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**A PARADIGM SHIFT IN THE CATHOLIC CHURCH: RECOGNISING
RELIGIOUS FREEDOM AND SECULAR AUTONOMY**

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Abstract: This paper explores the shift in the position of the Catholic Church regarding religious freedom, in the context of the changing perspective on the relationship between Church and State. The Declaration *Dignitatis humanae* of Vatican II recognised religious freedom as a human right deriving from the dignity of the person. It reflected a significant change in perspective as it understood religious freedom as abidance by convictions held in conscience and as freedom from coercion. Both the State and the Church are expected to ensure freedom from external coercion and from psychological pressure. The process which led to the recognition of religious freedom in the Catholic Church went along with the acknowledgement of the autonomy of the State in secular matters. The State is expected to recognise the freedom to profess freely religious beliefs and the right to free worship, but religious freedom may not interfere with secular authority in its own sphere of competence. *Dignitatis humanae* is therefore known as the declaration of the separation between Church and State. Yet, a more attentive lecture shows that it actually also advances a balanced model for the collaboration between State and Church in the shared concern for the common good. Both are required to (inter)act in a manner that advances the common welfare of society.

Key words: Religious freedom, Vatican II, *Dignitatis humanae*, dignity of the person, freedom of conscience, separation between Church and State, common good

In a recent discourse before the French Bishops' Conference (9/4/2018) President Emmanuel Macron advocated a deeper dialogue and collaboration between the State and the Catholic Church, recognising Catholics' contribution to the life of France. As head of the State, he argued, he was the guarantor of the freedom to believe and not to believe, without promoting a state religion substituting a republican creed for divine transcendence. Adversaries were quick to criticise Macron for allegedly defying the principle of *laïcité*, inspired by the French Revolution. Thus, a strict *laïcité* relegates religion to the private sphere. But the speech indicates that religious freedom involves an appropriate relationship between State and Church, which avoids both the marginalisation and the excessive influence of religious communities.

The relationship between religious freedom and political authority has surfaced in the political discourse following the waves of (Muslim) refugees. Political positions ranged from advocating authorities' duty to protect religious alterity and human rights, to fear-mongering campaigns defending Europe's Christian traditions.

The recognition of religious freedom is contingent on the Church-State relationship. This paper explores the shift in the position of the Catholic Church regarding religious freedom, in the context of the changing perspective on the rapport between Church and State. It analyses the Declaration *Dignitatis humanae* of Vatican II (1965), which recognises religious freedom as a human right deriving from the dignity of the person, and outlines the principles for a constructive relationship between the State and the Church for the advancement of common good. I argue that the lessons of this process are still relevant today, notwithstanding the socio-political changes of the last decades.

The Declaration reflects the thorough reception of the universal declaration of human rights (UN 1948). As human right protecting the identity and free will of the person, religious freedom goes beyond tolerance. It is a fundamental human right, not limited to members of traditional religious communities (Tiedemann 2012, 34-35; Bielefeldt 2016, 427-428).

The position of the Catholic Church towards religious freedom has changed significantly, moving from a patent rejection (Gregory XVI's *Mirari vos*) to its full recognition at Vatican II (Haag 2000, 108-112; Heimbach-Steins 2013). The road was a difficult one, as the process was accompanied by serious controversies (Murray 1967, 125-165; Pavan 1967, 167-213), leading to a shift from a defensive position, marked by fear and condemnations, to dialogue.

1. Religious freedom in Catholic doctrine before Vatican II

The early Catholic position on religious freedom should be seen as a response to developments going back to the French Revolution, which

deprived the Church from its assets and influence (Franzen 2000, 331-332; Aubert 1971, 1-99). This largely explains the negative attitude of the Church towards human rights, appearing to endanger faith and morals. The liberal State came to embody all threats. Freedom was understood as obedience towards the divinely instituted order. Liberalism, modernism and rationalism were therefore condemned (Isensee 1987, 303, 313). The 19th-century pontifical statements expressed the conviction that only the one truth had rights. Both the Church and the State were required to defend this truth. The Catholic State, as ideal form of government was expected to defend the Church, a task liberal States could not fulfil (Murray 1967, 146-147; Gabriel et al. 2016, 88-98).

