

The Catholic Church and Religious Freedom

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Introduction

The Catholic Church is a living organism that is both spiritual and physical. And while it has a transcendent nature, the Church exists in the world and Christians interact with their fellow citizens and society in general. Our Lord Jesus Christ mandated her to be the salt of the earth, the light of the world, and a city set on a hill. The Church takes on human flesh through adherence to the Faith of generations of men and women. It follows therefore that the Church's theology, liturgies and methodologies do not exist in a vacuum as they are influenced by the categories of the societies and civilizations where the Church exists. Like Jesus, the Church is an incarnate being. And rather than saying that the Church is 'inculturated' we may probably say that a culture or civilization is 'christified' or 'ecclesialized' if such terminologies even exist. The Church is influenced by the environment where she lives in but the Church likewise christifies that environment. This applies to the Church and religious freedom.

Religious Freedom during the time of Jesus Christ

During the time of Christ, the Roman Empire was cosmopolitan. Rome allowed various peoples to retain their own cult as long as they recognize Rome's hegemony. The State recognizes the contribution of religion to the well being of the State. The priests and the Emperor, who is pontifex maximus, have the duty to invoke the benevolence of the gods. A refusal of cult was considered as treason. Separation of Religion and State was unthinkable.

During the early years of Christianity, the State could not distinguish between Judaism (which was allowed) and the new religion. The Emperor Claudius expelled Jews from Rome because of agitation over "Chrestus". Government officials then were mostly indifferent to Christianity. This changed with the Emperor Nero who accused Christians for the great fire that destroyed much of Rome. While the persecution against Christians was confined to Rome during the time of Nero, it set a precedent.

During the reign of Trajan (98-117), Christians may be punished "for the name", i.e., for being Christians. During the reign of Marcus Aurelius (161-180), disasters and misfortunes in the Roman Empire made it a particularly difficult time for Christians. An edict promulgated by the Emperor called for sacrifice to the gods when Rome was simultaneously beset with a war with Parthia, pressure from the Germans and the plague during the period between 166 AD to 168 AD. The non participation of Christians in the rituals of sacrifice was noticed by the authorities and their loyalty was put in doubt.

The Emperor Constantine

In 312 AD, as Constantine and his soldiers were camped north of the Tiber River, he had a religious experience in which he was told to adopt the CHI RHO monogram representing the first two letters of the Greek word "Christus" for his troops. Constantine won the battle of Milvian Bridge with his smaller army. After his victory, he began to favor Christians. The Edict of Milan, an agreement between Emperor Constantine of the West and Emperor Licinius of the East, extended to Christians of the East the same liberties enjoyed by Christians of the West. When Licinius began persecuting Christians in the East, Constantine waged war against him, ultimately defeating him. Christianity is now the "state religion" of the Roman Empire.

The Elimination of Paganism

During the 4th century, emperors gradually forbade pagan cults. Constantine for example prohibited magic and divination (Theodosian Code IX, 16, 2), forbade sacrifices, closed temples and decreed the death sentence for those who disobeyed (Theodosian Code XVI, 10, 6). This law calling for capital punishment however, was not rigorously applied.

Heresy, Apostasy and Schism: Persuasion or Repression

Bishop Priscillian of Avila founded a community that practiced a strict form of Christian asceticism. His fellow bishops denounced some practices of his followers and accused him of Manichaeism before church authorities and the Emperor Maximus. St. Martin, the Bishop of Tours urged the prosecuting bishops to step down and the Emperor not to shed blood: "It would be an unheard of thing and monstrous to have an ecclesiastical affair judged by a secular court." Nonetheless, the Emperor sentenced Priscillian and several followers to death on the charge of immorality and practice of magic, the first "heretics" to die under state sponsored justice. Ambrose of Milan broke off relations with the bishop accusers.

In North Africa however, St. Augustine of Hippo accepted the collaboration of the State in fighting the Donatist schismatics who resorted to armed violence.

