

Stephan P. Leher

Trilogy I

**Theologizing of a Christian
Human Rights and the Roman Catholic
Church after the Second Vatican Council**

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MONOGRAPHS

Stephan P. Leher

Trilogy I – III

**Theologizing of a Christian
Human Rights and the Roman Catholic
Church after the Second Vatican Council**

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Trilogy I

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Introduction

From 1962 to 1965 Roman Catholic bishops from 116 countries, more than the then membership in the United Nations, convened in Rome for the Second Vatican Council (Vatican II) (Pabel 2012). Vatican II was the first global council of the Catholic Church and with up to 2,500 bishops attending the public sessions in the aula of St. Peter's Cathedral in *Rome*, it was the largest meeting ever held in the history of the world (*ibid.*). The Catholic Church at that time found itself embedded in a world that in the wake of World War II suffered from the instabilities of the Cold War between the United States and the Soviet Union. The two super powers were fighting fiercely for zones of interest, trying to win over the emerging independent states of Africa and Asia to their respective sides, while nuclear destruction threatened mankind as a whole (*ibid.*). For the first time in the history of the Catholic Church Vatican II gave African bishops presence and visibility on a world stage. At 38% of attendance European bishops were still overrepresented, while 10% came from the United States of America, 21% from Latin America, 20% from Asia and 10% from Africa (Wittstadt 1995: 510).

The important historian of Vatican II, Giuseppe Alberigo, assesses the mutual influences of society on a council and of a council on society (Alberigo and Melloni, 1995–2001: 5:623). He claims that Vatican II was an event of the Catholic Church that aimed to work for peace, justice and unity of the whole world in understanding her relation to humanity as one of friendship (*ibid.*). My book assesses this event and its claim to work for peace, justice and unity of the whole world by investigating the realization of Human Rights as the validity condition for this claim to the validity of peace, justice and unity.

I accept Alberigo's imperative that understanding Vatican II as a global event constitutes the possibility condition for investigating the texts produced by the Council (*ibid.* 646). Therefore, the five tomes of Alberigo's history of Vatican II constitute my reference for the historic physiognomy of the event (Alberigo and Melloni 1995–2001). My prime source for the hermeneutics of the contemporary interpretation of the documents of Vatican II constitutes the most comprehensive theological study of the matter, that is the five volumes of Herder's Theological Commentary of Vatican II (Hünemann and Hilberath 2004–2006).

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In the twenty-first century, religion and the manifestations of religion are creating a rising consciousness for the indisputable association between religion and violence. The social situation of millions of women, men and queer in the private and public sphere is characterized by violence in the name of religion. (Rather than the letters LGBTQI as acronym, I shall use the expression “queer” to include all non-heterosexual and gender variant people on the grounds of their non-normativity). Civil wars within states and violent war-like conflicts between states are a sad and common phenomenon in the globalized world. Academic and popular books, national and international conferences and meetings, discussions in the media and scholars from multiple disciplines, journalists and writers concentrated in the last decade on the relationship between religion and violence. Critics of religion claim that religion is a major factor in widespread contemporary violence, while defenders of religion claim that religion is able to overcome violence by peace building, constructing sustainable environments and bringing reconciliation to the conflicting parties (Aslan and Hermansen 2017).

In this context, the subject matter of my book is also significant because of its ability to study the fundamental documents of the teachings of the Roman Catholic Church in an open assessment of their potential for both violence and peace. This assessment is basic for the Catholic Church to direct and mobilize her members, one-seventh of the world’s population, to impact the direction of their Church and communities and actively contribute to world peace.

The first chapter is entitled “All human beings are born free and equal in dignity and rights.”¹ With the help of language philosophy, the chapter works from this claim enshrined in the Universal Declaration of Human Rights of 1948 to develop the conditions of validity for religious faith and belief sentences. On the basis of language philosophy, the chapter argues for an understanding of dignity and Human Rights as rights of every woman, man and queer. It is these speech-acts of the individual person, on which Human Rights are founded. Claiming one’s dignity and equality of freedom and rights necessarily calls for respecting the Human Rights of all women, men and queer. Equal freedom and rights for all persons in the global community are the conditions of validity for dignity.

In more than one hundred pages the chapter reconstructs the philosophy of religion in the works of Ludwig Wittgenstein. Starting with the *Tractatus Logico-Philosophicus*

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(*Tractatus*), the study investigates the possibility conditions when speaking of sense and non-sense concerning the content of propositions in ordinary language. Friedrich Waismann testifies to Wittgenstein's insight that elementary sentences, that is sentences that express a particular state of affairs, must be considered in connection with the sense of sentences (Waismann 1984: 248). Wittgenstein speaks of signs and sense. Elementary sentences describe our experiences, they describe reality and they state what the case is. Understanding a sentence within the grammar of language is the validity condition for it to have sense. It is this sense of the sentences that determines the logical analysis. Sentences that speak of faith, beliefs and religious convictions make sense if we are able to understand what they say. The logical analysis of sentences investigates the truth-values of what the sentences show, of what they say is the case. A two-valued logic is a method for determining the truth-values "true" or "false" of sentences.

In theology, sentences do not fit the scheme of a two-valued logic, and a two-valued logic does not make sense for belief sentences, sentences expressing faith or world views. Wittgenstein therefore develops the logic of language games of ordinary language that permit one to deal with theological sentences and religions. The chapter follows the interpretation of Wittgenstein by Vladimir Richter, who compares the logical structure of sentences in theology with that of sentences in mathematics, for which we do not have at our disposal a method for deciding exclusively the truth-value true or the truth-value false (Richter 1964). Richter engages in a philosophical discussion with the famous School of Erlangen (Lorenzen 1979a: 1979b) concerning the possibility to express with logical coherence faith-sentences that make sense. It is the first time that with the kind permission of the Philosophical Archive of the University of Constance this manuscript by Lorenzen is made known and publicly discussed.

If theology does not have at its disposal a method for deciding whether its belief sentences are true or false, the theologians have to accept a third truth-value, namely the truth-value "I do not know," that is I cannot empirically decide whether something is the case or not. From the use of this third truth-value follows the necessity to be able to demonstrate one's awareness of the difference between justifying claims to validity and deciding with a two-valued logic. Refutation of the exclusivity of the truth-value true and the truth-value false calls for refutation of the positive demonstrability of claims to the truth-value true for problems that we cannot empirically decide. It is a good and

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necessary exercise in logical coherence and intellectual credibility to affirm that many concepts used by theologians are not empirical concepts of positive science, but concepts of language games.

Continuing with Ludwig Wittgenstein's philosophy of religion, the chapter reconstructs Wittgenstein's interest in describing our responses to rituals, ceremonies and religious practices, because our thoughts are interesting and worth being taken seriously, even if they are strange, disconcerting or disgusting. Concerning the Christian religion, Wittgenstein refuses any philosophical strategy leading to religious convictions, because the sense of religious sentences, as the sense of any sentence, consists of showing what the sentence says. Religious sentences are pictures of a religious belief. The chapter illustrates this claim of language philosophy with the help of Austin's terminology of speech-acts (Austin 1971). Habermas' philosophy of communicative competence leads to the development of an understanding of speech-acts as the social realization of dignity. The author relies on notes he took in a doctoral course on language philosophy and truth theories with Jürgen Habermas and Karl-Otto Apel at the Johann Wolfgang Goethe University in Frankfurt, Germany, in the spring semester of 1987. Habermas' communicative competence needs the ability to identify claims to validity and discuss these claims.

The articles of the Universal Declaration of Human Rights are presented as the conditions of validity for claims of the validity of speech-acts in general, but for the validity of religious claims in particular. The social realization of dignity is the validity condition for claims to the validity of beliefs, faiths, religions and world views. For philosophy, the late Habermas claims that there is a mediating role between faith and knowledge that limits itself to claims to universal rights and a universal moral by absolutely declining to propose proper concepts of the Good (Habermas 2007).

The second chapter starts with some considerations on cosmology and then turns to anthropology and the neuro-sciences. Writing on women, men and queer from a holistic point of view calls for assessing the fundamental bio-psycho-social agencies from a personal perspective. A writer's biography is of no importance for her or his work in anthropology or theology. For the reader it is important in order to assess the writer's world view. It is important to be able to assess whether emotions, feelings, convictions, and beliefs are part of the discussion or not. Holistic world views consider

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the psychological, physiological, social, cultural, spiritual, economic and political aspects of an individual existence.

Described are some biographical observations on Saint Ignatius of Loyola and his *Spiritual Exercises*, and their significance for the spiritual life of the contemporary Christian is assessed. Freedom and liberty of the individual person who is effectively doing the *Spiritual Exercises*, that is the so-called exercitant, are found and practiced within the limited protection of the exercitant in the private setting during the time of the *Spiritual Exercises*. Freedom of expression, liberty and equal dignity for all women, men and queer in the public sphere of the Catholic Church are again controlled by and ultimately subjected to the authority of the Church's hierarchy. In some contrasting tension with this hierarchy Karl Rahner defends his important insight into the particular spiritual experience of the individual who practices the *Spiritual Exercises*. The particular cannot be reduced to the general and must therefore be taken seriously and respected as a particular and authentic manifestation of the equal dignity, freedom and rights of all women, men and queer. Rahner presents a concept of spirituality and spiritual practice that is in line with the first article of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."ⁱⁱⁱ This assessment of Rahner's reflections on the *Spiritual Exercises* of Ignatius of Loyola is important, because Rahner will bring these convictions to the Second Vatican Council. The philosophy of religion, especially the language philosophy of Wittgenstein, qualifies the spiritual experience of the individual person as something like a "confession," that is a speech-act. The most important criterion for the value judgment that the speech-act complies with the validity condition for the claims to validity, is the social realization of dignity.

With the help of the philosophy of religion, we conclude that three validity conditions must be fulfilled by the religious expression of spiritual experiences, beliefs and faith-sentences in order to assess a claim to validity:

The first validity condition for a speech-act concerning belief or faith is identical with the validity condition for any speech-act and sentence, that is the sentence has to make sense as a language game in the institutional setting of language. The second validity condition for a speech-act on belief or faith demands expression in the first person singular. The third validity condition for a speech-act on belief or faith is again the

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validity condition for any claim to validity by a speech-act. It is the condition that the speech-act must realize the dignity of the persons who participate in the speech-act.

Having explained these philosophical criteria for reflecting on dignity and religion, the chapter turns to the historic description of how councils developed in the Church over a period of 2,000 years. The political context, the preparations for and the beginnings of the Second Vatican Council are described, and Pope John XXIII's call for attention to "the sign of the times" is introduced as the hermeneutical key to the making of the documents of the Second Vatican Council. Fragmentary biographic notes on some of the influential cardinals and their theologians at the Council help understand conflicts of interests. The first week of the Second Vatican Council in autumn 1962 shows how some cardinals were ready to realize John XXIII's call for autonomy and freedom of speech at the Council. A handful of cardinals took responsibility and proposed that the commission members who prepare the Council's texts and documents be chosen by the Council fathers and not by the Roman Curia. An overwhelming majority of the Council fathers applauds this proposal and Pope John XXIII, the reigning monarch of the Roman Catholic Church, voluntarily consents to this request. Pope John XXIII uses his extraordinary power and authority to guarantee great liberty of expression and freedom of speech at the Second Vatican Council. His successors returned to monocratic government. Some examples show that neither Pope Paul VI nor Popes John Paul II, Benedict XVI or Francis used their powers to create liberty and freedom within the Catholic Church. In 2018, and presumably for decades to come, the Catholic Church lacks a constitution guaranteeing equal rights and liberties for all Catholics.

The third chapter concerns two documents from the Second Vatican Council. One is a declaration and the other a dogmatic constitution. Both owe their origin to the explicit will and continuing determination of Pope John XXIII. He succeeded in realizing an end to the sad history of the centuries filled with doctrinal Catholic antisemitism. Pope John XXIII also affirmed the origin of Christianity in the Jewish faith and the enduring connection between Christians and Hebrews within the continuing history of salvation. In order to be able to talk about the Jews in the last document of the Second Vatican Council, this Declaration on the Relation of the Church to Non-Christian Religions, *Nostra Aetate*, starts with a look at "the community of all peoples promoting unity and love among men" (*Nostra Aetate* 1). The perception of a "hidden power that hovers ...over the events of human history" is acknowledged by many peoples (*Nostra Aetate*

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2). The Muslims are regarded “with esteem” (*Nostra Aetate* 3) and only then are the Jews considered (*Nostra Aetate* 4).

The Dogmatic Constitution on Divine Revelation *Dei Verbum* was the only text produced by the Second Vatican Council that was discussed from the Council's beginning in 1962 until its end in 1965. We describe the discussions at the Council and analyze the main conflict between members of the Roman Curia and Pope John XXIII, who received support from some Cardinals from Europe and the United States. Most of the Curia together with a minority of the bishops at the Council insisted on the importance of Rome's tradition of authentically interpreting the Bible and developing the Bible's revelation. In the fall of 1962, it was John XXIII who decided to continue the discussion on revelation. At the end of 1963, it was Paul VI who kept the document on revelation alive. The cardinals who centered Christian faith and teaching on the basis of the Bible as the word of God worked together with their theologians to inform and convince the bishops of the principal importance of the Bible for Christians. As late as November 10, 1964, it was possible to ask for a final vote on a document on revelation, its central thesis being that the doctrine is “on divine revelation and how it is handed on, so that by hearing the message of salvation the whole world may believe, by believing it may hope, and by hoping it may love” (*Dei Verbum* 1).

The first chapter of *Dei Verbum* concentrates on Jesus Christ, who is Go'd's revelation to us. (Faith-sentences do not describe persons and things; they do not say who Go'd is, they say what we think about Go'd. I use the sign “Go'd”, because we can say only what we mean but we cannot say who Go'd is). What we mean when we speak about Go'd and salvation, we have to take from the words and deeds of Jesus Christ, in whom we believe as our Lord. Go'd's economy of salvation is described within the history of mankind, where faith is a fact of free social choices to be believed or not believed, while at the same time being a gift to realize these choices. Go'd is invisible for Christians, just as for every woman, man and queer. Christians believe in Jesus Christ as Go'd's revelation. Women, men and queer who do not know this revelation nevertheless have access to perceiving Go'd, as the Apostle Paul writes in Romans 1:20: “Ever since the creation of the world, the invisible existence of God and his everlasting power have been perceived by the mind's understanding of created things.”

Chapter II of *Dei Verbum* writes of handing on Divine Revelation by the Apostles and by Apostolic men, who wrote down the Scriptures and claims without legitimizing

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reference to the Scripture that the teaching authority was transmitted from the Apostles to the bishops. There is much debate about the kind of tradition created by the teachings of the bishops during the history of the Church. *Dei Verbum* 7, 1 claims that the transmission and development of tradition in the Church happens with the help of the Holy Spirit through the spiritual experiences, contemplation and studies of the believers, but above all by those authorities, “who have received through Episcopal succession the sure gift of truth.” Great theologians like Congar and Rahner discuss the necessary collaboration of believers and the hierarchy in developing the life of the Church. *Dei Verbum* 10 claims that sacred tradition, Sacred Scripture and the teaching authority of the Church “contribute effectively to the salvation of souls.” The Council does not describe and define the term salvation and does not reflect on salvation in relation to the individual person who is experiencing salvation. Rahner has a theology of the individual’s particular spiritual experience, he calls for this basic individual element of the life of the church to be integrated into her practice, but he does not dare claim respect and dignity for the social choices of free faith experiences by the church authorities.

Chapter three of *Dei Verbum* deals with Sacred Scripture, its inspiration and divine interpretation. I describe with the help of *Dei Verbum* the term “inspiration of the Holy Spirit” and try to understand what the Council means when claiming that “God is the author” of Sacred Scripture. The analysis of the references to the New Testament that *Dei Verbum* uses to demonstrate the validity of the claim that Go’d is the author of the Bible results in the finding that the Bible does not claim that Go’d is the author, but insists on the ecclesiological function of the Scriptures that is interpreted only in the right way by the community of all women, men and queer believers consenting in the one faith in Jesus Christ.

Chapter IV of *Dei Verbum* affirms again the validity of the Old Testament, arguing with Saint Paul’s theology of Go’d’s plan of salvation for all of humanity. Chapter V of *Dei Verbum* deals with the New Testament and presents further predications on Jesus Christ as Go’d’s revelation. Chapter VI of *Dei Verbum* is about Sacred Scripture in the life of the Church and claims that easy access to Sacred Scripture should be provided for all the Christian faithful. The Catholic Church’s hierarchy insists on her teaching authority to supervise all reading, interpreting and instruction of the lay women, men and queer reading the Bible. Editions of the Sacred Scriptures, provided with suitable

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footnotes, should be prepared also for the use of non-Christians and should be adapted to their situation. Vatican II thus encouraged the realization of the possibility condition for women, men and queer, whether Christians or non-Christians, to come into contact and live with the Bible.

The conclusion documents Pope John XXIII's conviction that by realizing her proper values of inspiration and analysis, the Church will once again find her equilibrium and empowerment to work for peace, justice and unity in the whole world. Nevertheless, we have to be clear on the fact that the realization of human dignity and Human Rights in the Roman Catholic Church was not on the official agenda of the Second Vatican Council. It is true that elements of liberty and freedom entered the texts of the Council that were approved and proclaimed by Pope Paul VI. The Roman Catholic Church remained a monarchic institution without a constitution of basic rights. She is not ruled under a Constitution of Human Rights with equal liberties, rights and dignity for all Catholic women, men and queer. The realization of Human Rights as the validity condition for the claim to the validity of working for peace, justice and unity cannot be assessed as an aim of the event of Vatican II or its documents.

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of *Storia del concilio Vaticano II*, directed by Giuseppe Alberigo, 429–518. Bologna: Società editrice il Mulino.

Notes

ⁱ First sentence of Article 1 of the Universal Declaration of Human Rights. “Universal Declaration of Human Rights,” United Nations, http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf (accessed October 6, 2017).

ⁱⁱ *Ibid.*

1 “All human beings are born free and equal in dignity and rights.”ⁱ

If we look from the point of logic at the proposition: “I speak about language with sentences,” we would have to surmise that this proposition suggests a tautology, that this proposition actually claims the most evident and does so in a redundant way. Sentences are produced with the instrument of language. Moreover, when I speak about language, I use sentences. It is clear, at least implicitly, that sentences are part of every language and therefore there is really no necessity to talk about the fact that we speak in sentences. The point I want to address from the beginning concerns the not so evident fact that we always use language when expressing our thoughts. If I think about language, I am using language to think. This is the point. It is clear that many languages permit the use of the term language, where speech-acts are not involved at first sight. We speak, for example, of the language of a musician, of a sculptor or of a painter. We not only look at works of art, but at all kinds of products that are skillfully formed by the hands of craftswomen or artisans, or that are professionally designed by the minds of creative persons. We recognize that these products show the hand of their masters or bear the typical trademark of their creators. We treat these personal traits and trademarks like texts and speak of them as if they showed something like a characteristic handwriting, although these human artefacts involve no written text or spoken language. However, if I start to speak about a piece of music, a sculpture or a painting in ordinary language, I will use sentences. My use of the sentence “I speak about language in sentences” aims to demonstrate the fact that reflecting about things, which is speaking about things or thinking about things, must be largely considered to be a faculty or an agency of speakers of a language.

Ordinarily, we understand philosophy as the art of reflecting about things, of presenting a series of arguments with logical coherence and consistency. Wittgenstein suggests in Proposition 4.112 of his *Tractatus* that “Philosophy aims at the clarification of thoughts” (Wittgenstein 1922). It is true; in ordinary language, we usually express our thoughts in sentences. Wittgenstein is inspired by the insight that without language there are no thoughts. If we agree with this first principle of Wittgenstein we might be ready to accept the consequence of this principle: namely, that all philosophy - that is

1 "All human beings are born free and equal in dignity and rights."

all activities concerning the clarification of thoughts - is based on language. In *Tractatus* 4.003 Wittgenstein assesses the principle of the so-called linguistic turn: "All philosophy is 'Critique of language'."

Before speaking, I want to be clear in my mind about what I want to say and I want to make sure that I get it right in my sentences. Therefore, I have to make sure that I state my point of view clearly. First of all, I want to be listened to and understood when I speak about my thoughts, feelings, convictions, my beliefs and faith, my values and worldview. Language functions as a tool for understanding each other, and we are able to use language to get along with each other. Our speech-acts are expressions of our social choices. We are indebted to J. L. Austin the insight that the use of sentences in our language enables us to do many things (Austin 1971). Statements are sentences, but they do not only "describe some state of affairs" (*ibid.*1). There are sentences that express questions and exclamations "and sentences expressing commands or wishes or concessions" (*ibid.*). Austin was also the philosopher, who dared to understand that we act in that we use words, because "to say something is in the full normal sense to do something" (*ibid.* 94). Austin calls, for example, "The utterance of certain words ... with a certain sense and with a certain reference ... the act of 'saying something' ... the performance of a locutionary act" (*ibid.*). As a general term for all these performances Austin uses the expression "speech-acts" (*ibid.* 149).

We were used to presupposing without any reservation that a polite and charming behaviour would include sentences that appear in conversations. We were not used to perceiving the speaking of sentences as a kind of behaviour or action in general. With Austin we describe as an explicit performance the fact that a person starts to speak; this is an act of free will, or as a speech-act. We call a free decision on the part of the individual today a social choice, speaking is the realization of a social choice. Simply starting to speak already has to be considered an important choice. Starting to speak demonstrates the agency of making a free decision. Freedom of speech and my social realization of free speech concern my dignity. My speaking a sentence – considered a speech-act - expresses a sense and shows the agency of making sense. The *a priori* of the sense of the sentences of language is a basic conviction of my thinking about language and speaking.

I want to philosophize with the help of Wittgenstein's philosophy of language. It is a basic insight that without language there is no philosophy. Ludwig Wittgenstein (1889–

1 “All human beings are born free and equal in dignity and rights.”

1951) aims to draw a limit “to the expression of thoughts,” he writes in the Preface to his *Tractatus Logico-Philosophicus* (*Tractatus*) in Vienna in 1918 (Wittgenstein 1922). In the same Preface, Wittgenstein sums up “the logic of our language” as follows: “What can be said at all can be said clearly; and whereof one cannot speak, thereof one must be silent.” (*ibid.*). In the last sentence of the *Tractatus*, that is Proposition 7, Wittgenstein returns to this first conviction as somewhat of a conclusion: “What we cannot speak about, we must pass over in silence.” (*ibid.*).

1.1 Sentences present the facts of the cases

For the investigation into the *Tractatus* I use the side-by-side-by-side edition containing the original German *Tractatus* alongside the Ogden/Ramsey and the Pears/McGuinness English translations (Wittgenstein 1922). Wittgenstein himself carefully revised C. K. Ogden’s translation and his assistant Frank P. Ramsey visited Wittgenstein in Austria to discuss how to understand the *Tractatus*. I use the text of Ogden’s English translation of the *Tractatus* and will usually cite according to it. In some rare but important cases I will prefer the translation by Pears and McGuinness. Apparently, Wittgenstein was not completely satisfied with Ogden’s translation and therefore Pears and McGuinness in 1961 published a new English version (Wittgenstein 1973: vii). I will justify my choice of the translation by Pears and McGuinness with arguments I derive from reading the German text. Nevertheless, it is clear that especially translations of philosophical terms are philosophical interpretations and follow the convictions of the translators. In order to not create too much confusion by proposing alternative ways of translating German terms from the *Tractatus*, I shall refrain from creating new terms.

I do not want to introduce a new term, but plead for the synonymous use of the following two terms in the *Tractatus*: I will use the words “sentence” and “proposition” as synonyms and do not feel that by doing so I will disturb the sense of Wittgenstein’s *Tractatus*. Nevertheless, I want to show that the synonymous use of “sentence” and “proposition” is alright. In the German *Tractatus* Wittgenstein uses the word *Satz* (English: sentence) 326 times and not once the German term “Proposition”. Both translations, the translation by Ogden and Ramsey and the translation by Pears and McGuinness, consistently translate *Satz* with the term “proposition.” There is actually no problem with this translation. Even philosophers of the German language use the

1 "All human beings are born free and equal in dignity and rights."

term "proposition" when they talk about the *Tractatus* or generally discuss philosophical matters. They do this in order to indicate that they speak of special sentences, usually of sentences that are given a special epistemological quality or scientific truth-value. Philosophers of the English tongue could very well use the word "sentence" if they wanted to speak of a "proposition." It seems that philosophers in Europe and North America simply prefer Latin words. Using a word of Latin origin shows an elevated level of education, indicates a superior social standard and the credibility of the erudite speaker.

It is true that there are philosophers who use the word "proposition" to speak of the meaning or the content of a sentence. It is true that in mathematics the word "sentence" can be used in the meaning of a mathematical axiom. I am convinced that in the *Tractatus* the words *Satz* and "proposition" are allowed be used in the same way that we use the word "sentence" in ordinary language. In my understanding, ordinary language is clear enough to say everything I want to say. I prefer the word "sentence" to the word "proposition," because it helps us concentrate on ordinary language. It is an astonishing fact that in ordinary language we do a multitude of things with words and that in most cases we are able to understand each other. It is true though that misunderstandings happen and that the experience of feeling misunderstood causes disappointment and often frustration and pain. To clarify misunderstandings, to feel understood and to understand constitute important parts of the daily work of successful communication. Overcoming the difficulties of understanding each other makes one feel good and enhances our quality of life. Translators are craftspeople and often artists. They need artisanship and artistry to balance the language games of two different languages, they need imagination and empathy to facilitate the understanding of a text of a different culture, and their interpretations are to be guided by fidelity to the texts they translate. Translations reflect the understanding of the translator. Discussion helps clarify this understanding.

My discussion of a translation and my quest for a good translation of a philosophical term already starts with the translation of *Tractatus 1* by Pears and McGuinness: "The world is all that is the case." I prefer to use this translation by Pears and McGuinness (Wittgenstein 1922) for this first sentence, because it stays coherent with *Tractatus 1.1*: "The world is the totality of facts, not of things." McGuinness and Ogden translate *Tractatus 1.1* identically. It is clear from the beginning: Wittgenstein speaks about

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"facts" and not "things," as does Ogden's translation of *Tractatus* 1 "The world is everything that is the case" suggests. It is true that the original German term *alles* in *Tractatus* 1 opens the possibilities for translating with either "everything" or "all." From *Tractatus* 1.1 onward there is clarity: Wittgenstein speaks about "facts" and not "things," as the translation "everything" might suggest.

There is a second term that I prefer to use in the translation by Pears and McGuinness: "The world divides into facts," says *Tractatus* 1.2. Facts constitute the cases and the individual case is a "fact." This fact again consists of other facts, the so-called "atomic facts" as Ogden translates *Tractatus* 2 (*ibid.*). Ogden translates the German word *Sachverhalt* with the English word "atomic fact." In *Tractatus* 2 Pears and McGuinness translate the term *Sachverhalt* instead with "state of affairs": "What is the case - a fact - is the existence of states of affairs." Personally, I prefer this translation by Pears and McGuinness because speaking of "states of affairs" is like speaking of a set of facts that together make up a distinctive individual fact. One could understand *Tractatus* 2 saying: What is the case, a fact, is the existence of facts of the case.

For my understanding of the *Tractatus* it is important to translate *Sachverhalt* with "facts of the case" or with "state of affairs," but not with "atomic fact." It is possible to describe the facts that constitute an individual case. Yet it is impossible to describe and present an atomic fact. Reading *Tractatus* 1 and 2, I understand very well Ogden's problem with translation of the term *Sachverhalt*. He translates *Tractatus* 2: "What is the case, the fact, is the existence of atomic facts." I concede that without further explanation Ogden's interpretive translation "atomic fact" sounds convincing and evident. What could be the sense of saying that a fact consists of facts? It might be a better and more concrete translation to speak of "atomic facts" that all together form the fact that is the case. Facts constitute the basis of the logical investigation of sentences. Wittgenstein in the *Tractatus* remains convinced of the existence of these kinds of basic logical elements, elementary sentences that need not be investigated further because they are fully analysed simply by their nature. He does not investigate this conviction as a hypothesis that would need verification or falsification in order to be proved true or false and he does not present a single elementary sentence in the *Tractatus*. Since the German *Tractatus* speaks of *Sachverhalt* that in English translates simply as "facts of the case," I prefer to adhere to this ordinary translation. Why should we not use ordinary language as long as there is no need to resort to confusingly

artificial terminologies? Above all, the use of the expression "facts of the case" remains coherent with the logic of the *Tractatus*' understanding that different "facts of the case" together form a complex with a logical structure, a whole picture, one single fact. There are "facts of the case" that finally form the sentence, and the sentence is considered another "fact," as we learn in Wittgenstein's picture theory that he develops in the *Tractatus*.

The term "facts of the case" regularly appears in Wittgenstein's description of his so-called picture theory. We have to understand the sentence as a fact like a picture. *Tractatus* 2.141 states: "The picture is a fact." (Wittgenstein 1922). Wittgenstein describes the sentence as a picture and the picture as combinations of objects. Every single combination of objects he calls "facts of the case." It is true that translating at this point - as Ogden does - *Sachverhalt* as "atomic fact" (*ibid.*) would make sense, because these "atomic facts" by Wittgenstein are considered basic building blocks of the picture that is the sentence. Translating the term *Sachverhalt* with the term "facts of the case" - which is grammatically a plural - indicates that there are many different elements, different facts that constitute the case and that there is in reality no way to lead the investigation of the structure of these facts to some basic elements that would form a sentence like atoms form molecules. Different cases again form cases and the cases describe the whole world. Wittgenstein is convinced that his analysis of sentences leads to combinations of objects and each object again is to be seen as yet another combination of objects. Concerning the *Tractatus*, Wittgenstein had in mind the idea that at one point of the analysis of the sentence, we would arrive at the final combination of objects that is the elementary sentence. I have no problem identifying the elementary sentence with an atomic fact. Yet, in *Tractatus* 2.01 Wittgenstein does not speak of elementary sentences. Only beginning with *Tractatus* 4.21 does Wittgenstein speak of elementary sentences. However, how to get to the elementary sentence is not clear from the *Tractatus*.

The translation of *Sachverhalt* as "facts of the case" is in my judgment logically justified because the term does not pretend that the "facts" that are part of the case are already given by language. We can speak using sentences as pictures to describe other pictures and facts, but we always need sentences that we can analyse in order to determine the structure of their facts. It may be that one day, we will actually encounter sentences that are fully analysed in the sense that we find the basic sentences that

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allow all other sentences to be formed, just as the atoms allow all molecules to be formed. Nevertheless, as long as we are not presented with one single sentence that is fully analysed in the sense of Wittgenstein, the use of the expression "atomic facts" creates more confusion than clarity. *Tractatus* 4.22 says: "An elementary proposition consists of names" (Wittgenstein 1922). Such a name may be considered an atomic fact and knowledge of the names would allow sentences to be formed. It is not clear how Wittgenstein identifies the names that form the sentences. It is even less clear how we would get "to the elementary propositions which consist of names" that we would need for full analysis of a sentence, as Wittgenstein claims in *Tractatus* 4.221. Philosophizing aims to clarify thoughts and sentences. Therefore, the translation "facts of the case" for the German term *Sachverhalt* is to be preferred.

The use of the term "atomic fact" in an interpretation of *Tractatus* 2 would imply that we speak of a so-called elementary sentence, that would claim the existence of one fact only. By using the term "facts of the case" for the term *Sachverhalt*, I stay coherent with the process of Wittgenstein's logical development in the *Tractatus*. I understand the sentence as a picture that consists of many facts and elements. Therefore, at this point of the analysis I am able to avoid the hypothesis of the elementary sentence as one individual and completely determined fact. Wittgenstein in *Tractatus* 2 still constructs the case as a picture of different facts, indeed as "facts of the case."

On two occasions in the *Tractatus* - in 4.023 and 4.122 - the English translation by Ogden is not coherent concerning the term *Sachverhalt*. *Tractatus* 4.023 states according to Pears and McGuinness: "A proposition is a description of a state of affairs" (Wittgenstein 1922). I prefer to translate *Tractatus* 4.023 as: "A proposition is the description of the facts of the case." Ogden translates *Sachverhalt* in *Tractatus* 4.023 simply as "facts" instead of his usual translation "atomic facts." Wittgenstein in *Tractatus* 4.023 did not want to say: "A proposition is the description of an atomic fact." Speaking of "atomic facts" would make sense only in connection with the investigation of elementary sentences, because only an elementary sentence is to be considered like an atomic fact. *Tractatus* 4.023 is clear: A sentence has to be considered as a description of facts of the case or as a state of affairs that pictures many facts of the case.

In *Tractatus* 4.122 it is not easy to decide how to translate the German term *Sachverhalt*. *Tractatus* 4.122 consists of four paragraphs. In the first and second

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paragraphs *Tractatus* 4.122 speaks of "formal properties" of the "objects" or "state of affairs" of the sentences and calls them "internal properties." "Internal properties" describe the structure of the facts of the state of affairs (Wittgenstein 1922). The third paragraph of *Tractatus* 4.122 justifies the use of the term "external properties" in relation to the "objects" or "state of affairs" of the sentences and describes as "external relation" the structure of the picture that the facts form to express the "state of affairs." The structure of the facts form the picture of the sentence that describes reality and therefore in this third paragraph of *Tractatus* 4.122 is called by Wittgenstein the "proper" relation of the sentence. "Internal properties" show the relations of the facts that form a "state of affairs" or the "facts of the case."

In the fourth paragraph of *Tractatus* 4.122 we learn that the "internal properties" show themselves in the propositions that present the "facts of the case." At this point in *Tractatus* 4.122 Wittgenstein actually speaks of "facts of the case" or "states of affairs" of the sentences and does not speak of the "facts" that form the "states of affairs." Ogden does not follow this translation of the last paragraph of *Tractatus* 4.122. Further, he does not translate *Sachverhalte* as "atomic facts," as he usually does in his translation of the *Tractatus*, but as "facts." Facts are parts of cases and Ogden's translation does not disturb Wittgenstein's thoughts, because Ogden avoids speaking of "atomic facts" at this point of the *Tractatus*. Why did Ogden not stay coherent with his translation of *Sachverhalt* as "atomic fact"? Is it possible that single atomic facts that are by definition logically independent of each other do form internal properties? Ogden avoids this question by not speaking of "atomic facts," but simply of "facts." If logical atomism was ever on Wittgenstein's mind - as it remains on the mind of many of his interpreters - it would have to be an atomism that "shows," but that cannot be asserted. I prefer to understand that at this point Wittgenstein still speaks about complex sentences that have to be analysed and not of the "simplest proposition," the elementary sentence of which he will start to speak in *Tractatus* 4.21.

The entire *Tractatus* does not present one single example of an elementary sentence. Years after publication of the *Tractatus* Wittgenstein in conversations with Friedrich Waismann and other philosophers of the so-called Vienna Circle (Waismann 1984) develops prospects that make him stop pursuing the direction of finding elementary sentences. Wittgenstein surrendered to the insight that he is not able to foresee all possible phenomena that he will encounter in elementary sentences. Slowly but

consistently he also turns away from his understanding of "elementary sentences" as somewhat logically independent "atomic facts." He leaves the question unanswered whether there are elementary sentences seen as direct junctions of objects, but without logical operators. He corrects the view that it would be possible to investigate these sentences practically without taking into consideration their relations with each other and with sentences in general. Wittgenstein said he erred in pursuing complete analysis of the sentences, pretending that one day an elementary sentence could be found and his philosophical investigations would continue with a point of view of the connectedness of the things of language. Wittgenstein's correction of the hypothesis that there exist elementary sentences that would enable complete analysis of the sentence that they form encourages us to challenge our own convictions and hypotheses and slowly progress to finding new insights that help enlarge our view of the world. Finally, we hear from Friedrich Waismann that we have to view elementary sentences in connection with the sense of sentences (Waismann 1984: 248). Wittgenstein speaks of signs and sense and refuses to see elementary sentences from the point of view of a hypothesis. Elementary sentences describe our experiences, they describe reality and they describe what the case is. There is no "form" that could describe or determine an elementary sentence *a priori*; "form" is *a posteriori* and only sense is *a priori* (Waismann 1984: 249). This conviction that sense is *a priori* and form is *a posteriori* is of great influence for language philosophy, because it concerns all sentences of our speech-acts. It is the sense of the sentences that determines the logical analysis and not the other way round (*ibid.*). And the pursuit of the logical analysis of sentences turns to the question of a method of verification for the sentences (*ibid.*).

I do not believe the same as logical positivists in logical atomism and I do not like the expression "atomic facts." Since *Tractatus 1* says: "The world is all that is the case" (Wittgenstein 1922) and I live in the world and communicate most of the time by language, I always have to do with cases and never with a single isolated fact. The expression "atomic fact" makes me think of natural science. Only natural science provides facts about atoms or hypotheses about facts that can be verified or falsified. It is true that in the *Tractatus* Wittgenstein presupposes that verification and falsification are sufficient as a method for dealing with the world. He is not yet thinking of the possibility of unsolvable problems in mathematics and natural science. At this point of my investigation, it is important to assert that it is not affirmation or negation that

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decides whether a sentence is to be granted sense or no sense. *Tractatus* 4.064 states: "every proposition must already have a sense; assertion cannot give it a sense, for what it asserts is the sense itself. And the same holds of denial, etc."

Does ordinary language make sense? Is having sense a characteristic of language as it is used in natural science or art? Are there sentences without a sense at all? Since I want to say something and be understood, the question whether my sentences make sense is very important. It is easy to answer my question about whether my sentences make sense or not: I simply ask my listener if he or she understood what I said. I ask her or him if she or he grasped the sense of my sentence. If I doubt that I was understood, I politely ask my conversation partner to please repeat to me what I said. In ordinary language, we have sufficient instruments to make sure that we made sense and we can check whether we were understood. I am talking about sense and signification, of the meaning of what I say or of the content. I am talking about signification, meaning, content and sense as expressions that I use to talk about sentences with respect to understanding. At this point, I am not yet talking about the question of the truth of a sentence.

In the penultimate number of his *Tractatus*, in 6.54, Wittgenstein encourages the reader to climb up the ladder of the sentences of the *Tractatus* and "throw away the ladder, after he has climbed up on it." Wittgenstein at the end of his *Tractatus* speaks of growing insight, of the consequences of understanding and in some way of such a thing as wisdom. The learning process that Wittgenstein seems to aim at consists of the recognition of sentences that once made sense and have now become nonsense. He writes in *Tractatus* 6.54: "My propositions are elucidatory in this way: he who understands me finally recognizes them as nonsense, when he has climbed out through them, on them, over them."

Philosophizing is hard work and therefore it is frustrating to realize how easily one produces nonsense and how complicated things often get when one needs to speak clearly. For these situations, Wittgenstein apparently - and against his often impatient and impulsive character - shows the empathic patience of understanding. He speaks of nonsense, but refuses to call the futile sentences senseless waste. Only for a short moment in the Preface to his *Tractatus* does Wittgenstein testify to some pride "that the problems have in essentials been finally solved" (Wittgenstein 1922). In the last

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sentence of the Preface to the *Tractatus* Wittgenstein shows his wisdom and modesty recognizes "how little has been done when these problems have been solved." (*ibid.*).

Tractatus 4.064 tells us that the sense of a sentence does not depend on assertion or denial. Affirmation or negation is not a criterion for being able to understand a sentence or not, a familiar argument we already read in *Tractatus* 3.24. First, I have to understand the sentence, first there is the sentence with sense, and only then can I express my opinion on its meaning.

In *Tractatus* 5.5351 Wittgenstein speaks of a certain kind of tautology that does not make sense. Wittgenstein says in 5.5351 that it is nonsense to write the sentence: "p is a proposition." In *Tractatus* 5.5351 Wittgenstein criticizes Russell, who employs this kind of symbolism in order to indicate that the arguments of a certain sentence can only be occupied by sentences. Wittgenstein justifies the qualification "nonsense" for this kind of symbolising the use of sentences. He points to the fact that in order to talk about a sentence I would need another sentence and not symbolism. I cannot talk with something like a non-sentence. It does not make sense, it is meaningless, it is nonsense to think of the hypothesis of a non-sentence if I want to analyse a sentence. What is given is a sentence. I do not have to indicate by special symbolism that I am dealing with a sentence. Using the sentence, I can already see the sense of the sentence. The sentence shows its sense. If a child who cannot yet speak babbles and makes some unclear sounds, then there is no meaning. The child's babbling is not wrong or false, it is simply meaningless. It is nonsense to indicate that my sentences are sentences. Being able to speak, I will understand a sentence and I am able to form sentences. A child who does not yet speak still has to learn to speak. Once it speaks, there is no need to indicate that it speaks. We can listen and talk and communicate.

In *Philosophical Investigations* (Wittgenstein 2001) Wittgenstein found the parallel between the processes we use when we construct sentences and when we play a game; in both cases we follow the rules of language. The use of language is a language game (Wittgenstein 2001: paragraph 108). Wittgenstein gives up the formal unity between language and sentence in order "to speak of sentences and words in exactly the sense in which we speak of them in ordinary life" (*ibid.*). The concept of the language game presents a matured philosophy of language, it turns away from the logical analysis of elementary sentences and starts to investigate the rules of language. *Tractatus* 3.42 says: "The proposition reaches through the whole logical

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space." Wittgenstein asks in 3.42 how some structure of logic, that he calls "logical space," determines all the facts of the cases that the sentences picture. What in the philosophy of logic of the *Tractatus* was "logical space," becomes in *Philosophical Investigations* the language game with its rules for using the words of our language. Sentences are still facts of the language and they still say something about the world. The concept "language game" does not contradict the concept "logical space" in the *Tractatus*; the "language game" concept enlarges logical space from the analysis of the sentence to the investigation of the rules of language. In *Philosophical Investigations* Wittgenstein writes: „We see what we call 'sentence' and 'language' has not the formal unity that I imagined, but is the family of structures more or less related to one another (Wittgenstein 2001: paragraph 108)."

When we learn a language, we learn how to use words. It is important to see that both the naming of an object by someone, who already speaks the language perfectly, and the hearing by someone, who does not yet know how to use the word he just heard, can be called teaching and learning the language. The second person is able to repeat and practice the use of the word she or he just heard from the first person. The second person learns the rules of the language game concerning the use of the word in the language she or he is about to learn. The learning person learns how to use a word; he or she does not learn the properties of a thing, he or she learns a rule for how to use a new word in language, not a hypothesis of natural science: "And the process of naming the stones and of repeating words after someone might be called language games. Think of much of the use of words in games like ring-a-ring-a-roses. I shall also call the whole, consisting of language and the actions into which it is woven, a 'language game'" (Wittgenstein 2001: paragraph 7).

1.2 The function of language is picturing the world

Our life's daily work is full of pictures and we are constantly constructing and consuming pictures. The world is full of pictures and producing pictures is big business. Wittgenstein's important insight was to recognize that language, too, is a means of picturing. Who is aware that by speaking she or he is picturing? I can do many things with words; one thing I am always doing when I speak is picturing. A sentence is a picture. It is a very important clarification of thinking and philosophy to interpret the human capacity to speak as a form of picture making, to consider speaking a language

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as a form of picturing reality. Language is a means of picturing the world. The rules of the language games make us able to understand each other's pictures, to express ourselves in a way that we are understood and to understand what we are hearing. In the *Tractatus* Wittgenstein carefully develops the point that language is a means of picturing the world.

In *Tractatus* 4.021 we read: "The proposition is a picture of reality, for I know the state of affairs presented by it if I understand the proposition. And I understand the proposition, without its sense having been explained to me." Staying with the rules of the language game, I produce a sentence with a sense that can be understood because I follow the rules of language that were explained to me when I was learning the language. To see the sentence as a picture of reality enables us to speak of the form of the picture as a state of affairs, that is as a combination of facts. The elements of the picture, that is the sentence, are deemed facts. These facts determine reality; they describe or picture reality in a particular way.

The *Tractatus* does not exclude the possibility to reproduce by means of sentences the structure of things or the objects of natural science. However, the interpretation of picturing from an exclusively positivistic view ignores *Tractatus* 4.014: "The gramophone record, the musical thought, the score, the waves of sound, all stand to one another in that pictorial internal relation, which holds between language and the world. To all of them the logical structure is common. (Like the two youths, their two horses and their lilies in the story. They are all in a certain sense one)." (Wittgenstein 1922). Wittgenstein takes the example of music, of composing, playing and reproducing music with a machine. Wittgenstein does not use his picture theory to describe a natural science method, like, for example, studying cell cultures under a microscope. Although Wittgenstein does not use picturing methods from the natural sciences, he is very interested in natural science.

Whatever type of picturing method I am working with - be it drawing, photography, scanning, etc. - I am always producing pictures. With the help of picturing I gain a knowledge of reality. Controlling and interpreting this kind of knowledge as true or false has to be reflected on. For the moment, I want to make the point that Wittgenstein's picture theory works for natural science just as it works for art or story telling or simply for everyday communication. The example of music that we are given in *Tractatus* 4.014 includes the aesthetic aspect of the artist who is creating; it also includes the

acoustic aspect of physics that describes sound with the help of amplitudes and the sound wave model. When a physicist talks about sound with the help of the wave model, he is using a picture. To be sure, he produces this model with a function that he formulates with the help of mathematics. The logic of mathematics enables the logic of the function and the logic of sound enables the physicist to measure the amplitude of the waves. In *Tractatus* 4.014 the waves of sound are seen as a certain structure and logic is part of the structure. One could say that it is the logic of reality or the logic of the world or simply one possibility of the space of logic. Analysis of this logic would clarify the logical construction of the picture. By controlling his measuring method and ensuring that his measurement scale functions with the same accuracy for every measurement he takes, the physicist obtains a picture of this kind of logical construction. The logical construction of the sound waves and the logical construction of the music, for example composing a melody and hearing the sound of the melody in a musical performance, are related. The different logical constructions of this world belong to the same kind of family. The picture of the brain's nets of neurons and the picture of the computer's electrons, whether running or not running, are both logical constructions that are related, because they construct according to logical rules. The rules of writing and reading a score, namely the conventions for picturing music using music notation and the rules for thinking music as well as the rules for picturing tones as waves of sound and the complex of rules of music performance, are all related by the "pictorial internal relation," of which Wittgenstein talks in *Tractatus* 4.014.

The basic order of the world is rules and conventions and not indivisible particles called atoms or elementary sentences that are considered objects. In his picture theory Wittgenstein considers the construction of a structure. There are different ways to picture music. There are different sets of rules that enable us to move from the act of composing to the score to the gramophone record. Since the rules are related, one can also move from the gramophone record to the score. In *Tractatus* 4.0141 Wittgenstein calls such an internal relation "a law of projection which projects the symphony into the language of the musical score" and "the rule of translation" of the language of the musical score "into the language of the gramophone record" (Wittgenstein 1922).

Concerning "the two youths, their two horses and their lilies in the story," nobody knows what the story is about or what kind of lilies Wittgenstein meant in *Tractatus* 4.014.

Were they white lilies of purity or were they water lilies alluding to the solitude of the young men? The fairy tale is about two youths and two horses and their lilies. Rising lilies might symbolise erotic desires like in the Roman legend, in which Venus rises from the sea-foam, sees a lily and becomes filled with jealous envy at the whiteness and beauty of the lily. Electrons help the artist create digital lilies and sell paintings of such lilies on the Internet. Telling a fairy tale is a kind of translation, just as a music score is translated by the orchestra playing it. The fairy tale is a logical construction. Sentences are pictures. The logic of language is the logic of picturing. The pictures from fairy tales follow the same picturing logic as we do when writing scores, playing music or playing a gramophone record. If this is what Wittgenstein wanted to say, he means that all forms and methods of picturing follow the same function and operate with different variables. The operations always produce a picture. What kind of relationship joins the world and language? A pictorial relationship!

It is true: it is mainly in *Tractatus* 2.1 to 2.225 that Wittgenstein speaks of the picture theory. The example he gives in 4.014 gives a good picture of what he is saying about pictures. The example of music is a concrete projection of a very general picture. Music is not excluded from the pictures of the picture theory, as we came to know it in *Tractatus* 2.15 and 2.151, although Wittgenstein does not talk about music in those numbers. The picture is a fact and as such has a structure and form. The structure is the relationship of the elements of the picture to one another and the form is the fact that the function presents reality in a logical space. Form follows function. To operate the function means to make a picture, that is to follow certain rules and to play a game. There are different ways to project the form of a picture. To speak of the form of reality is the most modest, accurate and respectful way to speak of reality. It is the most general and basic way to assert and accept reality. To speak of the form of reality is to assess that there is reality, that reality exists. A sentence is part of reality. Perhaps this is the simplest way to express Wittgenstein's intuition. Wittgenstein made us see that language is a means of picturing and a privileged way of accessing reality.

The logical structure and construction of sentences, that is the form of the sentences, stand in a pictorial internal relation to the world. The sentence is a model of reality we read in *Tractatus* 4.01. Language is a model of reality; it is a means of translation and projection and speaking always happens in the logical space with a logical form of

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sufficient mathematical multiplicity for both the sentence and the case it represents (*Tractatus* 4.04).

To insist that a sentence is part of reality is not a small contribution to the inquiry into the range of human knowledge. Knowledge is about the facts of our world. If I accept sentences as facts and make clear that sentences describe the world, then my range of knowledge is considerably enlarged by language. Sentences give sense and knowledge about the world, because they are part of the world. Language is an instrument for the acquisition of knowledge. We have to clarify what kind of knowledge sentences are able to communicate. We have to clarify what a sentence is able to measure. What does it mean, when Wittgenstein claims in *Tractatus* 2.1512 that the sentence that is seen as a picture contains the scale that reaches reality? We have to investigate how the projection method of speech is an instrument of measurement and what kind of model of reality a sentence represents. Do we only speak of music as reality, or is reality something we can also touch with our hands? Is our description of reality our only way to come into contact with it? In what way are we talking about reality? That is the fundamental question when language philosophy speaks about the sentence as a picture of reality. What kind of interpretation of reality do our sentences present? Thus far we only know that the sense of a sentence is given before the inquiry into the truth of the sentence. In this sense the sentence is *a priori*. In the sense that without a sentence there is no sense, the sense of the sentence is empirical and a *posteriori*.

The logic of representation is *a priori*, my making use of this logic is *a posteriori*. That the *a priori* is the condition of the posterior is not a tautology, because the posterior is given in the form of an internal relation with the *a priori*. The speech-act takes possession of the *a priori*. To be able to speak is to be empowered to deal with reality. The reality of the world is the *a priori* to produce the reality of pictures. This proves that speaking sentences deals with reality. That the sentence that I speak has to be considered as determined is an *a priori* claim by Wittgenstein. The sentence is a picture of reality and a fact. The fact, the state of affairs that is described by the sentence, may be assigned the truth-value true or the truth-value false according to the determinations of the sentence. Wittgenstein argues this claim in *Tractatus* 4.023. First of all, he claims that the sentence determines reality in a way "that one only needs to say 'Yes' or 'No' to make it agree with reality." From this it follows that "reality must therefore be

completely described by the proposition" (*ibid.*). The sense of the proposition is independent of the facts. The sentence is a picture of reality. The picture theory talks about sense and picturing. Determination of the truth possibilities of a sentence as "Yes" and "No" - and by this the determination of reality - is independent of its sense. This determination that was already held by Frege (*Tractatus* 4.063) is a concrete formulation of the principle of the excluded third possibility, of the *tertium non datur*. For the moment, we talk about sentence, sense and the picture of reality. We recall *Tractatus* 4.0061, which states that the sense of the sentence is independent of the facts and thus clearly separates the clarification of the sense and the inquiry into truth: "If one does not observe that propositions have a sense independent of the facts, one can easily believe that true and false are two relations between signs and things signified with equal rights." Sense and truth are to be kept apart in the philosophical investigation. The sense of the sentence is an *a priori* in respect of its truth. The speaking person produces the sense.

1.3 Sense and two-valued logical truth

In the *Tractatus* Wittgenstein differentiates between "to say" and "to show." According to Wittgenstein this differentiation is one of the fundamental ideas of the *Tractatus* (Richter 1965: 23). Number 4.022 of the *Tractatus* says: "The proposition shows its sense. The proposition shows how things stand, if it is true. And it says that they do so stand." The sentence shows its sense; that means that we know "how things stand, if it is true." If I understand the proposition, I know the state of affairs presented by it, I know the facts presented by it. I can understand a proposition and yet I do not know if it is true. However, if the proposition is true and I have understood it, I already know what the case is. We read in *Tractatus* 4.024: "To understand a proposition means to know what is the case, if it is true. (One can therefore understand it without knowing whether it is true or not)." A sentence says that the picture it shows is true. The sentence says that the facts he describes are the case. The sentence says that what it shows is the case. Whether what it says is true, the sentence itself cannot decide. The sentence only says what the case is if it is true. Richter writes that with Wittgenstein we cannot understand the sentence "s" and the sentence "s is true" in the same way (Richter 1965: 22–23). Language tempts us to mix up what the two sentences say. The sentence "s" says, "that s is the case". The sentence "s is true" already reflects on the sentence "s" and what it says. The sentence "s is true" says that the sentence "s" is

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true. The reflection tells us that what the sentence "s" shows is the case is true; that is the sentence "s" shows its sense. What the sentence "s" shows is part of the discourse about the truth of the sentence "s".

In the reflection on "s" we have to find its truth. Whether a sentence is true or false first depends on the determination of the circumstances in which I am allowed to call the sentence "s" true. The "circumstances" that make the sentence "s" true or false are given together with the sentence "s". *Tractatus* 4.063 reads at the end of the second paragraph of the translation by McGuinness and Pears: "In order to be able to say, 'p' is true (or false), I must have determined in what circumstances I call 'p' true, and in so doing I determine the sense of the proposition" (Wittgenstein 1922). These circumstances are called "the truth-possibilities" (*Tractatus* 4.3). Since Wittgenstein supports in the *Tractatus* the two truth-possibilities "true" and "false," we speak of a two-valued logic. Computers, databases, the internet and social media still work on the basis of a two-valued logic. Our contemporary world relies on a two-valued truth for the possibilities and realizations of globalized communication and determines the social choices of millions of women, men and queer every day. (This Trilogy claims dignity and integrity of the faithful within the Roman Catholic Church. Dignity and integrity for all women, men and queer, without discrimination of anybody. Rather than the letters LGBTQI as acronym, I shall use the expression "queer" to include all non-heterosexual and gender variant people on the grounds of their non-normativity. The term "queer" highlights the normativity and intersections of sexual and gender identities; the term expresses inclusiveness for all human experiences trying to assure sexual identities and integrity of the individual).

Wittgenstein uses the two-valued logic and invents the truth-tables as a method for the logical analysis of sentences and complexes of sentences. Before discussing Wittgenstein's invention of the truth-tables, I have to mention another very important finding made by the famous language philosopher: Logical constants do not represent objects. In 4.0312 of the *Tractatus* we read: "The possibility of propositions is based upon the principle of the representation of objects by signs. My fundamental thought is that the 'logical constants' do not represent. That the logic of the facts cannot be represented."

Logical constants are not representations. This is the possibility-condition for analysing the logical truth of sentences. Brian McGuinness reported that already in June of 1912

Wittgenstein wrote in a letter to Bertrand Russell and later on December 25, 1914 in his *Notebooks* "that the 'logical constants' do not represent" (McGuinness 1989: 32–33). Logical constants or operators like the words "and," "or," "not," "some," "all," "identical," "if ... then," etc. do not relate to objects, they do not represent objects, there are no objects for the signs of logic (McGuinness 1989: 33). Logical operators signify logical operations. Wittgenstein's fundamental thought differs from the conviction held by Frege and Russell on the subject. Wittgenstein criticizes them in *Tractatus* 5.4: "Here it becomes clear that there are no such things as 'logical objects' or 'logical constants' (in the sense of Frege and Russell)." Frege believed in the existence of things like mathematical objects. He gives the natural numbers as an example of such objects. Application of the conviction that logical operators cannot represent objects to the two-valued logic of the truth-possibilities 'true' and 'false' leads Wittgenstein to the insight that "the words 'true' and 'false'" do not "signify two properties among other properties" (*Tractatus* 6.111). The truth-possibilities "true" and "false" according to Wittgenstein are not considered to be the meaning of the sentence. Frege considered them to be the meaning of the sentence.

With the help of Wittgenstein's two-valued logic we can logically analyze sentences that show at least one logical operator. The realization of this logical analysis is possible independently of the conviction that elementary propositions exist. Our sentences very often show logical operators or they can at least be formulated in a way that shows the logical operators. The logical analysis of sentences is of interest for demonstrating the logical coherence of our arguments that we present with sentences or series of sentences. It is a possibility-condition for this logical analysis to accept that the logical operators do not represent objects. We follow Wittgenstein's operative understanding of the logical construction of the sentence: the logical operators signify operations and not logical objects. The sense of a sentence is shown by the sentence. The sentence is able to show the circumstances, that is the truth-possibilities, if the sentence is true or false. Together with the given sentence "s" we are also given all the "circumstances" that make the sentence "s" true or false. With the help of the logical operator we can see that the sense of the sentence operates a function. This function is a logical truth-function in a two-valued logic, whose logical operators show how to operate the function. The truth-values are the results of this operation. In *Tractatus* 5.2341 we read: "The sense of a truth-function of p is a function

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of the sense of p. Denial, logical addition, logical multiplication, etc. etc., are operations. (Denial reverses the sense of a proposition.)"

The operations of truth-functions of sentences by Wittgenstein are represented with the help of mathematical tables or schemes, that is with his famous truth-tables. Before explaining his use of logical operators, Wittgenstein presents his schemes for the truth-possibilities of a two-valued logic of a sentence. The point is that we have to deal with a two-valued logic. The point is not that we necessarily deal with elementary propositions, as Wittgenstein confirms in *Tractatus* 5.31: "The Schemata No. 4.31 are also significant, if 'p', 'q', 'r', etc. are not elementary propositions. And it is easy to see that the propositional sign in No. 4.442 expresses one truth-function of elementary propositions even when 'p' and 'q' are truth-functions of elementary propositions."

I want to first present *Tractatus* 4.31:

The truth-possibilities can be presented by schemes of the following kind ("T" means "true", "F" "false". The rows of Ts and Fs under the row of the elementary propositions convey their truth-possibilities in an easily intelligible symbolism.

p	q	r
T	T	T
F	T	T
T	F	T
T	T	F
F	F	T
F	T	F
T	F	F
F	F	F

p	q
T	T

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F	T
T	F
F	F

p
T
F

(Wittgenstein 1922).

The letters p, q and r are signs for the sentences "p," "q" and "r," whose truth-possibilities are either true or false.

In *Tractatus* 4.44 Wittgenstein defines the sentence saying that a certain truth-condition is co-ordinated with the truth-possibilities. The scheme we see in *Tractatus* 4.442, in addition to the truth-possibilities of the sentences p and q, shows in a third row the truth-condition of the two sentences p and q. This kind of scheme is called a propositional sign:

Thus e.g. "

p	q	
T	T	T
F	T	T
T	F	
F	F	T

"

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Is a propositional sign. ... If the sense of the truth-possibilities in the scheme is once and for all determined by a rule of combination, then the last column is by itself an expression of the truth-conditions ...

(Wittgenstein 1922)

The scheme of *Tractatus* 4.442 shows in the third row the rule of use for a logical operator for the truth-function of the two sentences p and q. In this row Wittgenstein gives the truth-condition of the two sentences p and q. "T" is the sign for the truth-condition true and "F" is the sign for the truth-condition false. In *Tractatus* 4.43 Wittgenstein says this in a way that is slightly different: "Agreement with the truth-possibilities can be expressed by co-ordinating with them in the scheme the mark "T" (true). Absence of this mark means disagreement."

The propositional sign is an example of a truth-table. The truth-table shows that the affirmation of the sentence that is composed of the two elementary propositions p and q results from co-ordination of the mark T. The truth-table shows the conditions that make the sentence true. Wittgenstein uses in this context Frege's term "function." *Tractatus* 5 says: "Propositions are truth-functions of elementary propositions. (An elementary proposition is a truth-function of itself.)" *Tractatus* 5.01 explains: "The elementary propositions are the truth-arguments of propositions."

Application of the rule of use of a logical operator – namely the truth-function - to propositions can be understood as an operation (*Tractatus* 4.127). The propositions serve as the basis points for the operations of the truth-function.

The truth-conditions of the logical operator "and" in the series of the sentences p and q co-ordinate the mark true only to the truth-possibilities true of "p and q." Only the truth-values true of p and the truth-values true of q allow for the sentence "p and q" the co-ordination of the truth-value true. We see that the results of the operations of the truth-functions and the basis points of the truth-possibilities are on the same propositional level, namely on the level of sentences. This observation proves that the truth-arguments of the sentence-functions do not constitute material arguments. They are logical ones. It is in natural science that arguments represent qualitative properties or characteristics of a certain set. With a two-valued logic for sentences, the truth-values of truth-functions can be used again as basic points for other truth-functions.

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Wittgenstein sees the truth-conditions as the result of operations. Proceeding along the series of the truth-conditions of the two sentences p and q , we can repeat the operation of co-ordinating truth-conditions to the truth-possibilities. It is the same function we are repeatedly operating. It is the repeated operation that operates the same function that makes us go from one line to the next. Wittgenstein wants to analyse every series of sentences with the help of this repeated operation of truth-functions. In *Tractatus* 5.3 he writes: "All propositions are results of truth-operations on the elementary propositions." Wittgenstein suggests that we construct the truth-functions of conjunction (using the logical operator "and"), of disjunction (using the logical operator "or"), of logical implication (using the operator "if ... then" in the function "if p then q "), and of equality (using the operator "=" as in the function " $p = q$ ") with the single logical operation of negation, that is with Sheffer stroke (Russell 1989: 270). Wittgenstein precisely claims that all truth-functions of a given set of propositions are constructed from the function "not- p and not- q " (*ibid.*). Taking from this point of our investigation another look at the truth-tables, we easily recognize that the logical constants do not represent objects, but need objects that represent, namely sentences, in order to be operated on. Wittgenstein operates the truth-functions according to the rule that is given by the logical operator, the logical constant, and applies it to the sentences p and q . It is very important for Wittgenstein to philosophize on the basis of an understanding of logical constants as logical operators not as things or objects or states of affairs or facts, but as rules that are functions for operations.

Tractatus 6 claims that the general form of a truth-function is identical to the general form of the proposition. We know that around 1930 Wittgenstein abandoned this theory of the general form of propositions. In his *Philosophical Investigations* he will later open his concept of the logic of language to the multiplicity of language games in ordinary language and thereby considerably enlarge the truth-possibilities of the two-valued logic.

1.4 From the two-valued logic to a three-valued logic

I am not going to talk about propositional constants, propositional variables or primitive logical signs in order to get a better understanding of sentences. I am interested in the sentence and its sense; I want to understand and examine what the sentence says. *Tractatus* 4.03 says in its first sentence: "A proposition must communicate a new sense

with old words" (Ogden) or as the translation by Pears/McGuinness says: "A proposition must use old expressions to communicate a new sense" (Wittgenstein 1922). The sentence shows what it says by picturing the world. The last sentence of *Tractatus* 4.03 says: "The proposition only asserts something, insofar as it is a picture." How does the speaker make this word-picture? In the first sentence of *Tractatus* 4.031 Wittgenstein states: "In the proposition a state of affairs is, as it were, put together for the sake of experiment." I like the idea of comparing the performance of a statement with an experiment. I like this comparison because of its respect for the logical aspect of the speech-act. Speaking is something very logical, because the sentence shows a picture that is open for a discussion on its logical aspects just as the results of an experiment are open to discussion. I like the comparison of taking the word and speaking a sentence with an experiment also because of the risk that the speaker takes when performing a speech-act. An experiment can be successful and it can fail. It is true, in both cases I can learn a lot. Yet, I prefer to be successful with my speaking performance, I want to be heard and understood. What he wants to say if we look at the speech-act of making a sentence as an experiment, Wittgenstein states in his *Notebooks* on September 29, 1914 in the following way: "In the proposition a world is as it were put together experimentally. (As when in a law-court in Paris a motor-car accident is represented by means of dolls, etc.)" (Wittgenstein 1961: 7e). The case of the car accident comes up for trial and in order to get a picture of how the accident happened the judge reconstructs the accident with the help of dolls. We make sentences in the same way, suggests Wittgenstein.

