Declaration on Religious Freedom *Dignitatis Humanae* versus Freedom of Religion in Contemporary Times

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Abstract

Pope Paul VI promulgated the Second Vatican Council document, Declaration on Religious Freedom *Dignitatis Humanae* (DH) in 1965. The Council Fathers maintained the right to freedom of religion has its base in the dignity of the human person. In other words, the Council Fathers upheld the importance of both, the dignity of the human person and the right to freedom of religion. In the contemporary world, most of the States promise to protect human dignity and right to freedom of religion. In spite of the declaration of DH in 1965, has the contemporary world truly promoted human dignity and the right to freedom of religion? In this paper, we shall examine the contemporary situation with respect to human dignity and religious freedom in the light of the teachings of DH.

Introduction

Pope Paul VI promulgated the last document of the Second Vatican Council (1962–1965), the Declaration on Religious Freedom *Dignitatis Humanae* (DH) in 1965.¹ Murray, a Jesuit theologian noted, “the document is a significant event in the history of the Church” and “the most controversial document of the whole Council.”² Some Council Fathers were not in favor of the content of DH because it was not in accord with the teachings of *Syllabus of Errors* (1864).³ The *Syllabus of Errors* condemned the proposition that Catholic countries grant freedom of religion to immigrants and Catholic faith need not be the State’s official religion.⁴ It

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³ Pope Pius IX issued the document *Syllabus of Errors* in 1864. It condemned propositions, which contradicted the Catholic faith.

also condemned the separation of the State from the Church. On the contrary, DH held that a person is free to choose a religion according to the dictum of his or her conscience. Further, it acknowledged the need to obey the just laws of the State. Thus, DH created controversy by negating the teachings of Pius IX. However, the Council Fathers did not intend to create controversies. They wanted to prepare the Church to witness Christ in the modern world. The Council Fathers traced the source of freedom of religion in the dignity of human person. They noted,

The declaration of this Vatican Council on the right of man to religious freedom has its foundation in the dignity of the person, whose exigencies have come to be are fully known to human reason through centuries of experience... Revelation does not indeed affirm in so many words the right of man to immunity from external coercion in matters religious. It does, however, disclose the dignity of the human person in its full dimensions. It gives evidence of the respect which Christ showed toward the freedom with which man is to fulfill his duty of belief in the word of God and it gives us lessons in the spirit which disciples of such a Master ought to adopt and continually follow.

In the contemporary world, most of the nations hold that religion is a private matter of an individual. Their constitutions grant freedom of religion. However, there are some theocratic States, which do not permit freedom of religion and promote exclusively the official religion of the State. There are many government restrictions and social hostilities on freedom of religion. Brewington notes that even though some States guarantee freedom of religion in their constitutions, they do not put it into action.

In the contemporary times, religious fundamentalism, ultra-nationalism and jingoism are on a steady rise in different parts of the world. Both, religious freedom and human dignity are in constant danger. In this paper, we shall examine the contemporary situation in the world with respect to dignity of human person and the right to freedom of religion. We shall further examine the importance of the teachings of DH in the contemporary situation. The sources for our research are DH, other Church documents and opinions of experts in religious-social studies.

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5 Syllabus of Errors no. 55.
6 DH no. 2.
7 DH no. 11.
8 DH no. 9.
Freedom of Religion in \textit{Dignitatis Humanae}

Pre-Second Vatican Council, the Catholic Church identified itself with God’s Kingdom in the world. It further maintained there was no salvation outside the Church. Thus, the mission of the Church was to bring people in its fold in order to save them.\footnote{Thomas Rausch, \textit{I Believe in God: A Reflection on the Apostles’ Creed} (Collegeville: Liturgical Press, 2008), 127–137.} However, the Second Vatican Council documents, especially DH reversed this exclusivist view. The Dogmatic Constitution on Church \textit{Lumen Gentium} changed the former understanding of identifying the Church as the Kingdom of God. It noted, “\textit{The Church is in Christ like a sacrament or as a sign and instrument both of a very closely knit union with God and of the unity of the whole human race.}”\footnote{\textit{Lumen Gentium} no. 1. Available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html (accessed on January 17, 2017).} The Council Fathers attempted to shed-off the exclusivist image of the Church and embrace a more inclusive approach. The Council Fathers boldly upheld the right to freedom of religion in DH and strongly supported all humans to choose freely a religion of their choice without facing any coercion or threat from anyone. They noted,

\begin{quote}
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.\footnote{DH no. 2.}
\end{quote}

