

## CURRENT THEOLOGY

### FREEDOM OF RELIGION

This topic may be fittingly introduced under the heading, "Current Theology." The topic is theological in its deepest implications, and its currency is entirely obvious. "The issue," Prof. F. Ernest Johnson has recently said, "is accented at present by a variety of factors, domestic and international. The inclusion of religion among the 'Four Freedoms,' the prominence of the religious issue in the Soviet Union, the acuteness of recent controversy over missionary work in South America, the continuance of a secular trend in the government of younger states, the significant Supreme Court decisions with reference to radical religious sects, and the revival of the movement for the study of religion in American public schools—all these developments conspire to bring the issue of religious liberty to the fore."<sup>1</sup> In addition, one may note that the issue has also been injected into recent controversies over birth-control legislation, and that it is not absent from the periodic flareups over American diplomatic representation at the Vatican.

Official Protestantism is immensely preoccupied with the problem. A major sign of the preoccupation is the existence of the Joint Committee on Religious Liberty of the Federal Council of Churches and the Foreign Missions Conference of North America. The Committee was constituted in May, 1942, to carry on research projects already begun by the sponsoring bodies, as well as by the International Missionary Council. It is under the chairmanship of Dr. John A. Mackay, President of Princeton Theological Seminary, Chairman of the Presbyterian Board of Foreign Missions, and Editor of *Theology Today*. Its members are a group of thirteen distinguished Protestant educators, executives, and missionaries.

The immediate functions of the Committee appear to be study and statement. Its most ambitious enterprise has been the preparation of a comprehensive report on the problem of religious liberty, soon to be published under the title, *Religious Liberty: An Inquiry*. The actual writing of the book has been in the hands of Dr. M. Searles Bates, Professor of History at the University of Nanking, and Consultant to the International Missionary Council, who has been on leave in the United States. He has had the assistance of a large panel of collaborators and critics—men of specialized knowledge and experience. The result should be a highly interesting document, that will deserve to be carefully scanned by Catholic historians, social theorists, and theologians.

It appears, too, that the studies and statements made by the Joint Com-

<sup>1</sup> "Religious Liberty," *Christendom*, IX (1944), 181.

mittee are also intended to furnish the basis of religio-political action, to the end that the thought of organized Protestantism may be made politically effective in shaping the already nascent institutions of the new world order. In this respect, the Joint Committee is a new witness to the increasing political-mindedness of the Federal Council. This development is the product of many causes. Basically, I suppose, it results from a perception that the most acute of modern problems is the establishing of right dynamic relationship between the spiritual and the temporal, the sacred and the secular. Perhaps it is related to prevailing Protestant views and emotions with regard to the rise of Catholic influence. It may also be the corollary of the Federal Council's own institutional development into a corporateness less precarious than American Protestantism could exhibit even a quarter of a century ago, and consequently into a firmer self-consciousness and self-confidence. Moreover, there has apparently been a deliberate effort on the part of the guiding influences of the Federal Council, after the pattern of Anglican and Protestant leaders and groups abroad, to effect a disengagement from the pacifist, "hands off," rather helpless mentality that predominated after World War I, and to exert a positive influence in the field of socio-political realizations. At all events, it is clear that Protestantism is newly preoccupied with the "institutional." It is concerned about its own institutional reality as a "church"; it is concerned, too, with the institutional realities of contemporary society, within whose mesh its own life is inextricably caught, and upon whose texture it can hardly hope to have an influence save by institutional action. It appears that the Joint Committee on Religious Liberty is to serve, in its own way, the ends of institutional action.

The Committee has already formulated a *Statement on Religious Liberty*, which has been adopted by the Federal Council and by the Foreign Missions Conference. Its bearings have been clearly set forth in a pamphlet published by the Joint Committee, *Religious Liberty, Its Meaning and Significance for Our Day*: "This *Statement* is intended to set forth the part which governments can play in creating conditions favorable to religious liberty; and, further, to urge our government to exercise its reasonable influence toward the end that appropriate and effective legal provision for religious liberty may be made by the governments throughout the world" (p. 11). The use to which the *Statement* has already been put is thus described:

Since this is directly within the tradition of American democracy, the *Statement* was formally communicated to the President. It was placed in the hands of the Secretary of State by a delegation of Protestant churchmen. Copies were sent, with a letter of full explanation, to members of the Senate and House of Representatives. Many favorable replies were received. Copies were also sent to 53 heads

of diplomatic missions to the United States. None of the acknowledgments directly or indirectly opposed the *Statement*, and a number gave it enthusiastic endorsement. [In other press reports, the President himself was said to be enthusiastic about it.] Discussion of the *Statement's* significance and possible application has been carried on with groups of officials in the Department of State. About thirty-five church bodies in foreign countries have been informed of this development; in some instances, parallel action is under way. The *Statement* has also been broadcast by short wave to Germany and into numerous other countries.

Before taking up the *Statement* itself, a preliminary word might be said about the nature of the problem with which it deals. One reason is that the nature of the problem must be kept in mind, when it is a question of judging the efforts made by any religious group "to set forth the part which governments can play in creating conditions favorable to religious liberty."

In the first place, it is evident that religious liberty is a political problem of the first magnitude. Wherever it has remained unsolved, or been badly solved, in the past or in the present, it has created immense disturbances in the temporal order. Within our own memory, both open and subtle persecutions have been directed against Catholics, Protestants, and Jews by States which have claimed the right to put the human conscience in bondage to themselves and to their pagan theories of race and State and culture. And their policies in the matter of religion have powerfully contributed to the contemporary political tumult and social upheaval. This situation must be regarded with dismay by all men of good will. And all men of good will will agree that something must be done about it. Furthermore, the political aspect of religious freedom has been further complicated by the fact that the question has become, rightly enough, a matter of international concern. There is a strong movement afoot, in which Catholics are participating, for the promulgation of an international bill of rights as part of the fundamental law of organized international society, and for the specific inclusion in this bill of rights of adequate provisions for religious liberty. This makes more difficult a problem that was difficult enough when it was only a question of reaching a solution that might be satisfactory nationally, according to the "hypothesis" that nationally prevailed. Obviously, one cannot pin too much faith on political prescriptions as the means of preserving freedom of religion; but at least it is clear that they are powerful in destroying it, when they are undirected by right principle. Consequently, a solution of the problem in the political order must be an object of universal concern. Some juridical means must be found that will at least protect the human conscience against openly injurious violation, and that will further the ends of civil and international peace.

On the other hand, it must be borne in mind that, among all the problems relating to a new world order, religious liberty occupies a unique position. The reason is that no other problem so directly and immediately raises an ultimate issue. The very terms of the problem, "freedom of religion," mark this fact. At the very outset, they put the question, what is religion? One's answer to this question will condition the very manner in which one posits the problem of the freedom of religion, and will therefore condition its whole solution, even in the political order. Moreover, the question, what is religion? cannot be fully answered in terms of reason and natural law alone. The decisive answer comes from revelation; and revelation resolves the question, what is religion? into a more concrete form—what is the Church of Christ? Actually, therefore, it is one's concept of the Church of Christ that is the decisive element here. Because of the very nature of the problem, one's conception of it and one's solution to it must be framed in terms of some kind of an ecclesiology, or in terms of the rejection of all ecclesiologies, or at least in terms of a philosophy of religion, or at very least in terms of sheer atheism. The influence of ultimate views is inescapable. The nature of the problem dictates that the process of honest thought must be to work through to a properly theological solution, and then to draw out its political implications, and propose these for realization in the temporal order. And it will be impossible to propose one's political solution except in the perspectives of one's theological solution.

