

RELIGIOUS FREEDOM AS CATHOLIC CRISIS

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In retrospect, Vatican Council II's *Declaration on Religious Freedom (Dignitatis Humanae)* appears to be an anodyne document. It is comparatively brief: only 7,000 words. Its status as a simple declaration, rather than as a decree or constitution, suggests its secondary importance within the conciliar corpus. Its cautious affirmations on "the right of the person and communities to social and civil liberty in religious matters" (*DH* subtitle) pale in comparison with John Paul II's robust defenses of religious freedom as the keystone of human rights. At the time of its gestation and promulgation, however, the declaration appeared anything but minor. It underwent nine different drafts from its first preconiliar, preparatory version to the definitive version promulgated on December 7, 1965. During conciliar debate in the aula, the schema on religious liberty provoked 120 oral interventions, 600 written interventions, and two "explosions" on October 12 and November 19, 1964, when the schema was withdrawn from final consideration. During the final vote on December 7, 1965, a determined minority of seventy conciliar fathers voted against the declaration. The fringes of traditionalist schism still brandish the document as proof of the council's alleged heresy,¹ while leftward dissidents insist that the document's defense of liberty of conscience within civil society tacitly affirms the freedom of theologians to dissent from Church teaching.²

In fact, the tumultuous history of the redaction and approval of *Dignitatis Humanae* indicates that the question of religious freedom represented a particularly grave crisis for the Catholic community in the 1960s. I will argue that this crisis occurred on at least three levels: the philosophical, the hermeneutical, and the moral. Furthermore, I will argue that this collective crisis of conscience and the awkward

¹ For a representative attack on the orthodoxy of the declaration, see Mark A. Pivarunas, "The Doctrinal Errors of *Dignitatis Humanae*," www.cmri.org/95prog2.htm.

² For a justification of intrachurch dissent through an appeal to religious freedom, see Roger Haight, "Four Gifts of the American Church to the Universal Church," www.cta-usa.org/conf2002talks/haight.html.

ways in which *Dignitatis Humanae* attempted to address it continue to haunt the Church in her internal efforts at ecclesiastic unity and in her external efforts to act as a prophetic witness to national governments and to international institutions.

Methodologically, I will complement citations of the actual text of *Dignitatis Humanae* with extracts from pertinent addresses by conciliar fathers.³ The published proceedings of the council provide crucial contextual evidence for the crisis that shook the Catholic community during the prolonged dispute over religious liberty.

Philosophical Crisis

At the center of the conciliar debate over religious liberty is a fundamental dispute on the nature of the proper relationship between truth and freedom. Two major schools of thought clashed on how the Church should articulate this dialectic.

For the minority school, any declaration must begin with the rights of truth, especially the unique rights of the true religion and the religious duties of the state that derived from this truth in the areas of public worship, repression of error, and the protection of the salvation of Catholic subjects from non-Catholic and anti-Catholic proselytism. In his intervention in the conciliar debate, Cardinal Browne of the Curia underlined this starting point:

1. The greatest dignity of humanity resides in its elevation to the supernatural order. This truth demands that we protect those who profess the true faith from the preaching of other religions that are not founded on supernatural faith. We must especially say this for Catholic nations.
2. We may not accord equal rights to all religions.
3. Rulers and citizens can recognize which is the true religion and embrace it; authorities of Catholic nations know that the protection of religion is the greatest good

³ The primary source used in this paper is the official proceedings of Vatican Council II: *Acta synodalia Sacrosancti Concilii Oecumenici Vatican II*, 5 volumes (Vatican City: Typis polyglottis Vaticanis, 1970); hereafter cited as *ASVII*. The declaration *De libertate religiosa* is found in *ASVII*, vol. 4, part 7, 663-73. Translations from the Latin are the author's own.

for their citizens. 4. The diffusion of other religions in these countries is a violation of public morality, since it opposes the rights of Catholics and places their faith in peril.⁴

