The Freedom of the Church and the Taming of Leviathan: The Christian Revolution, *Dignitatis Humanae*, and Western Liberty

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This essay explores the impact of the ancient principle of the freedom of the Church—identified by the Second Vatican Council as “the fundamental principle” governing “the relations between the Church and governments and the whole civil order”—on both Western civilization and the development of modern Catholic social thought. Arguing that this principle requires the articulation and institutionalization of a new understanding of society and government, it contends this principle revolutionized the structure of Western political life and helped lay the groundwork for Western liberty. At the same time, it maintains that the development in contemporary Catholic social teaching that crystallizes in *Dignitatis Humanae* must be seen in the context of the ongoing effort of Catholic thought to understand the nature and role of the state towards which the idea of the freedom of the Church points.

The equation of the state’s claim on men with the sacred claim of the divine will for the world was cut in two by the . . . teaching of Jesus. This called into question the whole concept of the state in antiquity, and it is quite understandable that the Greco-Roman state saw in this denial of its totalitarian claims an attack on its very foundations which it avenged with the death penalty. If Jesus’ teaching was true, then the Roman state could not go on as it had hitherto existed.—Joseph Ratzinger

Although the actual phrase “the freedom of the Church” would appear to be of medieval origin, the idea, as Hugo Rahner has shown, has an ancient pedigree dating to Christianity’s first centuries. Indeed, it is rooted in the very “distinction between Church and State” that, as Benedict XVI has recently reminded us, is “fundamental to Christianity.” With the exception of the sovereignty of God over the affairs of men and societies, there is perhaps no principle more foundational to Catholic social teaching. As the Second Vatican Council’s Declaration on Religious Liberty, *Dignitatis Humanae*, affirms:

Among the things which concern the good of the Church and indeed the welfare of society here on earth—things therefore which are always and everywhere to be kept secure and defended against all injury—this certainly is preeminent, namely, that the Church should enjoy the full measure of freedom which her care for the salvation of men requires. This freedom is sacred, because the only-begotten Son endowed with it the Church he purchased with His blood. It is so much the property of the Church that to act against it is to act against the will of God.4

The freedom of the Church—which pertains to the Church both in “her character as a spiritual authority, established by the Christ the Lord” and charged with “preaching the Gospel to every creature” and “in her character as a society of men” seeking “to live in society in accordance with the precepts of the Christian faith”—“is the fundamental principle” governing “the relations between the Church and governments and the whole civil order” (DH, no. 13).

This essay explores the impact of this principle on both Western civilization and the development of modern Catholic social thought. Maintaining that the freedom of the Church requires the articulation and institutionalization of a new understanding of society and government, involving a dramatic diminution in both the ontological dignity of the state and its role in the total economy of human social life, my argument will be essentially twofold: First, that the idea of the freedom of the Church revolutionized the structure of Western political life and helped lay the groundwork for Western liberty. Second, that the development in contemporary Catholic social teaching that crystallizes in Dignitatis Humanae must be seen in the context of the ongoing effort of Catholic thought to sort out the nature and role of the state towards which this idea points. I will conclude by briefly exploring prospects for the political project launched by the freedom of the Church—the project of taming the state—in our increasingly post-Christian cultural climate.

THE FREEDOM OF THE CHURCH, THE TAMING OF THE STATE, AND WESTERN LIBERTY

Since a systematic treatment of the revolutionary nature of this principle and of its impact on Western political thought and practice is impossible here I will limit myself to six brief observations.

1. The freedom of the Church has been the charter of a far-reaching transformation in social and political life, a transformation of such magnitude as to constitute, in Gerd Tellenbach’s words, “a great revolution in
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world-history.” There was, as Ernest Barker points out, “dynamite in the text, ‘render . . . unto Caesar the things which are Caesar’s; and unto God the things that are God’s’ (Matthew xxii, 21).” This dynamite consists in the fact that, by distinguishing the things of God from the things which are Caesar’s, by removing, in Joseph Ratzinger’s formulation, “the ius sacrum from the ius publicum,” this injunction breaks with “the fundamental constitution of the world of antiquity, indeed of the pre-Christian world in general” thereby “inaugurating a new era in the history of relationship between politics and religion.”

“It is an historical commonplace,” as Murray writes, “to say that the essential political effect of Christianity was to destroy the classical view of society as a single homogeneous structure, within which the political power stood forth as the representative of society both in its religious and political aspects. . . . The new Christian order was based on the radical distinction between the order of the sacred and the order of the secular.” In sharp contrast to the monistic understanding of the structure of social life that prevailed prior to Christianity in which the polis or empire was simultaneously state, society and Church without distinction or differentiation, what emerged as a result of “the Christian revolution” was a dyarchical understanding in which “the family of mankind . . . is to be organized in two societies, under two laws emanating from two authorities.”

