

The Second Vatican Council's Teaching on Religious Liberty in the Light of Tradition

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INTRODUCTION

Of all the documents of the Second Vatican Council the one that has most determined the official relations of the post-conciliar Church with the world is the Declaration on Religious Liberty, *Dignitatis Humanae*. The official diplomacy of the Holy See in the decades since Vatican II has largely been concerned with the defense of religious liberty. In the last years immediately following the Council the defense was mounted against atheistic communism in Central Europe, and later it was taken up against militant Islam in the Near East, and “the dictatorship of relativism” in the West.

Moreover, no other document marks the transition between the “pre-conciliar” and the “post-conciliar” Church more than *Dignitatis Humanae*. For while the post-conciliar Church presents herself as the passionate defender of religious liberty, the pre-conciliar Church of the “Pian Age” (1789-1962) seemed to be the implacable enemy of such liberty. A chief concern of Vatican II was to overcome the antagonism between the Church and modernity, an antagonism symbolized at the

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dawn of modernity by the Galileo affair, and which had taken violent political form in the French Revolution. Instead of merely condemning the errors of modern liberalism, Vatican II wished to uncover the positive elements and authentic human concerns expressed therein. The Council wanted to show how the Church could make these positive elements her own, purifying and elevating them through the influence of grace.² Religious liberty was seen as a key point in this transition, because freedom of conscience, and therefore of religion, was an important concern of the Enlightenment and of the bourgeois liberalism of the 19th century, and the opposition of the 19th century popes to this freedom was one of the sources of liberal anti-clericalism.³

The change in the Church's attitude toward modernity seems especially clear in the matter of religious liberty. In fact, there seems to be a direct contradiction between the teaching of the Council and the teachings of the popes of the 19th century on this point. If one compares the central affirmation of *Dignitatis Humanae* with, for example, the section on religious freedom in Bl. Pius IX's *Quanta Cura* the contradiction seems obvious.

Thus *Dignitatis Humanae*:

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.⁴

And thus *Quanta Cura*:

From which totally false idea of social government they do not fear to foster that erroneous opinion, most fatal in its effects on the Catholic Church and the salvation of souls, called by Our Predecessor, Gregory XVI, an 'insanity,' [*deliramentum*] viz., that 'liberty of conscience and worship is each man's personal right, which ought to be legally proclaimed and asserted in every rightly constituted society; and that a right resides in the citizens to an absolute liberty, which should be restrained by no authority whether ecclesiastical or civil, whereby they may

² See: Pope Benedict XVI, "*Expergiscere Homo*: Address to the College of Cardinals and the Roman Curia," December 22, 2005, in: *Acta Apostolicae Sedis* 95,1 (2006) 40-53; translation: http://www.vatican.va/holy_father/benedict_xvi/speeches/2005/december/documents/hf_ben_xvi_spe_20051222_roman-curia_en.html (accessed November 19, 2014).

³ See: Martin Rhonheimer, *Christentum und säkularer Staat* (Freiburg ³2012) 134-139, 143; Eberhard Schockenhoff, „Das Recht, ungehindert die Wahrheit zu suchen: Die Erklärung über die Religionsfreiheit *Dignitatis humanae*,“ in: Jan-Heiner Tück (ed.), *Erinnerung an die Zukunft: Das zweite vatikanische Konzil, 2nd ed.* (Freiburg 2013) 702.

⁴ *Dignitatis Humanae*, § 2, in: *Acta Apostolicae Sedis* 58 (1966) 929-946, at 930; translation: http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html (accessed November 19, 2014).

be able openly and publicly to manifest and declare any of their ideas whatever, either by word of mouth, by the press, or in any other way.⁵

Does not Vatican II here affirm precisely that which Pius IX, citing Gregory XVI, calls a *deliramentum*? This ostensible contradiction made *Dignitatis Humanae* the most controversial document at the Council. So many doubts were raised about the first three schemata that Bl. Pope Paul VI decided to delay voting on it, moving the vote from the third to the fourth and final session of the Council.⁶ At this session, a large group of council fathers protested, begging the Pope with the very greatest urgency (“*instante, instantius, instantissimus*”) to reverse his decision, lest public opinion turn against the Council.⁷ Nevertheless, the vote did not take place till the very end of the last session.⁸

After the Council the question of the relation of *Dignitatis Humanae* to previous teachings remained controversial.⁹ Any interpretation of *Dignitatis Humanae* has to deal with this question, and interpreters have proposed various approaches that all give different answers to the question—from the assertion of a radical break with tradition to that of complete continuity with tradition. I shall now consider several answers that I consider inadequate before turning to an explanation and defense of the answer proposed by the English philosopher Thomas Pink. According to Pink there is continuity at the level of principles, but discontinuity at the level of Church policy toward the state. He shows this first by giving a new interpretation of the condemnation of religious freedom on the part of the popes of the Pisan Age, showing its roots in counter-Reformation political theology. And then he applies key distinctions taken from that analysis to *Dignitatis Humanae*.

After explaining Pink’s thesis, I shall further explicate it by a brief glance at the history of the relation of temporal and spiritual power in Church history. I shall then conclude by examining the theological concerns of some of the conciliar theologians who influenced *Dignitatis Humanae*.

⁵ Pope Pius IX, *Quanta Cura*, in: Herbert Vaughan (ed.), *The Year of Preparation for the Vatican Council: Including the Original and English of the Encyclical and Syllabus, and of the Papal Documents Connected with its Convocation* (London 1869) iv-xx, at viii.

⁶ See: Pietro Pavan, Einleitung zur Erklärung über die Religionsfreiheit, in: *Lexikon für Theologie und Kirche*, 2nd ed., Ergänzungsband II (Freiburg 1967) 706-707.

⁷ See: Pavan, Einleitung 706.

⁸ See: Pavan, Einleitung 709-711.

⁹ See: Schockenhoff, “Das Recht” 703.

PART I: INADEQUATE INTERPRETATIONS OF DIGNITATIS HUMANÆ

Hermeneutics

In his Christmas address to the Roman Curia in 2005, Pope Benedict XVI spoke of a “hermeneutic of discontinuity and rupture” which led to a misunderstanding of Vatican II.¹⁰ Since the Council did indeed wish to reform the Church’s relations to the modern world, the impression could easily be formed that a break had been made with tradition— as though the Church could simply abandon what she had previously authoritatively taught. Pope Benedict contrasts this with a correct hermeneutic, a “hermeneutic of reform, of renewal in the continuity of the one subject-Church.”¹¹ This hermeneutic starts with the principle of the Church’s continuity through the time, but allows for discontinuities at the level of policy, discipline, and the mode of expressing certain teachings.¹² For the explication of this hermeneutic Pope Benedict cites Pope St. John XXIII’s address at the opening of Vatican II, in which Pope John defined the task of the Council as formulating the “unchanging” doctrine in a new historical situation, without changing its meaning.¹³

The hermeneutic of rupture

The hermeneutic of rupture has often been applied to *Dignitatis Humanæ*. Non-theologians, such as legal scholars and political scientists, have had no scruples in seeing a contradiction between *Dignitatis Humanæ* and previous teachings.¹⁴ But even many theologians have taken this route as well, and have come up with different explanations as to how such a rupture might be possible. “Progressive” theologians have often defended the idea of rupture by a minimalist view of the authority of Church teaching. According to them the condemnation of religious freedom, for example *Quanta Cura*, was not an infallible exercise of the Petrine Office, and was therefore reformable. They argue that only the most solemn

¹⁰ Benedict XVI, *Expergiscere Homo* 46.

¹¹ Benedict XVI, *Expergiscere Homo* 46.

¹² See: Chad C. Pecknold, “Pope Benedict’s Hermeneutic of Continuity: Very Theological Reflections on Theological Method,” presentation at *Reform and Renewal: Vatican II After 50 Years*, Symposium at The Catholic University of America, Washington DC, September 26-29, 2012: http://youtu.be/YiL_6JZebVA (accessed on November 18, 2014).

¹³ Benedict XVI, *Expergiscere Homo* 47.

¹⁴ See: Schockenhoff, “Das Recht” 623-625. Schockenhoff mentions Ernst-Wolfgang Böckenförde, Klaus Schatz, Franz Xaver Bischof, and Josef Insensee as examples.

definitions of the Magisterium are infallible, and that many “authentic” teachings of the Church are not finally binding. Thus Reinhold Sebott, S.J., argues as follows:

If we do not consider *Quanta Cura* infallible, then of course we will not consider a great many other magisterial decisions infallible. Only very few teachings can be described as dogmas in the strict sense.¹⁵

Such positions have been used not only to justify a hermeneutic of rupture in the reading of Vatican II, but also to put into question much of the Church’s teaching with regard to faith and morals. Thus many theologians used this position to question the condemnation of artificial contraception in Bl. Pope Paul VI’s encyclical *Humanae Vitae*. Pope Paul clearly wanted his teaching to be binding on the faithful, but many theologians denied that it could have binding character.¹⁶ Sebott himself brings up the example of Pope St John Paul II’s apostolic letter *Ordinatio Sacerdotalis* (1994). Pope John Paul wished to definitively end the discussion on the ordination of women in that letter, but according to Sebott the letter was not infallible, and therefore the discussion cannot be considered closed.¹⁷ Such an exaggerated minimalism with regard to Church teaching cannot be reconciled with the teachings of numerous popes and councils on the binding character of the ordinary and universal Magisterium of the Church.¹⁸ Supporters of minimalism often give apparent examples of discontinuity in Church teaching to support their views, but none of the examples are un-controversial.¹⁹

“Traditionalists” such as the French Archbishop Marcel Lefebvre on the other hand, were convinced that the condemnation of religious liberty by the popes of the 19th century was forever binding, and that therefore the teaching of the Council was wrong. Lefebvre submitted his argument to the Congregation for the Doctrine of the Faith in the form of *dubia*,²⁰ and his dissatisfaction with the with the

¹⁵ “Wenn man QC (Quanta cura) nicht als unfehlbar qualifiziert, dann wird man natürlich auch eine Menge anderer Lehrentscheidungen nicht als unfehlbar qualifizieren dürfen. Der Kreis des Dogmas muss also sehr eng gezogen werden.” Reinhold Sebott, „Dignitatis humanæ“ und „Quanta cura“: Die Verurteilung der Religionsfreiheit vor dem Zweiten Vatikanischen Konzil, in: P. Boekholt and I. Riedel-Spangenberg (ed.), *Iustitia et Modestia* (Munich 1998) 183-192; at 192.

