

Article

Religious & Irreligious Freedom in Catholic Magisterial Teaching

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Abstract: In the Second Vatican Council's *Dignitatis Humanae*, the Catholic Church declares that all persons have a right to religious freedom. One question left unaddressed by this declaration, as well as by subsequent theological debate, is whether this notion of religious freedom extends to atheists. In the following, I attempt to answer this question by analyzing some of the Church's most relevant Magisterial documents. I examine the most compelling reasons for thinking that the Church's teaching does not extend religious freedom to the atheist, especially when the public propagation of atheism is in question. However, in the final section, I consider one sense in which the Church does acknowledge religious freedom for the atheist: the sense in which all "unbelievers" must be free to make the act of faith and formally embrace the Christian religion. In this sense, I conclude, the atheist and other unbelievers enjoy even greater religious freedom than baptized Christians.

Keywords: religious freedom; atheism; Catholic Church; Church & State

1. Introduction

On 7 December 1965, the Second Vatican Council of the Catholic Church promulgated its Declaration on Religious Freedom, *Dignitatis Humanae* ("Of the Dignity of the Human Person") ([Vatican Council II 1965a](#)).¹ This declaration asserts that all persons have a right to live in accord with their religious convictions without being coerced. It was easily the most controversial document produced by the council and has since generated heated debate among Catholic theologians about Church-State relations and non-Christian religions. Yet one question remains largely unaddressed, both by the text and by the post-conciliar debates: does the right to religious freedom extend to those with no religion—especially those who deny God's existence? Can atheists expect the same freedom from coercion that religious believers enjoy? Or, put differently, does the Catholic Church's teaching on religious freedom entail an *irreligious* freedom as well?

The relative silence on this question cannot be explained by the Church's failure to consider atheists. The council's Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*) contains an extensive treatment of modern atheism and of the Church's need for a deeper understanding of it ([Vatican Council II 1965b](#)). Several of the bishops' *periti*—theological advisors—had studied atheism for years, published influential books on the topic, and even engaged in formal dialogue with atheists (especially Marxists).² Some of these *periti* served on the Vatican's recently established Secretariat for Non-Believers, under the direction of Franz Cardinal König, the archbishop of Vienna.³ Pope Paul VI, who presided over most of the Second Vatican Council (1963–1965), had already written his encyclical *Ecclesiam Suam* in 1964, which contained what was arguably the lengthiest treatment of atheism in Magisterial teaching ([Paul VI 1964](#)).⁴ John Courtney Murray, S.J., who was involved in drafting *Dignitatis Humanae*, notes that efforts were made by some bishops to explicitly mention the rights of atheists in the text ([Murray 1994a](#), p. 256). However, these efforts were unsuccessful; the final, authoritative draft leaves the question about atheists unresolved.

To my knowledge, the only theologian to consider the question in the post-conciliar period was Murray himself, in his commentary on the declaration and in his 1970 article,



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“Religious Freedom and the Atheist” (Murray 1966; Murray 1994a). Murray’s arguments are insightful and persuasive, but, as even he admits, far from exhaustive. More definitive answers are needed not only to clarify the Church’s understanding of religious freedom but also to guide Catholics in a variety of practical judgments. Should Catholics living in western democracies support equal protection of atheism under the law? Is such support compatible with the Church’s doctrine? Should Catholics oppose any State restrictions on the “free exercise” of atheism? Or, as Murray suggests, is religious freedom for the atheist a “necessary premise of further dialogue” and cooperation between Catholics and atheists?

In the following, I will follow Murray’s example by examining whether, and to what extent, the Catholic Church’s official teaching on religious freedom applies to atheists. First, I will briefly summarize the Church’s teaching on religious freedom by analyzing some of the most relevant Magisterial documents—not only *Dignitatis Humanae*, but also a series of papal encyclicals that predate the Second Vatican Council. I will then examine the most compelling reasons for thinking that the Church’s teaching does not extend religious freedom to the atheist. I conclude that this is the case, especially concerning the public propagation of atheism. However, in the final section, I consider one sense in which the Church does acknowledge religious freedom for the atheist: the sense in which all “unbelievers” must be free to make the act of faith and formally embrace the Christian religion. In this sense, I conclude, the atheist and other unbelievers enjoy even greater religious freedom than baptized Christians.

2. Catholic Teaching on Religious Freedom

Dignitatis Humanae contains the Church’s most direct and comprehensive teaching on religious freedom. Because it is a declaration, that teaching consists primarily in what the text declares: “This Vatican council declares that the human person has a right [*ius*] to religious freedom [*libertatem religiosam*]” (Vatican Council II 1965a, *sct.* 2). By “religious freedom”, it means immunity “from coercion on the part of individuals or of social groups and of any human power” regarding the exercise of one’s religion. The text defines religion or “matters religious” as those “acts whereby men, in private and in public and out of a sense of personal conviction, direct their lives to God” (Vatican Council II 1965a, *sct.* 3). By “coercion”, it means external forms of constraint; or as Thomas Pink defines it, any directive backed up by the threat of punishment (Pink 2013, p. 77). So the freedom envisioned here entails that “no one is to be forced to act in a manner contrary to his own beliefs” (Vatican Council II 1965a, *sct.* 2). This applies not only to individuals, but to families, religious communities, and institutions (including the Catholic Church itself) (Vatican Council II 1965a, *sct.* 4). It concerns not only private belief and observance, but also public profession, teaching, and advocacy (Vatican Council II 1965a, *sct.* 3).