If the freedom of the Church was, in Murray’s apt phrase, a “pregnant” principle, this is because it pointed toward a new and different vision of society, and, in particular, government. No longer was the entirety of human social life absorbed in the polity; on the contrary, the claims of the state were limited, relativized and secularized. The “polis” or “empire” now became the “state,” and was forced to share the stage with a new social actor, the Church, an actor that claimed both a greater dignity than it and a God-given freedom vis-à-vis it. Simultaneously, as Harold Ber man notes, society lost its sacral character and rulers “their thaumaturgical character.” The mission of government was now “defined as secular, or temporal, rather than sacred or eternal.” Under the Christian dispensation, the state ceases to be the ultimate milieu of human perfection, the authoritative interpreter of the meaning and purpose of human existence, or the bearer and arbiter of religious truth and ultimate judge of right and wrong.

The new ontology of social life implicit in the Christian affirmation of the freedom of the Church pointed toward a new understanding of both the human person, and of the relationship between the individual and society. It broke, as Fustel de Coulanges pointed out in his classic study, the “absolute empire” of the city over the individual. Peter’s insistence that “we
must obey God rather than man,” (Acts 5:29) means that the state can no longer claim a final authority over the conscience of man. “To obey Caesar is [now] no longer the same thing as to obey God.” Indeed, by virtue of his transtemporal destiny, the human person now transcends the body politic. Thus, “[p]olitics . . . [was] no longer the whole of man; all virtues were no longer comprised in patriotism.”

The essential point is this: The establishment of the freedom of the Church required nothing less than a revolution in Western political life—a revolution involving a dramatic diminution in both the ontological dignity of the state and its role in the overall economy of human social life. The freedom of the Church, in short, demanded the taming of Leviathan—the establishment of a new type of state, a state purged of the monistic and absolutistic pretensions that have historically characterized it.

2. The freedom of the Church and the broader transformation in social and political life it involved played a critical role in imparting to Western civilization a number of its distinguishing characteristics, among other things, helping to lay the groundwork for the rise of Western liberty. Neither “freedom of the Church” in the narrow sense of the institutional autonomy of the Church nor the revolutionary political principles that issued from it are universal features of human civilization. In fact, as Francis Oakley writes, Christianity’s insistence on the freedom of the Church ultimately issued in something “almost wholly unprecedented,” namely, the “reduction of the state to the position of a merely secular entity” and the appearance of “something new in the history of mankind, of a society in which the state is stripped of its age-old religious aura,” and its claims “are balanced and curtailed by the claims of a rival authority; a society distinguished therefore by an established institutional dualism and racked by the internal tensions resulting therefrom.”

As Frederick Watkins observed, “with the possible exception of the concept of law itself, the concept of social dualism has done more than anything else to determine the specific character of Western civilization.”

To begin with, dyarchy played a critical role in laying the groundwork for the idea of constitutionally limited government. On the one hand, as Berman writes, “the duality of secular and spiritual authorities . . . placed both practical and theoretical limitations on the power of each” assuring that “neither . . . could command the total allegiance of any subject.” On the other hand, as Francis Canavan observes, the effort to draw the line between the respective spheres of church and state “leads ultimately” to the idea of limited government. “The state and its organs come to have limited powers because they have limited goals and functions.”
Likewise, Western culture’s historically distinctive emphasis on the worth and value of the individual cannot be understood apart from the impact of the Christian revolution on Western culture. As Brian Tierney remarks in his seminal study of the origin of the idea of natural rights, it is not a coincidence that this idea “grew up . . . in a religious culture . . . with a faith in which human beings were seen as children of a caring God.”

“The profoundest and most wide-seeing minds of Greece and Rome,” as Tocqueville wrote, “never managed to grasp the very general but very simple conception of the likeness of all men and of the equal right of all at birth to liberty. . . . Their minds roamed free in all directions but were blinkered there. Jesus Christ had to come down to earth to make all members of the human race understand that they were naturally similar and equal.”

Indeed, under the impact of Christianity, the individual human person received a new and what John Paul II terms “an almost divine dignity”; and freedom emerged as a defining feature of our nature and dignity.

Thus, as Ratzinger observes, it is precisely the “new dualism” that arises from the Christian distinction between Church and state and the insistence on the freedom of the Church that emerges from it that “represents the source” of “the Western idea of freedom.” By ending “the identification of state and religion,” the Christian affirmation of “libertas ecclesiae” fundamentally revolutionized political life. By separating “the ius sacrum” from “the ius publicum,” the Christian vision of society deprived “the state of its totalitarian claims.” It thereby created “space for freedom of conscience. . . . Hence . . . a limit is set for every earthly power and the freedom of the person is proclaimed which transcends all political systems. For this limit Jesus went to his death.”

