

**Fr. Brian Harrison O.S., v. John Salza, J.D.
on Religious Liberty**

Fr. Harrison: Dear Mr. Editor, The recent article by John Salza about Vatican II and religious liberty left me deeply frustrated and disappointed. It repeats the same old misrepresentation of *Dignitatis Humanae* (DH) that has been explained and corrected again and again ever since the Council. But many traditionalists, like Mr. Salza, just never seem to get the message, even though it is officially spelt out for them in the *Catechism of the Catholic Church*.

J. Salza: Let me first say I respect Fr. Harrison and have enjoyed reading his articles over the years. But Fr. Harrison in his rebuttal fails to make the critical distinctions between the moral faculty of right and State tolerance; between tolerance and coercion; and between public and private activities. Illustrating these omissions will allow us to more clearly see the the *prima facie* discontinuity between pre-conciliar teaching and DH, which Fr. Harrison has even admitted in the past. Fr. Harrison wrote an article called "Vatican II and Religious Liberty: Contradiction or Continuity" (published on Catholic.net, July, 2006). In that article, when addressing DH's sanction of non-Catholic worship in public, Fr. Harrison says "the conciliar Church has indeed departed from tradition here," but claims that the departure relates to policy, not doctrine. This is precisely what I say in the last paragraph of my article: "DH's teaching on the civil right to publicly profess error...is a policy that can change, not a doctrine that cannot change." Either Fr. Harrison didn't read my article carefully, or he has changed his position on DH.

I also note that Fr. Harrison in his rebuttal does not engage the text of DH at all. He defines religious liberty according to his terms and not according to the text of DH (which is a tendency when the very text one is defending is harmful to one's position). Rather than quoting from DH, he quotes from the Catechism of the Catholic Church. But no one is debating whether the Catechism teaches that man does not have a moral right to adhere to religious error; it opposes a moral right to error (CCC 2108). I even cite that paragraph of the Catechism in my article. The issue is whether DH teaches that man has a God-given right, based on his "dignity" and "nature," to "honor the Supreme Being in public worship" outside of the Catholic religion, and a "right" not to be prevented from doing so. Whether DH has defined man's "rights" to include worshipping "the Supreme Being" the way he sees fit – something the Church has always condemned – *is the sole issue in this debate*.

Before responding to Fr. Harrison's rebuttal, I would like to restate the Church's traditional teaching on religious freedom.

Religious freedom means:

- Man has a God-given right to seek the truth and not to be coerced into believing against his will, because coercion goes against his God-given right to freely seek the truth. For example, "The Church is wont to take earnest heed that no one shall be forced to embrace the Catholic Faith against his will (Pope Leo XIII, *Immortale Dei*, 1885). DH affirms this traditional teaching when it says, "It follows that he is not to be forced to act in a manner contrary to his conscience."

Religious freedom does not mean:

- Man has a God-given right to embrace religious error either privately or publicly, and which right should be proclaimed by law. For example, the Church condemns the "insanity, that the liberty of conscience and of worship is the right of every man, which should be proclaimed by law...by which they may be enabled to manifest openly and publicly their ideas, by word of mouth, through the press, or by any other means" (Pope Gregory XVI, *Mirari Vos*, 1832; Pope Pius IX, *Quanta Cura*, 1864).

On its face, DH does not affirm this traditional teaching. Rather, DH says that "the right to religious freedom" includes the right to "honor the Supreme Being in public worship" and "the right not to be hindered in their public teaching and witness to their faith, whether by the spoken or by the written word," without regard to whether the "faith" is erroneous. Moreover, DH says that this right to "religious freedom is to be recognized in the constitutional law whereby society is governed. Thus it is to become a civil right."

Pope Leo XIII teaches that "a right is a moral faculty" which comes from God, who is the source of all our rights (*Libertas* (1888)). A "right" gives man a just claim to something, not simply a freedom to choose it. A "right" cannot be established independently of the truth. Pope Pius XII says that "What does not correspond to the truth and to the moral law does not objectively have any right to existence, or to propaganda, or to action" (*Ci riesce* (1953)). If DH means "right" in this objective sense, its teaching would not be compatible with Tradition, for man does not have a right to worship outside the Church. This interpretation may be gleaned from DH's statement that these "rights" are God-given rights based upon "the dignity of the human person" and "his very nature," for God gave man his "dignity" and "nature" (Ch. 1, no. 2). One might use this simple syllogism: God gives the nature; the nature gives the right; therefore, God gives the right.