The minority school readily conceded that in the pluralist societies that characterized the contemporary world, it was necessary to tolerate both religious pluralism and a secular state as lesser evils to conserve a key social good, like civic peace. But this tolerance is never a matter of right, since error, like evil, has no rights. In his intervention, Cardinal Ottaviani of the Curia explained why the minority could not accept the conciliar thesis of a "right" to religious freedom:

The true and the false are not equal and cannot exercise the same rights, but here [in the schema] they are placed on the same level. The same occurs in the treatment of correct and erroneous consciences. Thus we end up recommending what is only tolerable.⁵

Essentially, the minority position reprised the distinction between thesis and antithesis developed by Bishop Dupanloup,⁶ affirmed by Leo XIII, and taught in manuals of moral theology until the council. According to this distinction, the ideal (thesis) of church-state relations always remains the official recognition of the Catholic Church by the civil power (with the defense of the Catholic faith of its citizens by the state); since only the Catholic religion has been mandated by God to teach and save humanity; however, in actual historical situations (hypothesis) where practicing Catholics are a minority, the Church can obviously accept the tolerance of religious error as a lesser evil. In his intervention, Archbishop Marcel Lefebvre used this distinction: "The Catholic Church alone has a right properly speaking to freedom. For the

⁴ Michael Cardinal Browne, "Oratio," *ASVII*, vol. 4, part 1, 404.

⁵ Alfredo Cardinal Ottaviani, "Oratio," *ASVII*, vol. 4, part 1, 300.

⁶ Félix-Antoine-Philibert Dupanloup (1802-1878), bishop of Orléans, argued that the controversial positions on church-state defended by Pius IX in his *Syllabus of Errors* only represented an ideal (thesis) for Catholics. In the actual modern world of religious pluralism, Catholics could support a nonconfessional state as a tolerable if less perfect regime (hypothesis).

other communities or religions, it is necessary to examine each specific case with its particular circumstances.”⁷

The majority school rejected the very starting point of the minority’s argument. First, the defense of the rights of truth was a chimera. It is the person, not an abstraction, who is the subject of rights and duties. In his intervention, Cardinal Heenan of Westminster challenged the fallacious starting point: “It is quite clear that it is perfectly absurd to speak of error having no rights or of truth having rights. Rights concern persons and not things.”⁸ This primacy accorded the human person (who still has an obligation to seek and adhere to truth in the religious domain) instead of the abstract truth justified a clear affirmation of the individual’s right to religious freedom instead of the limited affirmation of tolerance in pluralist societies.

Second, the majority contested the competence of the state in the religious domain. It is the human person who is properly speaking the subject of God’s call to salvation and who must render an account of the response to this call, not the state as such. Moreover, the minority theses on the religious duties of the state dangerously confused the competence of the state with that of the Church, a confusion that has often destroyed the freedom of the Church throughout history.

The doctrinal confrontation on religious freedom did not admit of an easy solution. For the minority current, the proposed defense of religious freedom was an attack on the unique rights of the true religion in civil society. It even threatened the very status of the Catholic religion as the one true religion founded by God. To respond to the concerns of these fathers, the Secretariat of the Council, under the influence of Paul VI, introduced two amendments to the preamble of the declaration during the final deliberations over the text in 1965.

The first amendment states: “The Council declares that God himself has made known to the human race the way by which, in following it, people may obtain salvation and arrive at beatitude. We believe that this one true religion subsists in the apostolic and Catholic Church” (*DH*

⁷ Archbishop Marcel Lefebvre, “Oratio,” *ASVII*, vol. 4, part 1, 410-11.

⁸ John Cardinal Heenan, “Oratio,” *ASVII*, vol. 4, part 1, 295.

no.1). Obviously no conciliar father would deny this affirmation in itself, but this isolation of the truth of the Church, placed apart from its dialectic with human freedom, ran against the grain of the very structure of the argument of the declaration.

The second amendment affirmed "the moral duty of the human person and of associations regarding the true religion and the unique church of Christ" (DH no.1). This passage on the duty of associations disturbed the majority current because the ambiguous word "association" might suggest that civil society, this very particular association, possessed special duties toward the Catholic Church.