This fact explains the "sectarian" character detected in various solutions by those who stand outside of the circles in which the solutions are formulated. This is not the case with a whole set of other problems usually put under the rubric, "religion and world order." For instance, I have read much Protestant literature on the juridical organization of the international community, without being particularly conscious of it as "Protestant." But I have never read any Protestant literature on freedom of religion without being instantly conscious of its provenance. And I have no doubt that Protestants read Catholic discussions of "tolerance" with a corresponding impression.

My point here is that the uniqueness of the problem makes it uniquely difficult to discuss, at the same time that its practical urgency makes discussion imperative. In this situation, a twofold conclusion is reasonable. On the one hand, it is neither possible nor desirable to avoid controversy on this subject; too much is at stake in it. For our part, we cannot admit the validity of solutions based on certain ever more self-assertive theories of the "autonomy of conscience," "religious pluralism," "democratic ideals," "cultural equilibrium through diversity," etc.—theories that we must con-

sider false or inadequate. On the other hand, it should be possible in this day and age to make the controversy intelligent. This would mean, first, an awareness of the complexity of the problem itself, as well as of the social realities that are pertinent to its solution in the concrete—an awareness that is not seldom lacking in both Catholic and Protestant circles. It would mean, secondly, integrity in argument; say, for instance, a refusal unfairly to capitalize on the other side's honest admission of failures in practice, thus abandoning a debating procedure classic ever since Contarini's famous *Consilium de Emendanda Ecclesia*. Thirdly, it would mean a careful effort not to confuse issues, and not to introduce false issues. We might, for instance, agree to be very exact in the use of the word "clericalism." The basic premise of all so-called "clericalism"—the relevance of religion to social order—is shared by men of all faiths. "Clericalism" in its invidious meaning—the assumption by the Church as such, in the person of her official ministers, of direct control over, and responsibility for, the purely temporal affairs of society—is rejected today by men of all faiths. And "clericalism" in its legitimate meaning—the effort of an organized religious group, acting through its leaders, to realize, in institutional form and through constitutional processes, its conception of the right relation between the spiritual and the temporal, the Church and human society—is as much a characteristic of Protestantism as it is of Catholicism. An obvious divergence of view as to what this right relationship should be does not touch the essence of the matter. I think that we may, without wounding anybody, be quite sceptical about the widespread contemporary fiction that, when Protestantism organizes for political action, it is nobly engaged simply in defending "conscience and the rights of man," whereas, if Catholics similarly organize, they are ignobly occupied simply with pushing "the worldly, institutional interests of the Roman Catholic Church," as somehow an objective at variance with the welfare of mankind. In the same connection, a bit of intelligence could be brought to bear upon the distinction that is apparently part of the present official Protestant policy; I mean the distinction between "resolute opposition to the political power of the Roman Catholic hierarchy," and "respect for the Roman Catholic faith and for the sincerity of its lay adherents." The distinction rests on no intelligent premise; it is particularly uncharitable toward the lay adherents, who are not complimented by being thus split off from their bishops; and it advances the whole controversy not at all.

So far as Catholics are concerned, I think that the need in this matter is, first, for complete and honest exploration and evaluation of our own history, in the conviction that the Church has never required us to defend the indefensible, nor to represent, as essential corollaries of our faith, repressive

procedures or techniques of social management that may (or may not) have been sheerly political necessities in the past.<sup>2</sup> Secondly, there is still greater need for pacific and full exposition of our own theory of religious liberty. Nothing is commoner than to hear the charge that our position is purely opportunistic, and incoherent with ethical principle. It is said that we are not interested in freedom, but in maintaining or acquiring political control, in order to get a free field for our "totalitarian claims," "religious monopoly," "spiritual imperialism," "cultural domination," "ecclesiastical arrogance," etc. (Incidentally, it would help the controversy a lot if these misleading, false, and exceedingly hurtful terms were left out of it.) From this quarter, one of the most powerful contemporary attacks is being launched against the Church, in the attempt (conscious or unconscious) to drive a wedge between her and the modern world, which she is mightily striving to save. In this connection, I suggest that this attack will not be successfully met simply by the strenuous defense of the position that the Catholic Church is the one true Church. The position, of course, must be guarded at every point. However, all the Protestant literature that I have seen and all the Catholics whom I know manifest a full awareness that such is our position. So far as freedom of religion is concerned, what is properly at issue and what troubles a good many Catholic as well as Protestant minds is rather the political implications of our position in the present world situation. In that field the confusion lies, and from that quarter the attack is made.

Finally, we would do well to remember that we are not merely the object of attack, but also the subject of considerable sincere curiosity. There are many thoughtful men within other communions who are themselves quite unclear about what freedom of religion or separation of Church and State really mean; they are dissatisfied with the far too simple theories, the anarchic, incoherent, and sentimental conceptions that are the heritage of liberalistic individualism. They are sincerely puzzling over many problems of Christian history and contemporary fact, and still more over certain aspects of Christian theory—perhaps notably over the relation of the freedom of the Church to the freedom of the individual conscience. These men have a right to our views, set forth without reserve, but in a completely eirenic spirit. My own experiences, when giving a series of lectures on freedom of religion to a group of non-Catholic ministers, convinced me of the value and need of such pacific and undiluted exposition. Yet our literature of that type, or even of any type, on this subject is distinctly meager. Vermeersch's *Tolerance* was really the last full-dress treatment; and even that book is not

<sup>2</sup> Cf. J. Brodrick, "Ought Catholics to Defend the Inquisition?", *Month*, CLXXVII (1941), 118-23.

well organized, and not up-to-date. What we really need is a parallel volume to the forthcoming book of the Protestant Joint Committee, that will thoroughly discuss the subject from the Catholic viewpoint, both historically and theoretically. It would have to be a work of corporate scholarship.

The foregoing remarks have been concerned with the general nature of the problem of religious liberty. We may now look at the Protestant *Statement*.

#### STATEMENT ON RELIGIOUS LIBERTY

We recognize the dignity of the human person as the image of God. We therefore urge that the civic rights which derive from that dignity be set forth in the agreements into which our country may enter looking toward the promotion of world order, and be vindicated in treaty arrangements and in the functions and responsibilities assigned to international organizations. States should assure their citizens freedom from compulsion and discrimination in matters of religion. This and the other rights which inhere in man's dignity must be adequately guarded; for when they are impaired, all liberty is jeopardized. More specifically, we urge that:

The right of individuals everywhere to religious liberty shall be recognized and, subject to the maintenance of public order and security, shall be guaranteed against legal provisions and administrative acts which would impose political, economic, or social disabilities on grounds of religion.

Religious liberty shall be interpreted to include freedom to worship according to conscience and to bring up children in the faith of their parents; freedom for the individual to change his religion; freedom to preach, educate, publish, and carry on missionary activities; and freedom to organize with others, and to acquire and hold property, for these purposes.

To safeguard public order and to promote the well-being of the community, both the state, in providing for religious liberty, and the people, in exercising the rights thus recognized, must fulfil reciprocal obligations: The state must guard all groups, both minority and majority, against legal disabilities on account of religious belief; the people must exercise their rights with a sense of responsibility and with charitable consideration for the rights of others.

Evidently, the *Statement* wishes to deal exclusively with the problem of constitutional and statutory provisions for religious liberty. Freedom of religion is considered in its relation to governmental authority, and an attempt is made to state its content, in terms of "civic rights." The use of this term is a bit confusing. It is not entirely clear whether the rights enumerated are to be considered civic in the strict sense (as having their first source in positive law), or also as natural (as radicated in the law of nature). However, the latter meaning seems to be intended, since it is im-

plied that government is simply to recognize and be the guarantor of these rights. Within the *Statement* itself, only one premise is adduced as their basis—the fact that the human person is the image of God. Appeal, therefore, is made to a philosophical principle, in itself accessible to reason, though historically it has been mediated by the Christian revelation. The *Statement* considers the problem of religious liberty apart from the hypothesis of a divine revelation whereby God, through Christ, may have determined the existence of a spiritual and juridically perfect society whose rights and freedoms are not simply the projection of the jusnaturalist rights and freedoms of its individual members. The *Statement* moves simply in the hypothesis of natural law.