To be precise I have to say that neither in *Notebooks* nor in *Tractatus* 4.031 does Wittgenstein use the word "experiment" as the translations do. Wittgenstein uses in *Notebooks* as in the German *Tractatus* the adverb "probeweise" that I can understand in English with the help of the expressions "on a trial basis" or "trying out." In empirical science, I speak of the trial-and-error method. Instead of "on a trial basis," I can also say "experimentally." I make sentences on a trial basis, just as the judge in the trial makes a picture of the accident. In a sentence, we put together the things in order to subject them to a test, but in reality, they might not relate to one another in that way. I can also translate: In a sentence we put the things together in order to check them or in order to try them out. The sentence is a picture and of its sense Wittgenstein says in the second sentence of *Tractatus* 4.031: "One can say, instead of, This proposition has such and such a sense, This proposition represents such and such a state of

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affairs." It is interesting to note that we find this second sentence of *Tractatus* 4.031 almost in the same form in *Notebooks* 2, October 1914 (Wittgenstein 1989: 49).

The translation of *Tractatus* 4.031 by Pears/McGuinness also helps our understanding: "In a proposition a situation is, as it were, constructed by way of experiment. Instead of, 'This proposition has such and such a sense', we can simply say, 'This proposition represents such and such a situation'." We understand that the speech-act puts together a sentence. This sentence composes and shows a certain situation, namely the sentence claims that the construction of the situation corresponds to reality. The experiment of constructing a sentence therefore consists of the fact that the sentence tries to construct a picture of the situation that corresponds to reality.

On October 3, 1914 Wittgenstein writes in *Notebooks* of the proposition that is "logically articulated" as a picture of a "situation," that is of a state of affairs (Wittgenstein 1961: 8e). In *Tractatus* 4.032 he again speaks in the same context of the sentence of a "state of affairs": "The proposition is a picture of its state of affairs, only insofar as it is logically articulated. (Even the proposition 'ambulo' is composite, for its stem gives a different sense with another termination, or its termination with another stem)." The Latin example Wittgenstein gives is very clear, because there is no apparent subject and predicate, no noun and verb, that are connected. The "complex" that is the picture is in one word, as Wittgenstein already remarked in his *Notes on Logic* (Wittgenstein 1989: 49). In the *Tractatus* he calls the word *ambulo* a sentence. Wittgenstein can say why the word *ambulo* is a sentence, why it has a sense: there is a rule that makes it possible to give the stem of the word another sense with a different ending. If I change the ending, I change the picture. With the help of the ending, I can change the sense of the sentence. Using a determined ending, I gave the sentence a determined sense. I can say that since the sentence gives a picture, the sentence differentiates between elements and toward other elements of the language that I do not use. The fabrication of a sentence always puts together some elements to form the picture. If I make a picture, I put together elements and compose a sentence. If I want to make clear that I will always use the same picture to depict a single state of affairs or a determined situation, I make my decision to do so a rule. The rule to use the same picture to characterize the same situation is of great help in the clarifying effort of language philosophy. Adhering to the established rule contributes essentially to the coherence and consistency of my discourse. To constantly use a word or an expression in the

same way is a cornerstone of logical coherence and constitutes part of the language game of building terminologies. If I follow the rule to always use an element in the same connection to the other elements of the sentence, I can say that I am using the element as a concept or as a term. It is possible to understand this rule for the coherent use of an expression in the picture as a definition. A definition would then be the speech-act that explicitly points at that picture and says that the relation between the elements in the picture is the way the speaker wants to describe the world.

Logical truth in the *Tractatus* is determined by the truth-values true and false, because Wittgenstein determines the sense of the sentence on the basis of the distinction of true and false. This two-valued logic is an expression of the principle of the excluded third: "*Tertium non datur*" (Leher 1992: 176). In March 1928 Wittgenstein went to Vienna to listen to L. E. Brouwer speak on mathematics and logic and voice his criticism of the principle "*tertium non datur*" (Richter 1965: 42). Concerning the logic of mathematics, both Wittgenstein and Brouwer supported an "operative" concept of mathematics (Leher 1992: 176). In *Tractatus* 6.021 Wittgenstein defines the term "number": "A number is the exponent of an operation." In *Tractatus* 6.03 the general form of the cardinal number is given analogically to the general form of the sentence: Wittgenstein constructs the sequence of natural numbers by giving a first element "0" (zero) and a rule for constructing the number that follows an already defined natural number. For an already defined number x this rule defines the following number as $x + 1$ (*ibid.* 177).

Around 1900 mathematicians still held true the axiom and believed that all problems of mathematics can be solved (Richter 1965: 43). Brouwer recognized that this axiom is the equivalent of the axiom of the excluded third and criticised the principle *tertium non datur*. The reason for the erroneous assumption that the axiom *tertium non datur* was true lies in the application of the logic of finite sets of numbers for the logic of infinite sets of numbers (*ibid.*). The finite numbers as a potential set of infinite numbers depend in the operative concept of mathematics on a rule for constructing them. The rule for constructing finite numbers is given in *Tractatus* 6.03. To obtain numbers we have to operate the function given in *Tractatus* 6.03 (Richter 1965: 42). Richter demonstrates that this kind of operation does not help, if we ask for the possibility of a set of infinite numbers, for example: Are odd numbers greater than 1 perfect numbers? Perfect numbers are natural numbers that equal the sum of their proper divisors. The number

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6 is, for example, a perfect number because $6 = 1 + 2 + 3$. The number 28 is also a perfect number: $28 = 1 + 2 + 4 + 7 + 14$ (*ibid.*). In order to answer the question whether there are perfect odd numbers we would have to construct a potentially infinite sequence of single operations asking: Is the number 3 a perfect number? Is the number 5 a perfect number? ect. (Richter 1965: 43). We will obtain answers to these individual questions, but we do not have at our disposal some rule or algorithm for answering the question in general. The lack of this kind of rule or decision procedure for answering our question leads to the recognition of insoluble questions or questions that we cannot decide and Richter documents that in 1931 Gödel presented the general proof for the existence of insoluble problems in mathematics (*ibid.*). Wittgenstein accepted in 1930 Brouwer's criticism of the axiom of the excluded third (Richter 1965: 47) and opens the *a priori* of the sense of the sentence and the speech-acts to the investigation of the great variety of language games (Richter 1965: 49).

The epistemological turn from the two-valued logic of logical truth to the criticism of the axiom of the excluded third and the acceptance of a third possibility that includes the truth-value "I do not know" gives rise to significant consequences for philosophical and theological argumentation. *Tractatus* 7, the last sentence of the *Tractatus*, says: "Whereof one cannot speak, thereof one must be silent." *Tractatus* 6.522 clearly and definitely identifies the inexpressible that one cannot put into words and speak of: "There is indeed the inexpressible. This shows itself; it is the mystical." We learned about the mystical from *Tractatus* 6. 44: "Not how the world is, is the mystical, but that it is." Wittgenstein talks about the fact that the world exists and his reaction to this fact. We recognize that the consideration of the mystical is a central preoccupation of women, men and queer of many religions and theologies and equally of women, men and queer, who do not profess any religion or theological belief. Wittgenstein studied Augustine and the Vulgate, but he certainly cannot be called a professing Christian (Schulte 1989: 38). Judaism was an important theme in his thoughts, but Wittgenstein was not a practicing Jew or Catholic or Protestant (Schulte 1989: 29).

The turn from a two-valued logic to the criticism of the principle of the excluded third was important for speaking about themes like the mystical that the *Tractatus* thought one must be silent on. In his theological and philosophical discussions with Karl Rahner Vladimir Richter learned that it was fundamental for the important Catholic theologian to be able to theologize on the basis of a reflected logic for theological knowledge and

insight (Richter 1964: 189). Richter discovered in his investigations of a possible logic of the mystical that the logic of the mystical resembles the logic of the so-called insoluble problems of mathematics (*ibid.*). The logical structure is similar if we compare the sentences of theology and the sentences of mathematics, for which we do not have at our disposal a method with which we can decide exclusively with the truth-value true or the truth-value false. For example, we have in mathematics no procedure to decide the question whether all perfect numbers are even or whether there are perfect numbers that are odd numbers. The impossibility of deciding on the basis of a two-valued logic that would be able either to prove right or to prove wrong the sentence that there is an odd number that is a perfect number leads to a third possibility. This third possibility consists of a logic that accepts not being able to positively prove a sentence right or wrong and therefore turns to a logic of proving wrong the principle of the excluded third. This kind of logic would be capable of proving wrong the refutation of the truth-value true for theological sentences and accepts not being able to prove right the theological sentence in question. Today it is no longer a scandal to theologize as a Catholic Christian on the basis that accepts that sentences of religious beliefs such as expressed by worlds like the mystical, creation or creator, cannot positively be proven to be the case and cannot be attributed to the truth-value true or false of the two-valued logic of empirical science (Leher 1997: 305). Richter insists on the necessity of using this kind of logic in theology; theology needs to demonstrate its awareness of the difference between the refutation of the refutation and positive demonstrability (Richter 1964: 196).

Richter wanted theology to generally be able to not only demonstrate the logical coherence of its sentences with the help of the principle of non-contradiction, but he wanted to also develop some kind of formalized procedure for demonstrating that the theological sentences of a theological thesis do not contradict each other (Leher 2000: 137). At the same time, Richter insists that it is logically possible to show that the refutation of a theological sentence can be logically refuted (Leher 1992: 187). This formalized procedure Richter develops in the discussion with the dialogical interpretation of the intuitionist logic by Lorenzen (Richter 1964: 197). Intuitionist logic is the philosophical term for a logic that accepts and operates on the basis of the refutation of the principle of the excluded third. Richter points at the dialogical beginning of Greek logic in dialectic and rhetoric and recalls the technique of disputation in medieval logic in order to defend Lorenzen's dialogical logic that

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compares dialogue to a game between two parties, the proponent and the opponent (*ibid.*). The rules of the game leave room in the dialogue between the two truth-possibilities of the affirmation yes and the negation no, following a concept of negation that accepts the possibility that no decision is possible and therefore turns to the negation of the refutation and the negation of the affirmation as a third truth-possibility (Richter 1964: 206). It was very interesting for me to discover that this intensive discussion of the intuitionist logic of Brouwer and Lorenzen led Richter not only to the assurance of the logical legitimacy of faith-sentences, but also provoked an answer by Lorenzen concerning ethical and theological matters. On May 15, 2007, Vladimir Richter gave me the one-page photocopy of the typewritten "Eleven theses on a constructive historic theology" (*Theses*) that Paul Lorenzen (1915–1994) wrote in Erlangen in February 1979 (Lorenzen 1979a)ⁱⁱ.

I present the first three theses and Theses 9 and 10:

In Thesis 1 Lorenzen assesses the scientific Enlightenment's recognition of the concept of a God-creator as a mythical picture. Thesis 2 refutes the picture of a God judging good and evil on the basis of fearing godly punishment as the reward for evil behaviour and hoping for goodly reward for good deeds. The picture of a God judge is no longer the foundation of moral behaviour. Thesis 9 reasons why the picture of a God judge is no longer possible for a man of the Enlightenment: it is because of Good Friday, because of the death of Jesus, that is because of a God who permits his son to die on the cross, that the picture of a God judge is no longer possible. Thesis 10 follows that instead of the picture of a God judge, the picture of God as the principle of love gave strength to the early Christian community to continue to live together practicing the principle of brotherly love and not hoping for a rewarding God judge. Easter, the resurrection, therefore has to be regarded as the decisive fact in the history of religion. Lorenzen does not speak of the Christian religion; he speaks of the history of religion. Lorenzen does not clarify that it is his religious conviction as a Protestant that makes him claim that Good Friday is the decisive fact in the history of religion. In Thesis 9 and Thesis 10 he takes religious convictions of his faith as arguments for his foundation of ethics and moral behaviour. Yet, in Thesis 3 Lorenzen announced that the construction of a systematic theology on the basis of scientific methods becomes political anthropology. How do the principles and methods of political anthropology as an empirical science correspond with Lorenzen's religious belief in Jesus as the son of

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God and the belief in his resurrection, etc.? It looks to me as if Lorenzen did not for one moment give thought to this question.

Lorenzen presented in March 1979 his understanding of a political anthropology (Lorenzen 1979b: 1–25)ⁱⁱⁱ. He is preoccupied with the method, the "praxis," for obtaining normativity of rules for the social life of a community (*ibid.* 8). The "praxis," the process that realizes the putting into practice of social norms for a community, is called "political" (*ibid.*). Lorenzen defines the term "political interest" as the social realization of consensus by efforts of argumentation; and this political interest keeps alive the political praxis (*ibid.* 9). Political practice is a practice that generates the normative rules for the living together of a community and for Lorenzen it is clear that these rules or principles are anthropological principles, that is principles and norms of ethics (*ibid.* 10). Lorenzen wants to understand ethics as the science that gives thought to maintaining and improving the communication processes involved when the members of a community speak with each other for the sake of living together as a community (*ibid.*). A community that speaks with each other, a "dialoguing community," therefore has to be seen as the possibility-condition of any political praxis and of any political theory; picturing of norms is only possible with language (*ibid.*). One can say that ethics has to construct consensus on the process of argumentation, that is a consensus, on the use of language (*ibid.* 11). Lorenzen is conscientious about the fact that such a consensus-making effort by the community concerning the use of language needs to take into consideration the culture; it is within a culture that a particular use of certain language pictures is defined as normative (*ibid.*). The social realization of this dialogical reasoning that constructs consensus on a pluralistic and conflicting set of norms is called "trans-subjectivity" (*ibid.* 19). The subject of trans-subjectivity is the conscience of the subject (*ibid.* 20). Lorenzen speaks of solidarity as the practice of self-criticism and of the necessity of becoming educated by forming an artistic and religious culture (*ibid.* 21), because we find the experiences of joy or suffering, of confidence, love and hope today in the irrational and in religion and not in modern technical reason (*ibid.* 22). As a picture for "unconditioned solidarity that is trans-subjectivity" Lorenzen repeats Thesis 8 (Lorenzen 1979a) that is the example of the life of Jesus for his disciples (*ibid.* 24). In Thesis 4 Lorenzen classifies contemporary universities and schools as institutions of an exclusively technical and value-free education. In Thesis 4 he qualifies the Churches as the most important institutions for the ethical-political formation and moral education. Thesis 5 demands that theology contribute to this

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ethical and political education and Thesis 6 claims that the basic principle of theology's contribution to the ethical and political formation consists of the scientific construction of the Christian religion. Thesis 7 claims that theology's activity has to aim at clarifying the confused ethical and political situation of the present. Finally, Thesis 11 claims that the Churches are the institutions that have to realize the "godly principle of unconditioned solidarity" that is called "trans-subjectivity" (Lorenzen 1979a).

Lorenzen declares in Thesis 8 that the Churches are the most important institutions for ethical-political formation and moral education; and in Thesis 11 Lorenzen identifies the Churches as the institutions that have to realize the "godly principle of unconditioned solidarity" (Lorenzen 1979a). What we read sounds like a fundamentalist's claim and not like the claim of an enlightened and famous mathematician and philosopher of the twentieth century. Immanuel Kant, one of the principal thinkers of the Enlightenment, announces 182 years before Lorenzen a different vision concerning the task of enlightening the masses (Kant 1979: 161). He did not think of conferring the task of the "Enlightenment of the masses" to the Christian churches. We read in Point 8 of the *Conflict of the Philosophy Faculty with the Faculty of Law* that "Enlightenment of the masses ... is the public instruction of the people in its duties and rights vis-à-vis the state to which they belong" (*ibid.*). Kant wanted to confer this task to "free professors of law, that is philosophers who, precisely because this freedom is allowed to them, are objectionable to the state, which always desires to rule alone" (*ibid.*). He did not confer this task on the Churches and even explicitly excluded people who are officially appointed by the state from this "public instruction of the people" (*ibid.*) Political practice as the practice that generates the normative rules for the living together of a community is for Kant the duty and right of the individual citizen. "The Idea of a constitution in harmony ... in which the citizens obedient to the law, besides being united, ought also to be legislative ... signifies a Platonic Ideal (respublica noumenon)" and "is not an empty chimera, but rather the eternal norm for all civil organization in general, and averts all war" (*ibid.* 163, 165). We need the individual citizen as the free subject of political practice, and the result of the citizen's legislation and obedience of the laws will be peace in the world; this seems to express Kant's conception of progressing toward the better in the world. For Kant there is no need for terms like "trans-subjectivity." It is the rule of law and the freedom of the citizen who makes the law and obeys the law that constructs a constitution in harmony. Amartya Sen is ready to assess from the point of view of the economist and economic,

social and cultural development that "we must not miss the crucial recognition that political liberties and democratic rights are among the 'constituent components' of development" (Sen 2009: 346–347). Kant does not forget to speak of the free citizen when he speaks about ideas and pure concepts of reason. Actually, I am convinced that Lorenzen very much agrees with Kant on this point and also with Sen concerning the importance of democracy for the peaceful development of the world. Lorenzen's readiness in 1979 to identify the Christian churches as the most important institutions for ethical-political formation and moral education testifies to a great ignorance of the actual state of affairs of the normative power of the Christian churches in Europe, in particular, and of the state of affairs of religion in Europe, in general.

The *European Values Study* (Zulehner and Denz 1993) draws an empirical picture of the social choices and religious beliefs of Christians in Europe. I would like to present the analysis by Hermann Denz (1949–2008), Professor of Sociology at the University of Innsbruck and member of the European Value System Study Group, of Europe's religious situation according to the results of the *European Values Study* (Denz 2000: 70–86). Denz, knowing the discussion of empirical sociology of religions about the situation of religions in Europe, assesses the use of the term post-modern to describe this situation that makes modernity appear as a comparably uniform project. It is the influence of this pluralistic and multicultural situation in Europe, where many parallel worlds with differing worldviews and value systems contemporarily coexist and that developed in Europe in the last 30 years of the twentieth century, that leads to the actual situation. This post-modern situation is characterized by the individual's liberty to decide on one's own determination and will, on the one hand, and the individual person's limited ability to cope with these constant constraints on decision-making, on the other hand. Although realized in the last 30 years of the twentieth century, the liberty and freedom to do what I want to do and the practised liberty to believe what I hold worth believing is the result of a long development within the cultures of Europe. It was the Reformation and the period of Enlightenment, where this transformation of modernity originated. We have to be clear that these tremendous social, political and cultural developments concern only the churches in Europe that are recognized by the Nation State. In other parts of the world, we observe quite different developments. In regions where Islam is predominant and in North America, we are confronted with a growing fundamentalism, and in Latin America and Eastern Europe we observe efficient missionary activities by evangelical movements. This said, we have to insist

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that religiousness does not disappear in Europe. Religiousness becomes individualized; religiousness now is an expression of the individual and not of an organisation. The free and self-responsible individual person constructs her or his very personalized set of religious convictions and beliefs. The teachings of the big Christian churches, that in the past were able to define the totality of religious sense and ethical norms for the private and public life of the individual person, lost their defining and normative power. The members of the Christian churches in Europe liberated themselves from the constraints of their institutions. This development does not lead to less religiousness, but the practice of religion is individualized. This empirical analysis of the faded normative and defining capability of the Christian churches makes me doubt that these churches would be the most important institutions for the ethical-political and moral education of the citizens, as Lorenzen claimed they were. It is true that about 15 per cent of the Christians in Europe cannot cope with this cultural, social, economic and spiritual change. The only social choice that does not expect too much of them apparently concerns the decision not to enter the confusing game of decision-making on one's options. The only decision that is forced on them is to not participate in the freedom of choosing between many different possibilities of options. This minority of Christians in Europe prefers to follow authoritarian leaders in their churches, but also in politics, and is not ready to make up their own mind on questions of values, rights and rules in society. Nevertheless, the single most important agency for ethical-political and moral self-education today is the individual person. Because of this state of affairs, political anthropology or philosophical anthropology has to recognize the ongoing changes in Europe's post-modern regional and religious cultures and address the individual person, woman, man or queer.

1.5 The individual person spells out the grammar of what is good.

The content of Wittgenstein's lecture on ethics that he delivered in Cambridge on November 17, 1929 is preserved in the drafts he prepared for his lectures (Wittgenstein 2014: 1). I shall usually refer to the established text of the *Lecture* that the editors identify as “MS 139b Normalized” (*ibid.* 42–51).

Wittgenstein adopts and criticizes G. E. Moore's definition of ethics as “the general enquiry into what is good” (*ibid.* 43). Wittgenstein uses the word “ethics” in a wider sense than Moore and wants to include aesthetics (*ibid.*), that is what we may describe

as the general enquiry into what is beautiful. Ethics is described by Wittgenstein also as "the inquiry into what is valuable, or, into what is really important," as "the enquiry into the meaning of life or into what makes life worth living, or into the right way of living" (*ibid.* 44). The problem we face with general expressions like "it is good," "it is valuable," "it is important" stems from the fact that we can use them, as Wittgenstein writes, in two very different senses: "the trivial or relative sense, on the one hand, and the ethical or absolute sense, on the other" (*ibid.*). The relative use of these expressions is unproblematic: If "I say that this is a good chair this means that the chair serves a certain predetermined purpose ... In fact the word 'good' in the relative sense simply means coming up to a certain predetermined standard" (*ibid.*). To say that a certain road is the right road is to say that it is the right road relative to a particular destination. Used in this way, these expressions don't present any difficult or deep problems. The problems do not arise if we use judgments of relative sense or value, but if we use them in an absolute sense. According to Wittgenstein's criticism, ethics uses the words good or right in an absolute sense; in ethics, we say that something is good without specifying a particular purpose for which it is good; and when we say that something is the right thing to do, we seem to want to say that it is absolutely right, independently of any goal. It is ok and makes sense to use expressions like "The, absolutely, right road" if we talk about a road that leads to a predetermined end and that "everybody on seeing it would, with logical necessity, have to go, or be ashamed for not going" (*ibid.* 46). It is not ok and does not make sense to say that something is absolutely right if I do not get an answer to the question "Why is that the right thing to do?" and "Why ought I to do X?". Wittgenstein protests against the absolute use of ethical concepts, because this kind of use treats value judgments like facts (*ibid.* 49). But "the absolute good" is no state of affairs that can be described, because "the absolute good, if it is a describable state of affairs would be one which everybody, independent of his tastes and inclinations, would necessarily bring about or feel guilty for not bringing about. And I want to say that such a state of affairs is a chimera. No state of affairs has in itself, what I would like to call, the coercive power of an absolute judge" (*ibid.* 46). The lack of the possibility to give such a description for the absolute good, that is the lack of sentences speaking of the absolute good, legitimates Wittgenstein's judgment that ethics used in the absolute sense does not make sense. The editors rightly comment that "we can speak meaningfully" of what is from the world, that is of experiences and language and that Wittgenstein realizes that expressions

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with an absolute sense are nonsensical and make no sense (*ibid.* 13). Wittgenstein says that "our words will only express facts," but the word ethics used in the absolute sense "is supernatural" (*ibid.* 46) and the editors' comment: "For these expressions aim beyond the natural world, they aim at the super-natural" (*ibid.* 13). Wittgenstein wants to say that ethics can be no science, but he deeply respects "the desire to say something about the ultimate meaning of life, the absolute good, the absolute valuable ... and I would not for my life ridicule it" (*ibid.* 51). This last sentence of the *Lecture* Wittgenstein ends in the first person singular as the use of the first person singular throughout much of the text of the *Lecture* shows a relative way of dealing with questions of ethics. Limiting ethical language to speaking in the first person singular, as the editors suggest (*ibid.* 40), certainly is a way that accepts the logical difference between the description of a state of affairs and the description of the social choices of a value judgment.

Wittgenstein is about to turn away from investigating sentences as describing facts and discovers a new interest in the rules of language, the rules for the use of the word or the grammar of the word. We usually associate this interest in language games with *Philosophical Investigations* (Wittgenstein 2001). An early testimony to Wittgenstein's talk on the grammar of words and their use is made by Alice Ambrose. In her published notes that she took at the lectures she attended at Cambridge in 1932–1933 she cites Wittgenstein: "How is the word used?' and 'What is the grammar of the word?' I shall take as being the same question" (Wittgenstein 1979a: paragraph 2).

What is important in this investigation of the use of the word "good" is "the occasions on which it is used, the role it plays in our lives" (Johnston 1989: 99). We find some very interesting answers concerning the use of the expression "good" in our everyday language when reading the notes that Wittgenstein's students Yorick Smythies, Rush Rhees and James Taylor took at Wittgenstein's lectures on aesthetics and on religious belief in and around the summer of 1938 (Wittgenstein 1966: vii). Wittgenstein did not see or check the notes and he probably would not have approved of their publication (*ibid.*). They reflect many of Wittgenstein's opinions on life and on religious, psychological and artistic questions that in the published writings of Wittgenstein are only briefly touched on (*ibid.*) and therefore are of particular interest on the topic of how Wittgenstein thought we use the expression "good" in our language. We read in the lectures on aesthetics: "One thing we always do when discussing a word is to ask how we were taught it. Doing this on the one hand destroys a variety of misconceptions, on

the other hand gives you a primitive language in which the word is used ... If you ask yourself how a child learns 'beautiful', 'fine', etc., you find it learns them roughly as interjections. ('Beautiful' is an odd word to talk about because it's hardly ever used.) A child generally applies a word like 'good' first to food. One thing that is immensely important in teaching is exaggerated gestures and facial expressions. The word is taught as a substitute for a facial expression or a gesture. The gestures, tones of voice, etc., in this case are expressions of approval. What makes the word an interjection of approval? (Rhees continued asking and answered: And not of disapproval or of surprise, for example? The child understands the gestures which you use in teaching him. If he did not, he could understand nothing). It is the game it appears in, not the form of words" (*ibid.* 1–2).

The person who teaches how to use the word "good" translates expressions of approval into language. Nonverbal behaviour is substituted through a game of language and new possibilities of expressing the word "good" are realized. The language games with the word "good" set the rules that make the word "good" an expression of approval. It is exclusively this particular context, this language game or that particular gesture that determines the word's meaning and significance. It was not a certain definition that taught the use of the word "good" and therefore it is futile to use abstract definitions for the expression. Only within the context of the language game can we understand and learn the use of the word "good." If we use the word "good" in a different context, its use is no longer clear, we will no longer be able to understand what is said. What is important for learning to understand the use of the word 'good' is not "a form of words," but "the use of the form of words" (*ibid.*).

"Language is a characteristic part of a large group of activities - talking, writing, travelling on a bus, meeting a man, etc." (Wittgenstein 1966: 2). Although it seems that Wittgenstein treats language as just any other activity of our life, he nevertheless puts certain activities first and language second. "We don't start from certain words, but from certain occasions or activities" (*ibid.* 3.). From this follows the insight that the right use of the word "good" cannot be demonstrated by hinting at merely one single occasion, but a multitude of occasions and activities are capable of demonstrating the use of the word "good." The use of the word "good" will always be demonstrated as a reaction on the part of the individual to any particular occasion or activity concerning this multitude of occasions and activities. Johnston in 1989 explicitly observes that

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Wittgenstein connects using the word "good" and acting in certain ways (Johnston 1989: 100). J. O. Urmson, the editor of J. L. Austin's *How to do things with words*, informs in the Preface that Austin already in 1939 formed the views that underline his later lectures at Harvard University (Austin 1971: v). It is an interesting fact of the development of language philosophy that a few months after Wittgenstein described a connection between speaking and doing, namely learning the use of the word "good" as an action of approval, Austin explicitly starts thinking about the general connections between speaking and doing.

Using the words "good" or "beautiful," Wittgenstein is interested in describing "the occasions on which they are said - in the enormously complicated situation in which the aesthetic expression has a place, in which the expression itself has almost a negligible place" (*ibid.*). Therefore, it is understandable that it is almost impossible to describe exactly all the occasions of the use of the words. "What belongs to a language game is a whole culture" (*ibid.* 8).

In a particular context, the use of the word "good" - Wittgenstein calls this the "grammar" of the word - depends on the individual. The individuals would spell out the grammar of how they want to live and how they want to die. The use of the word "good" shows that we can approve or disapprove of a certain use of the word 'good' and this possibility of choice characterizes the special function of the use of the word "good." The use of the word "good" is often followed by the appearance of differences of opinion, and dialoguing and disputing the differences is a familiar context of another kind of language game. "Perhaps the most important thing in connection with aesthetics is what may be called aesthetic reactions, e.g. discontent, disgust, discomfort" (*ibid.* 13).

The discourse about what really matters to me, what is good and right shows the expressions of different convictions and claims to validity. Another way of leaving it up to the individual to spell out the grammar of what is "good" for him or her is to say that ethics speaks in the first person singular. One of the validity-conditions of claims of ethics in a discourse theory could be the claim that the sentences of ethics be brought into discourse by the individual person, who spells out what "good" is for her or him.

1.6 Wittgenstein and religious belief

Rush Rhees tells us that in 1931 Wittgenstein started developing his understanding of expressions about religions and the use of the word "belief" when taking notes on Sir James George Frazer's (1854–1914) *The Golden Bough* (1890), an enormous study of cultural anthropology and comparative religions (Wittgenstein 1979b: v.). Wittgenstein criticises Frazer, who wanted to explain religious and magical practices and worldviews as errors and as wrong behaviour. "Frazer's account of the magical and religious notions of men is unsatisfactory: it makes these notions appear as mistakes. Was Augustine mistaken, then, when he called on God on every page of the Confessions? Well - one might say - if he was not mistaken, then the Buddhist holyman, or some other, whose religion expresses quite different notions, surely was. But none of them was making a mistake, except where he was putting forward a theory" (Wittgenstein 1979b: 1e).

Frazer opens his exploration of early myth and ritual in *The Golden Bough* with a description of the pre-Roman priest-king, the King of the Wood at Nemi - a small crater lake in the Alban Hills near Rome -, who was ritually murdered by his successor (Johnston 1989: 26). The "savages" believe "that the king must be killed in his prime because ... his soul would not be kept fresh otherwise" (*ibid.* 1e–2e). Wittgenstein does not judge this practice or belief to be right or wrong, but recognizes a certain worldview, a particular way of understanding the world (*ibid.* 2e). The belief held by the "savages" does not express an empirical hypothesis, that "which can be resolved by a straightforward appeal to the facts" (Johnston 1989: 36). The foundation of this belief is to be found in human life and the contexts of individual and collective experiences. The belief is not a mistake, a misapprehension or an error, a belief has nothing to do with evidence. "The best scientific evidence is just nothing", a belief is simply "the last result - in which a number of ways of thinking and acting crystallize and come together" (Wittgenstein 1966: 56). In order to understand such a belief we have to understand the role it plays in the life of an individual and the cultural context that gives meaning to a person's actions (Johnston 1989: 37). We are only able to describe human behaviour. We are not able to explain it, and in philosophy it is not at all satisfactory to try to establish empirical hypotheses for answers to questions of existential significance, because "Every explanation is an hypothesis" and "... for someone broken up by love an explanatory hypothesis won't help much. - It will not bring peace"

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(Wittgenstein 1979b: 3e). If we want to understand that "the King of the Wood of Nemi" is called "the majesty of death", we have to look at the life of the priest-king: "The life of the priest-king shows what is meant by that phrase" (*ibid.*). Wittgenstein takes the expression "the majesty of death" as a symbol that is used by someone who "is gripped by the majesty of death" and practices a certain form of life with certain rituals and symbols that do not explain anything or express a certain opinion, but simply show and refer to a practice. We should describe religious symbols and not take them as scientific expressions of empirical claims: "A religious symbol does not rest on any opinion. And error belongs only with opinion" (*ibid.*). If we are not curious about other worldviews and forms of life, if we are not ready to understand other cultures and only judge from our point of view, then we will remain spiritually and culturally impoverished like Frazer: "As a result: how impossible for him to understand a different way of life from the English one of his time!" (*ibid.* 5e).

"People take pleasure in imagination," but images and pictures, especially personifications like "ghost," "spirit," or "the majesty of death" also express the experience that "men (that is spirits) can become dangerous to a man and everyone knows this" (*ibid.* 6e). Every moment of our life a multitude of phenomena and pictures flood our senses, influence our perceptions, have an effect on our speaking and behaving. "That a man's shadow, which looks like a man, or that his mirror image, or that rain, thunderstorms, the phases of the moon, the change of seasons, the likenesses and differences of animals to one another and to human beings, the phenomena of death, of birth and of sexual life, in short everything a man perceives year in, year out around him, connected together in any variety of ways - that all this should play a part in his thinking (his philosophy) and his practices, is obvious, or in other words this what we really know and find interesting. How could fire or fire's resemblance to the sun have failed to make an impression on the awakening mind of man? But not 'because he can't explain it' (the stupid superstition of our time) - for does an 'explanation' make it less impressive?" (*ibid.*).

Magic is not false physics, "or as the case may be, false medicine, technology, etc." (*ibid.* 7e). Anthropology has to "watch the life and behavior of men all over the earth" and has to try to describe what the case is. Thereby one has to bear in mind that human imagination "is not like a painted picture or a three-dimensional model, but a complicated structure of heterogeneous elements: words and pictures" (*ibid.*).

Finally, Wittgenstein deconstructs the seemingly objective and scientific way that Frazer pretends to use when commenting on the life of the "savages" and their primitive rituals. Wittgenstein shows that Frazer uses a language that is full of magic expressions, spiritual beliefs and superstition. Our modern scientific cultures are not at all as alien and different from those "primitive" ones that Frazer investigates. "I wish to say: nothing shows our kinship to those savages better than the fact that Frazer has at hand a word as familiar to us as 'ghost' or 'shade' to describe the way these people look at things ... What is queer in this is not limited to the expressions 'ghost' and 'shade,' and too little is made of the fact that we include the words 'soul' and 'spirit' in our own civilized vocabulary. Compared with this, the fact that we do not believe our soul eats and drinks is a minor detail" (*ibid.* 10e).

Wittgenstein not only pleads for understanding the worldviews and lifeforms of seemingly strange and alien cultures. He also identifies the magical and ambiguous use of expressions with the word "death" in our apparently purely rational, scientific and modern languages: "To cast out death or to slay death; but he is also represented as a skeleton, as in some sense dead himself. 'As dead as death.' 'Nothing is so dead as death; nothing is so beautiful as beauty itself.' Here the image which we use in thinking of reality is that beauty, death, etc., are the pure (concentrated) substances, and that they are found in the beautiful object as added ingredients of the mixture" (*ibid.* 10e). These few sentences legitimate Wittgenstein's judgment that "A whole mythology is deposited in our language" (*ibid.*).

Years after his *Remarks on Frazer's Golden Bough* we find in 1946 Rush Rhees' notes following a conversation on Freud with Wittgenstein (Wittgenstein 1966: 50–52) critique of another modern mythology. Wittgenstein here gives testimony to the capability he thought to be necessary in order to identify modern mythologies, that pretend to have brought some scientific and empirically assessed knowledge to humanity, but in reality have not. About Freud's psychoanalysis, he observes: "... one must have a very strong and keen and persistent criticism in order to recognize and see through the mythology that is offered or imposed on one. There is an inducement to say, 'Yes, of course, it must be like that.' A powerful mythology" (Wittgenstein 1966: 51–52). Wittgenstein cultivated a great respect for Freud, whose originality Wittgenstein compared to his own (Schulte 1989: 30). Wittgenstein's critique of Freud's *Interpretation of Dreams* originates in Wittgenstein's perception "how much this whole

way of thinking wants combatting" (Wittgenstein 1966: 50), and I am sure that Freud would have loved to work with Wittgenstein on his resistance to having his dreams analyzed. In my understanding of the psychoanalytical work with dreams, one does not want to explain scientifically why a certain dream occurred. The analytical work simply aims to help discover and make conscious some hidden experiences and feelings that hitherto did not make the long, sometimes painful, but always energy-consuming way to consciousness. Wittgenstein's negation of the analyst's scientific rationalizing may itself be seen as a kind of rationalization. "One may be able to discover certain things about oneself by this sort of free association, but it does not explain why a dream occurred" (*ibid.* 51). Nevertheless, Wittgenstein's sharp and clear intelligence identifies the important point that psychoanalysis is an intelligent art of interpretation, but not a science of the brain. The technique of free association tries to heal by attentive listening and cautious interpretation, but is no science. Wittgenstein's critique is fundamental and important: "Freud refers to various ancient myths in these connexions, and claims that his researches have now explained how it came about that anybody should think or propound a myth of that sort. Whereas in fact Freud has done something different. He has not given a scientific explanation of the ancient myth. What he has done is to propound a new myth. The attractiveness of the suggestion, for instance, that all anxiety is a repetition of the anxiety of the birth trauma, is just the attractiveness of a mythology. 'It is all the outcome of something that happened long ago.' Almost like referring to a totem" (*ibid.* 51).

There are many modern mythologies and worlds of religious beliefs flourishing in the practice of modern sciences in the enlightened Western democratic cultures. One of these myths regards the universities and schools of the West, and we find this myth expressed by Lorenzen in his Thesis 4: Contemporary universities and schools as institutions are characterized by an "exclusively technical and value-free education" (Lorenzen 1979a). At this point I want to refer to observations on the religious features of scientific medicine (Vanderpool 2008). Harold Y. Vanderpool in my view presents a complex picture of scientific medicine as practiced and taught in the academic faculties and schools of Western origin and tradition. This picture corresponds to the actual social and cultural reality of contemporary medical practice, because it makes clear that the professional work according to the golden standards of the medical scientific community goes along with many religious features that are not addressed or reflected by the medical schools, but are present, practiced and transmitted.

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Scientific medicine is generally understood to follow the rules of evidence-based medicine, that is to follow the empirical method of a two-valued logic of the truth-values true and false. Like Wittgenstein, Vanderpool looks at the use of ordinary language in our day-by-day practice. He then investigates the “cultural system of beliefs, practices and symbolic meanings” of Western medical practice in order to identify a “hidden cultural scaffolding” that possesses elements containing characteristic features of religion (*ibid.* 209).

Medicine's reliance on the numinous can be seen in practices and activities that invoke fear, wonder and avoidance, with medical training and practice reminding us of the work of shamans and priests dressed in white (*ibid.* 212). Such activities are dissections of cadavers, reviving the apparently dead and contacts with the newly dead (*ibid.*). Concerning moral values, “scientific medicine has inherited, deeply internalized, promoted, and exercised guardianship over core values of Judaism and Christianity” (*ibid.* 213). Such values are, for example, the commitment to the incalculable value of human life, the opposition to death as an enemy and the moral imperative of caring for sick, injured, disabled, and feeble persons (*ibid.*).

Scientific medicine's powerful duty to insulate human beings from anxiety, dread, and terror of physical injury, bodily wastage, mental suffering and death are social realizations that show characteristic features of religion (*ibid.* 216). Further examples demonstrating that both religion and scientific medicine offer comfort, protection and understanding against the *mysterium tremendum* are seen in the practice of naming the affliction, proving it to not be foreign but manageable and confronting, overcoming and mitigating many of the horrors by healing (*ibid.*). The therapeutic goals of scientific medicine are often ignored by medical practice. Patients suffering incurable chronic diseases and entering the process of dying still receive medical treatment. Doctors continue to behave as if the lives of their dying patients could be saved. They do not look at the desperate eyes of their patients, but rather put their medical machinery between them and offer instead of empathic consolation empty promises like “Do not give up hope, we have new drugs that we are excited about” (*ibid.* 217).

Looking at the 94 references Vanderpool uses for his argumentation, we notice that over 60 per cent date from the 1970s, 1980s, 1990s and earlier. This fact allows me to identify the period that Vanderpool analyses as the particular situation of medical science and practice in the US in the 1960s, 1970s and 1980s; the situation in Western

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Europe at the same time showed many comparable features. Time and science cultures have changed since. I had the opportunity to participate in this change and change myself. My experience with medical science and medical practice started as a medical student at the University of Vienna in the 1970s. I worked as pastoral counsel with medical students at the Hôpital Universitaire Pitié Salpêtrière in Paris in 1981 and 1982 and in pastoral care work with patients, doctors and nurses at the Innsbruck University Clinics in 1987 and 1988. I observed while working as medical doctor at the Innsbruck University Clinics and based on the results of my qualitative empirical studies on the communication patterns of the male and female doctors, nurses and male nurses from 1991 to 1994 at the Innsbruck University Clinics that the practice of the medical and healthcare professions was changing. My 25 years on the Ethics Committee of the Medical University of Innsbruck allowed me see that over the years medical research design learned to integrate concerns for the quality of life of patients and an awareness for ethical issues concerning patient safety and holistic patient integrity. I want to document that the situation of medical practice and science has changed and Vanderpool's analysis is in large part no longer valid for Western Europe. The Declaration of Helsinki, with which the World Medical Association in 1964 established ethical standards for human experimentation and research, is in 2017 part of prevailing law in most Western democracies. Patient rights, informed consent, the integration of palliative care as an academic discipline of medicine and the development of holistic concepts of the science of medicine that accept the physical, psychic, social, cultural, and spiritual aspects of the individual as being equally important for any health assessment, are today increasingly routine elements of the practice of medicine.

There is no doubt that “increasingly, problems of living and meaning that were once handled within religious, community, and family settings are now being transferred to medicine and public health” (*ibid.* 221). But I am not convinced that scientific medicine and public health dispose of more power to advance a way of life than the religions in the West disposed of for centuries (*ibid.*). In 2017 I dare to claim for Europe: the powers and the authority of the medical profession suffered in the last 30 years of the twentieth century the same loss of normative power over the life of the people as did the clerical profession of the traditional churches.

What does modern scientific medicine have to do with words? That is a good question. In addition, to investigate the use of language by doctors we will find life forms and many ways of looking at the world and not the strict observance of the rules of the two-valued logic of true and false. Scientific medicine and public health are a success story in the West. This success leads to enormous expectations on the part of the citizens, who do not want to suffer. The growing demand to be healed from disease and saved from sickness and suffering achieves dimensions that exceed the capabilities of the health systems of socialized medicine in Europe. Economic constraints lead to rationalizing and rationing in the allocation of resources. In rich and highly developed countries the expectations of many patients may be exaggerated and unrealistic. Health care expenses in less developed and poor countries are paid for mostly from private resources to mostly private providers (Ahmed and Shaikh 2009: 140). Government programs and the effective rule of law to control a market-induced medicine and regulate induced demand are important to empower the people to take decisions also on health issues (*ibid.* 141). Understanding the impact of patient empowerment policies and the investigation of social choices of patients that are ready to claim their rights and participate with informed consent in the processes of diagnosis and therapy are important subjects for future research; policies should be based on empirical evidence (*ibid.* 80–81). The use of scientific reason was developed by women, men and queer in the last two centuries as an effective instrument for contributing to the coping capability with our existential questions of life like health, sickness, birth or death. Other cultures tried to master life with completely different means and methods corresponding to their forms of life and worldviews.

I return to Wittgenstein's *Remarks on Frazer's Golden Bough*. Individual humans are impressed by phenomena like fire, but communities of humans also use fire in ritualized behavior. The context of the celebration of feasts and the rituals that are performed at these celebrations lead Wittgenstein to look at Frazer's account of the Beltane Fire Festival, "a ceremony practiced in Europe as recently as the eighteenth century" (Johnston 1989: 32). Wittgenstein does not agree with Frazer's suggestion that this practice is a holdover from the times of human sacrifice (*ibid.* 33). The modern Beltane Fire Festival presented as "the harmless practice of our time" nevertheless "gives us a sinister impression" (Wittgenstein 1979b: 14e). Since the festival as described is striking and disturbing whatever its origin, this sinister impression is not addressed by Frazer's explanation. Johnston's analysis that Wittgenstein relates the

experience of the Beltane Fire Festival to our own experience, to impressions, thoughts and ideas that I myself have: "The connection with human sacrifice renders explicit what is sinister about the Fire Festival," we are disturbed that people should want to take part in such a ceremony (Johnston 1989: 33–34). If we think of "horse-and-rider games," where instead of men riding horses "slaves" were used as mounts, we would see in these games "something deeper and less harmless" (Wittgenstein 1979b: 14e). Just the same "sinister impression" as we experience when being confronted with "the facts of human sacrifices" (*ibid.*). This "sinister impression" leads Wittgenstein to the observation that "what is sinister lies in the character of these people themselves," and he speaks of the modern people that participate and take part in the harmless festivals of our time: "And we should then see that what is sinister lies in the character of these people themselves" (*ibid.*).

"What makes human sacrifices something deep and sinister anyway? Is it only the suffering of the victim that impresses us in this way? All manner of diseases bring just as much suffering and do not make this impression. No, this deep and sinister aspect is not obvious just from learning the history of the external action, but we impute it from an experience in ourselves" (*ibid.* 16e). Wittgenstein turns the observation and description to the self-experience of women, men and queer, because he is interested in "what it is that gives me reason to assume" that there is a sinister impression and feeling at all. Looking at "strange" rituals like the Beltane fires where "children burn a straw man," Wittgenstein acknowledges that it is "disquieting" to look at these rituals. My "frightening" observation of the burning of the straw man probably comes from my thought "Strange that they should celebrate by burning a man!" (*ibid.* 18e) that accompanies my watching the ritual. "But why should it not really be (partly, anyway) just the idea that makes the impression on me? Aren't ideas frightening" (*ibid.*)? Wittgenstein ends his *Remarks on Frazer's Golden Bough* by recognizing "that which I see in those stories is something they acquire, after all, from the evidence, including such evidence as does not seem directly connected with them - from the thought of man and his past, from the strangeness of what I see in myself and in others, what I have seen and have heard" (*ibid.*). Wittgenstein is interested in describing our responses to rituals, ceremonies and religious practices, because our thoughts are interesting and worth being taken seriously, even if they are strange, disconcerting and disgusting. I understand that after having had to participate in World War I as a soldier one did not remain a witness, but was mercilessly exposed to the transformation of

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one's life by the impact of terror and destructive violence. I hope I am not only expressing my own fantasy when I claim that Wittgenstein knew what abominable evil man was capable of bringing upon man. Only two years after Wittgenstein wrote *Remarks on Frazer's Golden Bough*, Hitler was preparing to drown humanity in aggressive violence and destructive warfare by extinguishing millions of innocent women, men and queer.

Wittgenstein did not think of publishing the lectures on his attitude to life, to religious, psychological and artistic questions that he gave from 1930 to 1933 and in 1938, writes Cyril Barrett (Wittgenstein 1966: vii–viii). It is the merit of Paul Johnston that in 1989 a thorough study of *Wittgenstein and Moral Philosophy* was published, that presents a study on Wittgenstein and ethics when Wittgenstein was still perceived as the positivist philosopher of the two-valued picture theory of the *Tractatus* (Leher 1992: 160). Johnston recognized and insisted on "the fundamental differences between ethical disagreement and empirical disagreement" (Johnston 1989: 105). Empirical disagreement can be based on a two-valued logic or a set of rules following a three-valued logic that accepts besides the two truth-possibilities true and false the third truth-possibility, namely that the question is undecidable. Ethical disagreement does not know any such logical instrument or method for analyzing the dispute (*ibid.* 106). Johnston is right concerning ethical disagreement, but concerning his claim that "a similar point holds true with respect to religion" I want to present a different aspect that struck me as a theologian when reading *Lectures on Religious Belief* (Wittgenstein 1966: 53–72). When reading the notes compiled on what has been published as *Lectures on Religious Belief*, I read the expressions "Last Judgment," "punishment," "Judgment Day," "dogma," "faith," "catechisms" (*ibid.*). These expressions are presented in the form of something like a dialogue. In my opinion, this is not a dialogue between a religious person and a non-believer, as Johnston seems to interpret it (Johnston 1989: 106). It is right that Wittgenstein uses "a believer," saying "I believe in a Last Judgment," but Wittgenstein's answer is given in the first person singular and the rest of the imagined dialogue uses the personal pronouns "you" and "I" and "he" to identify the speakers (Wittgenstein 1966: 53). In these pages Wittgenstein never speaks of himself or of any other person as a non-believer. The lecture is not about the different worldviews held by believers and non-believers. The lecture is about the principal impossibility of convincing someone to believe something because convincing and the conviction do not follow from any kind of argumentation. First of all, "an

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unshakable belief" - like believing in the Last Judgment - will "show, not by reasoning or by appeal to ordinary grounds for belief, but rather by regulating for all in his life" (*ibid.* 54). The lecture is therefore not about different ways of thinking (*ibid.* 55). From the argument that a belief is not expressed by rational argument follows secondly, that a belief like in "a Judgment Day" cannot be contradicted (*ibid.*).

Persons that answer "those who believe in Resurrection" by saying: "Well, possibly" are not called non-believers by Wittgenstein (*ibid.* 56). "Those who said: 'Well, possibly it may happen and possibly not' would be on an entirely different plane" (*ibid.*). It is important to say that this plane is not filled with non-believers. The point Wittgenstein wants to make and communicate is a different one.

Wittgenstein turns to the first argument that the use of all these religious terms like "Last Judgment," "punishment," "dogma", "faith" does not concern an "opinion", and "we don't talk about hypothesis, or about high probability. Nor about knowledge" (*ibid.* 57). Wittgenstein speaks of "religious discourse" and repeats that we use religious terms "differently to the way in which we use them in science," although "we talk of evidence, and do talk of evidence by experience" (*ibid.*).

Yes, Wittgenstein speaks once of an atheist and asks "If the atheist says 'There won't be a Judgment Day, and another person says there will', do they mean the same" (*ibid.* 58)? Wittgenstein leaves the answer open, "They might describe the same things," but there are no clear criteria for "meaning the same" (*ibid.*).

What is clear is the fact that the kind of religious discourse that Wittgenstein presents in his *Lectures on Religious Belief* is not between believers and non-believers. In Wittgenstein's understanding it would be a contradiction to call the discourse partners believers and non-believers, because it is impossible for the believers to show what they say they believe. Wittgenstein tells us that he learned the word God from "pictures and catechisms, etc.," but these pictures "had not the same consequences as with pictures of aunts. I wasn't shown (that which the picture pictured)" (*ibid.* 59). Wittgenstein presents a multitude of attempts by imagined or real speakers, who know for sure to convince him to believe something they believe in. The fact that Wittgenstein resists and is not convinced does not allow the one who is not convinced to be qualified as a non-believer. Wittgenstein's part in this kind of religious discourse consists of his attempt to convince the "very credulous person" that experienced with him in Lourdes

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in France "blood coming out of something ... that he'd seen nothing of any consequence" (*ibid.* 60–61).

From the testimonies of evidence and the experiences of the religious believer and of her or his argumentations, of religious teachings and persuasions there follows no consequence - neither affirmation nor negation nor contradiction nor dispute - for somebody who listens to these testimonies and observes that they cannot show what they speak of. I have the impression that the examples of religious beliefs that Wittgenstein presents come from Roman Catholics. Wittgenstein does not argue with the rational arguments of the Reformation concerning the absurdity of pictures of the rewarding and punishing God of the Last Judgment, when believing in Jesus Christ's love as unconditional solidarity is the message of the New Testament. Nor does Wittgenstein call the Old Testament mythical, as does the Protestant Lorenzen when in Thesis 1 he refutes the concept of a God-creator as a mythical picture (Lorenzen 1976b). I always remain somewhat gently touched by the discretion and respect Wittgenstein pays to religious experiences throughout the whole of his life. It looks to me like he did not want to offend anyone's religious feelings. He does not offend his Catholic mother who was responsible for his Catholic education. Her father was born into a Jewish family. She died in 1926. Wittgenstein's father Karl was a Protestant, as were most of the members of his family. In going about their daily life Ludwig Wittgenstein's family never spoke about the fact that his paternal grandfather and grandmother were Jews. In my opinion, *Lectures on Religious Belief* shows very clearly that Ludwig Wittgenstein's Catholic education was not able to make him a Catholic. Reading *Lectures on Religious Belief* I get the impression that Wittgenstein was tired of real or imagined discussions with Catholics, who wanted to convince him of Catholicism. Regardless of my impression, the text of *Lectures on Religious Belief* clearly shows that Wittgenstein does not want someone to convince him to follow a particular religious conviction. He makes clear to his listeners that from their religious beliefs there cannot follow anything concerning themselves. The religious beliefs of one person do not have any consequences for another person concerning becoming convinced of something. If I look at the expression of a religious belief from the perspectives of the *Tractatus*, I could say: The sentence with the expression of a religious belief shows that there is an expression of a religious belief and only says that it is true that there is a religious belief. It is no wonder that in *Lectures on Religious Belief* Wittgenstein reasons about the impossibility of being convinced by the religious

beliefs of others. From the conviction of one person does not follow a conviction of a second person. There is also a difference if I am convinced of the credibility of a religious belief of another person or if I am convinced of the religious belief of the other. The language game with religious beliefs is not primarily about convincing, but is rather a confession that needs to be open for discussion. Anyone who deals with religious beliefs is invited to learn this lesson from Wittgenstein and to adapt speech-acts on religious beliefs and convictions according to this limitation of their use.

Austin's distinction of three kinds of speech-acts, the locutionary, the illocutionary and the perlocutionary (Austin 1971: 102), help me to describe what I think Wittgenstein was saying with the sentence "I'd try to convince him that he'd seen nothing of any consequence" (Wittgenstein 1966: 61). Austin says that "To perform a locutionary act is in general, we may say, also and *eo ipso* to perform an illocutionary act" (Austin 1962: 98). I am reminded of Wittgenstein's distinction in the *Tractatus*, that a sentence shows what it says, that is the sentence shows its sense and says that the picture of the sentence is true. What the sentence shows in Wittgenstein's understanding we may - just for the case of demonstrating something like a similarity - call with Austin "the locutionary act 'he said that ...'" (Austin 1971: 102). Austin distinguishes this locutionary act "from the illocutionary act 'he argued that ...'" (*ibid.*) and to me this illocutionary act of Austin sounds familiar to what Wittgenstein says the sentence claims to be the case, that is what the sentence says. Austin knows another important distinction, namely "the perlocutionary act 'he convinced me that ...'" and does not rule out the possibility that beside these three "different senses or dimensions of the 'use of a sentence' or of 'the use of language' ... there are others also" (Austin 1971: 108–109). Performing a locutionary act "is roughly equivalent to uttering a certain sentence with a certain sense and reference, which again is roughly equivalent to 'meaning' in the traditional sense" (Austin 1971: 108), goes together with performing "illocutionary acts, such as informing, ordering, warning, undertaking, etc., i.e. utterances which have a certain (conventional) force" (*ibid.*). It is clear that the similarity between Wittgenstein's analysis that the sentence shows its sense and Austin's concept of the locutionary act of a sentence appears plausible. The similarity between Wittgenstein's concept that the sentence says that what it shows is actually true and an illocutionary act such as an argumentation based on the conventional force of language is not clear at all. What Austin calls "conventional force" looks like the link between the expression and an empirical causality. I prefer to interpret the expression "conventional force" as

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a rule of a language game we have to follow if we want to be understood. Concerning perlocutionary acts, Wittgenstein does not explicitly reflect on what generally happens in dialogues. But it is interesting to observe that in *Lectures on Religious Belief* he demonstrates his arguments with examples of short dialogues and that the perlocutionary aspect of the sentences of dialoging persons constitutes an important element in his argumentation.

Wittgenstein wanted to tell the "very credulous person" (*ibid.* 60) that the performance of his speech-act "There you are, Wittgenstein, how can you doubt" (*ibid.* 60)? was simply a locutionary and illocutionary performance, but failed to realize the perlocutionary aspect of a speech-act; the speech-act did not produce any consequences for Wittgenstein. We are allowed to suppose that Wittgenstein's attempt to convince the "very credulous person" for his part realized the locutionary and illocutionary performance very well, but did not succeed in realizing the perlocutionary aspect of his attempt.

In order to follow Wittgenstein's thoughts on religious belief in his later years we have to first take a look at his *Philosophical Investigations* (Wittgenstein 2001), where new aspects of his philosophy of language are presented. Wittgenstein writes in 1945 in the Preface to his *Philosophical Investigations*, "the thoughts which I publish in what follows are the precipitate of philosophical investigations which have occupied me for the last sixteen years" (Wittgenstein 2001: ix^e). The editors' note states more precisely that only Part I of *Philosophical Investigations* was completed by 1945 and "if Wittgenstein had published his work himself, he would have suppressed a good deal of what is in the last thirty pages or so of Part I and worked what is in Part II, with further material, into its place" (Wittgenstein 2001: vii^e). From this follows that at least about the first 500 paragraphs of Part I have to be granted the special weight of the authenticable authorisation. Part II was written between 1947 and 1949 (*ibid.*).

Philosophical Investigations shows continuities and developments of Wittgenstein's thinking. The developments, especially the term language game, are still more popular than the continuities. It is right: Wittgenstein now accepts the language of ordinary language and at the same time adheres to the *a priori* of the sense of the sentence. The analysis of the logical order of the sentence and the sense of the sentence must go together: "On the one hand it is clear that every sentence in our language 'is in order as it is'. That is to say, we are not striving after an ideal, as if our ordinary vague

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sentences had not yet got a quite unexceptionable sense, and a perfect language awaited construction by us. - On the other hand it seems clear that where there is sense there must be perfect order. - So there must be perfect order even in the vaguest sentence" (*ibid.* paragraph 98).

Wittgenstein recognizes, on the one hand that, "The philosophy of logic speaks of sentences and words in exactly the sense in which we speak of them in ordinary life ..." (*ibid.* paragraph 108), while, on the other hand, Wittgenstein does not want to give up logic's coherence or as he says the "rigour" of logic. All of a sudden, Wittgenstein changes the focus of his interest from his conviction of clarity that stems from logic's perfect determination: "The preconceived idea of crystalline purity can only be removed by turning our whole examination 'round. (One might say: the axis of reference of our examination must be rotated, but about the fixed point of our real need.)" (*ibid.*). Wittgenstein ends the paragraph by saying: we talk about the "phenomenon of language" ... "as we do about the pieces in chess when we are stating the rules of the game, not describing their physical properties. The question 'What is a word really?' is analogous to 'What is a piece in chess?'" (*ibid.*).

Religious worldviews are not scientifically mistaken; they are expressions of men and women, Wittgenstein wrote in *Remarks on Frazer's Golden Bough*. What is the task of philosophy concerning worldviews? In paragraph 109 of *Philosophical Investigations* we read that philosophical problems are "not empirical problems; they are solved, rather, by looking into the workings of our language, and that in such a way as to make us recognize those workings: in spite of an urge to misunderstand them. The problems are solved, not by reporting new experience, but by arranging what we have always known. Philosophy is a battle against the bewitchment of our intelligence by means of our language" (Wittgenstein 2001: paragraph 109).

In philosophy, it is difficult to present thoughts in a clear and comprehensible way and to make us understand or see what is shown. The difficulty of understanding in philosophy lies in the enormous variety of the use of our words. "A main source of our failure to understand is that we do not command a clear view of the use of our words. - Our grammar is lacking in this sort of perspicuity. The concept of a perspicuous representation is of fundamental significance for us. It earmarks the form of account we give, the way we look at things. (Is this a 'Weltanschauung?')" (Wittgenstein 2001: paragraph 122). The art of the philosopher consists of explaining the thoughts clearly.

If we look at the use of a language, we look at a life-form and clarifying the use of the concepts, expressions and words in the speech-acts and language games is the right way to solve the confusions of language.

In *Philosophical Investigations Part II* Wittgenstein takes up the theme of religious beliefs, again thinking about different uses of the sentence "I believe it is so" in our daily life (Wittgenstein 2001: II, x). "How did we ever come to use such an expression as 'I believe ...'? Did we at some time become aware of a phenomenon (of belief)? Did we observe ourselves and other people and so discover belief?" (*ibid.*). Wittgenstein continues to discuss the matter of believing by looking at expressions like "I say of someone else 'He seems to believe' and other people say it of me" (*ibid.*). All of a sudden he turns to the expression "conviction": "One feels conviction within oneself, one doesn't infer it from one's own word or their tone.' - What is true here is: one does not infer one's own conviction from one's own words; nor yet the actions which arise from that conviction" (*ibid.*). If the expression of the conviction is first, the legitimation of the conviction and the discussion of its implications follow. Convictions can be seen as expressions that I speak to myself, something like thoughts. After pages investigating thoughts about speaking to myself as expressions of language investigations of the thinking experience, and after having considered thinking as "saying inwardly" and then as "saying," Wittgenstein reaches some clarity by claiming that speaking to myself is not the question "what went on within me" (Wittgenstein 2001: II, xi. p. 189e). It is clear therefore that Wittgenstein's interest in the investigation of the thinking experiences is not a psychological explanation of what was going on in my brain. This kind of speaking to myself and expressing thereby my convictions can be understood as something like "a confession" (*ibid.*). The truth of a confession does not concern the truth-value of a certain state of affairs, nor the reasons I give for my speech-act that is a confession. Confessions are to be seen in connection with the consequences that follow from the speech-act of confessing. "The criteria for the truth of the confession that I thought such-and-such are not the criteria for a true description of a process. And the importance of the true confession does not reside in its being a correct and certain report of a process. It resides rather in the special conclusion which can be drawn from a confession whose truth is guaranteed by the special criteria of truthfulness" (*ibid.*). Concerning convictions, "reason-giving statements cannot be reports of inner processes, for if they were, some independent means of access to these processes would be necessary to give meaning to the claim that a particular

process had taken place" (Johnston 1989: 39). We are not asking an individual how it knows what she or he is thinking; we want to respect the "individual as an agent" (*ibid.* 41). We are capable of observing the coherence of the conviction and the behavior of the person. Credibility and trust are enforced by this coherence. Thus, the "bedrock of the language game" with confessions includes our interest in the person's statement (*ibid.* 42).

The language game with sentences that speak of beliefs can be understood as something like a confession by the individual, but not as a report about an inner process. The individual speaker does not give a picture of inner processes. The individual speaker expresses his or her belief with the help of pictures. These pictures do not lack a validity-condition for what they want to say. One validity-condition of speech-acts expressing beliefs is the condition that the speakers use the first person singular. Speech-acts of personal beliefs can therefore be considered as something like a confession. To express a belief is not only to express a conviction. The truth of the expression of belief is not a truth-value that we get from a logical operation. The validity-condition of a belief that is expressed in the way we make confessions - Wittgenstein speaks of "the importance of the true confession" - instead resides "in the special conclusions which can be drawn from a confession whose truth is guaranteed by the special criteria of truthfulness" (Wittgenstein 2001: II, xi 189e). Instead of the English word "conclusions" (*ibid.*), the German text of *Philosophical Investigations* uses the word "consequences" (*ibid.* II, xi 189). Both words are helpful in answering the question for the validity-conditions of claims to the validity of belief and faith-sentences. How can I comply with the validity-condition of the truthfulness of the sentence of which I claim that it expresses my beliefs and my faith? The "consequences" of a speech-act of confession and also the "conclusions" that can be drawn from a speech-act of faith or belief can be seen in the speech-acts that follow the confession. The most important criteria for the truthfulness of the speech-act, that is for the value judgment that the speech-act complies with the validity-condition of truth, is the social realization of dignity by the claim. The first validity-condition for a speech-act on belief or faith is identical with the validity-condition for any speech-act and sentence, that is the sentence has to make sense as a language game in the institutional setting of language. The second validity-condition for a speech-act on belief or faith demands an expression in the first person singular. The third validity-condition for a speech-act on belief or faith again is identical with the validity-condition for any claim to validity by a

speech-act, that is the condition that the speech-act realizes the dignity of the persons that participate in the speech-act.

Also in *Remarks on the Philosophy of Psychology* we find Wittgenstein thinking about inner thoughts, pictures of thinking and again beliefs. The editors of Wittgenstein's *Remarks on the Philosophy of Psychology* (Wittgenstein 1980a, 1980b) inform us that Wittgenstein's underlying manuscripts that are published in the first volume "cover the time from May 10, 1946 to October 11, 1947" (Wittgenstein 1980a: 1). The manuscript of the second volume of *Remarks on the Philosophy of Psychology* (Wittgenstein 1980b) was dictated by Wittgenstein most probably in 1948 (Wittgenstein 1980b: 1).