Islam

Seventh century Arabia was a crossroads of civilizations and religions. In a large part of the country, polytheistic nomadic tribes were constantly at war with one another. Arabs were attracted to a black stone (the Ka'bah) in Mecca because it was a place of pilgrimage and fairs were held there. In 610 AD, Muhammad, proclaimed a divine message he received from heaven. Muhammad restored monotheism to Arabia and gave the Koran to his people. In 622 AD, Muhammad fled Mecca for Medina. This marked the beginning of the Muslim era. After unifying the Arab tribes, he returned to Mecca in 632 AD and died there.

The Arabs constituted a new military force and in a series of lightning strikes, they conquered Syria, Palestine, Alexandria, Persia, North Africa and Spain.

The Crusades

The origin of the Crusades lay in the pilgrimages to Jerusalem, which were filled with danger. The idea of armed pilgrimages therefore came up. There was also this belief in Spain that those fighting Muslims were assured of salvation. A new Muslim power broker, the Turks, threatened the balance of power and the Greek Christian Emperor asked help from the West. At the Council of Clermont, Pope Urban II asked the knights of the West to go the aid of the Christians of the East and win back the holy places. This military expedition was given the name Crusades. An anonymous knight who was present during the capture of Jerusalem reported that there were rivers of blood up to their ankles. The conquest was accompanied by expressions of naive piety bordering on the absurd.

The Crusades as a whole yielded very few results. It even managed to widen the gulf between the East and the West when during the 4th Crusade, the crusaders turned against their fellow Christians when they seized and plundered Constantinople.

The Jews

Anti-Jewish polemic had already been plentiful beginning from the early years of the Church. During the Crusades, all enemies of Christ were targeted. Jews were included in the order of battle because they were considered as the killers of Jesus. Massacres were perpetrated along the Rhine as a prelude to the invasion of Palestine.

Discriminatory measures against the Jews were promulgated during the Third and Fourth Lateran Councils. There were also abusive customs in 13th century Toulouse like forcing the Jews to present themselves at the Church on Good Friday so that they may be slapped as Christ killers. This had the unfortunate term "Slap the Jew".

The Inquisition

The Inquisition does not represent the universal attitude of the Church towards those with dissenting opinions. For several centuries, the Church was hesitant when it came to the question of persecuting heretics.

During the 13th century however, a systematic scheme of organized repression of heresy was already in place in the whole of Christendom. Capital punishment was not prescribed during the early Middle Ages. A change came during the 11th and 12th centuries when the number of heretics increased and it was felt that the unity of Faith had to be safeguarded. The birth of the Episcopal Inquisition came about during the Council of Toulouse in 1229 AD when civil and religious powers, under the concept of the two swords, one spiritual and the other secular, joined forces to root out heresy. There were three types of Inquisitions and inquisitors: the Secular Inquisition; the Episcopal Inquisition and the Papal Inquisition. All that was lacking was a theological justification for the repression of heretics. That justification was provided by St. Thomas Aquinas in his *Summa Theologica*, IIa, IIae, 11, art 3.

The Birth of the Lay Spirit

The rise of national monarchies gave rise to the birth of the lay spirit in the Church. Monarchs resisted papal intervention in Church affairs in their territories by

asserting their authority over the national Churches. There were two occasions when Philip the Fair (1285-1314), a grandson of St. Louis of France, and Pope Boniface VIII (1294-1303) came to violent blows. In 1324, there was another conflict between Pope John XXII and Philip of Bavaria.

The main ideas in the lay spirit are these: [1] the independence of the state in temporal matters and [2] the Church as a whole body of believers not limited to the clerical institution. Some would affirm that the Church and the State are relatively autonomous. This position is acceptable in our era.

Marsilius of Padova however went further. In his *Defensor Pacis*, he said that only the State is sovereign. The Church is not a society and it exists within the State, which endows the clergy with power. A theocracy in reverse.

The Hammer of Witches

The Renaissance coincided with a resurgence of witch hunting. Pope Innocent VIII gave official sanction to witch hunting in his bull *Summus desiderantes* in 1484 AD. The pope spoke of familiar spirits, incubi and succubi, and called for their repression. He commissioned two Dominicans with the task and in 1487 AD, they came up with a handbook on demonology which specifies the procedures for identifying witches, extracting confessions from them and how to finally extirpate them from the face of the earth. It had the happy title *Malleus Maleficarum*. The hunt was to last until the middle of the 17th century. It is estimated that 100,000 witches and some warlocks were burned at the stake.