¹⁶ See: Janet E. Smith, *Humanae Vitae, a Generation Later* (Washington 1998) especially 155-169.

¹⁷ Sebott, „Dignitatis humanæ“ 192.

¹⁸ See: Congregation for the Doctrine of the Faith, “Doctrinal Commentary on the Concluding Formula of the Professio Fidei,” online access: http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_1998_professio-fidei_en.html (accessed 21 November, 2014).

¹⁹ See: Avery Cardinal Dulles, “Development Or Reversal?” in: *First Things* (October 2005) 53-61.

²⁰ Marcel Lefebvre, “Dubia sur la Déclaration conciliaire sur la liberté religieuse, présentés à la S.C.R. pour la Doctrine de la Foi,” Ecône, November 6, 1985: <http://lacriseintegriste.typepad.fr/dubia.pdf> (accessed on October 18, 2014); English translation: *Religious Liberty Questioned* (Kansas City 2001).

Congregation's response²¹ was a decisive factor in his decision, carried out on June 30, 1988, to consecrate four bishops without papal mandate, thus incurring excommunication *latae sententiae*.²² Lefebvre's position was somewhat paradoxical, as the then prefect of the Congregation for the Doctrine of the Faith, Joseph Cardinal Ratzinger, pointed out: by putting his own private interpretation of previous Church teachings above the Church's official interpretation of her teaching he was giving up precisely the principle of fidelity to Church doctrine that he wanted to defend.²³

But Lefebvre was surely right about this much: the question of religious liberty is not merely a disciplinary question; it is a moral question on which the Church has taught authoritatively. Klaus Obenauer, a theologian sympathetic to traditionalism, recently pointed out that the teaching of the Council of Constance, according to which the Church has the right to hand heretics over to the "secular arm" for punishment, was solemnly confirmed by Pope Martin V. He is unable to see how that teaching can be consistent with *Dignitatis Humanae* and concludes:

The question is raised as to how DH can stand with respect to centuries of authoritative teaching, and of canonically prescribed practice, according to which there is no right to the practice (especially the public practice) of dissent. I say the *question* is raised, and to the present hour the question has not been answered.²⁴

The hermeneutic of continuity at all levels

At the opposite extreme from the hermeneutic of rupture is a hermeneutic of continuity at all levels. Thomas Storck, an expert on Catholic Social Teaching, uses

²¹ Congregation for the Doctrine of the Faith, "Liberté religieuse: Réponse aux Dubia présentés par S.E. Mgr Lefebvre," Rome, March 9, 1987: <http://lacriseintegriste.typepad.fr/weblog/1987/03/1%C3%A9ponses-de-la-congr%C3%A9gation-pour-la-doctrine-de-la-foi-aux-dubia-pr%C3%A9sent%C3%A9s-par-mgr-lefebvre.html> (accessed November 21, 2014).

²² See the documentation collected at the website *La crise intégriste*: <http://lacriseintegriste.typepad.fr/weblog/le-dialogue-avec-jeanpaul-ii-19781987.html> and <http://lacriseintegriste.typepad.fr/weblog/le-schisme-19882000.html> (both accessed November 21, 2014).

²³ "En fournissant une interprétation personnelle des textes du Magistère, vous feriez paradoxalement preuve de ce libéralisme que vous combattez si fortement, et agiriez contre le but que vous poursuivez." Letter of Joseph Cardinal Ratzinger to Archbishop Marcel Lefebvre, July 28, 1987: <http://lacriseintegriste.typepad.fr/weblog/1987/07/lettre-du-car.html> (accessed November 21, 2014).

²⁴ "Es stellt sich eben die Frage, wie DH [Dignitatis humanæ] ankommen soll gegen die über Jahrhunderte verbindlich vorgetragene Lehre, und zwar vor dem Hintergrund kirchenamtlich gestützter Praxis, wonach es gerade kein natürliches Recht gibt, (zumal öffentlich) unbehelligt von der staatlichen Gewalt das Dissidententum zu praktizieren. Ich sage: „es stellt sich die Frage, wie“. Und beantwortet ist die bis zur Stunde nicht." Klaus Obenauer, "Piusbruderschaft: Der angehaltene Zug – oder: Wie bekommt man das Signal wieder auf Grün?" <http://www.katholisches.info/2012/11/21/piusbruderschaft-der-angehaltene-zug-oder-wie-bekommt-man-das-signal-wieder-auf-grun/> (accessed on October 18, 2014).

such a hermeneutic of continuity.²⁵ Storck bases his reading on the explicit assertion in the preamble of *Dignitatis Humanae* that it does not mean to change traditional Catholic teaching on the duties of societies toward the true religion:

Religious freedom, in turn, which men demand as necessary to fulfill their duty to worship God, has to do with immunity from coercion in civil society. Therefore it leaves untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ.²⁶

Among the duties of societies toward true religion, Storck includes the limiting of the spread of false religions by way of censorship and such measures, as called for by the 19th century popes.²⁷ Thus Storck moves the apparent contradiction into *Dignitatis Humanae* itself. But he finds a key to understanding why the contradiction is only apparent by his interpretation of the “due limits” on religious freedom mentioned in the central statement of *Dignitatis Humanae* 2: “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*.” *Dignitatis Humanae* 7 further explicates these limits. The exercise of religious liberty must “respect both for the rights of others and for their own duties toward others and for the common welfare [*bonum commune*] of all.” The state is required to preserve “genuine public peace, which comes about when men live together in good order and in true justice” and “public morality.” Storck argues that preservation of the *bonum commune* of a Christian society would in practice allow for very heavy restrictions on religious freedom:

the “just requirements of public order,” the “due limits,” and considerations of the rights of others and of the common good vary considerably from society to society, and that in a society overwhelmingly and traditionally Catholic they could easily include restrictions, and even an outright prohibition, on the public activities of non-Catholic sects, particularly on their proselytizing activities.²⁸

According to Storck, the condemnation of religious freedom in earlier ages of the Church was not the complete denial of *any* such right, but rather the denial of an *unlimited* right.²⁹ On his interpretation previous teachings were not concerned with the private right of persons to believe what they thought to be true, but rather precisely with the necessity for public order of limiting the spread of false religion:

²⁵ Some other examples are mentioned by Schockenhoff (“Das Recht” 727-728), including Arthur Utz, Robert Spaemann, Basil Valuet, and Bertrand de Margerie.

²⁶ *Dignitatis Humanae* § 1; cf. Thomas Storck, *Foundations of a Catholic Political Order* (Beltsville 1998) 27.

²⁷ Storck, *Foundations* 21-26.

²⁸ Storck, *Foundations* 28-29.

²⁹ Storck, *Foundations* 29: “Man’s religious liberty is real and the Council’s Declaration is not false or heretical; simply that the right to exercise such freedom is not the same in every place and time.”

A non-Catholic has the real right, even in a Catholic state, to privately profess his own religion and privately meet with his co-religionists; in a liberal regime he has a right to considerably more freedom. In both cases the freedom is real, simply that the “requirements of public order” and of the common good differ.³⁰

I do not think that Storck’s thesis can be maintained. First because I think it does not do justice to the full scope of pre-conciliar teaching on coercion in religious matters. As Thomas Pink has shown, and as I will explain in section 3 below, previous teaching justified not only restrictions on the public activity of false religion, but also coercing heretics to return to the true faith. A second problem with Storck’s thesis is that it doesn’t do justice to the decisiveness with which *Dignitatis Humanae* denies the state any native authority in matters of religion. It grounds this lack of authority in the transcendence of religious matters over the temporal order:

The religious acts whereby men, in private and in public and out of a sense of personal conviction, direct their lives to God transcend by their very nature the order of terrestrial and temporal affairs. Government therefore ought indeed to take account of the religious life of the citizenry and show it favor, since the function of government is to make provision for the common welfare. However, it would clearly transgress the limits set to its power, were it to presume to command or inhibit acts that are religious.³¹

This seems to exclude precisely the sort of limitation of false religion *for the sake of the temporal common good* that Storck wants to uphold.

The hermeneutic of reform in continuity

On Pope Benedict’s hermeneutic principle one ought not to expect a contradiction between the documents of Vatican II and previous teaching, but neither ought one to expect complete continuity. One ought rather to expect reform. “Basic decisions, therefore, continue to be well-grounded, whereas the way they are applied to new contexts can change.”³² Pope Benedict explicitly applies this hermeneutic principle to *Dignitatis Humanae*:

Thus, for example, if religious freedom were to be considered an expression of the human inability to discover the truth and thus become a canonization of relativism, then this social and historical necessity is raised inappropriately to the metaphysical level and thus stripped of its true meaning. Consequently, it cannot be accepted by those who believe that the human person is capable of knowing the truth about God and, on the basis of the inner dignity of the truth, is bound to this knowledge. It is quite different, on the other hand, to perceive religious freedom as a need that derives from human coexistence, or indeed, as an intrinsic consequence of the truth that cannot be externally imposed but that the person must adopt only through the process of conviction.³³

³⁰ Storck, *Foundations* 29.