Obtaining some clarity about the use of words continues to be one of Wittgenstein's primary concerns. His philosophical investigation of psychological words is a conceptual investigation and he insists that the "difference between factual and conceptual investigations" be respected (Wittgenstein 1980a: paragraph 949). His philosophy of psychology is not about mental mechanisms, conscious experience and observed behavior; that "is the task of the science of psychology, not philosophy" (Budd 1989: 2–3). Again, Wittgenstein's investigation aims at the description of the use of words, in this case the use of psychological words (*ibid.* 2), and he makes clear that he is about to investigate everyday psychological concepts: "Psychological concepts are just everyday concepts. They are not concepts newly fashioned by science for its own purpose, as are the concepts of physics and chemistry" (Wittgenstein 1980b: paragraph 62). Wittgenstein rejects the idea that states of consciousness are essentially private, because that would require that a person would have to designate a word for each of her or his states of consciousness. But words cannot be introduced into language by a "private ostensive definition," because the common understanding of a name of a state of consciousness would not be possible (Budd 1989: 16). We use words according to the rules we learned for their use "And hence also 'obeying a rule' is a practice. And to think one is obeying a rule is not to obey a rule. Hence it is not possible to obey a rule 'privately': otherwise thinking one was obeying a rule would be the same thing as obeying it" (Wittgenstein 2001: I, paragraph 202). A "private ostensive definition" is a speech-act and language is not private. Wittgenstein uses the "concept of the world of consciousness" and adds: "We people a space with impressions" (Wittgenstein 1989a: 132e). It follows from this that we are speaking

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about these impressions and that we tell about our world of consciousness, if someone wants to speak in this way of his impressions.

If we look at sentences, they show what they say, but the question of the truth or falsity of what is said has to be considered together with a third aspect. One could interpret that sentences not only show what they say, but they also show something from the form of life of the speaker. When Wittgenstein speaks of what we are used to calling behaviour, often he speaks of a form of life. In this sense, words for sensations are tied up with behaviour (Budd 1989: 56), but also agreements about what is true and false, and successful communication in general. On the other hand, we have to note that the criteria for legitimately speaking of an agreement presupposes that the involved persons first agree on the use of a common language, that is also a form of life. When we speak of behaviour and forms of life we speak of the use of expressions of sensations or opinions in a certain language. "So you are saying that human agreement decides what is true and what is false?' - It is what human beings say that is true and false; and they agree in the language they use. That is not agreement in opinion but in form of life" (Wittgenstein 2001: I, paragraph 241).

Philosophy is all about language. This is true also for the philosophy of sensations, where the language games, the rules we learn in order to use expressions, are again of the most fundamental importance.

"How do words refer to sensations? - There doesn't seem to be any problem here; don't we talk about sensations every day and give them names? But how is the connexion between the name and the thing named set up? This question is the same as: how does a human being learn the meaning of the names of sensations? - of the world 'pain' for example. Here is one possibility: words are connected with the primitive, the natural, expression of the sensation and used in their place. A child has hurt himself and he cries; and then adults talk to him and teach him exclamations and, later, sentences. They teach the child new pain-behavior. 'So you are saying that the word 'pain' really means crying?' - On the contrary: the verbal expression of pain replaces crying and does not describe it" (*ibid.* paragraph 244).

Concerning value judgments of what is good, Wittgenstein in *Remarks on the Philosophy of Psychology* confirms "What we want to know, to get a bird's-eye-view of, is the use of the word 'good' ..." (*ibid.* paragraph 160). Yes, we have to see the form

of life, the circumstances, or many forms of life if we want to obtain a picture of the use of the word "good." Concerning pictures of religious faith, Wittgenstein showed that he would expect concrete consequences - somewhat like the validity-condition of faith - from expressions of faith; he learned the word God from "pictures and catechisms, etc.," but these pictures "had not the same consequences as with pictures of aunts. I wasn't shown (that which the picture pictured)" (Wittgenstein 1966: 59). When we interpret Wittgenstein, we have to be very careful not to say too much concerning religious faith. Wittgenstein presents a form for sentences that express faith and religious beliefs: "What better picture of believing could there be, than the human being who, with the expression of belief, says 'I believe ...'" (Wittgenstein 1980a: paragraph 280). I suppose that it is legitimate to say that in paragraph 280 Wittgenstein speaks about religious belief. He was just defending the use of the expression "soul" in the context of speaking about inner pictures: "And if the picture of the thought in the head can force itself upon us, why not much more that of thought in the soul" (*ibid.* paragraph 279). And paragraph 281 even dares to assess that "The human being is the best picture of the human soul" (*ibid.* paragraph 280). We have to be clear that Wittgenstein is talking about picturing with language. He is not describing a thing that is called soul; he uses the word soul according to the rules of language and he is not describing a picture of faith, but uses the words "expression of faith" and "I believe" According to the rules he learned for using these words in order to say something. What does he say? He says that "I believe" Is a picture of faith (*ibid.* paragraph 280). What does he show? Wittgenstein, saying that there could be no better picture of believing than saying "I believe ..." shows that it is possible to speak about faith. He does not show what he believes. Wittgenstein investigated the concept of belief in the context of the language game, in which we use the concept.

It is very interesting to see that when investigating the use of psychological concepts in day-to-day language, Wittgenstein in his *Remarks on the Philosophy of Psychology* includes a paragraph that deals with the concept of "metaphysics":

"Philosophical investigations: conceptual investigations. The essential thing about metaphysics: that the difference between factual and conceptual investigation is not clear to it. A metaphysical question is always in appearance a factual one, although the problem is a conceptual one" (*ibid.* paragraph 949).

Theologizing, that is working with concepts concerning religious faith and convictions, has to be aware of how to use the concept metaphysics. It is ok to call metaphysics the speaking about existential issues of women, men and queer that cannot be dealt with using the method of a two-valued logic of empirical science and not even with an enlarged logic that accepts the truth-possibility "I do not know." Nevertheless, the concept "metaphysics" knows a variety of other uses. There is the use of the expression "metaphysics" to discredit any use of the expression "metaphysics" as irrational and therefore obsolete. There is, on the other hand, wide use of the concept "metaphysics" to express claims to unquestionable truths about the human existence that legitimize social norms, policies and practices without giving any arguments for the legitimacy of these truths.

I was hesitant to use predicate logic (Kamlah and Lorenzen 1973: 70–116) to clarify the use of the expression "metaphysics," although I do not share Kamlah's and Lorenzen's ambition to use predicate logic for any scientific activity. I want to use predicate logic as a technique to achieve some coherence in my argumentation and thereby empower its understanding. Albeit, I thought the philosophical and theological contexts of different philosophical and theological cultures, schools, worldviews and forms of life that used the expression metaphysics would not allow clarity to be achieved without a significant loss of the variety of these uses. Yet there is a possibility to describe the use of the expression "metaphysics" in the last 200 years by philosophers and theologians - enlightened by reason or not enlightened by reason and simply following religious convictions - that I want to present as a hypothesis:

The concept of metaphysics is used to talk about existential problems of life and their limitations. For predicate logic it is clearer to say: the concept of metaphysics is a concept for talking about existential problems of life. With Wittgenstein we may say: the concept of metaphysics was not used to talk about existential problems of life and their limitations in a way that the difference between factual and conceptual investigation was part of their use. The term metaphysics follows as being defined according to predicate logic if we explicitly agree to use the predicates "not used to talk about existential problems of life and its limitations in a way that included the clarification of the difference between factual and conceptual investigation of this use" for the concept of metaphysics.

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I imagine Wittgenstein was not unaffected by the Anschluss by Hitler on March 12, 1938. Hitler fascinated millions of Austrian Catholics. The Roman Catholic Church was not capable of standing up to the Nazis. Most of the Austrian bishops and the Cardinal of Vienna did not even try to do so. Only one bishop, Johannes Maria Gföllner, Bishop of the Diocese of Linz in Upper Austria from 1915 to 1941, ordered his pastoral letter to be read publicly in the churches on January 22, 1933. Therein he called upon all professing Catholics to reject and condemn National Socialism as not being compatible with Christianity (Putz 2007: 31–32). The Catholics, priests and lay women and men, who were persecuted, tortured and killed were left in the lurch, denied pastoral care and not allowed or welcomed to speak publicly of their sufferings. Franz Jägerstätter, who had been strongly influenced by Bishop Gföllner's pastoral letter, went to his successor Bishop Joseph Calasanz Fließner to ask for help in deciding whether or not to serve as a soldier in Hitler's army (*ibid.* 72). His beloved wife Franziska Jägerstätter accompanied him and when her dear husband Franz left the Bishop's office after 30 minutes, she noticed that he was very sad (*ibid.* 74). Franz remarked on his talk with the bishop: "They do not dare to protest because they fear for their lives" (*ibid.*). The bishop instructed Franz Jägerstätter to follow the Catholic moral principle of taking responsibility for his family as his first duty and to leave the responsibility for Hitler's criminal war to state authorities (*ibid.* 75). Franz refused to serve in Hitler's army. Hitler's attorney general informed Franziska Jägerstätter on September 9, 1943 that her husband had been condemned to death and his civil rights had been declared forfeit (*ibid.* 102). On August 9, 1943, Franz Jägerstätter was guillotined in Berlin, Brandenburg (*ibid.* 118). On May 7, 1997, the Berlin District Court repealed the verdict of the Reich Court Martial from July 6, 1943, on the petition of Franziska Jägerstätter and her daughters (*ibid.* 121). On October 26, 2007, Franz Jägerstätter was beatified in the Cathedral of Linz, Upper Austria (*ibid.* 7).

In the summer of 1938, Wittgenstein gave sobering testimony to the failure of Catholic education on his behalf. The kind of religious education he had received was the kind that probably millions of Austrian Catholics had also endured. Catholics were taught by their Church to obey the hierarchy. Official religious education concentrated on indoctrination according to dogma and training Catholics to be subordinate to the rules of Church authority. No wonder, the majority of the population was ready to follow the rules of Hitler as the new, albeit secular, authority.

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When reflecting on that historic situation that formed Wittgenstein's cultural background, it strikes me that he continued to work on the possibilities and necessities of a life form that would include religious belief.

In 1947 we find this astounding testimony made by Wittgenstein:

"It strikes me that a religious belief could only be something like a passionate commitment to a system of reference. Hence, although it's belief, it's really a way of living, or a way of assessing life. It's passionately seizing hold of this interpretation.

Instruction in a religious faith, therefore, would have to take the form of a portrayal, a description, of that system of reference, while at the same time being an appeal to conscience. And this combination would have to result in the pupil himself, of his own accord, passionately taking hold of the system of reference. It would be as though someone were to first let me see the hopelessness of my situation and then show me the means to rescue until, of my own accord, or not at any rate led to it by my instructor, I ran to it and grasped it" (Wittgenstein1980c: 64^e).

Personally, I remain skeptical about people who are passionately committed to a system of reference called faith. The way of life of women, men and queer and their commitment to teaching me ways of assessing life and coping with the difficulties of life for me are more important concerning my choices of beliefs and religious convictions. Faith cannot be taught as a system of reference and I do not think that it is necessary to teach any system of reference. Philosophers who help clear one's thoughts and concepts are important in order to get one's convictions straight and to learn to express one's spiritual experiences in words according to the rules of language.

Crisis, disease and death are experiences that belong to our lives. The ways women, men and queer showed me how to pray and told me how they had learned to pray are helpful in finding one's own way. The way they showed me how to love by loving and caring for me and others are constitutive elements of my worldviews and way of life. But teaching faith or religious belief in school produces nothing that I could possibly grasp. Wittgenstein writes in 1950:

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"A proof of God's existence ought really to be something by means of which one could convince oneself that God exists. But I think that what believers who have furnished such proofs have wanted to do is give their 'belief' an intellectual analysis and foundation, although they themselves would never have come to believe as a result of such proofs. Perhaps one could 'convince someone that God exists' by means of a certain kind of upbringing, by shaping his life in such and such a way" (*ibid.* 85e).

How to express my desire to say something about my belief in God?

"If someone who believes in God looks around and asks 'Where does everything I see come from?', 'Where does all this come from?', he is not seeking a (causal) explanation: and his question gets its point from being the expression of a certain craving. He is, namely, expressing an attitude toward all explanations. - But how is this manifested in his life?" (*ibid.* 85e).

In this sense, I also note that in 1950, which is toward the close of his life, Wittgenstein's interest turns from how to successfully teach religious faith to life:

"Life can educate one to a belief in God. And experiences too are what bring this about; but I don't mean visions and other forms of sense experience which show us the 'existence of this being', but, e.g., sufferings of various sorts. These neither show us God in the way a sense impression shows us an object, nor do they give rise to conjectures about him. Experiences, thoughts - life can force this concept on us. So perhaps it is similar to the concept of 'object'" (*ibid.* 86e).

The concept of God forced on us by life is still a concept, just as the concept of "object." The fact that Wittgenstein ends his life and his investigations of philosophy and especially his investigations of the philosophy of religious belief shows that there is an end to saying in one's life. One could say: The fight is over, when I can no longer speak.

1.7 From logical truth to communicative competence

From October 1986 to February 1987 I attended the philosophical seminar on truth-theories given by J. Habermas and K.-O. Apel at the Johann Wolfgang Goethe University in Frankfurt, Germany. From the gentle tolerance of Habermas, who encouraged every participant to contribute to the discussion, I learned to respect and value even the apparently most absurd discourse contributions. I modelled myself after Habermas to learn to practice empathy in philosophical discourse. Empathy helps

make sense of sentences that otherwise would have left the speaker in the social isolation of incomprehensibility. A listener who asks the speaker about the sentence that he or she did not understand, or who communicates a sense that he or she inferred, helps realize the speaker's dignity. I was pleased that Habermas gave us only one article as preparation for the discussion in his seminar, namely his article on some preparatory remarks for a theory of communicative competence (Habermas 1971a). He did not advise us to study the volumes of his *Theory of Communicative Action*. Habermas modestly saw his *Theory of Communicative Action* (Habermas 1981) as an attempt and a suggestion that need to be discussed, and he showed embarrassment and disappointment over the cult status of public veneration that his principal work had reached.

In November 2017, I reread his article. In the article Habermas wants to construct what he calls the general structure of universal pragmatics or a theory of communicative competence that is the reconstruction of the system of rules that makes speech-acts possible (Habermas 1971a: 102). In other words, Habermas tries to construct the possibility-condition of speech-acts as a system of rules. The last sentence of the article admits that this kind of universal pragmatics, this kind of system of norms that guarantees the performance of speech-acts remains to be constructed (*ibid.* 141). Nevertheless, Habermas enters into a discourse with language philosophy that contributes important aspects to answer the question what we do with words. Indeed, we see from the beginning of the article that Habermas explicitly refers to Austin's concept of speech-acts (*ibid.* 102). He underlines J. R. Searle's insistence that "speaking a language is performing speech-acts" (*ibid.* 103). Habermas also adopts Searle's interpretation of Austin's distinction of the locutionary and illocutionary speech-acts, calling the locutionary aspect linguistic and the illocutionary aspect institutional (*ibid.*). The fact that the locutionary speech-act and the illocutionary speech-act are performed together leads Habermas to assess the importance of this hypothesis taken from Searle, that is the practical unity of the speech-act (*ibid.*). In the seminar, Habermas over and over again insisted on this concept of the practical unit of the speech-act as the basic unit of speech. He insisted that we have to investigate the speech-act as generating the condition for realizing sentences and at the same time as the realization of a sentence. We have to refute the hypothesis that there are two distinct semantic studies and follow Searle in that we hold it to be an analytical truth that it is not possible to separate the semantic studies of meaning from the study

of the performance of speech-acts (*ibid.* 103). This fundamental conviction of Habermas, namely to start philosophizing on the basis of this pragmatic unit of the speech-act, came as a big surprise to me in the seminar. I did not really anticipate that Habermas had indeed accepted the linguistic turn. He was thinking on the basis of speech-acts. Apel did not understand that approach and was constantly reminded of this fact by Habermas in a very kind but firm way. I especially remember one episode^{iv}: On the afternoon of January 26, 1987 Habermas turned to Apel telling him that "You cannot claim to realize the linguistic turn and then continue speaking with Husserl! It does not really work that way! You have to make clear from where you start, you are doing awareness philosophy but not language philosophy, and you have to stay consistent." Apel was a bit intimidated and agreed with a shy "yes," only to continue a bit later mixing phenomenology, semantics and language games.

It is true, Austin described his concept of illocutionary speech-acts with examples like performing "acts, such as informing, ordering, warning, undertaking, etc., i.e. utterances which have a certain (conventional) force" (Austin 1971: 108). Austin does not take an interest in systematically investigating and describing the term "conventional force." Habermas proves once again to be a philosopher of sociology and calls the rules for this pragmatic use of performing, that is, for example, giving information, ordering, warning, undertaking, etc., the "institutional sense" of the speech-act (Habermas 1971a: 103). Habermas calls the rules that generate the institutional sense "pragmatic universals." This term must not confuse us, the rules of language are empirical; Habermas did not accept the two empires of Kant, the empire of experience and the empire of rules (*ibid.* 110). He continues to call the most important pragmatic part of a speech-act a "performative sentence" (*ibid.* 110) and regrets that neither analytical philosophy nor linguistics were so far able to present a complete system of speech-acts (*ibid.* 111). Habermas now contents himself with following Austin's method of describing concepts by giving examples for institutional speech-acts: I thank you, I remind you, I curse you (*ibid.* 113). Habermas is not only the philosopher of sociology, he is also educated and cultured in the worldview of abstract principles, the theories of universal rules and imperatives common to continental European habits enhanced with a Prussian sense of duty and a quasi-form of life that does not finish a thought without claiming universal validity for the said. The worldview that prospers in the German-speaking regions bordering Mediterranean cultures allows us to feel satisfied by simply speaking of language games and the use

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of words in language and does not like the ambitious use of concepts like "pragmatic universals" (*ibid.*).

When talking about the task of a future theory of communicative competence and of pragmatic universals, Habermas all of a sudden makes a very important contribution to the development of language philosophy understood as the philosophy of communication:

He explicitly introduces a second participant to the performance of a speech-act, namely the listener (*ibid.* 103). The person that listens in language philosophy is rarely ever explicitly mentioned or even systematically taken into consideration. Rarely is the listener recognized as a possibility-condition for discourse. Usually, the listener gets passed over in silence although the successful performance of a speech-act by a speaker requires a listener. Habermas introduces the couple speaker/listener into the discourse of language philosophy (*ibid.*). This attention to the couple speaker/listener - to speakers and listeners in general - in my eyes is the fundamental contribution to a theory of communicative competence.

The performance or realization of a speech-act needs a speaker and a listener. The speaker/listener couple is necessary for performance of the elementary unit of speech, the speech-act. This I hold to be an analytic truth just as the *a priori* of the sense of the sentence. The speaker/listener couple as the elementary unity of speech generates the conditions for performing speech-acts. The history of speech-acts is part of the history of the world. The speaker/listener couple allows us to speak of the institution of language in the sense that two persons form a group that follows rules.

When Wittgenstein talks about the *a priori* of the sense of the sentence and the *a posteriori* of the logical investigation or any analysis of the sentence, he talks to Waismann (Waismann 1984: 249). There is no "form" that could describe or determine an elementary sentence "*a priori*"; "form" is *a posteriori* and only sense is *a priori*. We have to say that this dialogical situation between Wittgenstein and Waismann demonstrates and exemplifies the *a priori* of the speaker/listener couple, or the listener and the speaker, with both using the rules of the language games to understand each other or make themselves understood.

When trying to explain the use of a word, that is the grammar of an expression or the language game that we play with a word, Wittgenstein turns to the question how we

were taught to use the word or expression. The teaching situation is by necessity a situation in which two persons participate. "A child has hurt himself and he cries; and then adults talk to him and teach him exclamations and, later, sentences. They teach the child new pain-behavior. 'So you are saying that the word 'pain' really means crying?' - On the contrary: the verbal expression of pain replaces crying and does not describe it" (Wittgenstein 2001: I, paragraph 244). We are taught how to speak, we are taught the rules of the language games, we are taught the pragmatic universals, as Habermas would say or the rules for the practice of speech-acts as we could say in a simpler way. Wittgenstein effectively uses dialogical settings to describe his thoughts on language games and grammar. All his writings from the last twenty years of his work show time and again the use of dialogue to describe his thought experiments. He describes the language game surrounding the word "good" as reactions to speech-acts, but Wittgenstein never generally claims communication to be an interaction of two persons. The evidence that we need at least two persons to communicate remains a silent condition of speaking that Wittgenstein never directly addresses. There is much investigation into the impossibility of a private language and there is the refutation of solipsism, but there is no description of the pragmatics of two persons speaking with each other. The speaking persons are present in Wittgenstein's discourse, but they are not clearly described as forming the pragmatic unit of communication.

Tractatus 5.62 (Translation: Pears/McGuinness) states that "the limits of the language (of that language which alone I understand) mean the limits of my world." When reflecting on the fact that I am reaching the limits of my world when using a language which alone I understand - let us say that I constructed some rules for the use of signs and that I alone understand that primitive language - I acquire an insight into the limitations of my language world in general. The sentence "The world is my world" already appears to be an exercise of the rules of grammar of a community that speaks that language and does not prove solipsism. If I speak the sentence "The world is my world" to myself, I am not using a private language, but simply showing the limitation of my world within the shared use of a language. Accepting or refuting this limitation is also a language game with interesting grammar. It is clear in English and many other languages that the use of the personal pronoun of the first person singular, the use of the personal pronoun "I", in language shows "that the world is my world" (Translation: Pears/McGuinness. *Tractatus* 5.641). That means that there is a person, that is me, who pictures the world. There is a speaker. Where is the listener? "What brings the

self into philosophy is the fact that 'the world is my world'" (*ibid.*). What brings the "you" into philosophy? From *Tractatus* 5.641 it follows that the 'you' enters philosophy as a self that speaks and tells of his world. How do the pictures of the two worlds then get along with each other? They speak and listen and listen and speak, if they decide to do so.

The rules of the English and many other languages allow me to say that I speak to myself although we usually say that we speak to other persons. But with the language game of the verb to speak it is perfectly ok to say that I am speaking to myself. It is also ok to say that a speech-act usually concerns two persons, namely one who speaks and one who listens. The philosophical problem arises with the question whether it is also ok, according to the rules of our language, to say that speaking to myself is a speech-act? Habermas avoids this kind of investigation, because from the beginning he binds the discourse with speech-acts to the investigation of communication between speakers and listeners (Habermas 1971a: 104). It is clear; if I claim that a speech-act is by necessity constituted by two persons and not by one person alone, I myself cannot perform a speech-act with myself. At this point, it is important to apply Wittgenstein's insight that we also use words in our languages not to describe actions but to replace actions. So, if I claim that the performance of a speech-act needs at least two persons, one speaking and the other listening, I am not only describing the speech-act, but I am suggesting that the picture of two persons speaking with each other be considered. When using the expression "speech-act" I usually want to investigate what is happening between two persons speaking to each other. I call the expression "I speak to myself" a "speech-act." The expression "speech-act" replaces the behaviour of two persons speaking to each other. I replace, so to speak, the picture of me speaking to myself with the picture of two persons speaking with each other. Language allows me to use the expression "I speak to myself," and at the same time it is clear that the language game "speaking" is usually used to express "speaking with each other" and not to express "I speak to myself."

The action "speaking to myself" may be considered a speech-act in the sense that I am able to understand myself only if I follow the rules of the language games that I was once taught by someone. One could say, to learn to perform speech-acts two persons are necessary. It is true: if I speak to myself, I am using the rules that I once learned. I was taught to speak by someone who already knew how to speak and spoke

to me. If I listen to myself without being able to understand what I am saying, I probably did not comply with the use of the words that I was taught when learning the language, and instead simply uttered some nonsense. The speech-act, considered a practical unit of at least two persons, is the possibility-condition for speaking to myself. Even if a listener is absent, I can perform a speech-act, silent or loud. This is possible because I was told by someone how to use the words in case a listener is present. She or he, that is the listener, would be able to understand if she or he also learned the same word use rules that I was taught and that I learned. If she or he does not understand, she or he either did not learn the rules of the language game and I may try to teach that person the rules of my language games, or there is some other difficulty that complicates understanding. Speaking to oneself is a very important practice. This practice permits me to prepare for speech-acts; I am able to think and I develop structures of my brain and practice using these structures. Speaking to myself is an important means of empowering myself, strengthening my resilience and ensuring my psycho-social integrity as a person.

The most important contribution made by Habermas to human communication with language and speech-acts consists of the unceasing analysis of the social settings of speech-acts. He starts to speak about the performance of a speech-act by describing the speech situation as a dyadic situation of communication, he speaks of speakers and listeners (Habermas 1971a: 103). One is allowed to suggest that the practical unit of communication is the speech-act and that two persons constitute this unit, the speaker and the listener.

Understanding and agreement in this communication that is a speech-act are not possible if the two involved persons are not equally ready to perform speech-acts (*ibid.* 105). The pragmatic unit of language, the speech-act of at least two persons who communicate in ordinary language, is called communicative action and must be distinguished from discourse (*ibid.* 115). Discourse is the kind of communication where agreement and understanding are generated by reasonably accounting for and justifying claims to validity (*ibid.*). Habermas calls this kind of reasoning discussing the problems of the claim that eventually again leads to an agreement and understanding. This kind of agreement and understanding with regard to justified claims to validity may again be used in simple speech-acts of communicative action (*ibid.*). Concerning the rules for discourse on claims to validity, Habermas claims that a discourse situation is

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free of any constraints, compulsions or force and admits one single obligation: a cooperative readiness and willingness of the discourse participants to reach agreement and understanding (*ibid.* 117). Habermas justifies the claim to this ideal speech-act situation by invoking the anticipation of this ideal speech-act situation (*ibid.* 122). Constructing a design for the speech-act seems to prove that realization of the anticipation is possible. The key concept in this construction of the speech-act is the true consensus of the discourse partners, and Habermas starts by giving a number of criteria that help distinguish a true consensus from a false consensus (*ibid.*). The truthfulness - not the truth - of the speaker constitutes an important criterion for a reasonable justification of a claim to the validity of her of his speech-act (*ibid.* 131). Truthfulness is described by Habermas as the qualification of speech-acts that are not the result of a deception or delusion on the part of the speaker (*ibid.*). How does truthfulness account for the reasonability of a justifying argument? We learn to use the expression "truthfulness" in our language not primarily as an exercise in thinking. The expression "truthfulness" is not used to replace some rational operation of thinking, but is used to replace a certain kind of human behaviour. Human behaviour can be described not only with the category "rational," but with many categories such as emotional, moral, juridical, social, political, etc. Another element in the construction of the anticipated ideal discourse setting is the qualification of the situation as free from constraints and force. The criterion for this freedom and liberty is the symmetrical allocation of the empowerment to speak, chose, and perform the speech-acts in the discourse (*ibid.* 137). Habermas speaks of an effective equality of chances and empowerment to speech-acts of the discourse partners (*ibid.*). Habermas anticipates the consensus that "would have to result" from an ideal discourse situation. He qualifies this anticipation as "counterfactual," but nevertheless insists that "sound minds" would finally claim the truth-value true for propositions and claims after a long, free and "forceless communication" (Habermas 1971b: 223). Claims and propositions have to be called "true" if rational persons would be forced by certainty and conviction to hold them as "true" (*ibid.* 222). I want to respond by recalling Wittgenstein's protests against the absolute use of ethical concepts, because this kind of use treats value judgments like facts (Wittgenstein 2014: 49). Habermas seems to use the concept of the ideal discourse situation in the same way as Moore uses the concept of "the absolute good." But "the absolute good" is no state of affairs that could be described, because "the absolute good, if it is a describable state of affairs, would be one which everybody,

independent of his tastes and inclinations, would necessarily bring about or feel guilty for not bringing about. And I want to say that such a state of affairs is a chimera. No state of affairs has in itself what I would like to call the coercive power of an absolute judge" (*ibid.* 46). All efforts to determine the ideal discourse situation by constructing an intelligent, beautiful and complicated consensus design remain abstract anticipations and lack empirical validation. The social realization of living conditions that are worth being called human is too important to be obscured by the lack of an empirical assessment of the facts and cases. In this context I want to refer to Amartya Sen and underline his insistence that we have to assess issues of justice and equality of freedom on the basis of "assessments of social realizations, that is, on what actually happens" (Sen 2009: 410).

1.8 Qualities of speech-acts and the social realization of dignity

I describe the speech-act as the social realization of interaction between a speaker and at least one listener. The performance of a speech-act needs at least two persons, one who speaks and at least one other person who listens. We usually describe the speech-act almost exclusively from the standpoint of the speaker. We have to get used to including the listener as well in our considerations of speech-acts. Yes, it is a social choice to take the word and start speaking. However, it is also a social choice to decide to listen to the speaker. The performance of a speech-act needs at least two social choices from at least two persons. It is a social choice, because it concerns at least two persons who freely make a decision. The speaker chooses between the alternatives to take the word or to not take the word and then takes the word. The listener chooses between the alternatives to listen or not to listen and makes the free decision to listen. The decision to listen to another person is in my judgment as important for a speech-act as the decision of a person to take the word and start speaking. Speaking and listening are the two actions necessary to perform a speech-act. I do not think that I will face much criticism for my description of the speech-act as a social realization of an interaction between a speaker and at least one listener. The interaction results from two free decisions, two social choices, that is the social realization of a speech-act needs for realization two social choices made by at least two persons. It is important for me to insist that the description of the speech-act as the realization of two social choices, that is the free interaction between a speaker and at least one listener, states that this interaction actually is the case. The speech-act as

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social realization of social choices is an empiric hypothesis that needs affirmation or refutation by social empirical research. It has to be empirically proved that these kinds of social realization are facts of our social reality.

I started realizing this empirical research at the Clinics of the Medical University of Innsbruck (Leher 1995). A team of interviewers interviewed 243 persons; 81 female and male doctors, 81 female and male nurses and 81 female and male assistants to the nurses. It was not easy for the female and male nurses to speak with a microphone, and the assurance of anonymity was an important factor in obtaining consent to the interview. The assistants to the nurses had to get the ok of the male and female nurses to participate in the interviews. Obtaining consent from a female or male doctor was not difficult. The difficulty was contacting the doctors. It took the interviewers an average of four hours work to "catch" a female or male doctor and organize a meeting for the interview. Scarcity of time due to an exhausting work schedule partly explains the difficulty. The average interview time was 25 minutes. Finally, we realized the interviews. The social realization of these interviews proves that speech-acts that are interactions between a speaker and a listener are possible. The social realization of these speech-acts proves that these kinds of free interaction are facts of the complex social reality of a university clinic in Central Europe.

In our day-to-day experience we observe many social realizations of speech-acts and we ourselves realize many speech-acts. We also experience many times a day that speech-acts are not realized and we ourselves have to master many difficulties until a speech-act is performed. Daily we experience that a person we want to talk to does not want to listen and does not listen. We also have to cope with persons, who do not want to speak to us, whereas we would very much like to talk to that person.

How about the social realization of speech-acts considered as free interactions between a speaker and at least one listener in a social and economic context that is very different from that of Central Europe? I went to Bogotá, Colombia to realize 624 interviews with women and men from high-, low- and very low-income neighborhoods (Leher and Denz 2005). Again, the social realization of the interviews and their speech-acts was possible. We do actually find the social realization of speech-acts as interactions between a speaker and at least one listener as social choices of persons also in very vulnerable social contexts. These social, political, cultural and economic contexts in Bogotá are characterized by painful vulnerabilities and personal insecurity

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because of poverty, injustice, gender inequalities, private, public and state violence, polluted environments, unemployment and many other indicators for the state of human development that document the fragility of society (Leher 2018: 117–120).

The social choice to listen to questions and to reply does not yet tell much about the quality of the interaction of the speech-acts. In order to obtain some information on the quality of the interactions of the interviews with their social *Umwelt* at the University Clinics, the interviewers followed the interview guide that asked for personal convictions concerning the work and the working situation of the interviewed persons. The interviewers asked for important personal internal factors that influence working decisions, like talents, qualities, capabilities, mental strength, energy, my ego, purpose, effort, persistence or perseverance. The interview guide also asked for external influences such as important persons like superiors or colleagues, technical resources or time resources, administrative or organizational necessities or general working conditions that influence the decisions and the coping with concrete situations in the daily working routine. The interviewers also asked if and how the interviewed persons would relate internal and external factors of influence in concrete situations at work.

The interviewers in Bogotá were advised by the interview guide to start the interview with questions about the life of the interviewed person: “I would like you to choose a specific situation in your life, with a specific problem you had to solve, or a situation in which you had to make a decision. It can be a past or present situation. Now, tell me which aspects played an important role in that situation? Can you tell me a bit more about how you solved that problem” (Leher and Denz 2005: 303).

It is clear from the study design that the analysis of the interviews did not concern the quality of the interaction between the interviewer and the interviewed person. The analysis was about the recorded narrative of the interviewed persons about their interactions with their *Umwelt*. Is it possible with a kind of qualitative social empirical analysis of interviews to obtain information on the quality of the social realizations of speech-acts? Since I did not document the social realization of speech-acts between the interviewed persons and other persons, I have to admit that I actually can not say anything about the social realization of speech-acts in my studies. I cannot say if the interviewed persons realize their dignity and the dignity of their speech-act partners and if their speech-acts are social realizations of the equal dignity, freedom and rights

of the participants in the speech-acts. Concerning the quality of the social realization of speech-acts, I cannot comply with Amartya Sen's insistence that we have to assess issues of justice and equality of freedom on the basis of "assessments of social realizations, that is, on what actually happens" (Sen 2009: 410). Yet, it is possible to assess how the interviewed persons themselves assess what actually happened. I assess narratives about behavior, actions and convictions that concern many themes from daily life and many interactions with other persons. I investigate narratives about interactions between people and I want to interpret these narratives according to various qualities of the narrated interactions.

An external quality of the narrated interaction is characterized by the fact that the interviewer shows or expresses that his or her interactions are determined by external influences. In Bogotá these could be important persons and their power and influence (for example: wife, husband, partner, children, parents, boss, superior, friends, etc.), social, economic, political or cultural circumstances or other external forces. An internal quality is characterized by the fact that the narrated interactions are determined by internal influences. A determinist-additive quality of the interaction is characterized by the fact that the interviewer shows or expresses that his or her interactions are determined by a combination of internal and external influences. Depending on the situation, one type of influence may be more important than others, but they have no connection to each other. An interactionist quality of the interaction is characterized by the fact that the interviewer shows or expresses that the quality of their interactions is determined by all influences together. In the same situation are internal and external influences that influence each other mutually in the interaction. A fatalist quality of the interaction is characterized by the fact that the interviewer shows or expresses that their interactions are unpredictable (Leher and Denz 2005: 63).

The analysis of the documented interviews interpreted sequences of the interview. A sequence starts with a concrete theme and ends when the interviewer or interviewed person clearly changes the subject and continues with a new theme (Leher 1995: 57). The interviews conducted at the University Clinics showed an average of 13 sequences (*ibid.* 137). Concerning the 624 interviews that were realized in Bogotá, I have to admit that one interviewer stole 59 of the interviews. I was not experienced enough to foresee this possibility and take steps to prevent this from happening. This experience of my vulnerability was my most significant, although not the most dangerous, for my

personal safety in Bogotá. Sequences from the remaining 565 interviews showed an average of ten sequences (Leher and Denz 2005: 133). According to the qualified sequences of an interview, the quality of interaction was determined to be fatalist, internal, external, internal and external, or interactionist. Of the female and male assistant nurses 7.5 per cent showed an interactionist quality of interaction, 12 per cent of the female and male nurses and 17 per cent of the female and male doctors. The dominant quality of interaction was formed by an additive quality of internal and external influences. Some forms of an interactionist quality of the narrated interactions are found in 20 to 40 per cent of the interviews. With regard to the small difference between the 12 and 17 per cent of interactionist quality of interaction concerning female and male nurses and female and male doctors, it may be suggested that the formal academic training of the doctors did not yet give sufficient consideration to communication skills (Leher 2018: 122). The analysis of the qualities of the narrated interactions in Bogotá relates to interview sequences only. The majority of sequences of a certain quality of an interview were no longer determined. The analyzed 565 interviews showed an overwhelming 61 per cent of sequences with the external and internal quality of interaction. Of the sequences 22 per cent showed the internal quality, 2.9 per cent the external quality and 0.2 per cent a fatalistic quality. An interactionist quality of interaction was seen in 13 per cent of the sequences, 60 per cent of which we find in the very high socio-economic areas of Bogotá. The low percentage of 25 per cent of sequences with interactionist quality of interaction in middle socio-economic areas and the lower percentage of 15 per cent in the socio-economically low areas of Bogotá indicate that the social realization of interactionist qualities of interaction is possible in low socio-economic areas, but very difficult to realize. Poor economic conditions, no access to education and professional training, unemployment, unsafe conditions, lack of access to the health care system make it difficult and almost impossible to maintain peaceful and durable social relations (Leher 2018: 127).

It is clear that I did not investigate speech-acts as social realizations of the equal dignity, liberty and equal access to rights of the interviewed persons. Yet, it is reasonable to take the various control qualities as possible indicators for the quality of the social realization of the speech-acts of the interviewed persons. I was able to take the interactionist speech-act as an indicator for the social realization of the possibility condition of dignity of the interviewed persons and their communication partners. When interpreting the interviews, it is legitimate to claim that the interactionist control qualities

1 “All human beings are born free and equal in dignity and rights.”

effectively show elements of linking one’s own identity, self-determination and autonomy with respect, tolerance and even care for the self-determination of others (Leher 2018: 173).

How does dignity reveal itself as a social realization in the sentences of the interviewees? Dignity is demonstrated in the sense that the person narrates a single social choice made in his/her life by connecting external and internal influences within the unique situation of the choice. The agency of interacting, the ability to interact with external influences on the basis of internal factors, shows that the person makes the decision on the basis of some aspect of equality; in this case, it is legitimate to interpret this single social choice as a social realization of equality (Leher 2018: 154–55). It is important to remember that I am interpreting documented concrete speech-acts of narratives of women and men in Bogotá. The question remains: Are there speech-acts that are effective social realizations of dignity? Still, I am speaking of specific speech-acts; I do not want to speak of speech-acts in general. Jean Jacques Rousseau (1712–1787), the Enlightenment philosopher of the social contract and the most attentive theorist of the realization of democracy by the individual person, did not claim that the rule of democratic law was already realized throughout the world or even in Europe (Leher 2018: 94). Yet he speaks of the dignity of a self-legislating member of society always in connection with the dignity of every self-legislating member of society. Social realizations of dignity, freedom and justice by Rousseau are seen as social choices that interact with the dignity, freedom and rights of - ideally - all citizens (Leher 2018: 173). In 2018 we were not able to assess the rule of democratic law and Liberal Democracy as a social reality in a majority of the world’s countries and states. Furthermore, in 2018 we experienced the erosion of the social realization of equal dignity, freedom and rights for all women, men and queer within societies and states that follow the rule of law of Liberal Democracies. The foundation of the social realization of dignity has to start with the most elementary elements of this social realization, that is, for example, the speech-act of two individuals. Therefore, I am convinced of the importance of asking and answering the question: What conditions do we need for the social realization of dignity in a series of speech-acts?

What conditions have to be met in order that the social realization of dignity in a series of speech-acts may be assessed positively? In order to demonstrate my understanding of speech-acts and of a series of speech-acts I will use the following Table 1:

1 "All human beings are born free and equal in dignity and rights."

Speech-act	Speaking Person	Listening Person
1	A	B
2	B	A
3	A	B
4	B	A
N	A or B	B or A

If each line realizes the social choice of the speaking person to speak freely and with liberty and the social choice of the listening person to listen, then we are able to assess the equality of freedom and liberty of the two social choices involved in this speech-act.

If A or B chooses not to speak and B or A cannot listen, then equality of dignity is socially realized if the person that would have listened takes the social choice to accept the social choice of the person not to speak. In this case, there is no social realization of a speech-act, or a series of speech-acts by the persons A and B ends.

Equal dignity is also socially realized if A and B take the social choice to end their series of speech-acts.

Let me now investigate the social realization of equal rights of A and B in a speech-act. If A in Speech-act 1 - see Table 1 - accepts the right of B to speak in Speech-act 2, the equality of rights is socially realized in the speech-acts. How about assessment of the social realization of the equality of other rights that concern A and B?

Take the example that A claims something from B in Speech-act 1. B listens and takes the social choice to agree in Speech-act 2 to the claim made by A. If B makes the social choice to agree to the claim made by A and gives something to A, then the dignity of B is secured because the social choice to give something away is an autonomous, that is a freely self-determined, decision by B. The dignity of A is secured, not because A receives what A wanted to have, but because he receives something from B on the basis of a social choice made by B.

What would be the case if A were to claim something that would violate the equality of rights of B and of other persons? Let us consider the example that A claims that B and a number of other persons do not have the right to publicly say what they think of gender equality and only A has the right to speak on gender? In this case, there is no

1 "All human beings are born free and equal in dignity and rights."

equal dignity and there is no social realization of a speech-act in dignity, because one possibility-condition of dignity is the social realization of equality. A violates the equality of rights, because A claims a right to inequality. A violates both dignities, the dignity of A and the dignity of B, and that of all the other persons concerned.

For the positive assessment of the social realization of a speech-act in dignity, it is clear that A and B have to claim equal freedom and equal rights for each other. What is the case if A and B agree to violate the dignity of others by claiming that some right is exclusively given to them and not to others? Let us imagine that A and B claim that only they would be allowed to speak on some topic. The answer would be similar to the case where A claims something that would violate the equality of rights of B and other persons. A and B violate the equality of rights, because A and B claim a right to inequality. Claiming inequality of rights, A and B violate their own dignity because the equality of rights is also a possibility-condition for the dignity of A and B.

How do things stand with dignity, if A or B does not know that a claim violates the equality of rights and no other persons are present to tell them so? This case, where it is not at all clear what A and B say or claim or do in their speech-act, leads to the insight that in order to assess the social realization of the dignity of a speech-act we have to learn some rules that help us assess what is going on.

1.9 Identification of a claim by the participants in the speech-act

What are the rules that govern how to identify a claim as a claim that is an expression of interest and how to judge the claim right or wrong, true or false, unjust or just? The social realization of the justification of an unjust claim as justified and the social realization of protesting against this concrete situation of injustice and claiming justice are old business of humanity; I shall give an example from Africa:

The Egyptian text *The Tale of the Eloquent Peasant* was written during the time of Egypt's Middle Kingdom (twenty-first to seventeenth century BC) during the 12th Dynasty (twentieth to eighteenth century BC) (Jeffers 2013: 422). I will summarize the content of the tale that plays out during the intermediate period (twenty-second to twenty-first century BC), namely between the Old and the Middle Kingdom:

A peasant named Khunanup from an oasis near Cairo is on his way to the capital and runs into Nemtinakht, a subordinate of the High Steward Rensi. Nemtinakht wants to

rob Khunanup of his trading goods. To create a pretext, Nemtinakht narrows the small path by putting his barley in the way of Khunanup and arranges a seemingly just legitimation to rob the peasant. Khunanup tries to travel the small path between the river and the barley crops of Nemtinakht, when one of Khunanup's donkeys eats a bit of the barley. Nemtinakht takes the donkey, Khunanup protests and Nemtinakht takes all his donkeys for having committed the transgression of eating from his barley. Khunanup protests and is beaten. He goes to Rensi to protest again. Rensi is impressed by Khunanup's speech and goes to King Nebkaure. Khunanup makes eight more speeches before the High Steward. Since Rensi remains unresponsive, even after the ninth petition, Khunanup despairs "that justice will never be done" (*ibid.* 423). Rensi - who at the king's demand only pretended not to do anything about the petition - presents the recorded petitions to the king, who tells Rensi to judge the case. The judgment awards Khunanup all of Nemtinakht's property (*ibid.* 424).

There is a pre-existing tradition of thinking about morality and politics in ancient Egypt and this literary genre is called "instructions" (*ibid.* 425). Jeffers insists that these pieces of advice encourage people "to behave in this or that way, on moral grounds, on an everyday basis" and that people simply react to a concrete situation. They "need not reflect on the fundamentals of a moral life" (*ibid.*). The egalitarian aspect of the advice is a second hypothesis. The point Jeffers wants to make is the importance of a concrete situation, a concrete social realization, in the narrative. The *Instruction Addressed to King Merikare* - written between 2100 and 1800 BC - starts with advice concerning the identification and suppression of the rebellious. The instruction changes from how to keep power and maintain power to what is just. The old king advises his son and successor Merikare to "advance your officials so that they act by your laws" (*ibid.* 426). The nine speeches of Khunanup illustrate the difficulties the powerless peasant encountered when unabashedly seeking justice from a powerful official. Khunanup starts to praise Rensi, then turns to make a general complaint and direct accusations against Rensi (*ibid.* 427). Khunanup demands that the political authority fulfill its leadership duties, that is be a "leader, safeguard, and creator of good" (*ibid.* 429). Safeguard means to be "father to the orphan, husband to the widow, brother to the divorced, and motherly figure to the motherless" (*ibid.*). "The task of political authority is to steer society in the direction of right" and if the authority fails, there is lack of leadership (*ibid.* 430). Khunanup accuses Rensi of "failing to set an appropriate example," because the creation of good is more than to "simply avoid and eliminate

harm." In the seventh petition Khunanup explains that by the creation of good he understands "the positive task of producing a better, fuller life for people" (*ibid.* 431). Concerning this better and fuller life for the people, Khunanup vividly defends the importance of education and the need to make education more widely available (*ibid.* 431). It is clear to Jeffers that Khunanup claims that bad authority is not the absence of authority, but the dysfunction of authority, and that the whole of society, not just the individual, starts to suffer from injustice (*ibid.* 433). Jeffers establishes the link between the dysfunctional argument with Sen (2009) and his Idea of Justice; Khunanup just as Sen prefers to look at concrete situations of the social realization of justice or the lack of the social realization of justice in societies and not at ideal settings of justice (*ibid.* 434). It is important that the subject of the peasant's speech is the Egyptian concept of *Ma'at* (*ibid.* 435). Jeffers asks: What do we miss, if we translate it only with "justice"? and describes some uses of the concept. In the third petition, Khunanup speaks of *Ma'at* as the stability of the land (*ibid.* 437), in the eighth petition as justice and truth (*ibid.* 438). Since justice is seen by the Egyptian as a social realization that has to do with truth, and since truth is described as being embodied in our actions and we are also empowered "to embody through our choices to speak, the doing of justice," Jeffers pleads that *Ma'at* not be translated at all (*ibid.* 438).

The Tale of the Eloquent Peasant testifies to the unceasing and tireless struggle of the peasant for the social realization of justice and truth, in his case with Nemtinakht. It took another 4,000 years for humanity to finally learn and succeed in realizing the rule of law including that the state is also subject to the rule of law and has a duty to effectively protect the equality of every citizen before the law.

The modern state under the rule of law was developed in the nineteenth century, teaches Manfred Welan (2001), Professor of Constitutional and Administrative Law in Vienna, Austria. In the following lines, I summarize his essay on the state under the rule of law:

The functioning of the state under the rule of law is ensured by independent control-institutions like courts that systematically and constantly evaluate the juridical and executive branch of government. The state under the rule of law contrasts with the "police state" of absolutism. The police state was not bound by laws; the state was not ruled by law, but by despotism and was at the whim of arbitrariness. The civil movement demanded liberty from the state. Therefore, the terms "state under the rule

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of law" and "free-state" or "state of freedom" are frequently used as synonyms. Because of the importance of liberty and freedom for the citizens, the state under the rule of law is realized in a constant process that strives for an ideal of the law and justice. Law and justice are to be the foundations of the states. The government is bound by the law so that security is ensured for the citizens' well-being.

Criminal law is the right of the state versus the citizens, private law is the right of the citizens versus citizens and administrative courts ensure the right of the citizens versus the state. Administrative law is the rule of law for the state's administrative purposes. Administrative courts examine the administration of the state. The polity of the state under the rule of law guarantees the right of the citizen to claim her or his liberty, dignity and rights. Fundamental or basic rights are spelled out in the state's constitution. The constitutional court examines the laws for their conformity with the constitution. The administrative court examines whether administrative measures and actions are taken in accordance with law. In a state under the rule of law there are further court institutions that examine the central and regional government and the communities. The Auditor General's office in Great Britain or the audit division in the United States are examples of such an institution. All these institutions work to ensure the liberty, freedom and security of the citizens. It is the law that rules, not the government. Control institutions are essential to safeguard this claim. The Administrative Procedure Act ensures that the citizen in effect has a fair chance to take legal action to enforce his or her right against the state. To have this recourse to legal action the citizen in Europe is empowered to sue before the European Court of Human Rights.

Construction of the term "state under the rule of law" follows the validity-condition that its laws correspond, agree and concur with the claims of human rights values and human rights law. The claim of any law and norm to legality has to be examined for the validity-condition of correspondence with human rights. It is a constant process to realize human rights with the help of the laws of the state. The individual citizen must be able and empowered to ensure his or her human rights by being able to take legal action with the help of independent courts. Human rights are fundamental rights and therefore guaranteed by the constitution. These fundamental rights bind the legislative, administrative and judicial branches of the government and the constitutional court helps the citizen assert these fundamental rights.

Judges must be bound by the law and not by the government. This independence is secured and guaranteed by a fixed salary for judges and by the fact that they cannot

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be removed or dismissed from office, nor can they be transferred against their will to other courts or positions. The legislative, judiciary and executive powers have to remain separate at all levels and each power is effectively balanced and checked by other institutions at the same level of the same power. Territorial and regional authorities - legislative, judiciary and executive - enjoy different levels of auto-administration.

The state under the rule of law not only ensures the liberty, freedom and peace of the state, but must also constantly adapt the law to meet the needs of the general public as expressed in elections. Justice has to be sought in a constant process and cannot be fixed forever in one final law. Challenge and answer, trial and error describe this process of public conflict in democracies. Law is able to peacefully change society. This change without violence and with the instruments of law and language characterises democracies. Democracy and the state under the rule of law are reciprocal processes that are dependent on each other.

(Welan 2001)

What about the social realization of justice, if in 2017 the peasant Khunanup were to suffer the injustice of the loss of his goods, in that Nemtinakht abuses his power and steals? First, let us assume that today the peasant Khunanup is a woman on her way to trade her goods while her husband stays on the farm to look after the children, animals and crops. Let us also call her Khammaat, which quite significantly can be translated as “soul of ma’at”^{iv}. I estimate that Khammaat would be able and empowered to assert her rights and obtain justice by taking legal action in one of the independent courts existing in about 50 states on this planet. At this time there are some 200 states on earth, and social realization of basic human rights can be expected in a quarter of them. I refer to the United Nations Human Development Report 2014 (UNDP 2014) and its components of the Human Development Index (HDI): the Inequality-adjusted HDI, the Gender Inequality Index, the Gender Development Index, a Multidimensional Poverty Index, variables on health, adult health and health expenditure, the present standard education indicators, indicators for the allocation of resources, for social competences, personal security, international integration, environment, population trends and perceptions of well-being (*ibid.* 153–225). Based on an analysis of this evidence the UNDP makes a number of recommendations for sustaining human progress, especially for reducing vulnerabilities and building resilience (UNDP 2014:

iv). This people-centered approach is very positive. I suggest including indicators for the social realization of the individual citizen's agency, that is indicators for the ability and empowerment to ensure human rights by being able to take legal action through independent courts. The Human Development Report 2016 (UNDP 2016) claims the right to human development for everyone, that is "the freedom to realize the potential of every human life" and documents results on many of the indicators (*ibid.* iii). I assessed the effective realization of independent courts under the rule of human rights law on the basis of the documented evidence. There are about 50 states under the effective rule of human rights law and probably another 50 states where Khammaat would have some chance to assert her rights before a court or institution of the state. There remain about 100 states in the world, where there is the unfortunate likelihood that Khammaat would not find an independent court. There would be no judge to hear her grievances, because a polity of the state under the rule of law that guarantees the right of the citizen to assert her or his liberty, dignity and rights does not exist. There are no state institutions where Khammaat could realize her right as a citizen to claim her liberty, dignity and rights. Furthermore, we have to affirm that gender discrimination would not necessarily give her access to justice. Sustainable development goals of the UNDP include peace, justice and strong institutions: "Strengthening the rule of law and promoting human rights is key to this process, as is reducing the flow of illicit arms and strengthening the participation of developing countries in the institutions of global governance"^{vi}.

It is in 2001 that Welan truthfully claims that human rights are fundamental rights and therefore guaranteed by the constitution of the state under the rule of law. We have to remember that in 1948 the Universal Declaration of Human Rights (UDHR) was not born universal (Leher 2018: 32). Experts insist that the universal validity of the UDHR was attained only in 1993, when 171 states by consensus adopted the United Nations Vienna Declaration on Human Rights, affirming that the universal nature of these rights and freedoms is beyond question (*ibid.*). Concerning the sources of international human rights law (IHRL) that "include treaties, international custom and usages, and principles of law" I would like to point out with Gibson (Gibson 1996: 2) the two prime United Nations human rights treaties: The United Nations Covenant on International Civil and Political Rights (ICCPR), the basic treaty for international legal rights, and the Covenant on Economic and Social Rights (ESCR). These treaties were adopted by the

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United Nations General Assembly in 1966 and entered into force in 1976 (*ibid.* 1). Gibson lists the following rights: civil rights - such as the right to assembly -, legal rights - such as due process of law -, political rights - such as the right of petition to government -, economic rights - such as the right to work -, social rights - such as the right to health -, cultural rights - such as the right to take part in cultural life -, collective rights - such as peoples' right to self-determination -, declaratory rights - such as the right to development - and rights for all categories - such as the right to non-discrimination (Gibson 1996: 7). The Core International Human Rights Treaties that the United Nations Human Rights Office of the High Commissioner publishes, comprise in 2017 over 200 hundred pages (Office of the United Nations High Commissioner for Human Rights 2014). This mountain of paragraphs and rights gives testimony to the constant effort of the United Nations to further develop human rights according to the needs of women, men and queer. I am not a lawyer. My modest investigation of the social realization of dignity with the help of speech-acts of ordinary women, men and queer in daily life is based on the UDHR and its proclamation of the individual person as the subject of International Law. We read in the Preamble of the UDHR:

The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.^{vii}

It is the individual person, indeed every individual person, and not only organs of society and the institutions of the Member States of the United Nations that is called to promote respect for these rights by teaching and education. Every individual person is called to promote respect for the equal dignity, freedom and rights for all human beings by teaching and education. Today Khunanup and Khammaat would teach individual women, men and queer human rights and no longer address their words to the High Steward Rensi, who would record them for his king. Khammaat would claim that it is the duty of every individual woman, man and queer and not only of the political

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authority to realize social, economic and cultural rights. Leadership, namely to be a “leader, safeguard, and creator of good” (Jeffers 2013: 429), to be “father to the orphan, sister and brother to the widow, to the divorced, and motherly figure to the motherless” would have to be realized by every individual citizen. Khammaat would demand that the individual woman, man and queer consider her or his task as a self-legislator, who plays a role in steering society in the direction of right and she would make clear to them that if the authority fails, there will be a lack of leadership and society will start to dysfunction as a whole. Khammaat would teach that the creation of good is more than to “simply avoid and eliminate harm” (*ibid.* 430) and together with the United Nations she would explain that the creation of good consists of the task of producing a better, fuller life for people (*ibid.* 431). Concerning this better and fuller life for people, Khammaat would 4,000 years after Khunanup have to again vividly defend the importance of education and the need to make education more widely available (*ibid.* 431). In stories names often express major qualities of the persons bearing those names. Thus, we may interpret the names in our *Tale of the Eloquent Peasant* as follows: Khunanup, Khun-Anup translates as “Anubis protects,” was protected by the god Anubis. Khammaat embodies “ma’at,” the social realization of dignity and justice as agency of the individual. She would no longer rely on a god to protect her, but on the institution of the rule of human rights law. Khammaat would claim that the bad authority of the self-legislating individual, namely she who autonomously decides not to guide herself along the path of the right, would have dysfunctional effects for all citizens in the state. She would care for the social realization of equal dignity, freedom and rights of the individual woman, man and queer strictly in relation to other women, men and queer and identify and address social dysfunctions. Khammaat would teach the individual woman, man and queer to be true to oneself when making social choices. She would point out the important hermeneutic principle that all rights affirmed under the UDHR have to be read in relation to the equal dignity, freedom and rights of all human beings. She would cite the 1993 Vienna Declaration that affirms in Chapter I, Point 5: “All human rights are universal, indivisible and interdependent and interrelated” and in Chapter I, Point 8 that: “Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.”^{viii}

The author or the authors of *The Tale of the Eloquent Peasant* present a peasant Khunanup as an active agent for his just cause and as a teacher of matters of justice

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as concrete social realizations of individuals. Four thousand years later, I am thankful for the literary figure Khunanup. I ask myself what contribution I could make to teaching and educating women, men and queer to know and take possession of their human rights? My students from Africa, India, the People’s Republic of China, Indonesia and the Ukraine take as much delight as Nebkaure in listening to me tell my tale of the UDHR. For most of these graduate students it is the first time they are confronted with the concept of equal dignity, freedom and rights. Only one or two of the twenty will then integrate some illocution with the UDHR in their thesis. My students are Catholic priests, and the Catholic Church evidently forms an *Umwelt* that is not favorable for taking up claims that follow from the concept of equal dignity, freedom and rights for all women, men and queer. A superficial acknowledgement of the acceptance of human rights also characterizes most of the Austrian students of Catholic Theology at my University in Innsbruck, and their teachers are not very eager to think about or teach equal dignity, freedom and rights and their social realizations in the Catholic Church. The leaders of the Catholic Church, the bishops, at this moment in history are busy maintaining their monopoly of monarchic power and suppressing with the help of Church jurisdiction any effort to introduce some kind of separation of powers. The equal dignity of all Catholic women, men and queer as a claim of the Gospel of Jesus Christ is not yet what the Catholic hierarchy is striving to realize. This hierarchy is therefore not a sacred order, but an instrument for securing male domination over male, female and queer Catholics.

Today, with the help of the Internet and social media it is possible to effectively reach out to millions of women, men and queer in many of the world’s 200 states. How would I teach and promote social realization of human rights? I would start again to construct a kind of model for realizing series of speech-acts as social realizations of dignity. The social realization of speech-acts of dignity is a very small contribution to realizing dignity on this earth. Yet a speech-act is a social realization that is an elementary practice for the full realization of freedom and rights for all women, men and queer on earth.

1.10 Claims to validity and the condition of validity

When analyzing the social realization of speech-acts, Habermas from the beginning used the concept of “claim to validity” (Habermas 1971a: 137). What the speaker A in

the first speech-act of a series of speech-acts says to the listener B, the listener B who turns to speak in the following speech-act must be empowered to investigate in a series of speech-acts with A. This investigative dialogue is about identifying the interpretations of the world, the assertions, explanations and legitimations of A as "claims to validity" and the examination whether the claiming person is able to account for these claims to validity or not (*ibid.*). These interactions in a series of speech-acts are based on social choices of equal freedoms and rights and as speech-acts of communicatively competent speakers they contribute to the design of the general structures that would characterize the ideal discourse situation (*ibid.* 140). Habermas closed his 1971 article with the insight that we cannot say *a priori* whether a speech-act would ever realize a form of life where the social realization of the ideal discourse situation is practiced (*ibid.* 141). It is true: we never know *a priori* how B will receive a sentence spoken by A and how A would receive B's reactions. I strongly agree with Habermas that every social realization of a speech-act in dignity enhances the social structures for further social realizations of dignity.

First of all, an investigation of the speech-acts as social realizations of dignity has to identify and describe the claim to validity that the speaker of the speech-act expresses. It is a social choice of the listening person to listen and then to start work on identifying the claim to validity. This work will involve a series of speech-acts and social choices on both sides. How is it possible to identify the claim to validity of a sentence? With Wittgenstein, I want to assess the *a priori* of the sense of the sentence and the egalitarian principle that there are no privileged sentences. Identification of the claim to validity of a sentence in a speech-act is not only the task of philosophers that practice critique of language. In order to undertake the enterprise of a full realization of one's life it is necessary to develop a communicative competence that effectively expresses claims to validity and effectively identifies claims to validity held by others. Wittgenstein states that a sentence shows what the case is. We may assume that women, men and queer on this earth accept the claim that we say something in speech-acts and that sentences say something. Austin's insight that we actually do something with words is not yet common everyday wisdom. Wittgenstein says that the sentence shows not only what the case is. The sentence also says that what it shows is the case. Transforming this claim made by Wittgenstein into sentences by agents of speech-acts, namely by speakers and listeners, we have to say that with the help of a sentence the speaker

not only shows what the case is, but also says that what the sentence shows is the case. I would interpret Austin's concept of an illocutionary speech-act with the help of the early Wittgenstein. Speech-acts are illocutionary if they say that what the sentence shows is the case. It is true that in the *Tractatus* Wittgenstein's claim that the sentence shows its sense and says that the picture of the sentence is true refers to the investigation of the two-valued logical truth that we practice in empirical science. Since this investigation requires a series of speech-acts and the realization of speech-acts requires social choices, we have to say that even the investigation of logical truth requires great communicative competence. Wittgenstein does not discuss his claim that the sentence says that what it shows is true. He is right: in empirical science it is part of the game to generate hypotheses that claim that what is said is true or false, and to proceed to empirical verification or falsification thereof.

Concerning our daily communications in ordinary life it would sound strange to always ask: "Do you really mean what you say?" Yet concerning illocutionary speech-acts, agreement by agents A and B on what Speaker A claims, if she or he actually claims anything, constitutes the possibility-condition for A and B to further discuss this claim. Many illocutionary speech-acts perform argumentations (Austin 1971: 102), and in a discussion it really helps for the persons involved in an argument to be clear as to what they are arguing about. Assessment of the common understanding of the point of a dispute is usually a very difficult and energy-consuming enterprise for all participants. Many misunderstandings and consequent frustrations on the part of the involved persons can be avoided if a claim to validity is clearly described and agreed on.

Many claims made in speech-acts in our daily routine of life are not claims to the validity of the claim; daily life is usually not organized according to standard operating procedures that are investigated with a two-valued logic. There are speech-acts in daily life that seem to realize procedures without prior information or the consent of the listener. The listener is somewhat exposed to the speech-acts that Austin calls perlocutionary speech-acts, and it is possible only *a posteriori* to express social choices on the matter. It is not difficult to identify and explain claims to validity that are brought forward by perlocutionary speech-acts such as "he convinced me that," "he urged me to do something," "I got him to ...," "I got him to obey" (Austin 1971: 109–17). Daily life is full of such perlocutionary speech-acts. Like Austin, I too am not interested in establishing something like a "nomenclature of perlocutions" (*ibid.* 112). I want to take a look at some of these perlocutionary speech-acts, because they seem to express

claims that something that concerns B was already realized by the speech-act of A without asking for B's consent. Perlocutionary speech-acts like "I persuade," "I convince," "I command," "I manipulate," "I encourage," "I comfort," "I dominate," "I suppress," "I empower," "I control" concern the dignity of persons involved in the speech-acts. For some of the perlocutionary speech-acts it is suspected that they disregard the rule of the equality of the dignity of the listener and the speaker. Do some perlocutionary speech-acts implicitly claim that the persons participating in the speech-act have an imbalance of chances and do not explicitly talk about the disregard and the possible violation of the dignity of the involved persons?

If B says "A convinced me that" there is no evident violation of the dignity of B, it looks like B had some kind of social choice on whether to agree to the arguments made by A and the perlocutionary speech-act is a social realization of dignity. The same seems to be the case when B says "he urged me to do something." This perlocutionary claim does not violate the dignity of B and opens the way for a discussion of the claim. If A says to B "I got C to obey," we see a perlocutionary claim that is open for discussion by A and B. The suspicion that A would claim some violation of the equality of C, who obeyed him, cannot be affirmed. The perlocutionary claims "I persuade," "I convince," "I command," "I encourage," "I comfort," "I empower," "I control" do not claim any inequality of the participants to the possible perlocutionary speech-acts. The involved persons may discuss their social choices in a series of speech-acts that follow the perlocutionary speech-act on an egalitarian basis. The perlocutionary speech-acts "I manipulate," "I dominate," "I suppress" may claim that the dignity of another person was violated. The perlocutionary speech-act seems to realize the taking away of another person's liberty in order to realize social choices. If in a speech-act A restricts the liberty of B and B does not have the possibility to protest against this restriction, then the dignity of B and of A is violated. Without a doubt, there are perlocutionary speech-acts that realize violence and violate dignity. Perlocutionary speech-acts that violate the dignity of persons are a painful reality of our daily experiences. I do not exclude the investigation of perlocutionary speech-acts made by A and their claims that realize violence. On the contrary, it is important to accept the social reality of any possible series of speech-acts made by A with B or with other persons. It is true: in this case of violence there is no guarantee that a series of speech-acts made by B or other persons will "convince" A to change his or her behavior and correct his or her claims.