The Council Fathers spoke in favor of right to freedom of religion of an individual. They also held the right to form religious communities based on certain beliefs and practices. Like-minded people need to have the liberty to come together to form communities to pray together, perform rituals or do social work. If the State restricts freedom of religion to individuals then it would suppress the organized religions, which function as religious communities. Religious communities, also have a social function.\footnote{Dale McConkey, “Religion, Social Capital & the Significance of Community,” in \textit{Social Structures, Social Capital & Personal Freedom}, eds. Dale McConkey & Peter Augustine Lawler (Westport: Praeger Publishers, 2000), 83–97.} Just like any other organization or community in the society, religious communities offer space for social interaction and mutual sharing to their group members. The Council Fathers noted the legitimacy of religious communities.

\begin{quote}
The freedom or immunity from coercion in matters religious which is the endowment of persons as individuals is also to be recognized as their right when they act in community. Religious communities are a requirement of the social nature both of man and of religion itself.\footnote{DH no. 4.}
\end{quote}

In the contemporary world, people debate about the right of parents to decide their young
children’s religious education. Universal Declaration of Human Rights (UDHR) notes, “Parents have a prior right to choose the kind of education that shall be given to their children.”\(^{16}\) The Catholic Church, too, concurs with this view. According to Catechism of the Catholic Church (CCC), “Parents have the first responsibility for the education of their children.”\(^{17}\) States need to make laws, which give parents the freedom to impart religious education to their children and send them to schools of their choice. The State expects parents or guardians to take care of their children by giving them proper diet, shelter, clothing and medicines. Thus, the State also needs to expand parents’ responsibility to matters of education, including religious education.\(^{18}\) The Council Fathers urged the States to grant families the right to educate children about religious beliefs and help them to think critically about the theological assertions of various religions. They noted,

The family, since it is a society in its own original right, has the right freely to live its own domestic religious life under the guidance of parents. Parents, moreover, have the right to determine, in accordance with their own religious beliefs, the kind of religious education that their children are to receive. Government, in consequence, must acknowledge the right of parents to make a genuinely free choice of schools and of other means of education, and the use of this freedom of choice is not to be made a reason for imposing unjust burdens on parents, whether directly or indirectly. Besides, the right of parents are violated, if their children are forced to attend lessons or instructions which are not in agreement with their religious beliefs, or if a single system of education, from which all religious formation is excluded, is imposed upon all.\(^{19}\)

There are instances in history when people fought wars because of religions or beliefs. In the contemporary times, too, terrorists are justifying their acts in the name of religion. Even though, most of the religions preach peace, some people misuse the ideology of their religions to justify violence. Even though some people have the potential to do violence in the name of religion, there are also people who try to build bridges with people belonging to other religions. They organize events to come together to spread peace and harmony in the world. They also work for other social and environmental causes. Thus, the States need to be alert to stop people who use religion to spread violence. In addition, the States also needs to be fair in its approach to all religions. No religion should get any special treatment from the State. States should not have any favorite religions. The States need to give freedom to their citizens to practice the religion/faith of their choice. They need to treat all religions at par. The States need to promote inter-religious dialogue to diffuse tensions between different religious


\(^{19}\) DH no. 5.
The Council Fathers called on the States to allow freedom of religion and never favor any particular religion. They noted,

Government is also to help create conditions favorable to the fostering of religious life, in order that the people may be truly enabled to exercise their religious rights and to fulfill their religious duties, and also in order that society itself may profit by the moral qualities of justice and peace which have their origin in men's faithfulness to God and to His holy will. If, in view of peculiar circumstances obtaining among peoples, special civil recognition is given to one religious community in the constitutional order of society, it is at the same time imperative that the right of all citizens and religious communities to religious freedom should be recognized and made effective in practice. Finally, government is to see to it that equality of citizens before the law, which is itself an element of the common good, is never violated, whether openly or covertly, for religious reasons. Nor is there to be discrimination among citizens. It follows that a wrong is done when government imposes upon its people, by force or fear or other means, the profession or repudiation of any religion, or when it hinders men from joining or leaving a religious community. All the more is it a violation of the will of God and of the sacred rights of the person and the family of nations when force is brought to bear in any way in order to destroy or repress religion, either in the whole of mankind or in a particular country or in a definite community.