³¹ *Dignitatis Humanae* § 3; emphasis added.

³² *Expergiscere Homo* 50.

³³ *Expergiscere Homo* 50.

Pope Benedict thus shows that there is no direct contradiction between *Dignitatis Humanae* and, for example, *Quanta Cura*, since “religious freedom” means something quite different in those two documents.³⁴

Nevertheless, Pope Benedict’s interpretation leaves some open questions, since it does not explain the continuity at the level of “basic decisions” and the discontinuity at the level of application to “new contexts” in detail.

A number of theologians have tried to apply Pope Benedict’s principles to a detailed interpretation of *Dignitatis Humanae*. It turns out that distinguishing the two levels is not as easy as it might appear at first. I shall now examine two attempts that I find inadequate before turning (in the next section) to Thomas Pink’s solution.

Eberhard Schockenhoff explicitly invokes Pope Benedict XVI’s address in his interpretation. But I claim that in the end his reading in the end falls back into a hermeneutic of rupture. Schockenhoff does see “lines of continuity” between *Dignitatis Humanae* and previous teaching on the relation of freedom and truth, but he does not limit discontinuity to the application to a new context:

The truth does not lie simply at the mean between continuity and discontinuity. Even at the hermeneutic deep-level, the level at which the Council tries to come to a fitting understanding of truth and freedom, there is an unmistakable change of perspective. [...] At any rate, it does not suffice to assert a continuity in the development of Church teaching at theological or philosophical/ethical level, and only admit continuity at the level of application to new historical situations.³⁵

According to Schockenhoff the Church in *Dignitatis Humanae* adopted the “hard core” of modern liberal rights as her own.³⁶ He sees this as a paradigm shift in the Church’s understanding of the relation of truth and freedom, and the relation of human subjectivity and truth.³⁷ Moreover, he argues that this paradigm shift has implications for the relation of truth and freedom in the Church herself—the pastors of the Church should eschew the coercive use of teaching authority, and should use a more dialogical mode of teaching. As we shall see below, this position

³⁴ Cf. Schockenhoff, “Das Recht” 729.

³⁵ “Dennoch liegt die Wahrheit nicht einfach in der Mitte zwischen Kontinuität und Diskontinuität. Denn auch auf der hermeneutischen Tiefenebene, auf der das Konzil sich um eine angemessene Vermittlung von Wahrheit und Freiheit bemüht, ist ein Perspektivenwechsel unverkennbar [...]. Jedenfalls reicht es nicht aus, auf einer theologischen oder philosophisch-ethischen Prinzipienebene eine ungebrochene Kontinuität kirchlicher Lehrentwicklung zu behaupten und nur hinsichtlich der Anwendung dieser Prinzipien auf veränderte geschichtliche Situationen einen Wandel zuzugeben.” Schockenhoff, “Das Recht” 734.

³⁶ Eberhard Schockenhoff, *Erlöste Freiheit: Worauf es im Christentum ankommt* (Freiburg 2012) 15.

³⁷ Schockenhoff, *Erlöste Freiheit* 42-45, idem, “Das Recht” 733-734.

is hard to square with the solemn teaching of the Council of Trent, according to which the Church ought to impose sanctions on the baptized to help preserve them in the faith.

Martin Rhonheimer's interpretation is similar to Schockenhoff's, but he sees slightly more continuity and slightly less discontinuity. He does see continuity at the level of principles in the relation of truth and freedom. He even admits that the Church can coerce her members with sanctions (even ones that have "temporal" consequences),³⁸ but he denies that the Church can make use of the state as *brachium sæculare* for such coercion. He thinks that *Dignitatis Humanæ* corrects previous teaching on "the mission and function of the state."³⁹ While certain previous popes taught that the state must subordinate itself to the Church, *Dignitatis Humanæ* denies this and demands a legitimate secularity for the state. This is not a break with principles derived from Sacred Scripture or the Apostolic tradition, which according to Rhonheimer "suggest a separation between the political and religious spheres."⁴⁰ But it is a break with earlier and less perfect applications of those principles. Rhonheimer argues that *Dignitatis Humanæ* stands at the end of a long process through which the Church re-discovers the original meaning of the Jesus's distinction between the things that are Caesar's and the things that are God's, and for the first time sees its full implications.⁴¹ I will return to Rhonheimer's subtle argumentation below when I consider the history of the relations of spiritual and temporal power. At this point it suffices to indicate that the teaching according to which the Church can make use of the state as secular arm as a great deal more authority Rhonheimer is willing to admit. Think for example of Pope Martin V's confirmation of the Council of Constance's teaching on the secular arm mentioned above.⁴²

³⁸ Martin Rhonheimer, "Dignitatis Humanæ—Not a Mere Question of Church Policy: A Response to Thomas Pink," in: *Nova et Vetera*, English Edition, 12,2 (2014): 445-470, at 454-455.

³⁹ Martin Rhonheimer, "Benedict XVI's 'Hermeneutic of Reform' and Religious Freedom," in: *Nova et Vetera*, English Edition, 9,4 (2011): 1029-1054; idem, *Christentum und säkularer Staat*, especially 156-163; cf. also idem, "Dignitatis Humanæ—Not a Mere Question."

⁴⁰ Rhonheimer, "Benedict XVI's 'Hermeneutic of Reform'" 1032.

⁴¹ See especially: Rhonheimer, *Christentum und säkularer Staat* 33-191.

⁴² See: Klaus Obenauer, "Piusbruderschaft: Der angehaltene Zug." Obenauer cites Denzinger/Hünemann (42nd ed.) 1272: "Item, utrum credat, quod inobedientia sive contumacia excommunicatorum crescente, praelati vel eorum vicarii in spiritualibus habent potestatem aggravandi et reagravandi, interdium ponendi et brachium saeculare invocandi; et quod illis censuris per inferiores sit oboediendum."

PART II: THOMAS PINK'S BREAKTHROUGH

The English philosopher Thomas Pink has recently developed a new account of the continuity and discontinuity with previous teaching in *Dignitatis Humanae*.⁴³ Pink is an expert on the philosophy of Thomas Hobbes (1588–1679), and it was Hobbes that led him to a new approach to the problem since one of Hobbes's main concerns in *Leviathan* was to refute the Catholic claim according to which the Church has its own coercive authority independent of the state.⁴⁴ The two main defenders of the Catholic position in Hobbes's time were Robert Bellarmine and Francisco Suarez, and so Pink studied their arguments. He noticed that they pose the question of coercion in religious matters in terms quite different from those used today. Today it is usual to see the question of freedom and coercion in religion as a question of the competence of the state: does the state have the authority to use coercion in religious matters or not? Moreover, the coercion in question is thought of as coercion of public actions, not of the interior act of faith itself.⁴⁵ But Bellarmine and Suarez do not treat the question of religious coercion in the first place as a question of the competence of the state; they treat it as a question of the competence of the Church. Since they see the Church as a *societas perfecta* (a complete community) with its own coercive authority—an authority to promulgate binding laws and enforce them with sanctions. The Church, the Mystical Body of Christ and Communion of Saints, is of course much more than a juridical *societas perfecta*, but this juridical character is essential to her as well. Church laws are therefore not merely rules of a voluntary society, which would only bind so long as one wished to remain within the society. Rather, Church law is genuine coercive law, binding on all her members.⁴⁶

⁴³ See: Thomas Pink, "What is the Catholic doctrine of religious liberty?" (Lecture, Trumau, June 2012): https://www.academia.edu/639061/What_is_the_Catholic_doctrine_of_religious_liberty (accessed November 22, 2014); idem, "The Right to Religious Liberty and the Coercion of Belief: A Note on *Dignitatis Humanae*," in: John Keown and Robert P. George (ed.), *Reason, Morality, and Law: The Philosophy of John Finnis* (Oxford 2013) 427–442; idem, "Conscience and Coercion: Vatican II's Teaching on Religious Freedom Changed Policy, not Doctrine," in: *First Things* 225 (2012): 45–51; idem, "The Interpretation of *Dignitatis Humanae*: A Reply to Martin Rhonheimer," in: *Nova et Vetera*, English Edition 11,1 (2013): 77–121; idem, "Jacques Maritain and the Problem of Church and State" (Lecture, Mundeleine, October 2013): https://www.academia.edu/8576510/Jacques_Maritain_and_the_problem_of_Church_and_State (accessed October 21, 2014); idem, "Suarez and Bellarmine on the Church as Coercive Lawgiver" (Lecture, Bologna, December 2013): https://www.academia.edu/8577465/Suarez_and_Bellarmino_on_the_Church_as_Coercive_Lawgiver (accessed October 21, 2014).

⁴⁴ See: Pink, "Suarez and Bellarmine" 187.

⁴⁵ Pink, "What is the Catholic Doctrine" 1–2.

⁴⁶ Pink, "Suarez and Bellarmine" 187–188.