The Enlightenment

During the middle of the 18th century, the Church showed signs of change. This may be attributed to the philosophy of the Enlightenment. There was a decline in French religiosity during this period or rather the disappearance of one type of Christianity for another.

A group of writers came into prominence: Des Cartes, Voltaire, Diderot, D'Alembert et al who were brought up as Christians, often by Jesuits. These philosophers wanted to judge everything by the light of human reason by which they see the Revelations of Christ as antithetical. The positive sciences were disassociated from metaphysics. The Freemasons who established their first lodge in 1717 did not see anything incoherent with this state of affairs and even considered themselves as Christians.

The main reference material of the Enlightenment is the *Encyclopedia*. The majority of philosophers of the Enlightenment period thought that there was no need of religion. Dogma contrasted with reason and nature. Most thinkers were inclined towards a natural religion. According to Voltaire, Christianity was a hindrance to the good of humanity and there was a need "obliterate the infamy" which is the Church.

The French Revolution

In 1789 AD, the Old Order in France collapsed. The sovereignty of the nation resided not with the King but with the people. On August 4, 1789, the clergy renounced all their privileges. On August 26, 1789, the **National Constituent**

Assembly voted the Declaration of the Rights of Man and of the Citizen as fundamental principles of the new regime. The Church owned one sixth of all the land in the country and the sale of Church goods swung the bourgeoisie and the rich farmers to support the Revolution. On February 13, 1790, the Assembly prohibited the taking of religious vows. The **Civil Constitution of the Clergy** became law on July 12, 1790, effectively subordinating the French Church to the State. Pope Pius VI condemned the Civil Constitution of the Clergy on March 10, 1791.

The Terror

From 1792 AD to 1793 AD, seventy five percent of France's bishops and one third of its lower clergy (30,000 in all) fled the country. By 1794 AD, only about 150 of what had been 40,000 French parishes openly celebrated the Mass.

The hatred of Christianity reached its peak during the Terror (September 1793 to July 1794). A republican calendar was instituted, religious buildings were destroyed, churches were desecrated, a cult of reason was founded, there was a campaign for the abdication and marriage of priests, and many priests and religious were executed. Diderot said that "man shall not be free until the last king is strangled with the entrails of the last priest."

Robespierre tried to curb the excesses through his founding a Cult of the Supreme Being based on a combination of Deism and "civic religion". Through it, he tried to provide the principles of the French Revolution with divine Sanction. Many devout revolutionaries baptized their children in the name not of "the Father, the Son and the Holy Spirit" but of "Liberty, Equality and Fraternity".¹

The tenets of the Revolution were exported to the whole of Europe through the victory of Napoleon, the "Robespierre on horseback" and to America through Lafayette. An Age of Revolutions followed soon after.

The Long 19th Century: Confrontation between Catholic Tradition and Modern Science

During the 17th and 18th centuries, advances in the positive sciences seemed to call a number of revealed truths into question. For Comte, the era of religion and metaphysics was over. Humans have arrived at the age of science, of positivism. Archeology traced human fossils and paved the way for an understanding of human evolution. If evolution is a fact, where does that leave the story of Creation and original sin? Even Sacred Scriptures came into scrutiny through the science of textual critiques. Where does divine inspiration come in? Science shook the certainties of the theologians.

The initial reaction of the Church was defensive. Sciences which attacked divine revelation were the devil's handiwork. In 1864 AD, Pope Pius IX came up with his Syllabus of Errors wherein he condemned certain errors of the times. One error according to Pius IX is the idea that Church and State must be separate. With doubtful scholarship, polemicists and apologists defended Catholic truths that were

¹ John Micklethwait and Adrian Wooldridge, *God is Back*, 2009, p. 35

under attack. The Church entered the Modernist crisis. It affected a limited area of a few priests and lay persons who interested in intellectual problems.