On the other hand, if DH means only that man has the "freedom" (or "natural liberty") to "honor the Supreme Being in public worship," and the freedom "not to be hindered in their public teaching," then this teaching could be reconciled with Tradition. It would simply be stating the obvious: Man can use his free will to err and sin (Why would the council promulgate a document to affirm such an obvious truth? And doesn't it seem nonsensical to say there is a "freedom" to religious freedom vis-à-vis a "right" to religious freedom?). One can say that man has the freedom to choose good or evil, but not the right to choose evil. Further, since God did not give man his free will to choose evil, even this interpretation raises objections. One cannot say that man has a "moral" freedom to worship outside the Church, but only a "psychological" freedom to do so. As Pope Leo XIII says in *Libertas*, freedom is the capacity to do what we must, not what we wish. This means the capacity to do evil (like worship outside the Church) is actually a *defect* of our freedom.

One may attempt to reconcile DH with Tradition by saying that the council is referring only to man's "subjective rights," and not the "objective rights" defined by Popes Leo XIII and Pius XII. This reconciliation is difficult. A subjective right (free will) is in the domain of being, while an objective right (moral liberty) is in the realm of acting. A subjective right concerns the subject and not the object, while an objective right concerns the object itself. That is, I have a subjective

right to worship God (in my being), but not an objective right to worship outside the Church (in my acting). The problem with DH's definition of religious liberty is that it includes the realm of acting (objective), not just being (subjective). DH says man has a "right" to "honor the Supreme Being in public worship" and "the right not to be hindered in their public teaching and witness to their faith" (both external actions), presumably whether inside or outside the Church. In fact, DH says that "the right to religious freedom has its foundation, *not in the subjective disposition of the person*, but in his very nature." In other words, DH seems to expressly deny that it is speaking of a "subjective" right. Needless to say, man has neither an objective nor a subjective "right" to worship outside the Catholic Church, nor a "right" not to be prevented from doing so.

From my perspective, then, the chief problem with DH is that the council uses the word "right" and not "freedom" (properly defined) in its explanation of religious liberty, and I hope Fr. Harrison recognizes the problems with such terminology. Cardinal Bea, who introduced the first schema on religious liberty, and Fr. John Courtney Murray, who had a decisive hand in drafting DH, understood the council's use of "rights" in the objective sense (Fr. Murray was even prohibited by the Holy Office from teaching these views as late as 1955). They understood "right" as a natural, objective, God-given right, and not a mere subjective freedom to worship. This is why Cardinal Ottaviani and many other council fathers objected to DH and wanted references to man's "rights" replaced with "State tolerance." Pope John Paul II presumably interpreted "right" the same way as Bea and Murray, which is evidenced by his Assisi prayer gatherings (actions which Fr. Harrison has publicly criticized). The late pope wasn't merely tolerating man's freedom to engage in non-Catholic worship at Assisi; he invited and encouraged it, which suggests he believed the non-Catholic and pagan people had a right (and not a mere freedom) to their non-Catholic and pagan worship. One must simply ask why the council used the word "right" if it didn't mean to use it, and why it would issue a document stating the obvious truth that man has a free will to choose a false religion, if it really didn't believe man had a "right" to do so.

To reiterate, man does not have a God-given "right" to disobey God (by "honoring the Supreme Being" in non-Catholic worship). As I maintain in my article, and as Fr. Harrison even wrote in his article cited above, the Church before Vatican II has *never* said that man has a right to profess religious error in public, or that he has a right not to be prevented from spreading his errors in public. Never. The Church has said just the opposite. For example, Pope Pius IX condemned the idea that "The liberty of conscience and of worship is the peculiar right of every man" (*Quanta Cura*) and that "Every man is free (or has the right) to embrace and profess that religion which, led by the light of reason, he may have thought true" (*Syllabus of Errors*). Pope Leo XII also condemned the idea that "everyone is to be free to follow whatever religion he prefers, or none at all if he disapprove of all" (*Immortale Dei*). Many other similar condemnations could be provided.