3. If the establishment and maintenance of the freedom of the Church has been the first task of the Church vis-à-vis the social and political order—in Ratzinger’s words, nothing less than “the basic task of Christian politics”—Western political history demonstrates that the institutionalization of this freedom, even in the narrow sense of securing the institutional autonomy of the Church, has proven to be extraordinarily difficult. To put it gently, governments (including avowedly Christian ones) have, as a general rule, resisted both acknowledging this freedom in theory and respecting it in practice. In fact, as Michael Burleigh has recently reminded us, the tendency of the state to seek to absorb the Church (and all of human social life) into itself has manifested itself with particular vividness in the modern era. Not only has Caesar proven reluctant to renounce his claims to divinity, but he has remained a jealous god. Taming Leviathan has proven to be no easy matter; the freedom of the Church has not been
voluntarily ceded by the state, but has had to be repeatedly won, often at a very high cost.

4. Historically speaking, if the freedom of the church pointed toward a new understanding of the role of government, the social presence and moral authority of the Church played a critical role in institutionalizing this understanding. “What appeared within history,” Murray has written, was not an “idea” or an “essence” but an existence, a Thing, a visible institution that occupied ground in this world at the same time that it asserted an astounding new freedom on a title not of this world. Through the centuries a new tradition of politics was wrought out very largely in the course of the wrestlings between the new freedom of the Church and the pretensions of an older power which kept discovering, to its frequent chagrin, that it was not the one unchallengeable ruler of the world.  

Indeed, since the earliest days of Christianity, the Church’s claim to freedom in the face of the state has been a source of constant conflict. Western liberty, in short, has been forged in the crucible of Church-state conflict.

5. As Murray has shown, liberal modernity has sought to carry forward the project of taming the state set in motion by the Christian affirmation of the freedom of the Church “on a new and revolutionary basis.” On the one hand, it has sought to ground the political principles and values that issued from “the Christian revolution”—limited government, the dignity of the person, etc.—in a “naturalist rationalism,” insisting that these values are “simply immanent in man; [and] that man has become conscious of them in the course of their emergence in historical experience.” On the other hand, whereas the freedom of the Church had initially provided the means for the institutionalization of these values—the Church was envisioned as standing between “between the body politic and the public power[,]” simultaneously checking “encroachments” by the latter and “mobilizing the moral consensus of the people . . . to insure that the king . . . would ‘fight for justice and for the freedom of the people’”27—liberal modernity rejected dyarchy and, more broadly, public religion (thus embracing one form or another of what Neuhaus famously called “the naked public square”28). Instead, it sought to institutionalize them through the secular substitute of free political institutions, to limit and control the state through, for example, a properly structured constitutional order encompassing free elections, judicially enforceable rights, and a system of separation of powers and checks and balances.

6. To say that the principle of the freedom of the Church had far-reaching political implications is not to say that these implications were
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grasped immediately. Indeed, as Oakley notes, far from disappearing with the rise of Christianity, “the ancient sacral” model of society with its fusion of state, church and society into a single homogeneous whole has exhibited a “truly remarkable tenacity.” The sweeping implications of the freedom of the Church for Church-state relations and the broader ordering of human social life unfolded only gradually over the course of centuries of political conflict and theoretical reflection.

**DIGNITATIS HUMANAE AND THE CATHOLIC HUMAN RIGHTS REVOLUTION**

A good part of the history of Catholic social thought has simply been an effort to sort out the meaning and implications of this fertile principle. Unfolding against the backdrop of both the monistic tendencies of the modern state and the shattering experience of totalitarianism, in our own time this effort has found expression in the far-reaching exploration in Catholic social teaching of the nature, role and limits of government that George Weigel has dubbed “the Catholic human rights revolution.” The “manifesto” of this revolution, Dignitatis must be seen as the latest stage in Catholic thought’s effort to appreciate the implications of the Christian revolution for our understanding of the nature and role of the state.

Nor does this exhaust the connection between Dignitatis and the freedom of the Church. On the one hand, although the freedom of the Church as such is not its subject—which is concisely conveyed by its subtitle, “On the Right of the Person and of Communities to Social and Civil Freedom in Matters Religious”—Dignitatis explicitly clarifies the meaning of this freedom and its implications for Church-state relations and the nature of the state more broadly. On the other hand, insofar as its focus is on the nature and limits of the authority of government in “matters religious” (DH, no. 2), Dignitatis’s subject is obviously intimately related to the issues raised by this freedom.

Here, I can do no more than briefly sketch Dignitatis’s teaching on three topics: (a) the right to religious liberty in civil society; (b) the freedom of the Church and broader question of Church-state relations; and (c) the proper role of the state in the overall economy of human social life.