We cannot go behind the *Statement* to know whether its framers believe that the problem of religious liberty, even as against State authority, can be adequately solved on this purely ethical basis—man as the image of God. Nor do we know what dislocations in the whole jusnaturalist system would be admitted by them, as a result of the revelation given by Christ; for my part, I do not think they would quite know what we were talking about, if we were to discuss the situation of the natural law within the supernatural order. At all events, it is both necessary and fair to regard the *Statement* from its own point of view, if one wishes to criticize it. My general criticism is that it does not adhere to its own professed standpoint; implicitly it assumes the Protestant religious standpoint. And the result is unfortunate, even as regards its own expressed purpose—the education of the political conscience of governments.

For the moment, let us leave aside the more general introductory paragraph, and look at paragraph two—particularly at its logic. It seems to conclude immediately from the right of the individual to religious liberty (based on the fact that man is the image of God) to the juridical principle that political, economic, or social disabilities should not be governmentally imposed on grounds of religion. The implication is that such disabilities directly violate the right to religious liberty. If this be the sequence of ideas, the case is ineptly put. What the *Statement* wishes to secure is the exclusion of religious belief as a motive for governmental limitation of the individual's political, economic, or social opportunities. But to this end appeal is ineptly made in the first instance to the right of religious liberty. Rather, appeal should be made simply to the rights of the civic person as such. This latter approach is indicated by the natural law; the former is faintly reminiscent of Protestant habits of thought.

The tighter, more forceful argument would run like this. The human person, as the image of God, is natively the equal of the other persons with



whom he shares a community life; he has therefore the natural right to participate on terms of equality with others in the full political, economic, and social life of the community. Consequently, the State has a duty to respect this right, and not arbitrarily to limit it. I say, arbitrarily; for there are reasonable causes which justify its limitation, as when the State limits the right of suffrage to the literate, or inhibits the contractual competence of minors, or deprives criminals of civic rights, etc. Limitations or disabilities are reasonable and not injurious when they are necessary for the common good, and approved as such by the conscience of the community. But religious belief is not *per se* a reasonable cause for imposing such disabilities. The reason, of course, is emphatically not that given by the older liberalistic individualism—the false assertion that a man's religious beliefs bear no relation to his social activities. Rather, the reason is that a man's religion will not *per se* influence his social action in such wise as to make it at all prejudicial to the common good, and thus justify the State in imposing limitations upon it. I say all this under the qualification, *per se*, since we are here speaking in terms of principle, and not in terms of the special problems created *per accidens* by peculiar religious tenets, or by the special exigencies of particular social contexts, which may qualify the concept of the common good.

If, therefore, the State were to impose political, economic, or social disabilities on individuals (or groups, for that matter) because of their religious beliefs, its action would be *per se* arbitrary; it would exceed its competence; and it would violate a natural right. Notice, however, that the natural right directly violated is not a man's right to religious liberty; the direct injury is done to his civic liberty in the general sense. This latter liberty, and not the former, furnishes the immediate premise that forbids disabling legislation. It may, of course, be said that such disabilities, especially if they are severe, are prejudicial to the religion of those upon whom they are imposed, inasmuch as they make fidelity to it more difficult. It may also be said that there is something particularly unfortunate about making religion a political issue and a cause of division within the political community as such. But, from the standpoint of logic and principle, these are secondary considerations; they should not be put as the primary and immediate premise of a case against political disabilities on grounds of religion, especially if the purpose is to educate the political conscience of governments. Rather, we should urge the essential injury that such disabilities do to man's civic rights; this damage is done even before any properly religious considerations come up. Moreover, if one chooses to stay simply on the plane of natural law, one has to admit that a protest in a particular case against disabilities, made in

the name of man as the image of God and in the name of the religious conscience as such, will always depend for its validity upon proof that the action of the State in the particular case has been arbitrary. In other words, an essential part of a case against such disabilities, as violations of individual rights, is proof that they are not demanded by the common good, and therefore are unreasonably imposed by the State. And, from the standpoint of natural law, the ultimate judge of the cogency of the proof would be the enlightened collective conscience of the community.

I may give an example, which should not be pressed too far, but which serves to illustrate my present point. A Protestant Argentine is under a political disability in that he is disqualified from becoming President of that Republic. May he protest, in the name of his religious liberty as an image of God, against this disability? It is certainly not evident that protest on such grounds would be valid. He might indeed protest that his right to civic equality is being violated, because he is denied equal access to opportunities of public service. But this would be to protest on other grounds than the right of religious liberty. And the argument would be valid or not according to whether the exclusion of Protestants from the Argentine presidency is considered by the collective Argentine conscience to be a reasonable or an arbitrary act, a provision required by the common good or not so required.

The example, I say, serves my present purpose, which has to do solely with the correct manner of arguing. Protestant thought, which is implicit in the *Statement* we are considering, has a tendency to lay down at the outset a concept of "the right to religious liberty," usually conceived in the typically Protestant atomistic way, and then to bring into immediate relation with it all sorts of demands. The result is a confusion of issues. And in this whole matter, which is extremely complicated, it is most important to avoid confusion of issues by keeping things on their proper bases. Behind the Protestant manner of arguing is the fallacy of supposing that the religious liberty of the individual is somehow a *sui generis* category of liberty, that exists by itself and for itself, untouchable in every one of its aspects, and absolutely valid even when its demands have repercussions in the social order. (There is, indeed, a recession from this fallacy in some Protestant circles today; but in many quarters the fallacy is entrenched; in some, as in certain of the "sects," it is pushed to its extremes; and in almost all it leaves vestiges.) Whereas, the fact is that, if we take simply the ethical viewpoint and remain within the field of natural law, religious liberty is by no means a *sui generis* category of liberty. It becomes such only in virtue of the fact of revelation and the establishment of the Church; the category of her liberties is a *sui*

*generis* category. On the exclusive basis of natural law, religious liberty is simply one aspect—admittedly, a most important aspect—of the freedom of the human person in relation to State authority. And it is not only theoretically more correct, but practically more advisable to keep the particular problem in its proper general framework, since in this way one can argue for religious liberty more clearly and effectively. I think that it is in its persistent tendency to regard religious liberty in isolation, as *sui generis*, that the “sectarian” quality of Protestant thought unconsciously manifests itself. The tendency is apparently the product of the Protestant dogma on the absolutism of the individual conscience.