While some people argue that these condemnations dealt with "absolute" and not "limited" religious freedom like DH ostensibly does, man does not have a "right" to religious freedom, either in the absolute or limited sense, where that freedom includes worshiping outside the Church. While DH sympathizers want to neutralize these pre-conciliar condemnations as "situational" and "issue-specific" (hence, engaging in historical doctrinal relativism), they fail to recognize that liberty of conscience and worship (when man adheres to false religions) is

condemned *in itself*, irrespective of its historical motives. This is because, as Pope Pius VII says in his letter *Post Tam Diuturnas*, when liberty is established for false religions, “truth and error are mixed up.” Liberty is judged by its object, not its motive. That is why the Church has condemned not only the motives for religious liberty, and its consequences (indifferentism, naturalism), but also religious liberty in itself. That these condemned errors lead souls to damnation means they are directly opposed to universal, salvific truths. What is error before the council is error after the council.

While man does not have a right to profess his religious errors, the Church has said that the State can tolerate man's public, religious errors to protect a greater good or avoid greater evils. This imitates Divine Providence which permits certain evil to bring about greater good. Error is tolerated only to the degree it cannot be suppressed. That the State tolerates man's private or public religious activities does not mean man has a God-given right to "honor the Supreme Being in public worship" or "the right not to be hindered in their public teaching and witness to their faith" as DH says. It means only that the State has a duty to tolerate religious error to secure the greater good or prevent greater evil. Man does not have a natural right to State toleration of his evil. A right concerns seeking and choosing the good. Toleration concerns choosing between the lesser of evils. Fr. Harrison fails to make the proper distinctions between God-given rights and the toleration of evil.

As we will further see below, Fr. Harrison also confuses man's right to immunity from coercion with the State's right to tolerate religious error to secure the greater good / avoid greater evils. They are not the same thing. Just because man has a right not to be coerced into believing against his will does not mean he has a right not to be prevented from engaging in non-Catholic worship. As with the moral faculty of right and toleration of evil, Fr. Harrison misses the key distinction between coercion (the State forcing someone to believe against his will) and toleration (the State permitting religious errors).

Fr. Harrison: They keep on confusing two similar but critically different ideas, the first of which is both heretical and absurd, and the second of which suffers from neither of those defects. Unfortunately, these traditionalists attribute the first of these to Vatican II, thereby causing deep and needless scandal among countless devout Catholics.

J. Salza: Contrary to what he has written in the past, Fr. Harrison now gives the impression that DH is crystal clear, and he doesn't understand how "traditionalists" could be so confused about the document. He evidently does not see a problem with the council using the word “right” when it might have actually meant “freedom” (or did it?), and what implications such an ambiguity can have and has had on the faithful. I hope Fr. Harrison agrees that the duty of an Ecumenical council is to set forth the truth clearly and unambiguously. Of course, DH's purported clarity does not explain how the modernists have used the document to propagate their heterodox ideas about religious liberty for the last 45 years. This also does not explain why DH is cited as the basis for the revised Concordats which have resulted in the laicization of the Catholic State in all the affected countries (e.g., Spain, Italy, Columbia). The bottom line: DH has failed to clearly distinguish between God-given rights and mere freedoms. This failure has opened the door not only to a weakening of the Catholic Faith in society, but also to a pervasive, religious indifferentism that has affected Catholics and non-Catholics alike.

Fr. Harrison: Let it be said, therefore, for the thousandth time in the last forty years, that it is most important to distinguish between these two affirmations: **(a)** There is a right *to do X*; and **(b)** There is a right *not to be prevented* from doing X (which can also be described as a right *to immunity from human coercion* in doing X).

J. Salza: Fr. Harrison's construct, which he further develops below, is erroneous. There is no moral difference between the existence of the **(a)** "positive" right and the **(b)** "negative" right. As St. Thomas teaches, every negation is based on an affirmation. If one has a right not to be prevented from acting, one has a right to act. As applied here, if man has a God-given right to do X (Catholic worship), then he also has a God-given right not to be prevented from doing X (Catholic worship). If man does not have a God-given right to do X (non-Catholic worship), then he does not have a God-given right not to be prevented from doing X (non-Catholic worship). Man's God-given right either includes both **(a)** and **(b)**, or excludes both **(a)** and **(b)**. They are collaterally connected.