Everyone who has become a member of the Body of Christ through Baptism is thereby forever subject to the law of the Church. Baptism does not “expire” when someone apostatizes or falls into heresy or schism. The Church can therefore continue demand that the baptized keep their baptismal vows and the other duties flowing from baptism. And the Church can back this demand up with sanctions.⁴⁷ The Council of Trent explicitly taught that the Church as a genuine coercive authority can impose not only spiritual sanctions (such as excommunication), but also temporal sanctions. Against a thesis of Erasmus, who thought that baptized children ought not to be forced to keep their vows when grown up, Trent promulgated the following canon:

If anyone says that when they grow up, those baptized as little children should be asked whether they wish to affirm what their godparents promised in their name when they were baptized; and that, when they reply that they have no such wish, they should be left to their own decision and not, in the meantime, be coerced by any penalty into the Christian life, except that they be barred from the reception of the Eucharist and the other sacraments, until they have a change of heart: let him be anathema.⁴⁸

One of the main obligations that flows from Baptism is the obligation to believe. According to the traditional teaching it belongs to the essence of faith that Baptism be free, and no one can therefore be coerced into Baptism; the Church has always condemned forced Baptisms.⁴⁹ But once a person has received the supernatural virtue of faith through Baptism that person is obliged to keep the faith. For this reason St Thomas Aquinas, to take one prominent example, teaches that although the unbaptized can never be forced to accept the Christian faith, heretics who have fallen away from the true faith can and ought to be coerced back into accepting it.⁵⁰ Pope Pius VI confirmed this view, explicitly citing St. Thomas, in the Brief *Quod Aliquantum* (1791):

We must distinguish between those who have always been outside the Church, namely infidels and Jews, and those who have subjected themselves to her through Baptism. The former ought not to be compelled to profess the Catholic Faith, the later however are to be coerced (*sunt cogendi*). St. Thomas proves this with his usual solidity.⁵¹

During the Counter Reformation such teachings were used to justify coercing Protestants to accept the Catholic faith. Since there is only one Baptism, baptized

⁴⁷ Pink, “Suarez and Bellarmine” 188.

⁴⁸ Council of Trent, Session VII, *Decree on Baptism*, canon 14, 3 March 1547; citation following: Pink, “What is the Catholic Doctrine” 16; for the Latin text see: Denzinger/Hünemann 1627.

⁴⁹ Cf. *Dignitatis Humanae* §§ 11-12 with many citations of patristic and magisterial texts.

⁵⁰ See: Thomas Aquinas, *Summa Theologiae* IIa-IIæ, q10, a8.

⁵¹ Pius VI, *Quod Aliquantulum*, in: *Brefs et instructions de notre Saint Père le Pape Pie VI*, Vol. 1 (Rome 1797) 132; cf. Rhonheimer, “Benedict XVI’s Hermeneutic” 1036.

Protestants are subject to the jurisdiction of the Catholic Church.⁵² As Pink points out, one can of course question the prudence and morality of the inquisitorial methods of applying this teaching, but such questioning need not necessarily entail a rejection of the teaching itself.⁵³

The idea that persons should be coerced not only in their external actions, but even in the very act of faith itself is unusual today. Pink shows that the influence of the philosophies of Hobbes and Locke have had an important role in making such an idea seem strange. Hobbes and Locke argue that such coercion ought to be forbidden *de jure* because it is impossible *de facto*.⁵⁴ But according to scholastic philosophy legal coercion has a pedagogical function,⁵⁵ and therefore it can help persons to accept the truth. Since Baptism infuses the virtue of faith, coercion need not necessarily lead to hypocrisy. Coercion can force the baptized to examine the evidence of the faith.

In exercising coercion the Church has historically made use of the right to use the temporal power as an instrument or organ (secular arm). This does not, however, imply that the temporal power was seen as having a native jurisdiction in religious matters. Insofar as the temporal power acts as an instrument of the Church it is precisely *not* acting on its native authority. In the 19th century this distinction was very emphatically taught by Pope Leo XIII:

The Almighty, therefore, has given the charge of the human race to two powers, the ecclesiastical and the civil, the one being set over divine, and the other over human, things. [...] Whatever, therefore in things human is of a sacred character, whatever belongs either of its own nature or by reason of the end to which it is referred, to the salvation of souls, or to the worship of God, is subject to the power and judgment of the Church. Whatever is to be ranged under the civil and political order is rightly subject to the civil authority.⁵⁶

Thus the temporal power has *no authority whatsoever* in religious matters. Nevertheless, this does not exclude the temporal power acting as an agent of the Church in such matters.

⁵² See: Pink, "Pink, Suarez and Bellarmine" 188.

⁵³ Pink, "What is the Catholic Doctrine" 26; cf. Edmund Waldstein, "Tarnishing the Splendor of Truth," *Sancrucensis* (blog), January 2, 2014: <http://sancrucensis.wordpress.com/2014/01/02/tarnishing-the-splendor-of-truth/> (accessed November 24, 2014).

⁵⁴ Pink, "What is the Catholic Doctrine" 6.

⁵⁵ See: Pink, "What is the Catholic Doctrine" 6-9; cf. Michel Therrien, *Law, Liberty & Virtue: A Thomistic Defense for the Pedagogical Character of Law* (Dissertation, Fribourg, 2007).

⁵⁶ Pope Leo XIII, *Immortale Dei*, in: *Acta Sancta Sedis* 18 (1885) §§ 11, 14; translation: http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei_en.html (accessed November 14, 2014).

In the light of this distinction Pink can show the continuity of *Dignitatis Humanæ* with previous teaching. For previous teaching would agree that in religion everyone should be “immune from coercion on the part of individuals or of social groups and of any human power,” (*Dignitatis Humanæ* § 2) if “human power” is taken to mean worldly or temporal power. Thus *Dignitatis Humanæ* § 3 is entirely traditional when it teaches that “religious acts” “transcend by their very nature the order of *terrestrial* and *temporal* affairs,” and that the state would “transgress the limits set to its power,” were it to command or forbid such acts.⁵⁷

But such a statement about the limits of the authority of the temporal power in no way restricts the authority of the Church. For *Dignitatis Humanæ* explicitly states that it is treating of “immunity from coercion in civil society” and leaving untouched traditional teaching on duties toward the Church, and therefore by implication the rights of the Church.⁵⁸ So on Pink’s reading *Dignitatis Humanæ* is treating *only* the state’s own task and authority derived from natural law *not* on any additional task that it might receive as agent of the Church. It is simply *not treating* of the authority of the Church to coerce the baptized even with the assistance of the secular arm. Pink sees this reading confirmed in the fact that a number of council fathers wanted a passage inserted affirming “as compatible with religious liberty that the Church use sanctions to impose her doctrine and discipline on those subject to her,”⁵⁹ but the Conciliar Commission rejected this request for the following reason: “This (proposal) is not admitted, since ecclesial obligation or right are not treated here, nor is the question of freedom within the Church herself.”⁶⁰

But, Pink argues, by not mentioning the right of the Church to make use of the state as secular arm, *Dignitatis Humanæ* changes Church policy. That is, the Church no longer makes use of that right; she no longer authorizes the temporal power to act as her agent:

the Church’s present and evident refusal to license such coercion by states on her authority [...] is [...] made evident by *Dignitatis Humanæ* in itself; by the Church’s subsequent diplomatic policy toward states, which now excludes state coercion to support Catholicism; and by the absence from the 1983 *Code of Canon Law* of the requirement on the state to act as a coercive agent that the 1917 *Code* had contained. [...] *Dignitatis Humanæ* constitutes a great reform in the policy of the Catholic Church. For the first time since late antiquity, the state is no longer directed to act as the Church’s agent to enforce and defend her jurisdiction.⁶¹

⁵⁷ See: Pink, “What is the Catholic Doctrine” 45 and passim.

⁵⁸ *Dignitatis Humanæ* § 1.

⁵⁹ Pink, “What is the Catholic Doctrine” 34.

⁶⁰ *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II* (Rome 1970-1980), Vol. 4, Pars 6, 763; trans. following Pink, “What is the Catholic Doctrine” 34.

⁶¹ Pink, “Conscience and Coercion.”

This is a change not in doctrinal principles, but in their disciplinary application to particular historical circumstances. Thus Pink does indeed use a “hermeneutic of reform”— he shows continuity at the level of principles, but discontinuity at the level of application to circumstances.

Pink’s position can thus be summarized as follows:

- There is a right to religious liberty.
- This right means that no worldly power has the authority to coerce persons to religious acts, or to prevent them from practicing religion within the limits of public order.
- The Church as the spiritual power has the authority to coerce the baptized (and only the baptized) to keep their baptismal vows.
- For this purpose the Church can make use of temporal power as an instrument or agent.
- *Dignitatis Humanae* treats of religious freedom only in relation to the temporal power.
- Practically *Dignitatis Humanae* represents a change in Church policy, since the Church no longer makes use of her right to use the temporal power as an instrument.

I consider Pink’s case very strong indeed, but it is to be expected that there will be opposition to it from those who have expounded other interpretations. Thus Martin Rhonheimer has defended his own interpretation against Pink. According to Rhonheimer the traditional teaching, according to which the Church can make use of the temporal power as its instrument for coercing the baptized in religious matters has “no roots in Scripture, nor in the Apostolic Tradition or in the Fathers,”⁶² and was therefore reformable, and was in fact “definitively and with sound theological reasons abandoned by Vatican II.”⁶³ Rhonheimer tries to establish this by an appeal to the history of Church-state relations, which he claims Pink “disregards.”⁶⁴ In order to defend Pink against Rhonheimer I will now give a brief summary of the relations between the Church and the temporal power. I will

⁶² Rhonheimer, “*Dignitatis Humanae*—Not a Mere Question” 447.