What is the basis of this right? The text continues: “the Council further declares that the right to religious freedom has its foundation in the very dignity of the human person”. This dignity consists in the fact that we are by nature endowed with reason and free will (Vatican Council II 1965a, *sct.* 2). These capacities mean that we are naturally capable of obtaining the truth and of being fulfilled by it. So it is in accord with our dignity as persons to be “moved” to the truth through the free operation of reason and will, rather than by some extrinsic force. Our nature as persons then “impels” us primarily through a duty, or “moral obligation”, imposed upon our conscience, to seek the truth and, once discovered, adhere to it by a voluntary assent of the mind (Vatican Council II 1965a, *sct.* 2, *sct.* 3). This is especially the case with religious truth, which “of its very nature, consists before all else in those internal, voluntary, and free acts whereby man sets the course of his life directly toward God” (Vatican Council II 1965a, *sct.* 3). It is this obligation imposed from within that gives rise to a right: we cannot discharge our duty to pursue religious truth, in keeping with our dignity as persons, unless we enjoy freedom from external coercion (Vatican Council II 1965a, *sct.* 2). “It follows that [a person] is not to be forced to act in a manner contrary to his conscience. Nor, on the other hand, is he to be restrained from

acting in accordance with his conscience, especially in matters religious” (Vatican Council II 1965a, sct. 3).

The right being affirmed here is not, therefore, a right to freedom from obligations. Indeed, its foundation is framed in terms of an obligation imposed on us “from within”: the duty we have in virtue of our personhood to seek religious truth. The freedom affirmed here is instead a “civil liberty” (Catholic Church 1994, sct. 2108). It “has to do with immunity from coercion in civil society”—the kinds of coercion imposed principally by political authorities (Vatican Council II 1965a, sct. 1). Freedom is thus a matter of the limits placed upon the authority of the State and other political institutions. In Catholic doctrine, the State certainly has its place: it exists, in whatever form, to serve a particular end (the “common welfare”, “common good”, or “public order”) (Vatican Council II 1965a, sct. 2–4, sct. 6–8).⁵ It even has a rightful power to coerce certain behaviors in pursuit of that end—for instance, when it threatens fines, imprisonment, or even death in order to motivate compliance with just laws. What *Dignitatis Humanae* declares is that this power to coerce does not extend to the practice of religion, which can neither be commanded nor forbidden by any merely human power. While civil authorities serve an end that is worldly and temporal, religious acts “transcend by their very nature the order of terrestrial and temporal affairs” (Vatican Council II 1965a, sct. 3). This means that the State lacks authority over this dimension of human life; it violates the dignity of its citizens when it “imposes upon its people, by force or fear of others means, the profession or repudiation of any religion” (Vatican Council II 1965a, sct. 6). The State must, on the contrary, acknowledge the right of its citizens to religious freedom, recognize it within constitutional law, and take all appropriate measures to promote and safeguard it (Vatican Council II 1965a, sct. 2, sct. 6).

So far, this view seems in keeping with the classical liberal conception of religious freedom—like that embodied in the First Amendment of the U.S. Constitution. However, this conclusion would be premature. After all, *Dignitatis Humanae* is not the only source for the Church’s teaching on religious freedom. Many of the other sources with Magisterial authority are deeply suspicious—even antagonistic—toward the principles of liberalism. The encyclicals of the nineteenth and early twentieth-century popes contain the most systematic teaching on the topic prior to *Dignitatis Humanae*. These texts appear to deny the existence of any universal right to freedom from coercion in religious matters. Gregory XVI in *Mirari Vos* describes as “absurd and erroneous, or rather insane” the “opinion which claims that freedom of conscience must be asserted and vindicated for everyone” (Gregory XVI 1832, sct. 14).⁶ Pius IX in *Quanta Cura* reiterates this judgment, condemning the view that

freedom of conscience and worship is a right proper to every man, which should be legally proclaimed and asserted in every rightly constituted society; and that a right to an absolute freedom, which should not be restrained by either ecclesial or civil authority, exists in the citizens. (Pius IX 1864, sct. 3)⁷

The *Syllabus of Errors*, an appendix to *Quanta Cura*, explicitly condemns the proposition that “every man is free to embrace and profess the religion which, led by the light of reason, he judges to be true” (Pius IX 1864, proposition 15).⁸ Finally, Leo XIII, in his *Libertas Praestantissimum*, sums up the position by distinguishing the authentic freedom upheld within the Catholic tradition from those modern freedoms which license error—especially religious error (Leo XIII 1888, sct. 2).