As we will see, according to Fr. Harrison, man does not have a right to do evil **(a)**, but has a right not to be prevented from doing evil **(b)**. This is utterly nonsensical. The **(b)** right is concomitant with the **(a)** right. Because man does not have a God-given right to disobey God's laws, he does not have the right not to be prevented from disobeying God's laws. Fr. Harrison's view, which he has maintained for years, is entirely heterodox. It is based on his failure to distinguish between man's rights and the State's ability and duty to tolerate evil for a greater good. Again, that the State may tolerate evil does not mean that man has a right not to be prevented from doing evil. Moreover, Pope Pius XII in *Ci riesce* condemned Fr. Harrison's view of a "negative" right to error and evil by declaring "that which does not correspond to truth or to the norm of morality objectively has no right to exist, to be spread, or to be activated." Because "to be spread" means to diffuse without restriction, Pope Pius XII condemned both the right **(a)** to propagate, and the right **(b)** not to be restricted from propagating error and evil.

In addition to confusing rights with toleration, Fr. Harrison also confuses State toleration with State coercion. He says "a right not to be prevented from doing X" is the same thing as "a right to immunity from human coercion in doing X." This is incorrect. The right not to be prevented from doing X refers to the State's right and duty to tolerate religious error if it will secure the greater good or prevent greater evil; it has nothing to do with man's rights, for man has no right not to be prevented from doing evil. The "right to immunity from human coercion" refers to man's right not to be coerced into believing against his will. Fr. Harrison conflates toleration and coercion, but they are two completely different concepts according to the teachings of the Church. DH always correctly connects "immunity from coercion" with man's ability to freely seek God, but not with the State's ability to tolerate his non-Catholic worship (see, for example, Ch. 1, no. 2 and 4; Ch. 2, no. 9-12).

While the perennial teaching of the Church is that man does not have a God-given right to publicly (or privately) profess religious error, or the right not to be prevented from doing so, DH seems to say the opposite. Again, DH says that man has a "right" to "honor the Supreme Being in public" and to "witness to their faith, whether by the spoken or by the written word," presumably even if the faith is non-Catholic or non-Christian (this is because the council is

addressing the rights of the “human person” and not the rights of Catholics alone). If the council means the moral faculty of right which gives man a just claim, and not simply the freedom to choose, these teachings would be contrary to the teachings of the ordinary and universal Magisterium.

Those who adhere to the plain meaning of DH and say that DH is speaking of “rights” and not just “freedoms” argue that DH is referring only to a “civil” right and not a “God-given” right. However, DH seems to say the contrary. After stating that the “right to religious freedom has its foundation in the very dignity of the human person,” DH says: “This right (Latin, *ius*) of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed. Thus it is to become a civil right” (Latin, *ius civile*). In other words, DH says that because religious liberty is a natural right based on man’s God-given dignity and nature, it must be recognized by the State as a civil right. The State is not creating the right, but is merely recognizing the pre-existing God-given right in man (to “honor the Supreme Being in public” and “witness to their faith,” no matter what religion is professed). In other words, DH says the civil right to worship is merely *to recognize the God-given right to worship*.

Not only does man not have a God-given “right” to worship outside the Church, but legitimate civil laws must be based on God's laws, for God is the source of all law. Otherwise, as St. Thomas Aquinas says, the civil law "is no longer a law but a perversion of law" (ST, I-II, Art 2, Q 95). As applied here, if man is not "honoring" the true God but bearing "witness" to a false religion (which leads souls to damnation), man has no such right (civil, moral, natural, or otherwise), either to do such a thing or not to be prevented from doing such a thing. Again, the only way to reconcile DH with Tradition is to conclude that DH’s use of the word “right” doesn’t actually mean “right,” but rather “freedom,” and in a qualified sense. Man may have the freedom (in a qualified sense) to choose a false religion, but he does not have the right to do so. I say “qualified sense” because man has only the psychological freedom to choose a false religion, but not the moral freedom to do so. DH fails to make these critical distinctions, and yet apologists for DH fail to recognize these omissions and ambiguities.

Fr. Harrison: Now, if X means "publicly expressing a conscientiously held, but erroneous, religious belief", then Vatican II teaches that affirmation **(b)** is sometimes true, depending on circumstances and on how harmful the error in question is. However it most certainly does not teach, and in fact implicitly denies, that affirmation **(a)** above can ever be true.

J. Salza: Again, Fr. Harrison fails to make the critical distinction between man's moral faculty of right and State toleration, and this is a grave error. Man does not have a God-given right of "publicly expressing a conscientiously held, but erroneous, religious belief" as Fr. Harrison maintains. Rather, the State can tolerate man "publicly expressing a conscientiously held, but erroneous, religious belief...depending on circumstances and on how harmful the error in question is." A State's ability and duty to tolerate religious error in certain "circumstances" neither gives man the right to embrace the error nor the right not to be prevented from embracing the error. However, DH says that man has "a right not to be hindered in their public teaching and witness to their faith." The Church has never taught that man has a "right" not to be hindered in his public teaching and witness to his heretical religion; he only has the psychological freedom to do so.