The encyclical *Mirari vos* of Pope Gregory XVI (1832) has to be read in its historical context, marked by political turmoil and ideas hostile to the Church (Franzen 2000, 336-337; Mondin 1995). The encyclical denounced the separation of Church and State (§20) and rejected the idea that the Church was in need of regeneration (§10). Gallicanism, rationalism and liberalism were condemned (Siebenrock 2005, 147). Freedom of conscience was linked to indifferentism and deemed unacceptable. All evils in society derived from the freedom of opinion and speech (§14).

The encyclical *Quanta cura* of Pius IX (1864) with its *Syllabus* condemned the errors of the time (Aubert 1965). The Church was a perfect society and Catholicism the only true religion (19, 21). The temporal power of the Church was upheld (23-27). The *Syllabus* rejected the separation between civil and ecclesial spheres of competence, the superior authority of secular power, and the separation between Church and State (39-55). Catholic religion was to be regarded State religion (77). Freedom of religion, press and thought were condemned (78-80). The *Syllabus* deepened the rift between society and the Church (Franzen 2000, 339-340; Mondin 1995).

Pope Leo XIII, in his encyclical *Libertas praestantissimum* (1888) treats rights and freedoms on a more reconciliatory tone (Mondin 1995; Gájer 2013, 123-132). Religious freedom demands that both the individual and the State abide by the one true religion (§21). Freedom of speech and of the press, as any true liberty, should have some boundaries. The liberty of speech and of the press involve broadcasting freely the true and honourable, but cannot encompass lying opinions and vices, which ruin the State. Unchecked license of speech and writing was undesirable, but in matters of opinion “which God leaves to man’s free discussion, full liberty of thought and of speech is naturally within the right of everyone” (§23). The liberty of teaching and conscience could refer only to the truth (§24). The Church was a perfect society. The State could sustain only true religion. The relationship between Church and State is determined by the fundamental idea that the one truth leaves no place to error (Franzen 2000, 350-351; Gross 1963, 257-265).

2. *Pacem in terris* as the Catholic charter of human rights

The process that led to the acceptance of human rights was long and strenuous, although the ideals of freedom, equality and fraternity were ultimately Christian values (Murray 1967, 126-127). Isensee has qualified the shift in the assessment of human rights between the 19th-century doctrinal statements and Vatican II as a Copernican turn (1987, 299). The encyclical *Pacem in terris* (1963) of Pope John XXIII is a turning point in this process. The drafting is largely due to Pietro Pavan, a professor of the Pontifical Lateran University, one of Pope John's close collaborators, who also left his imprint on the social encyclical of John XXIII, *Mater et Magistra* (1961) and on the Declaration *Dignitatis humanae* of Vatican II.

The encyclical is in a sense the charter of human rights in the Catholic Church. Freedom receives great attention. The encyclical is pervaded by optimism, and emphasises collaboration between States. The UN receive a special recognition, not least because of the 1948-Declaration of Human Rights.

The encyclical discusses human rights extensively, including religious freedom, the freedom of speech and the freedom of press. Human rights and duties, rooted in human nature and in personal dignity, are universal, inviolable and inalienable (§9, cf. the English translation). The idea that human rights result from the dignity of the person is a fundamental insight of the encyclical (Gabriel et al. 2016, 100). The dignity of the person is not only the fundament of human rights but also the criterion of appropriate interaction in society, in the interplay between rights and duties.