One can see the tendency in the third paragraph of the *Statement*. There can be no difficulty about its first assertion, that “religious liberty shall be interpreted to include freedom to worship according to conscience and to bring up children in the faith of their parents,” if it be kept in mind that this freedom is asserted against the authority of the State. This is religious liberty in the strict sense—what would better be called the rights of conscience. It would, in fact, help towards clarity if the term, “religious liberty,” were applied exclusively to this assertion—the assertion that the conscience of man, as the image of God, is not in the keeping of the temporal, political authority, nor are the consciences of those for whom he is naturally responsible, since they are *aliquid sui*—his children. Nevertheless, it should be noted that not even this liberty is *sui generis*; it belongs to the same category as the other liberties which a man may claim because he is a spiritual being, who lives on a plane higher than the political community, and who is directly orientated on that plane toward the true and the good. Actually, the State has no more right to determine a man’s history or anthropology, his mathematics or metaphysics, than it has to determine his religion. His freedom privately to pursue truth in all these spheres is radically the same; and it is inviolable by coercive political act. Moreover, it demands that he should not be subjected to the psychological pressure whose techniques are employed in all political regimes today, although they have been brought to their most destructive perfection under totalitarian auspices. I mean the pressure of organized propaganda, under State inspiration and direction, whereby materialistic philosophy, historical myths, racist theories, political half-truths, etc., are systematically forced upon the mind. I mean, too, the more subtle pressure exerted on the adolescent mind by secularist educational systems, which powerfully suggest the non-existence of the realities of religion by sheer silence with regard to them, even when no open attacks are made on them. I take it that the conscience of youth has the right to have its still fragile integrity protected from this institutional pressure, about

which those who are loudest in their defence of "religious liberty" seem to be too little concerned. It is a curious paradox—to speak of our own country—that the educational system which is supposed somehow to embody the principle of religious freedom actually succeeds, certainly in too large extent, in violating it at its most sensitive point—the right not to have the *institutions* of the community constitute a threat to the sanctity and integrity of the inner forum of conscience, especially the conscience of youth. We hear a good deal of protest today against the institutional pressures exerted in certain countries in favor of particular religions; we could afford to see more preoccupation with the institutional pressures exerted in our own country in favor of no religion, or, at least, the this-worldly religion of secularism. It is difficult to see why these latter pressures are not at least equally inimical to "freedom of religion." But this is a digression, in a way.

Two other freedoms are listed in paragraph two: freedom of propaganda ("to educate, publish, and carry on missionary activities," understanding among these latter, I suppose, humanitarian works with which religious propaganda is connected), and freedom of association ("to organize with others and to acquire and hold property"; the latter being a normal accompaniment and requisite of institutional activity). Here again I wish to raise the question of perspective, and to make the point that from the standpoint of the natural law, these two freedoms are not to be considered categories apart, privileged and absolute. Actually, from this standpoint alone, the right of religious propaganda and the right of religious organization are simply aspects of the general human rights of free association and of free discussion. They have no natural foundation separate from the foundation of these more general rights, nor have they any privileged absolutism. The natural law grants no more privileged right to organize for religious purposes than to organize for economic purposes. And, simply because an idea is religious, it has from the natural law no more absolute right to be propagated than if it were merely political.

Moreover, still from the standpoint of ethical principle, the rights of religious organization and of religious propaganda are subject to the same general standard of social control as the general rights of free association and of free speech—the interests of the common good, as reasonably conceived by the collective conscience of the community, and as implemented by the authority of the State. As a matter of fact, no ethical argument for these two "freedoms" can be constructed that does not lean heavily on an appeal to the common good, as furthered by these two freedoms; this is particularly the case with regard to freedom of speech. The old individualistic argument ("My mind is free—so, therefore, should be my tongue") does not work. As

soon as one begins to spread ideas, one moves into a new ethical dimension—that of the social good; and one comes under a new ethical principle of control—the interests of the common good. Admittedly, this principle of control is very difficult justly to apply; there is always the possibility of the abuse of State power, by which it is effectively applied. And for this reason, the tendency nowadays is to think that the common good is best served—deviously, but in the long run—by allowing the freest possible exercise of the rights of free association and of free speech, and by tolerating the many abuses which ensue. Nevertheless, the standard of social control does exist, and its existence must be recognized, if one is to allow room for all the ethical realities in the case.

My point, therefore, is that the Protestant statement is defective, because it does not adhere rigidly to its own chosen standpoint—the demands of natural law; it fails to consider religious liberty explicitly for what it is according to natural law—one aspect of the general liberties of the civic person; and there is a consequent deficiency in ethical realism, in that the “freedoms” claimed are not set in explicit relation to their proper ethical principle of control. Let me emphasize again that I am considering the *Statement* solely from its own standpoint, and not from the Catholic standpoint, as this latter is defined by revelation.

I do not think that the criticisms offered, which deal largely with matters of logic and perspective, are overly subtle. Actually, the logic and perspective of one's views on this subject are of great practical importance. For instance, the importance of keeping religious liberty *vis-à-vis* the State within the framework of civic liberties clearly appears when the problem becomes a public issue in particular cases. One has a well-defined basis on which to pitch the debate: has the State exceeded the limits of its legitimate authority, which extends only to a reasonable care of what is reasonably judged to be the common good? Again, to keep religious liberty, like other civic liberties, in explicit relation to the common good is of particular value today to those who wish to extend to the fullest degree the right of free religious association and free religious propaganda; for nowadays the common good of a national society has to be considered in an international setting. And when so considered, it may be seen to have wider exigencies in the matter of religious liberty than it possibly would have, were it considered solely from the national viewpoint. Furthermore, a rigid adherence to the standpoint of natural law and its demands widens the possibility of agreement between Protestants and Catholics on this difficult subject. Catholics recognize the validity—though not the sufficiency—of the ethico-political approach to the problem; this recognition is, in part, the foundation of the much misunder-

stood Catholic distinction between the "thesis" and the "hypothesis." We are willing initially to consider religious liberty within the general framework of civic liberties and in consequent relation to the common good of the political community, and on this basis to determine its minimal exigencies. Our uneasiness begins when we are asked at the outset to subscribe to a definition of religious liberty, conceived as a category apart, and in the perspectives of what we consider a sectarian theological dogma of "conscience." Such a definition cannot help looking to us like the platform of a campaign to further, not simply respect for human rights in the political order, but the institutional interests of organized Protestantism in the religious order.

At the same time, we know that there is great need today to educate the political conscience of government in the matter of religious liberty. For this purpose, however, especially if it is in any way to be pursued by a common effort, it is essential that a political approach to the question be taken. (My impression, as I said, is that the *Statement* we have been considering implicitly takes the Protestant religious approach.) For this reason, statements on religious liberty, designed to be instruments of political education, would be more practically conceived not in terms of the rights of individuals to religious liberty, but in terms of the duties of the State to the common good; in our contemporary religiously pluralist societies, these duties offer a solid basis for asserting religious liberty as a matter of political principle. Understood in this sense, I think that the statement of the Institute of International Law is more satisfactorily put: "It is the duty of the State to recognize for every individual the right to the free exercise, both public and private, of every faith, religion or belief of which the practice is not incompatible with public policy and good morals."<sup>3</sup> Here the approach is from the side of the temporal order, and there is sufficient acknowledgment of the individual and social, ethical and political factors of the problem. Moreover, I do not think it is possible to go much beyond this simple statement, and still remain on the basic plane of the "rights of man." Finally, if this Article 2 is taken in conjunction with Article 1, it appears that religious liberty is kept sufficiently within the general framework of civic rights. Article 1 provides: "It is the duty of the State to recognize for every individual the equal right to life, liberty and property and to accord to every one on its territory the full and complete protection of the law without distinction of nationality, sex, race, language or religion." Here it is correctly asserted that the right to protection from discrimination in civic matters on grounds of religion, as like-

<sup>3</sup> "International Declaration of the Rights of Man," printed in Maritain, *The Rights of Man and Natural Law* (New York: Scribners, 1943), pp. 115-18.

wise on other grounds, derives formally from the right to civic equality (not from the right of religious liberty).