Moreover, while prior Magisterial teaching does distinguish between Church and State, it rejects the notion that the State should remain neutral on religious questions. Pius X, Pius XI, and Leo XIII are clear that the State has a duty not to safeguard religious freedom, but to support the true religion. Leo XIII’s *Immortale Dei* reaffirms what was by then a traditional view: God established two powers, each with its respective coercive authority—“the ecclesiastical and the civil” (Leo XIII 1885, sct. 13). The former governs acts pertaining to man’s eternal good and the latter governs acts pertaining to man’s temporal good (the common good of society). Because the common good of society is only a proximate good for man, it is subordinate to his eternal good. So too then must the state be subordinate

to the Church. The two powers are ordered to one another, Leo XIII notes, as the body is ordered to the soul (Leo XIII 1885, sc. 14). Just as the soul is essential to the well-being of the body, so too is the true religion (Catholicism), which directs man to his final end, essential to the well-being of society. The State therefore has a duty to acknowledge the guidance of the Church and to support the Catholic Christian religion, for the sake of the common good of society. It even has the duty to suppress false religions and any ideology that undermines the integrity of the true religion (Lamont 2015, pp. 684–86, 694–95).

Such claims are likely to strike twenty-first century readers as authoritarian and, if nothing else, practically unfeasible. More to our point, they seem difficult to reconcile with the positive endorsement of religious freedom in *Dignitatis Humanae*. Much ink has been spilled in efforts to resolve the apparent conflict between them, with some denying or minimizing the authority of the earlier papal encyclicals (Murray 1994a, p. 258; Sebott 2013, pp. 82–91; Schockenhoff 2012), others denying or minimizing the authority of *Dignitatis Humanae*,⁹ and still others characterizing *Dignitatis Humanae* as a reform or development of the earlier tradition, affirming the same principles but applying them differently in different contexts (Storck 2022; Rhonheimer 2013, pp. 1029–54; 2014). Even though the degrees of authority these documents possess vary, downplaying their Magisterial status is unlikely to solve the problem. The nineteenth and early twentieth-century popes are clearly explicating Catholic doctrine, not merely applying it to contingent circumstances. So too with *Dignitatis Humanae*. Though it is the product of a pastoral rather than a dogmatic council, it remains a genuine expression of the Church's Magisterium and presents what it "declares" as binding for Catholics.¹⁰ For the sake of consistency, then, Catholics are committed to seeing any conflict here as merely apparent, rather than real.

How can one interpret them consistently? One promising clue is suggested by *Dignitatis Humanae* itself. In the first section of the text, it notes that its teaching on religious freedom "leaves untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ" (Vatican Council II 1965a, sc. 1). The Second Vatican Council, in other words, is not addressing in this declaration the duties of the State toward Catholicism articulated in prior Church teaching. It sees its affirmation of religious freedom as something else, something compatible with that teaching. In fact, when it declares that "no one is to be forced to act in a manner contrary to his own beliefs", it includes the qualification "within due limits" (Vatican Council II 1965a, sc. 2). A similar qualification is included at three other points in the text when it asserts that the free exercise of religion should not be impeded: "provided that the just public order" or "the just demands of public order are observed" (Vatican Council II 1965a, sc. 2, sc. 3). These caveats imply, in accord with the earlier papal teaching, that it is possible for the practice of some religions to negatively impact the common good of society. In such cases, a right to religious freedom—immunity from coercion by the State—would not apply.

Dignitatis Humanae does not elaborate on these qualifications. It does not spell out how the practice of a religion could undermine the "just public order", nor does it identify which religions advocate such practices. Similarly, it does not address what coercive measures would be just and prudent in such cases. Nor does it determine in what ways the State is duty-bound to support the true religion. It does not, for instance, demand that Catholicism be established as the official state religion of a community, nor that Church officials should dictate civil law. Answers to these and many other questions are intentionally left for future theological debate.

Yet the qualifications about "due limits" and "just public order" make it possible to identify a consistent Magisterial teaching on religious freedom in spite of the apparent tensions in the texts informing it. That teaching can be summarized as follows. As humans endowed with reason and free will, it is in keeping with our dignity to seek religious truth and be impelled toward that truth not by external force but by the conviction of a moral demand imposed upon our conscience. In order to satisfy that demand, we therefore enjoy a right to immunity from coercion by civil powers; the State really does lack coercive authority over religious matters, which in principle transcend the common good it serves.

In most cases, then, “no human power” can justly compel the performance of religious acts or suppress them. The only exception is when some false religious practice undermines the public order or conflicts with the State’s duty to support the true religion. In such cases, the State would have authority to suppress religious activity not insofar as it is religious, but precisely and only insofar as it affects the common good of society. The right to religious freedom, in other words, is not absolute but subordinated to these duties.

We can conclude, then, that according to Catholic teaching, the State must recognize the right of citizens to practice even non-Catholic religions of any kind, so long as these do no harm to the practice of Catholicism or undermine public order. The State can suppress—and even retains a duty to suppress—religious practices only when they harm Catholicism or undermine public order, unless doing so would do more harm to the true religion and public order.¹¹

3. Atheism & Religious Freedom

What then of atheists? Does this right to freedom extend to them? Does the Church’s teaching on religious freedom entail an *irreligious* freedom: a right to disbelieve in God and especially to practice and promote atheism without interference from civil authorities? The first problem we face in answering this question is that *Dignitatis Humanae* never mentions atheists. The second problem is that it does not offer a precise enough definition of “religion” to determine whether atheism qualifies as “religious”.