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It is also true that the limits of my patience, empathy, and energy in this investigation are decisive factors for my willingness to deal with violence. Colloquial communication in everyday life is open to an investigation of the social realization of dignity with speech-acts, just as is the dialogue of colleagues that work in a laboratory on the same experiment or doctor-patient communication or the discourse of philosophers. It is very interesting for me to see that the late Habermas starts something that the late Kant did not think likely. Habermas is finally ready to discuss and accept the discourse of the secular citizen with theologians - and to some extent even with religious citizens who express their convictions of faith - as something that is potentially useful for liberal democracy and the constitutional state under the rule of law:

The force of religious traditions to articulate moral intuitions with regard to communal forms of a dignified human life makes religious presentation of relevant political issues a serious candidate for possible truth contents that can then be translated from the vocabulary of a specific religious community into a generally accessible language.

(Habermas 2005: 11)

Immanuel Kant (1724–1804) in 1798 was finally allowed to publish his *Conflict of the Faculties* (Kant 1979). It takes Kant only one page to describe *The Distinctive Characteristic of the Theology Faculty* (*ibid.* 35–37). Great respect, insight and an excellent Protestant education lead Kant to describe the work of a Christian theologian in a beautiful way:

And since there is no human interpreter of the Scriptures authorized by God, he must rather count on a supernatural opening of his understanding by a spirit that guides to all truth than allow reason to intervene and (without any higher authority) maintain its own interpretation. Finally, as far as our will and its fulfillment of God's commands is concerned, the biblical theologian must not rely on nature - that is, on man's own moral power (virtue) - but on grace (a supernatural but, at the same time, moral influence), which man can obtain only by an ardent faith that transforms his heart - a faith that itself, in turn, he can expect only through grace.

(Kant 1979: 37)

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Kant immediately continues to insist on separation of the Theology Faculty and the Philosophy Faculty, and argues the need to keep faith and reason apart:

If the biblical theologian meddles with his reason in any of these tenets, then, even granting that reason strives most sincerely and earnestly for that same objective, he leaps (like Romulus's brother) over the wall of ecclesiastical faith, the only thing that assures his salvation, and strays into the free and open fields of private judgement and philosophy. And there, having run away from the Church's government, he is exposed to all the dangers of anarchy.
(*ibid.*)

Kant fears for ecclesiastical faith if the theologian starts using philosophical arguments and the freedom of speech, but 207 years later Kant's fear is no longer a legitimate argument, and Habermas does away with the need to separate faith and reason. Translation of the convictions of faith into an understandable language that is open to investigating the claims to truth with arguments that are accessible to the secular civilian is possible and even necessary in the liberal state and:

In fact, the liberal state has an interest of its own in unleashing religious voices in the political public sphere, for it cannot know whether secular society would not otherwise cut itself off from key resources for the creation of meaning and identity.

(Habermas 2005: 10–11)

Kant's fear that rational investigation of the faith will end in our having "run away from the Church's government" indeed came true in Europe in the 1970s. The authority of the Churches - Protestant or Catholic - as a powerful social institution suffered great losses. So did other powerful institutions of the liberal state such as the big political parties.

On February 2, 1987 Habermas' discourse theory was discussed in the seminar. Apel was in Israel and Habermas excused himself for not having reworked his article since 1971 (Habermas 1971a). Mr. Gerstenberg, a jurist, presented the article (*ibid.*). Habermas insisted that his discourse theory is not another kind of coherence theory of truth, because discourse takes into account the social conditions of the truth-finding

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procedure. He also criticized that Percy in his truth theory of evidence would not discuss its sensory perceptions. The correspondence theory of truth does not discuss the rules that decide on the correspondence or non-correspondence of fact and ideal. Constructivist and intuitionist theories associated Habermas with Lorenzen and called their theories a truth theory of evidence, something like a Platonic mathematical contemplation that does not regard the social conditions of its possibilities. Finally, Gerstenberg was allowed to start his presentation. The jurist wanted to present the criteria of rationality for the fair process of finding truth such as understandability of the claim to validity, acceptability and truthfulness. He explicitly wanted to exclude external social conditions of this procedure from his discussion. Habermas interrupted and insisted that Mr. Gerstenberg's use of the concept "communicative competence" in connection with a claim of objectivity to this concept needs some clarification. The social conditions of the discourse that enable communication have to be discussed. The forms of communication in the procedure have to comply with fair social conditions for the procedure in order to realize communicative competence. Habermas was quite clear about the fact that the realization of a fair procedure, that is of ideal conditions for the discourse situation, constitutes the principal claim of discourse theory. Discourse theory would collapse if plausibility for the necessity of this principal claim cannot be achieved. Habermas accepts the use of language as the social context that conditions the use of concepts. We are taught how to use concepts and we cannot flee language to express our worldviews.

All of a sudden, Habermas postulates three steps in order to bring some structure into the discussion in the seminar:

1. Habermas starts to describe truth as fulfillment of a condition of validity.
2. He postulates that the claim to validity of something has to be understood as a claim to the realization of the validity-condition for this claim.
3. The claim that the validity-condition for the claim is realized has to be demonstrated in a discourse.

(Notes taken by Leher)

There is a new key concept, an important rule for legitimizing claims: the condition of validity. It is logical: by accepting that discourse is part of a social realization of rules and conditions, these rules and conditions have to be described and agreed on by the

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discourse partners. This is a requirement for the fairness of the discourse. Accepting that a claim to the validity of something actually realizes the conditions of validity for that claim to validity leads to a discussion of the fulfillment of the validity-condition. How is it possible to fulfill claims to validity? Habermas always insists on discussing the triad, always linking the terms "truth," "claim to validity" and "condition of validity" when there is a philosophical discussion. Since Habermas is an authentic German philosopher, he does not use the light expression "discussing" but vehemently speaks of "problematizing" the claim that the condition of validity of a claim to validity is fulfilled.

On February 9, 1987, Apel was back in the seminar and the discussion was on Putnam's standards of rationality and the question how to relate to reality, especially how to relate to other cultures with mutual, symmetric understanding. Apel suggested a principle of charity and immediately Habermas claimed that it was not possible - in the sense of not allowed or not desirable - to bring forward claims to validity without at the same time stating how one would actually realize such claims. It has to be made clear how one would realize the claim to validity and this condition to validity has to be explained and discussed.

1.11 Human rights as validity-condition for dignity

I would now like to return to the investigation of speech-acts as social realizations of dignity. If I claim that speech-acts achieve the social realization of dignity, I have to show how this claim to the validity of a speech-act as a social realization of dignity fulfills the validity-condition of this claim. What is the validity-condition of a claim to the validity of the social realization of dignity by a speech-act?

The validity-condition to a claim to the validity of a social realization of dignity consists of the social realization of the rules that describe the use of the concept dignity. These rules I would like to take from the UDHR: Dignity is the equality of freedom, liberty and rights of all women, men and queer. If I want to discuss the social realization of dignity, I have to look at the social realization of this rule in order to understand the dignity that the UDHR proclaims and I have to look at the social realization of the rights that the UDHR inseparably links to dignity.

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Rights are legitimate claims held by individuals and individuals organized into groups, communities or states; lawyers call rights "entitlements" (Gibson 1996: vii). I speak of rights as legitimate claims that are expressed by women, men and queer in speech-acts. Gibson is clear about the fact that "a right in a treaty is an ideal unless it is implemented as a law" (*ibid.* 15). This means that human rights are socially realized if they are implemented and "implementation of human rights is the elevating of the right in a treaty or other source in law to the realization of its enjoyment by humans" (*ibid.*).

At the beginning of December 1947, it was clear to the Human Rights Commission of the United Nations that agreement on an *International Bill of Rights* that would be a legal instrument with a strong enforcement component was not in sight (Leher 2018: 25). Therefore, Eleanor Roosevelt intensified and focused work on a *Draft International Declaration of Human Rights* (*ibid.*). On December 10, 1948, the United Nations proclaimed the UDHR. Implementation of human rights by international conventions was realized in 1976 with the International Covenant on Economic, Social and Cultural Rights (ESCR) and the International Covenant on Civil and Political Rights (ICCPR). Ever since the 1969 Vienna Convention on Treaties was signed, a state has been obliged by its commitments in a human rights treaty to comply with the provisions of the treaty in good faith (Gibson 1996: 17). Construction of the term "state under the rule of law" follows the validity-condition that its laws correspond, agree and concur with the claims of human rights values and human rights law (Welan 2001). Today the constitutional value of dignity is common to most constitutional rights in liberal democratic constitutions, asserts Aharon Barak (Leher 2018: 40). Nevertheless, it is true that the social realization of dignity is an ongoing process and struggle that requires tireless work and the realizing energies of all women, men and queer.

My ambition centers on an investigation of the speech-act of at least two persons as a social realization of dignity. I consider the social realization of a speech-act in dignity as the elementary practice of realizing dignity. Realization of the rules for the speech-acts, namely the social choices that identify claims to validity, describe the validity-condition and check the claim that the validity-condition is fulfilled, is possible because of the institutional setting of society that allows and guarantees the freedom and rights for these speech-acts. The rules that must necessarily be followed in order to socially realize speech-acts in dignity are known as human rights. Human rights are the validity-

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condition for a claim to validity that the dignity of a speech-act is socially realized. The speech-act of at least two persons who attempt to realize dignity needs a social setting that guarantees dignity that is the rule of human rights law. At the same time the social realization of dignity through speech-acts not only realizes the psycho-social integrity and the dignity of the persons participating in the speech-acts, but also contributes to the maintenance, namely the integrity, of the social setting, the polity of human rights. Being able to assess in the speech-acts the fulfillment of the validity-condition “dignity of the participating persons” of claims to the validity of the social realization of dignity is a necessary element of the social realization of dignity.

Speech-acts are social realizations of at least two persons, one who speaks and one who listens. Speech-acts are part of ordinary life and of extraordinary moments in life. Speech-acts are always concrete and particular social realizations by individual women, men and queer. I investigate the speech-acts of individuals as social realizations of dignity. The persons that speak or listen in the speech-acts have to take social choices that concern dignity. Since dignity concerns not only the equality of freedom, but also the equality of rights, it is necessary to have some information and knowledge about these rights. A speech-act on dignity needs the informed consent of the two persons involved in order to realize dignity.

In the late eighteenth century, the United States and France proclaimed legal and political rights; economic, social, and cultural rights emerged in the nineteenth century, and entered the legal system of states in the late nineteenth and twentieth centuries (Gibson 1996: 7). The Preambles to the ESCR and the ICCPR again recognize that “all human beings are born free and equal in dignity and rights,” as proclaimed in Article 1 of the UDHR. They further link the realization of dignity and the realization of world peace: “Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”^{ix} From the many international conventions that entered into force since that time I would like to cite from the Preambles of only two of them. The Convention on the Elimination of All Forms of Discrimination against Women that entered into force on September 3, 1981 and the Convention on the Rights of the Child that entered into force on September 2, 1990 claim the social realization of dignity with respect to rights of individual persons still living in societies that did not implement these rights. I cite

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the Preamble and from two articles of the Convention on the Elimination of All Forms of Discrimination against Women*:

The States Parties to the present Convention, Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international covenants concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment of other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing, that the eradication of apartheid, all forms of racism, racial

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discrimination, colonialism, neocolonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual cooperation among all States irrespective of their social and economic system, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adapt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following: ...

Part I

Article I

For the purposes of the present Convention, the term "discrimination against

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women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

I also cite the Preamble and from Article 7 of the Convention on the Rights of the Child^{xi}:

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it

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can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1950 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adaption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the development

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countries,

Have agreed as follows ...

Article 7 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

It is the task of national parliaments to implement into national law the rights that the States Parties agreed to in these Conventions. It is the task of independent courts and their judges to interpret the legislative rights as realizations of the right to human dignity. The entire legal system is called upon to interpret the laws defined by democratic parliamentary debate and ensure their application to the concrete cases brought in court (Leher 2018: 40). In 2011 there are 193 member states to the United Nations (UN)^{xii}. It is a sad reality of our world that in many member states women, men, queer and children do not enjoy effective access to the protection afforded by laws and courts as claimed in the above UN documents.

Specific rights realize dignity as a human right. Article 2 of the UDHR proclaims Civil and Political Rights against Discrimination, so does Article 26 of the ICCPR: “All persons are equal before the law and are entitled without any discrimination to equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status” (Gibson 1996: 54).

Article 3 of the UDHR proclaims the Civil and Political Rights to Life and the Legal Rights to Security of Person: “Everyone has the right to life, liberty and security of person.” The Right to Life is again claimed in ICCPR, Article 6, paragraph 1: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life” (*ibid.* 56).

Article 4 of the UDHR proclaims: “No one shall be held in slavery or servitude; slavery and slave trade shall be prohibited in all their forms.” This Collective Right is also proclaimed in ICCPR, Article 8 (*ibid.* 196).

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Article 5 of the UDHR proclaims the prohibition of torture: “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment” (see also: ICCPR, Article 7) (*ibid.* 130).

Article 6 of the UDHR proclaims the legal rights of persons before the law: “Everyone has the right to recognition everywhere as a person before the law.”

Article 7 of the UDHR proclaims the legal right to equal protection under the law that applies to all human rights. Article 26 ICCPR additionally claims the legal right to equality before the law and protection against discrimination (*ibid.* 109).

Articles 8 to 11 of the UDHR also proclaim legal rights. Article 8 proclaims the right to a legal remedy: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

Article 9 proclaims: “No one shall be subjected to arbitrary arrest, detention or exile.” Gibson cites UDHR, Article 9 also in the context of aliens (Collective Rights). ICCPR, Article 13: An alien, that is “any individual who is not a national of a State in which he or she is present,” may be expelled only according of the law in the territory of a State Party to the ICCPR where the alien is lawfully present except for compelling reasons of national security (Gibson 1996: 172).

Article 10 concerns courts/tribunals: “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”

Article 11 proclaims the innocence presumption: “(1) Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.”

Articles 12–15 claim civil and political rights.

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Article 12 claims dignity, honor, reputation: "No one shall be subjected to ... unlawful attacks on his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks."

Article 13 claims on territory, movement: "Freedom of movement within each state and to leave and return to his country."

Article 14 claims the right to asylum and Article 15 the right to nationality.

Article 16 of the UDHR claims economic, social and cultural rights for the family. See also ICCPR, Article 23:

(1) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. (2) The right of men and women of marriageable age to marry and to found a family shall be recognized (3) No marriage shall be entered into without the free and full consent of the intending spouses (4) States parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage, and at its dissolution. In case of dissolution, provision shall be made for the necessary protection of any Children.

Article 17 of the UDHR claims the civil and political right to own property:

(1) Everyone has the right to own property alone as well as in association with others.
(2) No one shall be arbitrarily deprived of his property.

There is no provision on property in ICCPR and ESCR "because of failure in the negotiations of these covenants to reach agreement on the right to compensation" (*ibid.* 72). James Madison (1751–1836) on the inherent right to property: "... a man has property in his opinions and the free communication of them. He has property of peculiar value in his religious opinions, and in the profession and practices dictated by them. He has property very dear to him in the safety and liberty of his person ... In a word, as a man is said to have a right to his property, he may be equally said to have property in his rights (Fifth Amendment to the Constitution of the United States of December 15, 1791)" (*ibid.* 71).

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Article 18 of the UDHR and ICCPR, Article 18 proclaim on religion: Everyone has the right to freedom of thought, conscience and religion (*ibid.* 72–73).

Article 19 of the UDHR and Articles 19 and 20 of the ICCPR claim rights concerning speech and press. ICCPR, Article 19:

Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The exercise of these rights carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary for respect of the rights and reputations of others. For the protection of national security or public order or of public health and morals.

ICCPR, Article 20:

Any propaganda for war shall be prohibited by law. Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.

Article 20 of the UDHR claims the rights to assembly and association, Article 21 claims civil and political rights to political and public service. Article 22 claims the economic, social and cultural right to social security. Article 23 claims the economic, social and cultural right to work. Article 24 concerns the right to leisure, limitation of working hours, and periodic holidays with pay.

Article 25 of the UDHR claims the right to food and health:

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

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2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26 of the UDHR concerns the economic, social and cultural right to education (see also ESCR, Article 13 and ESCR, Article 14 on implementation of the right to education) (*ibid.* 145). ESCR, Article 13(1):

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance, and friendship among all nations and all racial, ethnic, or religious groups, and further the activities of the United Nations for the maintenance of peace.

Article 27 of the UDHR concerns rights to culture:

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28 of the UDHR claims the right to international polity:

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29 of the UDHR claims duties and rights:

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the

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just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30 of the UDHR secures the integrity of the UDHR:

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

There are legal rights that are not mentioned in the UDHR, but in the ICCPR:

ICCPR Article 14, paragraph 5 claims the right to appeal (*ibid.* 89):

Everyone convicted of a crime shall have the right to his or her conviction and sentence being reviewed by a higher tribunal according to law.

ICCPR Article 9, paragraph 3 claims the right to bail (*ibid.* 92–93):

It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

ICCPR Article 9, paragraph 5 claims the right to compensation (*ibid.* 94):

Anyone who has been a victim of unlawful arrest or detention shall have an enforceable right to compensation.

ICCPR Article 11 claims a right concerning contract inability (*ibid.* 96)

No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation.

The UDHR does not explicitly mention the death penalty. ICCPR Article 6 claims that this “penalty can only be carried out pursuant to a final judgment rendered by a competent court” and is substantially broadened in the ICCPR’s Second Optional Protocol on Capital Punishment, 1989: Article 1, paragraph 1: “no one within the

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jurisdiction of a State Party to the present Protocol shall be executed”; and paragraph 2: “each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction” (*ibid.* 99).

Due process of law is not mentioned in the covenants or conventions on international human rights law (*ibid.* 105). “Due process of law is the exercise of the powers of government to provide protection to one accused of violation of the law and to afford the accused of his or her rights of protection if or until a determination of an accusation is made by judicial authority” (*ibid.*). United States Supreme Court Justice Felix Frankfurter affirms: “The history of liberty has largely been the history of the observance of procedural safeguards” (*ibid.* 106). “The foundation rights of Legal Rights are basic to the enjoyment of due process of the law. The five categories of due process rights are arrest, detention, trial, post-trial, and punishment” (*ibid.*).

1.12 The social realization of dignity as condition for the validity of claims

I do not claim that dignity is realized on earth when all these human rights are implemented into national legislation. All I claim is that the social realization of dignity with a speech-act performed by at least two persons is an elementary realization of dignity that helps and contributes to strengthening a world polity for the rule of human rights law. I do not claim that the speech-act of at least two persons aims to realize this rule of human rights law on earth. I only claim that the social realization of dignity with a speech-act of at least two persons primarily concerns the two or more persons performing the speech-act. Yes, I am convinced that the social realization of dignity by two persons speaking to each other is an elementary realization of communicative competence. When thinking about my encounters, experiences and existential feelings and assessing how I feel and how I am doing, I look at the speech-acts that I realize with persons or want to realize and keep asking myself if there is respect, enhancement and empowerment of dignity of the performing persons and myself.

Philosophers of the social, philosophers of the world and language philosophers like to speak of fairness, social realizations and ideal discourse situations. I learned a lot from all these philosophers that ask for generalization of their theses from the point of view of Western liberal democracy. Since the world is all that is the case and there is Europe, the Americas, Asia, Africa and Australia, I would like to think about fulfilment of life and dignity on the basis of world peace.

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Instead of an ideal discourse situation, I prefer to talk about an institutional situation that aids the social realization of dignity in speech-acts. The institutional situation, setting, or polity of the speech-act as the social realization of dignity is the rule of human rights law. Human rights are already implemented by many of the world's nation states, but the rule of human rights law still has a long way to go before it is effectively realized in this world.

However, the validity of the condition of a claim to validity has to be constructed socially. In any case, the validation will be done in speech-acts under the general condition of language. In practice, freedom for an individual speech-act of at least two persons is necessary to realize the dignity of the performing persons. The beginning of a step in the triad of the discourse theory is a speech-act and the result of a step is again a speech-act.

A first step of discourse theory consists of the process of acquiring clarity about what is claimed in the sentence or sentences spoken by a Speaker A. The Listener B in this speech-act in a second step agrees with A to a series of further speech-acts that attempt to explain the claim to validity that A has made. A and B must make sure that the claim to validity is clear. Wittgenstein understood that with the help of a sentence the speaker not only shows what the case is, but also says that what the sentence shows is the case. Wittgenstein assess the *a priori* of the sense of the sentence. The *a priori* of the sense implies the egalitarian principle that there are no privileged sentences. Habermas insisted that it is justified to put forward speech-acts that claim validity. To undertake speech-acts is a fundamental right. Habermas proposes discourse theory in order to identify the claims to validity of a sentence in a speech-act. Discourse theory is a social practice to develop communicative competence and to assure the equal dignity, freedom and rights of the discourse partners. One of the misunderstandings concerning discourse theory consists of confusing the justification of a claim with the truth-values true and false.

The second step in the triad of discourse theory consists of describing the validity conditions of the claim to validity. The validity condition of a claim to validity describes the social setting for the realization of the claim. I suggest the social realization of Human Rights as the fundamental social setting for describing the validity condition of a claim to validity.

Speaker A, who speaks the speech-act and says that she complies with the validity-condition, asserts a claim. This claim has to be examined and assessed to determine whether the validity-condition can be met and realized by A. The claim to the validity of a claim equals the proof that the validity-condition for the claim is realized. The third step of the triad in discourse theory consists of the discussion that the claim to validity is met. The speech-act "that somebody is claiming validity for a claim because the validity-condition of the claim has been realized" has to be discussed. This discussion will involve many speech-acts. Traditionally speaking, the claim to validity has to be demonstrated to be capable of being realized in order to fulfill the condition of validity. Compliance of the claim with the validity-condition is used as a regulative principle for the social practice of discourse, it is not used to produce or claim any truth. Consensus of the speakers does not assess a truth. Consensus of the speakers validates a claim as valid or as not valid. The ability and readiness to show that one can keep the promise to fulfill the validity-condition are very important. In the seminar Habermas used the terms "claim to validity" and "claim to rightness" synonymously. The discussion of the validity-condition leads to the further development and constant amelioration of human rights. I am aware that many speech-acts made on this earth are made despite a lack of either the condition of institutionalized human rights or personal access to human rights. The institutional realization and personal access to human rights as the institutional setting for speech-acts that realize dignity is a UDHR claim. Yet, history bears testimony to the unspeakable suffering of men and women that are not allowed to say what they want to say. This is not an argument against human rights. Indeed, it is proof of the violence that men and women inflict on men and women on this earth.

At least two persons, a speaker and a listener, perform speech-acts. It is language, which permits the realization of speech-acts, and language is cultured and nurtured again by speech-acts. One may call language an "institution." The institutional aspect describes language as the general condition of free speech-acts. The validity-condition of free discourse is part of the "institutional" setting of a speech-act. Wittgenstein would say that a sentence shows what the case is. It is the task of philosophy to provide a critique of language, that is to clarify what was said. Habermas would say that the speech-act and the sentences have to be investigated with the help of a validity-condition for what they say. That we say something in speech-acts and that sentences say something is part of the sense of speech-acts and sentences. If I say something, I

have to put forward my conditions for the validity of what I say. Wittgenstein says that the sentence not only shows what the case is, but also that what the sentence says is indeed the case. The truth-tables and the steps of the discourse are methods for investigating claims. The truth-tables investigate logical truth on the basis of a two-valued logic. Discourse theory spells out rules for argumentation in the constitutional setting of language and culture. Discourse theory is a suggestion for dealing with each other in language on the basis of freedom, respect, tolerance and the constitution of rational arguments.

Habermas started his speech on "Religion in the Public Sphere" by stating that religious traditions had "grown the world over" and surprisingly "at the heart of Western society" itself to have an "unexpected political importance" (Habermas 2005: 1–2). Habermas announces that in this situation he wants "to bring to mind the liberal premises of the constitutional state" on the basis of the "separation of state and church at the institutional level" that had developed in the West, and will then propose "what religious and secular citizens should mutually expect from one another" (*ibid.* 4–5). The necessary civic duties for this learning process are: taking "the perspective of the other" and proceeding by "the deliberative mode of democratic will formation" (*ibid.* 6). From this follows that political institutions of the state have "to formulate and justify laws, court rulings, decrees and measures only in a language that is equally accessible to all citizens" (*ibid.* 7). What Habermas does not address is the fact that democracies in Europe and the US suffer from the inability of political parties to express the needs of the citizens. The political elite speaks a language that does not speak to the people and does not listen enough. I do not like to use the term "language" for the use of words and sentences that are no longer accessible to all citizens. The language games of the specialists follow rules that are rules of common language. Political elites, lawyers, economists, medical doctors, IT professionals and many more communicate according to rules that are not equally accessible to all citizens. I claim that a medical doctor must inform a patient in an understandable way. Comprehensibility has to be claimed in order to talk about the claim to validity that is made by the speaker of a speech-act involving at least two persons. Language games expressing and claiming worldviews and religious convictions are included in the claim to comprehensibility as a possibility-condition for validity and further discussion or discourse. The process through which the believer goes in presenting her or his belief and conviction in an understandable

way, that is equally accessible to all citizens, Habermas calls transformation and translation (*ibid.* 11–12).

I would expect both the citizen who expresses her or his public secular views and the citizen who expresses her or his public religious views to express themselves "in a generally accessible language" (*ibid.* 10). The comprehensibility of sentences spoken by a Speaker A is the possibility-condition for a Listener B to start a dialogue that attempts to identify the claims to validity made by the Speaker A. Once the claim to validity is clear, the discussion of the fulfillment of the validity-condition of the claim can commence. Is it legitimate to take human rights as a validity-condition for claims to validity if these claims concern secular or religious claims? To be clear: I do not claim the legitimacy of believing or not believing. Both the believer and the person who does not believe the teachings of a religion, have to explain their claims to validity without asking the discourse partner to become a believer or to pretend to be a believer or to not believe particular religious teachings. I agree with Habermas that the secular as well as the religious beliefs in the public sphere "rely on joint ventures of translation to receive the chance to be taken up in the agendas and negotiations within political bodies" (*ibid.* 12–13). Is it legitimate to use "religious arguments" in political decision-making? Do religious arguments permit "a fair deliberation preceding the vote" (*ibid.* 13)? If the religious arguments are justified in sentences that are "equally accessible to all citizens" - it is clear that for Habermas accessibility is the term that expresses the priority of secular reason in the political arena -, then it is ok to express religious arguments (*ibid.* 14–15). The self-limitation of secular reason in relation to religion (*ibid.* 17) does not exclusively accept knowledge from "experimental evidence, natural laws, causal explanations etc.," but accepts persons as agents of responsibility for "moral, legal and evaluative propositions, no less than religious statements" (*ibid.* 17–18). "Certainties of faith and validity claims that can be publicly criticized" (*ibid.* 20) have to be analyzed as different realities and both need to be integrated into the deliberative kind of politics that the constitutional state demands (*ibid.* 21). The distinction between faith and knowledge is important for Habermas, and keeping up this difference demands an agnostic approach on the part of the philosopher and thinker, who wants to learn from religion "while remaining strictly agnostic" (*ibid.* 20). The expression "agnostic" as employed by Habermas is also used to describe the self-discipline of the philosopher who refrains from prophecies on the future of religions, faith or the development of the knowledge of the world (Habermas 2007: 400).

At a symposium in Vienna, Habermas speaks to Catholic and Protestant philosophers and theologians that for two days had discussed and practiced the learning process on the relations of discourse philosophy, ethics, theology and religion (Habermas 2007). Habermas says that his liberal Protestant family promoted a pacifist attitude towards Church and Theology; for the secular minds of his generation he claims to still be able to live off memories of his family's religious socialization (*ibid.* 367). Contemporary generations in the West no longer live off memories of religious socialization. In this sense it is useful, in my opinion, to speak of a post-secular age, because in the West secular institutions and religious institutions were not possible without their mutual fight for influence and power. The individualization of religious faith in the West goes along with the individualization of the public sphere in the West in general. It is also more precise to speak of a post-Greek metaphysic age in the West, because metaphysic nonsense flourishes as it always has. For the dialogue, Habermas once more invokes "pragmatic universals." These rules generate the learning process and can be understood as the rules of the language games that are common to the community of German-speaking persons, but Habermas wants more: He claims that the discourse situation takes reciprocal perspectives when speaking, listening, participating and observing as guarantee for the mutual understanding of the participating rationalities (Habermas 2007: 386). For philosophy Habermas claims that there is a mediating role between faith and knowledge that respects limiting itself to claims concerning universal rights - that is the Kantian investigation of the legitimacy of the norms in force - and a universal moral by absolutely declining to propose proper concepts of the good (*ibid.* 387).

Words like crime and punishment, liberation, human dignity and humiliation, solidarity and treason, the expressions of moral feelings, anxieties and desires that still indicate a religious background exemplify that secular public discourse is compatible with traditional religious semantics (*ibid.* 388/89). The undifferentiated public mention of evil or the axis of evil in the wake of September 11, 2001 painfully demonstrates the ongoing need to clarify the concepts we use in secular public discourse (*ibid.* 389). Habermas' most precious contribution to theologizing consists, in my opinion, of his insistence that in religion we speak of realizing liberty and freedom and not of how freedom is constituted (*ibid.* 368). Religious consciousness has to be realized from within the believer and from the praxis of the community - like John Rawls' mode of human being - claims Habermas (*ibid.* 372). The community as a learning community

that interprets along a logic of creative processes practices a particular religious tradition. Habermas appreciates Schleiermacher's differentiation between the inner perspective of a religious tradition of a faith community organized as a church and the philosophical justification of the religious feeling (*ibid.* 392). One must do a lot of philosophizing to realize that religious experience is not generated by philosophy.

If I want to assess the social realization of dignity by speech-acts of at least two persons, I will look at the sentences of the speech-acts and investigate the use of the term dignity. Dignity, freedom, equality and rights are relatively new words in the use of human languages. It makes sense to encourage women, men and queer to use these new words in their speech-acts, because the frequent use of these words is responsible for a lasting realization over a long period of time. A high frequency of use guarantees the sustainability of the words and concepts. I am not the scientist expert to judge the findings and hypotheses of the authors of the study on the conservation of words in a spoken language (Pagel et al. 2013). Yet I find the results for old words interesting in the context of the question how new words acquire a sustained practice. The authors "use a statistical model that takes into account the frequency with which words are used in common everyday speech, to predict the existence of a set" of some highly conserved words among the seven language families of Eurasia (the Altaic, Chukchi-Kamchatkan, Dravidian, Inuit-Yupik, Indo-European, Kartvelian, and Uralic language families). These "ultraconserved" words formed a postulated ancient Eurasiatic "linguistic superfamily that evolved from a common ancestor around 15,000 y ago" (*ibid.* 8471). Most lexical items have short linguistic half-lives of just a few thousand years (*ibid.*). Words that have a common etymological origin in linguistics are called "cognates." The following 23 words can be seen as cognates among the Eurasiatic language families: Thou, I, Not, That, We, To give, Who, This, What, Man or Male, Ye, Old, Mother, To hear, Hand, Fire, To pull, Black, To flow, Bark, Ashes, To spit, Worm (*ibid.* 8474). These 23 words have not been replaced from the members of the Eurasiatic language families because they were used more frequently than others (*ibid.* 8474). High-frequency words, that is words that count around 16 uses per day per speaker (*ibid.* 8473), in human language "can achieve a remarkable degree of replication fidelity" (*ibid.* 8476). "This finding is all the more surprising given that words are culturally transmitted replicators, passed many thousands of times from speaker to speaker in every generation, and subject to the potentially corrupting influences of competing words, borrowings, and sound production errors" (*ibid.*).

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1 “All human beings are born free and equal in dignity and rights.”

Notes

- ⁱ First sentence of Article 1 of the Universal Declaration of Human Rights. “Universal Declaration of Human Rights,” United Nations, http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf (accessed October 6, 2017).
- ⁱⁱ Zitiert mit Genehmigung des Philosophischen Archivs der Universität Konstanz. Alle Rechte vorbehalten. Cited with permission of the Philosophische Archiv of the University of Constance. All rights reserved.
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- ^{iv} I cite from the notes I took in the seminar.
- ^v Sesh Kemet, Egyptian scribe. <https://seshkemet.weebly.com/kemet-names.html> (accessed November 27, 2017).
- ^{vi} <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-16-peace-justice-and-strong-institutions.html> (accessed November 27, 2017).
- ^{vii} “Universal Declaration of Human Rights,” United Nations, www.un.org/en/universal-declaration-human-rights (accessed November 26, 2017).
- ^{viii} “Vienna Declaration and Programme of Action,” United Nations, www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf (accessed November 26, 2017).
- ^{ix} “International Convention on Economic, Social and Cultural Rights” and “International Covenant on Civil and Political Rights” United Nations, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (accessed December 3, 2017).
- ^x “Convention on the Elimination of All Forms of Discrimination against Women” <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (accessed December 3, 2017).
- ^{xi} “Convention on the Rights of the Child” <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (accessed December 3, 2017).
- ^{xii} <http://www.un.org/en/member-states/> (accessed December 4, 2017).

2 “The way you use the word ‘God’ does not show whom you mean – but, rather, what you mean” (Wittgenstein 1980b. 51e)

2.1 Pictures of stars, atoms and persons

Light is the fastest-moving wave or corpuscle in the universe; it travels 300,000 km per second (McClure 2017). A light-year, the distance light travels in one year, is 9.5 trillion km (*ibid.*). To express the distance scale of the Universe in comprehensible terms, the twentieth century astronomer Robert Burnham Jr. related the light-year to the astronomical unit (AU) that is the Earth-Sun distance (*ibid.*). One astronomical unit, the Earth-Sun distance, equals about 150 million kilometers or the distance light travels in 8 minutes and 19 seconds (*ibid.*).

Scaling the Earth-Sun distance at 2.5 centimeters, Alpha Centauri, the closest star to Earth other than the Sun, is 7 kilometers distant. The center of the Milky Way Galaxy, the galaxy the earth belongs to, is 43,500 kilometers away and the Great Andromeda Galaxy is 3,700,000 kilometers distant (*ibid.*). Light takes 8 minutes and 19 seconds to travel from the Sun to Earth. It takes 4.4 light years to go from Earth to Alpha Centauri (*ibid.*).

The connection between distance and the speed of light puts Earth inside an observable sphere with a radius of 13.8 billion light-years; the sphere limits what can be seen, but the observable universe is not all that is out there (Taylor Redd 2017). Scaling again the Earth-Sun distance at 2.5 centimeters, 13.8 billion light-years corresponds to an unimaginable 218 billion kilometers. The multiverse hypothesis suggests that our universe, already unimaginable in size, is just one bubble of another universe of bubbles of universes.

Bruce McClure is not a scientist. He writes on the website EarthSky and tries to explain some astronomical facts in an understandable way (McClure 2017). This is why I turned to his article to get an understandable impression of my incredibly unlikely existence on planet Earth and within the universe. In relation to the size of the Milky Way Galaxy, Earth is a small particle of dust and I am but a scattered particle of spatial atoms that got lost in the universe and reassembled on earth. In relation to the universe of galaxies in space, Earth resembles an insignificantly small and scattered particle

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stemming from all kinds of spatial matter and energies. This insignificant particle Earth is nevertheless kept alive by a preciously stable equilibrium maintained by the innumerable necessary constants for matter and energies. Within the distances of the universe, that has unimaginably expanded and is still expanding at the speed of light, these are shown as something like the possibility condition of life.

There is no doubt that the Sun's light is a possibility condition for life on earth. It is interesting though, that the speed of light of the expanding universe does not govern the physical and biological processes on earth itself. The speed of the processes that operate the microcosm of the human body is definitely very slow compared to the speed of light. Although atoms, considered the basic elements of life, are not visible to the human eye, the relationship between their diameter of about 0.1 nanometer and the average diameter of a mammalian cell, which is about 20 micrometersⁱ, is indefinitely larger than the relationship between the size of Earth and the size of the observable universe. I am aware that the shapes and sizes of the 200 human cell types that perform the functions needed to keep the human body alive show a variety of sizes; mature female egg cells are among the largest cell types and show a diameter of about 120 micrometersⁱⁱ. Scaling an average mammalian cell with a diameter of 20 micrometers should serve to give a comprehensible picture of the size relationship between atoms and cells. The relationship between the diameter of a hydrogen atom and the average diameter of a mammalian cell is 1 : 100,000. The relationship between Earth's diameter of 12,742 kilometers and the radius of the observable universe of 13.8 billion light-years, keeping in mind that one light-year equals 9.5 trillion km, is about 1 : 1 quintillion. I am not capable of imagining this type of relationship.

An atom consists of a centrally located nucleus surrounded by electronsⁱⁱⁱ. The diameter of the nucleus is about 10^{-13} – 10^{-12} cm and the nucleus accounts for 99 per cent of the mass of the atom. The nucleus is made up of neutrons and protons that show a diameter of about 10^{-14} – 10^{-13} cm. The diameter of the atom is in the range of about 10^{-8} cm.^{iv} If I scale the nucleus at 1 meter, it would take me 10,000 to 100,000 meters to get to the orbits of the electrons that determine the chemical properties of the atom. This means that the diameter of an atom is more than 10,000 times the diameter of its nucleus^v. If I scale the nucleus of the atom at 1 meter again, it will take me 2 million meters or 2,000 kilometers to reach the diameter of a deoxyribonucleic

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acid molecule, the carrier of genetic information, and at least some 2 billion meters or 2 million kilometers to reach the cell membrane.

McClure scaled the Earth-Sun distance of 150 million kilometers at 2.5 centimeters in order to give a comprehensible picture of the distance from Earth to Alpha Centauri, to the center of the Milky Way Galaxy and to the Great Andromeda Galaxy (McClure 2017). I shall scale the nucleus of the atom at 1 centimeter in order to provide a comprehensible picture of the distance from the nucleus of an atom at the center of a human cell to the membrane of that cell. Actually, the nucleus of an atom has a diameter of about 10^{-13} – 10^{-12} cm. If I scale the diameter of the nucleus of the atom at 1 centimeter, the distance to the membrane of that same cell is about 200 million kilometers. The Earth-Sun distance is 150 million kilometers. The scaling experiment for the purpose of imaging the distance from the nucleus of an atom at the center of the nucleus of a human cell to the cell membrane permits us to grasp the dimensions of the inner universe of the human body. Compared to the immense vastness of the visible universe, the molecular microcosm of a human cell appears to constitute a precious tiny unit of life on earth that one would expect to disappear from the cosmos rather than be nurtured to develop into a human body.

Is it possible to count the number of cells in a human body (Zimmer 2013)? The author checked publications from the last two centuries and found a range from 5 billion to 200 million trillion cells (*ibid.*). If we take the mean weight of a cell to be 1 nanogram and an adult man to weigh 70 kilograms, we can conclude that 70 trillion cells make up that man (*ibid.*). If we calculate the volume of cells one might conclude the body of that man consists of 15 trillion cells (*ibid.*). The author refers to a paper that estimated the number of cells in the body by breaking the body down by organs and cell types and reached a figure of 37.2 trillion cells. It is up to scientists to produce better estimates. For me it is amazing and the possibility condition of my body that some 37 trillion cells can cooperate for decades (*ibid.*).

The most complex organ in the human body is the brain.^{vi} Some 86 billion neurons form complex circuits that by way of electrical and chemical signals share information, communicate and coordinate the action of neurons in order to assure the proper functioning of the nervous system (*ibid.*). An individual neuron may be connected to up to 10,000 other neurons, signaling to each other via as many as 1,000 trillion synaptic connections.^{vii} The estimates that this signaling activity corresponds to a computer with

a 1 trillion bit per second processor and that the human brain's memory capacity varies from 1 to 1,000 terabytes are quite impressive (*ibid.*). Comparing this brain capacity to the 19 million volumes in the US Library of Congress that represent about 10 terabytes of data (*ibid.*) helps us recognize the immense work load undertaken by the brain. It is also true that only a very small part of the brain's activities reach the level of consciousness. If the human senses gather some 11 million bits of information per second from the environment, we have to acknowledge that our conscious activity amounts to about 50 bits per second, corresponding to a reading rate of about 5 words per second.^{viii} I do not want to compare the functioning of the human brain to the functioning of the processor of a computer. The physiological knowledge of the neurons working with chemical and electrical signals looks like a very rudimentary, simple and incomplete empirical model on the way to understanding the working of the human brain as a whole. Yet this modest knowledge already enables us to understand diseases and produce medications and therapies for many women, men and queer who suffer from malfunctions of the nervous system. It is up to the scientists working in neurobiology and many other disciplines to acquire a knowledge and understanding of the functions and modes of operation of the human brain, of unconscious processes and experiences of consciousness, memory, feelings, decision making, learning and behavior. I do not work as a scientist. I simply keep observing my speaking agency operating speech acts and try to conduct speech acts that show their sense and comply with human dignity. It is not my intention to speak of causalities or to produce hypotheses for scientific experiments. Nevertheless, empiric knowledge helps me understand how I am able to cope with the challenges of life and that at every moment of my existence I have to realize life-sustaining interactions with my environment. The nervous system is influenced by and influences all other body systems like the cardiovascular, endocrine, gastrointestinal and immune systems and enables us to walk, breathe, think, behave and live.^{ix} The brain enables us to be creative persons and to experience great personal satisfaction from our creative endeavors. It must be exciting for scientists to develop models and to access and picture the many neuronal networks that are constructed, that function or stop functioning over time. It must be exciting to be able to observe one day the oscillating cooperation of neurons and to understand the results of neuronal operations. It is true that brain and body disorders cause the nervous system to malfunction, disabling its ability to communicate and coordinate with some body functions (*ibid.*).

Models that permit us to better understand the human brain include “miniaturized, simplified versions of brain tissue grown in a dish from stem cells – brain organoids” (Farahany et. al. 2018, 429). It is very interesting for me to observe that the question of possible “conscious experience or subjective phenomenal states” again leads to ethics discussions about the moral status and the ethics of this kind of research (*ibid.*). This ethics discussion has already started although “the possibility of organoids becoming conscious to some degree or of acquiring other higher-order properties, such as the ability to feel distress, seems highly remote (*ibid.* 430). In 2018 the largest organoids are “about 4 millimeters in diameter and contain only about 2 million to 3 million cells,” whereas an adult human brain “is made up of 86 billion neurons and a similar number of non-neuronal cells” (*ibid.*). Nevertheless, as science advances, the possibility of brain surrogates having “capabilities akin to human sentience” or “being able to store and retrieve memories, or perhaps even having some perception of agency or awareness of self” causes scientists to call on “civil society, researchers, ethicists, funders and reviewers” to reflect on the ethics guidelines for this kind of research (*ibid.* 431).

What do we call and how do we describe the ordered functioning of the brain and our body? The Constitution of the World Health Organization states that “Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity” (WHO 1948). In 1948, the dominant medical theories still modelled health exclusively according to defined physical norms for the human organs and body parts. It took some decades to get doctors to understand health in a holistic way, to pay attention to and work with the many aspects that contribute to an individual’s holistic integrity and health. It is important that a description of the health of a human being reflect an understanding of health that connects physical, mental and social factors; yet it is true that the claim to “complete physical, mental and social well-being” rarely meets its validity condition, that is the realization of “complete well-being” as put forth by the WHO (*ibid.*). I am content to claim that I am happy to enjoy a stable and sustainable state of well-being. To experience every now and then moments of perfect happiness and complete well-being already qualifies in my eyes as a special gift of life. Wolfgang Wesiack taught me to understand health as an agency of the individual person. Together with Uexkuell he developed the concept of health as an individual’s activity to uphold her or his bio-psycho-social integrity (Uexkuell and Wesiack 1973). Health must be considered a function, by which individuals operate their holistic

integrity and give meaning to their life. Every day, every individual must take many variables into account in order to stay healthy and attain integral health. Maintaining one's psycho-social integrity on a daily and constant basis is the product of conscious and unconscious efforts. I understand personal integrity to be an individual's state of well-being. External and internal variables that constantly arrive in the brain have to be coordinated and processed to produce the bio-psycho-social equilibrium that constitutes one's personal integrity. These variables concern biological aspects such as blood pressure, weight, etc. There are psychological and social aspects like family life, education, job situation, economic situation, friends, etc. There are also political aspects like security, political participation, legal situation and a basic realization of the rule of law, cultural aspects like, for example, religion, mass and social media. It is a fact that the individual possesses a limited faculty to organize his or her health, because the resources that the individual possesses are limited.

The adult person works for her or his psycho-social integrity as a healthy person and everyone will agree that this kind of struggle for one's personal integrity already starts with the unborn baby, the pre-nate, the embryo and the fetus. It is only in recent decades that scientific interest has tried to recognize and articulate the vulnerability of the pre-nate and direct research to investigating the possibility that "prenate experiences can be remembered and have lifelong impact" (Emerson 2015. 1). It sounds feasible when Emerson claims that "life experiences are perceived in terms of prior and unresolved traumas" (*ibid.* 2). Recapitulation, that is the unconscious process of perceiving later life events on the basis of a prior traumatization that is retriggered from memory, already concerns pre-nate experiences of extreme and traumatic situations (*ibid.*). Recapitulation means that prenatal experiences shape how subsequent life experiences are perceived (Emerson 2015. 8). Although "the central nervous system is very rudimentary during the prenatal period," Emerson talks of a pre-nate consciousness and "that behavior that begins in utero is also likely to carry over into later life" and postulates a "cellular memory" as a physiological empiric basis for this claim (*ibid.*). I am not claiming any truth-value true for the empirical proof of something like the "cellular memory" that Emerson speaks of. Remembering traumas calls for a brain with the necessary development. Nevertheless, it is understandable that therapists like Emerson try to model the interactions between environmental factors like extreme and traumatic experiences of the mother and the embryo from the very early embryonic state of human development (Hochauf 2008. 270). The

understanding of physiological and psychological development of unborn children calls for concepts of infant research, research into early bonding and psychotraumatology in close cooperation with the young science of neurobiology. On a molecular basis I would agree with Emerson that from the very beginning of my first cellular parents the environment has been an important factor in my development. Endocrinologists tell us about the suspected noxious influence that the daily environment of toxic chemicals in Europe's way of life has on pregnant women and point to the collected facts about lower or higher thyroid hormones in pregnant women (Lorenzen 2018). Apparently, in 2018 still no scientific study in Europe would investigate the possible harmful effects of a mother's hormonal dysfunctions on the developing brain of her unborn baby (*ibid.*). I personally cannot testify to any trauma that I experienced in my first prenatal trimester, the time that understandably is considered responsible for the most formative experiences of a developing human life. On the contrary, I can thank the heavens that during the first five months of my intrauterine life I was nurtured by an exceptionally positive and empowering environment. If it is true that "research shows that what mothers experience, babies also experience" (Emerson 2015. 3), I can claim that my mother experienced a very happy life during the first five months of her pregnancy with me. Emerson insists that babies "have their own unique experiences" (*ibid.*). What is true for the adult (Uexkuell and Wesiack 1973) might already be true for the unborn baby: an individual's activity is of primordial and basic importance to uphold her or his bio-psycho-social integrity and struggle for health using the resources at the individual's disposal at the particular state of its development.

Speaking of stars and atoms, of neurobiology and speech acts that realize dignity implies no necessity to speak of one's embryonal biography and later development. The reason why I am writing about my personal prenatal and postnatal history is Renate Hochauf's article on the psychotherapy of adults who suffered prenatal traumatization (Hochauf 2008). In her case study she is able to relate authentic religious experience to the necessity to heal one's traumas, especially one's prenatal and perinatal extreme experiences (*ibid.* 273). Since I aim to describe my spiritual experiences as a meditating and praying Christian, I feel the need to legitimate my words describing my therapeutic and individual healing process from prenatal trauma in order to realize as an adult person the work for my psychophysical, social and spiritual integrity. Today it is common knowledge that human emotions greatly influence our lives. To be able to speak about one's emotions and integrate the

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emotional part of one's experience into the reflection on one's thoughts and words by working from an assessment of what really happens in my interactions with the environment, constitutes in my eyes a validity condition for the authenticity of any writing, researching, philosophizing or theologizing. Especially theologizing demands that we speak authentically and from personal experience. Hochauf demonstrates that a person's spiritual experiences cannot be described without giving consideration to other important aspects of the person. She reports from her case study of a 44-year-old female patient how self-healing efforts by meditation brought relief from the somatic pain for only a short time (*ibid.* 273). It was in the therapeutic setting that the patient experienced a healing process that liberated her from her somatic pains and symptoms (*ibid.* 270).

Now I would like to relate some psycho-biographic events from my life. When I was 17 years old I started to read regularly and even daily from the Prophets of the Old Testament. I continued this practice through my medical studies until 1980. When reading the Prophets I almost instantly found relief from my feeling of abandonment and being lost in space. I immediately identified with their complaining, lamenting and crying about their miserable situation of being isolated, persecuted and suffering as in the Psalms of lament. After a few minutes of empathic identification I joined them in praising God for rescuing me from such pain and in giving thanks for the received infinite comfort and experience of absolute safety and inner peace. This experience of abandonment, loss, isolation and subsequently of safety and comfort provided help and relief, but it did not stop the repeated recapitulation of my prenatal extreme experience and later birth complications. I was not yet aware of my prenatal extreme experiences and was therefore not able to recognize that my feelings of abandonment, loss and angst stemmed from the prenatal trauma situation and were not connected to any reality in my adult environment. Over time I wondered why I was not able to relate positively to other stories from the Old or New Testament and started brooding over this. My healing process started in the Jesuit Novitiate in Muenster, Westphalia in 1980. We were visited by a Jesuit father who was working as a psychotherapist with religious men and women. The novices were invited to work with him for a couple of days and I was very positive and welcomed the opportunity to learn something about myself. The psychotherapist encouraged us to remember our dreams. I had never ever remembered my dreams and decided to concentrate on that memory work. After a couple of months I actually remembered a dream in which my father was looking at me

angrily from his side of the car and reproachfully pointed at a small body wrapped in a grey sheet on the floor. In the bundle was my dead brother John. I knew that my parents had suffered a terrible tragedy when the right front door of the car unexpectedly opened while the car was in motion and John who was three years older than me fell out of the car. He died three days later from his fatal injuries. Although my father had not developed a caring relationship with me and rarely spoke with me about things concerning my life, I never felt that my father held me responsible for the death of my brother, whom he loved very much. At the time of the accident, my mother was five months pregnant with me and she had complied with John's request to let him sit on her lap. My father never talked to me about the accident or John. Nevertheless, I became aware that he suffered greatly from the loss of his beloved son from a conversation he held with the wife of a friend who was about to die. He told her of his pain while I was standing nearby listening. As a child I was told by friends of my parents that my mother went through a terrible bout of depression following the death of my brother John. My brother Mark, who was two years younger than John, and I were told very early by our mother about the accident and John's death. I learned from my mother empathy and to have compassion with her and admired the dignity of her efforts to cope with this life tragedy. My mother also told me about complications surrounding my birth. It was only some three years later during my theological studies in Frankfurt that I became conscious of the many feelings, mostly positive and some negative, that habited my inner self and that I was able to produce and experience. Two years of group psychotherapy reassured me of the richness of my feelings and emotions. After my birth, the depth, intensity and duration of my mother's bonding was overprotective. My mother was a highly nurturing and caring mother, whose love for me knew no bounds. I imagine that this understanding, acknowledgement, and compassion were fueled by the immense feelings of guilt that my mother harbored and the fact that she wanted to prove to the world that she was a loving and caring mother and did not murder her children. My psychotherapy and the keeping of a diary really were about this Oedipal relationship and my slowly reaching out and developing loving relations with other persons. I asked myself whether living in the Jesuit Order proved that I maintained a defensive stance toward the world? I wondered if I was keeping the world away from me? I asked myself if I was distancing myself from others, especially from relationships with women and slowly learned to engage in relationships. Work with myself continued and I recognized codependent relationships, developed my ability to

bond with others and to trust in relationships. It took years of working with myself and to realize where I was overcomplying with life, at the price of my personal interests. It took more years to recognize that overcompliance feeds hostility and aggression toward others, since one cannot take care of oneself when constantly satisfying the needs of others.

An important part of the process was my psychotherapy and the supervision of my medical work by Wolfgang Wesiack in Innsbruck from 1991 to 1995. It was not until a couple of years ago when I read the article by Hochauf (2008) that I was able to connect my birth trauma that repeated my prenatal trauma with the regularly repeated experiences of abandonment, loss and inability to connect with time and space and persons. Through therapy and meditation I learned that I was safe and at peace. I recognized that my childhood enabled me to experience feelings of safety, security, and growth. I was granted the wonderful gift of living in a growing and intimate relationship with a loving partner. And this experience of security and comfort was the possibility condition for recognizing that my episodes of angst and feeling abandoned in time were triggered by the perinatal trauma that was already the consequence of my prenatal trauma. Realizing that I was actually able to continue to live through my prenatal development notwithstanding the difficult environmental conditions of the last five months of my uterine life was an reassuring experience. When some years ago I was experiencing a real threat to my social existence, I realized that I had astonishing and ultimately successful resistance capabilities. Some 55 years earlier I decided to spend three weeks more than expected in the uterus, after which an intervention by the most experienced medical specialist in Linz, Upper Austria, forced me to abruptly enter the world. Realizing and consciously imagining that even the extremely difficult phase of the last five months of my intrauterine life actually did not impede my life enabled me to distance myself from the trauma. An effective method of distancing me from the prenatal trauma is to speak to myself and ask my body to ensure my personal integrity. Somehow my body then realizes that everything is all right and I start feeling safe and secure, calm with inner and outer peace and very comforted. This is the right moment to start meditating, reading the Bible, meditating again and saying prayers of thanks. Assessing first that I live in a secure environment that is free of abandonment and loss and by consciously confronting the still occurring pre-verbal and pre-symbolic trauma-triggered sensations of abandonment, loss and angst as unique events of a

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past that is gone and starting to feel safe and secure is my validity condition for speaking with authenticity about my spiritual experiences.

If I look at my personal integrity and health in the context of the personal integrity and the health of all women, men and queer on this earth, I have to assess the privilege of the high quality of my psychophysical, social, economic and cultural situation in contemporary Europe as compared to many parts of the world.

Principle Two of the Constitution of the World Health Organization states: “The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.” Principle Three states: “The health of all peoples is fundamental to the attainment of peace and security and is dependent on the fullest co-operation of individuals and States” (WHO 1948). In 2017 the United Nations writes on the occasion of the International Day for the Eradication of Poverty, November 17: “Poverty has declined globally, from 1.7 billion people in 1999 to 767 million in 2013, a drop in the global poverty rate from 28 per cent in 1999 to 11 per cent in 2013.”^x This reduction in poverty is important but not enough. The United Nations reports: The overwhelming majority of people living below the poverty line of \$ 1.90 a day belong to two regions of the world: Southern Asia and sub-Saharan Africa. “High poverty rates are often found in small, fragile and conflict-affected countries; every day in 2014, 42,000 people had to abandon their homes to seek protection due to conflict and one in four children under age five in the world has inadequate height for his or her age.”^{xi} The last sentence already indicates that poverty significantly limits the resources for children’s health and leads to severe handicaps and sickness in millions of adults. The sad fact that about 700 million women, men and queer live on less than \$ 1.90 a day documents the scandal that they are refused access to resources that would help enhance their health, understood as a stable and sustainable state of physical, mental and social well-being.

2.2 Faith-sentences by women, men and queer show what they say

It is not surprising that psychologists insist on the importance of emotions for our quality and meaning of life. Yet, in 2018 it is still a pioneering effort for exegetes of Biblical literature to welcome at a congress psychologists that speak of the fundamental emotional aspects of our experiences of the world around us on the basis of how we

experience ourselves (Aichhorn and Kronberger 2012. 515). Emotions make possible the experience of individual meaning, of how we remember and what we remember, they are most relevant for our decisions and actions and help create personal relationships and interactions (*ibid.*). Within the mother-child dyad emotions are essential for development of the child's personality, identity and psycho-social integrity (*ibid.*). Fear, anger, happiness, disgust, contempt, sadness and surprise, envy, grief, feelings of shame and guilt are basic emotions. "Facial expressions, gestures, postures and vocal utterances" are physical responses linked to emotions; affects do not need any conscious cognitive representation; they are recognized by others as observable behavior and induce "within others similar emotions (mirroring), thus providing the basis for empathy, i.e., emotionally understanding another person" (*ibid.* 516). Emotional mirroring also functions with texts and enables meaningful interpretation of texts across centuries and cultures. Conscious perception of emotions from sensory information circuits of the central nervous system, neuronal regulation of emotions, and autonomously regulated vegetative and endocrine reactions to emotions are basic functions of the brain (*ibid.*). Long-term memory is only possible if the remembered experiences are emotionally important to us (*ibid.* 517).

Visual contact with the mother in the first year of life and later with other persons is of great importance in a child's physical and psychological development (*ibid.* 518). The mother's eyes and the feelings they express are of great interest for the baby and this face-to-face interaction influences both sides (*ibid.* 517). We may speak of psychological or social feedback, a matching of the emotional patterns of the mother and the baby that creates a "psychophysiological state similar to that of the other person," that is something like a mutual or reciprocal understanding (*ibid.*). Concerning the development of emotions, safe attachment provides a high level of positive affects that allows a balancing of positive and negative emotions (*ibid.* 518). If the mother is not capable of reflecting the infant's internal state and reacts only to the child's outwardly shown behavior and constantly fails to relate emotionally to her child, "the baby will respond with dejection, turning away from its mother and will withdraw" (*ibid.*). On the other hand, "spontaneous response to the feelings of three-year-olds promotes their mentalization skills and emotional understanding," emotional self-regulation and continuous differentiation of emotions "that also include cognitive aspects" (*ibid.*). If an empathic caregiver is able to correspond to the signals that the child provides, "a reciprocal information exchange is begun," emotions and communication come

together, "the baby is able to signal his or her needs as well as influence the caregiver" (*ibid.* 519). Proximity, sociality, and commonality are expressed by laughing and crying, "seeing another person cry touches us deeply and creates a bridge of empathy" (*ibid.* 520). We understand crying as an expression of loss and pain that "helps us to accept loss as a loss" and get on the way to reorientation "without having to deny our loss" (*ibid.*). By crying we again get in contact with "our painful experience that was interrupted through anger" (*ibid.* 521).

The mother-child dyad permits the development of empathy and the exchange of reciprocal information not only on the basis of gestures, facial expressions and vocal utterances. With time emotions and communication help develop an understanding of the use of words and the rules of the language games, the mother empowers the baby and child to speak and engage in speech-acts. As we learned before, prenatal experiences already influence the development of the baby's later emotions.

Understanding what we feel and experiencing our emotions is an important aspect of assessing our personal integrity as a physiologic, psychic, social, spiritual and cultural individual. "Social behavior is mainly linked to affective regulation" and cognitive regulative functions play only a minor part in our daily efforts for well-being and happiness (*ibid.* 524). Nurturing and culturing a balanced emotional life on the basis of experiences of empathy is the foundational principle of being empathic and practicing love, of mutually assuring our dignity and nearing the equal dignity, liberty and freedom of all women, men and queer.

If we desire to read testimonies of emotions concerning faith and religious experiences from the individual person of modern European Christianity, that develops with Martin Luther's Reformation and the Catholic attempts at conciliar reform, we may turn on the Catholic side to Ignatius of Loyola (1491?-1556). Inigo was born into the Basque nobility in the house Onaz de Loyola. At the age of 16 he left for Arévalo near Valladolid and Salamanca to acquire protection and education at the palace of Don Juan Velázquez-Velasco, whose wife was a relative of the Loyolas. Don Juan Velázquez-Velasco held the office of *Contador Mayor de Castilla*, that is Chancellor of the Exchequer of the Kingdom of Castille, that was about to expand to an empire of global dimensions. Don Juan Velázquez-Velasco was one of the most trusted and privileged vassals of King Ferdinand. When Ferdinand died in 1516, Don Juan Velázquez-Velasco lost all his privileges, offices and control over Arévalo. Ignatius lost his

protector and his remaining possibility for a career was the military. Don Antonio Manrique de Lara, viceroy of Navarra, took Ignatius into his service as an officer. In May 1521 Ignatius was wounded when the French army shelled the fortress of Pamplona that Ignatius was desperately defending with only a handful of soldiers. Pamplona surrendered and Ignatius was taken by the enemy to the mansion of the Loyolas to heal his leg that had been smashed in heavy shelling by the French artillery (Tellechea 1991. 45-73).

During the long and painful healing process Ignatius' way of viewing the world changed. From reading religious texts as well as observing and reflecting on their effect on his state of mind and mood Ignatius developed a culture of giving attention and importance to his emotional states. Fifteen years after first leaving home, he left a second time. He embarked on a pilgrimage that aimed to take him to Jerusalem by way of Montserrat, Manresa and Barcelona. The pilgrimage did not end in Jerusalem and lasted all his life (*ibid.* 98-107).

In Manresa he lived the life of an excessively ascetic beggar and exposed himself to experiences of prayer, meditation, doubt and trouble, depression and calm elevation of his spirit that he interpreted as a process of learning the ways of God, led by God's grace and love. In Manresa he started to carefully write down his experiences, ordered his notes in order to help lead others on their way to salvation and adhered to his practice of lived experiences, which he trusted more than his acquired theoretical knowledge. What later came to be known as the *Spiritual Exercises* (Loyola 1987) developed from the notes he made in Manresa. Ignatius lovingly makes an effort to provide the necessary external conditions for the exercitants' path to social choices concerning their life in freedom and conscious experience of their interiority while respecting his deepest conviction that grace motivates and moves every individual. The rules, instructions on how to proceed in meditation and prayer and themes of contemplation of the *Spiritual Exercises* are meant to help and accompany exercitants on their path of social choices and the realization of a Christian life (Tellechea 1991. 132). Repeated encounters with the Inquisition convinced Ignatius of the need to be ordained a priest. Only as a priest would he have the chance to be officially recognized by the Catholic Church for his preaching and teaching about Christian faith and the *Spiritual Exercises*. Ignatius subsequently studied Latin and Theology in Barcelona and Paris and at the age of 43 finally obtained a Master's degree in Theology

(Gemmingen 1979. 13). Seven years later, he succeeded in having the Pope in Rome recognize the Society of Jesus. On July 31, 1548 Pope Paul III approved the *Spiritual Exercises* in the bull *Pastoralis officii* (Tellechea 1991. 336).

Leading up to the 400th anniversary of the death of Saint Ignatius, the great Catholic theologian Karl Rahner (1904-1984) prepared a series of articles on the *Spiritual Exercises* and their significance for the spiritual life of the contemporary Christian (Rahner 1964). Rahner expressed his surprise that Saint Ignatius received the Church's legitimation for his *Spiritual Exercises*. Ignatius gives importance to the individual's religious experience. Saint Ignatius repeatedly and expressively makes clear that the anticipated social choices of the exercitant "must be indifferent or good in themselves and furthermore must remain within the realm of the teaching and practice of our holy mother the hierarchical Church" (Rahner 1964. 101). Rahner cites above from the *Spiritual Exercises* n. 170 and points to numbers 351, 353, 361 and 365, that again stress and repeat the same due obedience to the authority of the Catholic Church in matters of social choices of the individual (*ibid.*). It is quite clear that restriction of the possibility conditions of social choices to what the authorities of the Catholic Church allow does not agree with the validity condition for claims to the validity of social choices. In the sixteenth century, European societies were not familiar with the claim that all women, men and queer possess equal dignity, freedom, liberty and rights. Nevertheless, *Spiritual Exercises* explicitly addresses the possibility of preparing for and realizing social choices and in numbers 175 to 189 lays out procedures for the exercitant to proceed with the election of her or his choices. Saint Ignatius is aware of the emerging empowerment accorded by the individual's freedom and encourages the exercitant to make use of her or his liberty (*Spiritual Exercises* n. 234). Rahner confirms that "there is general agreement that the nature of the Exercises is ultimately determined by the fact that a choice, a vital decision, is to be made in them" (Rahner 1964. 89). If there is a social choice, there has to be liberty and freedom to decide on possible alternatives. Ignatius organizes the exercise of developing social choices in freedom and liberty within the setting of two speech-acts that constitute an integral part of the *Spiritual Exercises*. Both settings are described in *Spiritual Exercises* n. 15. One set of speech-acts concerns the communication between God and the exercitant. "During the Exercises the Creator and Lord himself (in contradistinction to mediation by human co-operation)" communicates "himself to the faithful soul" (Rahner 1964. 90). The exercitant feels embraced by God and

empowered to love and praise. The experience of love disposes the exercitant to go her or his way (*Spiritual Exercises* n. 15). The second set of speech-acts is realized by the exercitant, who on every day of the Exercises meets and informs her or his spiritual director about his or her experiences during the Exercises. In the same number 15 Ignatius lays down the rule for the person who accompanies the Exercises: This person must impartially respect the fact that “the Creator works directly with his creature and the creature with its Creator and Lord” (Rahner 1964. 90). Rahner calls the person who leads others through the Exercises, as Ignatius writes, the spiritual director. The Jesuits also call this person the Master of the Exercises. From number 15 of the *Spiritual Exercises* it is clear that the spiritual director does not direct or master the exercitant. The free communication with God within the exercitant must be respected. The exercitant decides freely to inform the director of her or his experiences. The person who accompanies the Exercises has to listen and accompany them with empathy, offering advice for the next steps in the Exercises while observing strict and impartial neutrality concerning the social choices and possible alternatives the exercitant speaks of.

