



RELIGIOUS LIBERTY, VATICAN II, AND JOHN COURTNEY MURRAY

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In 1962, close to 3,000 Roman Catholic bishops gathered in Rome for the Second Vatican Council, or Vatican II. At these meetings, the Church reversed several long-standing, seemingly intransigent doctrines and policies, leading to use of vernacular languages in services rather than Latin, subtly renouncing its former aspirations for political power, and recognizing the religious liberty of all people. This case explores how an institution as large and diverse as the Catholic Church was able to reorient many of its formal policies in a relatively brief time-frame. In particular, through the lens of the case's protagonist, John Courtney Murray, it explores how both internal and external pressures led to a dramatic change in the Church, both symbolically and structurally.

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Introduction

Father John Courtney Murray, SJ¹ was a busy professor at Woodstock College in Maryland, where he taught Trinitarian theology, edited *Theological Studies*, a prominent journal of Jesuit theology, and was considered a leading American Catholic theologian. In 1954, after over a decade publishing on church-state issues and religious freedom, Murray was ordered to stop writing about these topics altogether. These controversial subjects had led to heated exchanges between him and more conservative, traditional elements of the Church both in the United States and at the Vatican.² Influential members of the Roman Curia felt that religious liberty was intolerable because “error has no rights”³ – that is, people do not have the right to follow a religion that is false. By 1963, however, Murray was asked to attend the second session of the Second Vatican Council.⁴ Murray served as a *peritus*, or expert, on religious freedom and was largely responsible for influencing and drafting one of the most important documents emerging from the Council, *Dignitatis Humanae*, “Declaration on Religious Freedom.”

What organizational factors led to the about face in the Church’s treatment of John Courtney Murray, whose theological stance on the issues surrounding religious freedom and the separation of church and state incrementally developed but fundamentally changed little? How is it possible that an organization as vast and complex as the Roman Catholic Church would so radically revise its understanding of religious freedom within a nine year period?

In order to understand Vatican II, one must also understand the dynamic between the Church and its social and political context during the century prior to its commencement in 1962. Vatican I, held from 1869 to 1870, was called largely in response to reverberations from the Enlightenment period, with its emphasis on reason, and the increasing dominance of political structures beyond the Church’s sphere of influence. The Council articulated an attitude of retrenchment toward these social and political changes. In contrast, Vatican II, held from 1962-1965, responded to social changes first by acknowledging that the context of human experience had changed significantly over the last several hundred years and secondly by offering statements outlining how the Church and its members might more fully participate in the secular world. Vatican II delicately acknowledged a preference for democratic liberalism as the ideal form of government, recognized the human right to religious liberty, acknowledged that the *expression* of doctrinal formulations (not the underlying meaning) may change over time and, most notably, reversed a 400-year-old rule that the Mass was only to be conducted in Latin by encouraging the use of the vernacular.

The First Vatican Council

Vatican I was convened by Pope Pius IX in reaction to threats and successful attacks on the Church’s worldly power and influence. After centuries of increasing its political power, the Church began to experience a decline in its political power after the Reformation in the 1600s.⁵ Two events that took place within 100 years of one another epitomize this decline: the French Revolution (1789-1799) and the downfall of the Papal States in 1859.⁶ During the French Revolution, Napoleon captured the Papal States, imprisoned two popes, and took away much

¹ SJ stands for Society of Jesuits.

² Church will be used throughout the document to refer to the Roman Catholic Church.

³ The Roman Curia is the administrative and governing body of the Church; it advises the pope and sets and enforces various policies.

⁴ Ecumenical councils have been held by the Church every 100 years on average. Historically, they have been called to identify heresies and create doctrines. The Second Vatican Council, or Vatican II, is unique because of its deliberate pastoral nature; the Council was not called with the intent of creating doctrine or identifying heresy, rather, it was for *aggiornamento*, or updating the Church so that it could function in the modern world. Throughout this document, the councils will appear as either Vatican I, referring to the First Vatican Council or Vatican II, referring to the second.

⁵ Scholars consider Emperor Constantine’s conversion in 312 BCE, and the following proclamation of Christianity as the official religion of the Roman Empire, to be the beginning of the intertwining of the Church’s sacred and temporal power.

⁶ The Papal States were land in present-day Italy controlled by the pope.

of the property belonging to the Church. He later reconciled with the Church to some extent. However, the seeds of Modernism, republicanism, and secularism had been firmly planted in French society. The Church's decline in temporal power struck even closer to Rome in 1859 when the emerging Italian government took away all the Papal States except Rome. Throughout the 19th century, the Church argued that the pope could not be a spiritual leader without also having an earthly kingdom and therefore being subject to no other sovereign.⁷ The loss of these Papal States was interpreted as a spiritual and political crisis.

Perhaps most significantly, the Church's worldly power was challenged by a broad set of intellectual and cultural developments collectively referred to as Modernism. In the West, where the Church was most prominent, literacy was relatively wide-spread, class consciousness which threatened authoritarian political models was spreading, and mobility and communication across wide distances was possible at relatively fast speeds.

One source of the Church's power was its monopolistic claim on revelation – a knowledge *revealed* to human beings and mediated through the Church. Modernism, which grew out of the Enlightenment principles of reason and liberty, demonstrated how much knowledge could be gained by human rather than divine work through the close study of nature, the application of the scientific method, and the availability to access and build on previous advances in thought. Darwinism and the advent of carbon dating challenged traditional timelines and interpretations of biblical narratives, and methods of textual criticism cast doubt on traditional views of biblical authorship.

In 1864, Pope Pius IX responded to Modernism with the publication of *Quanta Cura*, “Condemning Current Errors,” and its appendix, “The Syllabus of Errors.” In these documents, Pius cited as “insanity” the idea that “liberty of conscience and worship is each man's personal right” and suggested that the Church's judgment was superior to that of political rulers on legal questions and that truly “civil” society could be found only in a Catholic society.⁸

In 1869, just prior to Rome being forcibly taken by the Italian state, Pius IX convened Vatican I. The idea for this council had been circulating since 1864 when Pius “revealed to the cardinals the plan which he himself had been considering, namely, an ecumenical council to bring to a close the struggle against Liberalism, just as the Council of Trent had dealt with the controversy with the Protestants.”⁹ Over 700 bishops attended, most of whom were from the West, and they represented 230 million Catholics throughout the world.

Two documents emerged from Vatican I prior to its abrupt ending with the breakout of the Franco-Prussian war: *Dei Filius*, “Dogmatic Constitution on the Catholic Faith,” and *Pastor Aeternus*, “First Dogmatic Constitution on the Church of Christ.” *Dei Filius* responded to new ideas gleaned from historical-critical methods of biblical interpretation by specifying the Latin Vulgate edition of the Bible as “sacred and canonical” and asserted the Church's proprietary right to judge the “true meaning and interpretation of the Holy Scripture.”¹⁰ Similarly, it decried the influence of rationalism and naturalism:

[T]here came into being and spread far and wide throughout the world that doctrine of rationalism or naturalism, – utterly opposed to the Christian religion, since this is of supernatural origin, – which spares no effort to bring it about that Christ, who alone is our lord and savior, is shut out from the minds of people and the moral life of nations.¹¹

⁷ Burns, 26.

⁸ For the full text of the *Quanta Cura* see: <http://www.papalencyclicals.net/Pius09/p9quanta.htm>. Full text for “The Syllabus of Errors” can be found online: <http://www.papalencyclicals.net/Pius09/p9syll.htm>.

⁹ Heyer, Friedrich. *The Catholic Church: From 1648 to 1870*. Trans. by D. W. D. Shaw. London: Adam and Charles Black, 1969. p. 187.

¹⁰ For the full text of the documents emerging from Vatican I, see <http://www.vaxxine.com/pjm/vaticanI.htm>. These quotes are from *Dei Filius*, Chapter 2, articles 5-8.