Prima facie, there is good reason to doubt that atheists enjoy religious freedom as the Church defines it. Atheism—the disbelief or absence of belief in God or gods—is typically seen to entail the rejection of religion (Bullivant 2013, p. 11). It is difficult to see how the atheist could perform “acts whereby men . . . direct their lives to God” when she denies or lacks belief that there *is* a God to direct her life to. And it is difficult to see then how any civil freedom enjoyed by the atheist could qualify as religious freedom.

Additionally, there is little evidence that Magisterial teaching on religious freedom prior to *Dignitatis Humanae* even considered atheists, let alone extended this freedom to them. The earliest papal writings on the State’s duty to the Church and the propriety of coercing religious activity concern non-Christian religions and non-Catholic forms of the Christian religion (Lamont 2015, p. 680). Medieval and Baroque Scholastic debates about freedom and coercion distinguish between the baptized on one side and the unbaptized “unbelievers” (*infideles*) on the other.¹² “*Infideles*” rarely, if ever, refers to atheists in these contexts. Rather, it designates Jews, Muslims, and even pagans. They are considered religious “unbelievers:” they practice what, in the eyes of the baptized, are incomplete, diminished, and even largely false religions—but religions all the same. Unlike atheists, they affirm the existence of God or gods and acknowledge the obligation that humans have to them as a matter of justice, including worship, albeit an incomplete, diminished, and largely false worship in the eyes of the Church.

Moreover, it might seem that from the Church’s perspective human dignity is an incoherent basis for a right to atheism. According to Catholic doctrine, reason, will, and the moral principles informing our conscience are not neutral with respect to God, such that the denial of God could be seen as an equally valid achievement of these powers. Reason and morality are not independent of God but are subject to him. Through its own natural “light”, human reason not only can attain knowledge of God’s existence, but it further “commands every individual to devoutly worship God” (Leo XIII 1885, sct. 6; Vatican Council I 1870). As Murray noted in 1945—twenty years before the promulgation of *Dignitatis Humanae*—basing a right to atheism on human dignity is an “aberration” and a “grave spiritual confusion”:

It is impossible that unbelief and belief would be equally legitimate human responses to the revelation of God, and that the voice of human reason and conscience would demand both atheistic zeal and religious zeal of the human person. To affirm that the human being, facing God and the moral law, has the

right of not believing and of refusing obedience, is to deny that there is a God and a moral law. (Murray 1994b, p. 232)

Finally, even more than non-Christian religions, the Church has reason to think that the public propagation of atheism is destructive to the “just public order”. In the ancient world, “atheist” (*atheos; atheus*) was used as a term of derision, not because one denied the existence of gods as such, but because the refusal to honor gods was thought to provoke divine wrath upon the whole community and thereby undermine one of the essential bases of social life. Murray mentions a saying attributed to Plutarch, observing that there had never been a state of atheists; belief in the gods was more foundational to the city than its actual foundation (Murray 1994a, p. 260). Even into the sixteenth, seventeenth, and eighteenth centuries, virtually all proponents of religious tolerance in western Europe—including Sebastian Castiello, Jean Bodin, and John Locke—agreed that any such tolerance did not extend to the atheist, who was deemed essentially “unsocial” (Murray 1994a, pp. 259–60).

More importantly for our purposes, when the Magisterial teachings of the popes do mention atheism, they single out the negative effects of its propagation on the common welfare. Leo XIII for instance describes it as a “deadly kind of plague” (*Inscrutabili Dei Consilio*, 1878). Pius XII denounces atheism’s “most ignoble corruptions” (*Haurietis Aquas*, 1956) and “lethal tenets” (*Meminisse Iuvat*, 1958) (Bullivant 2009, pp. 178–79). Leo XIII summarizes well their common reasoning. Divine authority, he argues, is the ultimate basis for the authority of the State. To deny divine authority, as atheism does, is to abandon an eternal foundation for law and morality and leave in its place little more than “boundless license”:

The end of all this is not difficult to foresee, especially when society is in question. For, when once man is firmly persuaded that he is subject to no one, it follows that the efficient cause of the unity of civil society is not to be sought in any principle external to man, or superior to him, but simply in the free will of individuals; that the authority in the State comes from the people only . . . But, from what has been said, it is clear that all this is in contradiction to reason. (Leo XIII 1888, scd. 15)

Such a view of what unites civil society would likewise be “plainly repugnant to the nature, not only of man, but of all created things” (Leo XIII 1888, scd. 15). Consequently, Leo claims, it tends inevitably toward social unrest. Denial of God and of the honor due to God makes for a morality with little power “to restrain or quiet the unruly propensities of man”, and therefore provides no protection against “universal corruption” and “tyranny” (Leo XIII 1888, scd. 16). As he concludes in *Immortale Dei*, to act as though there is no God amounts to a public crime (Leo XIII 1885, scd. 6).

