

IS RELIGIOUS LIBERTY POSSIBLE IN A LIBERAL CULTURE?¹

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“In trying to understand the meaning of religious freedom [the] problem is [one] of admissible forms of public discourse, given the culture generated by political and juridical liberalism.”



1.

The question headlining this panel requires knowing what “religious freedom” is. The fact that we are having a conference on the topic suggests that the concept can be elusive. Perhaps, however, the phrase itself invites a certain ambiguity. Presumably, from an anthropological and theological point of view, if we take seriously Augustinian “restlessness” or the notion of *homo religiosus*, we would want to see “religious freedom” as simply the central truth of freedom as such. But of course, the phrase is not

1. Paper delivered at the conference, “*Dignitatis Humanae* and the Rediscovery of Religious Freedom,” at the Pontifical John Paul II Institute at The Catholic University of America in Washington, D.C., 21–23 February 2013.

simply anthropological, but also political-judicial. Does the fact that the qualifier “religious” is attached to the substantive “freedom,” then, suggest that “religious freedom” is simply a subspecies of political-judicial freedom, which is therefore taken as not inherently religious? If so, then religious freedom would be treated as one of many freedoms, rather than as freedom’s central truth. What would be denied from the outset would be that these other “freedoms” are necessarily iterations and developments of this underlying freedom. “Religious freedom” understood in this way may very well be considered the “first” and “most basic” right or freedom guaranteed by government, but it will still, for all that, be only one of the many rights or freedoms.

No doubt, with the growth in complexity and technological power of the modern state, with all of the responsibility for human wellbeing that it has appropriated to itself through its ever-growing regulatory and bureaucratic oversight of human action, these rights and freedoms (whether taking the form of immunities or entitlements) will continue to multiply. Whether this multiplication constitutes an ever-increasing recognition and security of basic freedoms (as widely assumed) or rather their diminution (through detailed definition and regulation) is another question. In either case, the result for “religious freedom”—if it is indeed simply one among many “freedoms”—is that its place in the overall juridical pantheon of liberal rights will grow ever smaller.

To see my point, consider “Exhibit A,” the recent controversy over the Health and Human Services (HHS) contraceptive services mandate.² If the foregoing point is accurate, it would go a long way in explaining the problematic presented to the Church and her leaders by the controversy. Here the bishops have been maneuvered into a difficult position. The only foothold available in the debate seems to be the concept of religious freedom. Now, the category of religious freedom would seem to apply on the basis of the mandate’s external interference with the Church’s autonomous order and operation as these relate to employment.

2. The mandate is part of the implementation of the signature legislative accomplishment of the current administration, the 2010 Affordable Care Act.

However, if it is true that religious freedom's centrality and importance as a civil right are decreasing, so too is its usefulness as a point of leverage. If, for example, the free availability of contraceptives is a part of the logic of women's equal participation and access to the job market, and if the Church and religiously oriented entities enter that market as employers, then the claim of "religious freedom" comes into direct conflict with another fundamental right. How do we mediate between these two rights? As always, mediation implies a more fundamental mode of reasoning, one that can encompass both of the competing rights or interests and resolve their conflict by ordering them.

Many Catholics would have no problem putting their finger on the precise mode of reasoning for this purpose—the *natural law*. Natural law could come into play in at least two ways: first, in bolstering the status of "religious freedom" in relation to other rights; second, in relation to the merits or demerits of contraception or of its legal status.

Regarding the first of these, it can be argued that "religion" is an integral good necessary for realization of both the common good of society and for the wellbeing and flourishing of individual citizens. Accepting that religious faith must never be—indeed in principle cannot be—coerced, that therefore citizens must be free even to reject religion, we could argue nevertheless that if religion is a basic human good, it both generates and orders other foundational personal and cultural goods. Hence, we might conclude, religion has a unique status in society and ought to be accorded special protections, perhaps even a priority, when it comes up against other, competing rights.

Unfortunately, this sort of argument plays well only to certain Catholic audiences and seems to have at best a diminishing cogency for contemporary liberal culture as a whole. Indeed, thoughtful non-believers or atheists would likely conclude that—far from being a public good—religion does public harm, and the citizenry ought to be weaned from it. So, while this understanding of the issue may seem almost obvious to many of us, it simply falls on deaf ears in the broader debate, which after all is the debate raised by the current controversy. The result is a continuing repetition of arguments that seem "mysteriously" to have little traction.