Dignitatis affirms the existence of a human “right to religious freedom.” This freedom, it continues,

means that all men are to be immune from coercion on the part of . . . any human power, in such wise that in matters religious no one is to be forced to act in a manner contrary to his own beliefs. Nor is anyone to be restrained from acting in accordance with
his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits. (no. 2)

“Provided that the just requirements of public order are observed,” human beings have a right not merely to “privately” practice a religion, but also to “give external expression” to their religious beliefs, to “publicly” profess, practice, witness and worship (nos. 3, 4). This right, it continues, must be recognized as “a civil right” in “the constitutional law whereby society is governed” (no. 2).

This right, moreover, “has to do with immunity from coercion in civil society.” Concerning as it does the nature and scope of religious freedom in the civil order, not in the Church, it “leaves untouched traditional Catholic teaching on the moral duty of men and societies toward the true religion and toward the one Church of Christ” (no. 1), which “is, by the will of Christ, the teacher of the truth” (no. 14). As an “immunity from coercion” rather than an empowerment, moreover, this right has an essentially negative character.32

“The freedom or immunity from coercion in matters religious which is the endowment of persons as individuals,” Dignitatis emphasizes, “is also to be recognized as their right when they act in community.” Inasmuch as “religious bodies are a requirement of the social nature both of man and of religion itself,” religious liberty encompasses the right of religious institutions and communities to give external expression to their beliefs, to publicly profess, witness, worship, practice and instruct; to “govern themselves according to their own norms”; to select, train, appoint and transfer their personnel; to freely communicate with “religious authorities and communities abroad”; to raise funds, to acquire and dispose of property, and to erect structures; to attempt “to show the special value of their doctrine in what concerns the organization of society and the inspiration of the whole of human activity”; and “to hold meetings and to establish educational, cultural, charitable and social organizations, under the impulse of their own religious sense” (no. 4).

Since “the right to religious freedom is exercised in human society,” furthermore, it follows “that its exercise is subject to certain regulatory norms” designed to protect society from “possible abuses committed on the pretext of religion.” These norms “arise out of the need for the effective safeguard of the rights of all citizens and for peaceful settlement of conflicts of rights. They flow from the need for an adequate care of genuine public peace. . . . They come, finally, out of the need for a proper guardianship of public morality.” Taken together, these three goods—the protection of rights, public peace, and public morality—comprise the “public order”
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whose “just requirements” constitute religious liberty’s limiting principle and whose vindication is “the special duty of government” (no. 7).

Dignitatis affirms that the right to religious freedom “has its foundation in the dignity of the person” as “the requirements of this dignity have come to be more adequately known to human reason through centuries of experience” (no. 9) as well as in “the social nature of man” (no. 3). “It is in accordance with their dignity as persons” the Declaration proclaims, that “men should be at once impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth,” and, “once it is known . . . to order their whole lives in accord” with its “demands” (no. 2). Truth, in turn, must “be sought after in a manner” consistent with our nature and “dignity as persons.” This means that it must be sought in a manner consistent with our nature and dignity “as beings endowed with reason and free will and therefore privileged to bear personal responsibility,” and, once discovered, must be adhered to by an act of “personal assent.” Men simply “cannot discharge” their “obligations, in a manner in keeping with their own nature, unless they enjoy immunity from external coercion as well as psychological freedom” (nos. 2, 3). It also means that it must be sought in a manner consistent with our nature as social beings which requires that men “assist” each other by explaining “to one another the truth they have discovered, or think they have discovered,” “give external expression” to their “internal acts of religion,” and “profess” their “religion in community” (no. 3).

This right, Dignitatis continues, is also rooted in the limits placed on the jurisdiction of the state by virtue of its inherently secular character. By virtue of the fact that “the religious acts whereby men, in private and in public . . . direct their lives to God transcend by their nature the order of terrestrial and temporal affairs,” government “would clearly transcend the limits of its power were it to presume to direct or inhibit” such acts (no. 3).

While providing a philosophical grounding for the right it affirms, Dignitatis simultaneously calls attention to “its roots in divine revelation.” While it is true that “revelation does not . . . affirm in so many words the right of man to immunity from external coercion in matters religious” (no. 9), this right nevertheless is “in accord with divine revelation” (no. 12) inasmuch as the latter discloses “the dignity of the human person in its full dimensions,” affirms the essential freedom of the “act of faith,” and manifests, through the actions of Jesus Christ and the apostles, God’s “regard” for human “dignity” and “freedom” (no. 9).