¹¹ *Dei Filius*, Introduction, Article 7.

In *Pastor Aeternus*, the more controversial of the two documents, the Council formally declared the infallibility of the pope when

in the exercise of his office as shepherd and teacher of all Christians, in virtue of his supreme apostolic authority, he defines a doctrine concerning faith or morals to be held by the whole Church, he possesses, by the divine assistance promised to him in blessed Peter, that infallibility which the divine Redeemer willed his Church to enjoy in defining doctrine concerning faith or morals.¹²

Ultimately, the Council's documents solidified the Church's responses to Modernism. The Vatican asserted strongly and unequivocally its power over matters of "faith and morals" and said relatively little about the place of the Church in the political realm. The Council marked a noticeable centralization of the Church's decision-making power. Previously papal documents were viewed as important points for conversation and debate among the worldwide Church; now they carried the air of infallibility. Interestingly, bishops from the United States showed markedly weak support for the doctrine of papal infallibility. "Many of the dissenting votes came from American bishops who could not reconcile infallible papal authority with the tradition of nationalism and democracy that were part of their American experience. Of the 45 American bishops present, 15 voted for the decree, 4 voted against, 5 approved with reservations and 21 absented themselves."¹³

Heretical Americans

By the late 1800s, the United States was quickly becoming a thoroughly modern country, whose social culture grew out of Enlightenment ideals – "life, liberty and the pursuit of happiness." American Catholics, living in a nation unwilling to deem Catholicism as its official religion, existed in a state of hypothesis. Until Vatican II, the prevailing Catholic doctrine about church-state relations was known as thesis-hypothesis. The thesis was that the ideal state would recognize the Catholic Church as the supreme religious authority and therefore support efforts to repress heresy, enforce religious education, be deferred to on moral issues, etc. The Church realized that this ideal could not always be reached, so the state of hypothesis was that when the Church didn't function in a Catholic state, it would accept a government policy of religious toleration.¹⁴

How would the American Church deal with the condemnation of liberalism and the idea that a truly civil society must also be a Catholic society? While American clergy may have bristled privately at the language contained in the *Quanta Cura* and the "Syllabus of Errors," American priests and bishops publicly supported Rome. John Cogley, a former editor of the most prominent lay weekly for Catholics, *Commonweal*, reflected the American Catholic sentiment:

[T]he Papal condemnation of free speech, freedom of conscience, and the Papacy's seemingly unalterable opposition to modernity did not apply to the United States, with its religious foundations, but were to be understood in light of the pagan ideologies flourishing abroad. The papal denunciations of "liberalism," they [the American Catholic hierarchy] insisted had nothing to do with the Bill of Rights or

¹² *Pastor Aeternus*, Chapter 4, Article 9.

¹³ Ebaugh, Helen Rose. "Vatican II and the Revitalization Movement," *Vatican II and U.S. Catholicism*. Greenwich, JAI Press, 1991. p. 6.

¹⁴ Love, Thomas T. *John Courtney Murray: Contemporary Church-State Theory*. Garden City, New York: Doubleday & Company, 1965, p. 97; Pavlischek, Keith. *John Courtney Murray and the Dilemma of Religious Toleration*. Kirksville, MO: Thomas Jefferson University Press, 1994., p.41 f.

the American system of government, since they were founded on altogether different, and to Catholics, quite acceptable premises.¹⁵

Cogley's interpretation of Rome's mindset may have been overly optimistic. On January 22, 1899, Pope Leo XIII issued an encyclical entitled *Testem Benevolentiae Nostrae: Concerning New Opinions, Virtue, Nature and Grace, with regard to Americanism*. In it, he condemned ideas that had become associated with the American Church. For example, he warned against the idea of human liberty being a concept applicable in both secular and sacred realms and suggested that liberty is appropriate only in the supervised, sacred context:

[L]iberty should be allowed in the Church, that her supervision and watchfulness being in some sense lessened, allowance granted to the faithful, each one to follow out more freely the leading of his own mind and the trend of his own proper activity . . . It is well, then, to particularly direct attention to the opinion which serves as the argument in behalf of this greater liberty sought for and recommended to Catholics.¹⁶

Leo XIII also condemned the “over-esteem of natural virtue,” questioning the elevation of nature without the infusion of grace.¹⁷ How good could a person truly be if he or she didn't receive supernatural grace through the Church? This condemnation clearly conflicts with the spirit of the American ideal that “all men are created equal.”

Finally, he condemned the apparent American preference for active virtues, like service to the poor and advocacy for the oppressed, over passive or contemplative virtues, such as prayer and attendance at worship services. American bishops responded by clarifying to Rome and the American Church that those near-heresies were characterizations based on critiques from conservative Catholics in France, rather than accurate portrayals of the American Church.¹⁸

John Courtney Murray was born to immigrant parents living in New York, New York, in 1904, only five years after this encyclical was issued. He entered the Jesuit order when he was 16 years old and went on to study at several universities, culminating in the award of a PhD from the Gregorian University in Rome.

The American Church Murray grew up in was intellectually isolated and, some argue, theologically stunted because of the Vatican's clear stance against Modernism that *Testem Benevolentiae Nostrum* foreshadowed. In 1907, Pope Pius X issued *Pascendi Dominici Gregis*, “On the Doctrine of the Modernists,” in which he suggested that Modernism was the “synthesis of all heresies.”¹⁹ In 1910, he required all clergy, members of religious orders, and seminary professors to take “The Oath Against Modernism,”²⁰ which reinforced the notion of unchanging doctrine, of truth coming from revelation rather than determined through reason, and the falsity of textual criticism as a means to study scripture.²¹

But while Murray experienced the withdrawal of American Catholic intellectuals from the academic mainstream, he also witnessed a deepening integration of American Catholics into the broader economic and political life of

¹⁵ Cogley, John. *Catholic America*. New York: The Dial Press, 1973, p. 65.

¹⁶ *Testem Benevolentiae Nostrae*, available online at <http://www.ewtn.com/library/PAPALDOC/L13TESTE.HTM>.

¹⁷ Catholics have traditionally taught that grace is solely administered through the Church's sacraments: communion (or Eucharist), baptism, confirmation, anointing, taking holy orders, penance (confession), and marriage.

¹⁸ A conservative element in France reacted very strongly against the depiction of the American Catholic Church in a translated biography of an American priest, Isaac Hecker, who was the founder of the first American order. Hecker's order, the Missionary Society of St. Paul, was the first religious order founded in the United States; its mission is to convert North Americans to Catholicism. It appealed to potential new converts by speaking in contemporary idiom, occasionally preaching Protestant pulpits, and writing on secular topics. Their website is <http://www.paulist.org/>.

¹⁹ Article 39. Full text is available here:

http://www.vatican.va/holy_father/pius_x/encyclicals/documents/hf_p-x_enc_19070908_pascendi-dominici-gregis_en.html.

²⁰ Full text is available here: <http://www.franciscan-archive.org/bullarium/oath.html>

²¹ This oath was in place until 1967, when the Congregation for the Doctrine of Faith, an organization based in the Vatican, rescinded it.

the United States. The struggle inherent in this transition from an immigrant Church to a fully American Church was epitomized by the Democratic nomination and defeat of Alfred E. Smith for United States President in 1928. Similarly, American Catholics recognized the need for an outlet for their distinctive voices, which found expression in journals such as *Commonweal*, founded in 1921, and *America*, a journal published by the Jesuits in 1909, as well as the rise of Catholic theology journals, including *The American Ecclesiastical Review* (est. 1889), *Catholic Biblical Quarterly* (est. 1939), and *Theological Studies* (est. 1940).²²

World War II affected the American Church, especially in the rise of inter-denominational groups that formed to help with the war effort and later with the reconstruction of Europe. Some Protestants were eager to form partnerships with Catholic churches. In 1942, one of the first pieces that John Courtney Murray wrote for *Theological Studies* (for which he served as editor from 1941-1967) was titled, “Christian Cooperation: Current Theology.” Murray also served on the National Conference of Christians and Jews, which authored the 1943 document, “The Catholic, Jewish and Protestant Declaration on World Peace.”²³ Murray’s involvement with such interfaith ideas and organizations sparked the controversy that followed him through the rest of his life, a controversy largely about the possibility of a truly Catholic Church within a democratic society.