Of course, pursuing the debate along these lines presupposes that the question really is one concerning “religious freedom.” Oddly enough, few seem to have noticed the paradoxical aspect of this way of engaging the debate.³ While the Church and her leaders feel constrained to employ the category of religious freedom, the question of the goodness or badness of contraception as such is thought by Catholics to be one of natural law. Hence, many Catholics would think that this issue is not precisely a “religious” one, if we take the word “religious” in a narrow sense. After all, the rejection of contraception is not thought to be a special “Catholic” morality, but a universal truth about the human person. Hence, one might have assumed that Church leaders would approach the question from the standpoint of the goodness or badness of contraception, rather than from the standpoint of “religious freedom.” This of course would then lead back to a debate about the relationship between law and morality, or civil law and natural law—perhaps not regarding whether contraception ought to be legal or illegal (since, of course, there is a distinction between law and morality), but regarding whether, given its harm to persons and society, it ought to be a mandated service at all and, in that vein, whether government should or could force institutions, Catholic or otherwise, to subsidize it.

Again, *that* the category of religious freedom has in fact been employed in the current debate suggests that Church leaders have set aside for purposes of this controversy the substantive question of contraception’s goodness or badness, whether for individuals or society as a whole. Instead, they have accepted the culturally reduced conception of the issue to the simple assertion of ecclesial autonomy in fundamental beliefs and, in this case, how those might or might not affect employment practices. However, the Church has never claimed exemption from *all* civil laws. Why should she have an exception for this one? Inevitably, then, we are led to the second way in which natural law reasoning might be relevant to this controversy, the one dealing with the moral status of contraception as such.

3. One of these few is Professor Patrick J. Deneen: “Religious Liberty?” *Front Porch Republic* (16 February 2012), <http://www.frontporchrepublic.com/2012/02/religious-liberty>.

So the logic of the situation, from the Church's point of view, does indeed suggest that some natural law reasoning on contraception itself is lurking in the background of the claim for autonomy. The mandate is very different from, say, a requirement that employers, including religious ones, provide retirement benefits, precisely because of this background natural law conclusion. That Church leaders have not publically pursued this line suggests that, at least in their considered judgment, they cannot. Evidently natural law arguments concerning the substantive issue have even less plausibility for the culture than those for the primacy of religious freedom.

That the category of religious freedom must be invoked is therefore revealing in itself. If the question *cannot* be approached from the standpoint of the underlying (natural law) truth concerning the merits or demerits of contraception itself, then the question has to be approached purely at the level of the authority of the government to force compliance with its regulations. Hence, the problem—apparently—*can only* be dealt with by the Church as a question of relative authorities, of institutional power and autonomy, rather than as a problem of truth and goodness. If the Church's position implies a natural law argument in the background concerning the merits, but she is forced to treat the issue as reduced only to relative powers (autonomy versus governmental authority), we are left with a kind of irreducible tension in the Church's position. In effect, the Church must act as though her teaching on contraception can be treated as a bit of exotic and basically non-rational (and probably inhuman) "Catholic morality."⁴ In other words, her response would seem to be reduced to this: "We do not expect you to understand our belief, but only to respect it as ours."

Now, if natural law reasoning is not able to gain a foothold, it cannot serve as a way to mediate between conflicting rights, as we started off assuming. Rather, it is reduced to constituting part of the *contents* of one of the worldviews seeking protection, and a content that is assumed from the outside to lack a publically rational basis!

There is nevertheless another kind of rationality that seems to offer a resolution to conflicting rights such as "religious

4. Ibid.

freedom,” on the one hand, and “equal access to health care services” or “full participation in the work force” or “equal care and consideration for the sexes,” on the other. And it is this second type of rationality that does—unfortunately—have sufficient cogency to carry the day. This alternative seeks to mediate between conflicting rights: one protecting what are treated as ultimately irrational particularistic beliefs (or “theological” or “metaphysical” or “moral” truth claims: it amounts to the same thing); the other rooted in publically rational concerns for equality of access to social benefits. Once the debate is framed in this way, it is clear which set of rights will prevail. The argument from religious liberty, in other words, is likely to lose, at the end of the day, precisely because it is unable to express its deepest foundations in a manner that is recognizable as a form of public reason.