Secondly, Dignitatis touches briefly on the subjects of the freedom of the Church and Church-state relations. Identifying, as we have seen, “the freedom of the Church” as “the fundamental principle in what concerns
the relations between the Church and governments and the whole civil order,” it simultaneously affirms that “a harmony exists between the freedom of the Church and the religious freedom which is to be recognized as the right of all men and sanctioned by constitutional law.” This harmony exists precisely because where this right is “given sincere and practical application, the Church succeeds in achieving . . . the independence which is necessary for the fulfillment of her divine mission” (which “is precisely what the authorities of the Church claim in society”), and the “faithful” are not impeded by state action from living “in society in accordance with the precepts of Christian faith” (no. 13).

Thus, while differing in their foundations—the freedom of the Church being rooted not in the dignity of the human person but in the “divine mandate” conferred upon the church by “Christ the Lord”—the right to religious freedom belonging to all men and the freedom proper to the Church and her members are identical in content. The freedom of the Church, moreover, thus encompasses all the dimensions of religious liberty including the freedom of the Church not merely to teach “that Truth which is Christ Himself,” but also to “declare and confirm by her authority those principles of the moral order which have their origin in human nature itself” (no. 14). This, in turn, means that the institutionalization of the principle of the freedom of the Church does not require the legal establishment of Catholicism as the official state religion. Even where it may be permissible “in view of special circumstances obtaining among certain peoples” for “special legal recognition” to be “given in the constitutional order of society to one religious body,” it is “imperative that the right of all citizens and religious bodies to religious freedom should be recognized and made effective in practice” and that “the equality of citizens before the law, which is itself an element of the common welfare, is never violated for religious reasons” (no. 6).

Although *Dignitatis* hardly offers a systematic theory of politics, it does make a number of claims that bear on the nature, role and limits of the state. First, it embraces as “in accord with truth and justice” the widespread contemporary demand for “freedom in human society” and the resultant demand for the establishment of “constitutional limits” on “the powers of government, in order that there may be no encroachment on the rightful freedom of the person and of associations,” as well as the growing appreciation of “the dignity of the human person” in which these demands are rooted (no. 1). Second, it suggests that this dignity is the source of an order of “inviolable rights” that government must respect, and requires that, in the ordering of political life, “the freedom of man [must]
be respected as far as possible, and curtailed only when and in so far as necessary” (no. 6).

Third, it affirms that “the social nature of man” (no. 3) finds expression in a wide variety of institutions including the family (no. 5), as well as “religious” (no. 3), “educational, cultural, charitable, and social organizations” (no. 4) whose integrity and rightful autonomy must be respected by government. Fourth, it defines “the common welfare of society” as “the entirety of those conditions of social life under which men enjoy the possibility of achieving their own perfection in a certain fullness of measure and also with some relative ease”; maintains that this good “consists chiefly in the protection of the rights, and in the performance of the duties of the human person”; and affirms that the responsibility for the care of this good “devolves” not merely upon government but upon the various communities and institutions in which our nature as social beings finds expression “in a manner proper to each” (no. 6).

Fifth, Dignitatis affirms that “the protection and promotion of the inviolable rights of man ranks among the essential duties of government” (no. 6); insists that the “public order” represents that “basic component of the common welfare” whose vindication constitutes “the special duty of government” (no. 7); and that the jurisdiction of government is limited to the order of “temporal affairs” (no. 3). Finally, it is not enough for government to simply refrain from violating this right and prevent other individuals and social groups from doing so. Since religion is a fundamental human and social good and “the function of government is to make provision for the common welfare,” (no. 3) the state must “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” (no. 6).

**RELIGIOUS LIBERTY, THE JURIDICAL STATE, AND THE TAMING OF LEVIATHAN**

Since it is impossible to explore the subject of the Declaration’s historical significance systematically here, I will limit myself to two observations. The first concerns its implications for the whole subject of public religion, of religion that, in Jose Casanova’s words, “has, assumes, or tries to assume a public character, function, or role.”34 Although today the right to religious liberty is almost universally acknowledged (at least in theory), an even cursory familiarity with the contemporary scene make clear that there is no corresponding agreement about its foundation, nature, and scope. In
contrast to the now dominant theories of religious liberty which tend to take their bearings from some type of religious agnosticism, subjectivism, or indifferentism, and to view religion as an essentially individual and private matter, *Dignitatis* articulates a different type of theory—a theory which insists that religious truth is attainable and of overriding importance and which is appreciative of religion’s social and public dimensions. If *Dignitatis* points to the mutual independence of Church and state, it makes clear that this does not imply that the proper relationship between the two is one of mutual indifference or even hostility. It thus articulates a theory of religious liberty consistent with religion enjoying a robust public presence.