The encyclical places an almost unprecedented emphasis on conscience. Conscience has a central role in embracing ethical values, performing duties and in the respect for others' rights. Conscience cannot be subjected to coercion. *Pacem in terris* is the first official document to include religious freedom among human rights, even when in a cautious manner. The person has the right to worship God "in accordance with the right dictates of his own conscience" and profess religion in private and in public (§14). Religious freedom is thus essentially the right of the believing person to profess and practice faith in God. In this it resonates with earlier documents placing true religion in the forefront. However, it does not mention true religion, but the criterion here is personal conscience. The encyclical does not speak of the appropriate doctrinal criteria that would qualify a true religion, limited to Catholic faith and practice. On the other hand, it does not reflect yet on the possibility not to believe. The encyclical reflects a theistic perspective, as the expression of truth. Yet, when the encyclical speaks of a person's quest for truth (§12), it actually refers to the *freedom* to investigate truth, in the context of freedom of speech and publication.

Another novel perspective comes with the idea that human nature and dignity are not lost with erring, even when error touches on the truths of religion and ethics (§158).

While citing earlier positions and treating religious freedom as a right of the believer, the encyclical significantly broadens the scope of freedom (Murray 1967, 163-164). Its position and tone mark a major doctrinal development. Human rights become an orienteering category in Catholic doctrine, as they are rooted in creation and in natural law (Siebenrock 2016, 419).

The State receives a great deal of attention, as guarantor of the dignity, rights and duties of humans, and as a promoter of social justice. The community of states acquires a decisive role in promoting peace. The State is no longer defined in its relation to the Church, as a defender of its truth claims. The authority of the Church is not emphatic. The State is an autonomous entity that has to work for the common good, in the spirit of ethical values, and citizens have to actively engage in this (political) endeavour. There are no hard feelings against a (liberal) State that would endanger the Church. Both institutions share the same values with respect to the dignity of the person and to common good.

3. Human rights at Vatican II and the birth of *Dignitatis humanae*

The importance of the conciliar declaration on religious freedom goes beyond the Catholic Church (Soetens 2002, 299-354; Hünemann 2008, 523), and it has a lasting relevance.

During Vatican II the idea of religious freedom won acceptance gradually, following intense debates. Controversies arose from the ways the Church-State relationship was conceived. Religious freedom was defended notably by American bishops, familiar with the separation between Church and State and the neutrality of the State. Conversely, many European bishops considered that in countries with a Catholic majority the State had to support the Church, even if restraining other faiths. Where Catholics were a minority, the State was expected to safeguard their free religious practice and protect the Church from proselytising (O'Maley 2010, 212, 292).

Human dignity and freedom were actually addressed in several conciliar documents (Gabriel et al. 2016, 101-104; Kasper 1988, 34-35). The Pastoral Constitution on the Church in the Modern World *Gaudium et spes* discusses at some length the dignity of the human person. Humans, created in the image of God are endowed with reason, conscience, and freedom (§12). Conscience has a prominent role both in the search for God and in social matters, joining Christians with others in the quest for solution to social problems (§16). Personal dignity and freedom involve informed free choice and the absence of coercion and external pressure (§17). The Dogmatic Constitution on the Church *Lumen gentium* speaks of

the people of God endowed with “the dignity and freedom of the sons of God” (§9). These sparse references to dignity and freedom do not reach the breadth and depth acquired in *Dignitatis humanae*.

Dignitatis humanae, the Declaration on Religious Freedom of Vatican II was re-drafted seven times until the final form was agreed upon (Schmitz 2007, 821-838). This single detail shows the degree to which the issue was controversial in the Church of the sixties. The declaration marks in fact a paradigm shift, a Copernican revolution, and indicates that the Church came to find its place in contemporary world, in a secular society. It marked the end of an epoch, terminating the traditional alliance between Church and State. The change of perspective was hard to assimilate notably for the bishops of Catholic countries (especially Spain), convinced of the singular entitlement of the Catholic Church (Nacke 2010, 342-345; O'Malley 2010, 254).

The issue of religious freedom had to be addressed in detail due to the socio-political developments. The Universal Declaration of Human Rights (1948) had included the freedom of thought and conscience and religious freedom among the inalienable rights of the human person. During the fourth session of the council Pope Paul VI announced his intention to attend the General Assembly of the UN (Gabriel et al. 2016, 55). In his UN-address (4/10/1965) the Pope saluted the proclamation of human rights and duties, the recognition of man's dignity and liberty, and placed a special emphasis on religious freedom.