A strong case can be made, then, that according to Catholic teaching, atheism is subject to the State’s coercive authority in a way that non-Catholic religions are not. Judaism, Islam, Hinduism, Sikhism, etc., presumably involve “internal, voluntary, and free acts whereby man sets the course of his life directly toward God”, even if such acts prove misguided or insufficient. It is therefore possible that their public propagation transcends the order of “terrestrial and temporal affairs” (Vatican Council II 1965a, scd. 3). It is likewise possible that the promotion of these religions does not negatively impact the “just public order” or the integrity of Catholicism.

In contrast, the Church holds that it is possible to demonstrate the falsehood of atheism by natural reason (difficult as this may be). It is likewise possible to argue by natural reason that the propagation of atheism as such threatens to undermine what the Church affirms as essential to the common good of society: divine authority, moral law, and the proper ordering of humanity to its eternal good. If this is so, then as regards the public propagation of atheism, religious freedom would not apply. Church teaching would not recognize a civil right to promote it with immunity from coercion by the State. The State would, acting in view of its own proper end, even have the duty to suppress the propagation of atheism, precisely insofar as it tends toward the undermining of a just public order.

On this reading, as Murray notes, the atheist may yet enjoy a certain right to freedom from coercion in her private unbelief and practice, since the State’s coercive power extends

only to what impacts the public order. Importantly too, nothing in the Church's Magisterial teaching entails that it is always prudent for the State to suppress the public promotion of unbelief. As with non-Catholic religions, the State's rationale for doing so would vanish if conditions were such that the suppression of atheism caused more harm to the common good than the permission of it. Yet the point remains: no right to freedom from coercion in the public propagation of atheism can be appealed to:

One cannot claim, then, that the State, to which falls the obligation of protecting the good order (even its moral values) of society, would leave the sphere of its mandate, if it would suppress not certainly with an arbitrary violence but by the application of the Law (by due process of law) the public propaganda and teaching which strives to praise unbelief in God and in the moral law. And there exists no law which the atheist can invoke and which would confer on him the "rights" contrary to the legitimate rights of the State. (Murray 1994b, p. 234)

4. A Right to Unbelief?

Yet it seems difficult to deny that the Church's understanding of religious freedom extends to atheists in *some* sense. For one, Murray notes that efforts were made, especially by the French Bishops at the Second Vatican Council, to include explicit mention of the rights of atheists in the text of *Dignitatis Humanae*. As I've indicated, these efforts failed, likely because of the perceived danger that mentioning such rights would signal tacit approval of the State's neutrality on religious matters. Such a stance, as we've seen, is hardly compatible with the Church's teaching on the State's duties to Catholicism (Murray 1994a, p. 256). However, the Secretariat for the Promotion of Christian Unity—the Vatican body tasked with overseeing and explaining the various *schemata* (drafts) of *Dignitatis Humanae*—provided a different, and more official reason. An explicit treatment of atheism is unnecessary, it suggests, simply because the declaration's intended meaning sufficiently guarantees that the right to freedom from coercion extends to atheists. This is especially the case with the notion of conscience employed in the text: it is intended to be broad enough to include any personal convictions regarding the ultimate questions of human life, even atheistic convictions (Murray 1994a, p. 253).¹³ Indeed, this point finds support in the following line which was included in the final version of the text: "the right to this immunity continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it" (Vatican Council II 1965a, *scet.* 2). If, from the Church's perspective, atheism involves a failure to seek or adhere to religious truth, then it is reasonable to think that atheists enjoy some manner of freedom from coercion, in spite of that failure.

To see how, consider the extent to which many atheists are implicitly addressed in Catholic doctrine, along with the adherents of non-Christian religions, as "unbelievers" (*infideles*). For although "unbeliever" can designate those who simply lack belief in God's existence, its more technical use designates those who have not made the act of faith (*actus fidei* or *credere*). According to the Church, the act of faith is more than mere belief. It is the ideal way in which human beings are meant to respond to the Revelation from God that forms the content of the Christian religion. According to the First Vatican Council, faith is a submission of will and intellect: assenting to what the Church presents as revealed by God and adhering to it firmly because God has revealed it (Vatican Council I 1870, *scet.* 3). Along with baptism, it marks one's formal acceptance of the Christian religion. In order to serve this function, the act of faith must be free: "[i]t is one of the major tenets of Catholic doctrine that man's response to God in faith must be free: no one therefore is to be forced to embrace the Christian faith against his own will" (Vatican Council II 1965a, *scet.* 10). That faith requires freedom is one of the principal reasons *Dignitatis Humanae* cites to support immunity from coercion in religious matters.