All States need to guarantee the right to freedom of religion. However, just like all other rights, even the right to freedom of religion needs regulatory norms. If adherents of any religion resort to unlawful activities in the name of their religion, then the State needs to suppress such activities. In the contemporary times, some religious preachers brainwash people to indulge in anti-social activities and create unrest in the society. The State needs to be vigilant about such activities. They need to make a fair and impartial probe to find the truth. They need to act against such people, only if they have sufficient evidence to prove their case. Religious leaders also need to have self-regulation in their activities. They need to be flexible to adapt to the changing situations of their times and must cooperate with State’s authorities to promote peace and harmony in the society. The Council Fathers too noted for regulation in religious practices. If religions follow regulatory norms prescribed by the States, then they can co-exist peacefully in the society. However, if some religion or cult creates unrest in the society, then all religions are in danger of strict restrictions from the State. Thus, the Council Fathers noted,

The right to religious freedom is exercised in human society, hence its exercise is subject to certain regulatory norms. In the use of all freedoms the moral principle of personal and social responsibility is to

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21 DH no. 6.
be observed. In the exercise of their rights, individual men and social groups are bound by the moral law to have respect both for the rights of others and for their own duties toward others and for the common welfare of all. Men are to deal with their fellows in justice and civility.\(^\text{23}\)

The Council Fathers strongly defended the right to freedom of religion. Moreover, they also noted the freedom of individuals to listen to the voice of their conscience, whether to believe in God or not.

According to Christianity, *Imago Dei* is the foundation of human dignity. Free will and responsibility are God’s gift to humans. God respects the dignity of every individual. The Council Fathers noted, Jesus in His lifetime never coerced anyone to follow Him. He invited people to worship God in Spirit and truth (see Jn 4: 22–24). Jesus had compassion for the weak and the lost. He preached God is a loving parent who seeks for the return of the prodigal child (see Lk 15: 11–32). Thus, the Council Fathers also acknowledged that the Church should not coerce anyone to follow or practice Christianity. They called people to follow their conscience. They noted,

> God calls men to serve Him in spirit and in truth, hence they are bound in conscience but they stand under no compulsion. God has regard for the dignity of the human person whom He Himself created and man is to be guided by his own judgment and he is to enjoy freedom.\(^\text{24}\)

The Council Fathers issued DH as a response to the signs of the times. It was indeed a bold move from the Church authorities to call upon all States to enshrine right to freedom of religion in their respective constitutions. They did not favor Christianity, however in contrary, they appealed to all the States to treat all religions at par and never discriminate. They further argued for the right of religious communities as a place for all like-minded people to come together for religious-social gatherings. However, they also acknowledged for the need of regulatory norms in the practice of religious rituals and duties. The Council Fathers noted human dignity as the foundation of right to freedom of religion. Moreover, the Council Fathers also accepted that no individual, group or State could coerce an individual to follow a religion or hold a belief, which is contrary to his or her conscience.

**Dignity of Human & Freedom of Religion in Contemporary Times**

The Christian understanding of human dignity has its basis in the Biblical narrative of creation and redemption.\(^\text{25}\) God created humans (see Gen 1: 27). Humans bear the image of God (*Imago Dei*). Further, God became man, in the person of Jesus and redeemed humanity

\(^{23}\) DH no. 7.

\(^{24}\) DH no. 11.

through His death and resurrection. The events of creation and redemption give importance to
the existence of all humans. Human life is precious because God created and redeemed it. 
Thus, the Catholic Church in its long history of two thousand years has defended consistently
the right to life. 26 A human person has dignity irrespective of his or her gender, race, class,
creed or status. All humans bear the same dignity and deserve respect from others.

The United Nations (UN) in the preamble of the UDHR noted, “Recognition of the inherent
dignity and of the equal and inalienable rights of all members of the human family is the
foundation of freedom, justice and peace in the world.” 27 UDHR refers neither to Imago Dei nor
to any philosophical or metaphysical thought as the basis of human dignity. The authors of
UDHR did not want to alienate any individual or group by referring to any religious or
philosophical background for human dignity. 28 However, they left the task of interpretation
open-ended. Even though a sound philosophical or metaphysical argument could give greater
strength to the cause of human dignity, however, it could also become a point of conflict
between people who believe in different religions or atheistic philosophies. The authors of
the UDHR intended the world community to protect and promote human dignity. Most of the
States recognize the need to protect human dignity as it plays a great role in building harmony
in the society. Again, most of the constitutions refer directly or indirectly to human dignity.

Along with human dignity, UDHR also calls for the right to freedom of religion. All humans
have the right to follow the religion of their choice. Further, they also have the right to reject
any religion or any particular way of life. UDHR Article 18 notes,

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. 29

Thus, dignity and freedom to accept or reject religion are very important for the holistic
development of a human person. DH, too, notes the importance of these two factors for social
harmony. Even though most of the States guarantee human dignity and freedom of religion,
the contemporary situation reveals a growing sense of intolerance in the society. 30 Both human
dignity and freedom of religion are under siege in various parts of the world. In the following
sections, we shall briefly examine some incidents of religious intolerance and disregard to
human dignity.