Under such political and ecclesiastical circumstances, the issue of religious freedom had to be addressed in a distinct conciliar document. Religious freedom was a burning issue from an ecumenical perspective as well, as the Council had to clarify its position regarding those who did not belong to the Catholic Church. It was also a challenge in relation to other religions and society at large. Europe (or the world for that matter), no longer consisted of ethnically, politically and religiously homogeneous states. Increasingly pluralistic societies challenged the Church to make a statement about religious freedom, all the more as the secular State preserved its neutrality with respect to the truth claims of religious denominations (Ziebertz 2016, 468-476).

The change was signalled by the intervention of Cardinal Augustin Bea (13/01/1963), during the debate on the schema on the Sources of Revelation. Bea took by the Council by surprise asserting that freedom involved a person's right to follow his/her conscience and decide about his/her fate (Gross 1963, 257-258). It was the first straightforward affirmation of the freedom of conscience coming from a high-ranking ecclesiastic authority. This position marked a shift from the traditional view, which linked freedom of conscience and religious freedom to true religion (freedom could exist only with respect to truth, but “error had no rights”; O'Malley 2010, 212). This change was echoed by the encyclical *Pacem in terris*, according to which „[m]an's personal dignity requires [...]

that he enjoy freedom and be able to make up his own mind when he acts” (§34). It was in fact this encyclical which laid the foundation for the Declaration on Religious Freedom. As already noted, the encyclical also stated that the erring person did not forfeit his/her humanity and dignity (§158). While *Pacem in terris* did not clearly affirm religious liberty outside true religion, the matter was implicit in this statement, since according to the encyclical human rights followed from the dignity of the person and were inalienable. According to John Courtney Murray, the champion of religious freedom during the Council, human dignity and personal responsibility in matters pertaining to religion were unseparable, and the State had to defend this right (1967, 128-130).

The Declaration on Religious Freedom grew from the fifth chapter of the schema of the Decree on Ecumenism, drafted by the Secretariat for Christian Unity (Kolfhaus 2010, 125-170). The schema was discussed during the second session. The fourth chapter was also sensitive, as it addressed the relationship between the Church and the Jews (Soetens 2002, 321-322). Cardinal Bea, responding to the fears of the bishops from Arab countries, noted that the text was on religion and had nothing to do with the Arab-Israeli tensions or with Zionism (O'Malley 2010, 222, 225).

Critics of the chapter on religious freedom reproached its doctrinal discontinuity with earlier papal statements. Its defenders, like Bishop Emile De Smedt, relator for the chapter on religious freedom, argued that it was a doctrinal development reflecting changed circumstances, not a new teaching. De Smedt underscored that the draft matched the teaching of *Pacem in terris* (Fuchs 1987, 242-256; Orsy 2014, 13-14; Gabriel et al. 2016, 23-24; Soetens 2002). This enhanced the acceptance of the draft. But it also became clear that the fourth and fifth chapter did not fit in the ecumenical decree.

The draft of the self-standing Declaration on Religious Freedom was presented by Bishop De Smedt during the third session. Difficulties emerged again from the view that it contravened the position of previous Popes and from the association of the concept of freedom with liberalism and relativism (Schmitz 2007, 824-825). With the Declaration the Council eventually “corrected the non-infallible teaching of recent Popes”, conditioned by their own historical context (Orsy 2009, 111). Recognising religious freedom, as a doctrinal development, responded to the challenges emerging from new socio-political circumstances. Religious intolerance was no longer acceptable (Soetens 2002, 323). De Smedt emphasised that the Declaration was not a dogmatic tractate, but a pastoral document addressing contemporary persons according to the needs of the time (Kolfhaus 2010, 145). The person had the right to follow the will of God without interference from the State, but faith could be authentic only when it was free from coercion (O'Malley 2010, 215).

