration on Religious Freedom, supra note 71, at 678-79 (emphasis added).

129 In formulating Declaration, the Vatican Synod "searched into the sacred tradition and doctrine of the Church." Id. at 676. Further, it was the express intent of the Synod to "develop the doctrine of recent Popes on the inviolable rights of the human person and on the constitutional order of society." Id. at 677. Clearly, Declaration springs forth from traditional Catholic teaching. Indeed, "[t]he Council brings forth out of the treasury of truth a doctrine that is at once new and also in harmony with traditional teaching." Id. at 678 n.4 (note by Father John Courtney Murray).

130 Id. at 679 n.5 (note by Father John Courtney Murray). Father Murray notes that the Declaration does not base the right to the free exercise of religion on "freedom of conscience." Nowhere does this phrase occur. And the Declaration nowhere lends its authority to the theory for which the phrase frequently stands, namely, that I have the right to do what my conscience tells me to do, simply because my conscience tells me to do it. This is a perilous theory. Its particular peril is subjectivism—the notion that, in the end, it is my conscience, and not the objective truth, which determines what is right or wrong, true or false.

Id.

131 Id. at 678 n.5 (note by Father John Courtney Murray).
The rights encompassed by the terms “freedom for” and “freedom from” are different. The first involves a right to do a particular thing. This right relates to what is being done; for example, to kill a cow for food or to kill a human being for sport. A person has no right to do the latter. The second involves the ability or freedom to act. A person does not have a right to do anything; but, a person does have a right to be free to act within due limits. This distinction is crucial because, in asserting the first type, the Church would have precluded itself from stating that all persons have a duty to worship in the Catholic form, or even from asserting itself to be the true religion. In the second interpretation, a person’s freedom to act without coercion is not violated by giving that person a duty to do something. A person may have a duty to do something, and retain the freedom to do it or not. It is this freedom, according to Pope John Paul II, that is rooted in the very dignity of the human person.

This phrase echoes Pope Leo XIII’s statement that “the Church cannot approve of that liberty which begets a contempt of the most sacred laws of God, and casts off the obedience due to lawful authority, for this

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132 Id. “Neither the Declaration nor the American Constitution affirms that a man has a right to believe what is false or to do what is wrong . . . . Neither error nor evil can be the object of a right, only what is true and good.” Id.

133 See BENESTAD, supra note 117, at 15. According to Benestad,

Pope John Paul II argues that the Church functions as a sign and symbol of the transcendent dimension of the human person, not only by defending human rights but also by encouraging fulfillment of the corresponding duties and the right use of the freedom afforded by the protection of rights. Rights, however, must be conceived in their correct meaning. The right to freedom, for example, does not of course include the right to moral evil, as it were possible to claim, among other things, the right to suppress human life, as in abortion, or the freedom to use things harmful to oneself or others. Likewise one should not deal with rights of man without envisaging also his corresponding duties, which express his own responsibility and his respect for the rights of others and the community.

Id. (quoting Pope John Paul II, Address to the Diplomatic Corps (1980) (emphasis added)). In addition, Father John Courtney Murray’s comments:

The reason why every man may claim immunity from coercion in matters religious is precisely his inalienable dignity as a human person. Surely, in matters religious, if anywhere, the free human person is required and entitled to act on his own judgment and to assume personal responsibility for his action or omission. A man’s religious decisions, or his decision against religion, are inescapably his own. No one else can make them for him, or compel him to make this decision or that, or restrain him from putting his decisions into practice, privately or publicly, alone or in company with others. In all these cases, the dignity of man would be diminished because of the denial to him of that inalienable responsibility for his own decisions and actions which is the essential counterpart of his freedom.

DECLARATION ON RELIGIOUS FREEDOM, supra note 71, at 678-79 n.5 (note by Father John Courtney Murray) (emphasis added).
is not liberty so much as license."  

According to Cross, "[w]e have moved from the right of the public authorities to repress religious errors, subject to the maintenance of the common good, to the universal right of individuals to profess any religion, subject to 'due limits' later identified by Vatican II as 'public order.'" If correct, his observation raises a serious issue. In the past, Catholic states prohibited the practice of various forms of worship. Under Cross' interpretation, after Vatican II, how would a Catholic monarch rule his Catholic country?  

With Pope Leo XIII, the answer is clear. Leo XIII expounded a duty to prefer the Catholic faith, but found it permissible to give other religions a place in the kingdom for the sake of the common good. Leo XIII also asserted that rulers should take "earnest heed that no one shall be forced to embrace the Catholic faith against his will." So, while upholding a national duty to practice the Catholic faith, the monarch must ensure that no individual is forced to practice it, that all persons may go about their way—subject to the common good.  

Under Cross' theory, the monarch must prevent coercion and prohibition, but also establish a national right to practice any decent religion. The problem lies in establishing which entity decides what constitutes a decent religion, and in delineating due limits to this approach. The monarch, in effect, cannot decide, and it is unclear whether the Church can ultimately make this determination either.  