The authorities of the Catholic Church protect the speech-acts of the exercitant and the spiritual director in order to realize the dignity and freedom of the speaker. It is a great exception that the Church recognized and encouraged the practice of the *Spiritual Exercises* when at the same time the Inquisition conducted by the Catholic Church and the State institutionalized torture and killed Christians for freely expressing their thoughts on the Christian faith and their religious convictions. Ignatius successfully obtained the Church’s approval for an institution, the *Spiritual Exercises*, that permitted some personal liberty concerning faith. The individual setting of the *Spiritual Exercises* guaranteed the realization of the dignity of the exercitant and of the person who accompanies the *Spiritual Exercises*, at least within the limits of this setting.

In 1956 Karl Rahner defended his interpretation of Saint Ignatius’ “doctrine of individual guidance by the Holy Spirit and of individual ethics” (Rahner 1964. 10, 12). Rahner wants to present his contribution of a “practical theology of Christian life and the Church” as a “private interpretation” and not as systematic situational ethics. His fellow German Jesuit and professor at the Pontifical Gregorian University in Rome Franz Xaver Hürth used Saint Ignatius to ensure Church discipline. In Rome, it was especially

important to demonstrate obedience to the Holy Office that had just officially condemned situational ethics (Rahner 1964. 12). What is this "grace-given experience of transcendence" (Rahner 1964. 156) all about that a few years before convening the Second Vatican Council to reform the Catholic Church and 400 years after Saint Ignatius still stirs a suspicion of individual Christian anarchy and ethical arbitrariness?

There is a first time for Election of a social choice (*Spiritual Exercises* n. 175) or "the First Mode of Election," whereas in cases of "actual revelation" a "fundamental central experience of direct relation to God must be assumed to be present and of prime importance" (Rahner 1946. 159). There is a second time for Election (*Spiritual Exercises* n. 176) or the experience "of the Second Mode of Election" that works as a trial, "an experimenting at one's own risk and peril, whether and how the central religious experience coheres with such and such limited, predicamental objects" that are such and such social choices (Rahner 1964. 159). The central religious experience, "the fundamental certitude that lies at the root of Ignatius' logic of concrete particulars, by which he recognizes the will of God" (Rahner 1964. 156), consists of receiving "much light and knowledge through experiencing consolations and desolation and by the experience of discernment of various spirits (n. 176)" (*ibid.* 157).

If the first and second modes of Election are not available, a third mode of Election is employed (*Spiritual Exercises* n. 178). "The third mode, therefore, is not selected because a man is free to pick his method of Election at will, but because God authorizes him to use it by relegating him to that position" (Rahner 1964. 168). This third mode is practiced "at a time which the exercitant interprets as a "time of calm" (*Spiritual Exercises* n. 177). She or he makes the social choice with "serene, joyous and harmonious lucidity" disposing of her or his capabilities of freedom, liberty, intellect, will and memory, "so that he thinks he has found the right solution by pondering and calculating acutely and lucidly, pencil in hand, without being moved by any spirits at all" (Rahner 1964. 168-169). Since in number 333 of the *Spiritual Exercises* Ignatius regards "calm and quiet" also as signs of motion by the good spirit, Rahner suggests that in this third mode of Election "in actual fact the process of the second mode is occurring, but in a less explicit form" (*ibid.* 168). The second mode of Election is based on an experience of "consolation," the third mode accepts that the "silence of God may itself be an answer, manifesting his will for the exercitant to remain in the darkness of uncertainty, of the provisional, of the unfinished experiment" (*ibid.*).

The Rules for the Discernment of Spirits permit the exercitant to know the will of God (*ibid.*). There is a consolation that comes from God, and only "this really fundamental and certainly divinely effected consolation" can be the starting point and the ultimate criterion on which the Election is built (*ibid.* 158). "Pure receptivity to God (as concretely achieved, not as a theoretical principle and proposition)" is the fundamental experience for discernment. Discernment means that the experience of "consolation" is frequently confronted with the possible social choices. Self-observation of the feeling that accompanies a single confrontation leads the way to a decision. The experiment consists of observing whether the consolation remains in harmony with a possible alternative. If the decision for a social choice "produces peace, tranquility, quiet, so that true gladness and spiritual joy ensue, that is, the joy of pure, free, undistorted transcendence," the social choice is a good one. If instead of "smoothness, gentleness and sweetness, sharpness, tumult and disturbance arise (n. 329, nn.333 - 336)", the social choice in question is recognized as a bad and false alternative (*ibid.*).

It is important to assess that in the experience of "the purely divine consolation" itself there is choice of thought or picture. There is no social choice present in the consciousness of the exercitant and the time of discernment that leads to the decision is a posteriori. The finding of congruence and coherence occurs "in this 'time following' (n. 336), the original consolation is still operating, still present, even if no longer in its pure form but overlaid by and combined with impulses" and the emotions accompanying the alternatives of social choices (*ibid.* 160). It is of primal importance that for Ignatius it is not the moral value of the social choice that determines good or bad, right or wrong; it is the certainty of the individual who knows the origin of her or his consolation that determines the moral value of the social choice (*ibid.* 163).

The consolation without cause is the experience, the movement of the soul as Ignatius says, where "God himself as such is given (and nothing else)," it is an experience of "the love of God as God," where one is wholly drawn to (*ibid.* 143). In number 330 of the *Spiritual Exercises* Ignatius describes the consolation without cause: A human being is "drawn totally into the love of his divine Majesty ... without any previous sense or knowledge of any object, whereby any such consolation should come by (the soul's) acts of understanding and will" (*ibid.* 132). Rahner refers to Saint Bonaventure, who knew a quite similar mystical experience, "according to which here on earth there is an experience of the love of God, which occurs without the intellect having any share in

it" (*ibid.* 134). This experience carries "with it an intrinsic certitude of its purely divine origin," God's presence is of an "irreducible self-evident self-sufficient character" (*ibid.*). The exercitant recognizes this "consolation without cause with certainty as divinely caused" (*ibid.* 144). Ignatius describes this experience as an existential experience. It is the theologian Rahner who wants to get the orthodox theological concepts right and tries to justify this experience of the whole existence-comforting consolation and embraces love and complete security as a concrete realization of "supernatural grace" directed toward "the beatific vision" (*ibid.*). This justification of an individual experience that is empty of any concepts or mental reflection with the help of theological concepts of Thomism shows the insecurity of Rahner and his fear to claim the dignity of the individual that is free to interpret his or her experiences. Over and over Rahner uses theoretical concepts like "positive affirmation and receptivity," "love," or "without mediation of concepts" in order to justify Ignatius' speaking of "the consolation *sin causa*" (*ibid.* 146). This experience "concerns, by the very nature of the case, since freedom and love are involved, a concrete person in his innermost center, as unique, responsible and free ... engaged with his freedom, individuality and history" (*ibid.* 148). Experiencing this transcendence of the present and coming God Rahner considers as "the condition of the possibility of all cognition" and therefore as "without error" and as "the ultimate certitude" (*ibid.* 149). I do not follow Rahner, who claims in the above sentence that a particular experience would serve as validity condition for the truth of a claim to universal or general validity concerning the origin of knowledge as a self-evident truth. The general cannot be reduced to the particular truth value true and cannot prove the truth of any individual particular experience. The individual experience stands for the individual person. There is no outside proof for the individual conscience, there is only respect for the individual. I see the important insight of Rahner in his insistence that the particular cannot be reduced to the general and must therefore be taken seriously and be respected as particular, thus defending the equal dignity, freedom and rights of all women, men and queer.

The consolation *sin causa* "consists of a 'wordless' experience: without any sound of words," which wholly fills the mystic "with the inexpressible experience ... in love of God, who is perceived as present, not merely thought of in concepts and simply signified *intentionaliter* by the concept that represents him" (*ibid.* 153). Again, Rahner defends this experience as emotion: "This actual concrete central experience is identical with a 'perception' or 'sense' (*ibid.* 154). He explicitly excludes the rational

scholastic abstraction: "For theological reasons we must exclude an interpretation that would make this a *visio beata immediata* in the doctrinal sense" and that speaks of a "non-conceptual awareness of transcendence" that "is present to itself in consciousness" (*ibid.*).

Rahner makes clear that "the experimental test of consolation, namely confronting the particular matter with the utter openness towards God," that is the mode of Election according to Saint Ignatius that women, men and queer "could carry out in everyday life" (*ibid.* 156). Rahner is not an elitist, he supposes "that faithful who have never heard of Saint Ignatius' instructions nevertheless instinctively make their religious decisions by their everyday religious logic" (*ibid.* 166-167). There is no need for a Christian to meditate days, weeks or a month according to the method of Ignatius in order to make their social choices concerning their faith. We may also assume that as the experience of consolation carries its own evidence and certitude of its intrinsic divine origin and nature, women, men and queer experience the presence of the divine mystery and secure comfort in their lives and give testimony of their experiences in their own words. The respect for the individual's particular experience of the divine requires that we listen to these experiences with empathy and dignity. Ignatius as "holy teacher of the Christian view of life and of its practice" questions the Catholic Church's understanding of the Christian existence (*ibid.* 170). Have we Christians already really accepted and understood that with regard to the particular social choices of our lives it is only from the subjective certitude and recognition of the experience of God's love that "the question of its moral worth as being God's will or not can be settled" (*ibid.* 118). It is not the "moral evaluation" of the social choice that determines its "moral goodness." It is the "divine origin" of the experience of consolation that provides the criterion for the moral evaluation of a possible choice (*ibid.*).

"It is not the logic of a deductive ethics of general principles," but "a logic of concrete individual knowledge" that recognizes that God addresses himself "to the individual as such" that guides the realization of our social choices with dignity, freedom and equal rights. It is clear for Rahner, as for any Christian, that the concrete social choices are "in accord with the general principles of natural law, logic and the canons of faith" (*ibid.* 169).

Concerning the social realization of equal dignity, liberty and rights, it is Rahner's merit to have furnished for Catholic theology with the help of German philosophical idealism

a way of thinking and speaking about the individual person and her liberty and freedom and convictions of Christian faith in the private sphere of the *Spiritual Exercises*. All his life Rahner had to show the compatibility of his theological respect for the individual person and her religious experiences and life with the medieval theology of Thomas Aquinas. It is clear therefore that Rahner did not embrace the claim of equal dignity, freedom and rights for all women, men and queer, as the *Universal Declaration of Human Rights* (UDHR) had proclaimed, for further reflection on the state of Human Rights within the Catholic Church.

The translator W. J. O'Hara is right: the concept of transcendence coherently and chronically "designates the immanent, dynamic orientation of mind or spirit above and beyond itself in endless scope towards being in general and, ultimately, to God" (Rahner 1964. 125). There is no idea or thinking of the social choice of the individual person and responsible subject. There is no question whether the individual subject actually wants to identify as a subject and actually agrees with her or his transcendental identity. The supposition of the general orientation towards the good and God represents the medieval world view of Thomas and fits the Magisterium of the Catholic Church. The traumatic experience of World War II also shaped the personality of Karl Rahner. The experience of social and moral destruction of society by National Socialism, the life-threatening experience of the heavy bombardment of Vienna in 1945 and the constant angst of being killed at the last moment before the end of the war by some fanatical defenders of Hitler's Reich drove the horrors of dictatorship and war home to Rahner. Many of his Jesuit and religious brothers, priests and bishops also started to question the legitimacy of the obedience that religious superiors and Church authorities simply requested of their inferiors without spiritual, moral or rational arguments and legitimation. The understanding of a religious life practicing some personal responsibility, freedom of thinking and free acting within the limited setting of the autocratic Church structures developed in the first two decades after World War II.

With Karl Rahner we are allowed to take a look also at the flip side of spirituality that is sexuality, although I would suppose that Rahner never had sex with a woman or a man. Nevertheless, we meet in him the empowering force of eros that capacitates the theologian of spirituality and grace to enter a universe of emotions that most of his contemporary religious brothers and sisters were not familiar with by experience. In 1962 the German novelist Luise Rinser (1911-2002) wrote Rahner to discuss with him

her writing project on the specific type of spirituality for women, and they met in Innsbruck over and over again (Kainz, 2013). Rahner fell in love with her, but for the time being, Rinser told him that her primary commitment was to the Benedictine Abbess Johannes Maria Hoeck, whom she had met in 1955 (Henning 2001). Hoeck was an excellent Byzantinist and scholar of the Oriental Churches. He was an expert at the Second Vatican Council and as an advocate for the Oriental Churches he encouraged them to defend in Rome their Greek Christian traditions that are much older than those of the Latin Church (Quisinsky 2013, 143). Hoeck was not the brilliant intellectual theologian at the center of interest of the cardinals and bishops and the press, as was Rahner. For one moment in 1964 he held the attention of the Council and the world press by suggesting that the Catholic Church be structured according to a patriarchal structure similar to that which it knew before Rome acquired dominance over Constantinople, Alexandria, Antioch or Jerusalem (*ibid.*). Rahner asked Rinser if there was room in her love for both, she affirmed and suffered, Rahner suffered and Hoeck suffered, too (Kainz 2013). Rahner felt jealous of the other man in this love triangle and Hoeck seemed to be irritated but resigned (*ibid.*). The psychological distress Rahner experienced must have been tremendous. On the one hand, "committed to celibacy, on the other passionately in love with a woman, but constantly suffering from the fact that his competitor had won out" (*ibid.*). During the Council Rinser stayed in Rome. "Rahner would show up at her house unexpectedly, she said, sometimes very early in the morning. Sometimes Rahner celebrated Mass at her chapel," but Rinser's house in Rome was blessed by Hoeck, and Rahner was jealous "that she attended the abbot's daily Mass during the Council years" (Schaeffer 1997). From 1962 to 1984 Rahner wrote 1,847 letters to Rinser and she wrote Rahner 366 (Kainz 2013). The Jesuits do not allow publication of Rahner's letters to Rinser. We have to look at Rinser's answers to Rahner's letters in order to get an idea of Rahner's passion, which to me sometimes looks as clumsily helpless as that of an adolescent and not that of a 58-year-old adult. Rinser writes to Rahner on August 10, 1962: "My Fish, truly beloved, I cannot express how shaken I was as you knelt before me. You were kneeling before the Love that you are experiencing and before which I also kneel in amazement, in reverence, with trembling and with an exultation that I hardly dare to allow myself to feel. We are both touched in the innermost part of our being by something that is much stronger than we anticipated" (*ibid.*). In this scene Rahner's behavior has the appearance of an immature sexuality, because he should not kneel down before the woman he loves. Rather, he

should seek to kiss her and have sex with her. Moreover, Rahner kneeling down before the woman he loves also gives me the impression of an immature spirituality, because I only kneel before God; this said, I am also convinced that kneeling before God and loving a woman both show the realization of love.

In 1982 Rahner was definitely no longer in love with Rinser. On the contrary, he searched somewhat for justification for why he was just annoyed and nerved by Rinser that he told me she was a "stupid cow." Rinser apparently was still eager to communicate with Rahner, but Rahner wanted nothing to do with her anymore. I remember sitting in his small office in the Jesuit College in Innsbruck. All of a sudden Rahner asked me if I thought Rinser was a good poet. I had not read anything by her and had no opinion. He was not telling me anything about his relationship with Rinser. From his emotions, something like anger mixed with artificial indignation, I could tell that the matter was important to him. He told me that he had written to Heinrich Böll, who held Rinser in high esteem and respect and had received the Nobel Prize in Literature, and politely asked Böll to tell him whether Luise Rinser was an important poet or not. Rahner showed me the letter he had received from Böll in reply. The great writer could not write that Rinser was not a great author; it was simply impossible for Böll to do that. Instead, he wrote a few lines expressing his esteem for Rahner and by and by also remarked that Rinser deserves to be respected as a writer. Did Rahner really seek intellectual justification for no longer being interested in Rinser, because he could not simply accept that his feelings for her were gone? Did he fear her reaction if he told her not to contact him anymore? I do not know, but I clearly felt uneasy in the presence of Rahner's neurotic behavior on that occasion.

The first article of the UDHR claims: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".^{xii} To my understanding, this article and the following articles of the UDHR proclaim what Rahner calls natural law and constitute his first of three validity conditions for the validity of claims concerning individual religious experiences (Rahner 1964. 169). Equality of freedom and rights would not be sufficient to guarantee rule of law if dignity were not included as a validity condition for justice and peace. In 1932 Adolf Hitler's National Socialist German Workers Party won 13.75 million votes and 230 seats in parliament, and on January 30, 1933 Hitler was appointed chancellor of the Reich (Franzen 1965.369). National

Socialism in Germany promulgated unjust, unmoral and despicable laws with criminal intent, after the German Reichstag on March 24, 1933 had democratically voted and passed the Enabling Act (*Ermächtigungsgesetz*) that practically turned all legislative power over to Adolf Hitler (*ibid.* 371). The theory of legal positivism, namely that no democratic parliament would vote on or pass unjust laws, was proven wrong and the fatal separation of law and justice by the German National Socialists brought war, destruction and suffering to the whole world (Leher 1992. 134). The German Catholic historian August Franzen documents that the political party that represented and organized the Catholics in the Weimar Republic, the *Zentrum* (the Center), voted in Parliament with the National Socialists not only for the Enabling Act but also for their own self-dissolution, thus giving in to Hitler's pressure and intimidations (*ibid.* 371). Franzen coldly observes that the failure of Catholic politicians to effectively resist Hitler is connected to the Catholic Church's preference for monarchic rule over democracy. The Catholic politicians, their insecurity and their not knowing what to do in the face of the threat posed by Hitler's dictatorship have to be seen as the result of the Catholic Church's unwillingness and inability to develop a positive understanding of democracy. The Church instead advocated preferences for monarchy-like models of leadership. As a consequence of this mentality the Center mistakenly opened to Hitler and a state with a one-party system, having failed to recognize the difference between authoritarian leadership and a brutal inhuman dictatorship (*ibid.*).

The creation of the United Nations was a reaction to World War II aimed at preventing further catastrophes. Proclamation of the UDHR by the United Nations is another attempt by mankind to express the natural law of equal dignity, freedom and rights of all women, men and queer. Catholic social ethicists welcomed the UDHR as another important social realization of natural law (*ibid.* 135). The Catholic dogmatic theologian Karl Rahner did not publish on the UDHR as constituting the much-needed proclamation of natural law that would serve as a validity condition for claims to Human Rights and claims concerning religious convictions and articles of faith when he wrote the above article and *Questio disputata* (Rahner 1964). Only in 1963 when Pope John XXIII published his encyclical *Pacem in Terris* did the Catholic Magisterium proclaim the first positive assessment of Human Rights and the UDHR.

The UDHR as an expression of natural law, a three-valued logic with the truth-values true, false and I cannot empirically decide and prove my knowledge and the claims of

the canons of faith constitute for Karl Rahner the validity condition of claims to the validity of individual religious experiences (Rahner 1946. 169). The conditions UDHR, three-valued logic and canons of faith are linked as a logical conjunction. Only if all three operands, all three validity conditions are true, is the whole set of operands true. Is it possible to identify the speech-act of an individual person who speaks of her or his religious experience and gives testimony to a feeling of security in her or his life? The sentences that speak of the experience that I am safe and secure, that neither death nor anything else will be able to threaten my personal integrity say what I mean. Are these confessions of my conviction that God procures for me, comforts me and nurtures me in her hands throughout my whole life confessions of the first canon of faith of a Christian's confession of faith? I think, indeed, this confession in the first person singular is an expression of Christian faith. I think this kind of experience and its communication in speech-acts also constitutes the expression of faith of a Jew or a Muslim woman, man or queer and is simply an expression of religious faith that may be confessed by women, men and queer of many religions, faiths and of no religions, faiths or confessions. It is clear that the logic of the logical conjunction of claiming the UDHR and the three-valued logic and individual faith claims is the validity condition for all kinds of claims of faith. Claims of faith that do not comply with the validity condition of the UDHR cannot be regarded as expressions of faith because I do not qualify the violation of one's dignity and personal integrity as discrimination and bad, as false and not right. The social realization of dignity is the validity condition of any speech-act that claims validity. Speech-acts of religious convictions that claim personal experiences as any speech-act with a claim to validity have to fulfil the validity condition of Human Rights.

Any speech-act that expresses a confession, conviction or describes a canon of faith or religious experience has to accept the assessment of the social realization of the dignity of the discourse partners. This is a basic validity condition for simple claims to validity. Speech-acts of religious experiences and faith claims have to be investigated in the same way as a kind of experiment aimed at putting together a picture. The experiment involving sentences that speak of faith consists of putting together concepts. Language philosophy is clear about the fact that philosophical investigation is about conceptual investigation. In his Notebooks Wittgenstein on September 29, 1914 (Wittgenstein 1989: 49) exemplified his suggestion that we look at the speech-act of making a sentence as an experiment in the following way: "In the proposition a

2 "The way you use the word 'God' does not show whom you mean"

world is, as it were, put together experimentally. (As when in a law-court in Paris a motor-car accident is represented by means of dolls, etc.)" (Wittgenstein 1961: 7e). The case of the car accident comes up for trial and to get a better picture of the accident situation the judge reconstructs the scene of the accident with the help of dolls and toy cars. We make sentences in the same way, suggests Wittgenstein. Ogden and Ramsey translate Tractatus 4.031: "In the proposition a state of affairs is, as it were, put together for the sake of experiment. One can say, instead of: This proposition has such and such a sense, This proposition represents such and such a state of affairs" (Wittgenstein 1922). If we are operating our philosophical investigations with a two-valued logic of the empirical truth-values true and false, we may describe the picture making of the sentences as follows: "In the proposition a world is, as it were, put together experimentally. (As when in a law-court in Paris a motor-car accident is represented by means of dolls, etc.)" (Wittgenstein 1961: 7e). Concerning sentences stating faith expressions, speech-acts that communicate religious experiences and claim their validity we have to use a three-valued logic; we have to be clear that we are not confronting a factual investigation of an empirically verifiable or refutable state of affairs, but an investigation of concepts. If we mix up factual with conceptual and conceptual with factual, we do not observe the rules of our language. An example where the lack of this differentiation still produces misunderstandings concerns the concept of "metaphysics": "philosophical investigations: conceptual investigations. The essential thing about metaphysics: that the difference between factual and conceptual investigation is not clear to it. A metaphysical question is always in appearance a factual one, although the problem is a conceptual one" (Wittgenstein 1980a: Paragraph 949).

The claim that sentences make sense purports that a state of affairs, a situation, and a picture are described. The claim that a sentence makes a priori sense does not concern the validity conditions of empirical investigations, but the validity condition of comprehensibility. It is true: the claim to intelligibility claims that the empirical truth-values true or false are truth possibilities for intelligibility. The fact that the sentence shows its sense is an empirical fact, but the sense of a sentence is an a priori function of the individual speaker who operates the speech-act and the sentence. The sense of a sentence is therefore a validity condition for any speech-act that claims validity to something. One day we may be able to identify the empirical facts that constitute the

sense of the sentence, but for the moment we still need an at least three-valued logic in order to express our existence.

I want to take up some of Wittgenstein's thoughts from *Philosophical Investigations*: in *Philosophical Investigations*, Part II, Wittgenstein takes up the theme of religious beliefs, again reflecting on different uses of the sentence "I believe it is so" in our daily life (Wittgenstein 2001: II x). "How did we ever come to use such an expression as 'I believe ...'? Did we at some time become aware of a phenomenon (of belief)? Did we observe ourselves and other people and so discover belief?" (*ibid.*). Wittgenstein continues discussing the matter of believing while looking at expressions like "I say of someone else 'He seems to believe' and other people say it of me" (*ibid.*). All of a sudden he turns to the expression conviction: "One feels conviction within oneself, one doesn't infer it from one's own words or their tone.' - What is true here is: one does not infer one's own conviction from one's own words; nor yet the actions which arise from that conviction" (*ibid.*). If expression of the conviction is first, the legitimation of the conviction and the discussion of its implications follow. Convictions can be seen as expressions that I speak to myself, something like thoughts. After pages investigating thoughts that I speak to myself as expressions of language investigations of the thinking experience, and after having considered thinking as "saying inwardly" and then as "saying," Wittgenstein reaches some clarity and claims that speaking to myself is not the question "what went on within me" (Wittgenstein 2001: II xi. 189e). It is clear therefore that Wittgenstein's interest in investigating the thinking experiences is not a psychological explanation of what was going on in my brain. This kind of speaking to myself and thereby expressing my convictions can be understood as something like "a confession" (*ibid.*). The truth of a confession does not concern the truth-value of a certain state of affairs nor the reasons I give for my speech-act that is a confession. Confessions are to be seen in connection with the consequences that follow from the speech-act of confessing. "The criteria for the truth of the confession that I thought such-and-such are not the criteria for a true description of a process. And the importance of the true confession does not reside in its being a correct and certain report of a process. It resides rather in the special conclusion which can be drawn from a confession whose truth is guaranteed by the special criteria of truthfulness" (*ibid.*). Concerning convictions, "reason-giving statements cannot be reports of inner processes, for if they were, some independent means of access to these processes would be necessary to give meaning to the claim that a particular process had taken

place" (Johnston 1989: 39). We are not asking an individual how it knows what she or he is thinking, we want to respect the "individual as an agent" (*ibid.* 41). We are able to observe the coherence of the conviction and the behavior of the person. Credibility and trust are enforced by this coherence. Thus, the "bedrock of the language-game" with confessions includes our interest in the person's statement (*ibid.* 42).

The language game with sentences that speak of beliefs can be understood as something like a confession by the individual but not as a report about an inner process. The individual speaker does not give a picture of inner processes. The individual speaker expresses his or her belief with the help of pictures. These pictures do not lack a validity condition for what they want to say. One validity condition of speech-acts expressing beliefs is the condition that the speakers use the first person singular. Speech-acts of personal beliefs can therefore be considered as something like a confession. To express a belief is not only to express a conviction. The truth of the expression of belief is not a truth-value that we get from a logical operation. The validity condition of a belief or a confession of a religious belief - Wittgenstein speaks of "the importance of the true confession" – resides rather "in the special conclusions which can be drawn from a confession whose truth is guaranteed by the special criteria of truthfulness" (Wittgenstein 2001: II, xi 189e). Instead of the English word "conclusions" (*ibid.*), the German text of the Philosophical Investigations uses the word "consequences" (*ibid.* II, xi 189). Both words are helpful in answering the question concerning the validity conditions of claims to validity of belief and faith-sentences. How can I comply with the validity condition of the truthfulness of the sentence, of which I claim that it expresses my beliefs and my faith? The "consequences" of a speech-act of confession and also the "conclusions" that can be drawn from a speech-act of faith or belief can be seen in the speech-acts that follow the confession. The most important criterion for the truthfulness of the speech-act, that is for the value judgment that the speech-act complies with the validity condition of truth, is the social realization of dignity. The first validity condition for a speech-act concerning belief or faith is identical with the validity condition for any speech-act and the sentence that is the sentence has to make sense as a language game in the institutional setting of language. The second validity condition for a speech-act concerning belief or faith demands an expression in the first person singular. The third validity condition for a speech-act concerning belief or faith is again the validity condition for any claim to

validity by a speech-act. It is the condition that the speech-act realizes the dignity of the persons that participate in the speech-act.

Rahner is not concerned with the active participation of the one billion individual Catholic women, men and queer, the so-called "lay," in the government of the Catholic Church (Rahner, Vorgrimler 1966. 17). He claims that the social structure of the Catholic Church is a hierarchical one and that it will stay a hierarchical order. The hierarchy of the episcopate is justified, but must not be identified with the life of the whole Church. The one and whole people of God, the body of Christ, lives, acts and suffers, loves, hopes and believes with the help of the Holy Spirit in all its members and the support of the Holy Spirit is promised to the whole Church (*ibid.*). Rahner does not speak in the context of the body of Christ of the social realization of dignity, hope and love of the individual woman, man and queer; there is no actual belief in the agency of empowered participation of the individual in the government of the Catholic Church. Rahner describes the Church as the community that comes from Jesus Christ and believes in Jesus Christ as her Lord. Every believer of the people of God hopes in Christ as the revelation in history and in the fulfilment of God's love. Rahner refers to the third chapter of the Dogmatic Constitution of the Church, *Lumen Gentium*, as the origin of this given description (*ibid.* 13). Following this description, *Lumen Gentium* defines the hierarchic constitution of the Catholic Church and the functioning of its government by the whole episcopate of the Church with and under the Pope as the first of the Twelve, who Jesus assembled as his Church and to whom he entrusted her leadership and government (*ibid.* 14). Rahner continues to define the highest institution of the Catholic Church, an ecumenical council: the collegial act of assembly of the whole episcopate together with and under the authority of the Pope, that discusses and decides on matters of the Church, is called an ecumenical council (*ibid.* 16). Catholics recognize decisions made by this highest office of the Church as infallible under the condition that this highest office decided on a matter concerning confession of the belief in Christ that concerns the whole confession of the Church (*ibid.* 15). Rahner recognizes without protest and some understanding that according to the constitution of a council the lay women, men and queer of the Catholic Church – the priests are not even mentioned – are not permitted to participate in a council as active discussing, deciding and voting members (*ibid.* 23).

In 1966 Rahner’s description of the social institution of an ecumenical council of the Catholic Church, that is a collegial act of the assembly of the whole episcopate together with and under the authority of the Pope, corresponds with the general consensus for this description and with the understanding of an ecumenical council within the Catholic Church. When reflecting on the meaning of and the purpose that an ecumenical council serves, the historian Günther Wassilowsky feels the need to find the roots of this institution of an ecumenical council and turns to the Gospel (Wassilowsky 2014, 184). All theologians started describing their very differing theories on the institutions of a synod or a council by referring to Mathew 18:19–20. This is true for the Church Father Tertullian in the early third century, for the Augustinian theologian, bishop and cardinal Aegidius of Viterbo (1496-1532), just as for Hans Küng in the twentieth century. “In truth I tell you once again, if two of you on earth agree to ask anything at all, it will be granted to you by my Father in heaven. For where two or three meet in my name, I am there among them” (*ibid.* 185). Where some persons gather in the name of God, God’s presence among them constitutes the promise that generated the history of Church councils (*ibid.*). The criteria for assessing God’s presence in a synod are consensus and unanimity of the gathered, and consensus and unanimity are also the consequence of a synod gathering in the Holy Spirit (*ibid.*). Yves Congar documented the reception and use of Mathew 18:19 - 20 by Church tradition throughout the Church’s history, developing his theology of a synod and council as an expression of the communion of the Church in the Holy Spirit (*ibid.*).

Since the term “communion” is important for the ecclesiology of the Second Vatican Council, we have to take note of the research conducted by Hermann Josef Sieben (1992) that discovers the use of the term by the German Prince-Abbot of Saint Blaise’s Abbey Martin Gerbert (1720-1793). Gerbert uses the term “communion” in the context of the discussion of the necessity of the “consensus” for obtaining a legitimate definition at a Catholic council (Sieben 1992, 210). Taking the historic example of the Apostolic Council that is the Council of Jerusalem (*Acts of the Apostles*, Chapter 15), Gerbert claims that both sides, the Pope and the bishops, need to consent, need to be in communion, need to work together toward a consensus in a council (*ibid.*). At the First Vatican Council the theologian Francisco Sborgi did not recognize Acts 15:25 as proof of the need for unanimity for the consensus of the council (*ibid.* 220). Despite all polarization in the nineteenth century, Sieben is clear when he states that the definition of the consensus must stay at the center of the definition of a council since the

beginnings of the old Church and her councils (*ibid.* 192). When studying the history of this definition of a council Sieben has to consider two additional terms: *unanimitas* and *maior pars*, or in English unanimity and majority (*ibid.*). In the days of Cyprian of Carthage, namely in the third century, a council was understood as an event that had the function to create consensus (*ibid.* 193). The Council of Nicaea in AD 325 condemned the Arians as heretics with the "consent of all" (in Latin: *adsensu omnium*), that is using the truth criteria of the philosophers of Antiquity known as *consensus omnium* (*ibid.* 194). The Gallic monk and theologian Vincent of Lérins, who died around AD 445, speaks of a vertical and a horizontal consensus of a council. The vertical consensus refers to the definitions of the past councils and the horizontal consensus is the consensus that is created at the actual council (in Latin: *consensio antiquitatis et universitatis*) (*ibid.*). Vincent and the theologians of the old Church attribute this double consent to the working of the Holy Spirit (*ibid.*). The decisions of the council are therefore seen as inspirations received from God's Spirit (*ibid.*). Already Origene spoke of this working of the Holy Spirit that causes unanimity of faith as the possibility condition of the presence of Christ in the assembly of the faithful and at a council (*ibid.* 195). In the fourth century and increasingly in the following centuries the practice of the principle of majority - already in use in the secular sphere - is adopted by the Church. It follows the classical legal fiction of Roman law that the decision of the majority counts as the decision of the whole deciding body (*ibid.* 196). The legal construction of the *sanior pars* (sounder part), that is a minority that has the right to overrule the majority on the justification of convincing arguments and the extraordinary qualification of the personalities of the minority, was originally created within the Church (*ibid.*). William of Ockham (1288-1347) claims that a single no vote at a council causes the impossibility of consensus of the universal Church (in Latin: *ecclesia universalis*) (*ibid.* 197). This is because the question of the liberty and freedom of the decision of the individual person come to the attention of the Franciscan theologians. *Unanimitas* or majority or sounder part, for centuries it was clear that it is the consensus that defines a council (*ibid.* 198). On the basis of the concept of consensus Nicholas of Cusa (1401-1464) developed not only the concept of a council and the Church, but also the concept of civil society and the state (*ibid.* 198). A council is an event where consensus is generated and consensus takes place, a council is the realization of social choices, deliberations and generation of knowledge. In 1431 the Council of Basel discussed the problems of the consent of all with regard to a minority that

claimed to possess the sounder part. Who was right? The majority, the minority, the Pope? John of Segovia, the theologian from the University of Salamanca and historian of the Council of Basel, claimed that the sounder part argument voiced by the minority is not valid, because the majority received more than two-thirds of the vote (*ibid.* 202). We see that the question of consensus at the council is increasingly decided on the basis of the majority of votes. At the beginning of the sixteenth century the Italian juridical expert on councils, Cardinal Dominic Jacubazzi, claimed that the majority of a council may decide not only questions concerning moral matters, but also questions of faith. The concept of unanimity is not even mentioned in the cardinal's considerations. From the Council of Trent to the First Vatican Council a terrible polarization develops. One side asserts that consent does not matter with regard to the Pope, because the Pope is infallible anyway. The other side claims that consensus and unanimity are important. The Jansenists claim consensus on the basis of unanimity and all talk of a majority is considered to contradict unanimity (*ibid.*: 208). The French Gallicans insist on the independence of the local Church. In 1667 Louis de Thomassin suggests a compromise between papal infallibility and consensus on the basis of the old concept of horizontal and vertical consent (*consensio antiquitatis et universitatis*) of Lérins and with Nicholas of Cues understands the Church as the consensus of a council and a council as the assembly of the Church (*ibid.*). In 1786 the Synod of Pistoia, that was to reform the Tuscan Church, tried to secure a two-thirds majority vote by restricting the freedom of voters like simple pastors, who were not able to confront the arguments of professional theologians. The parish priest Fabricio Cellesi protested against this restriction on the freedom of expression, was disciplined by the Council's authorities for his audacity, but his argument on the possibility condition of freedom for the social choice of a vote at a council had to be taken into consideration by the theologians (*ibid.* 219). As advocate for the freedom of the individual voter and for a council that is able to operate consensus to realize social choices Sieben uses Emile Ollivier, an objective witness to the events at the First Vatican Council (*ibid.* 228). To secure the freedom of the individual voter and the functioning of a council Ollivier defends the principle of the majority over the principle of unanimity (*ibid.* 229). He defends his decision as being in line with Vincent of Lérins' standpoint and makes reference to a fact of history in the development of the Church. If the Church had given in on the minority votes, the whole Credo of the Church would have fallen apart, because every single article of the Credo was severely contested by a minority (*ibid.* 229).

The Second Vatican Council convened and was a legitimate synod of bishops under Canon Law, because the Pope decided to convoke a council. The fact that the Second Vatican Council did not touch or change the decision of the First Vatican Council on the Constitution, *Pastor Aeternus*, that was passed on July 18, 1870, is not commented by Rahner. *Pastor Aeternus* ruled that the Pope as the successor to Peter, as Vicar of Christ and supreme head of the Church, exercises the full and ordinary immediate episcopal power over the whole Church and the individual dioceses that is the primacy over the universal episcopacy. This power includes matters of faith, morals, discipline and Church government. *Pastor Aeternus* further governs the infallibility and unchanging nature of a decision made by the Pope in matters of faith and morals that concern the whole Church without the need for its consent (*ibid.* 345).

How did the Church get from Jesus’ dialogue with his disciples and Peter (Mathew 16:13 – 20) to *Pastor Aeternus*? Peter confesses his faith when answering Jesus: “You are the Christ, the Son of the living God” (Mathew 16:16). “Jesus replied, ‘Simon son of Jonah, you are a blessed man! Because it was no human agency’ (in Greek: *sàrx kai haima*) ‘that revealed this to you but my Father in heaven. So I now say to you: You are Peter and on this rock I will build my community’ (Greek: *ekklaesían*). ‘And the gates of the underworld can never overpower it’” (Mathew 16:17-18). This is the traditional and historically earliest legitimation of papal authority (Wassilowsky 2012, 35). In the early third century after Christ the jurist and Church Father Tertullian used the Roman social-juridical concept of *auctoritas* (dignity, influence, prestige) to describe the standing and influence of offices in the Christian communities (*ibid.*). Tertullian claimed that the hidden and invisible *auctoritas* of God and Christ manifests itself in a Church office. In Rome *auctoritas* was a juridical power to authorize something, a juridical authority; it was not the formal political power to govern. When witnessing the revelation of Christ, the Apostles were authorized to be the first *auctores* (men acting with *auctoritas*), who passed the faith they had received on to their episcopal successors, establishing a line of tradition of *auctoritas* (*ibid.* 36). During the following centuries, titles and juridical powers of authority were increasingly reserved for the Bishop of Rome alone and were no longer equally passed on to and administered by all the bishops of the Church. In the fifth century Pope Leo I successfully claimed that it was only the Pope who legitimately possesses the authority or *auctoritas* that was given to Peter by Jesus (*ibid.*). Further centralization of powers over the Church in the hands of the Pope led to *Pastor Aeternus*: The power of the

jurisdiction of the individual local bishop originates from rightful instalment by the Pope, who possess the primacy of jurisdiction over the Church according to divine law. This power of the local bishop is not abolished by the primacy of the Pope, but is integrated and subordinated under the universal Church under the primacy of the Pope. The local bishop must therefore be obedient to the Pope in all matters concerning faith, morals and government of the Church (Franzen 1965. 344).

The unbelievable success of Pope Pius IX within the Catholic Church thanks to the dogma of the absolute universal papal primacy and infallibility contrasted with his absolute loss of secular political power in Italy. Pius IX, just as the Popes before him, had reigned the Papal States according to strict absolute monarchist principles; when revolution in Rome threatened these powers, Pius IX fought back with military force and received help from the French army (*ibid.* 337). Nevertheless, Italy's national movement for unity was becoming stronger and stronger. In 1859, the Pope lost the Romagna, and in 1860 his troops lost Umbria and the Marques. On September 20, 1870 Piedmonts' soldiers conquered Rome and after more than 1000 years the Papal States came to an end (*ibid.* 338). Pius IX lived in the Vatican as a prisoner and only Pius XI in 1929 renounced the Papal States. In return, he obtained full sovereignty over Vatican City and concluded with Mussolini a contract regulating relations between the Italian Church and the Italian State (*ibid.*). Such concordats, namely contracts of international law between a state and the Church based on their reciprocal recognition as sovereign persons of law in the restoration of political Europe following Napoleon, had already been concluded with Spain (1851), Naples (1818), Sardinia, France (1817), Russia (1847) and Bavaria (1817) (*ibid.* 334). After World War I Pope Benedict XV (1914-22) increased the number of the Vatican's diplomatic missions to 25 embassies and his successor continued to expand the Vatican's net of diplomatic ties to other states. The Popes' soft powers of diplomatic influence and growing international respect and prestige contrasted with the political insignificance of the Popes in the world (*ibid.* 349).

The Church historian August Franzen is very clear about the fact that the decision to convene the Second Vatican Council and the courageous realization of the *aggiornamento* (opening to contemporary needs) of the Catholic Church was a decision that John XXIII (1881-1963) took alone and on his own (Franzen 1965. 381). The courage and faith of John XXIII and his monarchic absolute power over the Church

helped realize the Council that millions of Catholics would welcome and greet with growing expectations for reform of the Catholic Church. We must bear in mind that John XXIII used his absolute power to open a time and space for bishops to speak their minds and discuss their plans for reform with freedom and dignity. Already in 1965, the historian recognizes the realization of the Second Vatican Council and its open spirit and liberty of speech as the merit and intention of the "good Pope" (*ibid.*).

Rahner in 1966 still speaks of the Second Vatican Council in an astonishingly uncritical and undistinguished euphoric way, namely as the Council of liberty, freedom and authentic dialogue on the basis of the old and lasting faith of the Catholic Church (Rahner, Vorgrimler 1966. 19). He praises the balance regained between papal primacy and the collegial cooperation of the episcopate. He speaks positively of the cooperation between the cardinals and bishops of the papal Curia in the Vatican and the more than 2,000 bishops attending the Council. Rahner in 1966 still hopes for the lasting participatory practices of diocesan synods, bishops' conferences and other institutions that would realize a spirit of communion that overcomes the authoritarian ways of the ecclesiastical hierarchy of papal primacy (*ibid.*).

Until some 15 years after the Second Vatican Council Rahner did not or was not willing to take note of the authoritarian recapture of the Church's government by the papal Curia of the Vatican that had already started in the fall of 1963. Rahner became disappointed when he observed the Vatican's congregation crack down on the orthodoxy of the Catholic faith on the question of liberation theology. He defended the Dominican liberation theologian Gustavo Gutierrez and his Catholic orthodoxy in a letter to Cardinal Ratzinger, his former theologian colleague who turned authoritarian and with brute force stopped liberation theologians from teaching that faith and social justice are inseparable. Rahner, as most Jesuits, was shocked and deeply hurt when in 1981 John Paul II cracked down on the elected government of the Jesuit Order that was committed to active involvement for social justice in Latin America and in developing countries. The Pope had appointed and imposed a personal delegate to bring the Jesuits back onto a conservative road and obedience to tradition (Kamm 1983). Rahner had to realize that the communion of the Pope and the world episcopate that was discussed at the Council was not realized after the Council. He was also forced to note that the synods were not organized to empower the participation of the

world's bishops in the government of the Church, but to better control the bishops and direct them according to the decisions of the Vatican central government.

Gianluigi Nuzzi writes in his book on the documents leaked from the desk of Pope Benedict XVI and the scandal that is called "Vatileaks" (Nuzzi 2012). He describes the huge communication network that helps govern the Pope, the Secretariat of State, the cardinals and papal nuncios in the Catholic world Church. In 2018 the Roman Curia of the Vatican consisted of the Secretariat of State, ten congregations, three tribunals (Apostolic Penitentiary, *Segnatura Apostolica*, *Rota Romana*), 12 Pontifical Councils, three offices (Apostolic Camera, Administration of the Patrimony of the Apostolic See, Prefecture for the Economic Affairs of the Apostolic See), seven pontifical commissions, the Swiss Guard, 14 institutions connected to the Holy See, the Labor Office of the Apostolic See, 11 pontifical academies and two pontifical committees.^{xiii} Nuncios from papal embassies in 179 countries send information and receive from the Pope or the cardinal state secretary instructions on pastoral, political and economic matters (Nuzzi 2012, 268). In 1900 there existed only about 20 apostolic nunciatures, in 1978 there were already 84, in 2005 there were 174 and the number is still growing in order to secure the Vatican's influence on the geopolitical world stage (*ibid.*). The nuncios are able to collect detailed information on local bishops and the men of their administration, on the state of the dioceses concerning loyalty to Rome, the mood of the Catholics concerning new candidates for bishop in dioceses and on much more (*ibid.*).

In 1982 and 1983 I had the opportunity to live in the same Jesuit College in Innsbruck as Karl Rahner and to meet him privately so as to listen, ask my questions and seek advice. His judgment on the Roman Curia and the participation of the world episcopate in the government of the Catholic Church had changed completely to a very negative one. Rahner felt that the Pope and the Roman Curia of the Vatican had left the path of reform of the Second Vatican Council and abandoned the ideas of participation, liberty and freedom. Rahner's response to this abandonment by the Popes following John XXIII was grief. I was surprised by the intensity of his grief. Psychologists teach that the intensity of one's grief depends on the degree of dependence on the person, by whom we are abandoned (Aichhorn, Kronberger. 2012: 522). It is true that Rahner, just as any Jesuit, had been educated by discipline and severe training to a self-understanding view of serving the Pope, the Vicar of Christ, with unquestionable

obedience concerning his task of governing and leading the Church to realize the revelation of the Lord. Rahner's grief, no different than the grief of many of his colleagues and theologians, expected the Popes to return to the emancipatory ways of governing the Church because of their criticism. Rahner in his personal life had accepted that loss and parting follow us throughout our entire lives (*ibid.*). Nevertheless, Rahner's grief can also be considered not only as a reaction of disappointment at the new authoritarian development of the central papal powers after the Second Vatican Council, but also as a reaction to disappointment with oneself, "referring to the discrepancy between our ideal and real self," as the psychologists say (*ibid.*). Idealist theology did not transform the papal primacy to a more participatory form of government, the documents of the Second Vatican Council did not univocally express and claim the social realization of more dignity, liberty and freedom, not to speak of the equal liberty, freedom, dignity and rights of all Catholic women, men and queer. In order to understand what happened at the Second Vatican Council, I turn for help to the historians and their pictures of the facts.

2.3 The historic picture of Catholic faith-sentences

Guiseppe Alberigo (1926-2007) directed his project on the history of the Second Vatican Council - that was published in five volumes from 1994 to 2005 - realizing the conviction that the work of the historian consists of assessing all accessible documents, which have to be studied, compared and carefully used as elements to form the historic picture (Alberigo 1995a. 10-11). John XXIII, who was 77 years old when he was elected Pope on October 28, 1958, prepared in his own handwriting the announcement of his decision to hold a General Council for January 25, 1959 (Alberigo 1995b. 21).

The political context of the announcement of the surprising Council was the Cold War and the end of national colonialism (*ibid.* 22). The world was split in two political blocks that deterred each other with atomic weapons, economically and culturally. The Soviet empire of Eastern Europe and Asia and the Chinese empire of the ruling Communist Party tried to win the sympathy of the Third World for their organization of social life. The United States of America and Western Europe tried the same (*ibid.*).

To successfully prepare his Council John XXIII stayed in contact with the Curia, that is the Secretariat of State, the congregations - bureaucratic departments watching over

doctrine, discipline, missions, bishops, priests, seminaries, universities, liturgy, creation of saints, etc. - and the tribunals. He wanted the bureaucrats to be involved and engaged in the process of preparation (*ibid.* 64). Apparently, he calculated the price he had to pay for this collaboration (*ibid.*). To minimize the damage he made his loyal Cardinal Secretary of State of the Roman Catholic Church, Domenico Tardini, (1888-1961) president of the pre-preparatory commission of the Council and the unknown Pericle Felici (1911-1982) secretary (*ibid.* 62). The Secretariat of State conducts all diplomatic and political functions of the Holy See as the most important department of the papal government of the Catholic Church, the Roman Curia. Since 1947 Felici had been an auditor of the Roman *Rota*, the highest court of the Roman Catholic Church, and unknown to the Vatican establishment (*ibid.*). Felici was ordained at the age of 22 years and one year later he finished his doctoral thesis in theology on Sigmund Freud. Four years later he was awarded a doctorate in Canon Law, appointed rector of the Pontifical Roman Seminary, and in 1943 Professor of Moral Theology at the Pontifical Lateran University in Rome (Faggioli 2013. 103). With the nomination of Tardini the Pope bypassed the conservative president of the Congregation for the Doctrine of the Faith, the former Holy Office that conducted the Inquisition, Cardinal Alfredo Ottaviani (1890-1979) (Fouilloux 1995. 63). Domenico Tardini was born in Rome and like the later John XXIII studied at the Pontifical Roman Seminary. Tardini together with Giovanni Battista Montini (1897-1978), the later Paul VI, was the main assistant to Cardinal Eugenio Pacelli (1876-1958), Cardinal Secretary of State until 1939, when he became Pope Pius XII. John XXIII would not give up control of his project to be sabotaged by the bureaucrats in his administration. They could foster their illusions of being in control of the process and trying to codify the results before the event took place at all, but John XXII would not give in to damage his project of free discussion at the Council (*ibid.* 70). Alberigo is very clear on the unwavering perseverance and determination of John XXIII for the Council.

John XXIII wanted to familiarize himself with the bishops' pastoral concerns in their dioceses all over the world. In a simple letter dated June 18, 1959 Tardini communicated the Pope's wish to the bishops and invited them and the superiors of the religious orders, the universities and the nuncios to express themselves about what they judged to be useful subjects for the Council to deal with (Fouilloux 1995,107). He asked for an open analysis, their opinions and advice for preparation of the coming Council. As possible themes he suggested dogmatic problems, the life of the clerics

and lay persons and problems of the Church; the answers should be written in Latin and arrive in Rome before September 1, 1959 (*ibid.*). Of the 2,812 invited bishops 77% answered (*ibid.* 112). The answers in general were conformist (*ibid.* 122). They did not question Rome's call for pastoral reform, but did not exert much energy in contributing ideas and suggestions to John XXIII's project for a pastoral and not a dogmatic Council (*ibid.*). The pre-preparatory commission received over 9,000 suggestions that Tardini organized according to the doctrinal and canonical mental schemes of an experienced and long-serving Curial bureaucrat. At the top of the two resulting volumes of 1,500 pages stood the chapters on the clerics and religious, followed by chapters on the lay, the liturgy, the social activities of the Church, the missions, and a short chapter on ecumenism (*ibid.* 153). This compilation was published on February 11, 1961 and reflected Secretary Felici's editorial filter consisting of the traditional theological and canonical manuals of the time and not much more of the original suggestions (*ibid.*: 154). More important is the fact that this compilation was not integrated into preparation of the Council's program (*ibid.*). The documents that were prepared for the Council were based on synthetic reports (*ibid.*). In February 1960 John XXIII received these 12 reports that were based mostly on national or regional units, giving the Italian bishops privileged consideration (*ibid.* 156). Most Curia officials received only this synthesis of 300 pages, that also John XXIII had studied, and did not see the suggestions that the pre-preparatory commission had received from all over the world the (*ibid.* 157). The historian who compared the incoming letters and the synthesis sums up his judgment on the reduction of the original 1,500 pages to 300 pages and ultimately to 18 pages as follows: the heterogeneous was made homogeneous, the complex was presented simply and the pluralistic was replaced by the majoritarian tendency (*ibid.*). The Curia's congregations received the synthesis and were invited to react (*ibid.* 160). The report that Tardini produced on the reactions was basically identical to the synthesis he had composed and with the approval of John XXIII he passed this report to the presidents of the commissions, who had to prepare the documents that were to be presented at the Council.

The secretaries of those commissions were mostly taken from the Curia's congregations. They were priests with secure doctrinal and canonical competence and therefore able to restrain any innovative effort that might have been left in Tardini's report (*ibid.* 170). On June 5 John XXIII publicly still declared that he wanted to avoid any interference or confusion between the Curial congregations and the Council (*ibid.*

171). In the end, the organization chart of the commissions that were to prepare the documents for the Council mirrored the congregations of the Curia with two exceptions: In the spring of 1959 John XXIII first met the German Jesuit Augustin Bea (1881-1968), rector of the Pontifical Biblical Institute of the Gregorian University and confessor to Pope Pius XII. In December 1959 Father Bea was named Cardinal (*ibid.* 172). Bea's influence on the Vatican Curia was very limited at the time and began to grow only when in June 1960 John XXIII created the Secretariat for Promoting Christian Unity with Bea as its president. Cardinal Cento (1883-1973) as president of the Preparatory Committee for the Lay Apostolate was the other exception to the total victory of the Vatican Curia in retaining control of the Council's commissions (*ibid.* 170). What had happened? John XXIII explained in an interview on June 7, 1960 that he did not want to lose his closest collaborators (*ibid.* 171). His most important collaborator was Tardini, who did his best to protect John XXIII's project. Tardini had made clear to the Curia that John XXIII insisted on universal consultation of all bishops in the process of preparing the Council. Tardini also made it clear to John XXIII that the Council would not be possible without the Curia (*ibid.* 173). The prefects of the congregations became the presidents of the commissions that started to prepare the Council on the basis of Tardini's report. Tardini was a good product of the Curia's century-proven administrative tradition (*ibid.*). He was loyal to the Pope and realistic in his analysis of the Vatican Curia's resistance to change and reform of the Catholic Church (*ibid.*). He refused to become president of the Central Preparatory Commission, he was used to staying in the second line (*ibid.*). Nevertheless, Tardini's active role as mediator between the interests of John XXIII and those of the Curia was crucial for John XXIII's project of a pastoral Council (*ibid.*). The French historian of this phase of the Second Vatican Council's history ends his work with a bitter observation: consideration of the planet's biggest problem of that time, decolonization and the future of the many nations that were about to be born, was completely lost during the consultation process (*ibid.* 176). Reduction of the preparation of the Council to the Roman central government of the Catholic Church and the refusal to communicate with the Catholics and Christians outside Rome on the urgent problems of the Church and the world constitute in the judgment of Fouilloux an intellectual and spiritual hiatus between the Vatican and the world (*ibid.*).

John XXIII's address on November 14, 1960 kicked off the work of the preparatory commissions for the Council (Komonchak 1995, 177). There followed many sermons

and speeches, where John XXIII explained his great vision of the historic opportunity of the Council, and on December 25, 1961 he convoked the Second Vatican Ecumenical Council with the Apostolic Constitution *Humanae salutis* (*ibid.*). All speech-acts of John XXIII in preparation for the Council testified to his faith in Christ and the Holy Spirit, and his conviction that this faith constitutes the foundation of a Church, that while witnessing a painful crisis in modern society, hears and feels the task of bringing the hope of the Gospel to the world and humanity. By learning to heed the rhythm of time John XXIII encourages us to follow the recommendation that Jesus gives in Mathew 16:4, where he speaks of the need to "discern the signs of the time" (*ibid.* 178).

From now on, John XXIII will repeatedly take up the concept of "the signs of the time" in his speeches. The documents of the Second Vatican Council will use the concept extensively and the documents of the following Popes follow the easy habit on the use of the expression "signs of the time." Generations of theologians, politicians, writers and intellectuals have contributed to hollowing out the concept and continue to contribute to converting the concept of "the signs of the time" to an empty phrase. The meaning of the concept was evident to John XXIII and he never explained the concept. However, this inflationary use lost its meaning and windbags' reckless use of the phrase produces hot air, but no picture of a state of affairs. It is important for me to again clarify the concept "the signs of the time." Therefore, I pause for a moment to meditate and reflect on the expression "discerning the signs of the time" or "judging correctly the signs of the time" in the Gospel of Mathew 16:1-4:

16.1: The Pharisees and Sadducees came, and to put him to the test they asked if he would show them a sign from heaven. 2: He replied, "in the evening you say, 'It will be fine; there's a red sky' 3: and in the morning, 'Stormy weather today; the sky is red and overcast.' You know how to read the face of the sky, but you cannot read the face of the times. 4: It is an evil and unfaithful generation asking for a sign, and the only sign it will be given is the sign of Jonah." And he left them and went off (The New Jerusalem Bible. 1999).

When literally translating the Greek expression *semaion* (Nestle-Aland. 1995) in Mathew 16:3 I have to speak of a "sign" and not again of "the face," as The New Jerusalem Bible does. The following verse Mathew 16:4 makes clear that for Mathew there is but one sign and that is the sign of Jonah that is the death and resurrection of Jesus (Luz 2007, 445)

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From Mathew’s confession of the death and resurrection of Jesus as “the sign of the times” John XXIII takes his use of the expression “the signs of the time.” We must not forget this origin of the term in the Gospel.

It is very interesting to observe that the reference for the expression “the signs of the times” to Mathew 16:4 in the speech by John XXIII is wrong. The term “the signs of the times” is found in Mathew 16:3. The Italian translation by the historian and the Latin text of John XXIII incorrectly refer to Mathew 16:4: *Immo vero monitis obsecuti Christi Domini nos hortantis ut ‘signa... temporum’ (Mt 16:4) dignoscamus*,^{xiv}. I use the English translation: “Indeed, making our own Jesus’ recommendation that we learn to discern ‘the signs of the times’ (Mathew 16:4)”^{xv}. Mathew 16:4 speaks of “the sign of Jonah.” Why did John XXIII refer “to the sign of Jonah”? I do not know if happened by mistake or by intention. Actually, it is not important to know the answer, because verse 3 must be read together with verse 4. More important is the fact that there is a problem with the textual history of verses 2 and 3 of chapter 16 of Mathew. For the Editorial Committee of the United Bible Societies’ Greek New Testament it was difficult to decide to keep these verses 2 and 3 of Mathew, chapter 16, in the text, “because the external evidence for the absence of these words is impressive” (Metzger 1994. 33). Since “most scholars regard the passage as a later insertion from a source similar to Luke 12:54-56, or from the Lukan passage itself” (*ibid.*), I would like to cite these verses from Luke:

Luke 12:54: He said again to the crowds, “When you see a cloud looming up in the west you say at once that rain is coming, and so it does. 55: And when the wind is from the south you say it’s going to be hot, and it is. 56: Hypocrites! You know how to interpret the face of the earth and the sky. How is it you do not know how to interpret these times?” (The New Jerusalem Bible. 1999).

I read the verses of Luke and Mathew to understand the concept “the signs of the times” or “the signs of the time.” In Mathew Jesus speaks to Pharisees and Sadducees and in *Luke* he addresses the crowds. In Mathew Jesus actually realizes speech-acts, he answers a question. In Luke Jesus’ speech-act helps the crowds reflect on their own speech-acts concerning observations of the meteorological state of affairs and their consecutive interpretations for meteorological predictions of the state of affairs. In Luke 12:56 Jesus becomes angry and requests the people to start also interpreting the times and not only nature. From this follows that the observation and expressions of a

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particular state of affairs of the times, that is of the actual political, cultural, economic, social, spiritual, etc. situation, do not qualify as "signs of the times." A fact of the times, a state of affairs of the times is a fact or a state of affairs, but not by itself a "sign of the times" according to the use of the term in Mathew 16:3. In Luke the historic presence of Jesus in the described scene is evident (Bovon 1996, 345). Both scenes - Luke 12:54-56 and Mathew 16:1-4 - are addressed at readers. What is the social reality, the state of affairs that the crowd is not able to discern and interpret? I agree with the theologians who claim that the expression "these times" in Luke 12:56 refers to the mission of Jesus and the presence of Jesus Christ (*ibid.* 358-59). From this follows the description of a "sign of the times" as an interpretation of a particular situation, state of affairs in light of the mission and Gospel of Jesus Christ by a man, woman, or queer (Sadducee, Pharisee or simply a member of a crowd of people). The Christian interpretation claims that a particular fact or state of affairs has to be considered a "sign of the times." The Christian interpretation is the social realization of a speech-act of a man, woman or queer that as a confession of Christian faith is ultimately always connected with confessing the death and the resurrection of Jesus Christ.

Again, I follow the historian to get some picture of the preparatory process for the Council. In order to supervise and coordinate the ten preparatory commissions John XXIII created a central preparatory commission that he would preside (Komonchak 1995, 182). This central preparatory commission also had to work out the rules for the Council's procedures and management (*ibid.*). Pericle Felici was made secretary of this central preparatory commission and also secretary general for all preparations for the Council (*ibid.*). One year after its establishment by John XXIII the central preparatory commission met for the first time in June 1961 and a second time from November 7 to 12, 1961 (*ibid.*). Discussion of the texts that had been prepared by the preparatory commissions ended in June 1962 (*ibid.* 321). Since the preparatory commissions and their sub-commissions in general did not cooperate or inform each other about the topics they were working on and the progress they were making, their documents arrived at the Central Commission at different and completely unpredictable moments (*ibid.* 183). Already in May 1960 complaints about the lacking coordination of the preparatory work were expressed by the German cardinals Frings and Döpfner and with the support of the French bishops communicated to John XXIII (*ibid.* 184). The Pope did not react and only a year later, in the spring of 1962, would ask Cardinal Suenens to prepare an organic thematic plan for the Council (*ibid.* 379).

At the first session of the central preparatory commission the two German cardinals demanded that lay Catholics be allowed to participate at the Council, a request that was denied by John XXIII (*ibid.* 377). When in November 1961 the Central Preparatory Commission discussed the text on the sources of revelation that had been presented by the theological preparatory commission, substantial criticism was expressed by the cardinals König, Döpfner, Bea, Hurley and Alfrink (*ibid.* 327). Bea wanted Scripture to be seen as the principal source of revelation. Ottaviani identified tradition as an equally important source of revelation since the Church existed very well without the Holy Scriptures of the New Testament, but not without tradition (*ibid.* 328). This major doctrinal conflict was now evident and would have to be solved at the Second Vatican Council.

In the central preparatory commission, two blocks formed and during the Council became very apparent. The group of the progressive cardinals was composed of Alfrink, Döpfner, Frings, Koenig, Montini, Léger, Liénart, Maximos IV and Suenens (*ibid.* 325). The group that defended the prepared conservative texts was made up of the cardinals Browne, Lefebvre, Ottaviani, Ruffini and Siri. The great majority of the members of the central preparatory commission constituted persons that did not intervene as much and decided their vote on a case-to-case basis (*ibid.*). The historian indicates that the standpoint that Rome equals conservative and the periphery equals progressive and longing for reform simply does not correspond to the facts (*ibid.*). There were non-Romans who decisively defended the Catholic Church's centralized government. There were also Romans like Cardinal Confalonieri (1893-1986), who were strong critics of the Vatican's centralism (*ibid.*). Confalonieri was tolerant and open-minded. He was born in Seveso, Northern Italy, and already in 1921 was made private secretary to Achille Cardinal Ratti, Archbishop of Milan, and later Pope Pius XI. In 1941 he was named Archbishop of Aquila and in 1950 Secretary of the Department for the Seminaries and Universities at the Vatican Curia; in 1958 he was made cardinal and 1961 named Secretary of the Congregation for the Bishops (Quisinsky and Walter 2013. 81). The pope appoints the bishops, but the Congregation for the Bishops exerts decisive influence on the world Church by submitting to the pope the nominees for the episcopate. The overwhelming majority of the members of the central preparatory commission, overall about 200 people, voted according to the issues and not according to a conservative or progressive pattern. The votes floated, majorities changed regularly, and so did the alliances (Fouilloux 1995. 325).