If Fr. Harrison is saying that DH affirms man's God-given right of "publicly expressing a conscientiously held, but erroneous, religious belief," then Fr. Harrison is saying that the council taught error, because man does not have a God-given right to hold an "erroneous religious belief." Nor does man have a true civil right to hold an "erroneous religious belief" because legitimate civil rights must flow from God-given rights or they are "perversions" as St. Thomas teaches (also, as we have said, DH does not limit these "rights" to the civil realm because the civil right is merely recognizing the God-given right).

If Fr. Harrison is saying that DH affirms the State's right to tolerate man's expression of an "erroneous religious belief," then he is affirming the traditional teaching of the Church (see Pope Leo XIII's *Immortale Dei* (1885) and *Libertas* (1888)). The State can tolerate a person's "erroneous religious beliefs" for the sake of avoiding greater evil or preserving greater good. Note again, however, that this does not mean the person has a right to hold his "erroneous religious belief." An erroneous religious belief is an evil, not a good, and there is no right to do evil (only the psychological freedom to do so). The Church's teaching tradition has never been to legitimize what God merely tolerates. Moreover, it should be noted that the State is only to tolerate the people holding the erroneous religious views, but not the views themselves. This is because religious error corrupts the soul of man and leads him to damnation.

Fr. Harrison: At the immediate *practical* level, it is true, both affirmations imply that authorities are morally obliged to let you carry out X without interference. From that viewpoint there's no difference.

J. Salza: It is a grave error to say that authorities are "morally obliged to let you carry out X without interference," where X is non-Catholic worship. Just the opposite is true. The State, who is a creature subject to Jesus Christ, is "morally obliged" to *prevent* you from carrying out non-Catholic worship, unless State intervention would result in greater evils. If Fr. Harrison is saying that authorities *must* allow non-Catholic worship, whether on the practical, theoretical, or any other level, his position is contrary to the teaching of the Church. The State must *prevent* non-Catholic worship unless intervention would harm the greater good, which is the case in non-Catholic States. If the State has a duty on the natural level to prevent a chemical contagion from infecting its people, how much more does the State have a duty on the supernatural level to prevent a spiritual contagion from infecting its people? Spiritual harm is infinitely graver than physical harm. The salvation of souls is the supreme law of the Church.

Fr. Harrison: But the distinction is tremendously important from a theoretical or metaphysical point of view. If it were true (as Mr. Salza claims) that *DH* proclaims a right to teach (or even adhere to) false religious ideas, then not only would that be totally contrary to traditional Church doctrine, but also metaphysically and morally absurd! For to say that one can have a *right* to do something objectively *wrong* (like spreading religious falsehood) is moral nonsense, just as saying $2 + 2 = 5$ is mathematical and logical nonsense.

J. Salza: I know Fr. Harrison has studied DH for many years, but he needs to read the text more carefully (he would also note that DH does not make practical, theoretical or metaphysical distinctions like he does). Fr. Harrison says that DH does not proclaim a right "to teach (or even

adhere to) false religious ideas." But DH actually says that man has **(a)** the positive right to "honor the Supreme Being in public worship" (presumably even if it is a "false religious idea") and **(b)** the negative "right not to be hindered in their public teaching and witness to their faith" (even if it is a "false religious idea"). In other words, *DH says precisely what Fr. Harrison claims it does not say*. Fr. Harrison recognizes that a right to teach (or even adhere to) "false religious ideas" is "totally contrary to traditional Church doctrine." He even says it is "heretical and absurd." Why then does he not admit what DH says? Does he not see the problems DH creates by using the word "right"? Indeed, it is "moral nonsense" to say that man has "a right to teach false religious ideas" just as it is "moral nonsense" to say that man has "a right not to be prevented from teaching false religious ideas." No such right exists, either in the positive or the negative. DH can be reconciled with Tradition only by interpreting man's "right" to mean his subjective, psychological freedom to choose and practice his false religion.

Fr. Harrison: But saying you can sometimes have a *right to immunity from human coercion* in doing something objectively wrong is not moral nonsense. It just means the other human person who is physically *capable* of coercing or penalizing you has no legitimate *jurisdiction* to do so.