Murray: Emerging Catholic Expert on Church-State Relations

Between 1950 and 1954, Murray was engaged in a growing public debate struggling to interpret the Church’s position on religious liberty and its implications for church-state relations. In 1950, Murray was asked by the Office of the U.S. High Commissioner in Germany to spend three months working with the newly formed West German government in developing their approach to church-state relations. In late 1952, Murray began work on a series of four articles for publication in *Theological Studies* that would outline his understanding of church-state theory, using documents from Pope Leo XIII as a starting point.²⁴ Murray’s view of the topic incited a vigorous debate. In print this debate was spearheaded by Murray who took a “liberalizing” viewpoint, according to Cardinal Ottaviani, the Roman Curia’s Pro-Secretary for the Holy Office, and Msgr. Joseph Fenton, editor of *The American Ecclesiastical Review*. Throughout these debates, Murray was frustrated by the lack of support he received from American bishops, several of whom had privately encouraged Murray in his endeavors. He wrote to his colleague John Tracy Ellis of Catholic University in 1953: “The curious thing is that we no longer seem to have any American Catholic bishops – like Carroll, England, Hughes, Ireland, et al. Now they are all Roman Catholics – You will rightly understand what I mean.”²⁵

One teaching that Murray thought particularly troublesome was the thesis-hypothesis proposition. He found this formulation unsatisfying due to its abstract nature, to his own fear of the tendency to idealize the past as being “absolute,” and to theological objections rooted in his understanding of natural law and human conscience.²⁶ He felt thesis-hypothesis debate simply didn’t take into account the pluralistic reality of growing democratic states. He wrote further to Ellis:

Present day thought is still cast in terms of the post-Reformation “Catholic nation-state.” I do not indeed want the American situation canonized as “ideal.” It would be enough if it could be defended as legitimate in principle, as standing *aequo jure* with the Spanish situation – each representing an important realization

²² Pelotte, Donald E. *John Courtney Murray: Theologian in Conflict*. New York: Paulist Press, 1975, 5 f.

²³ Pelotte, 15.

²⁴ *Theological Studies* is a Jesuit-sponsored journal.

²⁵ Pelotte, 37f. Bishops Carroll, England, Hughes and Ireland were American bishops serving largely before the anti-Modernist stance of the Vatican. They are viewed charitably as American Catholic founding fathers.

²⁶ Love, 98ff.; Pavlischek, 49.

of principle in divergent concrete historical contexts. Are we to suppose that 30,000,000 Catholics must live perpetually in a state of “hypothesis”?²⁷ ²⁸

Murray continued corresponding with his Vatican superiors and knew that his writing and speaking engagements were controversial. However, he believed that he had the support of his superiors and other high-ranking Vatican officials. Murray also felt encouraged in his work based on a meeting he had with a Chicago bishop and Detroit cardinal in November 1953. After this meeting, he was convinced that the American Church needed to take a greater leadership role in the church-state issue. He wrote:

It seems to me that we do not or cannot now look for leadership from American bishops. Hence the only thing is, with all reverence, to do a bit of leading. It seems to me that at the moment things are moving a bit quickly, and in the right direction. For instance, the Pope’s recent discourse seems to accept the principle that the problem of religious freedom must receive some manner of international solution, or of solution within the context of the international community as it is presently coming into existence. I have long felt that this is one of the necessary steps in development. After the Reformation, the Church accepted the fact of pluralism within the international community – that is, the distinction between “Catholic states” and “non-Catholic states.” But this distinction, insofar as it is still at all valid, is not sufficient for the present day situation.²⁹ ³⁰

But Murray also had some contra-indications of support. That same month, he received a cryptic message from a Jesuit superior asking him to come to Rome. He responded by asking if he was “a person of interest” or a potential “heretic.”³¹ His superior, Vincent McCormick, wrote back asking Murray to cast aside anxiety and closed his letter with these words: “So calm, and peace be your fruits of the Spirit, and may He continue to lighten the path you are opening up. Work without fear. Fear, worry cripple a man in such work as you have undertaken.”³² Overall, Murray felt confident enough to proceed with his writing and speaking.

The tide of official opinion changed for Murray in March of 1954, when he gave a bold address to Catholic University suggesting that Pope Pius XII’s recent speech to Italian Jurists, *Ci riesce*, was largely a refutation of Cardinal Ottaviani’s earlier and more conservative interpretation of the Pope on the question of religious liberty. Within a week of this lecture, Ottaviani conferred with members of the American hierarchy, and shortly thereafter Murray began to feel pressure to no longer write or speak on this topic. He persisted, however, and in January 1955 sent the final of his four-article series on church-state relations to be approved by the Roman Curia. The article was censured, and McCormick advised him to be patient and stop writing on the church-state topic until the climate in Rome was more favorable to his position.

Disconsolate at first, Murray quickly busied himself writing about Catholics’ place in America and also revisiting his writings and position in the church-state debate. In 1958, he wrote to McCormick, asking permission to publish again on the church-state theory. McCormick rebuffed him, responding

I am afraid that you do not know that Rome of today . . . In the end what is correct in your stand will be justified. Meanwhile be content to stay on the sidelines, unless the hierarchy forces you into play: deepen

²⁷ Qtd. in Pelotte, 38.

²⁸ *Aequo Jure* means ‘as equals.’

²⁹ “the Pope’s recent discourse” refers to *Ci riesce*, in which Murray believed that the Pope Pius XII corrected early statements made by Cardinal Ottaviani about the idea of state allegiance to the Roman Catholic Church.

³⁰ Qtd. in Pelotte, 43f.

³¹ Murray did not end up traveling to Rome at that time.

³² Qtd. in Pelotte, 41.1

and clarify your own position, and be ready with your solution approved, when the opportune time comes. That is not coming in the present Roman atmosphere.³³

Little did Murray or McCormick know that Pius XII would die in October of 1958 and be replaced by Angelo Cardinal Roncalli, later known as Pope John XXIII.

The Seeping Influences of “Worldly” Progress

The election of John XXIII was a compromise between liberal and conservative cardinals. Conservatives weren't worried about his liberal tendencies because they anticipated a short tenure for their 77-year-old colleague. John XXIII was keenly aware of the radical changes in the human experience in the years following the industrial revolution. For example, the two World Wars showed how quickly regional crises could become global ones. The ease of transportation and the rise and fall of European colonialism had changed the composition of the Church, making non-Western members nearly equal in number to Western members. Education and enfranchisement had become widespread. The highly authoritarian model of the Church became antiquated in the face of democratizing tendencies in government structures.

Pope Pius XII had also been an observer of these changes. Most historians argue that he upheld the Church's anti-Modernist stance; however they acknowledge that he allowed some “cracks” in the Vatican's control mechanisms that permitted Modernism to seep in. Some scholars attribute his willingness to allow these cracks to ongoing intellectual interest and his study of philosophy, theology, and the sciences. For example, when he was elected pope, he wanted to increase the archeological investigations under St. Peter's Basilica to learn whether or not St. Peter was in fact buried there, an action symbolizing his openness to scientific inquiry. In his 1950 encyclical, *Humani Generis*, “On Certain False Opinions Threatening to Undermine the Future of the Catholic Church,” Pius acknowledged that evolution may have, in fact, occurred, but that the theory should not be looked to for explanations of how everything came into existence.^{34 35}

Meanwhile the voices of progressive theologians and their students who became priests and members of religious orders were becoming more prominent as the immediacy of the 1907 anti-modernist oath passed with time. By the late 1930s, particularly in France and Germany, a number of theologians who delicately questioned what were perceived to be traditional Church teachings arose. Marie-Dominique Chenu questioned the Church's understanding of the relationship between faith and history,³⁶ Yves Congar viewed as the identification of the Church with the hierarchy (rather than the lay people) as problematic,³⁷ and Henri de Lubac “stress[ed] [the Church's] expressive rather than its instrumental function as an agent of salvation.”³⁸ These theologians were able to make credible arguments, often appealing to neglected yet legitimate parts of the tradition, and Pius XII was perhaps too much of an intellectual himself to disregard or censure their point of view.