The second observation concerns the far-reaching implications of *Dignitatis* for the project of taming the state, the ways in which it acts to limit, relativize, and secularize the claims of the state. On the one hand, the very right whose existence *Dignitatis* affirms in itself serves to limit the scope of the state in the overall economy of human social life. As George Weigel points out,

the right of religious freedom [affirmed by *Dignitatis*] declares that at the center of the human person is an inviolable sanctuary of conscience, a sanctum sanctorum, into which the coercive power of the state may not tread. States that do so tread are oppressors in the most fundamental sense. Religious conviction . . . establishes the penultimacy of the political, because it gives public expression to what Peter Berger has called the “transcendent intentionality” of the human person.

Indeed, respect for this “pre-political human right”—and “the barrier between the person and the state” that it establishes—is an essential precondition of “a just polis.”

On the other hand, one can discern in *Dignitatis* the broad outlines of a distinctive understanding of government and society whose cumulative effect is to sharply circumscribe the state’s place in the overall economy of social life. What emerges, in short, is a vision of politics in which Leviathan has been tamed. Taking shape against the backdrop of the Christian revolution with its de-divinization of the state, this model combines a metaphysical and moral realism with a pluralist and personalist ontology of social life. Insisting that man is an intrinsically social being, it affirms that, in John Paul II’s words, “the social nature of man is not completely fulfilled in the State, but is realized in various intermediary groups beginning with the family and including social, political and cultural groups.” Neither creations of positive law nor the purely conventional products of
contractual agreement among autonomous individuals, these groups “stem
from human nature itself.” In this view, as Johannes Messner writes, a
society “is composed of member communities relatively independent, or
autonomous, since they have their own social ends, their own common
good, and consequently their own functions.” A society, in this view, is a

communitatis communitatum.

Simultaneously, it affirms that an adequate understanding of society
must encompass an appreciation of the fact that by virtue of their status as
creatures made in the image and likeness of God, human beings are per-
sons—beings who, in words of the Dignitatis—are “endowed with reason
and free will and therefore privileged to bear personal responsibility” (no.
2), beings who are responsible for ordering their material and spiritual
lives in accordance with “the divine law” both natural and revealed (no.
3). As Jacques Maritain points out, “the human person is ordained directly
to God as its ultimate end,” and thus “transcends every created common
good” including “the common good of the political society.” Indeed, by
virtue of its status as the common good of a community of persons (as op-
posed to the common good of “a whole, like the species with respect to its
individuals or the hive with respect to its bees, [which] relates the parts to
itself alone and sacrifices them to itself”), the common good of society is
“common to both the whole and the parts” to which it must be redistrib-
uted and whose “dignity” it must “respect.” Society thus exists for man,
not man for society.

Indeed, the dignity implicit in our status as persons is the source of an
order of human rights—rights that inhere both in individuals and in the
institutions and communities in which our nature as social beings find ex-
pression—that must be respected by others. Universal and inviolable, these
rights include immunities (constitutive of a sphere of freedom within which
we can confront the responsibilities inherent in our personhood) and enti-
tlements (claims for the positive assistance of others). Simultaneously, this
dignity demands the elevation of freedom to the status of a foundational
principle in the ordering of human social and political life, to the status of
the political method per excellentiam. A truly human society, in this view,
must be constructed from the “bottom up” rather than the “top down” as
persons organize themselves into a wide array of institutions and commu-
nities in order to fulfill the responsibilities inherent in their human nature.

All of this, in turn, has profound implications for our understanding
of the state and its role in the overall economy of social life. The state,
of course, is more than a mere human artifact or a remedy for sin. It is a
divinely ordained institution rooted in the very teleological structure of
man’s divinely created nature. Without it, “the individuals, families and
the various groups” which make up society would be unable to “achieve a truly human life.” Nevertheless, it is neither the only nor the most important institution in which our nature as social beings finds expression. There exists, in other words, a distinction between state and society. Simultaneously, the demands of human dignity and the service-character of the state vis-à-vis the human person converge to require that government be by the consent of the governed and that the people be afforded an active role in the making of law and public policy.

If the state plays an essential role in the overall economy of social life, it is nevertheless a limited instrument existing to serve limited, secular purposes. It is limited by what Pesch terms its own “intrinsic nature” as a distinctive social institution, and the specific and limited purposes that flow from this nature and thus by the distinctive responsibilities, the distinctive functions, of the other institutions and communities with which it shares the stage of social life. It is limited by the rights of individuals and of the groups in which our nature as social beings finds expression. It is limited by the exigence for freedom inherent in our dignity as persons. It is limited by the principle of consent—by the right of the people to determine the specific structure and powers of government.

If the state does not exist to supplant the array of groups and institutions in which our nature as social being finds expression or to absorb their functions neither does its jurisdiction extend to directly managing or controlling the whole of social life any more than it extends to, in Pesch’s words, “the direct and positive actualization of the private good of individual citizens.” Rather, the state exists to create what Rommen terms “an order of tranquility, justice and peace” within which individuals and groups “enjoy the possibility of achieving their own perfection in a certain fullness of measure and also with some relative ease” (DH, no. 6). Through the framework of public law it establishes, its task is to coordinate and stimulate social activity so as “to enable citizens and groups to pursue freely and effectively the achievement of man’s well-being in its totality.”