J. Salza: Again, Fr. Harrison misapplies the "immunity from human coercion" right. The immunity right does not apply to "doing something objectively wrong," for no one has a positive right to do wrong or a negative right not to be prevented from doing wrong. "Immunity from coercion" refers to the act of forcing someone to believe against his will. Fr. Harrison is confusing man's "right to immunity" with the State's "right to tolerate evil" to preserve the greater good or prevent greater evils. They are completely different things. Also, Fr. Harrison's use of "jurisdiction" further highlights his misapplication of these principles. Because man has a God-given right to seek the truth, the State has no jurisdiction to coerce him to believe against his will. However, because the State gets its jurisdiction to govern from God, the State has the right (and the jurisdiction) to prevent people from engaging in non-Catholic worship. As we have said, the State can tolerate non-Catholic worship for a greater good (which is obviously a duty in non-Catholic States), but the State has the right (and the jurisdiction) to prevent it, if the prevention would secure the greater good or not result in greater evils. The State is a creature subject to God, and neither the State nor man has a right to break God's Commandments.

Fr. Harrison: For instance, if you overpower a burglar who has broken into your house, and keep him imprisoned in your basement for three years, you are violating his rights. He certainly has no right to burgle your house, and might well deserve more than three years' imprisonment. But he does have a right to immunity from imprisonment *by you*. Because it's not up to you to take the law into your own hands.

J. Salza: Fr. Harrison's example is not only incompatible with the construct he has posited, but again proves that the positive **(a)** right and the negative **(b)** right are collaterally connected (they are either both rights or not rights at all). Fr. Harrison says that there is **(a)** the right to do X and **(b)** the right to not be prevented from doing X. As applied here, the burglar **(a)** does not have a right to break into someone's house and **(b)** does not have a right not to be prevented from breaking into someone's house. The right (or lack of the right) of **(b)** is concomitant with **(a)**, even though Fr. Harrison would say that the burglar may have the **(b)** right, even if he does not have the **(a)** right. Similarly, the burglar does not have **(a)** the right to worship in a false

religion and **(b)** does not have the right not to be prevented from worshiping in a false religion, even though Fr. Harrison would say that the burglar has the right to not be prevented from worshiping in a false religion, at least sometimes.

Fr. Harrison: Similarly, nobody has a *right* to make the gaining of material wealth their priority in life. On the contrary, the Lord says in the parable of the Rich Fool that such an attitude is mortal sin. And by definition, there can be no "right" to commit sin. To postulate "a right to do X" is just another way of saying that X is, objectively, a morally good, or at least morally permissible, type of action. On the other hand, rich businessmen certainly have a *right to immunity from human coercion* in setting their hearts on money-making. Denial of that leads to socialism and even communism - both of them contrary to Catholic social doctrine. Provided they do not steal, deceive, violate just taxation laws, break just laws against monopolies, etc., businessmen have a *right to be left free by government* to 'lust' after greater accumulated wealth. It would be unjust to imprison them for the "thought crime" of avarice. (We could imagine the judge's sentence: "Ronald Frump, I hereby sentence you to six years in prison and a fine of 50 million dollars, for the crime of . . . *greed!*")

J. Salza: Man does not have a God-given right to make money the priority of his life, nor does he have a God-given right not to be prevented from making money his number one priority. In this case, there is neither an **(a)** right nor a **(b)** right (again, they are interconnected). Therefore, the civil laws which encourage him to pursue greed and not God are "perversions of the law." A State can tolerate man's greedy pursuit of riches, but this does not mean that man has a right to do so, based on his "dignity" and "nature." Fr. Harrison continues to confuse rights with tolerance, just as he confuses toleration with coercion. Moreover, Fr. Harrison seems to impose no obligation on the State to lead its subjects to salvation. He seems to hold in some way to the separation of Church and State. If so, these views are also contrary to the traditional teachings of the Church.

In his article "Vatican II and Religious Liberty," Fr. Harrison advanced this novel distinction between positive and negative rights, and referred to those who oppose his view as "Lefebvrists." To that end, Fr. Harrison presents a hypothetical where Muslim dictators closed down Eastern Orthodox churches and confiscated their printing presses. Fr. Harrison then says the "Lefebvrist" interpretation is that "the Eastern Orthodox Christians cannot justly claim that their rights are violated," since the Eastern Orthodox, according to Fr. Harrison, have a God-given right not to be prevented from exercising their non-Catholic religion.