26 Joseph Bernardin, “Consistent Ethic of Life,” in The Catholic Church, Morality & Politics, eds. Charles Curran & Leslie
27 UDHR Preamble.
28 Alan Chong & Jodok Troy, “A Universal Sacred Mission & the Universal Secular Organization: The Holy See & the
29 UDHR, Article 18.
30 Dominic Johnson & Zoey Reeve, “The Virtues of Intolerance: Is Religion an Adaptation for War?,” in Religion,
Intolerance & Conflict: A Scientific & Conceptual Investigation, eds. Steve Clarke, Russell Powell & Julian Savulescu
There is an increasing influx of refugees from war torn countries in Africa and Middle-East Asia to Europe. Even though initially countries like Germany, Norway, Austria and others accepted some refugees, due to security and economic reasons, are finding it very difficult to accept more refugees. Moreover, right wing politicians in these countries are blaming refugees for acts of terrorism and stealing the jobs of the locals. It is true, that there is an increase in the number of terrorist attacks in European countries, however there is no evidence to claim that refugees would become potential terrorists. On the other hand, refugees are not fleeing their native places for tourism but for survival. In order to reach Europe, they have to either take sea or land route. They fall easy to human traffickers, who cheat and abuse them. They force them to travel in inhuman conditions. At times, some refugees also loose their lives on the way. Those who survive know they are vulnerable at the hands of the hosts.\textsuperscript{31}

The host countries often do not allow a speedy entry to refugees in their countries. They retain the refugees in camps to prepare documents and scrutinize their applications. Sometimes it takes very long time to issue documents to refugees. This situation forces the refugees to live like prisoners, even though they have done no wrong. Thus, the refugees are desperate to settle in their host countries and begin life afresh. Thus, it is very unlikely that these people can become potential terrorists. Moreover, natives caused terrorist attacks in Europe in the recent past.

Refugees face many problems in their native countries; however, they choose to flee because of threat to their lives. They leave behind their property and sometimes their family members. When they arrive at the host countries, they continue to face many more problems. They need to adjust to the new environment and culture of the host nation. This brings enormous stress and sufferings in their lives. In spite of all the hardships, they are willing to do all the difficult, dirty and dangerous jobs, which the locals would not like.\textsuperscript{32} Thus, in the contemporary times human dignity is under real threat. The world community needs to come together, to bring back peace in the war-torn countries. World leaders need to help generously people of these war-torn nations to rebuild their nations. Thus, this would help in stopping people fleeing their native countries and indirectly solve the refugee crisis.

Fundamentalists are using religion as a means to carry out their agenda of hatred. They brainwash people to do acts of terror acts. They also kidnap people to extort money and bargain the release of their arrested members.

The increase in terror acts in France, Belgium, Germany and other parts of Europe increased distrust among people of different communities and religions. People identify certain religions with terrorism. They alienate people belonging to certain religions and label them as terrorists.

On the other hand, Islamic countries do not allow freedom of religion. They use barbarous means to suppress people, who practice and preach their faith. They condemn people to death.

\textsuperscript{31} Mark Gibney, Global Refugee Crisis: A Reference Handbook (Santa Barbara: ABC-CLIO, LLC, 2010), 39–82.

by accusing them of breaking blasphemy laws. Sometimes the world community prefers to keep silence to these atrocities because of business interests. The world community needs to address these issues at international forums like the UN, to render justice to the victims.\footnote{Natan Lerner, \textit{Religion, Secular Beliefs \& Human Rights} (Leiden: Martinus Nijhoff Publishers, 2012), 189–226.}

\section*{Conclusion}

The Second Vatican Council document DH was indeed a bold initiative on the part of the Catholic Church to promote freedom of religion and link with the dignity of the human person. Even though the secular world differs with the Catholic Church’s view of \textit{Imago Dei} as the basis of human dignity, it certainly agrees to safeguard human dignity. Most of the nations have reference to human dignity in their constitutions. In spite of it, human dignity and freedom of religion are under threat in the contemporary times. The increase in fundamentalism, right wing political organizations, terror attacks and refugee crisis is a matter of concern to all people of good will. The Catholic Church maintains that every human is born free and has every right to follow the dictum of his or her conscience in matters of faith and religion. Thus, the DH gives the contemporary world valuable insights to promote freedom of religion and human dignity.

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