It should be recognized that this insistence by the minority on the religious duties of associations was salutary. It underscored the fact that the search for and the adhesion to religious truth were not the isolated affairs of an individual in his or her private liberty. They were also the affairs of families (DH no.5), of intermediate groups (DH no.4), and of the larger society (DH no.6) in which the conscience of the individual is formed and expresses itself. The rights and duties of these diverse associations cannot be reduced to the sum of the rights and the duties of the individual person in his or her religious quest. Despite these last-minute alterations, *Dignitatis Humanae* marks a capital shift in ecclesial reflection: the rights of the person seeking truth displace the alleged rights of truth as the central focus of the truth-freedom dialectic in the civil sphere.

Hermeneutical Crisis

Narrowly tied to the doctrinal conflict on religious freedom was the conflict concerning the interpretation of earlier declarations of the magisterium on the issue, especially those issued by the papacy. Several nineteenth-century popes had categorically condemned religious freedom and related civil liberties. In *Mirari vos* (1832), Gregory XVI taught:

From this infected source of indifferentism flows this absurd and erroneous maxim, or rather this madness, that one must assure and guarantee freedom of conscience to anyone at all. We are preparing the path to this pernicious error by the full and

unlimited freedom of opinion that is spreading near and far to the detriment of both religious and civil society.⁹

The encyclical underlines the duty of Christian rulers toward the Church:

May our dear brothers in Jesus Christ, the princes, support by their assent and their authority the hopes we have formed for the salvation of religion and of the state. May they consider that their authority has been given to them, not only for temporal government, but to defend the church, and that all that is done for the advantage of the church is also done for their power and their tranquility.¹⁰

In *Quanta Cura* (1864) Pius IX reaffirmed this position:

As a consequence of this absolutely false idea of social government [materialism], they do not hesitate to support this erroneous idea, which could not be more fatal to the Catholic Church and to the salvation of souls, which our predecessor of happy memory Gregory XVI called a madness: namely, that freedom of conscience and of worship is a right proper to each individual and that it must be promulgated and assured in every well-constituted state.¹¹

His *Syllabus of Errors* (1864) reiterated this condemnation of religious freedom in its censure of freedom of worship, freedom of conscience, and the separation of church and state.

Since the era of Leo XIII (with the generalized use of the “thesis-hypothesis” principle), the Church largely accepted religiously neutral regimes as a necessity in societies marked by religious heterogeneity. But this tolerance did not abolish the lingering ideal of a confessional state recognizing and protecting the Catholic Church; it seemed only a pragmatic and prudent concession. Even on the eve of the council, the teaching of Pius XII on church-state relations expressed the ambiguity

⁹ Gregory XVI, *Mirari Vos*, no. 14.

¹⁰ *Ibid.*, no. 23.

¹¹ Pius IX, *Quanta Cura*, no. 3.

of the Church attempting to accept *de facto* civil religious neutrality but unwilling to endorse *de jure* religious freedom.

The church considers as an ideal the unity of a people in the true religion and complete harmony of action between this religion and the state. But she also knows that sometimes events are developing rather in the other sense, that is to say toward the multiplicity of religious confessions and conceptions of life in the same national community where Catholics constitute a more or less strong minority.¹²

This magisterial heritage on religious freedom raised a grave historical problem for the conciliar fathers: how can one declare a right to religious freedom that was the object of multiple and categorical condemnations of the modern magisterium, condemnations, moreover, that were rooted in the Church's centuries-old teaching on the rights of the true religion and the duties of Christian rulers?

The key for the solution to this impasse lay in the hermeneutic of the development of doctrine. According to this hermeneutic, descendant from the pioneering work of Cardinal Newman,¹³ it was necessary to situate the doctrinal declarations of the magisterium in an historical process of progressive clarification, maturation, and adaptation as the Church proclaimed the gospel across the centuries. According to this developmentalist perspective, changes in doctrinal texts follow two complementary rules: one of continuity and one of change.

In his intervention, Bishop de Smedt of Bruges, the reporter for the schema on religious freedom, clarified the meaning of these rules. Continuity means that "this doctrine and this concern of the church are faithful to themselves and always clearly remain themselves," while change signifies that

¹² Pius XII, *Ci Riesce*, no. 6 [1953].