Before concluding, let me point out one further defect in the Joint Committee's *Statement*—again a defect of logic, shown in the way certain of its specific recommendations run beyond its expressed premise. Arguing simply from “the dignity of the human person as the image of God,” the *Statement* demands that “States should assure their citizens freedom from compulsion and discrimination in matters of religion.” So far as “compulsion” goes, well and good; the conclusion is valid. But in the matter of “discrimination,” there is need for some clarification. First of all, the conclusion is too sweeping to render any particular meaning. Moreover, when reduced to some concrete instances, the logic of the conclusion is not apparent. Take, for instance, one of the “problem situations” cited by the Joint Committee's pamphlet as being among those which “increasingly . . . are being viewed as unwarranted infractions of the principle of religious liberty” (p. 8), because of the “form of favoritism shown to the Roman Catholic Church” (p. 7). The example is the Belgian Congo, where governmental subsidies are granted to Roman Catholic schools, not to Protestant schools, with the result that “there is developing a community of privilege and a community of non-privilege, on the basis of religious discrimination.” It is not my intention to go into this whole situation, and the reasons for its existence, and the full case of the Belgian government against American Protestant missionaries. The single issue at the moment is the logic of the Protestant *Statement's* demand for governmental guarantees against “discrimination,” when this demand is based simply on the abstract grounds of man's religious liberty as the image of God. The logic is not apparent, if this demand is applied to the present case. What is the logical sequence between “man as the image of God” and “equal subsidies for Catholic and Protestant schools in the Belgian Congo”? Surely, it does not leap to the eye.

In such an instance, a protest might conceivably be lodged on the grounds of equal payment of taxes; the case, then, would be that distributive justice was being violated, in that one was not receiving back one's equal due. Or again, the protest might be on the grounds of civic service rendered to the common good, for which, again in distributive justice, due recompense ought to be made by the community which profits thereby. (This latter is substantially the case of American Catholic schools, to whose financial support American Protestants are resolutely opposed, as somehow involving a violation of the principle of religious liberty, which is enshrined in the principle of the separation of Church and State.) But protest on the grounds of

equal payment of taxes, or service rendered to the common good is quite a different thing from protest on the grounds of religious liberty. The former type of protest has its own standards of adjudication. And I suppose that if the same standards were applied to Protestant schools in the Belgian Congo as are applied to Catholic schools in the United States, the protest could be quite legitimately disallowed. There is no logical reason why services to the common good should be accepted and recompensed in one case, and not in the other.

What, then, of protest on the grounds of religious liberty? In the first place, its validity cannot be established simply from the "image of God" idea. I have no doubt that the Belgian government is quite prepared to admit that American Protestants are made in the image of God; but it would be understandably puzzled to know why this otherwise highly significant fact should give them the "right" to financial subsidy for their doubtless very sincere, if uninvited, work on Belgian territory. And if it were objected that denial of subsidies constitutes a "hindrance to the true success of Christian missions" (as the Joint Committee pamphlet puts it), the Belgian government would still be understandably puzzled to know what was the source of its obligation positively to further the success of Protestant missions in the Congo by supporting them financially. Then, if the crowning objection were advanced—that the "favoritism" shown to Roman Catholic schools resulted (quite indirectly) in pressure on Protestant consciences—I dare say that the puzzlement of the Belgian government would be complete. Its somewhat orderly ideas about religious liberty would be thrown into disarray; for it would reasonably reflect somewhat after this fashion: "So the principle of favoritism in support of schools should be revoked in the Congo, because it results in pressure on Protestant consciences. We take it, then, that the fundamental issue is not 'favoritism,' but 'pressure on conscience'; it is really this latter thing that violates religious liberty. However, in the United States the principle of no favoritism in support of schools results in pressure on Catholic, and even some Protestant consciences [let me interject that this is absolutely true]; therefore, should it not also be revoked? And, if it be said that it cannot be revoked because its revocation would be a violation of the principle of religious liberty, we must ask: What, then, is the meaning of this principle? Does it mean: 'No favoritism'? How can it mean this, if a policy of no favoritism results in pressures on the consciences of a group? Does it, then, mean: 'No pressures on the consciences of any group'? And if it means this, why is the principle of favoritism attacked, and that of no favoritism defended, each in the name of



religious liberty, when both are actually injurious to conscience? This is all very confusing to us."

Indeed, it is confusing to anybody. My purpose at the moment is not to disentangle the confusion, but to emphasize it. The fact is that, for all its deceptively simple egalitarianism, the ordinary liberal theory about religious liberty is not a masterpiece of logic. I do not maintain that what I have said about the Belgian Congo situation solves the problem (or even presents it, any more than the pamphlet cited presents it in any adequate way). I merely want to point out that the appeal to man as the image of God yields no conclusion with regard to the issue of "privilege" vs. "non-privilege" in a particular social context, and that the issue of "privilege" is itself quite peripheral as regards the essential meaning of freedom of religion. And I may conclude with this generalization, that there is a serious gap separating Protestant theory on religious liberty from the demands that are made in the name of it. It has recently been discovered in France that it is much easier to extol freedom of speech than to define it. The same may be said with regard to freedom of religion. Moreover, even in defining it, there is less difficulty in drawing up a list of things it is supposed to include, than there is in showing why it should include them.

#### A LIST OF FREEDOMS

The last observation comes forcibly to mind on reading Dr. Luther Weigle's essay, "Religious Liberty in the Postwar World."<sup>4</sup> Its chief effort is to "list some of the more important rights that may be claimed in the name of religious freedom" (p. 34). These rights are divided into three groups: those of the individual, of the church or congregation, and of the citizen. Briefly, in the name of "reason and conscience," the individual has the right to believe, to worship, to live and act according to his belief, to express his belief, to persuade others, to educate his children in religious faith, to organize with others, to change his belief and organizational allegiance; finally, the right "to disbelieve in God, to deny religion, and to act, speak, persuade, educate, and affiliate with others in ways appropriate to this disbelief or atheism." In its turn, the church has the right to assemble, to organize in the way it chooses, to determine its own faith, forms of worship, and conditions for membership, to maintain its ministry, to convert, to educate, to hold property, to co-operate with other churches; finally, "the principle of religious freedom requires that these rights of the church or

<sup>4</sup> *Religion and the World Order*, ed. F. Ernest Johnson (New York: Harper and Brothers, 1944), pp. 29-37.

congregation be similarly the rights of organized groups of unbelievers or atheists." Thirdly, the citizen has the right to hold the State responsible to God and the moral law, and the right to "conscientious objection." One limitation is put to the principle of religious liberty: it "does not excuse acts of licentiousness or acts contrary to public order or to generally accepted moral standards, or justify practices inconsistent with the rights of others or with the peace and safety of the state."

This catalogue is offered to "serve as a basis for discussion," or "at least to show how complex the problem is." The difficulty is that it complicates the problem to the point of sheer chaos, through its complete failure to make the slightest suggestion of a theory in whose name all these "rights" can be asserted. For this reason, too, it can hardly serve as the basis for any discussion, since discussion must begin, not from any individual right which may be claimed on the ground of religious freedom, but from the principles on which the whole concept of religious freedom rests. It is no help to list a lot of "rights," without indicating why they are rights. Dr. Weigle gives no hint of any obligations in virtue of which the listed actions become "rightful." He makes no attempt to define religious liberty in the only framework that gives it meaning, which is the framework of law—natural, positive divine, civil. He gives no indication of the authority to which religious freedom is related, and with which it forms a bipolar juridical system. He manifests no awareness of the fact that the content of religious freedom cannot be determined in detail without reference to the given realities of a concrete social context.

In particular, the list gets off to a wrong start because its division into three groups of rights is not made intelligible in terms of some principle of division. In fact, his division rests on no principle. I shall not delay on the confusion thus engendered. A more serious confusion is introduced when the "rights" of individual or organized unbelief and atheism are not only asserted as "rights" without qualification, but also are set, to all appearances, on a par with the rights of the properly religious conscience. There is no suggestion of any principle that would justify this. In the context, it would seem that the "rights" of unbelief and atheism flow somehow from reason and conscience, as do the other rights with which they are equated. Dr. Weigle takes "reason and conscience" in a wide sense, "not as opposed to 'revelation,' but as denoting the human response to divine revelation." But it is impossible that he should mean to imply that belief and unbelief, atheistic propaganda and religious propaganda are equally legitimate responses to divine revelation, equally valid dictates of reason and conscience. To assert that man, confronted by God and the moral law, has a "right"

to disbelieve and to refuse obedience is to deny that there is a God and a moral law, and consequently to make the whole question of human rights meaningless.