⁶³ Rhonheimer, “*Dignitatis Humanae*—Not a Mere Question” 447.

⁶⁴ Rhonheimer, “*Dignitatis Humanae*—Not a Mere Question” 447.

base this summary in large part on Rhonheimer's own research,⁶⁵ but will draw very different conclusions from Rhonheimer.

PART III: SPIRITUAL AND TEMPORAL POWER: A GLANCE AT HISTORY

The ancient world did not distinguish between spiritual and worldly power. In the Greek city-states and later in Rome the worship of the gods was an important element of political or imperial life, and was therefore considered to fall under political or imperial authority. Aristotle considers worship to be an essential function of the *polis*: "Fifthly, or rather first, there must be a care of religion, which is commonly called worship."⁶⁶ Although the Romans distinguished between *res divina* and *res publica*, these two were not conceived of as distinct powers with distinct ends;⁶⁷ the function of divine worship was largely to secure political/imperial success.⁶⁸ Ancient Israel reversed this order; the worship of God is the primary thing to which all of life is subordinated. But here too there was no distinction between spiritual and temporal power.⁶⁹

The distinction between spiritual and temporal or worldly power was an innovation of Christianity. And, as Rhonheimer argues, it was able to make this distinction because Christianity is a religion of redemption.⁷⁰ Christianity did not deny the legitimacy of the existing political order, it recognized therein an authority founded in God's creation and granted by His providence. But like any part of creation it saw the political as wounded by sin and in need of healing in the present, and the eschatological future of elevation, fulfillment, and transcendence by a higher form of communal life. The order of creation was seen as a good, but temporary and preliminary order—a sign of a yet better order to come. The Lord's famous dictum according to which one must render unto Caesar the things that are Caesar's, but unto God the things that are God's (Mtt 22:21) did not at all conform to expectations about the Messiah. The Messiah was expected to end Roman rule and re-establish the rule of God. But Jesus does not immediately destroy the existing order, instead He plants the Kingdom of God as a seed that is to grow in the midst

⁶⁵ As presented above all in the first part of *Christentum und säkularer Staat*.

⁶⁶ Aristotle, *Politics* VII,8 1328b 13; trans. Benjamin Jowett (Oxford 1905).

⁶⁷ See: Itai Gradel, *Emperor Worship and Roman Religion* (Oxford 2002) 4-6.

⁶⁸ See Numa Denis Fustel de Coulange's enduring 19th century classic, *The Ancient City: A Study on the Religion, Laws, and Institutions of Greece and Rome*, trans. Willard Small (Boston 1877).

⁶⁹ See: Rémy Brague, *The Law of God: The Philosophical History of an Idea*, trans. Lydia G. Cochrane (Chicago 2007) ch. 4.

⁷⁰ Rhonheimer, *Christentum und säkularer Staat* 36-44.

of the existing order. Only at His triumphant return at the end of time will He replace earthly powers with the New Jerusalem.

In the time between the Ascension and the Second Coming of the Lord, Christians have to care both for the “temporal”— that is, passing, preliminary— goods, and for the imperishable eternal goods of the Kingdom of God. Very soon a distinction was made within the Church herself between the Apostles whose responsibility was primarily for the ministry of the word of God, and the deacons who had the duty of caring for temporal matters (see Acts 6).

The early Christians had a somewhat ambivalent attitude toward the power of the Roman emperor. On the one hand his authority is recognized as given by God for the punishment of evildoers (cf. Romans 13:1-8) and the securing of a peace, which makes it easier for Christians to live a pious life and preach the Gospel (cf. 1 Tim 2:1-4).⁷¹ On the other hand, *Revelation* portrays Rome as a new Babylon that unjustly sheds the blood of the martyrs. The early Church Fathers demanded an end of persecution, a granting of religious freedom to Christians.⁷²

After Constantine ended the persecution of Christians, Christianity was at risk of being instrumentalized, of being given the function of securing the safety of the empire that once belonged to the pagan gods. The Church Fathers, especially St Ambrose and St Athanasius, protested against this attempt to subordinate the Church to worldly power.⁷³ They insisted on two principles: first, “the primacy of the spiritual over the earthly/worldly affairs,” and second, “the ordering of all earthly/worldly affairs to the heavenly and eternal.”⁷⁴ The Fathers understood these principles to allow for a role of the temporal power in helping to preserve the true faith. Thus the imperial power was used to suppress the Arian heresy.⁷⁵ Rhonheimer considers the “enthusiasm” with which the Fathers saw worldly power as an instrument of orthodoxy problematic and “astonishing,” but his astonishment rests on a *petitio principii*.⁷⁶ It is only because Rhonheimer first interprets the direct New Testament derivation of worldly power from God as “sovereignty” and “independence of religious claims to ordering authority”⁷⁷ that the patristic

⁷¹ Cf. Rhonheimer, *Christentum und säkularer Staat* 40-44.

⁷² See: Rhonheimer, *Christentum und säkularer Staat* 42-43.

⁷³ See: Rhonheimer, *Christentum und säkularer Staat* 49.

⁷⁴ Rhonheimer, *Christentum und säkularer Staat* 46: “der Primat des Spirituellen über das Irdisch-Weltliche [...] die Hinordnung alles Irdisch-Weltliche auf das Himmlische und Ewige.”

⁷⁵ See: Rhonheimer, *Christentum und säkularer Staat* 49, 51.

⁷⁶ Rhonheimer, *Christentum und säkularer Staat* 49.

willingness to make use of the state as an instrument for the suppression of heresy seems wrong to him. But one should rather take the patristic application of New Testament principles as an authoritative guide to meaning of those principles.

The sack of Rome by the Visigoths in 410 seemed to many Romans to be a refutation of Christianity. Clearly Christianity was not able fulfill the classic function of religion: preserving the city from catastrophe. St Augustine answered this argument in his great work *The City of God*. The true religion does not exist for the sake of securing the transitory order of this world, but rather for the sake of building up the City of God, which will only be fully realized after the passing of this world. The City of God is founded on a love of God that leads its citizens to contempt for themselves, counting all earthly things as worthless.⁷⁸ Thus God allows “temporal” catastrophes to disturb the reign of Christian rulers, thus teaching all not to serve God for the sake of worldly advantages (*Civ. Dei* V,25). Augustine argues that temporal ought to be ordered to eternal ones (*Civ. Dei* XIX,17), but that this ordering will never be achieved entirely harmoniously till the second coming of the Lord. For, there is a second city here on earth in addition to the city of God—the *civitas terrena*, the earthly city. This city is founded on a love of self to the contempt of God (*Civ. Dei* XIV,28). And these two cities are in conflict. Although both cities are (for different reasons) interested in conserving temporal peace, so that a limited cooperation between them in temporal matters is possible (*Civ. Dei* XIX,17), nevertheless, this cannot be taken as allowing for a neutral temporal realm, as Rhonheimer would have it;⁷⁹ **The earthly city is *always* opposed to true religion.**⁸⁰ Thus Augustine argues that it is fitting for temporal things to be ordered by Christian rulers.⁸¹ And these rulers ought not to be neutral in religious matters. Rather they should promote the true religion and even punish

⁷⁷ Rhonheimer, *Christentum und säkularer Staat* 41.

⁷⁸ Cf. *De Civitate Dei* XIV, 28; hereafter cited parenthetically as *Civ. Dei*.

⁷⁹ Rhonheimer, *Christentum und säkularer Staat* 55.

⁸⁰ See: Tracey Rowland, “Augustinian and Thomist Engagements with the World,” in: *American Catholic Philosophical Quarterly*, 83,3 (2009): 441-459, especially at 446-449; E.J. Hutchinson, “Whose Augustine? Which Augustinianism?” in: *The Calvinist International* (August 2014): <http://calvinistinternational.com/2014/08/14/whose-augustine-augustinianism/> (accessed October 31, 2014); Donald X. Burt, *Friendship and Society: An Introduction to Augustine's Practical Philosophy* (Grand Rapids 2009) 200-227.

⁸¹ See: Rowland, “Augustinian and Thomist Engagements” 448.

heretics.⁸² Justice consists in giving each his own, thus no society is just that does not give God the worship due to Him (*Civ. Dei* XIX,21⁸³).

Since Christian rulers must see to it that society gives God His due, it might seem that they must of themselves have a certain authority in spiritual matters, that is, an episcopal authority. But this idea was rejected by the Church. In 494 Pope St Gelasius I taught that the royal power and priestly authority are two distinct principles, both instituted by God, and that the subordination of temporal to spiritual good implies that the temporal rulers must be subject to the priestly authority in matters that concern eternal salvation.⁸⁴

But Christian rulers both in the Byzantine Empire, and, after the *translatio imperii* of 800, in the Holy Roman Empire, did not always accept the Gelasian teaching. In the West a conflict between pope and emperor developed that came to a head in the High Middle Ages in the Investiture Controversy. The popes from St Gregory VII to Boniface VIII developed previous teaching on the relation of the two powers, and taught that the subordination of temporal under the spiritual ought to be preserved by a *juridical* subordination of worldly under priestly authority. Priestly authority is seen not just as *auctoritas*, but as a genuine *potestas*, a coercive power. Rhonheimer argues that calling the priestly authority *potestas* is contrary to the actual meaning of Gelasian diarchy,⁸⁵ but one can also see it as a development of what was implicit in previous teaching. If one considers the very high degree of magisterial authority with which the *plenitudo potestas* of the pope was taught from St Gregory VII's *Dictatus Papæ* (1075) to St Boniface VIII's *Unam Sanctam* (1302), then it is simply not possible to reject this development as illegitimate.⁸⁶

Unam Sanctam conceives of the *potestas* of the pope as a *direct* authority, at least when it is a question of using temporal power for directly spiritual purposes. In such matters the sword is drawn “at the will and sufferance of the priest.”⁸⁷ But

⁸² Rowland, “Augustinian and Thomist Engagements” 448-449; Burt, *Friendship and Society* 200-227.