Pope Pius X condemned Modernism through two encyclicals *Lamentabili* and *Pascendi*. A secret order, the *Sodalitium Pianum*, was organized to hunt down modernists. While the Pope seemed to have restored theological order, the problems caused by the encounter of the faith and the modern world remained.

At the beginning of the 20th century, Science's omnipotence slackened. Science does not have all the answers. We cannot create a moral system with Science. In 1943, the encyclical *Divino Afflante Spiritu* of Pope Pius XII eased the pressure and encouraged Catholic exegesis.

Vatican II

During the 1950s, Roman Catholic theological and biblical scholars began to distance themselves from Neo-scholasticism and biblical literalism. On October 28, 1958, Cardinal Giovanni Battista Roncalli who took the name of John XXIII succeeded Pius XII. The new Pope was 77 years old and was part of the Vatican's diplomatic corps before being appointed Patriarch of Venice. Having lived in many countries, Pope John XXIII realized that the world has changed and that the Church's reaction to the Modernist controversy caused the Church to exclude herself in many aspects of modern life.

Pope John XXIII announced his threefold intention of [1] calling a Synod for the diocese of Rome; [2] reforming Canon Law, and [3] convoking an Ecumenical Council. There was this prevailing opinion that the era of Ecumenical Councils ended with the proclamation of Papal Infallibility.

We should look at some of the remote context of the Council: [1] the end of the Constantinian Era and the privileged status of the Church, [2] and the end of the Counter Reformation.

The Immediate Context would be: [1] the interminable 19th Century; [2] the period from the French Revolution to Pius XII; [3] papal infallibility; [4] World War II; [5] the Cold War between the USA and the USSR; [6] the end of Colonialism; and [7] the Holocaust.

A keener sense of History prevalent during the Council was operative in three ways: [1] *Aggiornamento* (referring to the present); [2] *Development* (referring to the future); and [3] *Ressourcement* (referring to the past).

Prior to Vatican II, Councils were legislative-judicial bodies that heard cases, rendered judgment and meted out punishment. Vatican II on the other hand was 'pastoral' and its language was panegyric-epideictic. The purpose of epideictic language is not so much to clarify concepts as to heighten appreciation for a person, event or institution and to excite emulation of an ideal. It teaches not by magisterial pronouncement but rather through suggestion, insinuation and example. The panegyric-epideictic genre is the art of persuasion and looks to reconciliation. Absent are words of alienation, exclusion, enmity, threat and intimidation, words of surveillance and punishment. Present are horizontal and equality words like 'people of God', 'brothers and sisters', 'priesthood of all believers' and 'collegiality'. Words of

reciprocity occur like 'cooperation', 'partnership' and 'collaboration'. Humility words occur like 'pilgrim' and Church as 'partner in dialogue'. The ordained minister has authority but is a 'servant'. The Council uses words indicating change such as 'development', 'progress' and 'evolution'. There are interiority words like 'charism', 'joy and hope, grief and anguish', 'conscience' and the 'Call to Holiness'.

No Council prior to Vatican II has issued a call to holiness. Their legislative-judicial character precluded such a theme.

Gaudium et Spes: The Pastoral Constitution of the Church in the Modern World

The joys and the hopes, the griefs and the anxieties of the men of this age, especially those who are poor or in any way afflicted, these are the joys and hopes, the griefs and anxieties of the followers of Christ. Indeed, nothing genuinely human fails to raise an echo in their hearts. For theirs is a community composed of men. GS1

Lumen Gentium: The Dogmatic Constitution on the Church

All men are called to be part of this catholic unity of the people of God which in promoting universal peace presages it. And there belong to or are related to it in various ways, the Catholic faithful, all who believe in Christ, and indeed the whole of mankind, for all men are called by the grace of God to salvation. LG13

Dignitatis Humanae: Decree on Religious Freedom

The first business of the fourth period was the consideration of *Dignitatis Humanae*, the decree on religious freedom. It is probably the most controversial of the conciliar documents. The vote was 1,997 for to 224 against.