This is incorrect, and provides another example of how Fr. Harrison loosely uses the word "right" when no such "right" exists. The Eastern Orthodox have a God-given right not to be sinned against by the Muslims (the Muslims violated the Seventh Commandment by taking over the Eastern Orthodox churches and property). But the Eastern Orthodox do not have a God-given right to worship outside the Catholic religion in their "churches" and promote their false ideas through their printing presses (the Eastern Orthodox would have been objectively violating the First Commandment in doing so). In this hypothetical, the Muslims did not sin against justice (which imposes "rights") in preventing the Orthodox worship, but rather sinned against prudence and charity (which imposes "duties," not "rights"). Again, man does not have a God-given right to worship outside of Christ's Church, nor does he have a right not to be prevented from

worshiping outside the Church. This is not a "Lefebvrist" position, whatever that is. It is the traditional teaching of the Roman Catholic Church.

Fr. Harrison: So *DH* is saying that under some circumstances (namely, when public morality, public peace, or the rights of other citizens are not threatened), *government* has no right to repress the public expression of the citizens' conscientiously held religious beliefs, even when those beliefs are erroneous.

J. Salza: Fr. Harrison is promoting a grave error. Man does *not* have a God-given right to publicly express his "conscientiously held religious beliefs, even when those beliefs are erroneous." Man does not have a God-given right to offend God with erroneous religious beliefs and practices. Period. Moreover, contrary to what Fr. Harrison says, government *does* have a right to "repress the public expression" of these errors when "public morality, public peace, or the rights of other citizens are not threatened," because these errors lead men to eternal damnation and the government is subject to Jesus Christ. The State may *tolerate* the public expression of erroneous religious beliefs to preserve the greater good or prevent greater evils (that is, to ensure the "public peace, or the rights of other citizens are not threatened"). But this does not mean that the State has no "right" to repress error when intervention poses no threat to public order, or that man has the "right" to express those erroneous beliefs. When countries like Spain, Italy and Columbia adopted Fr. Harrison's views, the Catholic faith was all but destroyed in those countries (and they all cite *DH* as the basis for their new-founded "religious liberty"). Expression of religious error is an evil that the State can tolerate, not a good that man can justly claim as his "right."

Fr. Harrison: But the Council never says or implies the absurd idea that there can ever be a right to express, or even believe, religious error. As the *Catechism's* official explanation of *DH* puts it, "The right to religious liberty is neither a moral license to adhere to error, nor a supposed right to error" (#2108).

J. Salza: Fr. Harrison appeals to the Catechism to defend *DH*, which is quite telling. He is forced to do so because *DH* says man has a "right" to "adore the Supreme Being in public worship" even if it is not the Holy Trinity who is being adored. What "right" is this? A God-given "right" based on man's "dignity" and "nature"? The Church has always taught that a "right" is a moral faculty to do good, not evil. A "right" gives man a just claim to something. All "rights" come from God, as even *DH* indicates. Man has no "right" to "adore the Supreme Being" in public if he is not adoring the Blessed Trinity. Man has no "right" not to be hindered from adoring "the Supreme Being" in public if he is not adoring the Blessed Trinity. Man has only the psychological freedom to do evil, not the right to do evil. Again, the problem with *DH* is that it uses the word "right," and such use can be reconciled with Tradition only by interpreting "right" to mean "freedom" - and then, only in the limited sense of subjective, psychological freedom, for man does not have the moral freedom to worship outside the Church, nor does he have a right, even in the limited sense, to worship outside the Church (note that *DH* uses the phrase "psychological freedom" as distinguishable from "right" in Ch. 1, no 2 which indicates that its definition of "right" is not a mere "psychological freedom").

Moreover, basing religious liberty on man's "dignity" and "nature" is an unprecedented teaching. The foundation of liberty is truth, not human dignity. Our Lord says "the truth shall make you free" (Jn 8:32). Man cannot hold to error in the name of his dignity. In fact, Pope Leo XIII teaches that when the intellect adheres to false ideas and the will chooses evil, "both of them fall short of their inborn dignity and become corrupt" (*Immortale Dei*). Man's dignity is thus derived from his perfection in knowing the truth (object of the intellect) and possessing the good (object of the will). If man does not yet possess the truth, he does not have a right to profess his errors in the name of his dignity. In fact, in his state of error, he "falls short" of his dignity as Pope Leo XIII teaches.