May one, however, say that unbelief and atheism have "rights" as against the authority of the State? Obviously, the internal forum of the atheist's conscience, however erroneous it is, enjoys immunity from intrusion or coercion by political authority; the atheist has a right privately to practice atheism (however one does that); this right, however, is based solely on the law that limits State authority to the sphere of the common good. But has the atheist the "right" to carry his atheism into social life by propaganda, education, and organized activity, in such wise that the State would have a moral duty to refrain from all repressive measures in his regard? This would be an intolerable position. It would amount to a denial that the State has a moral, as well as a material, function. To assert that the State has a moral duty to regard with equal complacency public activity in support of religion and morality and public activity toward their destruction would be to imply that religion and morality are in no way related to the common good of the community, and are therefore matters of indifference to the State. But no sane person today could accept this implication. What ethics has always taught, experience has demonstrated *ad evidentiam*—that disbelief in God and the moral law, and the dissemination of antireligious and antimoral views are the most powerful enemies of social order. They tend to destroy the virtue of the citizenry, in which the common good of society chiefly consists; they likewise tend to undermine even the material and social conditions which are the support of virtue and the common good.

It cannot be maintained, therefore, that the State, which has the duty of protecting the order of society even in its moral aspects, would be exceeding the limits of its ethical mandate, if it were to suppress—not with arbitrary violence, of course, but by due process of law—public propaganda or education designed to spread disbelief in God and in the moral law. And there is no law that could be invoked to empower the atheist with any "rights" against this legitimate power of the State, in such wise that he could plead injustice, if his propagandizing activities were inhibited. Surely, he cannot allege that his "reason and conscience" dictate this activity; the answer is that his reason and conscience are flatly erroneous, and are therefore not a juridically valid source of rights. I might add here that, if atheism has a valid "right" to propaganda, the first of Dr. Weigle's "rights of the citizen" becomes meaningless. This is the right "to hold the state itself responsible to the moral law and to God." God and the moral law certainly forbid open attack on the foundations of religion and morality. May not the citizen,

therefore, demand that the State obey this law? And may he not further press upon the State its strict obligation, within the limits of its authority and by appropriate juridical means, to resist public activity in violation of this law? If these are the citizen's rights, and the State's obligations, they may not be nullified by any fictitious "rights" of atheism. This is the simple statement of the case from the standpoint of ethical principle.

Actually, only one ground can be taken to justify atheistic propaganda—the ground, not of moral right, but of legitimate expediency. It is a matter of political experience in our modern mixed societies that State censorship and police methods are bad ways of insuring the repression of ideas and activities, even when they tend to destroy the foundations of common life. The evils of such repression are greater than the evils repressed. On these grounds, a government may choose not to exercise its right to repress atheistic propaganda. In fact, I think that today it normally must make this decision. But the motive of the decision is not any moral duty to respect the "rights" of atheism; one may not thus disarm society against its enemies. The motive is the duty of pursuing the common good by choosing the concretely more expedient course among alternatives of public policy, none of which is free from danger and evil. For a variety of reasons today, the defense of religion and morality must be largely left, not to the restrictive acts of government, but to the pressure of the common conscience and of public opinion. I say "largely," since I do not mean to imply that the State may aim at an impossible and unethical "neutrality." It has positive duties toward religion and morality, and its influence and action must always be in their direction; but the immediate question has to do solely with the matter of repressing atheistic propaganda. To avoid misunderstanding, let me emphasize that I have been speaking singly from the standpoint of ethics and natural law, as the proper standpoint for initial criticism of utterances about religious liberty.

In his summary of the symposium, *Religion and the World Order*, Prof. F. Ernest Johnson has this to say in connection with Dean Weigle's essay: "For my part, I would like to see our several faith groups give at least as much attention to the study of the basis of religious liberty in our own traditions [I should prefer to say, in ethics and in revelation] as we give to the formulation of minimal requirements to be presented to the state—to a world-state if there is to be one" (p. 210). Prof. Johnson is his wontedly gentle self, and his remark is most just. For my part, I think the essay in question rather embroils the whole subject by introducing the "rights of atheism" into the category of the "rights of religious liberty" without any supporting theory.

## AN ATTEMPT AT A THEORY

In the concluding "Summary" of the symposium already cited, Prof. Johnson not only points out the need of a sound theory of religious liberty, but also makes a brief plea for "a more social conception of religious liberty, one that will see the individual always in a communal setting." In a noteworthy article in *Christendom*, he returns to these ideas.<sup>5</sup> There is, he says, a major difficulty in the fact that not only is there "no general agreement among religious bodies on such a principle ("which will give direction to policy and whose relevance to particular situations can be readily made clear"), but. . . the several religious bodies are themselves unclear as to what religious liberty means. Even the Roman Catholic Church, whose doctrines are relatively clear-cut, has not formulated an unequivocal principle, susceptible of application to a non-Catholic nation, and reconciling the authority of the Church with the primacy of reason." The latter statement is not exact, unless it be meant that we have no rule of thumb in the matter (the matter admits of none; and our position is a balance of several principles), or that we have no principle to reconcile the authority of the Church with the primacy of reason understood in a Kantian sense (there is no need of a solution to a false problem).

Prof. Johnson offers some guiding ideas towards the formulation of principles in the matter. Behind his thought lies the penetrating generalization: "Freedom of religion has suffered the same poverty of content that characterizes the conception of political and social liberty in an individualistic age" (p. 183). Current conceptions are individualistic, negative, inorganic. Prof. Johnson regards them as having been influenced in these directions by Protestant individualism: "To a large section of Protestant thought. . . freedom of religion is little more than individual immunity—the right not to be confronted by spiritual authority in any form" (p. 182). The negative emphasis—freedom as absence of restraints—has been strengthened by irreligious forces: "As a national principle and as a popular slogan it (freedom of religion) has commonly meant immunity from any impact of religion upon the life of the individual. It is lustily appealed to by 'free-thinkers' and aggressive secularists" (p. 183).<sup>6</sup> The inorganic abstractness

<sup>5</sup> *Christendom*, IX (1944), 181-94.

<sup>6</sup> A somewhat different view is suggested by Joseph L. Blau in his review article, "The Freeborn Mind," *Review of Religion*, IX (1944), 31-41. He distinguishes freedom of religion, freedom for religion, and freedom from religion. The first "implies the freedom of the individual to enter into any religious association he desires"; and it implies also the duty to permit the same freedom to others; the author approves this freedom. However, "freedom for religion is an altogether different category. It is essentially a distortion

of current theories is related to the "entire laissez-faire conception of life and enterprise" (p. 182).

For his part, Prof. Johnson says: "The problem of religious liberty. . . is basically a problem of the church. Not until it is approached in that way will anything approximating a solution be found" (p. 182). His further contention is that freedom of religion must be actively organized with other, secular freedoms in a particular social context, and positively related to particular cultural patterns. The premise of these views, so far as it appears in the article, is the transformation of current sociological theory in the direction of a more organic conception of social life and culture, in which natural social groupings mediate between the individual and the State. In the views themselves, Prof. Johnson approaches certain fundamental points of Catholic theory. This would be particularly true, if he were suggesting that the primary "bearer" of religious liberty is the Church, in whose freedom the individual is free, analogously to the fashion in which the laborer is free in the freedom of his union.