Quisinsky and Walter together with Wikipedia helped me obtain biographical data on the main protagonists in the central preparatory commission and at the whole Second Vatican Council (Quisinsky, Walter 2013): Léon-Joseph Cardinal Suenens (1904-1996) was Archbishop of Mechelen-Brussels, Belgium. His father, who owned a restaurant, died when Leon was 4 years old. His priest-uncle subsequently looked after Leon and his mother. Suenens studied with the Jesuits at the Gregorian in Rome. His mentor was Désirée Cardinal Mercier, whose liberal views had a decisive influence on Suenens. He taught Moral Theology, did pastoral work with the Belgian soldiers in Southern France and became vice-rector and rector of the Catholic University of Louvain^{xvi}. In 1962 he was made a cardinal. Gerard Philips (1899-1972) as his theological expert, adviser and redactor of many documents at the Council was very important in obtaining consensus on the texts. Philips was a member of the Preparatory Commission and the Theological Commission. From 1944 to 1969 he was Professor of Dogma at the Catholic Faculty of the Catholic University of Louvain and from 1953 to 1968 he also served as a senator in the Belgian Parliament. This political experience with parliamentary procedure and processes empowered Philips at the Second Vatican Council to become the most effective redactor of many texts that reached the aula of the Council for a vote (Schelkens 2013. 213).

Paul-Émile Cardinal Léger (1904-1991) was Archbishop of Montreal. The Jesuits dismissed him from their novitiate because of his warm emotional character. At the Catholic Institute of Paris he received a doctorate in Canon Law. In the 1930s, he trained priests in a seminary in Japan. Returning to Canada during World War II, he worked as Professor of Sociology in Montreal. He was a supporter of religious liberty, discussed open-mindedly the issue of birth control and insisted on the equality of conjugal love and procreation in marriage^{xvii}.

Achille Cardinal Liénart (1884-1973) was bishop of Lille. He holds degrees from the Catholic University of Paris, from the Sorbonne and the Bible Institute in Rome. During World War I he served as a chaplain in the French army and in the 1920s he did pastoral work in his hometown Lille. In 1930 he was made a cardinal. After World War II he supported and defended the working priests in Rome, wrote against antisemitism and dialogued with Muslims.

Giovanni Battista Cardinal Montini (1897 – 1978) was born in Lombardy to a family of the local landed nobility. He studied at the Gregorian and the University of Rome and

as editor of the Catholic journal *Studium* maintained contact with the Christian Democratic Party and was interested in contemporary cultural developments. Jacques Maritain influenced his thinking. He worked for two years as Pro-Secretary in the Secretariat of State, when in 1954 he was unexpectedly appointed Archbishop of Milan. He was made a cardinal only in 1958 (Schelkens and Mettenpenningen 2013. 207).

Denis Hurley (1915-2004) was born in Cape Town, his father was the lighthouse keeper on Robben Island. In 1931 Hurley joined the Missionary Oblates of Mary Immaculate and took degrees from the Angelicum and the Gregorian in Rome. In 1946 he was made Bishop of Natal, thus making him the world's youngest bishop. In 1951 Natal was elevated to the Archdiocese of Durban. All his life he fought apartheid and criticized the post-conciliar developments like Paul VI's encyclical *Humanae vitae* on birth control, the maintenance of forced celibacy for priests, Roman liturgical centralism and the lack of collegiality of the Pope with the bishops' college and the synods. He was never made a cardinal (Quisinsky and Walter 2013. 138).

Maximos IV Sayegh (1878-1967) was Patriarch of the Melkite Greek Catholic Church from 1947 until his death. He outspokenly urged reconciliation between the Roman Catholic and the Eastern Orthodox churches. He was appointed Archbishop of Tyre in Lebanon in 1919 and in 1933 he was named Archbishop of Beirut. A fierce critic of Roman Centralism, his appointment as cardinal in 1965 was the subject of great controversy in Rome.

Franz Cardinal König (1905-2004) studied at the Gregorian University in Rome and at its Bible Institute Persian languages and religions of the Antiquity. During the Nazi occupation of Austria and World War II he was youth pastor at the Cathedral of Saint Pölten in Lower Austria. In 1948 he became Professor of Moral Theology at Salzburg University, in 1952 auxiliary bishop of the Diocese of Saint Pölten and in 1956 Archbishop of Vienna. In 1958 he was made a cardinal. König asked Karl Rahner to accompany him to Rome as his theological expert for the Council. From 1965 to 1980, he was the first president of the Pontifical Council for Dialogue with Non-believers. Resistance against the Nazi regime, pastoral concerns for the family and lay apostolate, effective efforts for reconciliation between the Socialist and the Conservative Party in Austria, his ability to maintain a dialogue with high-ranking

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persons from other religions and science gave him moral authority and made him a symbol of the Second Vatican Council in his native Austria (Neuhold 2013. 155-56).

Julius Cardinal Döpfner (1913-1976) studied at the Gregorian University in Rome. In 1939 he was ordained a priest and did pastoral work until he was consecrated a bishop in Würzburg, Germany, in 1948. From 1957 he served as bishop in Berlin. In 1958 he was made a cardinal and in 1961 Archbishop of Munich. After the first session of the Second Vatican Council he was a member of the new Coordinating Commission. At the first intersession he presented to John XXIII the so-called Döpfner Plan for better organization of the thematic work of the Council. From 1971-75 he supported with all his authority the Synod of Würzburg. At this the first and last synod in Germany lay, clerics and bishops discussed together in open discourse the realizations of the Second Vatican Council for the Catholic Church (Mokry 2013. 93-95).

Josef Cardinal Frings (1887-1978) was consecrated Archbishop of Cologne in 1942 and in 1946 he was made a cardinal. From 1945 to 1949 he was an advocate and a strong voice for the basic needs of the morally, politically and economically devastated German population toward the Allied Forces and encouraged reconstruction of the cities, civil and political life in Western Germany. In 1962 he made the only 35-year-old theologian Joseph Ratzinger his theological expert at the Council (Carl 2013. 110-11).

Bernard Cardinal Alfrink (1900-1987) studied at the Bible Institute of the Gregorian University in Rome and in Jerusalem. In 1945 he became Professor for Biblical and Hebrew Studies at the Catholic University of Nijmegen, Netherlands. In 1951 he was made auxiliary bishop and in 1955 Archbishop of Utrecht. In 1960 he was made a cardinal. His theological expert and adviser at the Second Vatican Council was the Dominican father Edward Schillebeeckx. He supported the Dutch Catechism, in 1966 the first post-Vatican II Catholic catechism and the Dutch Pastoral Council from 1966-70 that ultimately favored abolition of mandatory celibacy for Catholic priests. Alfrink was the subject of great criticism because of his desire for religious liberty and reform of the Catholic Church. Conservative Dutch Catholics and Rome succeeded in installing conservative bishops in the Netherlands at the beginning of 1970 (Ruh 2013. 36-37).

Alfredo Cardinal Ottaviani (1890-1979), a baker's son from Trastevere, was a jovial parish pastor. Unlike the carpenter's son Cardinal Bea, Ottaviani did not succeed in

becoming educated within the cultural horizon of the twentieth century and bible studies. What made Bea an open-minded champion of ecumenism, of a Protestant-Catholic understanding as brothers and sisters in Christ and of the unity of all men and women who are touched by the mystery of God? I do not know. Study of the biblical texts, an intimate relation to God as the fountain of personal existence and the international intellectual profile of the Jesuit education might be elements of Bea's evolution from a carpenter's son to the Pope's favoured counsellor. Ottaviani was too frightened and insecure in his personal identity as a Christian to enter discussions and discourses with theologians of different views. Ottaviani adhered to Canon Law as the principle of order and organisation of the Church and did not share the insight that even norms are but the socially fixed expressions of values, beliefs and faiths that form elements of a world view. Ottaviani had more influence than Bea. The ecumenical movement was organised at the level of world congresses, conferences and international meetings. The same is the case for the lay apostolate. However, neither Bea nor Ottaviani enjoyed the administrative advantages of an institutionalised presence in the Roman Curia. Bea lacked the organisational and professional infrastructure to coordinate his work in and outside Rome, to access information at the administrative level of the Roman Curia and to participate in her administrative procedures.

Other members of the conservative group were Ernesto Cardinal Ruffini (1888-1967), Marcel-François Lefebvre (1905-1991), Giuseppe Cardinal Siri (1906-1989) and Michael Cardinal Browne (1887-1971). Ernesto Ruffini was born in northern Italy in the province of Mantua. He studied at the Angelicum and the Pontifical Biblical Institute in Rome and subsequently pursued a teaching career at the Lateran University and the Pontifical Urban University. In 1945 he was named Archbishop of Palermo and made a cardinal in 1946. Marcel-François Lefebvre's father was a factory owner, outspoken monarchist and a devout Catholic, who brought his children to daily mass. In World War I he ran a spy ring for British Intelligence and as a member of the French Resistance against the Nazis he died in the Nazi concentration camp in Sonnenburg in 1944. At the insistence of his father Lefebvre, who wanted to become a priest, attended the French seminary in Rome. In 1931 he was sent to Gabon as a missionary of the Fathers of the Holy Ghost, the Spiritans. In 1948 he was appointed Apostolic Vicar of Dakar and in 1955 Archbishop of Dakar. In 1970 he founded the Society of Saint Pius X, because he rejected major developments and reforms instituted by the

Second Vatican Council and also maintained the traditional Tridentine Mass in Latin. In 1988, contrary to the orders of Pope John Paul II, he consecrated four bishops.^{xviii} Giuseppe Cardinal Siri was born in Genoa, received a doctorate from the Gregorian in Rome, and from 1930 to 1946 was a professor at the Great Seminary of Genoa. In 1944 he was consecrated auxiliary bishop and in 1946 Archbishop of Genoa. In 1953 he was made a cardinal and from 1959 to 1965 he was the first president of the Italian Bishops' Conference. The Irish Dominican Cardinal Michael Browne was from 1910 to 1919 novice master of his order in Ireland and then professor at the Angelicum, the Dominican university in Rome. From 1955 to 1962 he was Master General of the Dominican Order. In 1962 he was made a cardinal and consecrated as a bishop.

The Central Preparatory Commission on January 2, 1962 sent invitations to the Council to 2,851 persons (Wittstadt 1995. 509-10). Invited were 85 cardinals, eight patriarchs, 533 archbishops, 2,131 bishops, 26 abbots, and 68 superiors of religious orders (*ibid.*). The bishops came together without having had any previous contact and came to know each other during the Council. Altogether, 400 bishops could not accept the invitation: 200 were not allowed to leave their Communist countries and 200 were too sick to travel to Rome (*ibid.*).

The invited bishops came from 79 countries: 38% from Europe, 10% from the United States of America, 21% from Latin America, 20% from Asia and 10% from Africa (*ibid.*).

Preparations for Vatican II were time- and cost-intensive (Alberigo 1995c. 519). This contrasts with the fact that when the Council opened on October 11, 1962 it seemed to start at zero; over 90 per cent of the prepared schemes were not even taken into consideration by the assembly (*ibid.*). It is also true that the great majority of the bishops rejected the prepared texts. Nevertheless, the historian Alberigo concludes that the easy euphoria that was generated by the unexpected success in confronting the almighty Curia at the beginning of the Council cannot mask the hard fact that the Curia was jealous of the preferential relationship existing between the Pope and the Council (*ibid.* 525). The century-old historic dialectic of the powers of the Pope and the Council now became a complex dialectic of three parties, the Pope, the Council and the Roman Curia (*ibid.* 526).

The Council was opened in a magnificently orchestrated event. In a festive procession 2,500 bishops solemnly preceded the Pope on this throne from the Apostolic Palace

across Saint Peter's Square to St. Peter's Basilica, where Holy Mass was celebrated (Riccardi 1996. 31). The enthusiasm of most of the bishops and the crowds outside Saint Peter's contrasted sharply with the harsh criticism of some expert reformers of the liturgy and supporters of the liturgical movement. The Tyrolean Jesuit Joseph Jungmann dryly analysed why he could not appreciate the opening ceremony: the concept of the liturgy dated from Leo XIII at the beginning of the twentieth century and the liturgical movement was absent from the ceremony (*ibid.* 32). Yves Congar was even more critical and wrote in his diary on October 11, 1962 that the opening ceremony revealed the Constantine face of the Church in Rome (*ibid.* 39). Congar recognized a Church that had not yet profoundly renounced the lordly status it enjoyed in the Middle Ages and the Renaissance and accused Pope Pius IX of having failed to prepare the Church for the future and instead insisting on restoring the lost Cesarean powers (*ibid.*). Pius IX was ignorant of tradition and the historians who studied the changes of times. He was also ignorant of the theologians who studied the Gospel to describe the Church following the message of Jesus Christ (*ibid.*).

The historian Riccardi documents the profound disappointment Jungmann and Congar felt that all liturgical elements and all liturgical production were concentrated on the person of the Pope at the center of all things. Congar attributed the pomp to Pope Pius IX and his Cesarean habits in the tradition of the Roman Emperor Constantine, who started granting privileges to the Christians. We must remember the assessment of the historian Franzen, who states that the unbelievable success of Pope Pius IX within the Catholic Church, thanks to the dogma of the absolute universal papal primate and infallibility, contrasted with his absolute loss of secular political power in Italy (Franzen 1965, 337). The historian Wassilowsky analyses the growing liturgical and spectacular production of the popes in the twentieth century at Saint Peter's, resulting from the successful development of normative efforts of the papacy that started after the Council of Trent (Wassilowsky 2012, 42). The Pope modernized by building an effective administration at the Vatican and founded a Congregation for Ceremonies that would control all ceremonies, rituals and rites conducted at the papal court (*ibid.*). This ceremonial work must present the papacy as the universal organizing power for the life of the Catholic Church (*ibid.*). It is true that Pius IX elevated the central power of the papacy to a hitherto unseen degree. This centralisation around the person of the Pope is antidemocratic, but causes something like a romantic enthusiasm among millions of theologically uninformed lay Catholics (*ibid.* 46). The popes are perceived

as heroes who become sanctified in a very short time (*ibid.* 47). In the twentieth century, the individual Pope needs to develop a kind of personal charisma that attracts the masses in order to qualify as a success (*ibid.*). Wassilowsky is right to criticize this kind of charismatic absolute government of the Church by the Popes, because it threatens to eliminate all the charisma of the individual Catholic woman, man and queer, who indeed constitute the effective basis of the living Christian communities (*ibid.* 51). It is the function of the Pope to create conditions that enable the charisma of the individual Catholic to be recognized, accepted and bear fruit in the Christian community and not to focus attention on his person to the detriment of others (*ibid.*). Saint Paul in his first letter to the Corinthians, chapter 12, initiated a good process for dealing with the different charismas in the community (*ibid.*).

The historian of the first session of the Second Vatican Council turns to the important question how this upcoming and extraordinary Church event could possibly be governed and what it should realize. On this October 11, 1962 everyone waited for the Pope to speak in anticipation of receiving answers to these questions (Riccardi 1966, 34). *Gaudet mater ecclesia*, mother Church is glad and rejoices, was the theme of John XXIII's opening sermon. The Pope apparently enjoyed the talent to inspire men and women to listen to him with sympathy in a heartfelt manner. His message was that the modern world is to be seen positively and with optimism and with the conviction that Christ is always at the center of the individual's life, at the center of history as a whole (*ibid.* 35-37). John XXIII was not an arbitrator who would end the confusion and contradictions reigning in the Council and introduced clarity and coherence to the Council's procedures (*ibid.* 34). His ambition was to inspire the Council to find its own clarity and take possession of its direction. John XXIII insisted on the validity of doctrine and the superiority of mercy and compassion over condemnation and threat (*ibid.*).

The second day of the Council lasted about 50 minutes and was terminated when the venerable 68-year-old Cardinal Liénart from Lille motioned that the Council be adjourned for several days (*ibid.* 47). The Council fathers were already busy poring over prepared lists to select bishops for the Council's ten commissions. Liénart argued that the Council could not immediately vote on the 160 bishops and cardinals who were to participate in the Council's various commissions (*ibid.*). Cardinal Frings, like Liénart one of the ten cardinals on the Council's presidential board, took the floor after Liénart, seconded his motion, and informed the Council that also Döpfner and König wanted time to clarify whom they wanted to vote for for the commissions (*ibid.*). The aula of

the Council spontaneously applauded for a long time and the Dean of the College of Cardinals, Tisserant, granted his approval (*ibid.*). John XXIII told Liénart that he had done well (*ibid.* 51). This decision made clear that the Council would not be a simple continuation of the preparatory commissions. Liénart’s decision to take the floor was the beginning of the Council’s self-government. The bishops’ conferences began to produce lists of possible members for the Council’s commissions and the Council fathers would vote on the candidates in the aula of Saint Peter’s (*ibid.* 54). This was revolutionary compared with Vatican I (*ibid.*). Bishops who were not very attentive to what was going on at the Council suddenly became interested in taking a more active part in the goings-on (*ibid.*). On October 22, 1962 it was announced in the aula of the Council that John XXIII had elevated the Secretariat for Promoting Christian Unity to a commission (*ibid.* 64). With this eleventh commission, Cardinal Bea acquired an institutional position at the Council (*ibid.*). The president of the Council and the presidents of the ten commissions were installed at the beginning of September 1962, together with Felici as the Council’s Secretary General. Felici did not welcome the fact that the presidency of the Council was to receive help from another secretariat. John XXIII established the Secretariat for Extraordinary Affairs of the Council and the Secretary of State, Cardinal Cicognani was to be president of this new institution that would steer the Council in accordance with the mood of the bishops in the aula (*ibid.* 77). Since the presidents of the ten commissions were all members of the Roman Curia, John XXIII wanted to limit their influence on the Council with the help of relatively open-minded cardinals from the Secretariat for Extraordinary Affairs. Members of this Secretariat were the Cardinals Siri, Montini, Suenens, Döpfner, Confalonieri, Meyer from the United States and Cardinal Wyszyński from Poland, who was the only cardinal from the Communist East at the Council (*ibid.*).

At this point I will leave the historians’ reconstruction of the preparations for and the beginning of the first session of the Second Vatican Council in the fall of 1962. Alberigo’s five volumes of the history of the Council will always accompany my writing about the texts of the Council. The texts are part of the historic event that helped create them and led to their official publication as authorized texts of the Papal *Magisterium* of the Catholic Church. At this point of my study of the historic picture, I would like to turn to an element of this picture that was not allowed to have representation or an active role in the Council, namely the millions of women, men and queer lay Catholics.

The historian Jan Grootaers (1921-2016) became the first lay professor at the Faculty of Theology and Religious Studies of the Catholic University of Louvain, Belgium, where he taught Lay Spirituality until 1989^{xix}. As a lay Catholic intellectual he attentively documented the decisive historic developments of the Catholic lay women, men and queer that parallel the event of the Second Vatican Council (Grootaers 1996). Grootaers stated that for the lay Catholics in Great Britain the first intersession of the Second Vatican Council, that is the time between the end of the first session on December 8, 1962 and September 29, 1963 when the second session opened, was a very important moment (*ibid.* 574). This is because the millions of laywomen, laymen and lay-queer acquired a self-awareness and started to participate in the liturgical and theological renovation that had started in Rome (*ibid.*). A first generation of Catholics had received a university education and their subsequent social advancement and growing self-confidence clashed with the authoritarian and clerical Catholic Church that expected silent obedience and submission from its lay members (*ibid.*). The young clerics felt the same way, but were not free to voice their claims to liberty and freedom of speech within the Church (*ibid.*). Also, in Italy and the United States this new lay elite was encouraged by John XXIII to study the new theology that was spreading all over Western Europe (*ibid.*). Conflicts between the lay and the Catholic hierarchy followed and consequently this new generation of Catholic laywomen, laymen and lay-queer began discussing the question of Church authority (*ibid.*). They defended an open theology that would take into account the *sensus fidelium* that is the expression of the Holy Spirit of every Christian woman, man and queer, their expressions of their faith convictions and their belief in an equal and emancipated basis (*ibid.* 575).

Two important questions for the lay women, men and queer are tied to the Second Vatican Council and were passionately discussed: birth control and the right of the individual to express her or his faith as realizations of dignity and equality in the Catholic Church. In Great Britain and the United States this new generation of educated and responsible Catholic laywomen, laymen and lay-queer started a discussion for the moral justification and use of the newly accessible methods of hormonal birth control (*ibid.*).

In 1960 hormonal oral contraception was approved by the US Federal Drug Administration and became available to women in the United States. In 1961 hormonal oral contraception was introduced in Australia, Germany and Great Britain; one year

later France legalized hormonal oral contraception. Catholic scientists, moral theologians, men and women began discussing the morality of the use of hormonal contraception for responsible family planning (*ibid.*). The accent was on responsible parenthood and not on preventing fecundation. Already in 1963, some bishops treated the new moral situation very sensitively (*ibid.*). In March 1963 Bishop Bekkers of Bois-le-Duc in the Netherlands in a televised debate spoke out in favor of a new concept of conjugal life, where the love of the partners would be expressed necessarily and particularly in the intimacy of sexuality (*ibid.*: 576). A pastoral letter from the Episcopate of the Netherlands declared the discussion on responsible parenthood to be open (*ibid.*). The French and English episcopates reacted negatively to the initiative by their colleagues in the Netherlands and claimed to adhere to the teachings of the 1930 encyclical *Casti connubii* that declared procreation to be the end of conjugal love as godly law (*ibid.*). Other bishops who asked for a new moral evaluation of conjugal love in a press conference in Boston, USA, were T. D. Roberts, the retired Archbishop of Bombay, Josef Maria Reuss, Auxiliary Bishop of Mainz, Germany, and Cardinal Suenens (*ibid.*). The effectiveness of combined oral contraceptives in women who took the pill regularly was unrivalled by any other method. It changed sexual and social life and the demographic development of the modern world. The bishops at the Second Vatican Council knew from the prepared texts that marriage, family life and sexuality were on the Council's agenda. Already in its first debate, the Council's Coordinating Commission, that had replaced the Central Preparatory Commission, erupted in severe conflicts concerning the purpose of marriage. In March of 1963 John XXIII secretly formed a papal commission to deal with the matter of birth control (*ibid.* 575). Not even the bishops knew about the existence of that commission.

The other question that laywomen, laymen and lay-queer in Western Europe and North America discussed and wanted to have discussed received public attention through a book (*ibid.* 578). The publication of "Honest to God" by the Anglican exegete and Bishop John Robinson - in 1963 it sold half a million copies - raised another existential question that did not receive a satisfactory answer at the Second Vatican Council (*ibid.* 577). Men and women, Robinson claimed with the gift to make oneself clear in colloquial speech, are invited to search for and find God as the basis of their being and not as something outside their existence (*ibid.*). Theological concepts about the individual person's existential knowledge of God had been developed before Robinson. Karl Rahner (1904-1984) had already in 1956 published a series of articles

on the *Spiritual Exercises* and their significance for the spiritual life of the contemporary Christian (Rahner 1964). Robinson was charismatic in his use of colloquial language to express in a readily comprehensible and intelligible manner for a large audience what theologians described in incomprehensible technical terminology (*ibid.*). More important was the fact that Robinson took seriously the questions of agnostic doubters, skeptical atheists, and thinking believers. Robinson empathically reached the hearts of his readers, who found relief and confirmation for their individual spiritual experiences and their thoughts about God and the possibilities of the hereafter (*ibid.*). Anglican but also Catholic Church authorities began to worry that a huge public would become involved in theological discussions. The majority of readers found relief in Robinson’s book that speaks of God the way they had always thought of him, but never dared to say publicly for fear of being ridiculed or admonished (*ibid.*). Grootaers seems to give the impression that his use of the term secularization points at the fact that laywomen, laymen and lay-queer were starting to discuss questions that until then were restricted to the consideration of theologians and Church authorities (*ibid.* 578-79). With the Second Vatican Council millions of Catholic laywomen, laymen and lay-queer were ready to bear authentic and reflected testimony to their spiritual experiences and thoughts about God and the life of the Church. With the serious modesty that is characteristic of many lay Catholics who in the late twentieth century spoke of their legitimate interests as lay persons in the Catholic Church, the historian documents the fact that this spiritual potential in Western Europe and North America was not recognized or taken into consideration by the fathers of the Second Vatican Council (*ibid.* 579). The Second Vatican Council missed the historic opportunity to initiate and structure a dialogue with the spiritually and intellectually emancipated lay Catholics in Western Europe and North America. The historian observes that empirical sociologists of religion working at theological faculties had started research projects on the religious practices, beliefs, political convictions and social behaviors of Catholic and non-Catholic citizens in Western Europe and North America (*ibid.*). In 2018 The European Values Study (EVS) describes its end as “a unique research project on how Europeans think about life, family, work, religion, politics and society”^{xx}. In 1981 one thousand persons in European states completed the standardized questionnaires. By 2008 the EVS already covered 47 European countries/regions and had interviewed some 70,000 persons in Europe^{xxi}. Empirical sociologists do not use the term secularization for the post-modern situation that developed in the last 30 years of the twentieth

century and that is characterized by the individual’s liberty to decide on one’s own determination and will and by the loss of influence of Church authorities, authoritarian leaders and major political parties (Denz 2000: 70-86).

On September 1, 2014 the Bishop of Antwerp, Johan Bonny, published the 26 pages of his expectations for the Extraordinary Synod on the Family that he was to attend in Rome in October of the same year (Bonny 2014). Bonny was ordained a priest in 1980, obtained a doctorate in Theology from the Gregorian University in Rome, taught Dogmatic Theology, Ecumenism and Spirituality at the Seminary in Bruges and in June 1997 was appointed collaborator to the Pontifical Council for Promoting Christian Unity. In 2008 he was consecrated Bishop of the Diocese of Antwerp.^{xxii} Bonny’s text openly confirms from the point of view of a Catholic bishop the findings of the EVS on sexuality and the family. He writes that in the years following publication of the Encyclical *Humanae Vitae* in 1968, many committed Catholic laymen and laywomen rejected the Vatican’s view on sexuality and birth control, marriage, the family and in vitro fertilization, commonly ignoring the many documents that the Roman *Magisterium* published on the matter in the ensuing 30 years (Bonny 2014. 2). Bonny finds some mild understanding for this rejection, indifference and apathy towards the teachings of Popes Paul VI, John Paul II and Benedict XVI. Bonny identifies the cause of this apathy as the lack of dialogue between the Catholic hierarchy and its believers: women, men and queer (*ibid.* 10).

Bonny also expresses regret that in the years following the Second Vatican Council the Vatican authorities relegated many moral theologians to the margins of the Catholic Church for their critical views on official Catholic moral teaching. Bonny names here the German Jesuit father Josef Fuchs teaching at the Gregorian University in Rome and the Redemptories father Bernhard Häring teaching at the Academia Alfonsiana in Rome, as well as the diocesan priest and professor Louis Janssens of the Catholic University of Louvain. All had creatively collaborated with the bishops and the Church hierarchy during the Second Vatican Council (*ibid.* 11). The Roman Curia not only isolated Fuchs, Häring, and Janssens, but also the next generation of moral theologians that did not conform with John Paul II’s stand on birth control, premarital sex, homosexuality and many other ethical issues. Klaus Demmer, for example, was the successor to Fuchs at the Gregorian University and my doctor father in the early the 1990s. When in 2000 the University of Innsbruck appointed me Professor of Moral

Theology, for reasons unknown I did not receive the ok – the *placet* – from the Roman Vatican Congregation for the Doctrine of the Faith, the former Holy Office of the Inquisition. Two years later in the spring of 2002 Archbishop Tarcisio Bertone, Secretary of the Congregation for the Doctrine of the Faith under its Prefect Cardinal Joseph Ratzinger, wrote a letter to the Bishop of Innsbruck, Alois Kothgasser, later Archbishop of Salzburg. Bertone explained that I would not receive an ok from the Vatican because I never positively commented on the moral teachings of Pope John Paul II, whom I did not cite in my publications. Bertone and Kothgasser were members of the Salesian Order and knew each other well. The letter was a gesture of solidarity with Kothgasser, whom Bertone trusted. At that time I was a member of the Jesuit Order, and the episode with the Salesians Bertone and Kothgasser made clear to me that in the days of John Paul II the Jesuit Order had lost the Vatican’s trust and therewith much of its influence in the Vatican. Kothgasser showed me the letter and suggested that I write a short article saying something positive about the moral principles of the Catholic Church with reference to the encyclicals of Pope John Paul II. The article was published in the newspaper of the Diocese of Innsbruck. Some weeks later, I received the ok to teach Moral Theology at the University of Innsbruck. There were many moral theologians, women and men, who received no help from an influential bishop and were refused an ok to teach at Catholic faculties because they were critical of John Paul II’s teachings on moral matters. The whole procedure to get me the Vatican’s permission to teach Moral Theology was not a realization of human dignity. Kothgasser’s strategy secured my job as a civil servant of the Austrian State at the University of Innsbruck and brought me financial security. For this secure position and the opportunity to work in freedom, the dignity of the bishop, the dignity of the editor-in-chief of the diocesan newspaper, my dignity, the dignity of the Jesuit superiors and the rectors of the University was not a priority. In 2003 Bertone was made cardinal and in June 2006 Pope Benedict XVI appointed him Cardinal Secretary of State. Bertone was made responsible for much of the confusion and corruption going on in the Vatican (see Nuzzi 2012) that led to the resignation of Pope Benedict XVI. His successor, Pope Francis, had to initiate a reform of the Roman Curia at the request of the conclave that elected him on March 13, 2013. In his Christmas address to the Roman Curia on December 21, 2017, namely his fourth address to his Curia, Pope Francis again acknowledged the difficult task of trying to reform the Curia (Francis 2017). He bitterly complained that a minority in the Curia “betray the purpose of its

existence” and somewhat helplessly moralized that the relationship between the Curia and the local churches must be based on collaboration and trust and never on superiority or adversity (*ibid.*). The Catholic Church is still waiting for the Curia to be reformed.

There is no doubt that Pope Francis is intentionally open for reform and speaks of understanding and pastoral compassion with the faithful. For this reason, it is understandable that in 2014 Bishop Bonny hopes to receive a positive answer at the upcoming Synod for divorced and remarried Catholic women and men to be allowed to receive communion (*ibid.* 18). Bonny underlines his hope for divorced and remarried Catholics to be allowed to receive Communion while setting out the criteria – repentance for the definitely failed first marriage, accepting responsibility for the children, irrevocable new responsibilities in the second civil marriage - that the German Bishops’ Conference had developed in the 1990s, before being reined in by the Vatican (*ibid.* 21). Bonny affirms the loss of confidence in the relationship between the Pope and the bishops that followed Pope John II’s decree on moral matters of sexuality, family life and bioethics. The lack of collegiality of the Pope led to tensions, conflicts and an ongoing rift with the bishops (*ibid.* 3). Bonny’s optimism is based on the hope put in Pope Francis. Pope Francis will restore a new collegiality between the Pope and the bishops of the world episcopate (*ibid.* 4). Bonny cites Pope Francis, who in his Apostolic Exhortation, *Evangelii Gaudium* (Francis 2013) in October 2013 criticizes the unsatisfactory relationship of collegiality between the Pope, the Bishop of Rome, and the bishops of the world episcopate (*ibid.*). Pope Francis writes in Paragraph 32 of *Evangelii Gaudium* that the episcopal conferences are not empowered “to contribute to the concrete realization of the collegial spirit” ... “since a juridical status of episcopal conferences, which would see them as subjects of specific attributions, including genuine doctrinal authority, has not yet been sufficiently elaborated. Excessive centralization, rather than proving helpful, complicates the Church’s life and her missionary outreach.” In 2018 it is still clear that in the Catholic Church the Pope possesses the absolute legislative, executive and juridical authority over the life of the Church. Therefore, in 2018 one may ask why in the past five years of his pontificate Pope Francis was not able to give the episcopal conferences the juridical status they would need for effective collegial cooperation with the Pope.

The papers and documents of the Extraordinary Synod on the Family of October 2014 did not provide a solution to the problem of Communion for divorced and remarried Catholic women and men. The working papers that were drawn up to prepare the Ordinary Synod of October 2015, that would deal with the problems of the Catholic Church and the family, the final report of the Synod and the Post-Synodal Apostolic Exhortation, *Amoris Laetitia*, on love in the family (Francis 2016a) also did not solve the problem of Communion for divorced and remarried Catholic women and men.

On September 5, 2016 Pope Francis wrote a letter (Francis 2016b) to the bishops of the pastoral region of Buenos Aires, in which he approved their basic criteria for application of Chapter VIII of *Amoris Laetitia*. Pope Francis recognizes the pastoral efforts made by the Argentine bishops for families and certifies that there is no other interpretation possible for Chapter VIII of *Amoris Laetitia*. The bishops refer to paragraph 300 of *Amoris Laetitia*, where the bishops are encouraged to give orientation for the possibility that divorced and remarried Catholics are permitted to receive Communion. The way to this Communion is not permission, but a personal and pastoral decision-making process, and there may be cases where access is granted to the Sacraments of Reconciliation and the Eucharist (*ibid.*). The above letter from Pope Francis was included in the Holy See’s official text of record (*ibid.*), but neither the Church’s discipline nor its doctrine have changed due to the simple publication of the Pope’s letter in the Acts of the Apostolic See, correctly comments Carl Bunderson of the Catholic News Agency (Bunderson 2017). Unless the Pope revokes Canon 915 of Canon Law that states that those “obstinately persevering in manifest grave sin are not to be admitted to Holy Communion,” divorced and remarried Catholics are not allowed to receive Communion because divorcing and remarrying is considered permanent adultery and a grave sin (*ibid.*). In February 2017 the German Bishops’ Conference, similar to the bishops of Malta, decided that in certain cases divorced and remarried Catholics would be allowed to receive Communion (Harris 2017). The German Bishops’ Conference illustrates another sad reality concerning a culture of dialogue and compromise: there are German bishops working at the Curia in the Vatican, who openly manifest their disapproval of the bishops conference’s interpretation of *Amoris Laetitia* with regard to divorced and remarried Catholics receiving Communion (*ibid.*).

Why is Pope Francis, the highest authority and the absolute primate in the Catholic Church, incapable of changing Canon Law? It will be up to the historians to provide an answer to this question one day. Yes, there is resistance to reform coming from the world episcopate and the Roman Curia of the Vatican. In my opinion, the most important factor blocking reform in the Catholic Church is the fact that over one billion Catholic laywomen, laymen and lay-queer are not involved in the reform process, because they do not participate in the life of the Church on the basis of equal dignity, liberty, freedom and rights. Instead, the Church is governed by an elite of 5,000 bishops who rule the Church with the powers of an authoritarian government. These 5,000 bishops, or 0.0004% of all Catholics under the absolute monarch, the Pope, have the say in the Church^{xxiii}. The few laywomen and laymen present at the Synod on the Family in 2015 were allowed to participate but not to vote.

The representatives of the world episcopate who gathered in Rome in 2015 for the Synod on the Family were divided on the issues because they represent the centralized government of the Church in Rome, but not the views of the millions of Catholics living in their dioceses. It is true that Bishop Bonny raised a lot of the expectations on the part of laywomen, laymen and lay-queer in Western Europe. The Austrian lay organization *Wir sind Kirche* (English: We are Church) published Bonny's letter on the Internet because it supported Bonny's claims (Bonny 2014). *Wir sind Kirche* evolved in 1995 as a private initiative of laywomen and laymen in reaction to the scandal surrounding the pedophile Cardinal of Vienna Hermann Groër, who in 1986 was appointed by John Paul II as successor to the retiring Cardinal Franz König against the will of the latter and the will the whole diocese of Vienna. By 2011 *Wir sind Kirche* had expanded and as “International Movement We are Church” was active in 25 Western European Countries, North and South America, Australia, Asia and Africa.^{xxiv} Moral theologians in Austria and Germany hoped that Bishop Bonny would climb the ladder of hierarchical influence in the Catholic Church in order to more effectively promote his claims for Church reform on the morals of family life. There are also initiatives of Catholic laity from major pro-life and pro-family organizations in Western and Eastern Europe, Latin America and the United States that, like “Voice of the Family,” protested that bishops like Bonny attended the Ordinary Synod on the Family in 2015.^{xxv} Organizations of Catholic laywomen, laymen and lay-queer that support changes in the moral teachings of the Church on human sexuality developed parallel to bodies of Catholic laity organized to radically block any such change. Parallel to the

individualization of religious life another development is under way in Europe and North America. A very small but in the central Church government in Rome influential minority of laywomen and laymen, who cannot cope with the new freedoms and suffers under the moral state of uncertainty, is calling for new and strict social structures, traditional norms and authoritarian leaders (Denz 2000).

The Roman Curia reacts by balancing the extremes, but fails to grasp the social reality that millions of free and self-responsible Catholic women, men and queer already develop their Christian worldviews and moral values without the institutional constraints of the Church. Bishop Bonny was promoted in the hierarchy for pleasing the reformers. In order to please the defenders of Catholic teaching on the family he was not promoted to Archbishop of Brussels and Primate of Belgium, as many observers had expected, nor was he appointed to the Roman Dicastery for Laity, Family and Life that Pope Francis created in 2016. Instead, he was sent back to Belgium.

Let us take a look at the participants at the Synod on the Family in 2015. The synod members were 166 bishops elected by their national bishops’ conferences, 22 heads of Eastern Catholic Churches, 25 heads of Vatican congregations and councils and ten heads of men’s religious orders, while the Pope appointed an additional 45 synod fathers to take part in the gathering from October 4 to 25, 2015 (Glatz 2015). Of the 51 observers and 23 experts appointed by the Pope, the majority were laymen and laywomen, including 18 married couples representing Asia, Africa, the Americas, the Middle East, and Europe (*ibid.*). There were about 268 voting members at the Synod, about 10% of whom belonged to the Roman Curia. Almost half of the 45 pontifically appointed voting members were from Europe, with another 15 from the Americas, three from Africa, two from Oceania and one from Asia (*ibid.*). It is true that the Synod of Bishops is a permanent institution that was established by Paul VI on September 15, 1965, namely during the Second Vatican Council (Paul VI 1965a). It is also true that Paul VI established the Synod of the Bishops by a *Motu proprio*, or an apostolic letter written at his initiative and will alone and signed with his proper name Paul VI (Paul VI 1965b). Pope Francis’ Extraordinary Synod for the Family was convened according to the rules set forth by Paul VI in his *Motu proprio* in 1965. Francis changed nothing.

The Roman Curia makes up only about 10% of the votes at the Synod, but the majority of the 166 bishops from the national bishops’ conferences had been appointed by

2 “The way you use the word ‘God’ does not show whom you mean”

Popes John Paul II and Benedict XVI at the proposal of the Curia’s Congregation for the Bishops. At the Synod in 2015 Pope Francis faced an episcopal college that was largely chosen by his predecessors and did not agree with his preferences. Additionally, it was clear that the bishops from Africa and Asia differ widely from their Western European and North American colleagues in their moral evaluation of sexuality and homosexuality, of marriage and monogamy, and on the issue of divorced and remarried Catholics receiving Communion (Bonny 2014. 4). Of the 166 bishops from the national bishops’ conferences 17% came from Asia, 27% from Africa, 22% from South and Central America and the Caribbean, 27% from Europe and 7% from North America (8), New Zealand (1) and Australia (2).^{xxvi} This distribution reflects the distribution of Catholics in Africa and Asia, but does not reflect the fact that 40% of the world’s Catholics are Latin Americans. On the other hand, European bishops accounted for a larger percentage than justified by the number of Catholics in Europe.

The number of European Catholics decreased to about 150 million from 1970 to 2012, which is a 15% drop in relation to the total Catholic world population^{xxvii}. The number of bishops from Europe who were sent by the bishops’ conferences still made up 27%, which is 12% more than justified on the basis of demographic equality. Bonny makes clear that in 2015 the views of the bishops from Eastern Europe on birth control, Communion for divorced and remarried Catholics, not to speak of homosexuality differed considerably from those of their Western colleagues (Bonny 2014. 2). Most of the 20 European bishops personally appointed by Pope Francis came from the West while the 15 bishops appointed by him from the Americas tended to share his views on allowing Communion for divorced and remarried Catholics.

Compared to the Second Vatican Council, the number of African bishops at the 2015 Synod grew from 10% to 27%. This corresponds to the growth in the number of Catholics in Africa from 45 million to 200 million during this period^{xxviii}. Of the approximately 2,500 bishops at the Second Vatican Council 38% were from Europe, 10% from the United States of America, 21% from Latin America, 20% from Asia and 10% from Africa (Wittstadt 1995. 510).

Of the 250 bishops attending the Second Vatican Council from Africa only 16 were Africans, most were European missionary bishops. At the Synod in 2015 the 28 African bishops were all Africans and they voiced their opinions during the Synod’s

discussions. At the beginning of the Second Vatican Council, the situation of the African bishops was very different.

At the Second Vatican Council in Rome it was the aim of Africa's new elite to make black Africa's independent presence visible on a world scale (Prudhomme 1993, 166). A minority of Catholic intellectuals and priests wanted to use the Roman stage to promote Black African Culture at the Council (Beozzo 1995, 404). However, for the majority of the clergy and the Catholics the Council had no mobilizing effect at all. The African Church was structured very hierarchically. The priests are at the top and have absolute say. By the year 2008 nothing had changed in Nigeria with regard to this authoritarian standpoint held by the Church officials and the young African clergy. In Ghana the situation is different now. Two French bishops from Africa and two African bishops were members of the Theological Commission, but could not play an active or decisive role in their work. They simply were not prepared because they had had no opportunity to study the mountain of documents. In 1962 four new young African archbishops were appointed in the former French colonies (Prudhomme 1993, 167). Rome was already working to Africanize the clergy and hierarchy. The old French archbishops, like Monseigneur Lefebvre or Monseigneur Graffin from Yaoundé, were invited by Rome to leave Africa and return to Europe (*ibid.*). The votes from the African bishops stressed the need for decentralization in order to integrate African rites into the liturgy and achieve a reform of Canon Law that would ensure its applicability in Africa (Wittstadt 1995, 444). The missionary dioceses in the colonies of the European powers all over the world were governed from Rome by the Sacred Congregation for the Propagation of the Faith. This strong Roman grip on the government of the missions continued when the Sacred Congregation changed its name to Congregation for the Evangelization of Peoples. Until 2014, all members of the congregations of the Roman Curia were male. Central Roman Catholic legislative, juridical and governmental powers are monarchic and exclusively male. Sister Luzia Premoli, a native of Brazil and Superior General of the Comboni Missionary Sisters, was appointed in 2014 as a member of the Congregation for the Evangelization of Peoples. She was the first woman ever appointed to a Roman Congregation (Gagliarducci 2014).

There were 16 African bishops at the Council, all young and most of them in their forties. All were educated in Rome, and they knew Rome better than their missionary

bishop colleagues in Africa (Prudhomme 1993, 171). Theologically, the African bishops are prudent; they do not talk about celibacy. Instead, they want to be like the Europeans and be as heroic in following the virtues of celibate chastity (*ibid.* 172). They estimate that Africa is not yet ready to discuss the institution of the diaconate for married lay Catholics (*ibid.*). During the Council they joined the moderate majority in their voting patterns (*ibid.* 181). They discussed with French and German theologians, but did not exert influence on the theological themes and fundamental options of the Council (*ibid.*). The African bishops were eager to learn about the need for a new concept and understanding of what missionary and pastoral work would be like in independent Africa (*ibid.* 182). Original African contributions to the topics did not emerge. The Africans were happy with the world attention Africa received at the Council. On their return from the Council the 16 young African bishops presented themselves with the authority of having been legitimized by their attendance at the Council in Rome (*ibid.* 183). The election of Archbishop Jean Zoa (1922-1998) from Yaoundé as a member of the Commission for the Missions and the sub-commission on the “signs of the times” was an important symbol of the effective recognition of black Africans in the world (*ibid.*). Already after the first session of the Council they were greeted at home with curiosity and growing interest. Many questions asked by the African clergy at home and by a growing elite of informed lay Catholics concerned the need for catechists in communities without priests, married priests, Muslim observers at the Council, the formation of teams to work together, and the powers that Rome handed over to local bishops and bishops’ conferences (*ibid.* 184-86). Some African bishops claimed that an authentic African Church was born and many energies were indeed set free to organize an African Church on a basis of solidarity and for the unity of the whole African continent. The returning African bishops had finally become aware of their own African traditions and cultures. The mountains of theological papers from Europe would not help them gain an awareness for the situations prevailing at home. Assessment of the proper cultural roots was being put on the agenda of some bishops, who initiated studies on a local basis and familiarized themselves with the mosaic of religions, cultures, wisdoms and philosophies that inhabit Africa (*ibid.* 187). In a general judgment of the outcome of the Second Vatican Council for African Catholics the historian affirms that concepts of collegiality of bishops and the discovery of the importance of the local Church were too novel to serve as a foundation for new forms of solidarity (Soetens 1993., 208). The big hopes of the African lay Catholics and the

African theologians were realized only in adaptations of the liturgy. African theology had no influence at the Council, also because the 80 black African bishops attending the Council in 1965 were largely outnumbered by the 300 missionary bishops from Africa, who adhered to European mentality and theology (*ibid.*). Soetens documents the complaint that Bishop Bouve of Kongolo expressed on June 7, 1986, all of 20 years after the Second Vatican Council: "I wrote to Rome after the Council that this Council was not an ecumenical, but a European. I assisted at all sessions of the Council, never took the word, but listened. I did not take part in the redaction of any text. I only gave some answers. That was European and opened our eyes. We still lived in a different world then" (*ibid.* 192). Soetens testifies that other bishops and experts from Africa spoke in the same way, often in much more radical terms (*ibid.*).

John XXIII convened the Second Vatican Council on December 25, 1961 and with his opening remarks made clear that this Council of the Catholic Church must work for the *Humanae Salutis*, that is for the blessing and salvation of humanity (Komonchak 1995, 177). John XXIII linked world peace and the future of humanity to the death and resurrection of Jesus Christ, that is the sign of Jonah, by using the term "signs of the times" according to Mathew 16:3-4. John XXIII convened the Second Vatican Council in order to work towards making the world understand that world peace and the death and resurrection of Jesus Christ are inseparably linked. Use of the term "death and resurrection of Jesus Christ" follows the same rule that Wittgenstein had established for the term "God": "The way you use the word 'God' does not show whom you mean – but, rather, what you mean" (Wittgenstein 1980b. 51e). In order to constantly remind my conscience of the fact that I am trying to clarify what I mean when speaking about the Only one, whom nobody has ever seen, I will use from now on the sign "Go'd." This use makes sense because everyone can understand that I am using the word God and I explained that the comma shows what I want to say: "The way you use the word 'God' does not show whom you mean – but, rather, what you mean" (Wittgenstein 1980b. 51e).

The crucial question for the Second Vatican Council was whether it would be able to successfully realize its claim to comprehensibly explain what it means by the "death and resurrection of Jesus Christ" and how this term is linked to world peace.

How does the Second Vatican Council describe the sign of Jonah as "signs of the times" in order to clarify the meaning of the "death and resurrection of Jesus Christ" for

2 "The way you use the word 'God' does not show whom you mean"

all women, men and queer on this earth? When answering this question, we have to heed the words of the historian Alberigo, who dedicated his work to reconstructing what happened at the singular event of the Second Vatican Council. The history of the event constitutes the foundation for describing the spirit of renovation of the Catholic Church based on the Gospel, giving "sisterly and brotherly" attention to all women, men and queer of the world (Alberigo 1995a. 10). Together with the assessment of the historic event, we have to carefully read, study and interpret the texts that were approved by the Council and the Pope.

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3 The sign of Jonah

3.1 *Nostra Aetate*: In our time

3.1.1 The Catholic Church acknowledges its Jewish origin and God in other religions

The final vote on the *Declaration on the Relation of the Church with Non-Christian Religions, Nostra Aetate (Paul VI 1965a)*, was held on October 28, 1965 and Pope Paul VI proclaimed the document that very same day. With 2,221 Yes and 88 No votes *Nostra Aetate* received the largest number of No votes of any document voted on at the Second Vatican Council (Rahner, Vorgrimler 1966. 349). In June 1962 the Secretariat for Promoting Christian Unity presented to the Central Commission the draft of a *Declaration on the Relation of the Church with Non-Christian Religions*. Pope John XXIII had asked for the draft. The scheme opposed antisemitism and was withdrawn because of protests from the Arab world (*ibid.*). Cardinal Bea, President of the Secretariat for Promoting Christian Unity, intervened with John XXIII and in November 1963 the scheme was again presented at the second session of the Council as Chapter 4 of the scheme on ecumenism (*ibid.*). There was no debate on Chapter 4, nor was an extensive debate possible on Chapter 5 that dealt with religious liberty (Miccoli 1999, 120). On April 16, 1964, the Coordinating Commission decided that Chapters 4 and 5 would be taken out of the draft on ecumenism and that there would be two distinct declarations, one on the Jews and the non-Christians and the other on religious liberty. This proposal came from Cardinal Confalonieri, and the idea to produce two distinct documents on religious liberty and relations to the Jews and non-Christian religions constituted the solution until their final approval in October 1965 (*ibid.* 119-20).

At this point, I would like to look at some of the remarks the historians made concerning Confalonieri. During preparations for the Council Cardinal Confalonieri did not agree with Cardinal Ottaviani's claim that his theological Commission was not only independent, but also sovereign in relation to the other Preparation Commissions (Komonchak 1995, 320). Confalonieri denied the superiority of a single preparatory commission over the others and even spoke of "original sin," because the competences of the preparatory commissions had not been clearly defined from the beginning (*ibid.*). Confalonieri got along well with Bea; Ottaviani considered Bea to be a parvenu in the

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Curia and strongly opposed Bea's views on the inspiration of the Scriptures, religious liberty and the relationship to the Jews (*ibid.* 325). Confalonieri, together with Döpfner, Alfrink and Maximos IV, also strongly opposed Ottaviani's views and his text on the jurisdiction of the bishops that claimed that a bishop's ordination is the source not only of his *Magisterium* but also of his jurisdiction (*ibid.* 334). Confalonieri claimed that the powers of jurisdiction of the bishops derived not from their ordination, but from the mandate granted to them by the supreme authority of the Church, the pope (*ibid.* 335).

There is no doubt that preparation of the documents leading up to the Second Vatican Council was strongly influenced by the Roman Curia and its cardinals. John XXIII reduced this decisive influence with the rules for the work of the Council that were promulgated in August 1962. On September 4, 1962 John XXIII published the list with the names of the presidents of the commissions and the Secretariat for the Extraordinary Affairs of the Council. The names clearly show the pope's policy of carefully balancing the influence of the Curia at the Council against the liberty of the Council to proceed according to John XXIII's intentions for reform (Wittstadt 1995, 468). The presidency of the Council was entrusted to open-minded cardinals like Liénart, Frings and Alfrink (*ibid.*). Another member and moderate reformer was Cardinal Eugène Tisserant (1884-1972), Dean of the College of Cardinals of the Roman Curia, who cultivated excellent contacts to the Oriental Churches by speaking their languages, collaborated constructively with the exegetes of the Roman Bible Institute and was a member of the Académie Française of his native France (Quisinsky, Walter 2013, 273). Tappouni (Beirut-Rome), Gilroy (Sidney), Spellman (New York), Pla y Deniel (Toledo), Ruffini (Palermo) and Caggiano (Buenos Aires) were also members of the presidency (Wittstadt 1995, 467). The presidents of the ten commissions were all cardinals of the Roman Curia. For the Secretariat for the Extraordinary Affairs of the Council Pope John XXIII again named cardinals who were open to reform (*ibid.* 468).

The events of the second day of the Council, namely October 12, 1962, created a dynamic that ended in early December in apparent confusion. At the end of the first session a majority of the Council fathers wanted to ensure that during the intercession the work by the Council's commissions would continue in preparation for the second session; the schemes that had been prepared so far had to be reduced and fundamentally revised (Grootaers 1996, 391). This second preparation of the Council would realize final emancipation from the conservative influences of the first

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preparation (*ibid.*). The votes of the first session showed this majority and it was further articulated in the speeches of its leaders like Lercaro, Léger, Döpfner, Suenens and Montini at the beginning of December 1962 (*ibid.*). On December 6, 1962 it was announced that the pope would create a coordinating commission with authority to revise the schemes that the other commissions had worked out and to prepare the second session (*ibid.* 392). The presidency of the Coordinating Commission was given to Cardinal Cicognani, Secretary of State and President of the Secretariat for the Extraordinary Affairs of the Council. Amleto Cicognani (1883-1973) came from Brisighella in the Province of Ravenna. He had studied at the Roman Seminary, the later Lateran University, and since 1928 worked in the Congregation for the Churches of the East. For 25 years he had been the Apostolic Delegate in the United States. He was esteemed as an experienced diplomat and made a cardinal in 1958. On the death of Cardinal Tardini in 1961 he was appointed Cardinal Secretary of State (Roy 2013, 78). In 1953 his brother Gaetano Cicognani (1881-1962) was made a cardinal and appointed Prefect of the Congregation for the Rites. He presided over the commission that prepared the scheme on liturgy and he signed the scheme *Sacrosanctum Concilium* only four days before his death. Only this prepared scheme was not rejected by the Council fathers and was already approved on December 4, 1963 (Fischer 2013, 79).

The first of six sessions of this new Coordinating Commission was held at the end of January 1963 (*ibid.* 393). Cardinal Urbani, who as Patriarch of Venice represented the Italian episcopate, suggested that the schemes be reduced to a list of 17 and the Coordinating Commission accepted his proposal (*ibid.*). For each scheme or document, that the Coordinating Commission was to work on Cardinal Urbani established one responsible member of the coordinating commission, one “relator.” Liénart was responsible for the document on revelation and the document on the deposit of faith. Suenens was relator for the Church, for the document on the Virgin Mary, for social media. Döpfner was relator for the bishops and dioceses, for the religious and for pastoral work, Urbani for the education of priests, the clergy, for the Apostolate of the Lay, for marriage and the Catholic associations, Cicognani for ecumenism and for the Oriental Churches, Confalonieri for Catholic education and the missions, and Spellman for the holy liturgy and chastity (*ibid.* 193-94). In addition to these cardinals also Felici, the Council’s Secretary General, and his five under-secretaries assisted at the discussions of the Coordinating Commission (*ibid.* 397).

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John XXIII was determined that the second preparation should be creative and dynamic. In order to ensure that the bishops who had returned home during the intersession would return to the second preparation, John XXIII addressed his letter *Mirabilis ille* to all the Council fathers; it was dated on the feast of the Epiphany 1963 (*ibid.* 195). In this letter he encouraged the bishops to draw up the documents for the second session in the way they wanted to. By doing this John XXIII clearly approved the liberty of expression of the 2,700 members of the assembly of the Council (*ibid.* 196). This was not in the interest of the Curia, but it was necessary to advance reform. The pope knew that he had only a very limited time due to his progressive cancer. He encouraged the bishops to give spiritual support and to cooperate with the Cardinal State Secretary to ensure good preparations for the second session and also invited the clergy and the lay to cooperate in these preparations (*ibid.*). John XXIII addressed the Coordinating Commission in its first session and was personally present at the second session on March 25, 1963, where he exhorted the cardinals to cooperate and to confirm that the principal theme of the Council was the Church (*ibid.* 395). Cardinals in the Coordinating commission who were close to the Curia, like Confalonieri, Cicognani and Urbani, regularly differed in their positions from commission members who were not members of the Roman Curia. These conflicts of interests frequently led to disputes (*ibid.* 401). It is interesting that Grootaers qualifies Confalonieri as a moderate conservative (*ibid.* 408), whereas for the period of Council preparation Komonchak described Confalonieri as opposing Ottaviani and the Curia's centralism (Komonchak 1995, 320-35). Do we observe a development by Confalonieri from open-mindedness to reform to being less open-minded? Do the historians Grootaers and Komonchak simply share slightly different opinions on Confalonieri? It is not easy to access the personal developments of the many cardinals during the Council and therefore it is not possible to do justice to their individuality.

A new Secretariat and a new commission significantly contributed to the dynamic of the second preparation for the Council. Their presidents did not represent the conservative ambiance of the Curia. Cardinal Bea was president of the Secretariat for Promoting Christian Unity and Cardinal Cento was president of the Commission for the Apostolate of the Laity. The cardinals of these two institutions, who during the preparation of the Council had emerged from the Catholic ecumenical movement and the World Congresses for the Apostolate of the Laity in the second preparation, encountered much hostility from other Council commissions (*ibid.* 399). The Italian

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Fernando Cento (1883-1973) studied at the Gregorian and Sapienza in Rome, was consecrated Bishop of Acireale in 1922 and had been nuncio in Venezuela (1926), Peru (1936), Ecuador (1937), Belgium and Luxemburg (1946) and Portugal (1953) (Roy 2013.74). In 1958 he was made a cardinal and appointed Major Penitentiary of the Apostolic Penitentiary, the tribunal that deals with absolutions and dispensations from sins that lead to excommunication and that specifies indulgencies. It is hard to say that he was not a member of the Roman Curia. He was a cardinal of the Curia, not of a congregation. That is true and he was a strong defender of the agency of the laity in the Catholic Church. We are warned against describing the Roman Curia according to a black and white mind-scheme.

There is also the fact that those cardinals that still defend the prepared documents for the first session of the Council now turn out to be decisive adversaries of the second preparation. There are cardinals like Siri from Genoa and Ruffini from Palermo, who are not members of the Curia, but Curia resistance to the second preparation is more effective (*ibid.* 402). Cardinal Ottaviani does not want to collaborate and indeed does not collaborate with the Coordinating Commission. John XXIII suggested that mixed commissions be created in order to ensure that all the commissions cooperate with the Coordinating Commission. Ottaviani did not want to form a mixed commission with members of his doctrinal commission and Cento's Commission for the Apostolate of the Laity. The conflict between Ottaviani and Cento was severe and Ottaviani did not meet with Cento when he visited him at his congregation (*ibid.* 403). Cicognani was important to stop Ottaviani from trying to take influence over other commissions and the Coordinating Commission, because he feared for his own document on the Oriental Churches (*ibid.* 404). This decision by Cicognani greatly helped in affirming the necessary authority of the Coordinating Commission for its work on the second preparation of the Council. I leave the history of this second preparation to turn again to the development of the text of *Nostra Aetate*.

The texts on religious liberty and on the relationship between the Church and the Jews and non-Christian religions were discussed in September 1964, at the third session of the Council. The two texts were always considered to be connected because of their common origin in the scheme on ecumenism. At the same time, they continued to receive both the full attention of the outside world with its growing expectations. More than the other schemes that were discussed by the Council, these two texts served as

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criteria for assessing an effective change by the Catholic Church and judgment of the quality of such change (Miccoli 1999, 120). In April 1964 Bea published an article in Rome insisting on the importance of the two texts for the life of the Church and the credibility of its presence in the modern world. In November 1964, Congar wrote that these two documents would define the new climate for relations between the Catholic Church and the world (*ibid.*). The Church had to overcome its doctrine that claimed only truth had a right to liberty and that error could only enjoy a relative kind of tolerance (*ibid.* 121). De Smedt, Bishop of Bruges, presented the new text to the aula on September 23, 1964. Already in August 1961 he stated in the general assembly of the Secretariat for Promoting Christian Unity that to say that error has no rights is an abstract way to speak since only persons possess rights (*ibid.* 149). The controversies on religious liberty would continue until almost the end of the Council.

On September 25, 1964 Cardinal Bea reported on the last version of the draft of the *Declaration on the Jews and the Non-Christians* (*ibid.* 160). The applause that greeted Bea when he stepped up to the microphone and at the end of his speech in the aula was recognition for the multiple obstacles he had patiently overcome in recent years by unerringly persevering to obtain consent for his declaration (*ibid.*). Originally, the text concerned only the Jews as a response to the disasters wrought by antisemitism in Europe (*ibid.* 161). Bea spoke of the tragedy of the Shoah and criticized that Catholic Christians do not yet have the will to reflect on the century-long persecution of Jews and on Christian antisemitism that was cultivated by the Church's teachings and liturgy (*ibid.*). At the time of the Council it was only a minority of Catholics that recognized the need to investigate the association between the traditional Christian polemic contempt for Jews and antisemitism and called for a new relationship based on respect and recognition (*ibid.*). There had been no such proposals in the preparing votes of the world episcopate and the Catholic universities (*ibid.* 162). It was thanks to John XXIII and the tenacity of Cardinal Bea that discussion of this agenda was forced and thus a change in of mentality took place at the Council (*ibid.*).

In September 1960 John XXIII officially asked Cardinal Bea to consider relations to the Jews at the Council (*ibid.*).

In his report to the Council fathers on November 19, 1963 Bea attempted to avoid any political allusion that might insinuate recognition of the State of Israel. He drove his argumentation along the road of the close ties binding the Church and the 'people of

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Israel' for fear of the many persons and predominantly of Secretary of State Cicognani, who did not want to deal with the Hebrew issue at the Council for fear of the Arab world (*ibid.* 164). Bea cited the Gospel and Paul insisting that Go'd did not spurn the Jews. Bea refuted the legitimacy of the claim made by Christians that the Jews collectively committed theocide, that is the killing of Go'd. Instead, Bea called on Catholic teaching and doctrine to remind us that Jesus forgave his persecutors and that Christians should behave in accordance with Christ's commandments (*ibid.*). On January 20, 1963 in Berlin the play *Der Stellvertreter (The Deputy)* by Rolf Hochhuth condemned the silence of Pius XII in the face of the extermination of the Jews (*ibid.* 165). In this context it was evident that rejection of antisemitism by the Council could easily be interpreted as condemnation of Pius XII by the Catholic Church and an admission that his silence concerning the Jews was sinful (*ibid.* 166). The second session did not debate the document; there were some questions in the aula and for fear of the Arabs the oriental patriarchs opposed any declaration by the Council on the matter. European and North American bishops were in favor of such a declaration (*ibid.*). Cardinal Cicognani, at that time president of the coordinating commission, opened its session of April, 16 and 17, 1964 by noting the hostile reception he had received when visiting Arab countries and the vulnerable situation of the threatened minority of Christians still living there. He suggested saying something about the Jews, because the Council fathers wanted something to be said. He also insisted on speaking about the Muslims and the pagans in general, because all were created by Go'd and are included in his universal will of salvation (*ibid.* 168-69). Cicognani sent a letter to Bea the next day insisting that the draft concerning the Jews not use the term theocide, but underline the nexus of the Jewish people and the Holy Catholic Church. No persecution of Jews by Christians throughout history would be mentioned. The text would refer to other non-Christian people, stress the principle of universal fraternity and condemn any form of oppression of peoples or races (*ibid.* 169). It was clear to Bea that the logic of this kind of text would completely reverse the motivations for its origin (*ibid.*). What happened next is not yet clear for the historian (*ibid.*). Johannes Willebrands (1909-2006) - he had been appointed secretary of the secretariat in 1960 and was Bea's most valuable associate - managed the affair. He asked the Dominican father Yves Congar and Charles Moeller to work on an enlarged text on ecumenism that would include the *Declaration on the Jews and the Non-Christians* (*ibid.*). Yves Congar (1904-1995) was co-developer of the new theology in France, censored by Rome in the 1950s and then an expert at the

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Council (Quisinsky 2013, 82-83). The Belgian theologian and priest Charles Moeller (1912-1986) was named *peritus* (expert) at the request of Cardinal Paul-Émile Légers of Montreal (Declerck 2013, 194). Congar and Moeller respected the criteria of Cicognani while at the same time maintaining Bea's text. Cicognani apparently had not read this last version of Bea's text. On the basis of the paternity of the Father, Congar introduced the general brotherhood of all men and women on this earth and at Cicognani's request avoided the term theocide by using other words to describe the situation (*ibid.* 170). The text was sent to the secretariat general of the Council on May 2 and on May 6 the secretariat sent it to Paul VI (*ibid.* 171). Paul VI commented positively on the text, but wanted any explicit mention of present or past antisemitism and persecution of Jews to be struck. Bea was not happy and protested (*ibid.*).

The situation changed substantially because in the meantime the press had alarmed the public (*ibid.* 172). Articles in the United States warned that the new text would invite the Jews to convert - Paul VI seemed to have insinuated this hope – and would not acquit the Jews of theocide. American Jews and Protestants published animated protests (*ibid.*). In a letter to Cicognani Cardinal Spellman protested that he did not understand why it was necessary to write about the Jews in the first place, but if something had to be said, any weakening of what had been presented at the second session would have dire consequences (*ibid.* 173).