This topical controversy highlights a very fundamental problem in trying to understand the meaning of religious freedom. It is a problem of admissible forms of public discourse, given the culture generated by political and juridical liberalism. The Church understands herself, and her role in the public square, as “an expert in humanity.”⁵ If it is fundamental to Catholicism to offer form to culture, the form she seeks to offer is rooted in precisely such an “expertise” or knowledge. Yet, political and juridical liberalism proves itself entirely resistant to the form. Indeed, the foregoing suggests that the increasingly conflictive relationship between the Church and the broader culture arises most especially with respect to the question of the identity of the human person. It is precisely on this point that the Church’s proposals seem unable to gain traction.

Ironically, however, even the Church’s inability to establish her autonomy and interior ordering (as seen in the instance of the HHS mandate) results from her more basic inability to present a publically rational vision of humanity. In effect, therefore, even the ability of the Church to withdraw into a kind of cultural ghetto, by reneging on her self-perception as called to give form to culture, indeed by reneging on her aspirations to speak in any publically relevant way whatsoever, is radically chal-

5. Paul VI, Address to the General Assembly of the United Nations (4 October 1965), 1: *AAS* 57 (1965), 878; cf. Encyclical Letter *Populorum progressio* (26 March 1967), 13: *AAS* 59 (1967), 263–64.

lenged. In other words, the Church is free to hold to her quirky ways, so long as they do not impinge on anything that really matters from a social or political point of view. This represents for the Church a real crisis. Because it is the very nature of the Church to believe that her teachings and beliefs have real-world consequences (because her teachings are not harmlessly “theological”), she cannot remain herself without what is “inward” always and simultaneously being directed “outward.”

This whole knotty issue challenges us to understand more clearly the very basis and meaning of the public rationality that would render the Church mute.

2.

In order to get a bead on this form of rationality, we probably can find no better place than in the work of John Rawls, both because of his preeminence as an American philosopher and because of his influence in the matter of public reason.

If liberalism is often justified as a necessary *response* to the seemingly obvious fact of “pluralism” and its explosive potential, Rawls on the other hand tells us that it is a civil good *produced* by what he calls—in his book by the same name⁶—“political liberalism.” As he puts it, pluralism is a “natural outcome” of human reason working under liberal institutions.⁷

Far from being a disaster, therefore, pluralism is the sign of a healthy political order and the society it produces.⁸ It is the product of citizens each arriving at their own “comprehensive” notions of the good and true. Indeed, this is the fundamental task of the citizen at the basis of Rawls’s understanding of persons as moral beings. It is one’s vocation, we might say, to give oneself a vocation; one’s end to give oneself an end.

It is precisely this placement of freedom at the origin of personality that is thought to prevent the tyranny implied by monism. But this thesis is rooted in an implicit conception of

6. John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005 [expanded edition]).

7. *Ibid.*, 441.

8. *Ibid.*, xxiv.

the relationship between freedom, the truth, and the good. The true and the good are envisioned not as freedom's interior order, but as its external limitations. Freedom, therefore, is conceived as empty or indifferent freedom, a freedom conceived as most essentially unimpeded choice between "A" or "B," "X" or "Y." Because, for Rawls, our task as persons is to give ourselves our vocation, this unimpeded choice is the basis for arriving at our conception of ultimates, that is to say, answers to the large questions concerning the meaning of things, especially human things. Hence, Rawls's placement in the political order of the concept of freedom entails a prior judgment about the nature of freedom as such, a judgment that works its way through the political anthropology partly buried in his thesis.

Now, Rawls also conceives political liberalism as a political morality. He insists that the principles of "political liberalism" should be understood not as the terms of a *modus vivendi*, but rather as the basis for arriving at a properly political—and fair—notion of justice. It, first of all, makes people better from the vantage point of several social or political virtues. Because pluralism surrounds citizens with multiple notions of the good and the true in the whole sense, it results in citizens becoming more liberal, more tolerant. But as a political morality, it also offers the form of public rationality.

These features of his thought raise the question of whether the Rawlsian idea of political liberalism does not itself—very much against his intentions⁹—represent a particular view of ultimates, the true and the good, not just political truth and good, but also the fully human truth and good. The public rationality to which it gives form, then, would in fact be rooted in this conception of the fully human true and good. *It would be rooted in an implicit conception of who and what the human person is.* The human person is one who is a chooser before he is anything else.