This Vatican Council declares that the human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits. (DH2)

Saint John Paul II, A Pope Who Expressed Regret

Pope John Paul II, of happy memory, initiated a purification of memory through a series of introspection into the more controversial issues of Church history, namely:

- The legal process imposed on the Italian scientist and philosopher Galileo Galilei (Allocution of the Holy Father John Paul II on October 31, 1992 to the Pontifical Academy of Sciences).
- The involvement of some members of the Church in the African slave trade (Yaounde, Cameroon, Aug. 13, 1985)

At times, the Pope expressed regret for the following events:

- The Holocaust (John Paul II, Letter to Cardinal Edward Idris Cassidy on *We Remember, A Reflection on the Shoah*, March 12 1998).

- The cruel death of Jan Hus (John Paul II, *Address to the Conference on John Hus*, Lateran University, December 17, 1999).
- The sins of violating the rights of ethnic groups and peoples (Universal Prayer, Mass of the *Day of Pardon*, 12 March 2000)
- The actions of the Crusader attack on Constantinople in 1204 (Pope John Paul II, *Welcome Address to Bartholomew I*, June 29, 2004)
- The times when Christians and Muslims have offended one another (Universal Prayer, Mass of the *Day of Pardon*, 12 March 2000 and *Meeting with Muslim Leaders*, Omayyad Great Mosque, Damascus, May 6, 2001)

Pope John Paul II also expressed his appreciation for the contributions of women to society in general and the Church in particular. (John Paul II, Letter to Women, June 29, 1995)

Where are we now in the Sphere of Religious Freedom in the Secular World?

We can refer to two citations, one universal and the other particular to the state of religious freedom in the Republic of the Philippines.

Universal Declaration of Human Rights, Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Freedom of Religion, Philippine Constitution

No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

Conclusion

Catholics have come a long way since the time of the Apostles and Constantine but the road to guaranteeing freedom of conscience within the bounds of what is rational and respectful of the rights of others is still open ended. Freedom of religion and conscience is now universally recognized as something inherent to the dignity of a person. Furthermore, we have seen how Catholics became both persecuted and persecutors in the vicissitudes of history. What were the lessons learned?

We can foresee three scenarios wherein freedom of religion may be threatened:

One scenario is making human subjectivism, without benefit of logic or natural law, absolute. It is a scenario where objectivity is subordinated to the subjectivism of an ideology or theory. One example of this is the gender theory or gender ideology that says that nobody discovers gender identity, that gender identity is discovered. That it is good for children to choose what gender he or she wishes to be. This was refuted by the American College of Pediatricians in an article entitled Gender Ideology Harms Children dated August 17, 2016. The Pope lamented that:

“In various countries, legislation facilitates a growing variety of alternatives to marriage, with the result that marriage, with its characteristics of exclusivity, indissolubility and openness to life, comes to appear as an old-fashioned and outdated option. Many countries are witnessing a legal deconstruction of the family, tending to adopt models based almost exclusively on the autonomy of the individual will.”²

This may be rightly referred to as a dictatorship of subjectivism.

A second scenario is a fascist, authoritarian regime where basic human rights and freedom are curtailed and where the rule of law and objectivity is subordinated to the autocrat's subjectivity. This scenario may be correctly referred to as a dictatorship – PERIOD.

In both cases, religion and its moral imperatives become natural targets.

A third scenario is the case where a particular religion becomes favored by the State to the disadvantage of the other religions. In this case, the favored religion usually enjoys a demographic majority. We can refer to this case as a theocracy.

We have learned that there is interplay between religions, the State and society (with its philosophies and positive sciences). There has to be a check and balance between the three non-homogenous protagonists in order to prevent abuse thereby establishing good working order. It's a difficult task at best and a continual work in progress.

We have also learned that introspection is good for the soul. It would be good for all religions, all religionists, all heads of state and all government officials to constantly make honest to goodness examinations of conscience because the historical record of violations of conscience is flowing with the cumulative tears and blood of victims of religious intolerance and extremism. We do not have the luxury of neglecting the lessons of history.

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² Pope Francis, Amoris Laetitia, no. 53