³³ Pelotte, 59.

³⁴ Full text can be found here:

http://www.vatican.va/holy_father/pius_xii/encyclicals/documents/hf_p-xii_enc_12081950_humani-generis_en.html

³⁵ However, Catholic intellectuals felt the overall tone of the encyclical was a setback to progressive theologians in the Church, as Pius XII reiterated the pope as final arbiter of intellectual controversies. (Ebaugh, “Vatican II and the Revitalization Movement,” 10)

³⁶ McSweeney, William. *Roman Catholicism: The Search for Relevance*. New York: St. Martin's Press, 1980, p. 100.

³⁷ McSweeney, 102. See also Congar's book on the topic, *Lay People in the Church*.

³⁸ McSweeney, 102.

Beyond academe there were several movements among priests and laity that also highlighted the growing discrepancy between the official Church and the people who comprised it. Some of these movements were met with approval, others were censured, and still others were seemingly ignored by the Curia and the Pope.

The Worker-Priest Movement

In the late 1940s and early 1950s, priests in France recognized the need to be closer to working-class people. They moved into industrial areas and many took jobs in industry and became committed to the labor movement.³⁹ In January 1954, the Vatican ordered the priests to discontinue this practice.

The Professionalization of Religious Orders

In 1952, Pope Pius XII called together the superiors of the all women's orders to encourage the professionalization, often in secular settings, of the sisters. This meant, for example, nuns could receive credentialed training in nursing, teaching, and other professions.⁴⁰

The Liturgical Movement

There was a growing desire to increase lay participation in the Mass. One sign of acceptance from Rome was the revival of the "primitive" Easter Vigil service. In 1951, after 30 years of study, Pius XII permitted the service and allowed for a preface explaining it in the vernacular and greater lay participation in certain elements.⁴¹

Announcing Vatican II

In January 1959, within three months after his election, Pope John XXIII announced his intention to hold an ecumenical council. In the ensuing years, he consulted with a broad range of ecclesial bodies including the Roman Curia, superiors of religious orders, professors at Catholic universities, and bishops and cardinals throughout the world to determine what issues would be studied by the council. He also convened several progressive theologians to work side-by-side with the Roman Curia to set the agenda.⁴²

On December 25, 1961, the Pope officially convoked Vatican II. Elements of his speech foreshadowed some of the most significant doctrinal proclamations that later emerged from the Council. He acknowledged the need for the Church to recognize the signs of the times, described the collegial method by which the agenda for Vatican II was prepared, asked for prayer from Christians separated from the Roman Church, and acknowledged confidence that the Light of Christ would shine on all people, especially non-Catholics, to "discover in themselves their own nature, their own dignity, their own end."⁴³

³⁹ This was a marked departure from the kind of labor involvement Pope Leo XIII had sanctioned beginning with his 1891 encyclical *Rerum Novarum*, "On the Condition of Labor." During the beginning of the 20th century, with the clear anti-Modernist stance, political activity and activism was prohibited unless it was under the purview of the Church.

⁴⁰ Ebaugh, "Vatican II and the Revitalization Movement," 11.

⁴¹ McSweeney, 111.

⁴² Ebaugh, "Vatican II and the Revitalization Movement," 12.

⁴³ Pope John Paul XXIII, *Humanae Salutis*, in *Documents of Vatican II*, Abbot, ed., p. 706.

In this convocation, Pope John XXIII acknowledged “painful considerations” that led to the Council:

Today the Church is witnessing a crisis underway within society. While humanity is on the edge of a new era, tasks of immense gravity and amplitude await the Church, as in the most tragic periods of its history. It is a question in fact of bringing the modern world in contact with the vivifying and perennial energies of the gospel, a world which exalts itself with its conquests in technical and scientific fields, but which brings also the consequences of a temporal order which some have wished to reorganize excluding God. This is why modern society is earmarked by a great material progress to which there is not a corresponding advance in the moral field.⁴⁴

The Second Vatican Council

Mother Church rejoices that, by the singular gift of Divine Providence, the longed-for day has finally dawned.” With these words Pope John XXIII opened Vatican II on October 11, 1962, in St. Peter’s Basilica in Rome. His opening speech was addressed to more than 2,000 bishops from around the world. In all 2,860 bishops participated in the Council, with roughly equal numbers of European and non-European bishops attending.⁴⁵ Indeed the composition of those at the Council’s table had changed significantly since Vatican I in 1869. In addition to new voices from an increasingly non-European Church, the media’s strong presence kept interested followers informed of the Council’s debates.⁴⁶

John XXIII died after the first session. His successor, Paul VI, chose to continue the work of the Council and presided over the final three sessions, held in 1963, 1964, and 1965.

Among the most important symbolic changes set forth by the Council was the preference for defining the Church as the People of God, a stark change from the image emphasized in the encyclical issued by Pius XII in 1943, *Mystici Corporis Christi*, of the Church as the Mystical Body of Christ.⁴⁷ There were also significant structural changes in the Church, including the requirement of national councils of bishops, which, among other tasks, served to ensure appropriate modification of Church tradition to the local climate and to issue encyclicals to national bishops. Catholics were given permission to recite Mass in the vernacular, rather than in Latin, as had been the mandate since 1570. And the Church renewed its emphasis on engaging with the world on issues affecting the poor and disadvantaged.

Overall, the Council produced 16 documents. Scholars point to three as being the most significant: *Lumen Gentium*, “Dogmatic Constitution on the Church;” *Gaudium et Spes* “Pastoral Constitution on the Church in the Modern World;” and *Dignitatis Humanae* “Declaration on Religious Freedom.” However, the first document that emerged from the Council, in December 1963, was *Sancrosanctum Concilium*, “Constitution on the Sacred Liturgy,” and it set the tone for the rest of the Council’s work.

⁴⁴ Ibid., 703.

⁴⁵ Morrison, Pat. “Vatican II: 40 Years Later,” *National Catholic Reporter Online* from October 4, 2002. Cited at http://www.natcath.org/NCR_Online/archives/100402/100402e.htm on 7/23/08.

⁴⁶ McSweeney, 153.