⁸³ “Hence, when a man does not serve God, what justice can we ascribe to him [...]? And if there is no justice in such an individual, certainly there can be none in a community composed of such persons.” trans. Marcus Dods (Buffalo 1887).

⁸⁴ Gelasius I, *Famuli Vestrae Pietatis*, in: *Internet Medieval Sourcebook*: <http://legacy.fordham.edu/halsall/source/gelasius1.asp> (accessed December 12, 2014).

⁸⁵ Rhonheimer, *Christentum und säkularer Staat* 75.

⁸⁶ On the theological note of the teaching of *Unam Sanctam* see: Steven Wedgworth, “Happy Anniversary Unam Sanctam,” in: *The Calvinist International* (November 2013): <http://calvinistinternational.com/2013/11/18/happy-anniversary-unam-sanctam/> (accessed November 9, 2014).

⁸⁷ Boniface VIII, *Unam Sanctam*, in: *Internet Medieval Sourcebook*: <http://legacy.fordham.edu/Halsall/source/B8-unam.asp> (accessed December 18, 2014).

when it is a question of temporal matters that are only indirectly ordered to the spiritual, it is not clear whether the pope's power is direct or indirect (*potestas indirecta*). Giles of Rome, who gave an important theoretical defense of the claims of *Unam Sanctam*, argued that the pope's authority was direct even in such matters.⁸⁸ But since he goes on to argue that this authority while direct is not "immediate and executory,"⁸⁹ his theory is basically indistinguishable from the theory of *potestas indirecta*, according to which the Church can only intervene in temporal affairs *ratione peccati*, that is, in order to forbid or punish sin. Giles explains the relation of spiritual to temporal by a number of analogies, including the analogy of soul and body. Just as the body has its own needs (food, drink etc.), but exists finally for the sake of the soul and is thus subject to the soul, so temporal things have their own necessities but are finally for the sake of spiritual things, and temporal rulers must thus be subject to the pope, the supreme spiritual ruler.⁹⁰

The claims of the popes in the High Middle Ages were supported by various reform movements in the Church such as the Cluniacs, Cistercians, Nobertines, and Dominicans. All of these movements were concerned with emphasizing the primacy of the spiritual and combatting worldliness within the Church.⁹¹

Especially from the 14th century onwards, new powers opposed themselves to the papal claims—the territorial rulers, who were slowly developing the beginnings of nation-states. With lamentable myopia the popes had at first supported the territorial rulers as a balance to the power of the emperor, but soon these rulers proved themselves more dangerous enemies than the emperor. King Philip the Fair of France, for example, was able to prevail in his struggles with Pope Boniface VIII. After the death of Boniface and his short-lived successor, Pope Clement V, began the "Babylonian Captivity" of the popes in Avignon.⁹² After the popes returned to Rome, they were politically integrated into the newly revived system of Italian city-states—in a manner practically incompatible with the two sword theory of the High Middle Ages.⁹³

⁸⁸ See for example: *De ecclesiastica potestate*, II,6: „terrena ... potestaset secundum se et secundum sua, potestati ecclesiastice subdatur.“ *Giles of Rome's On Ecclesiastical Power: A Medieval Theory of World Government: A Critical Edition and Translation*, ed. R.W. Dyson (New York 2004).

⁸⁹ *De ecclesiastica potestate*, III.

⁹⁰ *De ecclesiastica potestate*, I,7.

⁹¹ See: Christopher Dawson, *The Formation of Christendom* (San Francisco 2008 [1965]) 216-227; *The Dividing of Christendom* (San Francisco 2008 [1965]) 30, 38.

⁹² Dawson, *The Dividing* 41-43.

⁹³ Dawson, *The Dividing* 53-56.

While the great Church reform movements of the High Middle Ages, from the Cluniacs to the Dominicans, were supporters of the papacy (excepting the Albigensians and the anti-papal wing of the Franciscans), the reform movements of the Late Middle Ages and the Renaissance became increasingly anti-papal.⁹⁴ This development reached a climax in the Protestant Reformation. The Reformers turned on the pope and allied themselves with the territorial rulers. The “Magisterial Reformation” of Luther and Calvin gave the Christian “magistrate,” i.e. the territorial ruler, a competence in certain religious matters independent of the clergy. This autonomous competence of the magistracy was based on new theological principles that completely re-conceived the relation of worldly and spiritual power.

Calvin (following Luther) distinguished sharply between an invisible kingdom in consciences of the elect, in which there was complete freedom from coercion and each believer was subjected to Christ, the only king and priest, without any intermediary, on the one hand, and, on the other, a visible external kingdom. The visible kingdom was concerned not only with “worldly” matters in the old sense, but also with external acts of religion. Calvin places *both* the magistrates *and* the preachers of the Word in the *external* kingdom.⁹⁵ The preachers are concerned with persuading people, whereas the magistrates are concerned with coercing their external actions, including their religious actions.⁹⁶

The Reformers thus rejected the Catholic teaching defined as early as the Fourth Synod of Toledo according to which the Church has the right to coerce the baptized to keep the faith, since on their account no visible authority whatever can have any authority over conscience. Moreover, they see coercive authority over external acts of religion as belonging not to priests—which they don’t think exist—nor even to preachers, but rather to the magistrates.

The Reformers’ rejection of Catholic teaching on these points is rooted in a new theology of grace, or rather a rejection of the traditional distinction between grace and nature. The Catholic attitude toward “temporal” affairs is rooted in a view of nature as a *temporary* order of being, due to be perfected and in a sense replaced by a better, permanent order, a super-nature to be established by grace. On the Catholic

⁹⁴ See: Dawson, *The Dividing* 30, 42-43.

⁹⁵ See: Steven Wedgworth and Peter Escalante, “John Calvin and the Two Kingdoms,” Part 2, in: *The Calvinist International* (May 2012): <http://calvinistinternational.com/2012/05/29/calvin-2k-2/> (accessed November 9, 2014).

⁹⁶ Wedgworth and Escalante, “John Calvin” 2.

view the created natures of things are good. By sin they are wounded, but not destroyed. Christ comes to heal and re-establish nature. But not only to re-establish it the way it was before the Fall; Christ elevates nature, granting a better kind of being a supernatural being. And in fact nature was always intended as a sign and preparation for the supernatural. So, for example, marriage is a communion of persons that flows from nature and is good. But in the second coming of Christ marriage is shown to have been only a temporary reality a sign of the wedding of Christ and His bride the Church. Everything that was good in marriage will be present in a more eminent mode in the union of Christ and His bride, but natural marriage itself will be no more (cf. Mt 22:30). Nature is thus a shadow and image of the reality that is to come through grace. The natures of things are not destroyed by grace, but they are so transformed that much that belonged to them before is transcended and replaced by that of which it was the image. In the present time though both realities are present at once; the new reality of grace is present as a seed alongside the old reality of nature. Thus the Wedding of the Lamb is present as a seed in the Church's union with Christ in the Sacraments, but this union now exists alongside natural marriage. And natural marriage is now elevated by grace to be a sacrament—an effective sign of the perfect that is to come. But higher than sacramental marriage is consecrated virginity, because virginity is not merely a sign of the coming reality, but an anticipation of that reality—the consecrated virgin already lives the form of life that the blessed will have in Heaven (although she still lacks the perfect union of the beatific vision).

Calvin rejected the Catholic distinction between nature and the supernatural. On Calvin's account there is only nature. In the beginning nature was so perfect that man had true happiness, beatitude. But this perfection was possessed in an insecure mode; it could still be lost. And it was lost through sin. The grace of Christ restores the original perfection of man. The eschatological fulfillment is nothing more than the restoration in an un-losable mode of the very same beatitude that man already enjoyed in Eden. On Calvin's account, grace does *not* elevate nature to a supernatural level, and thus nature is *not* a temporary reality meant to serve as a sign of a better reality to come.⁹⁷ This is the reason for Calvin's rejection Catholic teaching on the Evangelical Counsels of poverty, chastity, and obedience, which to him must seem an unwarranted rejection of God's good creation order.⁹⁸ And this

⁹⁷ See: Peter Escalante, "Two Ends or Two Kingdoms?" in: *The Calvinist International* (April 2013): <http://calvinistinternational.com/2013/04/08/two-ends-or-two-kingdoms/> (accessed November 10, 2014).

⁹⁸ See: Escalante, "Two Ends."

is the explanation of the (from a Catholic perspective) exaggerated value put on worldly affairs and “ordinary life” in Protestant culture.⁹⁹

One of the main ideals of the reform movements of the High Middle Ages was *contemptus mundi* (contempt for the world), or *fuga saeculi* (flight from the world)—understood not only as contempt for disorder of the fallen world and for the demonic powers and the *civitas terrena* over which they rule, but also as a healthy disregard for the passing goods of the preliminary order of things. This relative contempt for the preliminary corresponded to the demand that the temporal power be subject to the spiritual power. Thus St Bernard of Clairvaux’s *De Consideratione* already contains the two sword theory that Pope Boniface VIII was later to adopt.¹⁰⁰ But since the Reformers of the 16th Century rejected the ideal of *contemptus mundi*, it makes sense that they demanded the autonomy of worldly rulers.¹⁰¹

The Catholic dualism of nature and grace corresponds to an integralist vision of the relation of spiritual and worldly power, whereas the Protestant monism of nature corresponds to an independence of worldly power from clerical authority.