Lercaro indicated to Paul VI that already Trent had confirmed the belief-sentence that Jesus died to atone for the sins of all men and women (*ibid.* 174). In June and July 1964 the text was the subject of much intervention between the pope, the Secretariat of State and Felici. In the end Lercaro's wording was not accepted by Paul VI and was excluded from the text. Some elements of traditional Christian anti-Hebraism remained in the text as a result of the numerous interventions. Mario Luigi Ciappi (1926-1996), Dominican, Professor of Theology and Master of the Sacred Palace (1955-89), cited Thomas Aquinas in support of the theocide accusation - *Summa theologiae*, III, q.47, a.5, ad 3. – and did not want to implement Bea's suggestion to exclude Acts 3:15-17 from the text. Consequently, he and Michael Brown (1903-1971), Master General of the Dominican Order who was made a cardinal in 1962, refused to include Acts 13:27 in the text for fear of acquitting the Jews collectively for the fault of some of their leaders in Jerusalem (*ibid.* 175). Formally, Paul VI took the side of Brown and Ciappi. Congar documents that in the following months of spring and summer 1964 Ratzinger told him

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that it would be difficult to get the text accepted, because Paul VI is convinced of the collective guilt of the Jews in killing Jesus (*ibid.*). Giovanni Miccoli, the historian from Trieste, assesses that there are no documents to prove or disprove this conviction held by Paul VI. Yet, on Palm Sunday 1965 he points to the homily of Paul VI, where he speaks of the collective guilt of the Jews in the death of Christ. There followed severe reactions and questions from Jews all over the world (*ibid.*). Three days after Bea's presentation of his text in the aula, the discussions started on September 28, 1964. Slowly, the aula recognized that it would be disastrous for the Catholic Church to have to face a skeptical press that accused the Church of not giving up its antisemitism (*ibid.* 182). Ruffini did not want to encourage Christians to love the Jews. The people of Israel would have to love the Church for the protection received during the Shoah (*ibid.*). Congar noted in his diary on September 28, 1964: antisemitism is not dead (*ibid.* 183). He had heard that all the bishops received a pamphlet accusing Cardinal Bea of being of Jewish descent (*ibid.*). This was only one of a flood of antisemitic booklets, pamphlets and publications by Catholic authors lamenting the aggressive character of the Jews in confronting the Catholic Church. The bishops of the *Coetus internationalis patrum* (International Group of Fathers), the pressure group of the traditionalist minority of the Second Vatican Council, were taking an active part in this hate campaign (*ibid.* 184). In the aula's discussion cardinals Cushing and Ritter, bishops Seper, Méndez Arceo, Elchinger and Leven recalled the cruelties of the Shoah and reminded the Council of its duty to admit that the humanitarian apocalypse of the Shoah ran up against Catholic passivism (*ibid.* 185).

Cardinal Lercaro finally acquired some Christian arguments for the text on the Jews. He did not argue with respect to the press and public opinion; not even the Shoah, which every man of good will deplores, was his most profound motivation for the text (*ibid.* 187). Lercaro invited the Catholic Church to develop a more mature consciousness of its supernatural aspects in daily life. The importance of the Jews for the Christians can not be limited to what they inherited from the past (*ibid.*). In the eyes of the Catholic Church the people of the Covenant possess not only dignity and supernatural value for their past and for the origins of the Church, but also possess dignity and supernatural value in the present. This present supernatural value for Christians signifies the most essential, the highest, most religious, most divine and permanent value in the daily life of the Church (*ibid.*). Lercaro reminded the aula what had already been said in the documents on the Church and the liturgy. The cardinal

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then presented the theology that Giuseppe Dossetti had prepared for him. The word of God and the Eucharist are prefigured in the Pascal Lamb and manna. They are voluntarily realized by Christ during the Easter *haggadah* – the text recited at the ritual and ceremonial dinner on the first two nights of Jewish Passover - of the Hebrews. They mysteriously realize in the present an effective communion of the liturgical assembly and constitute the Church of Christ and the holy *qahal* (company, society) of the sons of Israel, nourishing in the present a profound “commerce” of words and blood, of Spirit and life, where we Christians legitimately proclaim that Abraham is our patriarch (*ibid.* 187-88).

Gahamanyi, Bishop of Butare in Rwanda, lamented in the last intervention on the document on September 30, 1964 that the Jews and Muslims were pictured too positively. Jews and Muslims close themselves off very much from Christians, whereas African animism was open to Christians (*ibid.* 189). About 80 fathers signed his intervention, many of them African bishops, but also some of the *Coetus internationalis partrum*, who on the basis of traditional Catholic doctrine on the Jews wanted to hide their rejection of the document behind the arguments put forth by the Africans (*ibid.*). The massive attacks on the document by a minority insisted that by killing Jesus the Jews had committed a crime and that consequently this murder excludes any positive role of the Jews and the Old Testament in the faith of today’s Catholics (*ibid.* 190). On the last day of the session a large majority of about 1,700 fathers voted in an orientation vote in favor of the text, but the number of *juxta modum* votes, namely those cast under the condition that changes can still be made, was relatively large. Behind the scenes the favorable conditions for the text were secretly changing (*ibid.* 192). At the end of December 1964 Bea had to fight off an attempt by Cicognani to take over control of redaction of the *Declaration on the Jews and the Non-Christians* (Burigana, Turbanti 1999, 502). Cicognani’s motive for making substantial modifications to the text was political opportunism, namely he did not want diplomatic relations with the Arab world to deteriorate to the advantage of the State of Israel (*ibid.*). Bea did not want to rewrite the whole Declaration, but wanted to start work on the more than 200 changes the Council fathers requested (*ibid.* 503). The situation at the plenary session of the Secretariat for Promoting Christian Unity in March 1965 was tense and Willebrands called for a toned-down wording that would refute the theocide accusation (*ibid.* 582). In the following weeks Willebrands and Pierre Duprey (1922-2007), French priest and Professor of Theology who cultivated contact to the ecumenical Patriarch of

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Constantinople Athenagoras in the secretariat, travelled twice to the Middle East (*ibid.*). First, they visited the patriarchs in Lebanon and Syria, then in Jerusalem and Cairo. Paul VI was under pressure from Maximos IV Sayegh (1878-1967), since 1947 Patriarch of Beirut, who threatened to leave the Council in protest because of negative Arab reactions to the Declaration. The pope told Bea that if Maximos IV left the Council, he would cancel the *Declaration on the Jews and the Non-Christians* (*ibid.* 584). The Declaration's situation was becoming increasingly uncertain. Uncertainty also ruled the alternatives that included the possibility to cancel the Declaration altogether or to stay with the text that the Council had already voted to accept. Congar was angry and wrote in his diary that twenty years after Auschwitz it was not possible to say nothing about the Jews (*ibid.* 587). On May 12, controversy reigned the plenary session of the Secretariat for Promoting Christian Unity. Finally, a compromise was reached, namely to use the text that had already been voted on by the Council and include as corrections two of the amendments Paul VI had requested. The expression "guilty of the murder of God" was not disapproved of and condemnation of antisemitism was changed so that antisemitism was to be deplored (*ibid.* 590). On his way home to Belgium from Rome Suenens wrote a short letter to Dell'Aqua informing him of his doubts on the legitimacy of introducing these amendments into a text that had already been approved by the Council and advised the pope to stay out of the Council. Cardinal Dell'Aqua, who acted as a mediator between the Council fathers and Paul VI on many occasions, gave the letter to Felici who insisted on the pope's right to intervene in the Council at any time with. Felici was not at all happy with a Declaration concerning the Hebrews. If it was not possible to abandon the Declaration until after the Council he would consent to the suggestions introducing some comments on the Jews in scheme XIII. Polemics of this sort would erupt with vehemence in September of 1965 (*ibid.* 591).

September 15, 1965 sees the end of the complex redaction 'iter' of the text of the declaration *De ecclesiae habitudine ad religiones non-christianas* (On the Relation of the Church with non-Christian Religions) at the plenary session of the Secretariat for Promoting Christian Unity (Velati 2001, 223). At the end of September, the text is distributed in the aula of Saint Peter and the decisive last phase of approval begins. The different adversaries of the document were still active. There was the group of bishops that from the beginning of Council preparations did not want any opening to the world of the non-Christian religions and the Jews. The Arabs on their part worked against the document that they considered pro-Israel and pressed the oriental bishops

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to resist too. There was also a small group of bishops still demanding the wording “murder of God” as qualification for all Jews of all times (*ibid.*). On October 11, 1965 the *Coetus internationalis patrum* (International Group of Fathers) distributed a document in the aula only three days before the final vote. Conservative Council fathers of the so-called minority formally established the *Coetus* at the end of 1963. Estimates suggest that up to 10% of the Council fathers were members or sympathizers of the *Coetus*. They started meeting informally in the first period of the Council in the fall of 1962, discussing their interest in maintaining the documents prepared by the Preparatory Commissions. Their document of October 11, 1965 was especially negative on the whole Secretariat for Promoting Christian Unity and the organs of the Council that allowed the third session to vote on the Declaration (*ibid.* 224). The *Coetus`* traditionalists wanted the Jews to be held responsible and “damned” by Go’d for killing Christ and refused any dialogue with the other religions (*ibid.* 225). On this point the *Coetus* went against the teachings of John XXIII and Paul VI, who wanted dialogue and to discover what the Christians have in common with other religions (*ibid.*). The *Coetus* proposed that the whole Declaration be rejected and gave two principal reasons: first, the approach of establishing a dialogue with other religions like Islam and Buddhism would only delay their conversion and, second, slow down the Church’s missionary impulse (*ibid.* 226). The continuing diplomatic efforts by Willebrands and Duprey, who distributed a new Arabic translation of the Declaration to the embassies of the Arab world in Rome and to the Apostolic delegates in the Arab countries, paid off and also Patriarch Maximos IV responded positively to the Declaration (*ibid.* 226-227). The discussions were not over. The final votes on the individual numbers of the Declaration showed a minority of about 10% of the bishops opposing the condemnation of antisemitism (*ibid.* 227, 232). American Jewish organizations protested against the old condemnation of the Jews in the Declaration (*ibid.* 228). The Archbishop of Baltimore, Cardinal Shehan, was preoccupied by the Jewish reaction in the United States (*ibid.* 231). It is true that the version accepted by vote in 1963 was free of these accusations and condemned the Church’s antisemitism and persecution of Jews directly and without softening or toning down the Declaration’s wording. The French theologian René Laurentin fights for this kind of text and even cites the Koran (sure 4 verse 156) as proof that the Jews are not guilty of having killed Jesus (*ibid.* 229). Theologically, Trent made it clear anyway that Jesus was killed because of the sins of all mankind. Laurentin does make the point that a second time

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the Church must not stay passive in the face of possible genocide (*ibid.* 230). The French philosopher Jacques Maritain (1882-1973), friend and mentor of Paul VI, was deeply hurt by a possible suppression of the condemnation of antisemitism. In 1904 Maritain married Raissa Oumancoff, a Russian Jewish émigrée (Raffelt 2013, 185). Maritain communicated his pain that the expression *damnat* (condemns) had been replaced with the expression *deplorat* (deplores) and completed his plaintive outcry by observing that the current wording of the Declaration was falling short of the condemnation of racism and antisemitism undertaken by Pius XI (Velati 2001, 231). Paul VI made State Secretary Cardinal Cicognani communicate the complaints voiced by Shehan and Maritain to Bea on the day of the vote on the Declaration (*ibid.*). Bea replied that at this stage it was impossible to change the text (*ibid.*). The vote on October 15, 1965 was positive. Nevertheless, the number of No votes showed a persistent opposition of 88 persons (*ibid.* 232).

Nowadays women, men and queer need to experience and realize a lot of healing love for other women, men and queer. I thought the hatred of antisemitism like we encountered at the Second Vatican Council was the expression of early primary emotions like disgust, contempt and anger, or that later structural affects like envy and jealousy were at work. When studying the brief classification of emotions made by psychologists, I came to realize that this Catholic antisemitism was above all the expression of feelings of shame and guilt. "Shame signalizes a discrepancy between the real and the ideal self," the experts tell me and: "shame and guilt are affective companions of a negative appraisal of one's own self" (Aichhorn, Kronberger 2012, 523). I am not making reference to the experts because I want to explain something pathological. Psychological diagnosis and therapy are the business of psychologists and psychological therapists. They are not my business. My business is to point out the link between the theological argumentation or rather pseudo-argumentation for antisemitism and the expressed emotions of hate. Theologians like cardinal Bea, Willebrands, Oesterreicher, Giuseppe Dossetti and many others assessed the theological argument for the relationship between the Catholic Church and the Jews. It is by no means justified to speak of a collective guilt of the Jews for having killed Jesus, and a Catholic must condemn antisemitism on the basis of the commandment of love and non-discrimination. Psychologists confirm that if a child does not develop a sense of self-worth because the child is "loved for the sake of his or her own self and is validated in his or her spontaneous aliveness," the child will develop shame about

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the way he or she is (*ibid.*). Everything is about love and the lack of love. Too much shame-inducing and “negative, crushing judgment” creates destructive experiences. “When people experience much of this kind of destructive judgment and see no purpose in providing others with love and acceptance, they experience feelings of humiliation, anger, and hate” (*ibid.*). The historians of the declaration *Nostra Aetate* and the Second Vatican Council cannot reconstruct the psychological profiles of the men who worked or voted on the texts. Yet it is important to take note of the need to build a link between theological convictions and the individual structures of behavior, emotions and affects of those persons. It is our task as women, men and queer to assess the bio-psycho-social integrity of oneself, to assess talents and defects, weaknesses and strengths and to work with oneself. It is our task to start working with ourselves every day in order to overcome destructive traits and struggle to achieve one’s personal integrity. Holistic well-being may not be attained easily or at all; suffering does not desert us and we may try unsuccessfully to experience integrity, but persevering every day is worth the effort. Persevering on the way to this psycho-social integrity is a task that we are called upon to do as women, men and queer. It is important as a theologian to assess that this daily work with oneself to care for and nurture one’s personal integrity is not a question of religious conviction, faith, prayer or spirituality. Assessing one’s personal integrity on the basis of one’s psycho-social biography is a very natural experience and may be performed with the help of a two-valued logic of speech-acts that realize or do not realize dignity. If I am not able to assess my personal integrity, I am not able to love and not able to theologize. In other words: Go’d is not a substitute for my personal integrity. I am thankful to Go’d for having given me my body as well as the power and the strength to work on overcoming my weaknesses, wounds, pains and fears. Professionals accompanied my work on my personal integrity, giving me their healing company and professional support. It was a psychological task and not a religious practice.

When women, men and queer conduct a religious practice or ritual, their emotions, affects and behavior become somewhat hidden, but do not disappear. For persons conducting a religious practice it is important that they assess their feelings. When dealing with spirituality it is important to feel whether I am ok or not ok. Feeling ok is an important criterion for a good and authentic spiritual experience. Personal integrity is the a priori of spirituality and religion. Spiritual experiences are always experiences of natural bodies, of women, men and queer. Personal integrity or the status of

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personal integrity was never a theme at the Second Vatican Council. The Council fathers and the theological experts were never asked to speak about their personal sensitivities. To the contrary, religious socialization in seminaries, novitiates and colleges concentrates on conditioning priests and religious to not take their personal needs, desires, feelings and emotions seriously. Desire, lust and well-being, self-esteem and creativity, the expression of emotions and speaking about one's feelings are all considered under the suspicion of pride and sin. This socialization results in being ashamed of one's joyful emotions and in permanently disciplining oneself to suppress one's positive feelings. Feeling ashamed of one's sinfulness was ok and guilt feelings were cultured. Expressing negative feelings toward others, for example against the Jewish people, was apparently ok, because those feelings concerned the enemies of Jesus Christ. There were Council fathers who in World War II had served as military chaplains and experienced the horrors of war, the suffering of the wounded and the agonies of the dying while giving comfort and not running away. Those fathers lived a different spirituality; they learned to cope with man's cruelest sufferings while struggling for survival and saw a picture of life that reflects the brutal facts of the misery of war.

It is not possible to understand the men of the Second Vatican Council without some knowledge of how the historic events of the twentieth century influenced their lives. This mutual interaction of events and personality must be respected for every person. I want to describe some elements of this interaction between the life of a theologian and his embedment in history with the help of some very rudimentary and completely deficient pictures of at least one theologian, who was an important theology resource at the Second Vatican Council, namely Yves Congar.

"Yves Congar was born in 1904 in Sedan, France, where he spent his youth, marked by the First World War" (Mahieu 2012, V). This sentence is typical of the biographies on Yves Congar that like to quickly move on to his theology studies in Paris in 1921, without taking more interest in his childhood, family or youth (*ibid.*). In 2011 the Dominican brothers of Yves Congar give us a biographic picture of Congar that paints his life in all colors, the bright ones as well as the more somber ones (Fouilloux 2011, 1). Georges Congar, his father, had a complicated character and was quite unsuccessful as a banker. His very beloved mother Lucie Desoye raised three sons and one daughter. She encouraged her children to record in a diary their impressions

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of the terrible German occupation of Sedan from 1914 to 1918 (*ibid.*). This was a dreadful time for the young boy Yves, just as it was detestable for all French women, men and queer who lived through the German occupation. The 10-year-old Congar did not hesitate to express his hatred for the Germans: "The Germans, the *boches*, the scoundrels, gang of thieves, the murderers, the arsonists", these expressions of a wounded child are repeatedly found in his diary (Routhier 1999, 322). In 1999 Routhier is right to appreciate the long path to reconciliation that Europe had to travel after the end of World War II. It is a wonder, a grace and a victory for the people of Europe to find peace and unity, because in 1945 nobody thought the necessary energies and resources for this improbable effort were available (*ibid.*). In 1918, Congar's father was taken hostage by the Germans and deported to Germany, as were many citizens of Sedan before him (Fouilloux 2011, 1). At the age of 15 Congar attended the seminary in Reims and in 1921 he entered the seminary of the Carmes Monastery in Paris. Dissatisfied with Thomism as it was taught at the Catholic Institute of Paris, he studied philosophy at the Sorbonne and attended the courses of Jacques Maritain. After his military service as officer cadet in Saint-Cyr and in Germany (1924-1925), he entered the Dominican Order of the Province of France (*ibid.*). He starts his theological work on ecclesiology and ecumenism that he had discovered when meeting Protestant theologians in Germany. On his frequent visits to Germany he encounters Nazism and in 1934 and 1936 publishes three articles opposing the Nazi ideology (*ibid.* 7). Right at the beginning of the 1940 German Blitzkrieg invasion of France by General Guderian's tanks, Captain Congar was taken prisoner. In May and June 1940, almost 2 million French soldiers were taken prisoner and sent to Germany. Congar was shocked by the humiliatingly quick defeat of the French army, at that time the world's largest army, by the German aggressors. He blamed the catastrophe on the Radical Party that was liberal and radical-socialist, on the Front Populaire and the sympathizers with the Communist regime of the Soviets in Moscow; he blamed the journalists, the consumption of alcohol and the dancing in the music halls (*ibid.*). With this kind of fake news, Congar followed Marshal Pétain's progaganda and the propaganda machine of the Nazis that he was exposed to in Germany. Along with 20,000 other French officers he was held in an "Oflag," a camp for officers, from 1940 to 1945. The camps for officers were administered by the Wehrmacht and the officer prisoners were treated in accordance with the Geneva Convention of 1929. Nevertheless, life was not easy for these prisoners. Congar continued to support Pétain's policy of the "inner resurgence"

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of France that is nothing other than collaboration with Hitler including France's own antisemitic legislation (*ibid.*). It is true that Pétain was a national hero in France following his defense of Verdun in World War I. It is true that Pétain's armistice with Hitler brought some relief to the frightened French and explains Congar's support for Pétain that extends until the spring of 1941 (*ibid.*). Slowly, Congar rejects Vichy and concentrates on fighting the Nazis. Congar repeatedly and chronically attempted to escape and suffered the consequent punishment. In 2001, Fouilloux was not ready to bring up Congar's support of Pétain's collaboration with Hitler when he presented Congar's Journal for the years 1946 to 1956 (Fouilloux 2001, 14). Nevertheless, we are informed in this presentation that there is also a journal covering the years 1939 to 1942 (*ibid.*). Those who have access to these five diaries know what caused Congar to drastically change his world view. It must be remembered that Congar's outlook on the world already started to change when he was 37 years of age. I suppose this change can be ascribed to the influence of other officers that were held prisoners with him in the camps. The camps contained persons from France, Great Britain, Poland and other nations, who must have had a significant affect on Congar.

In his diary for the years 1946 to 1956 Congar does not speak often about his incarceration in the German camps (Congar 2001). The French prisoners of war from 1940 did not enter into the collective memory of the French for a long time after World War II. The prisoners were associated with the trauma of France's defeat and were not considered heroes, as were the members of the resistance¹.

After World War II Congar continued his theological work at the Saulchoir, the theological academic center of the French province of the Dominicans some kilometers south of Paris. He wrote on the importance of the laywomen and laymen in the Catholic Church, penned articles defending the worker-priests and the local Church. The worker-priests were regular priests working in factories as everyday workers. They shared the routine and fatigue of workers that had been forgotten by the Church; they participated in worker protests and unions and theologically reflected on their experiences in view of the social teaching of the Church that there is no social peace without justice. Congar criticized the central Roman government, the *Magisterium* of the pope and the hierarchical structures of the Church because they darken the mystery of the Church and do not put Jesus Christ at the center (Fouilloux 2011, 11). All this and the context of the Cold War since 1947 raised growing doubts concerning

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1927 was ordained to the priesthood. When in 1939 Austria was annexed as part of Nazi Germany, he fled to the US and founded in New Jersey the Institute of Judaeo-Christian Studies. He was a consultor at the Secretariat for Christian Unity that worked out and presented the text of *Nostra Aetate* to the Council (Quisinsky 2013, 202). There were also some other important consultors to Cardinal Bea. Oesterreicher, like Rahner, served as an expert for Vienna's Cardinal König at the Council, and I suppose it was Oesterreicher, who kept Rahner informed on the progress of the Declaration and therefore earned Rahner's special appreciation.

Rahner is frank about Christian antisemitism but does not use the term Shoah (Rahner, Vorgrimler 1966, 351). In the past, Christians were guilty of many sins, bloody and moral persecution of Jews and presently gross distortions of Jewish teachings as well as false accusations – like, for example, that ritual murders of Christian children were performed -, are still circulating and need to be stopped (*ibid.*). There was harsh resistance to John XXIII's cleansing of the Catholic Church's liturgy, catechesis and preaching on antisemitism (*ibid.*). Rahner laments that Catholic theology principally suffered the lack of a theology of Israel (*ibid.*). There is Paul's theology of Israel that never really became accepted and adopted by the Church's traditional Ecclesiology (Siebenrock 2005, 662). Laurentin assesses that *Nostra Aetate* is the first document of the Catholic Church that recognizes Paul's theology of Israel (*ibid.*). This theology of Israel is the soul of the whole Declaration.

Nostra Aetate 4.1: "As the sacred synod searches into the mystery of the Church, it remembers the bond that spirituality ties the people of the New Covenant to Abraham's stock."

Does this sentence speak of the actual ties, the actual relations between Christians and the Jews? Cardinal Liénart said in the debate that the Jews in the actual and contemporary order of salvation, or history of salvation, are to be considered with their proper locus (Siebenrock 2005, 661). Archbishop Seper claimed that the text of the Declaration must start with contemporary Jewry and that the Catholic Church must accept and recognize contemporary Jewry as a co-heir of salvation. Oesterreicher speaks of a community of heirs on this point and bishop Elchinger does not remain silent on this point in the aula of the Council (*ibid.*). Reading all these commentaries, I wonder that there is not the slightest mention of the Shoah.

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I present the first sentence of *Nostra Aetate* 4.2: “Thus the Church acknowledges that, according to God’s saving design” (Latin: “*mysterium Dei salutare*”), “the beginnings of her faith and her election are found already among the Patriarchs, Moses and the prophets.”

Rahner cannot believe that this last version of the text eliminated “the acknowledgment with a thankful heart” of the People of Israel (Rahner, Vorgrimler 1966, 352). The final text of the Declaration expresses no thankfulness for the pilgrimage of faith of the patriarchs that truly prefigures the Church (*ibid.*).

I quote here the second sentence of *Nostra Aetate* 4.2: “She professes that all who believe in Christ – Abraham’s sons according to faith (Galatians 3:7) – are included in the same Patriarch’s call, and likewise that the salvation of the Church is mysteriously foreshadowed by the chosen people’s exodus from the land of bondage.”

Here I would love to cite at least Galatians 3:6-9. Especially Galatians 3:8c is the precious reminder that the root or stem of Israel carries the branches, boughs and twigs of Christianity and not vice versa.

Finally, I cite the last three sentences and give thanks to God for Paul’s theology of Israel that by this Declaration of the Council becomes normative for the Catholic Church.

“The Church, therefore, cannot forget that she received the revelation of the Old Testament through the people with whom God in His inexpressible mercy concluded the Ancient Covenant. Nor can she forget that she draws sustenance from the root of that well-cultivated olive tree onto which have been grafted the wild shoots, the Gentiles (Romans 11:17-24). Indeed, the Church believes that by His cross Christ, Our Peace, reconciled Jews and Gentiles, making both one in Himself (Ephesians 2:14-16).”

Rahner comments on *Nostra Aetate* 4.3 that with Paul the Council assesses everything that in the Church is Jewish and stems from the Jews, assessing last but not least that Jesus was a Jew (*ibid.*). Rahner comments that the Council insists with Paul that the Jews are still loved by God (*ibid.*). God’s gifts of grace and his vocation and calling are irrevocable and indefinite (*ibid.*).

Nostra Aetate 4.4:

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“As Holy Scripture testifies, Jerusalem did not recognize the time of her visitation (Luke 19:44), nor did the Jews in large number accept the Gospel; indeed not a few opposed its spreading (Romans 11:28). Nevertheless, God holds the Jews most dear for the sake of their Fathers; He does not repent of the gifts He makes or of the calls He issues – such is the witness of the Apostle (Romans 11:28-29; *Lumen Gentium* 57). In company with the Prophets and the same Apostle, the Church awaits that day, known to God alone, on which all peoples will address the Lord in a single voice and ‘serve him shoulder to shoulder (Zephaniah 3:9)’. (Is 66:23; Ps 65:4; Rom 11:11-32).”

Rahner encourages future Catholic theologians to take this as serious inspiration for a theology of God’s sovereign will for salvation, to take up from the text the elements concerning a history of salvation and a Christian eschatology (*ibid.*). If Jesus speaks in Luke 19:44 of the destruction of Jerusalem by her enemies, we have to say that Jesus does not say that the Christians are allowed to persecute the Jews of all times. The history of the Declaration shows the Council’s difficulties in overcoming the Catholic doctrine of holding the Jews collectively guilty for the death of Jesus. When Paul in Romans 1:28 refers to the “part of Israel,” he is speaking about Romans 11:25 and not about all of Israel of all times. I am very sensitive about these still ambiguous sentences in the Declaration. There is no collective guilt of the Jews for the death of Jesus, and if *Nostra Aetate* 4.6 is clear about this fact why not word *Nostra Aetate* 4.3 accordingly and without any possibility for misunderstanding? A clear rejection of ambiguous wording would give more credibility to the Declaration’s assertion that despite the rejection of Jesus in – and not by all of – Israel, the Jews must never be judged as having fallen into damnation.

“Since the spiritual patrimony common to Christians and Jews is thus so great” (*Nostra Aetate* 4.5), the Declaration recommends mutual understanding and respect. Dialogue and understanding need biblical and theological studies (*ibid.*). It is true that appreciation is possible if Christians start reading the Hebrew Bible and recognize the Greek New Testament as an interpretation of the Hebrew Bible. In reality, reading the Hebrew Bible and the Greek New Testament must provide the foundation for Christian theology. In 2018 I do not see that many Catholic professors of Theology cultivated the study of Hebrew or Greek. The Catholic exegetes of the Old and the New Testament are still very isolated because of the ignorance of Catholic theologians with regard to

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Hebrew and Greek. Dialogue between exegetes and theologians is very important and still not systematically realized in the Catholic contemporary academy.

Nostra Aetate 4.6: "True, the Jewish authorities and those who followed their lead pressed for the death of Christ (John 19:6); still, what happened in His passion cannot be charged against all the Jews, without distinction, then alive, nor against the Jews of today. Although the Church is the new People of God, the Jews should not be presented as rejected or accursed by God, as if this followed from the Holy Scriptures. All should see to it, then, that in catechetical work or in the preaching of the word of God they do not teach anything that does not conform to the truth of the Gospel and the spirit of Christ."

"The Jewish authorities and those who followed their lead pressed for the death of Christ" still represents ambiguous language and uses an interpretation of John 19:6 that again hints at the collectivity of Jews and therefore at their collective guilt. Rahner uses the words of Cardinal Franz König for the historic fact that "a small group of Jews, one Roman and a handful of Syrian soldiers of the 10th Cohort stationed in Palestine" were responsible for the death of Jesus (Rahner, Vorgrimler 1966, 352). Rahner clarifies again that Jesus Christ died on the cross because of the sins of the world, that is also for our own sins. From Jesus Christ's death and resurrection follows the forgiveness of sin and not a collective guilt of the Jews.

Nostra Aetate 4.7: "Furthermore, in her rejection of every persecution against any man, the Church, mindful of the patrimony she shares with the Jews and moved not by political reasons but by the Gospel's spiritual love, decries hatred, persecutions, displays of antisemitism, directed against Jews at any time and by anyone."

The Church rejects all forms of persecution, hatred of anyone and antisemitism. There is not one word in the Declaration on the Shoah. Nor do the German-language commentaries that I consulted contain one word about the Holocaust. This is regrettable. Where is the recognition of all the persecutions of the Jews and of the role Christians played in the Holocaust?

Rahner strives for the Church to exercise a stronger voice against Catholic antisemitism than "the Church deploras" (*ibid.* 353). Indeed, Cardinal Bea's team and Catholic observers at the Council (Velati 2001, 231) spoke of "the condemnation of Catholic antisemitism," but the resistance of the bishops to this wording forced them to

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retreat. The official Vatican translation of *Nostra Aetate* 4.7 uses for the Latin *deplorat* the weak expression that the Church “decries” and not the Church deplores. The majority of the Council fathers feared that condemning antisemitism would politically provoke the Arab world (*ibid.* 223).

To dispel the last theological doubts on Christ’s death the Declaration makes clear that Jesus entered His passion in liberty and freedom, that he died for the sins of all women, men and queer so that all will be saved and that the cross may be accepted as a sign of God’s universal love (Rahner, Vorgrimler 1966, 353).

Nostra Aetate 4.8: “Besides, as the Church has always held and holds now, Christ underwent His passion and death freely, because of the sins of men and out of infinite love, in order that all may reach salvation. It is, therefore, the burden of the Church’s preaching to proclaim the cross of Christ as the sign of God’s all-embracing love and as the fountain from which every grace flows.”

Concerning *Nostra Aetate* 5.1, it is interesting that Rahner does not comment on the indissoluble adjunction of the relation to Go’d and the relation to other women, men and queer. Well, the text does not speak of women and queer, but simply speaks of the relation (Latin: *habitude*) of man (Latin: *homines*) to Go’d and of man to brother men. The terms gender and gendering were not on the mind map of the Council fathers, and in 2018 the official Vatican translation continues to refuse to use inclusive language. Therefore, I prefer using the translation by Flannery (Flannery 1996) for *Nostra Aetate* 5.1:

“We cannot truly pray to God the Father of all if we treat any people as other than sisters and brothers, for all are created in God’s image. People’s relation to God the Father and their relation to other women and men are so dependent on each other that the Scripture says “they who do not love, do not know God (1 John 4:8)” (Flannery 1996, 574).

Rahner speaks a bit enthusiastically and somewhat naively about *Nostra Aetate* 5.2, in the sense that he claims that there is talk about the fraternity of all humans, of the equality of human and human, of people and people (Rahner, Vorgrimler 1966, 353).

Nostra Aetate 5.2: “No foundation therefore remains for any theory or practice that leads to discrimination between man and man or people and people, so far as their human dignity and the rights flowing from it are concerned.”

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There is no doubt that *Nostra Aetate* 5.2 clearly establishes the link between discrimination and dignity. Discrimination is against dignity and rights. *Nostra Aetate* 5 does not include the claim to equal dignity for women, men and queer as well as equal freedom, liberty and rights and duties for all women, men and queer. It is a fact that *Nostra Aetate* and the Second Vatican Council do not claim human rights as they are proclaimed in the UDHR. *Nostra Aetate* 5 is the document of the Second Vatican Council, where the Catholic Church comes close to fully recognizing human rights. The Second Vatican Council could have endorsed and included the UDHR, but it did not. In 2018 the concept of the equality of dignity is not yet realized by the Catholic Church, and I do not know how long it will take for equal dignity, freedom, liberty and rights to be recognized and realized within the Catholic Church.

From my modest personal relationship with Rahner I am ready to assert that Rahner was a feminist, that he supported and fought for women's rights. In 1960 Gerlinde Pissarek-Hudelist, the first woman to receive a doctorate in theology at the Theological Faculty in Innsbruck, was asked by Rahner to work as his assistant at the University of Innsbruck (Heizer 1997, 378). In 1989 Gerlinde Pissarek-Hudelist became the first deacon of a Pontifical Theological Faculty (*ibid.* 381). Gender theory was not on Rahner's mind, and the expression queer was not yet current. Concerning *Nostra Aetate* 5.3, Rahner rightly observes that the Declaration reproves any discrimination of a human being, any act of violence against a human being with respect to race, color, social status or religion (Rahner, Vorgrimler 1966, 353). Rahner is right; the Declaration reproves discrimination on the basis of race, color, social status and religion. The text makes no mention of condemnation of discrimination with respect to gender.

I want to point out that the Declaration clearly justifies reproving any discrimination with a reference to Jesus Christ. This time the Declaration does not refer to any verse in the New Testament, and I am convinced that the reference to Jesus Christ must be completed by a reference to the Scripture.

Nostra Aetate 5.3: "The Church reproves, as foreign to the mind of Christ, any discrimination against men (*homines*) or harassment of them because of their race, color, condition of life, or religion. On the contrary, following in the footsteps of the holy Apostles Peter and Paul, this sacred synod ardently implores the Christian faithful to 'maintain good fellowship among the nations' (1 Peter 2:12), and, if possible, to live for

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their part in peace with all men (*homines*) (Romans 12:18), so that they may truly be sons of the Father who is in heaven (Matthew 5:45).”

3.1.3 Conclusion

Does the Second Vatican Council in the *Declaration on the Relation of the Church with Non-Christian Religions, Nostra Aetate*, describe some elements of the sign of Jonah as “signs of the times” in order to clarify the meaning of the expression “death and resurrection of Jesus Christ” for all women, men and queer on this earth?

The name *Nostra Aetate* translates as “in our time.” The Declaration starts with the words “in our time” and accepts the challenge for the Church to “promote unity and love” among individual persons and nations (*Nostra Aetate* 1.1).

The Declaration describes elements of the sign of Jonah with the help of the Scriptures. It is important that in *Nostra Aetate* Cardinal Bea, Jesuit rector of the Pontifical Bible Institute of the Gregorian University in Rome, realized a theological argumentation that coherently makes use of the Bible in correspondence with the exegetes’ scientific methods. There is scrutiny for using the most trustworthy textual traditions and verses from the Bible to authorize a certain theological argument that respects what the verses say within their context and within the context of the Bible as whole.

Nostra Aetate 2.3 confirms that the Catholic Church “regards with sincere reverence” the ways of other religions that “often reflect a ray of that Truth which enlightens all” women, men and queer. Jesus Christ is proclaimed as sign of Jonah in the sense that in Him “Go’d has reconciled all things to Himself” (2 Corinthians 5:18-19) and later in *Nostra Aetate* 4.2 it is professed that “the Church believes that by His cross Christ, Our Peace, reconciled Jews and Gentiles, making both one in Himself” (Ephesians 2:14-16). With 2 Corinthians 5:18-19 we are allowed to believe that Jesus Christ reconciled not only Jews and Gentiles, but “all things.” From this proclamation of faith follows that the “death and resurrection of Jesus Christ” must be seen in connection with the reconciliation of all women, men and queer of all religions and all nations on this earth with Go’d. Further, *Nostra Aetate* 5 is clear about the inseparable connection of one’s reconciliation with Go’d and one’s reconciliation with all women, men and queer. “We cannot truly pray to God the Father of all if we treat any people as other than sisters and brothers, for all are created in God’s image. People’s relation to God the Father and their relation to other women and men are so dependent on each other that the

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Scripture says 'they who do not love, do not know God' (1 John 4:8)" (Flannery 1996, 574). With *Nostra Aetate* 4 the Catholic Church for the first time recognizes Paul's theology of Israel. This is an important step in the necessary reconciliation of Catholic women, men and queer with the Jews.

The sign of Jonah, the death and resurrection of Jesu Christ, for Christian women, men and queer are the source of reconciliation with one another and with Go'd. How does this reconciliation realize, how are we Christians allowed and called upon to realize reconciliation? If reconciliation is realized then there is no longer any discrimination. *Nostra Aetate* 5.3 "reproves ... any discrimination ... as foreign to the mind of Christ."

Nostra Aetate 5.3 does not give a reference to the Scriptures that would assess that discrimination was foreign to the mind of Christ. *Nostra Aetate* uses the term discrimination as it is used and described in the twentieth century in common language. In other words, the Bible does not use the term discrimination. I do not want to stand in for the Second Vatican Council and search for a reference to authorize the claim that discrimination was foreign to the mind of Christ. In its last paragraph, *Nostra Aetate* clearly speaks of "any discrimination" and gives some examples. Gender discrimination is not among these examples and this is a deplorable fact. *Nostra Aetate* 5 claimed at the beginning that "We cannot truly pray to God the Father of all if we treat any people as other than sisters and brothers, for all are created in God's image" (Flannery 1996, 574). This proclamation logically includes women, men and queer. Nevertheless, gender is not an issue in *Nostra Aetate*. The sign of Jonah is concerned with gender and the norm to not discriminate gender. We may follow the example of *Nostra Aetate* and turn to the Scripture in order to confirm and assess our value system. There are, for example, these beautiful verses of Paul in Galatians 3:26-29:

"for all of you are the children of God, through faith, in Christ Jesus, since every one of you that has been baptized has been clothed in Christ. There can be neither Jew nor Greek, there can be neither slave nor freeman, there can be neither male nor female – for you are all one in Christ Jesus. And simply by being Christ's, you are that progeny of Abraham, the heirs named in the promise."

There we already find Paul's theology of Israel and his theology on non-discrimination of Jews and Christians as well as his theology on social discrimination and on gender discrimination.

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“The Church reproves, as foreign to the mind of Christ, any discrimination ...” What allows the Church to assess and proclaim this norm with reference to Christ without giving a clear reference to the Scripture? It is clear that the sign of Jonah comes from the Scripture. Nevertheless, we have to assess our understanding of the Scripture as Christians and theologians. The Council produced an important constitution for dealing with questions concerning the use of Scripture and practicing theology.

3.2 *Dei Verbum*

3.2.1 The Council on its way to the word of God

The American historian of religion Gerald Fogarty reconstructs how the Council got off the ground and on its way following the successful intervention by Cardinal Liénart on the second day of the first session of the Council, October 11, 1962 (Fogarty 1996). The bishops overcame their confusion and solitude by organizing meetings. In Fogarty's opinion, the most important element of Vatican II as an event in the history of the Catholic Church was the beginning of a mutual exchange of opinions and of institutionalized meetings of the bishops of the nations, that is the bishops' conferences, the continents and the world (Fogarty 1996, 94). The world episcopate met again in reunions after almost a hundred years had passed since Vatican I. The Spanish bishops' conference was the first to meet, the Italian bishops followed and held weekly meetings, and other national bishops' conferences followed their example (*ibid.* 96). The Vatican bureaucracy simply could no longer control the bishops' sharing and discussing their proper ideas. From this experience of sharing and working together emerged a sense of collegiality of the episcopate that only later was described and appreciated in the documents of the Council (*ibid.* 95). The world episcopate that took cognizance of its collegiality was able to serve as an effective counterpart to the forces of the Roman Curia by becoming a new player that forged Church doctrine at the Council. The bishops, who worked in the preparatory commissions already during preparation of the Council, had counted on trusted theologians to give a helping hand in elaborating the documents. Many theologians and bishops were disappointed with the prepared documents, especially with the schemes concerning doctrinal questions (*ibid.* 88).

Since the end of 1961 Karl Rahner had studied the texts that Koenig gave him from the central Preparatory Commission and his feedback was very critical (*ibid.* 90). On

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his own he started to prepare elements of a text on revelation and pleaded for all the prepared texts to be replaced; only the schema on the liturgy could be accepted in a corrected form (*ibid.* 91). Schillebeeckx, Cardinal Alfrink's theologian, was more careful. He criticized the prepared texts, but wanted to correct them to make them acceptable (*ibid.* 93).

Already on September 27, 1962 Hans Küng had visited Congar in Paris to convince him to reject the four proposed doctrinal schemes and to not doctor them with corrections (*ibid.* 97). Congar would not join this strategy. On October 12, 1962 in the German-Hungarian College in Rome Bishop Hermann Volk of Mainz met with Karl Rahner and the Jesuit theologian Semmelroth to set up a project for new documents (*ibid.* 98). On October 15, 1962, Rahner, Semmelroth and Volk learned at the German-Hungarian College from Josef Ratzinger that he was also working on a new doctrinal text and consented to have Rahner and Ratzinger prepare a common text in order to get the Council started (*ibid.* 99).

On October 19, 1962, German and French bishops and theologians met to discuss the Rahner-Ratzinger proposal (*ibid.*). They agreed that a small group would write a text. This group met on October 21, 1962 (*ibid.* 101). Congar was writing something like a mission statement for the Council and all its documents. Rahner-Ratzinger were preparing the text on doctrinal questions. On October 22, 1962, the Council started its work on the prepared scheme on sacred liturgy. The Council overcame confusion and insecurity by starting with the one preparatory document that was acceptable to a vast majority, namely the document on liturgy. On October 25, 1962 Cardinal Frings invites theologians and Cardinals König, Alfrin, Liénart, Suenens, Döpfner, Siri and Montini to meet at the Austrian college Santa Maria dell'Anima (*ibid.* 103). Frings starts the meeting by insisting on a profound revision of the prepared schemes, especially on revelation, and introduces Ratzinger to outline the structure of an alternative scheme. Ratzinger presents his and Rahner's text on the fountains of revelation and the deposit of faith. With the exception of Cardinal Cicognani, Vatican Secretary of State and Dean of the College of Cardinals, Confalonieri from Rome and Meyer from Chicago, Frings had invited almost the complete Secretariat for the Extraordinary Affairs of the Council. The presence of Cardinal Siri, Archbishop of Genua, who after the Council turned bitter concerning the Council and refused to nurture the Council's reforms, and of Cardinal Montini, the later successor to John XXIII, was planned to give the Rahner-Ratzinger

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and Rahner some kind of official recognition. Siri judged the Rahner-Ratzinger proposal to be interesting and acceptable, but too light for a Council of the Roman Catholic Church. Montini was more skeptical and encouraged work to be performed on the prepared texts (*ibid*).

When Congar presented his text to the small group of theologians on October 28, 1962, they learned that the French Jesuit theologian Danielou had also written alternative texts for the Council. Congar did not see how these alternative schemes could possibly be presented at the Council and foresaw the failure of the German initiative to start the Council with alternative texts (*ibid*. 106). Circulating texts among the bishops does not mean the Council would start working on them. The small group of French and German theologians and bishops found itself confronted with four texts and was confused. Already on November 4, 1962, it met for the last time. The Germans were frustrated and decided to proceed alone and write a text without the French (*ibid*).

The compact German text consisted of three chapters that constituted a sort of synthesis of the theology of Karl Rahner (*ibid*. 107). The first chapter dealt with mankind's divine vocation as a gift of Go'd that concerns the whole nature of the singular woman and man. The second chapter treated the hidden presence of Go'd in the history of mankind, and the third chapter spoke of the revealed presence of Go'd in the teachings of the Church. Go'd created the singular individual in such a way as to give her or him out of love the free gift of Himself (*ibid*). Human beings have the free will to accept grace, Go'd's gift of love. All of mankind, not only Christians, were created with the ability to accept Go'd's love and grace of salvation or to listen to the Word of Go'd (*ibid*. 108). Rahner's text was circulated in at least 500 copies. This theology of salvation was a very strange construction, not only for most of the bishops at the Council but also for many theologians. They could not see the foundation of the theology of Go'd's universal will for salvation in the Scriptures and did not recognize this theology in the history of the Church's teaching tradition. Rahner in his argumentation strictly observed Kant's category of quantity. The universal, the particular and the singular are quantitative functions of thinking. Thus, if all women, men and queer on this earth are called by the universal will of Go'd's salvation, all women, men and queer are called without distinction of religion or anything else. If there are women, men and queer who experience the peace and fullness of life as Go'd's gift, this particular experience of consolation is an elementary function of the

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category of quantity. If a woman or a man experiences this kind of consolation and peace and happiness, this singular experience and the subsequent speech-acts telling about this experience function as an autonomous element of quantity and cannot be subsumed to the quantity universal or particular or any other category. Therefore, the singular quantity of the individual must be respected as a singular quantity of the history of women and men. Intellectually, Rahner's ecclesiology develops from this point of departure; he practically shied away from categorically restructuring theology by consequently abandoning concepts that do not help realize human dignity. Rahner inspired women and men, he helped thousands of academic Catholics to freely and responsibly embrace faith in Jesus Christ by demonstrating the compatibility of faith and reason, especially with the reasoning of the natural sciences. Rahner was not a champion of social change like Congar. In 1789 the French conducted a revolution while German philosophers conceptualized freedom and dignity. In the twentieth century the worker-priest movement boomed in France while in Germany Catholic social theory evolved. Rahner had studied Georg Friedrich Hegel's philosophy of the history of the human spirit. Religion results as one of the constructions of the human spirit. From this Rahner does not follow that the individual's spirit creates the concept of its self as a universally absolute phenomenon. Rather, the concepts of the individual's spirit attempt to express the freedom and liberty of the faith choices.

Congar's introductory text for the Council was not circulated and therefore not known. The text was easily understood, founded on biblical narratives, and arguments from the tradition proved its orthodoxy. Congar professes Christ's incarnation for liberating us from enslaving sin, calling us to the truth of our nature and of God's (*ibid.* 109). The proposals made by Congar and Rahner did not make very different points, both wanted to show the compatibility of the necessities of modern women and men with the Christian message (*ibid.* 110). Congar survived the Nazi prison camps and was familiar with the needs and sufferings of workers and working-class families. He accompanied the movement of the working priests and carefully analyzed the social realities of the blue-collar workers. Congar was keenly conscious of the need for the workers' unions in the fight for social justice, just wages, health care and security at the workstations. Congar and Rahner were not politicians; the Dominican and the Jesuit stayed out of politics at the request of the Church and their superiors. Rahner never had a political mind anyway, not before 1938 and not after 1945. Social analysis was not his strength; he lived the life of a thinking and writing workaholic and when exhausted drew strength

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from meditation. His personal character was rather grumpily depressive and his bad moods did not make him good company. His brother Hugo Rahner (1900-1968), on the contrary, was a popular person, an open and friendly diplomat, whose company was enjoyed by everyone. Despite already suffering from Parkinson's disease, he was able to present himself as the spirited entertainer (Neufeld 1994, 327). After the Jesuit Theology Faculty in Innsbruck was closed by the Nazis in 1938, Karl Rahner continued his teaching and theological work in a small Jesuit community in Vienna until 1944 (*ibid.* 159). His Jesuit brother Hugo fled the Third Reich to Switzerland, where he stayed until the end of World War II. He managed to take professors and students with him and to continue Innsbruck's theology college in Sitten (*ibid.* 145-51). There was some conflict between the two brothers, when they continued their theological work in Innsbruck after the war. Hugo had expected his brother to also leave the Third Reich. Staying in Vienna was too little a sign of resistance for Hugo. Rahner later admitted that his conscience was debating the question whether he should have shown more courage and more actively resisted the Nazis. He even asked if he was guilty of not resisting the Nazis. Biographers from the Jesuit Order like father Neufeld do not mention the critical aspects of the Rahner brothers concerning exile during the Nazi dictatorship. Neufeld cites the cryptic words of Karl Rahner, who on April 27, 1982 celebrated his sixtieth anniversary as a Jesuit and reflected critically on his life as a Jesuit: "Where should we have spoken up instead of cowardly staying silent and where should we have kept quiet instead of making noise?" (*ibid.* 362). The whole religious Catholic academic cloud that worked for years with Rahner and knew him well did not dare to speak or write about his ambiguous love/hate relationship with Louise Rinser. Instead, they praised his intellectual strength and Ignatian spirituality.

What are the personal factors that made it impossible for Rahner and Congar to collaborate on a single text in the fall of 1962? Whatever such factors may be, Rahner, Ratzinger and Congar had no strategy for getting their texts presented and discussed by the aula of the Council. Christ's work of salvation in history, Go'd's universal will for salvation and world peace were discussed by the Council much later and treated in two different documents. Christ as the Light of the World and the Church's hope and joy for participating in the positive development of the World was to be treated in the Dogmatic Constitution on the Church, *Lumen Gentium*, and the Pastoral Constitution on the Church in the modern World, *Gaudium et Spes* (*ibid.* 111). If Congar, Rahner

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and Ratzinger had not failed to produce a common text, would there have been one text on the Church and her relation to the world? I doubt it.

The small group of French and German theologians that prepared alternative texts on revelation and the deposit of faith had no strategy for getting their texts discussed and they forgot completely to include in their considerations the prepared scheme on ecclesiology (*ibid.* 102). It was Cardinal Suenens and his theologian Philips, who early recognized the need to work on improving the prepared document on the Church. Philips did not work out an alternative text, but attempted to obtain a corrected version of the prepared text that would find the consensus of all. The strategy employed by Suenens and Philips was successful. Suenens and his theologian Philips strictly informed and discussed the matter with Martini and his theologian, Carlo Colombo. On October 19, 1962, Suenens and Montini jointly presented the need for a corrected version of the prepared scheme of the Church in the meeting of the Secretariat for Extraordinary Affairs of the Council (*ibid.*).

All of a sudden, the possibility that the Council could be suspended was in the air (*ibid.* 114). At a press conference on October 22, 1962, John F. Kennedy showed photos of missile bases in Cuba that had been built by the Soviets. He announced a US naval blockade of the island. Kennedy and Khrushchev responded positively to a possible peace intervention by John XXIII. On October 25, the pope spoke on the radio in French, expressing his hope that all responsible statesmen had the will for peace and restrained himself from putting blame on the conflicting parties (*ibid.* 118). The good pope got his message for peace to Kennedy, dared to write Khrushchev and received from the Communist Soviet leader friendly and positive responses (*ibid.* 123). Neither Khrushchev nor Kennedy wanted a nuclear disaster and finally agreed to stop the blockade and bring the missile bases back to Russia. On December 5, 1962, John XXIII spoke for the last time to the bishops he had met in Rome. In St. Peter's Square they listened together with many men and women from all over the world to the incurably ill pope, who implored Mother Mary to take care of him and the families of all those listening to him below his window (*ibid.* 126).

The aula of the Council had discussed the prepared scheme on the holy liturgy since October 22 and the Commission for the Liturgy worked on the emendations that the Council fathers wanted included in the text. On November 14, 1962 the president of the Council asked for a vote on each of the four chapters of the text. The fathers could

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cast a vote either approving or not approving or approving with further amendments. To everyone's surprise the four chapters passed with an overwhelming majority, receiving only ten to 26 negative votes from the 2200 fathers present (Lamberigts 1996, 184-85). With this kind of vote on the direction of a document, a so-called direction vote, the aula would give general approval of a text that was still in the process of emendation. The final scheme will be voted on only later after all necessary corrections had been made in the text. This kind of democratic procedure was the contribution made by a lay Catholic to the Council (Alberigo 1996, 620). On November 10, 1962 Italian Television asked Professor Constantino Mortati, eminent member of the Italian Constitutional Court, if he judged the regulation statute for the Council capable of steering the decision-making process. He saw the challenge for consensus-finding procedures and proposed that the statute be expanded to include a kind of orientation vote (*ibid.*). The procedure foreseen for the orientation vote significantly enhanced the process of reaching a consensus on arguments and the discussed texts.

Giuseppe Ruggieri writes on the first doctrinal conflict at the Council (Ruggieri 1996). With the great majority of Yes votes for liturgical reform on November 14, the Council's honeymoon was about to end (*ibid.* 259). The Council started to debate a central dogmatic question of Catholic theology, that is the relation between the oral revelation of the predication of Christ and its successive transmission by tradition. This tradition consists of the New Testament and the *Magisterium* of the Church (*ibid.*). The period from November 14 to December 8, 1962 and especially the week from November 14 to November 21, when the scheme concerning the sources of revelation was discussed in the aula, was when the Council took the decisive step away from the Pacellian Church and opened up to modernity (*ibid.*). Since the end of World War I Catholics had suffered and hoped for this turn to come about (*ibid.* 260).

After the long and detailed debate on liturgy many bishops became impatient because they longed to discuss ecclesiological matters (*ibid.*). Others, like Karl Rahner, were outright skeptical about the possibilities that the Council would accept his major points of criticism of the prepared text on the sources of revelation (*ibid.*). The bishops were in need of theological concepts on these sources in order to express their arguments. They were ready to overcome the controversies with the Protestants on Scripture and Tradition and to give up the neo-scholastic paradigm of treating faith not as a personal choice, but as an external determination one must obey, like a law. The theologians

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organized meetings to empower and capacitate the bishops for the debate on the prepared scheme (*ibid.* 261). This scheme concerning the sources of revelation since its presentation in preparation for the Council met with severe criticism. When in November 1961 the central Preparatory Commission discussed the text on the sources of revelation that had been presented by the Theological Preparatory Commission, substantial criticism was voiced by cardinals König, Döpfner, Bea, Hurley and Alfrink (Komonchak 1995, 327). Bea wanted Scripture to be seen as the principal source of revelation. Ottaviani identified tradition as an equally important source of revelation since the Church existed very well without the Holy Scriptures of the New Testament, but not without tradition (*ibid.* 328). At the Council of Trent, the term “source of revelation” was predicated only from the Scripture. The text that the Council fathers had to discuss in November 1962 spoke in its first chapter of the two sources of revelation, Scripture and Tradition (Ruggieri 1996, 261). The second chapter spoke of individual inspiration and not of a collective inspiration of the authors of the Scripture and stood by the claim that the Bible’s sentences constitute empirically true states of affairs concerning matters of faith and everyday life (*ibid.*). The third chapter spoke of the relationship between the Old and the New Testament, Chapter 4 claimed that all facts narrated in the New Testament are historically true and Chapter 5 declared the Vulgate as authentic testimony of the Christian faith and called on the exegetes and the faithful to submit to the *Magisterium* of the Church (*ibid.* 261- 62).

French and German theologians had already worked on the text and proposed changes. Schillebeeckx insisted that all the history of Israel as well as all the Christians of the first Christian communities were inspired by God, and not only the writers of the Gospel (*ibid.* 262-63). Rahner had asserted the classic teaching that a Council was bound to proclaim the truth of Christ and insisted that at the opening of the Council John XXIII make a statement, that is his speech *Gaudet mater ecclesia*. John XXIII had therefore vigorously demanded a pastoral Council, that is a Council that was accessible to the mentality of contemporary women and men (*ibid.* 263-64). Rahner asserted an ecumenical spirit for the scheme on revelation and established that the *Magisterium* of the Church must serve the Word of Go’d and not master it. The dogmatic Constitution on Divine Revelation will take up this point in its number 10 (*ibid.* 265).

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In their frequent meetings in those days the bishops agreed with the criticism voiced by Schillebeeckx and Rahner and - very importantly - that criticism was also shared by the Secretariat for the Unity of Christians that had met several times to prepare concepts on the relationship between revelation and tradition and organize the debate in the aula (*ibid.* 267). The Secretariat for the Unity of Christians rejected the plan tabled by the Dogmatic Commission, namely to first deal with the deposit of faith and then with revelation. The pastoral imperative of the pope first calls for a discussion of revelation and then of the deposit of faith (*ibid.* 268). This line of argumentation put forth by Cardinal Bea was crucial for the decisive intervention of the pope in the future of the prepared document.

On November 13, 1962 the Congregation for the Doctrine of the Faith and Moral Questions met for the first time and in a climate of tension and conflict (*ibid.* 172). Ottaviani opened the meeting. The secretary of the Congregation and trusted conservative Jesuit theologian, Sebastian Tromp, continued speaking and called for the prepared scheme on revelation to be accepted. After Tromp spoke, Archbishop Parente spoke. Parente was then collaborator of Ottaviani at the Sacred Congregation of the Holy Office, the former Inquisition and later the Congregation for the Doctrine of the Faith. Parente spoke of the need to choose between two documents. One was the prepared scheme on revelation and the other document consisted of the observations of Rahner and Ratzinger and Schillebeeckx that the Central European bishops favored. Parente refused any compromise, but spoke of a choice (*ibid.*). He thereby created the frozen atmosphere that reigned over the subsequent debate (*ibid.* 273). Cardinal Ottaviani claimed that the members of the Doctrinal Commission had the duty to defend the prepared scheme. Cardinal Léger threatened to leave the commission if there was no liberty to talk freely in the aula (*ibid.*). Also, the Archbishop of Toulouse, who had helped Liénart prepare his intervention, asserting the free election of commission members of the Council on the second day of its opening, declared that he rejected the prepared scheme on revelation (*ibid.*). The Bishop of Agrigento, Giovanni Battista Peruzzo, called for the insane bishops to be restricted to the aula, that to him looked like an insane asylum (*ibid.*). The discussion received no consent and Ottaviani received no positive vote for a declaration on the deposit of faith (*ibid.*). At the same time, the representatives of the different national bishops' conferences from all over the world met at the *Domus Mariae*; only the Australians were not represented (*ibid.* 274). It was the second meeting held at the initiative of the Brazilian

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Bishop Helder Camara, who in 1955 had converted to the preferential option for the poor. At the meeting questions concerning the liberty of expression and acceleration of the discussions in the aula were discussed, and the scheme on revelation. The bishops expressed their disappointment with the document and wanted to reject it after the discussion in the aula of the Council. The bishops were also preoccupied, because so far they did not know anything about the document concerning the Church (*ibid.* 274).

When the aula began debating the scheme on revelation on November 14, 1962, Ottaviani and Salvatore Garofalo, Professor of Scripture and Rector of the Pontifical Urban University in Rome, succeeded in building up antipathy against their cause. Ottaviani took the floor before Garofalo, did not present the prepared scheme, but attacked those who criticized it. Garofalo then repeated the arguments of Ottaviani (*ibid.* 276). This repetition produced impatience and bored distress among the fathers. The aula became more and more alienated from the Curia's position. Ottaviani put doctrine first and pastoral matters second (*ibid.* 278). That clearly contradicted the pope's intention, as Bea dryly remarked in his intervention on November 14 (*ibid.*).

The pope wanted the faith to be presented in a way that the people could understand, agree, appropriate and live with it. On the eve of November 14 John XXIII wrote in his calendar that the proposed scheme went against the intentions of his official speeches before and at the opening of the Council. He noted by name the eight cardinals that followed his intention, citing his speech and rejecting in the aula the scheme of the Preparatory Commission: Liénart, Frings, Léger, Koenig, Alfrink, Suenens, Ritter and Bea. John XXIII was aware that the discussions would show contrasts and conflicts. He closed by imploring the Lord "to help us and unite us" (*ibid.* 282-83).

The debate in the aula was controversial; accusations of heresy were made as well as of failure to obey the pope's intentions. The serious discussions did not permit conclusions to be drawn on where the majority would stand, whether the prepared scheme would be rejected or maintained (*ibid.* 287). The reunions and meetings of the bishops intensified. On November 19, 1962 the Council's Presidency met right after the general congregation in the aula and decided to ask the aula to vote on whether the discussion of the scheme on revelation should continue or not (*ibid.* 289). The motion was changed to "should the discussion of the scheme on revelation be interrupted?" (*ibid.*). The next day Felici communicated the decision of the Council's

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Presidency in the aula and incited unrest among the bishops concerning the aim of the vote (*ibid.*). Did all the bishops understand that a vote to interrupt the discussion would actually reject the prepared scheme on revelation? Cardinal Ruffini from Palermo, member of the Council's Presidency, intervened to clarify that "interruption" meant "renovate" and "remake" (*ibid.*). After 11 minutes of voting, Bishop Felici made another clarifying statement to this effect (*ibid.*).

If a two-thirds majority voted for interruption, the prepared schema would be dead. There were 1,368 votes in favor of interruption and 822 against it (*ibid.* 290). Not only was this overwhelming majority produced by the bishops of Central Europe, but also Italian, Spanish, North American and Latin American bishops joined them to reject the scheme. Nevertheless, the result of the vote fell 105 votes short of the required two-thirds majority. The vote had created a deadlock. To end the impasse an intervention by the pope was needed (*ibid.*). Bea was contacted by Secretary of State Cicognani and Bea communicated his conviction that the pope would have to intervene.

On November 20, 1962, Cardinal Léger was able to speak to the pope in private (*ibid.* 291). The Cardinal presented a written note suggesting an intervention by the pope and the creation of a commission that in the upcoming intersession would work on redoing the documents. Léger had the impression that the pope was undecided about whether to intervene (*ibid.*). Pope John XXIII told the Cardinal that his speech at the opening of the Council was clear: Trent and Vatican I had already dealt with the object of faith, Vatican II was to present the Christian message to the modern world and to the world of tomorrow. The historian takes it as indication of the influence of Léger's talk with the pope that the next morning he received an old and precious cross from John XXIII and a letter thanking him for the "endearing" note and conversation of the previous evening (*ibid.*).

John XXIII had made up his mind the same evening. The next day during morning mass the Secretary of State handed the document with the pope's decision to Felici, the Council Secretary. The Italian theologian Giuseppe Ruggieri, historian on the team of Alberigo in Bologna, who was standing right behind the Council Secretary's table, personally witnessed the perplexity of Felici and Cardinal Ruffini when they opened the document from the pope (*ibid.* 292). In the document the pope wrote that the vote of November 20, 1962 was sufficiently clear concerning the direction of the Council, but the rules of the Council statute did not permit a conclusive answer to be given on

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the grave problems of the scheme concerning revelation. Therefore, a mixed commission was to be created with members of the Doctrinal Commission and the Secretariat for the Unity of Christians in order to amend and correct the scheme, shorten and clarify and find a consensus on general principles in the text (*ibid.*). Cicognani had tried to oppose the decision in front of the pope. John XXIII disciplined Cicognani and calmed his annoyance and anger: "I prayed a lot about it, and thought it over all night long. I am at peace and calm. We want to do it" (*ibid.*).

A whole new era began. Doctrinal formulas that had been codified since the Council of Trent were discussed anew. Exercising his primate by listening and respecting the majority of the aula, John XXIII expressed the synod - going together as a team - nature of Peter's primate (*ibid.* 293). I understand the euphoria of the theologian Ruggieri, but as a historian he has to say that the Second Vatican Council simply had no synodal constitution that by rule of law would dictate that the bishops were allowed to vote on Church matters. The constitution of the Catholic Church and of the Second Vatican Council was that of an absolute monarchy. Ruggieri documents that we do not know all the factors that influenced the pope's decision. There was Cardinal Léger, Cardinal Bea, there were the French bishops, etc. (*ibid.*). We know that John XXIII wanted a decision in the direction that corresponded with that of the majority of the bishops. His decision was the decision of the head of the Catholic Church, who holds all legislative, executive and governmental powers. The synodal principle was still exercised in the Oriental Churches. The Second Vatican Council was not able to really appreciate this kind of decision-making. It was the pope's decision to open the way to a discussion of Scripture and Tradition. Therefore, the discussion on the relationship between Scripture and Tradition was opened in a new way for Catholic theologians and the dialogue with their Protestant colleagues. November 21, 1962 marked a shock for the Council that was happy to be able to turn its attention to less controversial topics in the coming days and weeks (*ibid.*).

The decision by John XXIII to respect the majority of the bishops' votes, even though it was not a two-thirds majority, can be seen in light of the Church's tradition of consensus finding at councils as prioritizing the majority principle over the principle of unanimity (Sieben 1992). Yet, we have to note that at the Council John XXIII continued to work for a consensus on the principle of unanimity by instituting a commission that would have to work out this kind of unanimous consensus for a text on revelation. On

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November 21, 1962 the power of the primate of the pope enables a free and unanimous decision by the bishops on a text concerning revelation. With Paul VI we will see the same power of the primate of the pope at work again on two Council occasions. Concerning a text on religious liberty, the pope works in the direction of a free and unanimous decision by the bishops of the Council. Concerning the text on ecclesiology, Paul VI gave in to the social choice of a very small, more or less sound minority that wanted to prevent the freely voting bishops from securing a majority vote on ecclesiology that would stipulate that the pope governs, legislates and exercises juridical powers only in communion with the bishops. The very small minority that wanted to conserve the primate of the pope cannot actually be called a sound minority, because this group's interest was to conserve the Curia's position of power as collaborators of the central government of the Church. The small minority that influenced Paul VI was exclusively made up of members of the same papal Curia whose interests were at stake. According to the tradition of the consensus-making function of a Council, a sound minority has to be respected in case there is no two thirds' majority of votes. A decision that is based on personal interests and not on obtaining a unanimous consensus is not a legitimate decision or a social choice or a definition of a Catholic Council. The Council's definition of ecclesiology is nevertheless legitimate, because the pope confirmed and promulgated the documents with his primate powers.