¹³ Often cited by drafters of and commentators on *Dignitatis Humanae*, John Henry Cardinal Newman's *Essay on the Development of Doctrine* (1845) provided the general orientation for the declaration's developmentalist hermeneutic.

The ecclesiastic magisterium adapts, expostulates, and defends its authentic doctrine according to the demands of the errors that arise and the needs born of the evolution of the human person and society. This progress leads the church to deepen its doctrine and to take a clearer view of it.¹⁴

This hermeneutic proposes a quasi-biological model of doctrinal development: what is in seed gradually matures by successive steps and evolutions.

In this perspective, the successive declarations of the magisterium on religious freedom constitute a progressive chain, wherein each pope fashioned adaptations of doctrine, all the while safeguarding certain values (the freedom of the Church, respect for dogmatic truth, opposition to indifferentism). In his intervention, Cardinal Shehan of Baltimore illustrated how this developmentalist interpretation could be applied to the magisterial patrimony of declarations on religious freedom:

No one is arguing that the doctrine of this schema is found explicitly in the documents of Leo XIII, but we find in these documents a remarkable development in comparison with the doctrine commonly taught during the Middle Ages and in the period following the Reformation. By his teaching Leo XIII made the first steps on the path that his successors, especially Pius XI, Pius XII, and John XXIII, had to follow. By making the freedom of the church so central, Leo XIII led us to recognize that this freedom included the freedom of the human person. This is how Leo XIII opened the path to the teaching of Pius XI, who affirmed in the encyclical *Mit Brennender Sorge* (1937) that 'the human person has the inalienable right to profess his or her faith and to practice it in the desired manner.' Pius XII made a further step toward the doctrine of religious freedom. In his Christmas radio message of 1942, he includes among 'the fundamental rights of the person that must be known and promised' the right to the worship of God, public and private, and the right of religious communities to conduct public charitable activities. John XXIII,

¹⁴ Bishop Joseph de Smedt, "Relatio," *ASVII*, vol. 3, part 8, 449.

especially in *Pacem in Terris*, pushed even further the development of teaching on religious freedom.¹⁵

This hermeneutics placed the solemn condemnations of religious freedom by the nineteenth-century popes in the middle of a slow maturation of the Church's doctrine: a progress in comparison with the theocratic theses of the medieval and early modern eras and a distant, imperfect ancestor of the doctrine of freedom of conscience in Pius XI or of freedom of worship in Pius XII.

Dignitatis Humanae not only employs the hermeneutics of development of doctrine to interpret the problematic history of church teaching on the issue, but it also explicitly avows its allegiance to this principle of interpretation: "This holy council intends to develop the doctrine of the most recent sovereign pontiffs on the inviolable rights of the human person and the juridical order of society" (*DH* no.1).

Undoubtedly this hermeneutic of development of doctrine was an effective tool in the conciliar debate on religious freedom. It ended a certain non-contextualist reading of magisterial texts that had long blocked the Church in her efforts to present a new teaching on the ensemble of questions dealing with church-state relations. It illuminated the general movement of magisterial teaching since Pius IX: a movement toward "the right of religious freedom" that grew with the passage of each decade. It contextualized the violent critiques of "religious freedom" in *Quanta cura* as the historically conditioned critique of the freedom offered by anticlerical states that suffocated the freedom of believers outside the narrow confines of worship. It discerned an intelligible continuity between the teaching of *Dignitatis Humanae* and the earlier papal condemnations in a common struggle against a "liberal" freedom founded on a narcissistic individualism characteristic of urban, cosmopolitan societies.

This hermeneutical approach, nonetheless, manifests several serious illusions. One cannot honestly explain the variations of the magisterium's teaching on religious freedom through the simple model of the progressive evolution of doctrine "since the beginning of the church." According to this epistemology, *Dignitatis Humanae* is simply

¹⁵ Lawrence Cardinal Shehan, "Oratio," *ASVII*, vol. 4, part 1, 397.

the harmonious development of previous teaching. But is it not the nearly literal contradiction of a centuries-old condemnation of freedom of cult (and related religious liberties) condemned by the magisterium and the common theology of the Church? How did this freedom, solemnly condemned as a madness, turn into a sacred right?