The Reformation led at first to the formation of so-called “confessional states.” Calvinist confessional states were famed for moral rigorism. Since they did not recognize life according to the Evangelical Counsels as a *status perfectionis*, they expected moral perfection from everyone. The great success of Calvinist discipline in forming prosperous and militarily powerful societies led to their imitation in Catholic countries. The confessional states quickly developed into the first sovereign territorial states in the modern sense. Often religion was practically degraded to a means of civil discipline.¹⁰² Paradoxically this contributed to the secularization of the Western world.¹⁰³ At first in the Netherlands, and then at the end of the 18th century in North America, states were formed that claimed to be neutral in religious matters. They wanted to limit themselves to the preservation of outward peace, leaving each person to worship whatsoever he pleased so long as he

⁹⁹ See: Charles Taylor, *Sources of the Self* (Cambridge, Massachusetts 1989) Part III: “The Affirmation of Ordinary Life.”

¹⁰⁰ See: Rhonheimer, *Christentum und säkularer Staat* 76-78.

¹⁰¹ See: Escalante, “Two Ends.”

¹⁰² Charles Taylor, *A Secular Age* (Cambridge/Massachusetts 2007) chapter 2: “The Rise of the Disciplinary Society.”

¹⁰³ See: Brad Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge/Massachusetts 2012).

could agree on common rules of commercial life and public security with everyone else.¹⁰⁴

The complete secularization of the state was not at all the intention of the Reformers. But it would not have been possible without their distinction between the visible and the invisible Kingdom, their exaltation of the freedom of conscience, and their exaggerated regard for natural goods. These positions were conditions for the development of the European Enlightenment. The Enlightenment began in the 16th Century with a new ideal of progress through scientific/technological domination of nature. As Pope Benedict XVI has emphasized, this ideal was from the beginning a secularization of Christian hope:

Up to that time, the recovery of what man had lost through the expulsion from Paradise was expected from faith in Jesus Christ: herein lay “redemption”. Now, this “redemption”, the restoration of the lost “Paradise” is no longer expected from faith, but from the newly discovered link between science and praxis. It is not that faith is simply denied; rather it is displaced onto another level—that of purely private and other-worldly affairs—and at the same time it becomes somehow irrelevant for the world.¹⁰⁵

This ideology came to see nature as an inert mechanistic mass without inner teleology, a mere object for arbitrary manipulation by human power. In the political realm it led to a thorough secularization of public life. In Protestant countries this development was relatively peaceful. But in Catholic countries it involved a passionate struggle between the “enlightened” and the forces of “ignorance and superstition.” The *philosophes* considered the Catholic Church to be an enemy of material progress because of her commitment to asceticism and *contemptus mundi*, and an enemy of freedom because she punished heretics and censored books. Thus in Catholic countries a passionately anticlericalism developed which had its first political success in the violent persecution of the Church in the French Revolution. In the 19th century anti-clerical liberals and reactionary restorationists alternated in the governments of Europe. In the 20th century totalitarian, anti-clerical regimes developed whether communist and officially atheist as in Russia, or nationalist and neo-pagan as in Germany.¹⁰⁶

In the Catholic Counter-Reformation theologians such as Francisco Suarez and St Robert Bellarmine had responded to the claims of the confessional state with detailed expositions of the Catholic teaching, according to which the worldly power

¹⁰⁴ Gregory, *The Unintended Reformation* 160-172.

¹⁰⁵ Papst Benedikt XVI, *Spe Salvi* (Rome 2007) § 17.

¹⁰⁶ See: Michael Burleigh, *Earthly Powers: Religion and Politics in Europe from the Enlightenment to the Great War* (London 2005); *Sacred Causes: The Clash of Religion and Politics, from the Great War to the War on Terror* (London 2006).

can only act in religious matters as an organ of the spiritual power.¹⁰⁷ But in the following centuries, in which the nation states consolidated their monopoly on coercive power, this teaching came to be less and less understood. Although Pope Leo XIII returned to this teaching in the 19th century, teaching it authoritatively in the encyclical *Immortale Dei*,¹⁰⁸ his teaching was often misunderstood, so that many 19th century Catholics— including such luminaries as Bishop Ketteler of Mainz— did not think that the Church had true coercive authority of her own.¹⁰⁹ Thus Thomas Pink summarizes the situation immediately before Vatican II as follows:

And so we arrive at the view of religious coercion current before the Second Vatican Council, one that still shapes much post-conciliar “traditionalist” opinion. Religious coercion is really the business of the state. There is no question of the state coercing belief or private practice. But the state must publicly recognize the Catholic faith as true and restrict the public presence of other religions. That behind all this state activity lay another authority, the Church, truly coercive in her own right—whose authority in the case of the baptized extended to coercing even private religious belief and practice—tended to be forgotten.¹¹⁰

PART IV: THE CONCERNS OF THE CONCILIAR THEOLOGIANS

Dignitatis Humanae begins with an optimistic reading one of the signs of the times: “A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man.”¹¹¹ A footnote referring to Pope Pius XII’s famous Christmas Radio Message of 1944 shows that the Council fathers had a very specific development in mind— a change that had come about through the experience of the totalitarian dictatorships of the 20th century. This experience seemed to make a *rapprochement* between the Church and modernity possible— suddenly it seemed that the enmity between the Church and modernity that had been so pronounced since the Enlightenment might come to an end. At the beginning of the 20th century much of public opinion still considered the Church to be an enemy of progress and freedom, but after the world wars opinion had shifted, and many saw the Church as a moral beacon that had stood strong against irrational slaughter and destructive ideology. In Western Europe especially the experience of a totalitarianism that had wanted to entirely subordinate the human person to this-worldly goals made many think that it was necessary to recover a sense of the dignity of the human person as a creation of God with a

¹⁰⁷ See: Pink, “Suarez and Bellarmine;” cf. Part II above.

¹⁰⁸ See: Part II above.

¹⁰⁹ See: Pink, “Conscience and Coercian.”

¹¹⁰ Pink, “Conscience and Coercian.”

¹¹¹ *Dignitatis Humanae* § 1.

transcendent destiny. Within the Church many thought that this new atmosphere presented a chance to re-convert the world to Christianity.¹¹²

Although the 1950s did not quite see the mass conversions that some expected, nevertheless the Church enjoyed unusual prestige. In many parts of Western Europe Christian social-democratic parties came to power. Many of these were influenced by the thought of the French philosopher and convert Jacques Maritain.¹¹³ Maritain had recognized the opportunity for an anti-totalitarian reaction quite early. In the 1920s he had been an integralist and a supporter of *Action Française*,¹¹⁴ but in the 30s he promoted a democratic philosophy based on respect for the dignity of man as an image of God. In *Integral Humanism* (1936) he argued for a new form of the relation of Church and state suitable to the modern age. He tried to show that the principle of the distinction between spiritual and worldly power, and the primacy of the former, could be realized in different ways at different times. In the Middle Ages the Church's exercise of *potestas indirecta* over the worldly power was appropriate to the stage of development mankind had then reached. But with mankind at its current stage of development it would be better for the Church to give up the exercise of such a *potestas*, and exert only a moral influence on political life.¹¹⁵ Maritain theory was meant to enable him to propose a new model of Church-state relations without rejecting traditional teaching.

In the United States of America a somewhat analogous development was taking place. In the 19th and early 20th centuries American Catholics had been considered un-American, since their European political theology seemed irreconcilable with the principles of the American Republic. In the 1950s the Jesuit Fr. John Courtney Murray tried to prove the compatibility of Catholicism and American political philosophy. Murray acted as advisor to the Catholic presidential candidate John F. Kennedy. Kennedy's election to the presidency in 1960 seemed to Murray and many American Catholics to represent the acceptance of such compatibility on the part of the American public.¹¹⁶

¹¹² See: Edmund Waldstein, "The Papacy Against the False Gospel of Progress," *Sancrucensis* (blog), February 22, 2013: <http://sancrucensis.wordpress.com/2013/02/22/the-papacy-against-the-false-gospel-of-progress/> (accessed December 29, 2014).

¹¹³ See: Alan Fimister, *Robert Schuman: Neo Scholastic Humanism and the Reunification of Europe* (Brussels 2008).

¹¹⁴ Fimister, *Robert Schuman* 106-108.

¹¹⁵ See: Pink, "Jacques Maritain;" Fimister, *Robert Schuman* 113-125.

¹¹⁶ See: Thomas W. O'Brien, *John Courtney Murray in a Cold War Context* (Lanham, Maryland 2004) 65-66, 100 and passim.