⁴⁷ The Church was imaged as the Mystical Body of Christ by Pope Pius XII in 1943 through his encyclical, *Mystici Corporis Christi*. Full text is available here: http://www.vatican.va/holy_father/pius_xii/encyclicals/documents/hf_p-xii_enc_29061943_mystici-corporis-christi_en.html

***Sancrosanctum Concilium* – “Constitution on Sacred Liturgy”**

This document on liturgy, or worship,⁴⁸ moved the Church beyond 400 years of the Tridentine Mass, the specific liturgical rite set forth supposedly in perpetuity by Pope Pius V soon after the Council of Trent in 1570. Throughout *Sancrosanctum Concilium*, use of the vernacular in the Mass was encouraged.⁴⁹ Similarly, active participation in liturgical rites, such as praying the Divine Office⁵⁰ and even allowing qualified lay people to administer the sacraments,⁵¹ was a theme throughout the document and was clearly articulated in article 14:

Mother Church earnestly desires that all the faithful be led to that full, conscious, and *active participation* in liturgical celebrations which is demanded by the very nature of the liturgy. Such participation by the Christian people . . . is *their right and duty* by reason of their baptism.⁵²

***Lumen Gentium* – “Dogmatic Constitution on the Church”**

This document was issued in November 1964. Among the most notable emphases in *Lumen Gentium* was that the Church was conceived as being the People of God, an earthy, tangible image as opposed to the spiritual image that had been dominant, the Mystical Body of Christ.⁵³ While the *Lumen Gentium*'s longest chapter, chapter three, focuses on the hierarchy, and specifically, the episcopate, it is preceded by an elaboration of the meaning of the Church as the People of God in chapter two.⁵⁴ The document explained how the doctrine of papal infallibility functioned alongside the increased emphasis on collegiality among the bishops. It also clarified that the realm of political and social change was the laity's domain: “[T]he laity, by their vocation, seek the kingdom of God by engaging in temporal affairs and ordering them . . . [I]t is therefore his [the layman's] special task to illumine and organize these affairs . . . according to Christ's mind.”⁵⁵ Some critics point out that while bishops were authorized to meet at national levels, there were not clear mechanisms for broad episcopal influence on the Vatican.⁵⁶

***Gaudium et Spes*⁵⁷ – “Pastoral Constitution on the Church in the Modern World”**

Gaudium et Spes was issued over one year later and was written “not only to the sons of the Church and to all who invoke the name of Christ, but to the whole of humanity.”⁵⁸ It boldly identified the aspirations of humanity with those of Church. No other document from Vatican II was addressed to people beyond the Church. *Gaudium et Spes* clarified the Church's role in relation to “the life of the political community” in chapter four.⁵⁹ It signified the Vatican's move away from the thesis-hypothesis theory. Without using the language of “liberal democracy,” the Church advocated for such an ordering of political life:

⁴⁸ Can be found here:

http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19631204_sancrosanctum-concilium_en.html

⁴⁹ See for example article 36.

⁵⁰ *Ibid.*, 167

⁵¹ *Ibid.*, 162.

⁵² Abbott, *Sancrosanctum Concilium*, 144. Italics added for emphasis.

⁵³ In fact, “There is widespread agreement among those who have analyzed the Council documents that the image of the church as the “People of God” is the dominant ecclesial image . . . The Council delegates arrived at this new image of the church after prolonged and heated discussions that carried over into all four sessions of the Council, a fact that testifies to the importance and consequential nature of the shift in image of the church.” (Ebaugh, “Vatican II and the Reconceptualization of the Church,” 278)

⁵⁴ Abbott, *Lumen Gentium*, 25.

⁵⁵ Abbott, *Lumen Gentium*, 57ff.

⁵⁶ While the national councils approved local modifications of the liturgy, the changes also had to be approved by the Roman Curia.

⁵⁷ Full text can be found here:

http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html

⁵⁸ Abbott, *Gaudium et Spes*, 200.

⁵⁹ *Ibid.*, 282.

From a keener awareness of human dignity there arises in many parts of the world a desire to establish a political-juridical order in which personal rights can gain better protection. These include rights of free assembly, of common action, of expressing personal opinions, and of professing a religion both privately and publicly. For the protection of personal rights is a necessary condition for the active participation of citizens, whether as individuals or collectively, in the life and government of the state.⁶⁰

Gaudium et Spes recognized the “increased complexity of modern circumstances,” which required the government to manage social and economic affairs.⁶¹ “The role and competence of the Church being what it is, she must in no way be confused with the political community or bound to any political system.”⁶²

It also recognized the validity of progress made in social and hard sciences.⁶³ And it reaffirmed the Church’s concern for the poor and disadvantaged. In the chapter on socio-economic life, the document stated:

Now in this area [socio-economics] the Church maintains certain principles of justice and equity as they apply to individuals, societies and international relations. In the course of the centuries and with the light of the gospel she has worked out these principles as right reason demanded. In modern times especially, the Church has enlarged upon them. This sacred Council wishes to reinforce these principles.⁶⁴

Gaudium et Spes went on to demand greater equality and justice throughout the world, recognizing the growing disparity between developed and underdeveloped nations, and commented on the dignity of labor.

In the planning phases for Vatican II, religious freedom was not envisioned as a topic requiring its own document. By the end of the fourth session, however, *Dignitatis Humanae*, “Declaration on Religious Freedom,” emerged as one of the most influential documents created by the Council. John Murray played a significant role in organizing, informing, and politicking to shape the document’s content and to ensure its influence.

Murray’s Roman Re-Emergence

Murray had emerged as a leading figure in American public life prior to Vatican II. The year 1960 was an important one for Murray: He published a well-regarded book, *We Hold These Truths: Catholic Reflections on the American Proposition*; he was consulted several times by the Kennedy presidential campaign and provided minor edits for Kennedy’s famous speech to the Houston Ministerial Association; and in December, he was featured on the cover of *Time* magazine with an article largely covering the same topic as his book.

Murray’s presence on the Vatican scene was another matter. He was not at the first session of Vatican II, apparently having been invited and then quickly disinvited. However, even before the session convened, he was asked for advice on the religious liberty issue. Though religious freedom was not expected to be a major agenda item at

the Council, the Vatican had planned to address the issue in a chapter for *Unitatis Redintegratio*, the “Decree on Ecumenism.” In the summer of 1962, before the Council began, John XXIII had accepted preliminary statements about religious freedom from two sources: the Theological Commission headed by Cardinal Ottaviani, then Pro-

⁶⁰ Ibid., 283.

⁶¹ Ibid., 286.

⁶² Ibid., 287.

⁶³ Ibid., see article 54.

⁶⁴ Ibid., 272.

Secretary of the long-standing Holy See, and the Secretariat for Christian Unity presided over by German Augustin Cardinal Bea.⁶⁵ John XXIII appointed an ad hoc committee to reconcile the two documents, but talks between the two groups had broken down by August 1962.

Archbishop Shehan of Maryland had written to Murray providing him copies of the two documents and asking for his comment. Murray feared that the Council would settle on a purely practical approach that would leave the majority of Catholics living in the mode of hypothesis.. In a personal response to Shehan, he wrote:

Not to be misunderstood, one point. I do not say that the American constitutional situation is “thesis.” My point is that the whole disjunction, thesis-hypothesis, is invalid in sound and pure Catholic principles, and ought to be discarded. Like its supported concept, the “Catholic state,” it is a time conditioned disjunction, involved in the relativities of history.

All this is part of my first difficulty with the document – its unwillingness to face the issue in the full concreteness of its amplitude, which includes the vital practical importance of its theoretical aspects.

Murray’s Vatican Presence⁶⁶

On April 4, 1963, Francis Cardinal Spellman of New York invited Murray to the second session of Vatican II to serve as a *peritus* once it was obvious that the Council would spend significant time on the topic of religious freedom. After he arrived at the session, however, Murray learned that the discussion of religious freedom had been cancelled from the agenda, so he sent a four-page memo to all the American bishops encouraging them to advocate for its return. Cardinal Spellman authored a letter demanding that religious liberty be discussed, a copy of which was received by the Pope. The Pope then asked Ottaviani to hold meetings to discuss the emerging “Decree on Ecumenism,” which contained a chapter on religious freedom.

After the second session of the Council, Murray wrote an article published in *America*, the influential Jesuit weekly, about religious liberty being the topic of greatest importance for American bishops and reporting on the underhanded ways he thought that discussion had been blocked.⁶⁷ Later that summer, he received a note from the Vatican’s delegate to the United States, reminding him of the norms that *periti* are asked to follow, including not to rally public opinion around issues being discussed at the Council.