The text of *Dignitatis Humanae* itself witnesses to this difficulty. Despite its declared intention to develop pontifical teaching (*DH* no.1), the declaration cites sources that fall into two distinct eras of ecclesiastic history: the pontifical writings since Leo XIII, especially since Pius IX (*DH* no.26), and the writings of the New Testament and the early fathers of the Church (*DH* no.33). These margins of the text are the eloquent witnesses of a certain bracketing of a substantial part of ecclesiastic history (namely, the Middle Ages and the modern period) in the reflection on religious freedom. Obviously one cannot easily integrate the pontifical condemnations of the nineteenth century in a declaration that appears to reverse the major tenor of these texts. Moreover, a contextualist reading of these condemnations risks an unconvincing interpretation of these texts that simply occults the serious ruptures in ecclesiastic teaching. If the condemnations of Pius IX aimed at the anticlerical liberals of the period, they also censured a Montalembert and a Lacordaire, ancestors of the Church's contemporary teaching on religious freedom. If the condemnations of Pius IX denounced subjectivism, they also clearly denounced the general principle of freedom of worship and related religious liberties.

More gravely, this hermeneutic risks justifying what is difficult to justify in the doctrinal history of the Church, for example, the pontifical justification of torture against heretics, defended by Innocent IV in his bull *Ad extirpando* (1252), ratified by Alexander VI, Clement IV, Urban IV, and Clement V at the Ecumenical Council of Vienne (1311).¹⁶ This schema of a continual progress from the apostolic age to the contemporary period can only mask serious deviations in a doctrinal history marked by tragedy. In 1970, Paul VI underlined the inevitable confusion in this area before ecclesiastic history:

¹⁶ For a discussion of the history of the Catholic Church's teaching on torture, see John J. Conley, S.J., *Torture as a Theological Problem*, unpublished M.Th. thesis, Weston School of Theology, 1985.

We know that in the history of the church in the area of religious freedom there are pages that demand reservations and explications. But we joyfully approve the new teaching that better corresponds to the spirit of the gospel.¹⁷

To grasp the complex movement of the doctrine on religious freedom in the Church, one must use a hermeneutic of rupture in addition to a hermeneutic of development. The rise of the individual's right to religious freedom in ecclesiastic reflection is not the peaceful growth of a tree that patiently nurtures its fruit. Rather, the right proclaimed by *Dignitatis Humanae* is the result of a complex dialogue between the Church and liberal democracies regarding the demand for religious freedom. At the end of a quarrel of two centuries, this right, long condemned as an illusion and an error by the Church, becomes an integral part of its doctrine on human rights. But this right, so apparently exterior to the Church in the eighteenth and nineteenth centuries, has also undergone a profound transformation. Even if the Church warmly salutes the defense of religious freedom in international accords (*DH* no.15), the articulation, the foundations, the limits, and the practical implications of this right in *Dignitatis Humanae* remain specifically Christian and Catholic. Obviously this conciliar teaching on the right to religious freedom is not a creation *ex nihilo*. It recalls in a very specific way the Church's tradition: the neotestamentary teaching of respect for the freedom of listeners in evangelical preaching (*DH* no.11) and the patristic teaching on the freedom of the act of faith, as found in Tertullian and Lactantius (*DH* no.10). But this revival of the early ecclesiastic tradition on religious freedom simultaneously marks an abandonment of a more modern tradition that defended the confessional Catholic state as a theological ideal. Inevitably the appeal to tradition is partial.