I say "against his intentions" because it is the very point of political liberalism that it seeks to mediate the ways in which differing or even competing, but reasonable, notions of the whole of human truth and good—what Rawls calls "comprehensive doctrines"—may interact to arrive at a political sense of justice, without favoring or imposing any one of them. At the root of his

9. *Ibid.*, xxvii.

thought, then, is the principle that properly political or properly public reasons can never themselves be the embodiment of one particular comprehensive doctrine. Rather for Rawls, the properly political—and properly public reason—is always justifiable independently of any particular comprehensive doctrine. While it is fine, in other words, to express one's views on the just in comprehensive terms, at the end of the day that conception must be rationally severable from comprehensive belief and yet remain publically cogent. This is what Rawls calls political liberalism's "proviso." Of course the proviso means that comprehensive doctrines, if they are to remain part of properly political discourse, must be the *sort of* comprehensive doctrines capable of detaching public reasons from the question of the comprehensively true or good. The implications of this last point become clear when Rawls explains the nature of the terms of engagement citizens offer each other in setting forth a political notion of justice. In order for citizens to participate in political discourse, they must hold reasonable comprehensive doctrines. "Reasonableness," we are told, means offering and accepting fair terms of cooperation. Of course, any decent religion, philosophy, or general human outlook should presumably embrace fairness in its conception of justice, although saying so still leaves open the question of what "fairness" entails.

But when Rawls speaks of the *unreasonable*, another side comes out. "Unreasonable" comprehensive doctrines are characterized as those holding that the political is concerned with the "whole truth." That is to say, unreasonable doctrines are those that think that the political in some real sense is "about"—is rooted in or takes its concrete form from within—the "whole truth." As he puts it, "Political liberalism views this insistence on the whole truth in politics as incompatible with democratic citizenship and the idea of legitimate law."¹⁰ Hence, he concludes that those who seek to effect such an imposition simply cannot be part of political discourse.

Of course, Rawls points in this context to those who would simply use government power to impose their views on

10. *Ibid.*, 447.

an unwilling population.¹¹ However, Rawls's thought here implicates more than just tyrants and dictators. Indeed, his rejection of the whole truth as a political question is only a variation on the more general principle that political discourse, insofar as it is properly political, *simply cannot be* about the comprehensively true or good. Hence, the exclusion from political discourse of those who would include the whole truth in the political is simply a way of expressing a basis for public reason according to the logic of liberal views. Put another way, in order to enter into political discourse—in order to be considered a legitimate participant in that discourse—one must have already embraced a liberal conception of both the political and the just.

So I might offer a proposal concerning human goods given my comprehensive background, but I must ultimately present those goods, insofar as they are to be politically or juridically relevant, according to the standards of public reason. But this can only mean that public reason effectively is only acceptable insofar as it is *liberal* public reason, that is to say, public reason that presupposes the primacy of freedom as unimpeded choice for self-actualization. Hence, for proposed “goods” to be publicly or politically or juridically relevant, they must be goods rooted in this indifferent sense of freedom. In other words, those comprehensive doctrines that are not able to express their views of the political and just, except as elaborations of their deepest convictions about non-liberal truth, good, and freedom, will always appear unreasonable, unless, of course, they give up on the political altogether or give up on the relevance of their convictions for the political.

3.

Of course, Rawls is perfectly aware that his thesis concerning the nature of the political is far from neutral with regard to broader conceptions of society or culture or the person. He is perfectly willing to acknowledge, for example, that not every “comprehensive doctrine” will be able to flourish under political liberalism. Those who hold such doctrines are expected to accept that

11. *Ibid.*, 442.

they may not be able to pass on their beliefs. This is simply the cost of participation, according to Rawls, in a politically just society. One may propose one's own notions of justice, according to the principles of public reason and the proviso, but one must also be willing to accept the inevitable oblivion of one's deepest convictions, if these cannot be embodied in political liberalism with its standards of reasonableness.