What emerges in Dignitatis, in short, is a vision of a chastened state—a state stripped of its sacred aura, and its monistic and absolutistic pretensions. From the perspective of what might be called the juridical or constitutional state, society is understood to enjoy primacy over the state. Government, in turn, is understood to be only one order in society, and to be obligated to pursue its limited purposes under the direction and correction of society. What emerges in Dignitatis, in other words, is a vision of an authentically free Church in an authentically free state.
CONCLUSION

While resolving some questions, including those treated above, *Dignitatis Humanae* raises many others. One of these is the precise nature of the theory of the state presupposed by *Dignitatis*, a topic that has been called “the unfinished agenda” of the Declaration.\(^{46}\) While *Dignitatis* points toward a distinctive model of the nature, role, and limits of the state, it does no more than briefly sketch the broad outlines of this model. It certainly doesn’t offer anything like a fully elaborated model of what we have called the juridical state, much less the sort of comprehensive and systematically developed theory of politics that such a model would presuppose. Nor can anything like this be found in any of the documents of contemporary Catholic social teaching. While in the decades prior to the Council, thinkers like Maritain, Murray, and Rommen began to lay the groundwork for such a model, in the decades since, little if anything has been built on the foundations they so ably laid. The completion of this task represents one of the most important pieces of unfinished business confronting Catholic social thought.

A second question to which these reflections give rise is the future of the revolution in political life and thought set in motion by the freedom of the Church. Liberal modernity, as we have seen, sought to carry on the project of taming the state on an entirely secular basis. One can celebrate the institutional achievements of modern constitutionalism (e.g., popular sovereignty, separation of powers, checks and balances, an independent judiciary) and their contribution to this project, and acknowledge that in principle the right to religious liberty affirmed by *Dignitatis* can be articulated and defended on purely secular, philosophical grounds independent of any appeal to revelation (which, after all, is exactly what the first part of *Dignitatis* attempts to do), while still doubting that liberal modernity is correct in claiming that this project can be successfully carried forward on a purely secular basis and in a social universe in which religion is systematically excluded from public life.

In part, these doubts are historical and sociological. As Murray suggests, the profound intellectual and moral confusion of contemporary Western culture would seem to discredit liberal modernity’s naïve assumption that “the moral consensus on which every society depends for its stability and progress can be sustained and mobilized simply in terms of a fortunate coincidence of individual judgments apart from all reference to a visibly constituted spiritual authority.”\(^ {47}\) Likewise, there is the historical linkage between religion and morality, and thus between religion and the moral principles that are the charter of a free society. (Wash-
ington warned that “reason and experience both forbid us to expect” that the morality on which a free society depends “can be maintained without religion.”\(^{48}\) Finally, there is the now broadly acknowledged role played by what has come to be called civil society in checking and directing state power. Among the institutions constitutive of civil society, as the bearers and mediators of the meaning of human existence, religious institutions are uniquely equipped to challenge the moral authority of government and to insist on its accountability to a standard not of its own making.\(^{49}\)

There are also theological reasons for doubting the viability of modernity’s purely secular effort to carry on the project of taming the state. Joseph Ratzinger has stressed one of these: the relationship between dualism, what we have called the juridical state, and Christian revelation. Ratzinger suggests that not only does the juridical state presuppose a dualistic vision of society, but that dualism, in turn, presupposes Christianity. Affirming that “only . . . where the duality of state and church, of sacral and political authority is maintained in some form or another do we find the fundamental prerequisite for freedom,” and that “dualism . . . presupposes the logic of the Christian thing,” he concludes that “the modern idea of freedom is . . . the product of a Christian environment; it could not have developed anywhere else. Indeed, one must add that it cannot be separated from this Christian environment, and transplanted into any other system.”\(^{50}\)

This seems to suggest that the Christian notion of dualism not only laid the groundwork for Western liberty but also is, in fact, essential to its maintenance; that it represents not just the “source” but “the abiding basis” of this liberty. It implies, too, that dualism itself is both unimaginable in theory and unsustainable in practice absent Christianity, that the endurance of Western liberty presupposes “the logic” of Christian revelation and the presence of the Church in public life.\(^{51}\)

There are serious reasons, in short, to worry about the long-term sustainability of the political revolution set in motion by the Christian revolution in our increasingly secularized, post-Christian cultural environment.\(^{52}\)

Notes

3. *God is Love* [*Deus Caritas Est*], section 28.


10. *We Hold These Truths*, 189.