Moreover, the teaching of *Dignitatis Humanae* does not simply spring from the past of the Church in an adaptation of its traditional doctrine to the demands of modern times, as a facile development of doctrine would suggest. It arises from a transforming encounter with liberal democratic society whose demand for religious freedom that seemed so

¹⁷ Paul VI, "Audience of September 8, 1971," *Documentation catholique* (1971): 759.

foreign or even hostile to the Church during two centuries, has become part of the Church's convictions in her struggle against totalitarian societies in the contemporary period. Obviously this transformation is not a simple acceptance of the concept of religious freedom proposed by liberal democratic societies. The Church proclaims this freedom in accord with its own foundations, such as its apostolic and patristic sources and its dogmatic understanding of the liberty of the act of faith. Nonetheless, in this centuries-long controversy, the Church has surely learned something from her enemies concerning the justice of the demands for religious freedom and from her own distant sources of this freedom.

Ethical Crisis

The conciliar conflict over religious freedom was not an academic debate over the relationship between truth and freedom or a literary dispute over the proper interpretation of dusty magisterial texts. It was an examination of conscience on the actions of the Church in the area of religious freedom. This action in the past as well as in the present (in certain "Catholic states" such as Spain) appeared to make the Church an enemy of full religious freedom. Although the defense of the rights of the person had been a keystone of magisterial teaching since Pius XI, the burdensome history of the Church and the longstanding refusal to endorse the right to religious freedom scandalized non-Catholics and disturbed a large number of conciliar fathers. The terms "fault," "sin," and "reparation" repeatedly emerge in the bishops' interventions. As Bishop Baraniak stated in his intervention on behalf of the entire Polish episcopate,

It would be good to recognize that tragically there has existed at the very heart of the church institutions that oppressed religious freedom. This would constitute a type of reparation toward those who suffered and at the same time prove the sincerity of the church in ecumenical dialogue.¹⁸

This crisis of conscience in the conciliar aula arose because of two particular problems: the accusation of hypocrisy levied against the

¹⁸ Archbishop Antonius Baraniak, "Oratio," *ASVII*, vol.4, part 1, 306.

Church in her doctrine of "tolerance" and the persecutory history of the Church, especially in early modernity.

In nations where Catholics are a numerous minority, such as the Anglophone nations, non-Catholics accused the Catholic Church of flagrant hypocrisy in its position on religious freedom. Cardinal Heenan summed up this widespread accusation:

Many non-Catholics imagine that on the question of religious liberty and tolerance, our position follows two different principles. When the church is weak and does not have the support of the civil power, that is to say when Catholics are in the minority, we are all for freedom. But when the church is strong, that is to say when Catholics are in the majority, we only talk about 'the rights of the truth.' They accuse us of suppressing the religious freedom of non-Catholics when we are strong enough to do it. In all honesty we must make an examination of conscience to see to what extent this accusation is justified.¹⁹

For many non-Catholics this accusation was symbolized in the religious policies of Franco's Spain. Under the Spanish civil constitution (reinforced by the concordat between the Vatican and the Spanish government), the Catholic Church enjoyed substantial privileges: recognition as the state religion; state funding for Catholic clergy; exemption of clergy from civil tribunals, even for the commission of civil crimes; the unique right of the Catholic Church to offer religious instruction in public schools; the unique rights of church tribunals in matters related to marriage. Moreover, Spanish non-Catholics suffered serious restrictions on their religious liberties: a civic ban on their public worship; a civic ban on their missionary activity; civic censorship, directed by the Catholic episcopate, on all religious publications and broadcasting. The occasional expulsion of Protestant missionaries from Spain only reinforced the suspicion, especially among Protestants in Western democracies, that the Church's obscure thesis-hypothesis casuistry on tolerance only masked a hypocritical will to power: in weakness she demanded freedom; in strength she demanded protection of the unique rights of the one true religion.

¹⁹ John Cardinal Heenan, "Oratio," *ASVII*, vol. 4, part 1, 295.