But why must the act of faith be free from coercion? Many of the most authoritative theologians of the Catholic tradition have held that the act of faith is voluntary. It is an assent of the mind but, unlike those forms of assent caused by evidence (understanding,

knowing, etc.), the assent of faith is primarily caused by an act of the will. By its nature, the will is moved not by external force but by some good presented to it, which evokes its desire from within. Man's actions in pursuit of such a good are voluntary when they are not determined or inhibited by any external force. So Augustine of Hippo holds: "to believe [*credere*] is indeed not possible unless one does so willingly" (Saint Augustine 1956, p. 168; Reichberg 2020, p.14). Moreover, Catholics hold that God's grace is necessarily operative in the act of faith. It inspires in the will a proper affection for divine truth so that one's assent is motivated by love for God, and not some ulterior motive. Genuine faith, then, involves a voluntary cooperation with God's action, drawing the believer through the will to accept whatever truths he reveals about himself. It follows that if one assents to the Church's teaching for any other reason—like the fear of punishment or the desire for some social benefit—then one's assent is not genuine faith. As Gregory Reichberg notes, one's "belief" in such a case would not be for the sake of affirming divine truth, but rather for the sake of attaining some lesser good (Reichberg 2020, p. 16). Thus Thomas Aquinas, addressing the question "Whether Unbelievers Should be Compelled to the Faith", concludes that the genuine act of faith is incompatible with force or the threat of punishment: "these [unbelievers] are by no means to be compelled to the faith, in order that they might believe, because to believe depends on the will" (Aquinas 1981, II-II, Q.10, art.8).

Even as theological opinions have varied widely on the appropriate use of coercion, this teaching has remained remarkably consistent throughout the Church's history. Many of the earliest examples concern the treatment of one group of "unbelievers" in particular: Jews (Dumézil 2005). Pope Gregory I (540–604 CE) famously condemned the forced conversion of Jews and even defended their freedom to worship and observe Jewish feasts. His letter from 598 CE to the bishop of Palermo influenced a long tradition of papal bulls titled *Sicut Judaeis* ("As to the Jews"), in which at least eighteen other popes reaffirmed his denunciation of forced conversions (Gregory I 1893). Innocent III (1161–1216 CE) for example, in his constitution *Licet perfida Iudaeorum* (1199 CE), decrees excommunication for those seeking to compel Jews into baptism: "We in fact decree that no Christian should compel [the Jews] by violence to come to baptism reluctantly or unwillingly . . . For he who is known to come to the baptism of Christians, not spontaneously, but reluctantly is certainly not believed to have true faith in Christianity" (Denzinger 2012, sc. 773). Similarly, in his bull *Maiores Ecclesiae causas* (1201 CE), he declares that "[i]t is contrary to the Christian religion to force others into accepting and practicing Christianity if they are always unwilling and totally opposed" (Denzinger 2012, sc. 781). The Fourth Council of Toledo (633 CE), convened in part to address the forced conversion of Jews in Visigoth Spain, also affirms this position:

For [the unwilling] are not to be saved, but the willing, that the form of justice may be preserved. For as man perished, obeying the serpent by his own will, so too, through the call of God's grace, every man by believing is saved through the conversion of his own mind. Therefore they are to be persuaded to convert by their power of free will rather than by force.¹⁴

All of these examples attest to the injustice of forced conversions on the grounds that such coercive measures undermine the freedom required for the unbeliever to make a genuine act of Christian faith.

There is, however, nothing that warrants restricting this principle to the treatment of Jews alone. Indeed, the reception of these earlier teachings by later theological and Magisterial sources suggests that they apply to the treatment of other *infideles* as well. Sixteenth-century theologians appealed to them when considering the American Indians. Prominent Dominicans—such as Thomas Cajetan and Francisco de Vitoria—and Jesuits—such as Francisco Suarez—all reject the possibility of coercing native unbelievers to embrace Christianity (Reichberg 2020, p. 2). Bartolomé de las Casas, the great defender of the native West Indians, even cites a natural right of the natives to freely choose or refuse baptism without interference (Reichberg 2020, p. 4). Moreover, the decrees of Gregory I and Toledo IV clearly transcend the original occasions of their composition: they were retained in the

Church's canon law into the twentieth century, as prohibitions against coercing anyone to embrace the Catholic faith (not just Jews) (Catholic Church 1983, canon 748, sct. 2).

The nineteenth and early twentieth-century popes—those we have seen to be most critical of a right to religious freedom—also affirm this freedom for unbelievers. Leo XIII states in *Immortale Dei*: “the Church is wont to take earnest heed that no one shall be forced to embrace the Catholic faith against his will, for, as St. Augustine wisely reminds us, ‘Man cannot believe otherwise than of his own will’” (Leo XIII 1885, sct. 36). And Pius XII, in *Mystici Corporis*, notes:

Though We desire this unceasing prayer to rise to God from the whole Mystical Body in common, that all the straying sheep may hasten to enter the one fold of Jesus Christ, yet We recognize that this must be done of their own free will; for no one believes unless he wills to believe. Hence they are most certainly not genuine Christians who against their belief are forced to go into a church, to approach the altar and to receive the Sacraments; for the “faith without which it is impossible to please God” is an entirely free “submission of intellect and will”. Therefore, whenever it happens, despite the constant teaching of this Apostolic See, that anyone is compelled to embrace the Catholic faith against his will, Our sense of duty demands that We condemn the act. (Pius XII 1943, sct. 104)

Freedom from coercion is thus recognized for unbelievers, i.e., those who have not voluntarily made the act of faith and undergone baptism. Insofar as atheists are unbelievers in this sense, then the Church recognizes a right to freedom from coercion for them.