Murray argued for an even stricter separation of Church and state than Maritain. Murray founds this separation on a strict distinction of nature and grace—the state as a community rooted in natural law has a different end from the Church, the Church’s end being given by grace. As the Murray scholar Leon Hooper, S.J., put it:

[In] this world there are two sources of moral authority. Early on these were for Murray the state and the church, or, more generally, the natural law and the revealed law. Later they became civil societies and religious communities, or the secular and the sacred. Each of the two orders is differently based (in creation and redemption) and is directed toward different ends (civic friendship and eternal beatitude). Each can legitimately claim its own autonomy.¹¹⁷

From these principles Murray argues for a consistent neutrality of the state in religious matters.¹¹⁸

Against the background of the developments exemplified by Maritain and Murray one can understand the widespread opinion in the Church in the run-up to the Second Vatican Council that the Church had to re-formulate her teachings in manner suitable to the modern age in order to take the great opportunity the times offered her. In one of his last speeches as Pope, Pope Benedict XVI re-called the atmosphere at the time of the beginning of the Council with the following words:

There was an incredible sense of expectation. [...] we knew that the relationship between the Church and the modern period, right from the outset, had been slightly fraught, beginning with the Church’s error in the case of Galileo Galilei; we were looking to correct this mistaken start and to rediscover the union between the Church and the best forces of the world, so as to open up humanity’s future, to open up true progress.¹¹⁹

The question of the Church’s stance towards progress was a central question of the council. *The Pastoral Constitution on the Church in the Modern World, Gaudium et Spes*, addressed this problem with a certain ambivalence. Consider the following passages:

Sacred Scripture teaches the human family what the experience of the ages confirms: that while human progress is a great advantage to man, it brings with it a strong temptation. [...] That is why Christ’s Church, trusting in the design of the Creator, acknowledges that human progress can serve man’s true happiness, yet she cannot help echoing the Apostle’s warning: ‘Be not conformed to this world’ (Rom. 12:2). Here by the world is meant that spirit of vanity and malice which transforms into an instrument of sin those human energies intended for the service of God and man. [...] While earthly progress must be carefully distinguished from the

¹¹⁷ Leon Hooper, General Introduction to *John Courtney Murray, Religious Liberty: Catholic Struggles With Pluralism*, ed. by Leon Hooper (Louisville 1993) 25; citation following: David Schindler, *Heart of the World, Center of the Church: Communio Ecclesiology, Liberalism, and Liberation* (Grand Rapids 1996) 77.

¹¹⁸ See: Schindler, *Heart of the World*, ch. 1.

¹¹⁹ Pope Benedict XVI, *E’ per me un dono*, Address to Parish Priests and the Clergy of Rome, 14. Februar 2013: http://www.vatican.va/holy_father/benedict_xvi/speeches/2013/february/documents/hf_ben-xvi_spe_20130214_clero-roma_en.html (accessed December 29, 2014).

growth of Christ's kingdom, to the extent that the former can contribute to the better ordering of human society, it is of vital concern to the Kingdom of God.¹²⁰

Gaudium et Spes was trying to strike a delicate balance. It was trying, as it were, to subvert the Enlightenment idea of progress, to use the language of progress but give it a new meaning.

The danger here was that the opposite would happen, that Enlightenment ideas would subvert the teachings of the Church, making of them a metaphor for inner-worldly progress. This was the danger of “modernism,” which had been condemned as far back as 1907. In order to avoid this danger it was necessary to give an exact account of the relation of nature and grace. The French conciliar theologian Henri de Lubac, S.J., one of the main authors of *Gaudium et Spes*, tried to develop the implications of the scholastic principle *gratia non destruit naturam, sed eam supponit et perficit et elevat* (grace does not destroy nature, but presupposes, perfects, and elevates it). He argued that the relative disregard for natural goods in the Catholic *contemptus mundi* does not imply a reduction or a poisoning of human culture, but on the contrary allows for a truly noble development of culture in view of the coming elevation and sublation of human nature.¹²¹

In the aftermath of the Council, in his preface to a German translation of *Augustinisme et théologie modern*, de Lubac complained of a “rising tide of immanentism” that was trying to “dissolve the Church into the world,”¹²² and against which de Lubac wanted to preserve the distinction between nature and grace. Before and during the Council, however, he saw the danger as coming primarily from the other direction— from those who made that distinction too sharp, separating nature and grace too much.¹²³ This is the problem that we saw in John Courtney Murray. While de Lubac recognized this problem clearly, recent work by theologians such as Steven Long suggests that he misidentified its roots. De Lubac argued that the problem lay in the idea of “pure nature” ordered to a natural end intelligible in abstraction from grace. But Long has convincingly argued that the real problem lies in a conception of nature that is not theonomic enough, a conception that makes nature appear as a closed system indifferent toward the

¹²⁰ *Gaudium et Spes* §§ 37, 39.

¹²¹ Cf. Pope Benedict XVI, Address to Representatives from the World of Culture, Collège des Bernardins, Paris, September 12, 2008: http://www.vatican.va/holy_father/benedict_xvi/speeches/2008/september/documents/hf_ben-xvi_spe_20080912_parigi-cultura_en.html (accessed November 17, 2014); cf. also idem, *Spe Salvi* §§ 13-15, note especially the references to de Lubac, §§ 13-14.

¹²² Henri de Lubac, *Die Erde Augustins*, trans. Hans Urs von Balthasar (Einsiedeln 1971), Vorwort des Verfassers zur deutschen Ausgabe 9-11.

¹²³ De Lubac, *Die Erde Augustins* 7-8.

divine. De Lubac's misidentification of the root of the problem leads him to postulate a natural desire for a supernatural end, an idea that tends towards a monism of grace.¹²⁴

As we saw in Calvin's case, a monistic view of the relation of nature and grace leads to exaggeratedly dualistic view of the relation of Church and state, and so it is no surprise that de Lubac's slight tendency toward a monism of grace leads him to exaggerate the autonomy of the state. Thus already in 1932 de Lubac denied that the state ought to be juridically subordinated to the Church, arguing that just as grace transforms nature from within, the Church should inspire the state through the hearts of its citizens, but without giving it external commands:

The law of the relations between nature and grace, in its generality, is everywhere the same. It is from within that grace seizes nature, and, far from diminishing nature, raises it up, in order to make it serve its (grace's) own ends. It is from within that faith transforms reason, that the Church influences the state. As the messenger of Christ, the Church is not the guardian of the state; on the contrary she ennobles the state, inspiring it to be a Christian state and thereby more human.¹²⁵

De Lubac thus went further than Maritain, whose disciple Charles Journet he cites unfavorably, since de Lubac considers a *potestas indirecta* of the Church over temporal affairs illegitimate at all times.¹²⁶

In the debates on *Dignitatis Humanae* old fashioned traditionalists such as Cardinal Siri of Genua were on one side, and various proponents of a new approach were on the other. But the proponents of a new approach had very different conceptions of what that approach should look like. Jacques Maritain's approach had many influential proponents including Pope Paul VI himself, who had translated Maritain's *Integral Humanism* into Italian,¹²⁷ and Charles Cardinal Journet, Maritain's favorite student.¹²⁸ Fr. John Courtney Murray was himself involved in drafting of *Dignitatis Humanae* as a *peritus*, and his theory was promoted by the American bishops.¹²⁹ Henri de Lubac was also involved as a *peritus*, and his concerns

¹²⁴ See: Steven A. Long, *Natura Pura: On the Recovery of Nature in the Doctrine of Grace* (New York 2010). While I agree with Long's main thesis, I think that he exaggerates certain points—see: Edmund Waldstein, “De Lubac and His Critics Make the Same Error,” in: *Sancrucensis* (blog), July 20, 2014: <http://sancrucensis.wordpress.com/2014/07/20/de-lubac-and-his-critics-make-the-same-error/> (accessed November 17, 2014).

¹²⁵ Henri de Lubac, “Le Pouvoir de l'église en matière temporelle,” *Revue de Sciences Religieuses* 12 (1932): 329-54, at 343-44, citation and translation following Schindler, *Heart of the World* 78.

¹²⁶ See: Bryan C. Holton, *Everything is Sacred: Spiritual Exegesis in the Political Theology of Henri de Lubac* (Cambridge 2009) 41-46.

¹²⁷ Fimister, *Robert Schuman* 101.

¹²⁸ See: Pink, “Jacques Maritain.”

¹²⁹ See: O'Brien, *John Courtney Murray* 100-104.

were shared by several bishops including de Lubac's friend the then Archbishop of Krakow, Karol Wojtyła.¹³⁰

The supporters of Maritain and de Lubac were united in thinking that an "Americanist" dualism such as that promoted by Murray was inadequate. They wanted the text to argue from the duty of man toward the truth, an approach that Murray thought incoherent.¹³¹ But Maritainians and de Lubacians could agree neither on de Lubac's rejection of *potestas indirecta* nor on Maritain's theory of different epochs. The solution to which they came was simply to bracket the question of the relation of Church and state, and simply to treat of religious liberty in relation to the state's native powers, showing how such liberty is founded in the dignity of man's transcendent end. This solution was probably suggested by Cardinal Journet,¹³² and it is expressed above all in the following passage of *Dignitatis Humanae* § 1 that I have already quoted:

Religious freedom [...] which men demand as necessary to fulfill their duty to worship God, has to do with immunity from coercion in civil society. Therefore it leaves untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ.

This solution enabled the post-conciliar Church to engage in an energetic defense of religious liberty around the globe without giving up the continuity of her teaching. But since *Dignitatis Humanae* did not explain its solution clearly enough to avoid the *impression* of discontinuity, it contributed to a crisis of authority in post-conciliar theology.¹³³

¹³⁰ See: Massimo Serretti, "I due amici che fecero la 'rivoluzione' del Concilio Vaticano II," in: *Illusidario*, October 12, 2012: <http://www.ilsussidiario.net/News/Cultura/2012/10/12/LA-STORIA-I-due-amici-che-fecero-la-rivoluzione-del-Concilio-Vaticano-II/328529/> (accessed November 17, 2014).

¹³¹ Schindler, *Heart of the World* 61.

¹³² Vgl. Pink, Jacques Maritain.

¹³³ Cf. John Conley, "Religious Freedom as Catholic Crisis," in: *The Human Person and a Culture of Freedom*, ed. Peter A. Pagan Aguiar and Terese Auer (Washington 2009) 226-241.