Disclosed here are at least two facts. First, in accord with the theses advanced in the papers by Drs. D.C. Schindler and Michael Hanby,¹² Rawls tacitly views the politically liberal order as in fact the higher reality, the one to which various comprehensive doctrines may or may not conform. It is of course the very burden of his argument that the political cannot remain properly political and conform to a comprehensive doctrine; rather it is the comprehensive doctrine that is to be measured and judged in relation to political liberalism. This fact is presented as innocent insofar as the priority is said to be only a political priority. Be that as it may, in appropriating the task of securing the space for comprehensive doctrines, the state as conceived by Rawls effectively polices and regulates, qualifies and disqualifies them. Hence, in a real way and in peoples' minds, there is here a tacit understanding that the more encompassing reality is, in fact, the state. Hence, in a real way and in peoples' minds, the state and the political order begin to occupy the cultural and social space that "comprehensive doctrines," particularly religious ones, were hitherto thought to occupy. In effect, political liberalism by its very logic and structure cannot help but effectively displace religious faith. To put this back in terms of the argument this paper has been presenting, it cannot but begin to completely occupy the form of rationality that will be considered socially and culturally acceptable on any level.

Second, while Rawls begins with a stark contrast between the public and the private, *that there could be* a public or political morality that is not also a private morality is highly suspect,

12. D.C. Schindler, "Liberalism, Religious Freedom, and the Common Good: The Totalitarian Logic of Self-Limitation," *Communio* 40 (Summer-Fall 2013): 577-615, and Michael Hanby, "Absolute Pluralism: How the Dictatorship of Relativism Dictates," 542-576.

to say the least, as the foregoing already suggests and as Rawls essentially concedes. The moral is after all based on the rational. Can we really speak of a morality that is publicly rational but privately irrational, or publicly irrational and privately rational? One would have to ask oneself, therefore, about the conditions under which a citizen ought to be willing to accept peaceably the approaching oblivion of his deepest convictions. That a citizen should—rather than, say, start a revolution—is an expression of Rawlsian political morality and its tendency toward hegemony of the human psyche. Indeed, precisely because political liberalism is a morality, it would seem to suppose that it should be enough, where the long-term survival of one's convictions is at stake, not simply to be satisfied with holding one's convictions to oneself, but further to accept the necessity and rightness of their demise as culturally relevant and, by implication, intrinsically tenable.

It must be recognized, of course, that there are resources within Rawls and the various strands of liberalism generally that soften these results. I do not intend to allege that political liberalism cannot have more or less doctrinaire interpretations. My point is rather that it is part of the logic of liberal political thought, in its very understanding of freedom's meaning and placement, that it will tend in the direction characterized above. Hence, even the softer versions will tend to advance an interior logic that threatens what Catholicism is likely to find palatable.

It is worthwhile, by way of illustrating the above two points, to call attention to Rawls's response to feminists, who had offered the criticism that political liberalism—due to its ostensible insulation of the private from the democratic principles of public reason—would allow for or even entrench patriarchal structures in the family. There he argues that, while it is true that some tolerance for non-liberal relations is necessary to preserve other important principles (so long as they remain voluntary), nevertheless over time those structures will be dissolved by the influence of the broader principles contained in political liberalism. As he rightly puts it, the family cannot be thought of as insulated from the broader culture, and the broader culture will not remain neutral to the political culture he advocates. In other words, the Rawlsian state would tolerate non-liberal relations in contexts, such as that of the family, for prudential reasons (e.g., for the sake of other liberal values that might be at stake, such as individual rights, pri-

vacy, freedom of religion, and so forth), but with the overriding knowledge that the tolerated non-liberal relations would gradually wither, given the dominance of the surrounding culture formed within political liberalism and its institutions, especially education.

4.

Now, back to our “Exhibit A,” the HHS mandate controversy. As I said, the problem for the Church is her inability to express the bases for her claim to “religious freedom” in a manner that can serve as an acceptable form of public reason. Her natural law reasons would depend on proposing human goods—such as the good of religion, or the good of the person in relation to the bad of contraceptives. But these goods would be very hard to advance in a way that does not presuppose the ability to express in public reason quite a lot about who and what a human person is. For example, it would likely be hard to argue that contraception is at least morally suspect, if we cannot say something about the integrity of the human subject as *corpore et anima unus*, rather than as simply a subject of self-actualizing freedom. But, as we saw, if we cannot say much of anything about this fundamental question, then the question of “religious freedom” becomes simply the assertion of a non-rational right to autonomy over and against another right that is readily expressible in terms of liberal notions of legitimate public reason.