Between the second and the third sessions, the Secretariat for Christian Unity appointed Murray to write a memo explaining the two dominant, opposing views of religious liberty. Murray avoided calling these positions conservative and liberal instead calling the traditionalists’ position “First View” and his own “Second View.” This document was well-received and at the beginning of the third session, Murray was commissioned to serve as the “First Scribe” to draft what was now too significant to be a chapter in the Decree on Ecumenism and was expected to stand alone as the “Declaration on Religious Freedom.”

⁶⁵ The Preparatory Theological Commission was appointed by the Pope to work through theological aspects of the Council’s agenda, was closely aligned with Roman Curia, and saw itself as the “guardian of orthodoxy.” (*Vatican II: Forty Personal Stories*, William Madges and Michael Daley, Eds., Mystic, CT; Twenty-third Publications, 2003, p. viii) The Holy See, for which Ottaviani served as Pro-Secretary, was later called the Congregation for the Doctrine of the Faith by Pope VI soon after the Council ended. The Secretariat for Promoting Christian Unity, which was eventually granted authority over the development of the “Declaration on Religious Freedom,” was also created as a resource for Vatican II and their mission was to promote conversation and provide resources about Christian unity (p. viii).

⁶⁶ Information from this section comes from Pelotte, pp. 74-107.

⁶⁷ For the full text of this article, see appendix E.

By the end of the third session, Murray, working with others, had created a schema, or draft proposal, of the “Declaration on Religious Freedom,” on which the Council could have voted, but the vote was delayed until the beginning of the fourth session due to both resistance from the traditionalists and differences of opinion among those holding the “Second View.” Work on the draft did not end with the session, however, and the Secretariat collected comments on it and sent out a revised draft in June 1965, between the third and fourth sessions. During the months preceding the fourth session, Murray also contacted influential bishops about the declaration in an effort to win their support. On September 14, 1965, seven days after the fourth and final session of Vatican II commenced, the Council Fathers voted on the schema and approved its moving forward under the Secretariat for Christian Unity. In fact, discussions about the declaration were the first thing on the fourth session’s agenda.

Unfortunately, Murray suffered from a collapsed lung and was unable to contribute to the final draft that was approved on the last day of Vatican II – December 7, 1965 – by a vote 2,308 for, 70 opposed, and 8 invalid.

***Dignitatis Humanae*⁶⁸ – “Declaration on Religious Freedom”**

The Declaration was groundbreaking in several ways: It advocated for the principle of religious liberty to be treated as a civil right and obligated governments to protect this right, and it acknowledged that the Church’s previous stance on the issue may not have been just.

The Synod further declares 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. This right of the human person to religious freedom is recognized in the constitutional law whereby society is governed. Thus it is to become a civil right.⁶⁹

The protection and promotion of the inviolable rights of man ranks among the essential duties of government. Therefore, government 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 . . . If, in view of peculiar circumstances obtaining among certain peoples, special legal recognition is given in the constitutional order of society to one religious body, it is at the same time imperative that the right of all citizens and religious bodies to religious freedom should be recognized and made effective in practice.⁷⁰

Throughout the ages, the Church has kept safe and handed on doctrine received from the Master and from the apostles. In the life of the People of God as it has made its pilgrim way through the vicissitudes of human history, there have at times appeared ways of acting which were less in accord with the spirit of the gospel and even opposed to it. Nevertheless, the doctrine of the Church that no one is to be coerced into faith has always stood firm.⁷¹

On reflecting on the declaration, Murray remarked: “Its achievement was simply to bring the Church abreast of the developments that have occurred in the secular world. The fact is the right to religious freedom has already been accepted and affirmed by the common consciousness of mankind.”⁷²

⁶⁸ Full text can be found here:

http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html

⁶⁹ Abbott, *Dignitatis Humanae*, 679.

⁷⁰ Abbott, *Dignitatis Humanae*, 685.

⁷¹ *Ibid.*, 692f.

⁷² Pelotte, 100.

Conclusion

The structural and symbolic changes captured, reified, and sometimes heralded by Vatican II were undeniable. The dynamics of the hierarchy's methods of control, the Church's relation to liberal democratic states, its willingness to acknowledge the legitimacy of intellectual findings not specifically rooted in the Catholic tradition, and its view of the laity were areas of significant reform during Vatican II after a 100-year period of the official Church seemingly denying an ability to recognize the modern world and function in harmony with it.

After Vatican II, Murray continued to write on religious freedom, even criticizing the *Dignitatis Humanae* for not emphasizing enough the "principle of wider import – that the dignity of man consists in his responsible use of freedom."⁷³ He died of a heart attack in 1967, just two years after Vatican II ended.

⁷³ Abbot, Preface to *Dignitatis Humanae* 674.

List of Appendices

- A: Timeline
- B: List of characters
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- D: Glossary of Terms
- E: “On Religious Liberty” by John Courtney Murray published in *America Magazine* in 1963

Appendix A: Timeline

1789-1799 – French Revolution, during which land is taken away from the Church (most of it was later returned) and France experiences a surge of secularism.

1859 – Emerging Italian Republic takes away all Papal States except Rome.

1870 – Rome forcibly taken by the Italian government during the Franco-Prussian War.

1899 – Pope Leo XIII issues *Testem Benevolentiae* condemning “Americanism.”

1904 – John Courtney Murray born in New York, New York.

1928 – Alfred E. Smith is nominated by the Democratic Party for the Presidency of United States.

1941 -1967 – Murray serves as editor of *America*.

1943 – Pius XII issues the encyclical *Mystici Corporis Christi*, emphasizing the spiritual power, as opposed to the temporal power, of the Church.

1950 – Murray works with U.S. High Commissioner in West Germany to develop West Germany’s approach to church-state relations.

1951 – Pope Pius XII allows traditional Easter Vigil service with part of the preface in the vernacular.

1952 – Murray begins series of four articles for publication in *Theological Studies* about church-state relations.

1952 – Pope Pius XII encourages the professionalization of women in religious orders.

1950-1954 – Murray and Fenton debate through writing liberal and conservative views of Church-State relations.

1953, November – Murray meets with high-ranking Church officials who are quietly supportive of his writings. Murray receives a letter from his Jesuit superior asking him to come to Rome.

1954, January – The Holy See disallows the Worker-Priest Movement in France.

1954, March – Murray delivers speech at Catholic University offering an interpretation of Pope Pius XII’s speech, *Ci riesce*, arguing that the Pope had a more liberal view of church-state relations than Cardinal Ottaviani.

1955, January – Murray sends final article on church-state relations to Roman Curia for approval. The article is censured and McCormick, Murray’s superior in Rome, asks him to stop writing on the topic.

1958, July – Murray writes to McCormick asking for permission to resume work on church-state relations and in August receives a reply advising against it.

1958, October – Pope Pius XII dies, and the papal enclave elects Angelo Roncalli to be Pope John XXIII

1959, January – Pope John XXIII announces ecumenical council.

1961, December – Pope John XXIII convokes Vatican II.

1962, October 11 – Pope John XXIII delivers opening speech to the Council to over 2000 bishops.

1962, October - December – first session of Vatican II.

1963, June – Pope John XXIII dies and Pope Paul VI is elected.

1963, September - December – second session of Vatican II.

1963 – Murray invited to serve as *peritus*, on religious freedom by American Cardinal Spellman of New York.

1964, September - December, third session of the Vatican II.

1965, September - December, fourth and final session of the Vatican II.

1965, December – Council votes to approve *Dignitatis Humanae*.

1967, August – Murray dies in New York, New York.

Appendix B: List of Characters

Bea, Augustin Cardinal – Presided over the Secretariat for Christian Unity during Vatican II.

Ellis, John Tracey, Msgr. – Friend and confidante of John Courtney Murray; professor of Church History at Catholic University.

Fenton, Joseph Msgr. – Editor of the *American Ecclesiastical Review*; often wrote articles and editorials opposing Murray’s work on religious liberty and church-state relations.

Hecker, Isaac Father – Founder of the Missionary Society of St. Paul the Apostle, the first religious order founded in the United States.