Prof. Johnson offers his particular suggestions under three heads: religious liberty as a public issue, the grounds of religious liberty, and the implementation of religious liberty.

In considering the first point, he seems to stay on the ground of the American tradition, which regards religious liberty, *vis-à-vis* the State, as an aspect of political liberty. From the standpoint chosen, this is true. It is also true, as already stated, from the limited standpoint of ethical principle.<sup>7</sup> Given this fact, Prof. Johnson rightly concludes that religious liberty

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of the concept of tolerance, an ingenious and deliberate misinterpretation of the concept of religious freedom" (p. 33). As far as I can make out, freedom for religion means the effort of religion, through the constitutional processes of public demand or protest, indirectly to have an influence on government, legislation, education, etc.; it includes also such practices as tax-exemption for churches, chaplains in the armed forces, the use of oath instead of simple affirmation, laws looking to the enforcement of Christian morality, etc. (pp. 34, 38). The author views all this with alarm, and looks to freedom from religion as the cure: "a conscious and developed secularism must be called into play if what I have called 'freedom for religion' is to be stopped short of the danger point" (p. 37). This secularism, or freedom from religion, would have as its aim the elimination of any impact of religion on the institutional life of society, and especially on government. It is apparently the pure and glorious expression of "the continuing passion of the American mind for freedom from all forms of authority" (p. 40).

<sup>7</sup> If this paper aimed at being complete, I should have to develop the idea that the liberties of the Church are not an aspect of political liberty, but *sui generis*. They are not simply the liberties of a voluntary association, the projection of the natural or legal rights of its individual members. Rather, they are the liberties of a society that is itself juridically perfect, independent in its own sphere (spiritual, not political), and dowered with rights from another source (positive divine law) than that which is the first source of political liberties (the law of nature).

"must be considered within a broad framework of public policy." He pursues this idea only to the point of suggesting that American public policy in this matter is extremely confused and incoherent, as recent decisions of the Supreme Court testify.<sup>8</sup> So far as any policy appears, it seems to be simply "the attempt to restrain all interference with acts that are done in the name of religious liberty" (p. 186). For example, it has been conceded that the antisocial antics of Jehovah's Witnesses can claim immunity under this right. This public policy tends to reflect the general American view that religion is "a private, individual matter, a preserve which at all costs must be protected from interference" (p. 185). As a result of this policy, and in fidelity to this doctrine, the situation arises in which liberty can become the curtailment of liberty. One group is not free peacefully to live out its faith, because other groups are free to disturb its peace. Surely an anarchic situation, in which religious liberty is in conflict with itself, and the very thing it is supposed to protect—social peace—is injured.<sup>9</sup>

Prof. Johnson does not go further than to express dissatisfaction with the situation and the hope that these matters "will work themselves out in time" (p. 186). Perhaps they will, though it is difficult to see why or how incoherent theories should eventuate in orderly practice. At all events, dissatisfaction with the situation is a wise counterbalance to our typically American complacency in the supposed achievements of our "idealism," with its pendant tendency loftily to judge other situations. There is a great deal of talk today about "founding religious liberty in religion itself"; we may at least realize that the concept of religion in which are founded current American views, as well as legal theory and practice, must seem highly questionable to any save the most unthinking sentimentalist, who is victimized by slogans.

In close connection with the question of public policy in the matter of religious freedom stands the still more difficult question of the relation of religious freedom to an entire cultural situation. This is "a matter of profound seriousness, particularly for the missionary movement" (p. 186). In dealing with it, Prof. Johnson is, I think, far more realistic than a great number of his confreres, who succumb to the abstractionism of individualistic thought. He does not, of course, let Catholics escape from the charge of "arrogance" (one of those fighting words again) in connection with the South American situation; at the same time, he does not seem to be content with the superficiality of such Protestant views as have been developed in

<sup>8</sup> Cf. Harold H. Punke, "The Flag and the Courts in Free Public Education," *Journal of Religion*, XXIV (1944), 117-30.

<sup>9</sup> Cf. P. G. Russo, "Religious Liberty—What Is It?," *Religion in Life*, XII (1943), 495-502; the article starts off on a just note of criticism, and winds up confused by its own rhetoric.

the context of a religiously pluralist, secularized society, wherein the relation of religion to culture is blurred. It is true that such views tend to isolate religion from culture, to single out religious freedom as a separate item of national policy, and to judge it by abstract, individualist standards. I would add, however, that the more fundamental error of such views often lies in the fact that they postulate their own type of relationship between religion and culture. They tend to assume that a culture is "rich" in proportion to its religious heterogeneity, and that it is somehow impoverished by religious unity; this is an altogether unwarranted assumption. Still more falsely, they tend to assume that a society is somehow more "religious" in proportion to the quantity, as it were, of religious freedom that it admits. In its extreme form, this opinion would identify freedom of religion with religion itself; in any form, it fails to consider that, in the concrete, a large "quantity" of religious freedom may be simply the product of irreligion or religious indifference, and, as such, an index of a society's religious poverty. At all events, Prof. Johnson's central contention is valid: "Specific guarantees (concerning religious liberty) cannot be secured without reference to the existing cultural situation and a variety of social and historical factors" (p. 186). Actually, this principle is intimately related to what is often, and injuriously, called Catholic "opportunism."

In applying the principle to missionary activity, Prof. Johnson has this to say:

The patterns of missionary work arise in the country of the missions' origin. They may be quite contrary to public policy in the country where missionary work is carried on. I would even question whether proselytizing (in other words, effecting conversion from one faith to another) can be regarded as a general 'right.' In countries which are religiously homogeneous religion commonly plays a fundamental role in maintaining the integrity of the culture. If faithful adherence to a national religion is deemed to be an important element in national unity it is difficult to see how a government can be expected to regard with complacency efforts to deracinate its nationals. However this may be, the further contention, so frequently put forward, that no political or civil disabilities are to attach to persons on account of their religious affiliation or non-affiliation, is clearly questionable. It runs counter to common practice in community life in our own country. For it is probably safe to say that one's known religious convictions often play an important part in establishing his eligibility for public office, particularly in the educational system of a community. I do not here refer to negative disabilities flowing from interfaith prejudice but to the relation that religious profession and practice are presumed to bear to integrity and social competence in a given culture (p. 187).



This is very honest. I do not know how far Prof. Johnson's coreligionists would follow him in his questionings or in his affirmations. At all events, I agree substantially with what he says, and would only add two remarks concerning theory. First, I should prefer to make explicit the fact that religion is not subordinate to culture, however important its role in maintaining a culture. Secondly, I would point out that the question of the "right" to proselytize cannot be finally settled on the political grounds of public policy, or even on those of the "rights of man." Fundamentally, it is a theological question, and it takes us right back to the initial position that religious liberty (meaning here the right to make converts) is basically a problem of the Church. This is true in the theological as well as in the political order. In the present economy, the obligation to "make disciples of all men" has been laid upon the Church of Christ, to which His saving mission has been committed. There is, therefore, no right to make converts save in relation to one's share in this obligation. Up to this point, I dare say all believing Christians would agree. They differ always on the ultimate question, what is the Church of Christ? This is the theological issue involved in the problem of missions; it lies on a deeper level than that of the relationship between religion and culture.