That even atheists, then, should enjoy freedom from coercion into faith, turns out to be a relatively uncontroversial point of Catholic doctrine. Even as atheists enjoy no right to immunity from coercion regarding the public propagation of atheism, they do enjoy it with regard to their belief (or lack thereof). What often goes unrecognized, however, is the following corollary: religious freedom in the above sense is a freedom that atheists and other “unbelievers” enjoy more of than Catholics and other baptized Christians. The reason is that according to the Church, there are cases in which even one's belief can be coerced without violating the right to religious freedom outlined in *Dignitatis Humanae*—at least for those who have already made the act of faith and received baptism. They can be so coerced not by the State, but by the Church. This is because the Church sees the act of faith and the ritual of baptism as involving formal vows to God and to the Church, including the obligation to adhere to what the Church presents as God's Revelation. The Church, then, acting as a teacher (*magister*), can justly coerce in order to indirectly motivate the baptized to fulfill their obligations; just as the State can coerce to ensure compliance with just laws. As Thomas Pink has argued at length, the opinion that the Church can coerce baptized Christians to remain within the faith or return to it was given Magisterial status by many of the same sources that condemn coercion for unbelievers; including Toledo IV, the bulls of Innocent III, and the Council of Trent.¹⁵

Even as they enjoy freedom from State coercion, then, Christians do not enjoy a comparable freedom from coercion by the Church. Furthermore, the Church does not regard the coercing of belief among Christians as incompatible with the freedom required for the act of faith. The unbaptized, by contrast, are not subject to the coercive authority of the Church because they have made no formal vows. In this respect, therefore, and somewhat surprisingly, the atheist enjoys greater religious freedom than the Christian. And paradoxically, this is because of, rather than in spite of, her unbelief. Even if the State were to limit the public expression of her atheism, neither the Church nor the State would possess the authority to coerce her belief. And while the Catholic may enjoy the support of the State in many ways, he cannot appeal to any right to immunity from coercion by the Church. *Dignitatis Humanae* and Magisterial teaching more broadly still acknowledge that the atheist is bound by the natural duty to seek religious truth, obey one's conscience, and offer worship to God. So her religious freedom does not amount to a “right to unbelief” in the proper sense. Yet it still follows that the atheist's irreligion entitles her in this instance to a more comprehensive freedom from coercion than Catholics enjoy.

5. Conclusions

We have seen that the Catholic Church's teaching on religious freedom involves a civil right to freedom from coercion by the State in religious matters. So an answer to the question "does this notion of religious freedom extend to atheists?" proves to be a *sic et non*. No, as regards the public promotion or propagation of atheism; yes, as regards belief or the act of faith. In this latter sense, it is possible to say that the Church does allow for something like an "irreligious" freedom.

Clarity on this question can only aid Catholics in what has been a significant pastoral initiative for the Church since the decades preceding the Second Vatican Council: constructive dialogue with atheists. Such dialogue has received even greater urgency in recent years with Pope Benedict XVI's call in 2009 for institutional outreach to unbelievers (the "Courtyard of the Gentiles") (Benedict XVI 2009). Yet even if I am correct about what the Church teaches on this topic, it may still be that answers to the most pressing questions remain elusive. This is because most of these questions prove to be prudential in nature. Answers to them will require judgments about how doctrinal principles are best applied to contingent—and deeply complex—circumstances. How should a democratic republic, with practicing Catholics representing only a dwindling percentage of its population, act to "support" and promote the true religion? How should one assess whether and to what extent the public practice of a non-Christian religion or atheistic ideology threatens the just public order? Should the State deem coercion to be wise, how should it determine a means of coercion that would not do *more* harm to the just public order or to the status of the Church?

Indeed, answers to questions like these may elude us indefinitely, given the social realities of the modern West, where the Church no longer exerts unrivaled cultural influence and cannot expect the State to acknowledge the importance of Catholicism to the common good or the existence of any special duties it has to the Church. There is also the puzzling fact that many atheists—arguably most in the United States and western Europe—are former Christians, and thus, baptized unbelievers. Even though they no longer believe, and are thus *infideles*, according to Church teaching they would still be bound, in virtue of their baptism, to their baptismal vows. Like practicing Catholics, they would technically remain subject to the coercive authority of the Church, if not the State—raising a host of complicated questions about the Church's relationship with them.