Murray, John Courtney, SJ – Born in 1904, died in 1967; served as editor of *America*, a Jesuit publication from 1941-1967.

Pius IX – Pope from 1846-1878; convened the first Vatican Council in 1869.

Leo XII – Pope from 1878-1903; issued *Testem Benevolentiae* condemning “Americanism” in 1899.

McCormick, Vincent, SJ – Murray’s Jesuit superior in Rome.

Ottaviani, Alfredo Cardinal – Pro-Secretary for the Holy Office from 1959-1966; leading conservative voice at Vatican II.

Piux X – Pope from 1903-1914; issued *Pascendi Dominici Gregis*, condemning Modernism, and in 1910, required all priests, religious, and theologians to take the “Oath Against Modernism.”

Pius XII – Pope from 1939-1958.

John XXIII – Pope from 1958-1963.

Paul VI – Pope from 1963-1978

Spellman, Francis Cardinal – Cardinal of New York who asked Murray to serve as a *peritus* on religious liberty at the second session of the Vatican II.

Appendix C: List of Vatican Documents and Web Links

Quanta Cura (1864) “Condemning Current Errors” <http://www.papalencyclicals.net/Pius09/p9quanta.htm>

“The Syllabus of Errors” (1864) <http://www.papalencyclicals.net/Pius09/p9syll.htm>

Testem Benevolentiae Nostrum: Concerning New Opinions, Virtue, Nature and Grace, with regard to Americanism (1899) <http://www.ewtn.com/library/PAPALDOC/L13TESTE.HTM>

Dei Filius (1870) “Dogmatic Constitution on the Catholic Faith” <http://www.vaxxine.com/pjm/vaticanI.htm>

Pastor Aeternus (1870) “First Dogmatic Constitution on the Church of Christ” <http://www.vaxxine.com/pjm/vaticanI.htm>

Lamentabili (1907) “Syllabus Condemning the Errors of the Modernists” <http://www.papalencyclicals.net/Pius10/p10lamen.htm>

Pascendi Domici Gregis (1907) “On the Doctrine of the Modernists” http://www.vatican.va/holy_father/pius_x/encyclicals/documents/hf_p-x_enc_19070908_pascendi-dominici-gregis_en.html

Mystici Corporis Christi (1943) “On the Mystical Body of Christ” http://www.vatican.va/holy_father/pius_xii/encyclicals/documents/hf_p-xii_enc_29061943_mystici-corporis-christi_en.html

Humani Generis (1950) “On Certain False Opinions Threatening to Undermine the Future of the Catholic Church” http://www.vatican.va/holy_father/pius_xii/encyclicals/documents/hf_p-xii_enc_12081950_humani-generis_en.html

Ci riesce (1953) <http://www.ewtn.com/library/PAPALDOC/P12CIRI.HTM>

Sacrosanctum Concilium (December 4, 1963) “Constitution on the Sacred Liturgy” http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19631204_sacrosanctum-concilium_en.html

Lumen Gentium (November 21, 1964) “Dogmatic Constitution on the Church” http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html

Gaudium et Spes (December 7, 1965) “Pastoral Constitution on the Church in the Modern World” http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html

Dignitatus Humanae (December 7, 1965) “Declaration on Religious Freedom” http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html

Appendix D: Glossary of Terms

Divine Office – the official set of daily prayers offered throughout the day, also known as Liturgy of the Hours.

encyclicals – generally refers to letters from the pope to bishops, but may also refer to letters to and from bishops.

peritus – expert. John Courtney Murray served as a *peritus* on religious liberty at the second through fourth sessions of Vatican II.

Roman Curia – administrative and governing body of the Roman Catholic Church, based at the Vatican. Advises the pope and sets and enforces various policies.

Appendix E: “On Religious Liberty” by John Courtney Murray

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JOHN COURTNEY MURRAY, S. J.

On Religious Liberty

Freedom is the most distinctively American issue before the Council

The issue of religious liberty is of the highest interest to me both as a theologian and as an American. It is, as it were, *the* American issue at the Council. The American episcopate is greatly pleased that the issue has finally appeared on the agenda of the Council, notwithstanding many efforts to block discussion of it. Through Cardinal Spellman the American bishops made a strong intervention, demanding that the issue be presented to the conciliar Fathers. And all of them are prepared strongly to support, and indeed to strengthen, the text that has been written by the Secretariat for Promoting Christian Unity.

Actually, two texts are to be presented. The first is the text of Chapter Five of the Decree on Ecumenism, entitled “On Religious Freedom.” The second is the lengthy *relatio* of Bishop Emile De Smedt, of Bruges. This latter document is the more important, in a sense, since it develops at length the rationale of the decree. I shall therefore undertake to state briefly the tenor and scope of the decree in the light of the *relatio*.

The Secretariat for Promoting Christian Unity composed its text before Pope John XXIII published his encyclical *Pacem in Terris*. But the doctrine of the text is identical with the doctrine of the encyclical. The text represents the term of a lengthy development of theological thought in the matter, and the encyclical confirms the validity of this development.

There are, in general, two essential points of doctrine. First, it is asserted that every man by right of nature (*jure naturae*) has the right to the free exercise of religion in society according to the dictates of his personal conscience. This right belongs essentially to the dignity of the human person as such. Secondly, the juridical consequences of this right are asserted, namely, that an obligation falls on other men in society, and upon the state in particular, to acknowledge this personal right, to respect it in practice, and to promote its free exercise. This is, in a mode of general statement, the heart of the matter.

FR. MURRAY, authority on Church-State questions, here presents to the readers of *AMERICA* the substance of discussions he has been holding in Rome with groups of bishops and theologians as the Vatican Council takes up the topic of religious liberty.

Four reasons are given for the proclamation of this doctrine. All of them derive from the concrete situation of the world today. First, it is necessary today to state the true doctrine of the Church with regard to religious freedom in society, as this doctrine has been clarified by theological reflection, and also by political experience, over the past few generations.

Secondly, it is necessary today for the Church to assume a universal patronage of the dignity of the human person and of man’s essential freedoms, in an age in which totalitarian tyranny has imposed itself upon nearly half of the human race.

Third, we are living in the age of the religiously pluralist society, as it is called. Men of all religions and of no religion must live together in conditions of justice, peace and civic friendship, under equitable laws that protect the whole range of human rights, notably including the right to religious freedom. It is therefore necessary for the Church to show the way to justice and peace in society, by espousing the cause of human freedom, which is, as John XXIII taught, both an essential end of organized society and also the essential method and style of political life.

Fourthly and finally, we are living in an age in which a great ecumenical hope has been born. The goal of Christian unity lies, of course, beyond the horizons of our present vision. We do, however, know that the path to this far goal can lie only along the road of freedom—social, civil, political and religious freedom. Hence the Church must assist in the work of creating conditions of freedom in human society; this task is integral to the spiritual mission of the Church, which is to be herself the spiritual unity of mankind and to assist all men in finding this unity. These, in brief, are the four reasons for the decree on religious freedom.

The *relatio* proceeds to clear up the confusions and misconceptions with regard to the concept of religious freedom which remain the heritage of the 19th-century conflict between the Church and the laicist ideology that issued from the Enlightenment, so called, and the French Revolution. Briefly, the Church today must still reject a concept of religious freedom that would be based on the ideology of the “outlaw conscience,” which asserted that the human conscience is

not bound by any divine laws, but only by such norms as it individually creates for itself.

Again, the Church today must still reject a concept of religious freedom that would be based on the ideology of religious indifferentism, that is, on the notion that all religions are equally true, or equally false. Furthermore, the Church today must still reject a concept of religious freedom that would be based on the ideology of doctrinal relativism, that is, on the philosophical notion that there is no objective criterion of truth.