American bishops supported the draft and the work of its authors, John C. Murray and Pietro Pavan (Gabriel et al. 2016, 28-29). But the

controversy surrounding the text made it clear that it could not yet be voted. The Secretariat for Christian Unity had to revise it. Actually, the Pope required Cardinal Bea to prepare a new draft and appoint four new members to the commission. The third session of the Council was overshadowed by the “black week” or “black Thursday”: under the influence of a conservative minority the Pope decided among others to postpone the vote on the Declaration on Religious Freedom (Pesch 1993, 101-102; Gabriel et al. 2016, 41-44). The reasons which made the Pope intervene directly in the work of the Council are still a matter of debate. His postponing the discussion of the draft to the fourth session raised some mistrust, but the debate restarted indeed in November 1965. Criticism regarding its discontinuity with the teaching of previous popes was reiterated, notably by bishops from Catholic countries. Notwithstanding criticism, after further revisions, the text was adopted with 2308 votes, against 70 negative votes (Gabriel et al. 2016, 61). Paul VI promulgated the declaration on December 7, 1965.

4. *Dignitatis humanae* on Religious Freedom

The Declaration *Dignitatis humanae*, which recognises freedom of religion as a human right and a right of religious communities, reflects a real paradigm shift, emphasising that the freedom of conscience and of religion result from the dignity of the person (Haag 2000; Siebenrock 2005, 167-188; Orsy 2014, 12-13; Heimbach-Steins 2013, 52).

4.1. Human dignity and religious freedom

The declaration articulates a theology of freedom, arguing that the doctrine of human dignity and religious freedom has its roots in divine revelation (§9-10, Gabriel et al. 2016, 108). The dignity of the person arises from humans’ being created in the image and likeness of God (Delhaye 1967, 158-159; Hünemann 2008, 525; Orsy 2014, 12, 14-15). The person endowed with reason, will and a sense of responsibility experiences an inner urge to follow the truth (Pavan 1967, 179). The dignity of the human person is ultimately based on a person’s freedom, understood as the autonomous capacity to choose the true good (Orsy 2014, 21). It is this dignity and capacity that entitles the person to religious freedom. Accordingly, *Dignitatis humanae* solemnly asserts: “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” (§2). This is the most important statement of the document (Pavan 1967, 167; Siebenrock 2005, 173).

In virtue of the dignity of the person, religious freedom is an inherent right, not merely one assigned by legal provisions (Kasper 1988, 20). Theologically speaking, dignity and religious freedom involve a call to the service of God (§11; Pavan 1967, 183). The Church responds to this call when she abides by the divine plan of salvation and follows in the footsteps of Christ, recognising the freedom of religion (§12; Siebenrock 2005, 191).

4.2. A collective right

The document also defends religious freedom as a collective right, pertaining to religious communities and the family (§4). This right defends the autonomy of religious communities and their competencies in the field of education, culture, charity and social activities (Siebenrock 2005, 177). For the family this involves both the right to free domestic religious practice and the fundamental right and duty of the parents to educate their children (§5; Hünermann 2008, 526).

4.3. The primacy of conscience. Freedom from coercion

Dignitatis humanae reflects a significant shift in perspective in that it recognises “the primacy of the conscience” (Orsy 2009, 71; cf. §1, 3, 11, 13-14). According to Catholic teaching conscience is the readiness and capacity to inquire for the truth; it is an inner compass, an inner authority against which no one can be coerced to act (Schmitz 2007, 826-827). Religious freedom involves thus both following the dictates of conscience and freedom from coercion (§2; Pavan 1967, 172; Lupu 2006). Freedom from external coercion and from psychological pressure is a recurring topic in the declaration (§3-4, 11-12). “In all his activity a man is bound to follow his conscience in order that he may come to God [...] he is not to be forced to act in a manner contrary to his conscience. Nor [...] is he to be restrained from acting in accordance with his conscience, especially in matters religious” (§3). The State has to abide by this principle: “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” (§6). The requirement concerns the Church as well: “It 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. [...] in matters religious every manner of coercion on the part of men should be excluded.” (§10).