Even graver was the painful ecclesiastic memory of her own complicity in religious repression, even persecution, especially in the late Middle Ages and during the era of the Reformation. With all the cautions on the different historical contexts behind these actions and on the distinction between individual Catholic sovereigns and the Church herself, the Church could not contemplate this violent history without consternation. In a warmly applauded address, Cardinal Beran of Prague, himself a political prisoner under the communist regime, touched the heart of this malaise:

In my country the church seems to be expiating today the faults and sins that were committed in her name in the past against religious freedom. Such was the case in the sixteenth century with the burning at the stake of the priest Jan Hus or in the seventeenth century with the forced return to the Catholic faith of a large part of the people of Bohemia in virtue of the principle, *cujus regio, eius religio*. [‘The religion of a region is that of the ruler of a region.’] This recourse to the secular power, wanting or pretending to serve the Catholic Church, has certainly left a wound in the heart of the population. This trauma has placed an obstacle to religious progress. It has furnished and still furnishes an easy argument for the enemies of the church to attack her.²⁰

Dignitatis Humanae echoes this examination of conscience, but in a very subdued rhetoric:

Although sometimes in the history of the people of God, traveling through the vicissitudes of human history, there have been ways of acting less in conformity with, even contrary to the evangelical spirit, the church has nonetheless always taught that no one can be led by constraint to the faith (DH no.12a).

This reference to “the vicissitudes of history” is most curious in a text that wants to underline the personal responsibility of every individual, especially in the religious domain. Moreover, this distinction between “the people of God” (whose actions occasionally contradict the gospel) and “the Church” (whose teaching always

²⁰ Joseph Cardinal Beran, “Oratio,” *ASVII*, vol. 4, part 1, 393.

forbade constraint in the act of faith) occults the ethical problem posed by the Church's past. Didn't these lamentable actions by certain Catholics arise precisely because of, and not despite, the magisterium's teaching on the rights of truth, on the religious duties of princes, and on the necessity to exterminate heresy?

Despite this weakness, this passage of the declaration accurately expresses the paradox of the Church's history concerning religious freedom. On the one hand, the Church created certain principles, such as the freedom of the act of faith and the distinction between the two powers that are incontestable ancestors of religious freedom in modern liberal societies. On the other hand, by a centuries-long exaltation of the unique rights of the true religion in civil society and the necessity of the civil authorities to repress religious error, the Church created a persecutory history that for the majority of conciliar fathers could only be an object of regret and consternation.

Conclusion

A landmark in the defense of religious freedom and in the Catholic Church's patrimony of teaching on human rights, *Dignitatis Humanae* managed to resolve the philosophical, historical, and moral crises surrounding this issue in order to produce a consensus among the vast majority of conciliar fathers. But this consensus was achieved at the price of certain omissions, evasions, and remarkably sibylline phrases. At a distance of forty years, one can see the fragility of the argumentation supporting the defense of religious freedom.

The declaration provides a useful articulation of the relationship between freedom and truth in terms of a robust defense of human rights in the civic arena, but it avoids any discussion as to how this new approach to religious freedom in the civic forum affects the exercise of freedom within the Church's own internal forum. If it insists that conscience must be formed according to the objective demands of the moral order, it seems insufficiently attentive to the emerging phenomenon of a contemporary conscience that insists it can fabricate its own moral order by an act of will and desire. In succeeding decades, the allure of moral subjectivism, repeatedly alluded to by the conciliar minority, would become stronger than the conciliar majority apparently thought. The very existence of an objective moral order would become an object of dispute.

Its hermeneutic of doctrinal development also raises serious problems. This method of interpretation permitted the Church to understand its historical and current teaching on religious freedom as a dialectic of continuity and change; an ancient core of convictions regarding truth and freedom were dynamically adapted to the new reality of pluralist, liberal societies. An older, more static understanding of church doctrine has receded. But this evolutionary approach to church doctrine, that perceives only progress and maturation, in the Church's exposition of its basic teachings, dangerously masks the other, less triumphal side of doctrinal change. The evidence of rupture, reversal, contradiction, forgetting, and loss of primitive truths is simply ignored. A hermeneutic of conversion and retrieval can excavate a more complex, meandering narrative of ecclesiastical belief than can a simple developmentalist approach.

Finally, the simple distinction between the blameless, orthodox Church and her erring, violent members in the area of religious freedom only dulls the Church's necessary examination of conscience regarding her long complicity with the use of civic coercion in religious matters. The prim demarcation between the sinless Church and her sinful members cannot render justice to the enigma of the holy wars, the tortures, and the executions carried out in the name of the merciful cross.