These 19th-century ideologies, which still exist among us in one or other way, falsified the notion of religious freedom, just as they misconceived the dignity of man. Man is not God; he is only the image of God. God alone is the Lord. And man's essential dignity consists in his dependence on God alone; man's essential freedom requires that he should be governed, in the end, only by the will of God. From this point of view, the true notion of religious freedom begins to appear.

In consequence of his personal dignity, man, in his quest for God, has a right to be free from all manner of coercion or compulsion that might be brought to bear on him by other men, by social or political institutions, or by the power of human law. Man's quest for God, man's adhesion to the truth of God, must be free. This is itself a divine law, which is written in the nature of man, and written even more clearly in the gospel of Christ. True religious freedom therefore consists, negatively, in the immunity of the human person from all coercion in what concerns his personal relations with God, and, positively, in the free exercise of religion within civil society.

This is the conception of religious freedom that is contained in the conciliar text and developed in the *relatio*. I must confess immediately that I do not find it adequate, though I think it is true as far as it goes. One must have in mind that it will be the duty of the Council to establish the formula, "religious freedom," within the Christian vocabulary, to define or describe its full sense and meaning, and to do this in such a way that there may be at least general agreement among all Christians, Catholic and non-Catholic, with regard to the essential content of this formula. I hope therefore that in the course of the conciliar discussion the concept will be more fully elaborated. However, I shall not enter this subject here.

The intention of the decree is pastoral and ecumenical. Therefore it undertakes to define the attitude that Catholics ought to maintain and exhibit toward their fellow Christians and toward all men. This attitude is based on the Catholic doctrine with regard to the necessary freedom of the act of Christian faith. God our Father through Christ our Lord freely spoke to men His word of salvation, which is a word of truth and

love, an invitation to an interpersonal relationship between man and the one God, living and true, who is Father, Son and Holy Spirit. God's word was freely spoken; it is for man to respond to it freely. The response, whether acceptance or rejection, is a matter of personal responsibility. No man may abdicate this responsibility. No man may assume this responsibility for another, but only for himself.

The decision, for God or against him, must be a personal decision. Hence no man, and certainly no Christian, may bring to bear any kind of coercion, physical or moral or legal, on another. This would be to contravene the essential law of the divine economy of salvation, which is that men must accept God's gift of grace freely, or not at all. Therefore the theology of the act of faith obliges Christians to an attitude of respect and reverence toward others who do not share their faith. This is not religious indifferentism. One does not affirm that truth and error are equal in the sight of God. One must, however, affirm the dignity of the human person and the freedom of the act of personal religious decision.

All this is quite clear. But the decree and the *relatio* enter another area, which is most difficult. Religious freedom is to be a right whose exercise takes place in society—in a civil society that is politically organized, that receives its structure from a juridical order, and that is governed by duly constituted political authority. Here the difficulty begins. Within organized society no human right, not even the right to religious freedom, is unlimited in its exercise. Hence the essential question is: what are the principles according to which the social exercise of the right to religious freedom may be justly and legitimately limited? Or, from another point of view, what is the competence of civil government in regard to the exercise of the right to religious freedom in society? Concretely, what are the canons of jurisprudence that must control the use of the coercive weapon of law in this most delicate and sensitive field? These questions are extremely difficult. But they cannot be avoided. Religious freedom is not simply an ethical or moral problem. It is also a constitutional problem. One meets the problem in its full concreteness in the order of law and government.

In my opinion the decree is not sufficiently clear and explicit in its dealing with this problem of social and legal limitation of the right to religious freedom. Rightly enough, it asserts the principle, which is also a fact, that the exercise of the right to religious freedom, since it takes place publicly and in society, is subject to some legitimate restrictions. These restrictions, it says, may be imposed in the name of the common good, or in

the name of the rights of others. All this is true enough. But I find it too vague. An appeal to the common good, as the ground for legal restrictions on religious freedom, may be no more than the invocation of a *raison d'état*, which is dangerous doctrine. Moreover, the allegation of the rights of others, again as the ground for restricting religious freedom, may be no more than a veiled invocation of the rights of a majority, which again is dangerous doctrine.

The *relatio* is somewhat more satisfactory. It clearly adopts the juridical conception of the state which was developed by Pius XII, and even more sharply emphasized by John XXIII in *Pacem in Terris*. These Popes laid aside the more Aristotelian, ethical conception of the state that is to be found in Leo XIII. The *relatio* therefore makes clear that the primary element in the common good consists in the legal protection and promotion of the whole order of personal rights and freedoms which are proper to the human person as such. Therefore the *relatio* also makes clear that an infringement of the personal rights of man, including notably his right to religious freedom, cannot be justified by an appeal to the common good. Such an infringement of personal rights would be a violation of the common good itself. This is good political philosophy and jurisprudence.

I think, however, it is necessary to take one further step. And here I speak as an American, out of the Anglo-American tradition of politics, law and jurisprudence. The American constitutional system is based squarely on two fundamental principles: first, man is endowed by his Creator with certain inalienable rights; second, government and the order of law exist primarily for the protection and promotion of these rights. These principles were clearly affirmed by Pius XII and by John XXIII. However, the American system also enshrines another principle, namely, the incompetence of government as judge or arbiter in the field of religious truth, as also, for instance, in the field of art and science.

Government is a secular authority whose competence is limited to the temporal and terrestrial affairs of men who must live together in justice, peace and freedom. Government therefore would act *ultra vires* (beyond its scope) if it were to undertake to judge this religion to be true and that religion to be false. Government would be acting even more evidently *ultra vires* if it were to enforce upon citizens, by the medium of law, any kind of theological judgment; if, that is, it were to assert by law that a particular religion—say, the Catholic religion—ought to be the religion of the national community.

This principle, which asserts the incompetence of

secular political authority in the field of religion, is deeply embedded in the true political tradition of the Christian West. It is also affirmed within the theological tradition of the Church. Leo XIII, for instance, made it quite clear that political authority has no part whatsoever in the care of souls (*cura animarum*) or in the control of the minds of men (*regimen animorum*). It is, of course, true that this political principle was obscured in Europe for centuries, largely in consequence of the rise of royal absolutism and the "Union of Throne and Altar." The true tradition was, however, preserved in the American constitutional system. Absolutism never set foot in America, much to the joy both of the Church and of the American people. Together with my fellow countrymen, both Catholic and non-Catholic, I should like to see this principle asserted in the final conciliar text on religious freedom. It is, I think, essential to the case for religious freedom in society. It completes the theological and ethical arguments by adding to them a sound political argument. And this political principle, namely, that political authority is incompetent in the field of religion, needs particularly to be invoked when there is question of legal limitations to be imposed on the free exercise of religion in society.

The *relatio* deals at length with another problem in the present matter. It is a theological problem. The fact is that, at first sight, the affirmations of *Pacem in Terris* with regard to the right of religious freedom and with regard to the juridical consequences of this right, seem at first sight to be directly contrary to certain utterances of the Church in the 19th century, which seem to have denied this right. The *relatio* deals with this problem in the only way in which it may legitimately be dealt with, that is, by regarding it as a problem of true and genuine development, both in the doctrine of the Church and in her pastoral solicitude for the dignity and freedom of man.

In conclusion, I might note that two essential questions face the Council. The first is pastoral and ecumenical. The Church has always fought for her own freedom and for the freedom of her children. The question today is, whether the Church should extend her pastoral solicitude beyond her own boundaries and assume an active patronage of the freedom of the human person, who was created by God as his image, who was redeemed by the blood of Christ, who stands today under a massive threat to everything that human dignity and personal freedom mean. The second question is doctrinal. Is the assumption of this universal pastoral solicitude warranted? Is it grounded in the doctrinal tradition of the Church with regard to human dignity and the rights of man? I think the answer must be affirmative, if only the tradition of the Church is understood to be what it is, namely, a tradition of growth in fuller understanding of the truth.