Obviously, the Declaration expresses a theistic perspective (humans are called to serve God, being bound in conscience to follow the truth), but this inner obligation cannot be imposed: humans “stand under no compulsion” (§11). The Declaration does not impose the recognition of true (Catholic) doctrine as a precondition of religious freedom. According to Orsy, the Church places thus the dignity of the person above assent to

doctrinal assertions: “in the hierarchy of human and Christian values living human persons (imperfect as they are) have priority over abstract propositions (true as they may be). Humans have rights; propositions have meanings but no rights” (2014, 12).

4.4. Alternative beliefs

Religious freedom, as personal and collective right, lays the foundation for true tolerance (Schmitz 2007, 829). The person as such is entitled to freedom, whether believer or unbeliever (Pavan 1967, 175). The State has to enforce this moral right emerging from the dignity of the person through legal means. This freedom involves the person's moral duty to search for the truth and live according to it (Gabriel et al. 2016, 105-106). Religious freedom does not mean only a person's right to remain religious, but also that religious thought may be a fundamental alternative to other ideas (Borgman 2016, 481).

4.5. Church and State

The document distinguishes between the religious and the political realm (Gabriel et al. 2016, 105). *Dignitatis humanae* is in a sense the declaration of the *separation between Church and State* (Orsy 2014, 9). While the Church accomplishes her divinely ordained mission, she does not require political privileges, but demands free religious practice in society (§1; Orsy 2014, 12, 17). The State should secure this right to every citizen (§3, 6; Schmitz 2007, 836-837). Since the fundament of human rights is human dignity, both the Church and the State are called to respect this dignity (Siebenrock 2005, 173; Orsy 2014, 9, 12). The State is expected to recognise the freedom to profess freely religious beliefs and the right to free worship, but religious freedom may not interfere with secular authority in its own sphere of competence (Orsy 2014, 17). *Dignitatis humanae* repeatedly emphasises that believers are expected to respect the moral order and lawful secular authority (§8), following the example of Jesus and of the Apostles (§11).

4.6. Religious freedom and public good

The State has the duty to defend human rights and religious freedom with a focus on *public good*. Significantly, concern with public good may impose certain limitations on religious freedom, if religious expressions contravene morality, public order, social peace and common welfare (Gabriel et al. 2016, 59-60). Thus “society has the right to defend itself against possible abuses committed on the pretext of freedom of religion. It is the special duty of government to provide this protection” (§7). Religious freedom also means that individuals and 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” (§7). The government has to

provide “for the peaceful settlement of conflicts of rights, also out of the need for an adequate care of genuine public peace, good order and in true justice, guardianship of public morality” (§7). Religious freedom may not be used as a “pretext for refusing to submit to authority and for making light of the duty of obedience” (§8). This principle reflects the view that a freedom right necessarily involves respect for the other person and for the appropriate boundaries.

4.7. Collaboration between Church and State

Whereas the recognition of religious freedom essentially implies the separation between Church and State, Orsy argues that the declaration could also be regarded as “a guide for creating organic unity between the secular and the sacred authorities in the state” (2014, 9). The Council does not require a religious or confessional State, but a political authority which interacts with the religious community (the Church) in a manner which secures the specific identity and competency of both entities and allows for a relationship of reciprocal respect and support, as both the Church and the State have the task to promote the welfare of humans (of citizens) in their specific sphere (Orsy 2014, 9). What connects the two authorities is thus the shared pursuit of public welfare. Both the State, in defending human dignity and religious freedom, and the Church, as beneficiary of this freedom, are required to preserve and work for the common welfare of society (§3, 6-7, 13).