Liberalism’s fundamental rejection of the idea that political discourse can be about “the whole truth” is implicitly also a rejection of the idea that the political can be about the nature of things. Liberalism’s priority of freedom over questions of the whole implies a deferral of “what” questions, in this case, and most especially, questions concerning who and what a person is. To say who and what the human person is—to settle on nature or anthropology—would entail a settlement of the question of comprehensive notions of the true and good. To say what something *is* is to suggest an answer to the question of what its perfection or fullness or good is. It would therefore be to settle the question of the whole truth and the whole good. In effect, the freedom to choose one’s own comprehensive doctrine entails the freedom to arrive at just such an understanding of the truth of the person. Hence, as I said, political liberalism envisions, for political and juridical purposes,

the person as a chooser before he is anything else. Liberalism and its form of public reason presupposes that my freedom is most especially realized in my decision about who and what I am.

This placement of freedom implies a general approach to reality as a whole, again for political-juridical purposes. It implies, for example, that liberalism will necessarily favor empirical bases of knowledge, because in looking at the world it will seek to understand things—including human things—in abstraction from *given* formal and final causalities.

It is therefore no accident that the issues causing the greatest discord between the Church and liberal culture are all of those that, in one way or another, involve the meaning of what a human being *is*, especially with respect to our physicality, our embodiedness: e.g., the question of the meaning of sexuality and the role of women in society and the Church, which are the immediate background of the mandated insurance coverage for contraceptives. These issues most immediately disturb the reigning conception of freedom as its own source, of the physical as only a mechanistic and empirical order, of the separation of fact and value. The body in its very physicality and visibility always threatens to name me, to tell me who and what I am. As such, it produces angst. It threatens to ensnare my freedom either in the mechanisms of sub-personal matter or in the impositions of a Creator God.

5.

Of course, not every liberal thinker is Rawls. Hence, it may seem that the discussion of Rawls does not yet say anything about a more moderate, more conservative and “Catholic” version, which would emphasize the necessity of a strong pre-political moral support. Religious freedom along with other rights would protect precisely this sort of moral formation of society, but the liberal political order would depend on it.

Unfortunately, this view also tends to rely on a priority of freedom understood as abstract choice for political purposes. When John Courtney Murray, for example, frames religious freedom in purely juridical terms, he sets out five principles.¹³

13. See, e.g., John Courtney Murray, S.J., “Arguments for the Human

The first of these is framed in terms of human dignity rooted in “independence,” man’s being “in charge of himself.” This correlates with another of his principles, which he calls the “principle of a free society,” that “man in society must be accorded as much freedom as possible, and that freedom is not to be restricted unless and insofar as is necessary.” Another of the principles is that public power’s “first and principle concern for common good [is] the effective protection of the human person and its dignity.” However, this “dignity” is put in terms, first and foremost, of “independence.” My question, then, is the sort of political rationality this starting point in freedom—or the kind of freedom it presupposes—is likely to produce.

Of course, one is free to introduce natural law reasons as public reasons, but unless those natural law reasons can be expressed in terms of the priority of freedom and all that that priority implies, liberal notions of public reason will drain them almost entirely of their rational content. And this will be true for a host of issues that bedevil the Church’s relationship with the rest of society, from the HHS mandate to gay marriage to the questions looming just on the horizon concerning the bioengineering of the human person.

The liberal conception of religious freedom codifies an understanding of religious freedom as one freedom among many others. But, in doing so, it also guarantees that its *content* is inarticulable as a legitimate form of public rationality. Hence, advocates of this religious freedom find themselves at a loss when confronted by competing claims that *are* an expression of liberal notions of freedom and its anthropological priority. The result is not only the currently narrowing basis for the Church’s public presence, but also a diminution of the intelligibility of the Church’s conception of the person, both to the culture generally and also to the faithful themselves, who after all are part of that culture.

And this is why liberalism’s protection of religious liberty is highly suspect. Religious belief—in fact, any belief—remains free only insofar as it can be expressed in the image and likeness of liberalism. To put it differently, liberalism will inevi-

Right to Religious Freedom,” in *Religious Liberty: Catholic Struggles with Pluralism*, ed. J. Leon Hooper (Louisville: Westminster/John Knox Press, 1993): 238ff.

tably tend to protect “religious liberty” insofar as both “religion” and “liberty” are defined in liberal terms. □

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