Fr. Harrison: Mr. Salza is evidently very confused about the above distinction, as well as in his terminology with the word "civil". He fails to appreciate the difference between affirming a "civil right to liberty" in religious matters and affirming a "right to civil liberty" in religious matters.

J. Salza: Obviously, it is not this civil lawyer, but rather Fr. Harrison, who is confused about the word "civil" in the context of "rights." And in his confusion, he creates yet another distinction which DH does not, this time, between a "civil right to liberty" and a "right to civil liberty." As we have learned, and even DH teaches, there is no "civil right to liberty" unless there is an underlying God-given right to the liberty. The laws of the State flow from and are subject to the laws of God. This is why DH says that man's right to religious liberty is based on his God-given "dignity" and "nature," and then says that this right of the human person "is to become a civil right." The legitimate civil right comes from the God-given right based on his "dignity" and "nature." Contrary to what Fr. Harrison intimates, DH does not classify the "right" as a mere "civil right to liberty," but a *natural* right to liberty which should be also recognized as a civil right. This is why DH's teaching that man has a "right" to "honor the Supreme Being" and "the right not to be hindered in their public teaching and witness to their faith," which is based on his "dignity" and "nature," has caused so much confusion.

Fr. Harrison: He attributes the former to the Council, but it actually teaches the latter, even incorporating that expression into the subtitle of the Declaration. A merely "civil right" does not necessarily imply a true natural right of any sort whatever. It just means a particular civil government happens to grant you the legal liberty to do something. Abortion, for instance, is a civil right in most Western countries. But there is neither any natural right to abort an unborn child, nor a natural right to immunity from coercion in doing so. (That is, it would be just to abolish the said civil right and go back to punishing abortionists by law.)

J. Salza: With this analysis, Fr. Harrison undermines his thesis and proves once again my point that the God-given **(b)** rights flow from the God-given **(a)** rights, and vice versa, and that civil laws which are not based on moral laws are "perversions of the law" which afford no rights at all. As we have said, apologists for DH are forced to drive a wedge between "civil" rights and "natural" rights because they know that saying man has a "natural" or "moral" or "God-given" right to worship outside the Church is an error. But DH creates no such distinction between "civil" and "natural" rights when it says man has a "right" to "honor the Supreme Being" and not to be hindered in doing so. DH simply says man has the "right," and that "right" includes *both* the moral *and* the civil, because the moral is the *foundation* for the civil.

This is why DH never says the “civil” right to worship is incompatible with man’s “natural” right to worship as Fr. Harrison intimates. If it did, it would be saying the Church should recognize immoral civil laws, which is absurd. This would be condemnable juridical positivism. Rather, as we have already stated, DH says the civil right to worship is merely *to recognize the God-given right to worship*. The “right” to worship is said to already exist in man because of his God-given dignity and nature. DH is not proposing a mere civil right to tolerance. DH can be said to set forth an objective, natural right to act (positive) and a right not to be prevented from acting (negative).

Fr. Harrison wrote a very good article for the Latin Mass Magazine (Christmas, 2005) called "John Paul II and Assisi: Reflections of a Devil's Advocate." In this article, Fr. Harrison says the words of Pope John Paul II could be interpreted to mean that he believed all religions "were more or less good and praiseworthy," which would be contrary to Pope Pius XI's teaching in *Mortalium Animos* (1928). He did not accuse the pope of intentionally promoting or believing this error, but said his words (and actions) could be interpreted as condoning the error. I have taken the same approach with DH.

I am not accusing the popes or council fathers of intentionally promoting or believing error. Rather, like Fr. Harrison’s article on Assisi, I am saying the words of DH can be interpreted to mean that man has a God-given right to worship, and also a right not to be prevented from worshipping, in a non-Catholic religion in public – which is a grave error. Ironically, this means DH could also be interpreted as condoning the error that "all religions are more or less good and praiseworthy," the very error that Fr. Harrison said Pope John Paul II's words and actions condoned. Also, ironically, Pope John Paul II believed he was "implementing" Vatican II's teachings on religious liberty at Assisi.

Anyone who knows the Church’s traditional teaching on religious liberty and says DH’s terminology does not raise serious objections in light of those teachings is either not reading the plain words of DH or is being intellectually dishonest. Perhaps this is why Pope Benedict XVI has referred to his dialogue with the SSPX as “necessary discussions,” since DH’s teaching on religious liberty is said to be at the top of the Vatican/SSPX agenda.