12. To say that in contrast to the state, whose proper concerns are temporal or secular in nature, the Church’s responsibilities concern the spiritual or sacred order is not to suggest that the Church’s proper concerns are limited to prayer, worship, and the administration of the sacraments. There are, as Murray writes, “things which are part of the temporal life of man . . . that, by reason of their Christian mode of existence, or by reason of their finality” are “invested with a certain sacredness.” Transcending “the limited purposes of the political order,” they must be “immune from profanation by the state” (*We Hold These Truths*, 188). Thus, the autonomy of secular life is only a relative autonomy.


14. Ibid., 393, 395.


23. Ibid., 157.


26. *We Hold These Truths*, 189.

27. Ibid., 191, 197, 189.


29. Oakley, *Kingship and the Gods*, 42. Something similar might well be said to the absolutistic and monistic pretensions of the state.


31. As it notes in its opening paragraphs, *Dignitatis* must be understood as an effort, in response to the events of modern times, to “develop” Church teaching “on the inviolable rights of the human person and on the constitutional order of society,” to bring “forth new things” from “the sacred tradition and doctrine of the Church” that “are in harmony with the old” (no. 1).

32. Thus, as Canavan notes, *Dignitatis* does not assert “a person’s moral right to propagate his belief,” but rather “his freedom from being impeded in his propaganda by civil laws and coercive measures.” “Church, State and Council,” in *Ecumenism and Vatican II*, ed. Charles O’Neill, S.J. (Milwaukee: Bruce, 1964), 53.

33. In the words of *Gaudium et Spes*, this freedom encompasses the Church’s freedom “at all times and in all places . . . to proclaim its teaching about society . . . and to pass moral judgments even on matters relating to politics, whenever the fundamental rights of man or the salvation of souls requires it.” *Gaudium et Spes*, in *Vatican II: Conciliar and Post-Conciliar Documents*, ed. Austin Flannery, O.P. (Collegeville, Minn.: 1975), section 76.

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35. Indeed, although Church and state “are autonomous and independent of each other in their own fields,” they are both “devoted to the personal vocation of man, though under different titles. This service will redound the more effectively to the welfare of all insofar as both institutions practice better cooperation according to the local and prevailing situation.” *Gaudium et Spes*, 76. On how *Dignitatis*’s understanding of religious freedom differs from those which tend to dominate the contemporary American public scene, see Robert P. Hunt, “Two Concepts of Religious Liberty: Dignitatis Humanae v. the U.S. Supreme Court,” in *Catholicism and Religious Freedom*, 19–42.


38. *Social Ethics* (St. Louis: B. Herder Book Co., 1949), 140.


40. Ibid., 74.

41. “It is in accord with human nature that there should be politico-juridical structures providing all citizens without any distinction with ever improving and effective opportunities to play an active part in the establishment of the juridical foundations of the political community, in the administration of public affairs, in determining the aims and the terms of reference of public bodies, and in the election of political leaders.” *Gaudium et Spes*, 75.


47. We Hold These Truths, 196.


49. Thus, as Neuhaus observes, “whether in Hitler’s Third Reich or in . . . states professing Marxism-Leninism, the chief attack is not upon individual religious belief. Individual religious belief . . . finally poses little threat to the power of the state. No, the chief attack is upon the institutions that bear and promulgate belief in a transcendent reality by which the state can be called to judgment. Such institutions threaten the totalitarian proposition that everything is to be within the state, nothing is to be outside the state.” The Naked Public Square, 82.

50. Ratzinger, Church, Ecumenism, and Politics, 156–57.

51. Ibid. Indeed, for the dualism on which liberty depends to be maintained, “the Church must lay claim to public rights and cannot simply withdraw into the realm of private rights,” 157. Also worth mentioning here is something stressed by John Paul II in Fides et Ratio: the role of faith in assisting and purifying reason “wounded and weakened” by original sin. Indeed, there are truths that although in principle accessible to human reason “might never have been discovered by reason unaided” including the affirmation of “human dignity, equality and freedom.” It is no accident, he insists, that modernity’s “fateful separation” of faith and reason has culminated in a “nihilism” which obliterates “the very ground of human dignity.” Fides et Ratio [On the Relationship of Faith and Reason], sections 51, 76, 90.

52. One cannot but think in this context of Nietzsche’s warning that Christian morality could not long survive the rejection of Christian revelation. “If you give up Christian faith, you pull the right to Christian morality right out from under your feet. This morality is simply not self-evident. . . . If the English actually believe that they know on their own, ‘intuitively’ what is good and evil, if they consequently think they no longer need Christianity as a guarantee of morality, this is just the consequence of the domination of Christian value judgments; an expression of the strength and depth of this domination: so that the origin of English morality has been forgotten.” Twilight of the Idols (Indianapolis: Hackett, 1997), sections 5–6.