5. Concluding remarks

The opinion of Catholic theologians on the importance of *Dignitatis humanae* diverges. At one end Herbert Haag considers that human rights are inexistent in the Catholic Church (2000, 117-118). According to Ladislav Orsy, however, the Declaration asserts the respect of the Church for human freedom. Emphasizing human dignity and religious freedom, Vatican II has advanced a new vision, a “new confession of faith”, which proclaims alongside faith in God faith in the human person (2014, 9, 22). Roman Siebenrock describes *Dignitatis humanae* as the Gospel of human dignity, without which the Council would have been nil and meaningless. With it the Church has become a defender of human dignity. The Declaration also provides authenticity to the ecumenical dialogue (2016, 418, 422).

The Council was well aware of the serious infringement of human rights in many countries, at the time the declaration was being drafted. Developments of the recent past and of our days continue to show that totalitarian regimes disregard human rights and religious freedom. This underscores the duty of the State to recognise and respect the freedom of the person in the sphere of religion (Pavan 1967, 187). But this duty is also incumbent on the Church. While speaking of many people’s loss of faith as

a tragedy of contemporary society, Orsy regards the loss of faith in human persons an even greater tragedy, which compels the Church to proclaim the dignity of the human person (2014, 21).

Recognising religious freedom, the Catholic Church has indisputably entered into the modern age (Gabriel et al. 2016, 61). Of all conciliar documents this Declaration attests most clearly its ability to evolve (Murray 1967, 165), recognising the right of individuals to follow their beliefs regardless of their doctrinal tenets. It signifies thereby the end of an epoch in the history of the Church (Siebenrock 2005, 198). The repeated reinforcement of religious freedom in later magisterial documents confirms the point. Thus, Pope John Paul II, in his encyclical *Redemptor hominis* (1979) welcomed anew the inclusion of religious freedom and freedom of conscience among human rights and deplored their curtailment as an attack on human dignity, “independently of the religion professed or of the concept of the world” (§17; for further statements: Pal, 2009). Pope Benedict XVI, in his message *Religious Freedom, the Path to Peace* (1/1/2011), advocated the public dimension of religion and a “healthy dialogue between civil and religious institutions” (§9). More recently, Pope Francis, during his journey to the US in a memorable address at the meeting for religious liberty with the Hispanic community and other immigrants (Philadelphia, 26/9/2015), acknowledged religious plurality and interreligious dialogue. Individual emphases do exist in these pontifical documents, but all share the affirmation of the freedom of religion.

Acknowledging religious freedom may not be as straightforward as proclaimed. The State has to warrant and defend this right, including religious practice and the use of religious symbols. In Europe this applies not only to Christianity, but also to Judaism or Islam. But the right of these communities to free religious practice also involves their duty to respect those who hold a different faith or conviction. The issue of human rights also challenges the Catholic Church. Thus, some authors ask whether religious freedom and freedom of thought are sufficiently enforced in ecclesial and theological debates or when women are excluded from Church leadership (Ziebertz 2016, 468-476; Orsy 2014, 17-19).

This paper has addressed the issue of religious freedom from the perspective of the relationship between Church and State. The recognition of religious freedom went along with the separation between Church and State, and it acknowledged the autonomy and competency of the State in secular matters, without interference from the Church. This process reflected socio-political developments which increasingly relegated the Church to the private sphere. Yet, a radical separation means refusing religious communities the right to participate in public life. As an alternative, it may be interesting to consider the plea of Orsy for an equilibrium between the secular and the religious authority. “Excesses in separation of authorities can produce a split mentality and divided

loyalties in individual citizens; attempts to create a unity by giving undue advantages either to religion or to secularity may lead to tensions and violent reactions in the community” (2014, 9). While the spheres of competences should be respected, social peace (common good) does not arise from the marginalisation or exclusion of religious communities, but through an appropriate collaboration. At the same time, religious freedom may not violate the rights of other persons or common welfare. The State needs to find a balance between integrating religious communities, as citizen bodies, in advancing public welfare, and securing respect for different worldviews in society. This also invites political authorities to rethink their rapport to religious communities in general. A very strict *laïcité* understood as disregard for all matters religious is not the most productive solution.

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