Prof. Johnson is much more difficult to follow when he goes on to his second point, the grounds of religious liberty. He suggests the need for "a new philosophy of religious liberty. . .both from the political point of view. . .and from the point of view of the church" (p. 188). And he offers two fundamental principles. The first is: "the spiritual obligation on the part of every person or group of persons to allow every other person a maximum of authentic religious experience" (p. 188). This principle, he says, "stands completely apart from the notion of individual rights. It is highly questionable if religious liberty can be based on the concept of rights. Professor Ferré has insisted that Christianity has no place for the concept. Rather, its imperatives are found in *agape*—in the constraint of divine love impregnating the community" (p. 189). The conclusion is: "Practically, therefore, religious liberty is a juridical matter, but ultimately it is not a child of law, but a child of love" (p. 190). This "love," I take it, is synonymous with the "spiritual obligation" of which the original principle spoke. Its act appears to be that of allowing every person the maximum of authentic religious experience, which would be religious liberty *formaliter*. The object and motive of this love is less easy to discover; but I presume it is suggested in the quotation given from Hobhouse: ". . . the principle of religious equality is a recognition of the importance of intellectual sin-

cerity, particularly in relation to the deepest problems of human life. From the moment that honesty is recognized as a duty it becomes increasingly repugnant to penalize the beliefs to which it may lead." What is loved, therefore, is intellectual sincerity; and religious liberty is the child of this love. Or, as Prof. Johnson approvingly quotes from Luzzatti's construction of the thought of the ancient King Piyadasi: ". . . religious freedom issues from the very fount of religion; . . . it is the essence of faith; it is, as it were, faith in the goodness of faith. The more does the celestial flame burn in the hearts of believers, the more must they feel an obligation to allow it to burn freely in other hearts" (p. 190).

Later on, Prof. Johnson says that there is hope "of ironing out differences between Protestants and Catholics when the respective philosophies are mutually understood" (p. 193). Well, I feel that all my honest efforts have led to very little understanding of the foregoing philosophy, and that I have probably betrayed the fact by the mode of my exposition. It is initially disconcerting to hear a denial of the possibility of basing religious liberty on a concept of rights. Liberty to me (I am not speaking of physical or psychological spontaneities) means the empowerment from a moral source outside myself—a law whose imperatives are mediated to me by conscience—to act or to refrain from acting; an empowerment which, by reason of its source outside of me, guarantees that my action or omission will be reasonable, conformed to the order of things. But this is also what I substantially mean by a "right." I cannot understand, therefore, when I read that religious liberty is to be taken out of the juridical order—the order of rights and obligations—and solved in a superior sphere of its own, the sphere of "love." Even apart from the fact that this process would imply a radical separation of the order of justice from the order of charity (which I conceive to be mutually supporting, not opposed), it would make the concept of religious liberty meaningless. At best, it would mean that religious liberty is a liberty *sui generis*; for every other liberty is a child of law—the moral law, the positive divine law, the civil law. And if liberty is not born of law, it would take an obstetrical miracle to bring it forth. To say that religious liberty is a child of love, is a nice phrase; but what does it mean?

I suspect that it has meaning only in Prof. Johnson's philosophy of religious truth. This is not surprising; for every philosophy of religious liberty is built on a philosophy of religious truth. My impression is that Prof. Johnson is implicitly resting on the theory that religious truth is somehow a truth *sui generis*, in that the ultimate index of its validity is the sincerity with which it is held.<sup>10</sup> To adapt his metaphor, it is not the child of

<sup>10</sup> He says, in one connection: "The recipients of a revelation may believe in its finality and ultimate universality, but it can acquire finality only by becoming final in fact—by

the object, but the child of the subject. This would be the correlative of the position that religious liberty is *sui generis*—not the child of law (outside of me), but the child of love (inside of me). Obviously, in the theory that sincerity is the measure of truth, I shall have an obligation to recognize truth-in-the-experience-of-others as authentic, because sincerely experienced. I must feel an “inner necessity” to love the truth that others experience, equally as I do my own, since both have equal validation. (And I suppose that to love truth means to accept it as true.) This love gives birth to “religious freedom.”

I am probably garbling Prof. Johnson’s thought quite hopelessly, in this attempt to restate it to myself. At least, the defect is not in a failure to recognize the profound importance of intellectual sincerity. Unfortunately, however, in this whole matter of reaching another’s thought—whether it be that of Prof. Johnson in the article I am studying, or that of God Himself in the revelation He historically gave—it is hardly enough to be intellectually sincere. Prof. Johnson will doubtless recognize the sincerity with which I represent his views; at the same time, he would be quite justified in rejecting, as false, the representation itself. In fact, he could legitimately be indignant, and not tolerate at all my statement of his case. And I do not see why he should accept my protest that I am “free” so to represent his views, that my representation is valid, and that he should love it as his own, simply because I sincerely experienced his views in the form in which I have represented them. (I did, really.)

What I am getting at is this, that the matter of intellectual sincerity has really very little to do with the intimate problem of religious freedom. I think we all love intellectual sincerity—that is not the issue. I think, too, that we all would love to understand one another’s views. It would be an excellent thing, if we did; for it might remove some of the accidentally complicating factors in the problem of religious liberty; for instance, it might prevent responsible heads of religious bodies from going about the country stirring up antagonism to the Catholic hierarchy by accusing them of a plot to take over the political life of the United States. Nevertheless, even granted that these two “loves” were fully operative, the problem of religious liberty in its essence would remain. The problem is threefold, as I shall

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fully authenticating itself”; and its mode of authentication is self-authentication in the experience of those who believe it. This again shows the *sui generis* character of religious truth (I am supposing that revelation has a truth-content). Would this statement be made in any other field in which the human mind operates—that truth in that field is only final and universally valid when it has become final in fact, i.e., when everybody has accepted it through the experience of its finality? Such a view would be intellectual nihilism.

attempt to state it in a later article. It is ethical, theological, and political; and its solution is inevitably in terms of rights—the rights of conscience, the rights of the Church, and the respective rights of Church and State, as they are conditioned in their exercise by the total reality of a given religious and cultural situation. Subordinate to the political problem, there is the problem of social peace and co-operation among religious groups in a mixed society; but this is not strictly the problem of religious freedom.

Prof. Johnson's second principle is this: "the necessity of voluntary association for worship, study and action under corporate sanctions as a basis of genuine religious experience" (p. 189). This principle leads to the conclusion that "I am bound to respect the integrity of those corporate structures through which the personal experience becomes rich and vital" (p. 190). This is religious liberty on the ecclesiastical level, as between churches. I do not think it needs further discussion. Nor is there space to discuss his solution of the problem of religious liberty within the church itself—the problem of the "reconciliation of the certainty that goes with an experience of revelation with a reverence for the experience of others who believe they have encountered something quite as authentic" (p. 191). A Catholic has great difficulty in grasping even the terms of this problem.

In the third section of his article, on the implementation of religious liberty, Prof. Johnson is very reasonable and concrete. He feels that religious liberty must get international recognition; this is a common sentiment. On the other hand, he sees "no possibility or desirability of agreement on a long 'bill' of religious rights" (p. 193); this, too, is a sensible position. For his part, he would be immediately content with seeing the principle of religious liberty explicitly recognized as a factor in the peace, with a view to keeping it before the public mind, and affording a basis on which its implementation could be worked out in experimental fashion, in the light of concrete actualities. I think there should be agreement here, too. In their recent "Statement on International Order," the Catholic bishops said: "We hold that if there is to be a genuine and lasting world peace, the international organization should demand as a condition of membership that every nation guarantee in law and respect in fact the innate rights of men, families and minority groups in their civil and religious life."

As part of his conclusion, Prof. Johnson says: "In any case a sound approach to the implementation of any principle involves a meeting of minds and adjustment of interests on the part of those most concerned" (p. 194). We must, therefore, have discussion of this subject, and we shall inevitably have controversy. This article has done a bit of both. It is undeniable

that there are areas in this problem in which the minds of Catholics and Protestants cannot meet; they are the theological areas. At the same time, I do not think that these subsistent disagreements need impede commonly acceptable solutions in that sphere in which all have a common stake—the sphere of the political community and its common good.

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