However, Vatican II presents the monarch with the same guidance provided by Leo XIII. Society and individuals have a duty toward profession of the Catholic faith. Vatican II "leaves untouched traditional Cath-

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134 Immortale Dei, supra note 1, at 315.  
135 Declaration on Religious Freedom, supra note 71, at 679-80. Vatican II explicitly limits the exercise of religious freedom by stating that "the exercise of this right [is not] to be impeded, provided that the just requirements of public order are observed." Id. at 680 (emphasis added).  
136 Cross, supra note 122, at 39.  
137 In Immortale Dei, Pope Leo XIII set forth a ruler's duty toward the Church:

  The Church, indeed, deems it unlawful to place various forms of Divine Worship on the same footing as the true religion, but does not, on that account, condemn those rulers who for the sake of securing some great good, or of hindering some great evil, tolerate in practice that these various forms of religion have a place in the State. And in fact the Church is wont to take the earnest heed that no one shall be forced to embrace the Catholic faith against the will, for, as St. Augustine wisely reminds us, "Man cannot believe otherwise than of his own free will."

Immortale Dei, supra note 1, at 315.  
138 Id.; see supra note 135.
olic doctrine on the moral duty of men and societies toward the true religion.\textsuperscript{139} The monarch must act to favor religion and prefer the Catholic faith.\textsuperscript{140} Vatican II emphasizes that an individual's freedom to practice religion cannot be limited, except for the sake of public order.\textsuperscript{141} The monarch must content with three principles: the duty to prefer the Catholic faith; the duty to guarantee freedom from coercion; and the right to permit or proscribe the conduct of its citizens for the common good.\textsuperscript{142} Essentially, the monarch may establish a Catholic state, but it may not coerce the practice of Catholicism, nor prohibit the practice of other religions except where the common good or public order mandates such restriction. However, the monarch does not have the duty to guarantee the right to "practice any fundamentally decent form of religion."\textsuperscript{143}

This distinction is important because under Cross's position, in the public order, all religions would be on equal footing—with each other and with the Catholic faith. Further, in the religious order, the Church would not have a basis to hold itself out as the one true religion. However, if there is an affirmative right, why should it be limited to the civil order? Why should this fundamental right be precluded from the religious realm? We have seen that, in its tradition and in Vatican II, the Church has repeatedly stated that it is the one true Church and that all men are bound to worship in its way. An individual retains his freedom to act and the Church retains the authority to hold itself out as the one true religion, and to determine whether a particular religion is acceptable. The Church retained this authority in documents promulgated subsequent to Vatican II.

The lack of juridical dogmatic statements in Declaration may induce some to glean from its text a right to practice any religion, enunciated in an attempt to spur ecumenism. However, Father John Courtney Murray, a commentator who played an integral role in drafting Declaration on Religious Freedom, noted that the "frank profession of Catholic faith at the outset of the Declaration is in no sense at variance with the ecumenical spirit, any more than it is at variance with full loyalty to the principle of religious freedom."\textsuperscript{144} Declaration emphasizes Christ's intent to found an exterior body—the Catholic Church. It is to be taught to all, yet not thrust upon any man; coercion has no place whatsoever.\textsuperscript{145} Father Murray further explained that

\begin{itemize}
  \item \textsuperscript{139} Declaration on Religious Freedom, supra note 71, at 677.
  \item \textsuperscript{140} Id. at 677, 685.
  \item \textsuperscript{141} Id. at 679.
  \item \textsuperscript{142} Id. at 677, 679, 685.
  \item \textsuperscript{143} Cross, supra note 122, at 39.
  \item \textsuperscript{144} Declaration on Religious Freedom, supra note 71, at 676-77 n.3 (note by Father John Courtney Murray).
  \item \textsuperscript{145} Id. at 676 n.3 (note by Father John Courtney Murray).
\end{itemize}
no man may say of religious truth which subsists in the Church: “It is no concern of mine.” Once given by Christ to His true Church, the true religion remains the one way in which all men are bound to serve God and save themselves. Consequently, religious freedom is not a title to exemption from the obligation to “observe all things whatsoever I have enjoined upon you.” In fine, a harmony exists between man’s duty of free obedience to the truth and his right to the free exercise of religion in society. The duty does not diminish the right, nor does the right diminish the duty.\footnote{Id. at 676.}

\textit{Declaration} addressed civil society, rather than the Church. The title calls to mind many civil declarations and constitutions, including those of the United States. Vatican II spoke to civil authority, and at times criticized and attacked it. It proclaimed that free exercise of religion must be sanctioned by constitutional law.\footnote{Id. at 679.} Vatican II took great pains to emphasize the injustice of civil authority’s strive to deter citizens from practicing their faith while making it difficult and dangerous for religious bodies to fulfill their purposes.\footnote{Id. at 681.} \textit{Declaration} focused on the external practice and expression of religious beliefs in all aspects of society. This may be considered a direct criticism of the United States for its recurrent attempt to build an impenetrable wall between humanity as civil and humanity as religious.

\textbf{Conclusion}

The issues considered here have received only the most cursory glance. Much analysis has been and will be done on this topic. However, even from this brief exploration, the consistency of the Church’s social teaching on the relation of the Church and State is clear. Much confusion stems from the absence of accurate historical facts, or even the lack of a fair rendition of the facts surrounding Church action. Indeed, even \textit{Declaration on Religious Freedom}, which is new in the sense that an entire council document has been devoted to religious liberty, is a restatement of a fundamental principle contained throughout traditional social teaching.

Beginning with St. Thomas, and through Pope Boniface VIII, Pope Leo XIII, and Pope Pius XI, the Church developed a working social theory on the relationship between itself and the State. Contrary to critics, Vatican II has not issued a single document contradicting this theory.