Here, perhaps, the pastoral character of *Dignitatis Humanae* is of greatest value. For although the theological reasoning it employs is not as authoritative as what it explicitly declares, its pastoral observations can and ought to guide the Catholic's prudential judgments. These observations strongly support the judgment that coercive measures in our current social condition are bound to be imprudent. In 1945, Murray acknowledges in the case of atheism what *Dignitatis Humanae* seems to impress upon us more broadly: coercive measures often deepen the problems they seek to remedy, even when it comes to atheist propaganda:

Political experience demonstrates, in effect, that in our modern societies, the censure of the State and the measures of police are bad means of assuring the repression of ideas and activities, even those which work to sap the foundations of the common life. The worst evils which follow this type of repression are more grave than the evils one seeks to eliminate. In this conjunction, a government could not prefer to exercise its right to repress atheistic propaganda. (Murray 1994b, p. 235)

So too, the Church could prefer not to exercise coercion over baptized atheists who once made the act of faith, but no longer believe. Murray's judgment is no doubt prescient. It is difficult to see how State suppression of atheism in any form is likely to support the Catholic Church's efforts to "re-evangelize" its lost sheep and persuade unbelievers to make the act of faith. So too it is arguably more difficult to see how the Church pressing its right to coerce former Christians would result in anything but their further alienation.

It is entirely consonant with Catholic teaching to say, as Murray does, that “atheism is never the conclusion of an argument” (Murray 1994a, p. 262). The Church affirms that God’s grace is at work even in atheists, making possible their response of faith, should they so will it. So the wisest response for the Church is to acknowledge the atheist’s freedom and adopt only those measures which awaken in her the voice of her conscience and remove impediments to the operation of grace. According to *Dignitatis Humanae*, these are the measures that Jesus himself employed: denouncing the unbelief of his listeners but refusing to impose the truth by force. He preferred instead to rouse and confirm their faith by his own witness to the truth. *Gaudium et Spes* recommends the same for modern Catholics: the “remedy which must be applied to atheism” is “the witness of a living and mature faith”, lived out in acts of justice and charity (Vatican Council II 1965b, sct. 21). This, far more than coercion, stands a chance of rendering the faith credible in the eyes of those who do not believe.

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Notes

- ¹ For all Church documents, I utilize the Vatican’s own English translations where available. Where no English translation is available, I utilize the official Latin text and note where I have supplied my own English translation.
- ² See Stephen Bullivant (2009). Among these figures were Yves Congar, O.P., Hans Küng, Jean Daniélou, S.J., and especially Henri de Lubac, S.J. See especially de Lubac (1995).
- ³ De Lubac and Daniélou were two of the first to serve under König on the Secretariat and influenced the drafting of *Gaudium et Spes*, 19–21; the sections that deal most directly with atheism.
- ⁴ The term “Magisterial teaching” refers to any publicly promulgated teaching which qualifies as an expression of the Magisterium: the special authority to preserve and define divine Revelation which Catholics believe was entrusted by Jesus to the twelve Apostles and their successors. It is the authority exercised by popes, bishops, and Church councils that determines the content of Catholic belief and it is primarily vested in written documents of various kinds (e.g., creeds, constitutions, declarations, bulls, encyclicals, etc.).
- ⁵ Later in his career, Murray comes to deny that “public order” and the “common good” are functionally equivalent (cf. John Courtney Murray 1994b, p. 236, n.4). But as John Lamont has argued, canon law has long treated “public order” as an essential part of the “common good”. See John R.T. Lamont (2015).
- ⁶ “absurda illa . . . ac erronea sententia, seu potius deliramentum, asserendam esse ac vindicandam cuiuslibet libertatem conscientiae”. (Translation mine).
- ⁷ “Libertatem conscientiae et cultum esse proprium cuiuscumque hominis ius, quod lege proclamari, et asseri debet in omni recte constituta societate, et ius civibus inesse ad omnimodam libertatem nulla vel ecclesiastica, vel civili auctoritate, coarctandam. . . .”. (Translation mine).
- ⁸ “Liberum cuique homini est eam amplecti ac profiteri religionem, quam rationis lumine quis ductus veram putaverit”. (Translation mine).
- ⁹ The most famous example is Marcel Lefebvre (1994).
- ¹⁰ As to the degree of authority possessed by *Dignitatis Humanae*, I am in agreement with Lamont (2015, pp. 686–87, 692).
- ¹¹ This point is made by Lamont (2015, p. 695).
- ¹² Cf. Thomas Aquinas (1981), II-II, Q.10, art.8; see also Gregory M. Reichberg (2020, p. 11).
- ¹³ This is, at least, how Murray recounts it. It is worth noting, however, that Murray, Congar, and Lamont appear to agree on the following point of interpretation: the intended meanings of those drafting the *schemata* do not necessarily carry the same Magisterial authority as what the text explicitly affirms. Cf. Lamont (2015, p. 692).
- ¹⁴ The decree of Toledo IV is taken from the first part of Gratian’s *Decretum*, in Aemilius Friedberg (1959), 161–162: “Non enim tales inviti salvandi sunt, sed volentes, ut integra sit forma iustitiae. Sicut enim homo propria arbitrii voluntate serpenti obediens periit, sic vocante se gratia Dei propriae mentis conversione quisque credendo salvatur. Ergo non vi, sed libera arbitrii facultate ut convertantur suadendi sunt, non potius inpellendi”. (Translation mine)
- ¹⁵ See, for instance, Pink (2013, p. 21). See also Council of Trent, Session VII, decree on baptism, canon 8 & 3 in Norman P. Tanner (2016, p. 686).

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