John XXIII was successful in giving the Council the liberty of expression in order to generate a consensus. The power for this success was the primate of the pope over the Catholic Church and a calculated policy to make the Curia part of his Council project. He appointed his Secretary of State, Cardinal Tardini, as head of the preparations for the Council to come (Alberigo 1995b, 62). Tardini had made it clear to John XXIII that the Council is not possible without the Curia (Fouilloux 1995, 173). On November 21, 1962 John XXIII rejected the request of his Secretary of State Cardinal Cicognani that the discussion on divine revelation be continued. He wanted the document that had been prepared under the control of the Curia to be discussed and approved. His argument was that unanimity was not achieved because the majority that voted for interruption of the discussion was not a two-thirds majority. There was no constitution of the Church that would have guaranteed that the necessary consensus for a social choice by the Council would have to be based on the freedom of the bishops to express their opinion and respect for the majority vote. Since the

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Second Vatican Council the Catholic Church continues to suffer from this lack of a constitution that would allow consensus to be generated in the Church and in councils with the rule of law that respects the majority in order to achieve consensual unanimity. Lacking a constitution and the rule of law granting equal freedom of speech and voting rights for all prevents the Catholic Church from generating consensus and unanimity for contemporary solutions of actual problems following the old tradition of Vincent of Lérins. In the twenty-first century, the Catholic Church is not capable of socially realizing a consensus in dignity and without a consensus it remains devoid of Christ's gift of the Holy Spirit (Mathew 18:19-20). Consensus finding is hard work and not an easy task. It is also clear that if there is no consensus in the community of Christians, the community will disintegrate. Generating consensus and consensus politics is therefore a necessary responsibility of the leaders of a community of Christians and of the Church as a whole, because consensus generates unity. Nobody doubts the duty of each Christian and even more so of each bishop and the pope to ensure the unity of the Church. Unanimity as described in Acts of the Apostles and the Christian community in Jerusalem was the work of the Holy Spirit. "With one heart all these" - that is the Apostles - "joined constantly in prayer, together with some women, including Mary the mother of Jesus, and with his brothers" (Acts 1, 14). The Christian community in Jerusalem, as the Christians in general, used decision-making practices in their cultural environment, namely the Jewish environment in Palestine (Sieben 1992, 193). Peter, for example, took the initiative to replace the Apostle Judas and called on the community to have the two nominated candidates, namely Joseph known as Barsabbas and Matthias, draw lots (Acts 1, 23-26). In the Old Testament we see lots cast several times. Christian communities and assemblies generally and spontaneously took up practices from their cultural environments, whether Jewish or pagan (Sieben 1992, 193). The decision-making and consensus-generating practices of the early Christian Councils were based on the model of the forms of majority votes and consensus building that were practiced by the Roman Senate and by corresponding assemblies in cities of the Roman Empire (*ibid.*). The concept of consensus serves better than the concept of unanimity to describe the self-understanding of the early Christian councils, because it includes the majority vote (*bid.*).

In the first intersession of the Council John XXIII worked to enable cardinals from the world Church to speak up and realize their dignity with freedom and liberty. His

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successors turned away from the consensus-generating work of their primate powers in the Church and preferred to govern with their Curia over the Church as absolute monarchs. The influence exerted by Cardinals Bea and Suenens on the pope and the Council will significantly decrease (Alberigo 1998, 515). Cardinal Ottaviani loses power and is no longer considered the watchdog of orthodoxy (*ibid.*). Paul VI lends his ears to Cardinal Döpfner from Munich, to the Council Secretary Ruffini, the Jesuit Wilhelm Bertrams and his own theologian Colombo (*ibid.*). Paul VI names a group of four moderators - the reformers Suenens, Döpfner and Lercaro and the conservative cardinal of the Curia Agagianian - to give the Council direction and transparency for the bishops of the aula concerning the work of the commissions, but never institutes the rules for the exercise of their task and continuously weakens their authority (*ibid.*). Paul VI and so far all his successors have failed to develop and promulgate a constitution for the Church and her councils, synods and conferences that according to that rule of law secures the equal dignity, freedom and rights of all faithful by consensus-generating procedures. Lacking that kind of law, scheming personalities like Monsignor Felici tried everything within their bureaucratic powers to keep the differences between the four moderators alive and their efforts to mediate between the pope and the Council ineffective (*ibid.*). Cardinal Cicognani, Secretary of State, will gain considerable influence over the Council as acting president of the coordinating commission and will finally be able to set the direction of the Council as president of the Commission for Extraordinary Affairs of the Council (*ibid.*). In 1968 Paul VI overruled his own commission on birth control and the family and did not respect the opinion of the majority of bishops of the world episcopate. John Paul II overruled not only the world episcopate, but also at times even his Curia, and Pope Francis overrules the world episcopate by not taking necessary decisions at all.

The Coordinating Commission was most important for the dynamics and the direction of the first intersession period of the Council (Grootaers 1996, 413). The seven cardinals together with John XXIII, who was impatiently awaiting death, overcame between January and March the impasse on the text concerning revelation (*ibid.* 414). The Coordinating Commission designated Cardinal Liénart as relator for the document on revelation. He reports to the Coordinating Commission on January 21, 1963 that at the three sessions of the Mixed Commission on Revelation in the beginning of December 1962, a minority insisted that with absolute certainty tradition possesses truths that are not to be found in the Scriptures and are nevertheless revealed (*ibid.*

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416). Liénart continued to refer to the definitions of Trent and Vatican I that claimed Scripture and Tradition as two forms of revelation (*ibid.*). The historian who reconstructs the compromise that was reached during the first intersession already mentions that heavy conflict on this point will erupt again in 1964 and 1965, leading to a veritable crisis of the Council in October 1965 (*ibid.* 417).

On February 23, 1963, the Mixed Commission met again. Of the Mixed Commission's 38 members 29 voted not to close the discussion on the subject as demanded by Ottaviani. Eight members voted against Bea's proposal to postpone discussion of the matter (*ibid.*). In the session of February 25 Ottaviani openly accused Bea of infidelity to the faith of the Church. Bea said he could veto a decision in the Coordinating Commission anyway, and Cardinal Léger's threat to appear before the Coordinating Commission calmed the explosive atmosphere for the moment (*ibid.*). In the session of March 1, 1963, the Mixed Commission listened as the letter from Cardinal Cicognani announced that if no consensus is possible the question will be given to the presidents of the Council. Léger proposed wording saying that Scripture and Tradition are strictly linked to each other and communicate with each other, and Bea called for a vote on the wording. Thirty votes were cast in favor of the wording and seven votes were against it. This vote is considered historical for ecumenical dialogue (*ibid.* 418).

On March 4, 1963 the Mixed Commission on Revelation met for the last time (*ibid.* 420). The Commission agreed on a compromise on revelation stating that scripture, tradition and the *Magisterium* work together for the salvation of mankind. It was the first time that Yves Congar participated in a Council Commission and raised his voice in favor of introducing to the text the active role of the faithful concerning the teaching of the faith. The text also referred to the role of the faithful, against the will of Ottaviani. When Liénart reported the compromise to the Coordinating Commission, he protested against the reference to the faithful in the text that had been distributed to the Commission members. Congar's mention of a *conspiratio pastorum et fidelium*, expressing that men and women and bishops were all inspired to pass on the faith, was rejected by Ottaviani. Very interestingly, two and a half years later this sentence again appears on November 18, 1965, in the final document (*ibid.*).

In the meantime, the Doctrinal Commission will have to liberate itself from the control of Ottaviani's Supreme Sacred Congregation of the Holy Office (*ibid.* 422). The majority of the Council members were not happy with the compromise agreed to by the Mixed

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Commission on March 4, 1963. During the second session of the Council the Mixed Commission was replaced, but the text on revelation was not discussed (*ibid.* 421). Progress on the text followed after Paul VI in the closing speech of the second session of the Council exhorted that the text on revelation be advanced (*ibid.*).

From September 26 to 27, 1963, Archbishop Ermenegildo Florit (1901-1985) of Florence received a small group of French and Italian bishops in Florence to discuss the document on revelation (Melloni 1998, 35). The French episcopate had already held meetings and produced a text with Congar's serious criticism of the prepared text on revelation that he judged unacceptable (*ibid.*). Congar argued that the Mixed Commission had prepared a text that still treated revelation like a package deal that was passed on to the receiver without any consideration of the perceiver (*ibid.*). Instead, revelation must be presented in terms of an act of communication of God to men and women; that was Congar's message (*ibid.*). Revelation cannot be separated from history. In Florence Father Betti organized a consensus of the gathered bishops to reject the prepared scheme of the Mixed Commission on Revelation (*ibid.* 36). The German Bishops' Conference discusses the notes Rahner had sent them on *De Ecclesia*, *De Revelation* and *De Beata* on July 4, 1963 and listens to other theologians on the subjects (*ibid.*). The bishops who were able to travel to Rome from the Communist-controlled countries had little information and almost no contacts or opportunities to discuss Council topics (*ibid.* 37). The relationship between Rome and Russian orthodoxy remains one of distrust. Ever since the troubles between Moscow and Constantinople at the beginning of Vatican II, the wounds had not healed (*ibid.* 38). The document on revelation (Latin: *de fontibus*) was crucial for ecumenism. All non-Catholic Christians waited to see how the Council was going to deal with the relationship between the Gospel and tradition (*ibid.* 39).

In the second session (September 29 – December 4, 1963) the text on revelation was not discussed (Sauer 1999, 222). Paul VI's speech on Wednesday, December 4, 1963, was very important for the document's survival. Many were hoping that the document had already been buried (*ibid.*). The pope insisted on the importance of the document on revelation and scheduled it to be worked on during the coming intersession (*ibid.*). The version of the document of April 22, 1963, received 93 observations from June 1963 to January 1964 and by the end of April 1964 it had 300. Seventy-five observations came from individuals, the others in the name of episcopal conferences

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(Vilanova 1998, 393). There were 2,481 proposals for amendments; all agreed that a complete re-elaboration of the text was necessary (*ibid.*). The Coordinating Commission decided in the session of December 28, 1963 that the scheme on revelation would be presented to the fathers after the Doctrinal Commission had studied all the observations that it had received (*ibid.* 394). The Mixed Commission met on January 3 and also preferred that the text be completely revised. The doctrinal commission was then asked to do the work and Cardinal Bea would oversee the resulting text (*ibid.*). On March 15, 1964 the Doctrinal Commission created a sub-commission that was to elaborate the new scheme based on the observations the commission had received from the bishops (*ibid.* 395). This sub-commission consisted of seven bishops and 19 expert theologians. The Belgian Bishop of Namur and Professor of Exegesis André-Marie Charue (1898-1977), already a member of the Doctrinal and Mixed Commission (Declerck 2013, 76), was appointed president (Vilanova 1998, 395). Some new theology experts - the Germans Grillmeier, Rahner, Ratzinger and Semmelroth, the French, Belgian and Dutch Congar, Philips, Heuscher, Moeller, Prignon, Rigaux and Smulders and the Franciscan Betti, expert and Florit's confidant - were decisive and central for the work on the text (*ibid.*). There were conflicts, for example did revelation start with Adam or, as claimed by Congar, with Abraham. It was Philips who mediated successfully (*ibid.* 396) and was assigned the task of reviewing the whole text of the new document (*ibid.* 397). On May 11, 1964 Felici announced that the document on revelation would be the first to be discussed in the third session of the Council (*ibid.* 397). From June 3 to 5, 1964 the doctrinal commission in four sessions approved the text with a two-thirds majority against the resistance mounted by Ottaviani (*ibid.*). On June 26, 1964, the scheme was approved by the Coordinating Commission and sent to the fathers (Sauer 1999, 224). The title no longer spoke of a dogmatic constitution, but simply of a constitutional scheme. Nobody knows who dropped the qualification "dogmatic" (*ibid.*). Nevertheless, important points were established: Revelation was seen from the perspective of the Bible and not as a compendium of positive truths. Biblically, revelation takes place within an economy of salvation as the word and deed of Go'd within a history of men and women. This encounter between Go'd and men and women in the form of revelation is ongoing in the present and will continue in the future. Tradition is understood to concern the whole existence of the Church: doctrine, life and cult. The Scripture is the soul of theology and exegesis research is important for understanding

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texts. The *Magisterium* deals with a living tradition and gives an authentic interpretation of the Scripture and of tradition, always referring to the present predication of the word of God (*ibid.*). The first chapter of the new text deals with revelation itself, the second chapter with handing on divine revelation, the third chapter with inspiration and divine interpretation of Sacred Scripture, the fourth chapter with the Old Testament, the fifth chapter with the New Testament and the sixth chapter with Sacred Scripture in the life of the Church (*ibid.* 225).

On September 30, 1964, the third session of the Second Vatican Council was convened and the document on revelation was presented and debated (*ibid.* 229). In June 1964 it became clear in the Doctrinal Commission that there was still very strong resistance and opposition to an understanding of tradition in strict relation to the Scripture (*ibid.* 230). At the end of August 1964, the contacts between Florit and Philips intensified in an effort to reach a compromise (*ibid.*). On September 28, 1964, Franic, bishop of the Croatian dioceses of Split-Makarska fought a hard fight for the position of the so-called minority at the Council, namely that tradition was a constitutional part of the doctrine of faith (*ibid.*). The Jesuit Otto Semmelroth confided to his diary what another Croatian bishop had communicated to him at the bar of the aula of Saint Peter's; that bishop qualified Franic as an authentic reactionary (*ibid.* 236). Semmelroth accused the Doctrinal Commission of not wanting to accept the role of tradition in the doctrine of faith. König made him correct this false assumption (*ibid.* 230). Franic continued to argue that the Serbian Orthodox Church holds the constitutive function of tradition as a doctrine and ecumenical grounds therefor would impede the intention of the Second Vatican Council to change Catholic doctrine (*ibid.* 231). Did the Scripture contain the whole truth or were some truths of faith communicated only by tradition? That was the question (*ibid.*). Ermenegildo Florit, the prestigious archbishop of Florence, who was personally against the relational aspect of tradition and Scripture, backed Ottaviani on the matter. Yet Florit was ready to present to the aula of the Council the compromise, namely that both tradition and Scripture are important for the doctrine of faith, as the majority vote of the Doctrinal Commission. For acceptance of the document in the aula, it was very important that a Roman cardinal present the scheme. Florit was deeply divided in his theological convictions and his doubting conscience and with immediate remorse he had assumed the doubt-ridden responsibility to not say that tradition gave important and necessary truths of faith to the Church (*ibid.* 232). After Florit's presentation of the document

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Ernesto Ruffini opened the debate. He was on the side of those who defended the strong function of tradition (*ibid.* 235). Döpfner responded to Ruffini in the name of 78 German-speaking and Scandinavian bishops. He defended a personalist view that biblical faith is a gift of God. Believing is a grace, grace is part of the event of revelation and in faith revelation finds its fulfillment (*ibid.* 236). In his intervention Cardinal Meyer from Chicago spoke out in favor of having the text state that the living tradition also shows the limits and weaknesses of the Church (*ibid.*).

On October 1, 1964, Cardinal Lercaro presided over the aula and Cardinal Léger took the floor and defended the presented document. Cardinal Landázuri Ricketts from Lima defended the text in the name of 45 Latin American bishops. Cardinal Ricketts (1913-1997) in the 1960s and 1970s was most prominent and protested human rights abuses perpetrated by numerous military juntas in Latin America. He defended liberation theology and theologians and served as acting president of the 1968 Medellín Conference of the Bishops of Latin America and the Caribbean promoting the preferential option for the poor of the Catholic Church. He moved out of his palace to a small house in a working-class area of Lima. Pope John Paul II did not like the involvement of the Latin American Church that collaborated politically on agricultural and institutional reforms that would reduce extreme poverty and wealth inequalities between a few latifundistas and millions of poor people. Pope John Paul II, who made a major contribution to the Polish liberation movement led by the Polish trade union “Solidarity” in order to overcome Communist dictatorship, resisted the efforts for regime changes in favor of democracy in Latin America by appointing more and more bishops from among Opus Dei. Cardinal Ricketts empathized with the victims of the persecution of liberation theology by the Polish popeⁱⁱⁱ. It is characteristic of the common ignorance of the Central European Catholic academic establishment that there is no mention of Cardinal Ricketts in the lexicon of important personalities at the Second Vatican Council (Quisinsky, Walter 2013) and that I have to resort to Wikipedia for information on the Saint of Lima. After Cardinal Ricketts, Ireland’s Cardinal Michael Brown took the floor to oppose the proposed text of the scheme. The Armenian Patriarch Ignazio Pietro XVI Batanian praised the scheme, as did Bishop Kowalski in the name of the Polish bishops. In the name of 66 African bishops, the Archbishop of Ouagadougou Paul Zoungrana from today’s Burkina Faso, who was made a cardinal in 1965, also praised the presented text and insisted for his part that the Council aim to facilitate the realization of the personal renovation of the members of the Church with love (Sauer

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1999, 240-41). There were still many interventions concerning the first chapter of the scheme before the second chapter was discussed the same day.

The multiple interventions on the second chapter treated many questions concerning the handing on of divine revelation: is the Bible “sufficient” to be granted the gift of faith and is it possible to live a Christian life by the Scriptures alone? Is the primitive community of the Apostles the normative rule and this for all time? How does the uniqueness of the Apostolic time relate to the post-apostolic life of Christians in terms of the foundation of their rules and norms (*ibid.* 242-43)? The Council of Trent and Vatican I hold the Scriptures to not only be the roots of tradition, but to have also contributed to tradition a constitutive function equal to that of the Scriptures themselves. Are there convictions in the Christian faith that are essential for its profession and that are not grounded and founded in Scripture? Does it help that we distinguish between divine truths of tradition and human truths of tradition? Divine truths of tradition would come from the predication of the Church with the help of the Holy Spirit and from the *Magisterium* (*ibid.* 244-45).

Chapters 3 to 6 of the scheme were discussed from October 2, 1964 to October 5, 1964 under the presidency of Cardinal Döpfner (*ibid.* 247). After the presentation of these chapters, Ruffini was the first to speak and insisted on the hermeneutic function of the literary genres for interpreting the Scriptures, on the importance of the Church Fathers, and the informed faith of the faithful that the Church has taught and teaches (*ibid.* 246). Cardinal König from Vienna was the second to speak and did so in the name of the German-speaking Bishops’ Conference. He described how the progress of the oriental studies made it possible to overcome many obstacles in discerning what is historic in the Bible, especially in the Old Testament, and what is the divine element (*ibid.* 247). What is divine and what is human? This question blocked the exegetes in the nineteenth century. König gave three examples to show where the Bible misconstrued historic facts without thereby restricting the authority of the Scriptures in any way (*ibid.*). Mark 2:26 erroneously gives the High Priest’s name (Abiathar instead of Abimelech, see 1 Samuel 21:2). The reference to Jeremiah in Matthew 27:9 actually cites Zechariah 11:12, and Daniel 1:1 dates the first siege of Jerusalem by Nebuchadnezzar – that actually took place in 597 BC – to the third year of the reign of Jehoiakim, who was King of Judah from 608 to 598 BC (*ibid.*). Cardinal Meyer spoke positively of the chapters and presented his personalist view on inspiration and revelation (*ibid.*). Augustine Bea examined the chapters in great detail in his speech

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and many speakers followed, often proposing modifications, and a few expressed how difficult it was to accept the new methods of exegesis, some opposed the exegetic methods of the literary forms (*ibid.* 248-53). In his diary Otto Semmelroth recorded that on October 5, 1964 he had been discussing with bishops Volk, Rahner, Ratzinger and Grillmeier that the session of the Doctrinal Commission that afternoon on the eschatological character of the Church had been very positive. Semmelroth learned that same evening that Jean Baptiste Janssens, who had been General Superior of his Jesuit order since 1946, had died (*ibid.* 252-53). Concerning the continuing discussion of the scheme on October 6, Semmelroth laments that the tone in the aula had changed in general and that some interventions were very negative. The intervention by the Bishop of Segni, Luigi Maria Carli, was disqualified by Semmelroth as false, malicious and demagogic (*ibid.* 257). On October 7, 1964 interventions with Pope Paul VI intensified in an attempt to have him withdraw the scheme from the aula (*ibid.*). Ruffini, Siri, Browne, Larraona and Cardinal Rufino Jiao Santos from Manila in the Philippines pushed in this direction (*ibid.*). A mass of written observations and modes had to be studied. In the sub-commission doing that work on October 20, 1964, the Dutch theologian Tromp, his German disciples Schauf and Trapé, members of the minority, again espoused the constitutional character of tradition for the faith (*ibid.* 258). On November 10 and 11, 1964, a decision was finally made on the necessary changes to be made in the text of the revelation scheme by the Doctrinal Commission (*ibid.*). The claim of absolute inerrancy of the Scriptures was dismissed and Philip's proposal of the salutary truth (in Latin: *veritatem salutarem*) found in the Scriptures was taken into the text and received 19 positive votes out of a total of 22 votes (*ibid.*). On November 14, 1964, Philips confides in his Notebook XII that for him the last weeks were the most difficult of the Council so far. First, he had to work on the text on the Church, then on divine revelation and in between on religious liberty (Schelkens 2006, 57). Until November 16, 1964 Philips had still hoped that a vote would be held on November 19 on the scheme on revelation together with the scheme on the Church (*ibid.* 62). On November 16, 1964 the first sentence of the diary entry states that what follows is an oversight on the last fourteen days that must remain strictly secret (*ibid.* 58). This sentence is followed by four pages, mostly concerning the document on the Church. Concerning the scheme on revelation, he notes that there is the risk that no vote will be held on the scheme on Thursday November 19, 1964 (*ibid.* 62).

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On November 20, 1964, the new version of the scheme on revelation went to print and was sent to the fathers for the fourth session of the Council. There, the concept of salutary truth met new resistance and was discussed again (Sauer 1999, 258).

3.2.2 The third intercession studied as the first reception of the Council

On November 19, 1964 Philips documents some notes on the Dogmatic Constitution on the Church, *Lumen Gentium* (Schelkens 2006, 140-41). The next entry in his notebook is dated May 24, 1965. Philips calls November 21, 1964 an important day (*ibid.* 141). *Lumen Gentium*, the Decree on the Eastern Catholic Churches, *Orientalium Ecclesiarum*, and the Decree on Ecumenism, *Unitatis Redintegratio*, had been approved and promulgated by the pope that day. In the meantime, Philips had only been in Rome twice and finished his work on the text on Scheme XIII, the later Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes*, before May 1, 1965 (*ibid.*). Since the French, who had produced the text on Scheme XIII, were not able to have the Mixed Commission approve the text, they asked Philips for a helping hand. He did this without reservation (*ibid.* 143). Philips drily remarked that the French took considerably less interest in his collaboration from the moment the text was approved by the Coordinating Commission on May 11, 1965 (*ibid.*). The French cleric and theologian Hautmann, who at that time was responsible for editing the text on Scheme XIII, did not bother to further inform Philips on the Commission's report (*ibid.*). On September 12, 1965 Philips recalls that since May he had had no work to do for the Council and was preparing to travel to Rome the next day (*ibid.* 150).

Concerning the time from December 1964 to September 1965, the so-called third intercession, Alberigo is very clear about the importance of this period for the historians of the Second Vatican Council (Alberigo 2001, 13). Very often the importance of the "invisible council" - as the intersessions are called - is under-estimated or neglected by analysts and historians (*ibid.*). In contrast to the councils that directly preceded the Second Vatican Council, even during the intersessions, the Council's problems dominated the Vatican's attention in Rome (*ibid.*). Reconstruction of the evolution of events and texts during the 10-month-long intersession was only possible by studying all accessible sources, whether from the general congregations, the commissions, the informal talks and contacts, or from the echo and commentaries of the press and their influence on the development of the Council (*ibid.* 12).

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During the 1964-65 intersession, the public and the media were not much interested in the continuing work of the Council's commissions (Turbanti 2001, 23). The Catholic press concentrated on what had happened in the third session, analyzing the results obtained so far (*ibid.*). Catholics around the world were enjoying the first innovations brought to their parishes by the Council. Often the local churches experienced the same divisions and polemics that the aula had demonstrated in the third session (*ibid.*). In the dioceses, discussions revolved around what would effectively follow from the principle of collegiality for the Church that was part of the Dogmatic Constitution on the Church, *Lumen Gentium* (*ibid.*). There were worried Council fathers like Cardinal Siri of Genoa, who feared about the *Magisterium's* authority in their dioceses and started to instruct their clerics to adhere to ecclesiastical discipline (*ibid.*). Since the *Consistorium* in February 1965, Paul VI kept referring to the synod of bishops and to a reform of the Curia (*ibid.* 24). A *Consistorium*, i.e. the assembly of cardinals and the pope - originally the highest political council of the Roman Empire from the time of Constantine the Great on^{iv} - is a meeting of the highest authorities in the Catholic Church. The pope's allusions to reform nurtured rumors and discussions about a changing way of executing absolute ecclesial power (Latin: *potestas*), i.e. the way of governing the Church. Would collegiality mean the pope would now govern in collaboration with a kind of restricted senate of cardinals or bishops (*ibid.*)? From the *Consistorium* emerged the creation of new cardinals from all over the world. This internationalization was interpreted in the direction of this senate that was to assist the pope. Another open question that raised hopes and expectations concerned the kind and degree of institutional powers the bishops' conferences would have (*ibid.*). Expectations concerning progress in the practice of ecumenism were high among the faithful. Common liturgical celebrations and events between different confessions evoked the fears of bishops and others that the Catholic faith would wind up in confusion and syncretism (*ibid.*). On March 7, 1965, Paul VI celebrated Mass in Italian (*ibid.* 25). Liturgical innovations like collective penitential rites instead of individual confession, communion given into the hand and communion of the cup were causing suspicion and confusion, too. The historian analyses that we find ourselves confronted with the first problems arising from reception of the Council by the parishes and dioceses (*ibid.*). The Council gave the local churches more influence and this at the expense of Roman centralism. Resistance to these reforms appeared and was organized on the local and the regional level. In France we see the first negative

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reaction to the Council from conservative groups within the Church (*ibid.* 26). There were also groups of faithful forming in France, Belgium, Italy and the Netherlands, who wanted more reform and who stirred the suspicion of bishops and the pope (*ibid.* 27). In March 1965, Catholic students and their organization in France split over the call to obedience by the bishops to distance themselves from Marxist student movements (*ibid.*). The working priests' movement in France still gave the bishops reason for concern, because the priests refused to leave the factories and wanted to be heard by the Council in Rome (*ibid.* 28). At the Jesuits' General Congregation that had to elect a new superior general in May 1965, Paul VI assigned the Jesuits the task of fighting Communism (*ibid.* 29). On April 9, 1965 Paul VI established the Secretariat for Non-Believers with Cardinal Franz König as president (*ibid.*). In this capacity König practiced and organized dialogue with the atheists until 1980. Very soon in Italy and elsewhere the Secretariat's efforts and dialogue gave rise to mounting concern over exaggeration of this dialogue with the Marxists (*ibid.* 29). In June 1988 the Secretariat was promoted to Official Council for Dialogue with Non-Believers. In 1992 this dicastery of the Roman Curia was suppressed and merged with the Pontifical Council for Culture^v. After the fall of the Iron Curtain and dissolution of the Communist regime in Russia, dialogue with Marxism was no longer important for the pope. Paul VI in his general Wednesday audiences kept repeating from spring to summer of 1965 with growing intensity his criticism of the life of the Church. He lamented the spirit of revolt against ecclesiastical authority and demanded obedience and a return to Church discipline and the truths of the faith (*ibid.* 29). The contestation of the celibacy of priests, the reform of the liturgy, the understanding of married life, the supposed diminution of personal prayer by the believing and understanding of the real presence of Jesus Christ in Communion, especially as they were discussed in the Netherlands, were seen as manifestations of the worst Church crisis since the Reformation. The author of this diagnosis was the Jesuit Schoenmaekers, assistant to the Apostolate for the Prayer in the Netherlands (*ibid.* 30). He published his article in England, a fact that further irritated many faithful in the Netherlands. Articles of a similar kind not only criticized the lack of obedience to the hierarchy, but also claimed that a doctrinal and faith crisis existed in France, Italy and many other countries (*ibid.* 31).

It is very important to note the historian who already in the spring of 1965, that is a year before the end of the Second Vatican Council, speaks of the reception of the Council by the millions of Catholics all over the world. At the beginning of the 1930s Yves

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Congar and his Dominican friends like Marie-Dominique Chenu and many others started criticizing the mechanical theology of the manuals, that was triumphing without the powerful momentum of the source and content of the personal contemplation of faith (Congar 2001, 59). They started theologizing from the perspective of the subject and the faith of the subject that lives in a community of believers and needs a relevant ecclesiology for a living community during the course of Christianity's history (*ibid.*). The first reception of the Second Vatican Council in the spring of 1965 reveals that the tireless and unceasing efforts of these Dominican fathers during thirty years of work for the theological and spiritual education of Catholic women and men is bearing fruit. Aided by the decisions of Pope John XXIII, fifty years of suppression of the education of responsible and adult faithful lay women and men and the systematic silencing of their pastors, theologians, superiors and even bishops by the monarchic hierarchy of the Catholic Church had come to an end. The lay women, men and queer had begun insisting on their right to participate in the life of the Church empowered by their talents, charisma and the freedom of social choices and expression. From 1944 to 1953 Angelo Giuseppe Roncalli was apostolic nuncio in Paris, where he familiarized himself with the new theology of the Dominicans and Jesuits. A few years later John XXIII had succeeded; the Christian message had arrived at the millions of women, men and queer who were starting to claim the right to live their faith with freedom and liberty in the community of the Catholic Church. Unfortunately, the Catholic Church and the Second Vatican Council were not able to develop Church structures that would correspond to active and equal participation of everyone in the life of the Church. There was a lack of the soft skills that would empower the Council fathers to start a dialogue with the millions of lay women, men and queer Catholics. The hierarchy did not start organizing the integration of these millions of faithful into the life of the Church and precisely these millions had enthusiastically and with high expectations received the reforms of the Council. No rules or institutions were created that respected the dignity of the faithful and realized social participation on the basis of the equal dignity of all, i.e. a Church structure that would unite the leading persons and the members of the communities in the unanimity of speech-acts realizing dignity. Not being able to listen and dialogue with the masses of Catholic women, men and queer, the hierarchy of the Catholic Church fell back on the old mechanisms of absolute monarchic power and demanded that the faithful obey their instructions. As we learned from the European Values Study, the millions of Catholics opted for liberty and the freedom of their social

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choices. The Christian faith did not disappear in Europe or North America, but became individualized. Millions of individuals rejected the Catholic Church's monopoly on interpreting and controlling their lives and world-views. There was also a small minority of laywomen and laymen who could not cope with the new freedoms and suffered under the moral state of uncertainty. They defended and fought for the old patriarchal social structures and for the traditional norms of the Catholic Church. Alliances with the so-called minority of the Council in Rome strengthened resistance to reforms and the influence exerted by these laywomen and laymen on the central power of the Church government in Rome during the thirty five years following the end of the Council prompted the nomination of many authoritarian bishops throughout the world (Denz 2000, 85).

Not only Catholic women, men and queer all over the world reacted to the Second Vatican Council. In the spring of 1965, many countries showed a growing interest in how the Catholic Church would define its relationship with the world (Turbanti 2001, 32). The actual socio-political situation and public discussions influenced Catholics living in these countries. When Lyndon B. Johnson, President of the United States, spoke out in favor of birth control, expectations among Catholic lay women and men were running high that the pope would come down on the same side of the fence (*ibid.* 33). In June the US Supreme Court ruled that it was unconstitutional to criminalize contraception (*ibid.* 34). The US episcopate protested against any political effort on the issue of birth control (*ibid.*). The United Nations discussed the need for population control and the Vatican's diplomat Monsignor de Riedmatten at a congress of the World Health Organization in Belgrade signaled understanding for ethically responsible measures of birth control (*ibid.*). In Great Britain the Jesuit Monsignor Roberts, from 1937 to 1950 Bishop of Bombay, edited a book, in which leading Catholic personalities came out in favor of birth control (*ibid.*). The most important topic on the public's mind was world peace (*ibid.*). The United States and the Soviet Union fought for influence and control over the many countries in Asia and Africa that had emerged from decolonization. In December 1964 at the 38th International Eucharistic Congress in Bombay Paul VI was speaking on the need to reduce military spending and engage in disarmament (*ibid.* 35). In 1995 Bombay was renamed Mumbai after the Hindu goddess Mumbadevi in an effort to overcome the unwanted legacy of British colonial rule and strengthen Marathi identity in the Maharashtra region (Beam 2008). The ugly rise of violent nationalist movements in India was imminent. It is a terrible paradox that

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the conflation of Bombay and Hollywood that is “Bollywood” is the name for the capital of India’s immense film industry that resists nationalist political campaigns. The opulent images of purely invented fiction cover violence, discrimination and poverty and remain untouched by power because of their fantasy-creating function. In February 1965, US bombing in Vietnam intensified significantly and the Holy See was preoccupied by a possible nuclear escalation of the crisis in Southeast Asia (*ibid.*). In Spain in 1965, General Franco was still not ready to establish outright religious liberty for all religious confessions and Catholics were opposed to such discrimination. Catholics in the Communist East were suffering from the suppression of religion and demanded religious liberty. Catholics in the United States were hoping to not be the subject of more discrimination as a result of the new legislation President Johnson was signing into law, concerning the funding of private Catholic schools (*ibid.* 36).

With the fourth session of the Council nearing, the doubts on the real effects of the Council on the structures of the Church and her life grew in the ecclesiastic milieus around the bishops’ conferences of many countries (*ibid.* 37). Too many topics had not yet been treated by the Council and many required more discussion for a solution (*ibid.*). Many bishops’ conferences used their meetings to discuss the schemes in the months before the fourth session in order to be able to present a consensus statement in the aula of Saint Peter’s. From June 11 to 15, 1965, the second plenary conference of the Bishops’ Conference of Equatorial Africa was held in Cameroon (*ibid.* 38). Questions of liturgy, peace and poverty were discussed. Social and economic problems were discussed and a message to Christians and all who work for a better Africa demanded respect for human dignity, especially concerning the widespread use of torture (*ibid.*). The arms race was also criticized. At the end of July, Congolese bishops met and formulated principles for the future of pastoral work that would serve the communities and stop proselytism of clients (*ibid.*). On July 7, 1965, the Colombian bishops wrote a letter recalling the sad social situation of the country’s millions of poor that lived without the most basic rights and called for landlords and the country’s elite who not only owned large estates, but large parts of Columbia, to realize their social responsibility for the community (*ibid.* 39). France institutionalized the first organs for a stable episcopal conference, so that regional needs could be better addressed and met (*ibid.*).

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On August 28, 1965, Paul VI publishes an apostolic exhortation and announces the opening of the fourth session of the Second Vatican Council for September 14, 1965. The Council fathers and theologians reading the text observed with facility the positive tone in their testimony of peace, hope and love coming from Christ for this world, of the acknowledgment of progress, modernity and science that the document *Gaudium et Spes* concentrated on (*ibid.* 43). This optimistic outlook contrasted somewhat with the skepticism that marked the pope's Wednesday speeches, where the fear of assimilation by the modern world replaced the proposal of dialogue with this world that Paul VI had still cherished in his encyclical *Ecclesiam suam* of August 6, 1964 (*ibid.* 45). In September of 1965 there was no more mention of the word dialogue. Turbanti insists that during these months Paul VI, dominated by the uncertainty that was created by the first reception of the Council's reform documents by the Catholic faithful, had definitely changed the tone of openness and dialogue with the modern world that had still characterized the last years of the Council (*ibid.* 46).

Paul VI was convinced that the sessions of the Council were a special moment for the Church (*ibid.* 47). This moment of God in the silence of the post-conciliar time – namely the time of the silence of the bishops who will speak only when asked by the pope to do so, but not when they feel to have to speak – is replaced by the ordinary rule and government of the Church (*ibid.*). Paul VI's preoccupation with this post-conciliar period already had a strong influence on the developments of the third intersession and last session of the Council (*ibid.*). There were important themes and problems that Paul VI had already derived from the Council's deliberations. These were the questions of birth control, ecclesiastical celibacy, reform of the Curia, institution of the synods of the bishops and many other issues (like mixed marriages, the forms of penance, the indulgences and the diaconate) (*ibid.*). In April 1965 Betti wrote Colombo about introducing into the Creed expressions of the doctrine and the faith expressed in *Lumen Gentium* (*ibid.*). The whole of Vatican II should be understood as a Creed. Elchinger, when speaking to Paul VI in his audience of April 1965, espoused a modern creed (*ibid.* 49). Congar was asked by Paul VI to elaborate a text on this subject (*ibid.*). Paul VI apparently even months later still thought about this new creed, but wanted to decide the matter alone and without the Council (*ibid.* 50). In February 1964, Cardinal Döpfner, who was working on a revision of the Code of Canon Law, had presented to Paul VI a letter with ideas for a common Constitutional Law for the Catholic Church in the orient and the occident in analogy to the Constitutional Laws of the Constitutions

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of secular states (*ibid.*). In the spring of 1965 Paul VI formed an informal commission to study the question (*ibid.* 51). The Council fathers were not informed about the project or the commission by Paul VI (*ibid.* 52). Paul VI was convinced that he himself should take charge of the post-conciliar period (*ibid.*). Taking charge himself is also the perspective for interpreting the encyclical *Mysterium fidei* on the Holy Eucharist that Paul VI published on September 3, 1965 (*ibid.*). The encyclical letter concentrated on dogmatic truths, did not mention any liturgical text or prayer and relegated to second place the Council's understanding of the Eucharist as the center of the Christian community (54). Monsignor Willebrands confides to Congar that he feels that in five years the encyclical will be forgotten (*ibid.*).

Turbanti insists that the Council fathers themselves ultimately anticipated that Paul VI would undertake this kind of acting over and above the Council (*ibid.* 56). The Council fathers feared that they would not be able to manage the reception process of the Council, that in their dioceses they would not be able to realize their own decisions at the Council, and at the same time this reception process was decisively hindered by the pope's authoritarian decisions (*ibid.* 56). He wanted to solve the Council's unsolved problems with long and lonely meditated decisions on his primate powers, but did not succeed in solving all of them. The adapted Creed never became a reality. The pope's condemnation of birth control in 1968 was a pastoral catastrophe that provoked a disciplinary crisis in the world episcopate and with most moral theologians, who lost the freedom of science and speech on that point. In the 1970s, the project of a Constitution of Rights for the Church was abandoned, and the Code of Canon Law that was realized in 1984 for the Catholic Church alone again discriminated Catholic women, men and queer. The decision-making weakness of Paul VI and his inclination to suggestions personally presented to him by members of the minority of the Council would very strongly influence the course of the last session of the Council (*ibid.*). Willebrands somewhat resignedly told Congar that a Council has instruments for overcoming opposition and winning over a minority; the pope does not possess such instruments (*ibid.*).

At the end of the third period Paul VI had announced that the fourth would be the last. Many bishops wanted the fourth period to be the last, too (Routhier 2001, 73). At a press conference on September 13, 1965, Döpfner confirmed that this decision by the pope corresponded with the standpoint of the majority of the Council fathers, who had

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not anticipated a Council that would last longer than three years. He continued to insist that the actual situation of dioceses required the presence of the bishops in order to carry out the decisions of the Council (*ibid.*). During the summer of 1965 Paul VI had often spoken of a crisis of obedience, and this opinion was widely shared by the Council fathers (*ibid.* 74). The Jesuit Tromp confided to the Jesuit De Lubac that disobedience had infected the whole Jesuit order and the Church (*ibid.*). This atmosphere was not opportune for the Council to conclude its work. The bishops feared the execution of the Council's documents and declarations by the local churches (*ibid.* 75). The delay in Curia reform was symptomatic of the situation (*ibid.*). New organs and institutions were not organically introduced into the existing structure of departments, the dicasteries or councils. The only possible way to create new institutions was by juxtaposition. This parallelism of old and new institutions and the lack of the necessary cooperation and team spirit prevented any organizational development of the Vatican and the Church (*ibid.*). The Council fathers who had led the majority of the Council in the first two sessions were now tired. The equilibrium of the Council had changed and power was again concentrated on the side of the pope and the reform-resisting Curia. The minority of the Council took advantage of the momentum. Especially but not exclusively, the bishops of the East saw the need to again strengthen the center that is Rome and trim the exaggerations to the left and the right that were coming from Germany, the Netherlands, Great Britain and France (*ibid.* 76). The pastoral letters of the intersession from the bishops of Portugal and other countries must be read to truly understand the resistance to further changes and reform (*ibid.*). The assembly of Council fathers that met again in Rome had significantly changed its physiognomy. There were 27 new cardinals, the lay had increased to 23 women and 29 men and for the first time a couple, the Alvarez from Mexico, was present in the aula of Saint Peter's. The number of non-Catholic observers rose from 76 to 101, 28 was the number of representatives from ecclesial communities. For the first time the ecumenical patriarch of Constantinople sent a bishop as his representative, Monsignor Emilianos (*ibid.* 79).

On September 25, 1965, Paul VI released the *Motu proprio, Apostolica sollicitudo*, on the synod of the bishops (Turbanti 2001, 55). The Council's Commission for the Bishops had several times discussed how to institutionalize representation by the bishops, who at the pope's side would help him govern the Church. In preparing the *Motu proprio* the Council's Commission for the Bishops and its president Cardinal

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Marella were ignored (*ibid.*). Paul VI acted rapidly and solely on the basis of his papal authority in fear of splits and breakups in the Church (*ibid.*). Since 1963 Paul VI had spoken about a coming synod, namely on September 21, 1963, in his address to the Curia; in his speeches to the Council fathers on September 29, 1963 and November 21, 1964, at the closing of the third period as in the address at the consistorial on February 27, 1965 (*ibid.* 81). The *Motu proprio* announced that the synod is a permanent organ of the Church that allows the bishops of the whole world to participate more effectively in the pope's running of the universal Church. As a permanent institution, it will function temporarily and occasionally. There are three possible types of synod: ordinary, special, extraordinary. A synod is composed of bishops elected by their bishops' conference; the pope designates 15% of the members and the responsible persons of the Roman Curia will also take part, except at special synods. After Felici had read the *Motu proprio* to the aula, there was much applause from the bishops. Nevertheless, the Council fathers were greatly surprised to hear of the synod. It is true that the pope had relieved the Council of a difficult decision while at the same time leading the Council to believe that his motion, the *Motu proprio*, actually expressed the will of the Council (*ibid.* 83). Hopes and skepticism accompanied the discussions following the constitution of the synod. Maximos IV expressed his congratulations on the constitution of the synod. Lercaro wrote in a letter that he and many others hoped this new institution would develop in a way that would permanently inform the pope about the situation of the entire Church and empower his Roman organs to act appropriately and not according to the local traditions of the Curia (*ibid.* 84). Giacomo Lercaro (1891-1976) as a young parish priest in 1938 protested the antisemitic laws of the Italian fascists. During the war he helped Jews and persecuted politicians. In 1947 he was appointed Archbishop of Ravenna-Cervia. Since then he had hosted young people with social difficulties in his episcopal palace. In 1952 he was appointed Archbishop of Bologna and in 1963 he was made cardinal. He was known as the protector of the liturgical movement and a pastor of the workers. After condemning the American bombings in Vietnam on January 1, 1968, Paul VI removed him from his office and Lercaro retired to the family of his young people around him (Subotic 2013, 169-72). Wikipedia gives a more empathic biography of the Cardinal than does the German lexicon on Council personalities: Giacomo Lercaro was born in 1891 as the eighth of nine children in Genoa. He came from a family of seamen. He studied at the Pontifical Biblical Institute in Rome, served as military chaplain in World War I, worked

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as prefect in the seminary of Genoa where his brother was rector and in 1927 became a teacher of religion in secondary school and became involved in numerous student movements. During World War II he was one of the most prominent anti-fascists within the Church, opened his home to Italian Jews and had to flee to a vacant monastery to save his life. He was an outspoken critic of Communism and in 1952 was made Archbishop of Bologna, the largest Italian city under Communist rule. In 1953 he was made cardinal. He turned his Episcopal palace into an orphanage and was one of the first to popularize the theory of a "Church of the poor" that developed further in Latin America during the 1970s as liberation theology.^{vi}

Giuseppe Alberigo was a close collaborator of Cardinal Lercaro. Jan Grootaers is part of Alberigo's team of historians for the Second Vatican Council and does not forget that Lercaro was very close to John XXIII and therefore the ideal candidate of the Council to succeed John XXIII (Grootaers 1996). The reformist cardinals of the conclave were in favor of Lercaro, but in the eyes of the conservatives and the Curia he was a radical and Montini was the lesser evil. On June 21, 1965, Montini after six ballots had the necessary two-thirds majority of the votes to be elected pope (Grootaers 1996, 535). In the last vote Cicognani and Ottaviani lobbied for Martini in order to prevent more liberal candidates like Lercaro from winning (*ibid.*) We do not know the price Montini paid and we do not know the concessions he made to the conservatives in order to assure their votes (*ibid.*). In 1977, the Italian journalist and writer Giancarlo Zizola in his reflection on the conclave wrote that renunciation of Lercaro as candidate for pope might indeed have strengthened the general reformist status of Suenens, but also had the consequence of considerably reducing the revolutionary projects of John XXIII (*ibid.*). I suppose Lercaro was deeply disappointed when two years before his death he had to realize that Paul VI rendered the institution of the Synod of the Bishops ineffective. Lercaro also had to realize that his hopes for a Church government in which the whole world episcopate would participate were definitely buried by the pope. On September 22, 1974, Paul VI defined the Synod of Bishops as an ecclesiastical institution, neither a council nor a parliament that would interpret the signs of the times and foster the unity and cooperation of the bishops around the world with the Holy See^{vii}. We see here the inflationary use of the term signs of the times; the pope does not define the biblical term, but uses the term that concerns every woman, man and queer of the Church for the function of an isolated institution. The synod has to work for unity. The pope and the departments of his government, the

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dicasteries of the Roman Curia, are not equally called to this cooperation. From 1967 to 2012, there were 25 synods of the bishops and nothing changed in the central monarchic government of the Roman pope. The pope appoints the bishops and then a selection of these bishops meet for synods of the bishops in Rome in order to do what the pope tells them to do. Lercaro's idea for the synod of bishops was the other way 'round: the world episcopate would bring to Rome the local and regional pastoral needs and the pope with his Curia would try to help them realize the Gospel throughout the world according to their needs.

3.2.3 The fourth session and conclusion of the Second Vatican Council

The votes on the six chapters of the Dogmatic Constitution on Divine Revelation, *Dei Verbum*, took place from September 20 to September 22, 1965. The text passed with a big majority, but 1,498 *modi* resulted from the votes and needed to be worked into the final text (Theobald 2001, 288). Theobald recalls the presentation of the text by the relator Florit (*ibid.* 289). Florit starts with the Preface of the text that cites 1 John 1:2-3 and refers to Matthew 28:19-20 and Mark 16:15, as the Council of Trent had already done in its Decree on Scriptural Canons. Yes, the message in Matthew 28:19-20 and Mark 16:15 concerns the whole world, although Mark 16:15 is the second ending of Mark and from the second century. The claim made in the Preface to *Dei Verbum* that "by hearing the message of salvation the whole world may believe" is grounded in Scripture (Paul VI 1965d). I use the text of *Dei Verbum* that is published on the Vatican's official website. Theobald is right: the three theological virtues that "by hearing the message of salvation the whole world may believe, by believing it may hope, and by hoping it may love" refers to Saint Augustine (Saint Augustine, *De catechizandis rudibus*, IV, 8) (Theobald 2001, 289). Well, Augustine in this Point 8 starts with God's love for us. He speaks of the humble God that loves and thereby heals the proud man and woman^{viii}. Augustine tells us that revelation in the Old and New Testament is about seeking God's love and loving the neighbor. Augustine rightly takes as authority Matthew 22:40. Love is to be the aim of the catechist's words and the source of his words is to be love too: Whatever you say, say it so that the person hearing you will believe, believing she may hope, hoping she may love. This is the last sentence in Point 8. It is therefore right to say that the last sentence in Point 8 speaks of faith, hope and love. Augustine's sentences are addressed to the catechist and deacon Saint Deogratias of Carthage. Augustine speaks at the request of an individual

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person and his intention is to not give us a universal message. He contents himself with teaching and empowering Deogratias. It is the Second Vatican Council that claims the universal perspective of faith, hope and love for the global village.

Florit makes a central point in his narration by telling the aula of Saint Peter's that the Preface to *Dei Verbum* must be seen as a preamble and introduction not only to *Dei Verbum*, but also to all other Constitutions of the Council (*ibid.*). Florit refers to the ecclesiological function of revelation in the Dogmatic Constitution on the Church, *Lumen Gentium*, and for Theobald it is clear that the aula of the Council had been conscious of the essential relationship between the two documents since the fall of 1964 when *Lumen Gentium* and *Dei Verbum* were discussed together (*ibid.*).

In the fall of 1964 the Dogmatic Commission was aware that the preamble to *Dei Verbum* functions as an introduction to all the conciliar texts and therefore has to be seen as the first of all constitutions of this Council (*ibid.* 358). Theobald concedes that the fierce dogmatic fights that were to erupt in this last period of the Council were reason to forget this statement on the basic importance of *Dei Verbum* for the Council and the Church (*ibid.*). Paul VI never spoke of *Dei Verbum* as the basis of the Council. Instead, he turned away from Scripture to concentrate on the institutional aspect of the Church (*ibid.* 359). Cardinal Florit, on the contrary, indicated the central importance of *Dei Verbum* for ecumenism. Theobald observes tension: Florit failed to see that the last paragraph of the second chapter of *Dei Verbum* does not match Chapter 11 of *Unitatis Redintegratio*. *Dei Verbum* stresses the strict interdependence of the Sacred Scripture and the teaching authority of the Church. The method of ecumenism that observes the principle of the hierarchy of truths, as is claimed in Chapter 11 of *Unitatis Redintegratio*, clearly puts the Church under the word of Jesus Christ (*ibid.* 360). Theobald documents the connections between *Dei Verbum* and the other documents of the Council. Chapter 6 of *Dei Verbum* explicitly refers to the liturgy. The problem of atheism in *Gaudium et spes* is found in number 6 of *Dei Verbum*, when speaking of the knowledge of God (*ibid.* 361). The relationship with the Hebrews emerges in number 14, that deals with the history of salvation in the books of the Old Testament. The universalism of the auto-communication of Go'd in the beginning points at the *Declaration on the Relation of the Church with the Non-Christian Religions* (*ibid.*).

From September 22 to 30, 1965 in House Martha, a small commission worked over the 1,489 modi. Tromp and Philips were secretaries. Betti, Cardinal Florit's theologian,

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was invited by Colombo, the pope's theologian, in order to present the wish of the Italian Bishops' Conference, namely that the *Magisterium's* role in tradition and tradition's role in making known the revelation be stressed (*ibid.* 298). On September 23, 1965 the small commission encountered a problem, because Tromp reported an intervention from high up in the Doctrinal Commission (*ibid.* 299). Cardinal Siri had written a letter to the pope on September 5, 1965 suggesting the importance of tradition as the source of revelation. The pope supported this claim and asked Ottaviani as president of the Dogmatic Commission to stress "the constitutive nature of tradition concerning revelation" (*ibid.*). Cardinal Siri understands that conservative tradition and the *Magisterium* are part of the "constitutive nature" of revelation (*ibid.*). Only Philips recognizes that two different claims are being discussed and with Heuschen proposes a compromise that would not obstruct ecumenism: not everything is found directly in the Scriptures (*ibid.* 301). Trump consented; Betti was opposed to the wording of the compromise, because the word "directly" would give the pope the power to define anything (*ibid.*). Without clarifying the ambiguity of the different understandings of Siri and Paul VI concerning the "constitutive nature" of revelation, Philip asked Tromp to intervene with Cardinal Ottaviani. Ottaviani consented to present Philip's wording to the pope and received Paul VI's ok (*ibid.* 302).

On September 27, 1965, another problem developed in the small commission. Tromp attacked the expression "salutary truth" as a legitimate predication of the Scripture (*ibid.* 303). The fight over the terms "salutary truth" and "truth" will be fought for some weeks.

On Wednesday September 29, 1965, at 4:30 pm the first of six plenary sessions of the Doctrinal Commission on the *modi* of *De Revelatione* is convened (*ibid.* 306). The commission worked quickly thanks to the preparations made by the small commission. Suddenly, on October 1, 1965, old controversies erupt again (*ibid.*). Small differences of opinion are settled and Chapter 1 meets with a consensus (*ibid.* 308). Initially, the discussions on Chapter 2 also proceed swiftly until the relationship between Scripture and tradition again arouses controversy (*ibid.* 310). Charles Moeller, Rahner and the Pontifical Bible Institute had expressed criticism about Philip's compromise word "directly," asking why not all doctrine was contained in the Scripture (*ibid.*). The discussions asking a vote do not resolve the problem and the Doctrinal Commission meets again after the weekend, on October 4, 1965 (*ibid.* 315). Again, no solution is

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found. The majority with Rahner and Congar, König and others is about no longer trusting Philips' diplomatic efforts to reach a compromise (*ibid.* 316-19). Wednesday, October 6, 1965, the Doctrinal Commission meets again (*ibid.* 320). No compromise is reached on a new text. The commission continues the work on Chapter 3 that deals with the inspiration of the Sacred Scripture (*ibid.* 321). After some discussion the term "salutary truth" is maintained in the text (*ibid.* 322). Chapter 4 is discussed in only twenty minutes (*ibid.* 323). It is Chapter 5 that will again give rise to new discussions (*ibid.*).

The discussion on the relationship between tradition and Scripture was touched off again when the historic foundation of the Church was discussed in Chapter 5 (*ibid.* 324). Concerning the historicity of the Gospel, Tromp, Salaveri and Rahner agreed that the text of number 19 of Chapter 5 speaks of the faith and of the arguments of the "sacred authors" of the Gospel, who selected facts but remained loyal to the truth of Jesus Christ (*ibid.*). On Saturday, October 9 and Monday, October 11, 1965, the last two sessions of the Theological Commission were held on revelation. There was a significant and unusual decrease in the number of bishops and experts present at these two sessions (*ibid.* 325). Historicity was discussed again and by citing Acts 1:1-2 it was possible to avoid speaking about the resurrection as a fact of history and not of faith (*ibid.*). The Archbishop of Perugia, Parente, theological adviser to the Curia, still tried – as usual - to intervene, speaking this time of the words of Jesus resurrected as if they were facts of history. His suggestions met with severe resistance and were disregarded by the Commission (*ibid.*). When on Monday the discussion turned to Chapter 6, Parente protested against the parallelism of "the table of God's word" and "the table of Christ's body" (*ibid.* 326). Again, he was not able to convince the Commission (*ibid.*). The relationship between the exegetes and professors of Theology and the *Magisterium* was discussed (*ibid.* 327). For once the scholars were encouraged to do Biblical science and exegesis, while, on the other hand, they should be aware of the fact that their work is conducted "under the watchful care of the sacred teachings office of the Church." The outright submission of the Biblical scholars to the *Magisterium* was able to be avoided in the text (*ibid.*). Theobald documents that Philip, Tromp and Browne did not want to encourage "all," namely the theologians, religious, the clergy and the lay, to study the Bible (*ibid.*). After intervention by König, the bishop of Namur, André Marie Charue, and others, the Commission voted to keep the word "all" in the text (*ibid.*). The next day, October 12, 1965, the revised text was sent to

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Paul VI. In his accompanying letter Ottaviani wrote that the minority had failed to convince the Commission to better express the “constitutive function of tradition” as the second source of faith and he suggested that Paul VI act on the matter (*ibid.* 328).

In the meantime, the sessions in the aula of Saint Peter’s had continued. Until October 8, 1965, the plenary session of the Council debated on Scheme XIII, then until October 12, 1965 the document on the missions and finally until October 16, 1965, the document on the priests (*ibid.* 329). On October 5, 1965 the Belgian theologian Prignon informs Suenens about mounting tension among the bishops, the experts and the commissions. The many small interventions by the pope concerning different *modi* create uncertainty and feed the frustrating impression of a deepening lack of transparency (*ibid.* 330). There was fear that something like the *Nota praevia* of autumn 1964 concerning the Dogmatic Constitution on the Church, *Lumen Gentium*, would be repeated with the Dogmatic Constitution on Divine Revelation, *Dei Verbum*. There was fear about the connection between the conservative minority of the Council and the pope (*ibid.*). Paul VI indeed was unhappy with the term “salutary truth,” he was not familiar and felt uncomfortable with the – patristic and Orthodox - theological concept of the economy of salvation that is Go’d’s plan for all of creation and leaned toward the theory of the two sources of revelation, Scripture and tradition. Döpfner protested the papal interventions on the Commissions’ work with Colombo. The pope’s theologian informed Paul VI on the matter before he traveled to New York and the United Nations (*ibid.*). Pushed by the Brazilian bishops, the bishops’ conferences began to discuss the celibacy of priests (*ibid.* 330-31). On October 11, 1965, a letter from Paul VI was read to the bishops assembled in the aula of the Council; it banned any public discussion of the celibacy of priests (*ibid.* 331). All this happened in a general climate of fatigue and exhaustion. On September 25, 1965, the fatigue in the aula preoccupied Prignon. The fathers are already very tired and exhausted and there is still work to be done (*ibid.*). The bishops simply vote on the texts that are presented to them; they are no longer able or have the will to really listen and debate the suggestions made by their theologians. This is especially true for a majority of bishops (*ibid.*). The presidency of the Council reacts to this situation allowing the bishops to return home during the weeks of October 17 to 24, 1965, and October 30 to November 8, 1965, for “the vacation of the dead,” as the Romans say (*ibid.* 329-30). A minority and their experts had to stay behind and do the work that had to be done. This was a promethean task left for the small number of men doing work in the commissions.

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On October 17, 1965 Paul VI made up his mind and decided to ask the Doctrinal Commission for a last session on the text on revelation. The known problems – the source(s) of revelation and the term salutary truth – concern number 9 of Chapter 2. The doctrinal commission therefore met on October 19, 1965, notwithstanding the fact that the Council was officially on vacation (*ibid.* 342). Following the wish of the pope the president of the Secretariat for the Unity of Christians, Cardinal Bea, also attended this session; he was accompanied by his secretary, Johannes Willebrands. He had presented to Paul VI a compromise wording that Paul VI liked, although Bea had earlier signaled to Philips his consent to the term “salutary truth.”

The pope’s letter concerning the problems and seven possible solutions to them was read to the Commission. Then Ottaviani invited Bea to speak on the relationship between tradition and Scripture (*ibid.* 343). He professed his preference for the third proposed solution – from Colombo - that claimed that the Church obtains her certainty about everything that has been revealed not solely from the Sacred Scripture. The vote on this wording received a two-thirds majority of the Commission’s votes (*ibid.*).

Bea continued to comment on the text of Chapter 3 and spoke in favor of omitting the expression “salutary truth” (*ibid.*). All were amazed that Bea repeated arguments he had presented to the pope: neither Saint Augustine nor Saint Thomas – this went against Congar’s argument - know this expression. “Salutary truth” is not part of tradition and was never discussed in a general plenary session of the Council (*ibid.*). Philips notes in his diary that nobody was given the opportunity to answer Bea and that Ottaviani immediately called the Commission to vote (Schelkens 2006, 153). There were 17 votes in favor of omission, 7 in favor of and 4 blank votes in the first vote on omitting the expression “salutary truth” (Theobald 2001, 343). Immediately it was announced that no two-thirds majority was achieved. A second and a third vote showed the same impasse. Only now was Philips given permission to speak. He suggests a compromise formula based on a description he had taken from some members of the minority (Schelkens 2006, 153): “...the books of Scripture must be acknowledged as teaching solidly, faithfully and without error that truth which God wanted put into sacred writings for the sake of salvation” (Theobald 2001, 344). Bea had no immediate objections and immediately there were 19 votes for and 9 votes against, meaning that the necessary two-thirds majority had been achieved (*ibid.*). Philips notes dryly: the text immediately gets the two-thirds majority (Schelkens 2006, 153). Concerning the

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term “historicity of the faith” (in Latin: *fides historica*) that was proposed in the letter from the pope, Philips again suggests a compromise that explicitly affirms historicity but avoids any interpretation in the sense of Bultman (*ibid.* 154). Congar, De Lubac and Prignon had feared this possibility (Theobald 2001, 344). The wording proposed by Philips says that the Church unhesitatingly asserts the historical character of the four Gospels (*ibid.*). This wording was accepted with 26 to 2 votes (*ibid.*).

Theobald claims that Philips and the whole “Belgian group” in the commission were hurt by Bea’s “abuse of authority.” Theobald’s source is Prignon (*ibid.* 345). Prignon writes that the presidency of the Doctrinal Commission agreed on October 18, 1965 that the next day at the last meeting of the Commission Philips would first present the issues that the Commission would then vote on (*ibid.* 342). Philips describes this meeting of the presidency a little differently in his diary (Schelkens 2006, 153). The presidency agreed to vote immediately and without commentary on the relationship between tradition and Scripture. Only then would Philips present his compromises concerning “salutary truth” and the historicity of the Gospels (*ibid.*). From Philips’ diary, I do not see that he was hurt by the presence of Bea and his interventions (*ibid.*). Actually, Philips unemotionally documents that Ottaviani first gave the floor to Bea. I suspect that Theobald follows Congar’s suggestions when presenting the “Belgian group” as a homogeneous block (Congar 2002, 54-55). In reality, Philips is quite an independent personality and, in my observation, he is not easily hurt. Why should Philips be hurt anyway, when the whole Commission experienced the impasse caused by Bea’s intervention and then successfully voted in favor of Philip’s conciliatory efforts? In his diary, Philips again expressed no emotion with regard to his success. I do not know about Prignon. It is true that not only Prignon but also Bea’s associates Willebrands and De Smedt were irritated that Bea suddenly withdrew his consent to the term “salutary truth” (Theobald 2001, 345). The Belgian Tromp seems to have told the Belgian Prignon that Bea had been convinced all his life that the expression “salutary truth” would invite abuse that would restrict inspiration in the sense that error was possible concerning the truth of faith (*ibid.*).

The final text of *Dei Verbum* was sent to the pope, who approved it (Theobald 2001, 347). On October 29, 1965, the votes on the chapters of *Dei Verbum* were scheduled to take place and the pope had asked all bishops to be present for this vote (*ibid.* 348). On November 18, 1965 the Dogmatic Constitution on Divine Revelation, *Dei Verbum*,

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received 2,344 votes in favor of it and only 6 votes against it; that same day, *Dei Verbum* was approved and promulgated by Paul VI. (Rahner, Vorgrimler 1966, 361). The votes document an almost perfect and unanimous consensus of the Council (Theobald 2001, 349).

Gerard Philips notes in his diary that from October 20, 1965 on he finds himself in a very exhausted condition (Schelkens 2006, 154). From the morning of October 25, 1965, he struggles with chest pains and it took him a lot to assist at the session of the Mixed Commission. The pain intensified in the afternoon and he notes: "For me the Council is over. I receive many marks of attention, even from the pope" (*ibid.*). Despite taking a rest, his heart condition worsens. On October 28, 1965 his sister Mademoiselle Roza Philips arrives in Rome and he hopes to return home with her by train (*ibid.*). Cardinal Cento, president of the Commission on the Apostolate of the Lay and copresident of the Mixed Commission for Scheme XIII sent Philips a telegram thanking him in the name of the Commission (*ibid.* 155). Tromp tells him, he could not come because of a lack of time. Ottaviani stays silent. Philip writes that many had expressed confidence in his work, also members of the minority, and concludes that all is good as it is. He gives thanks to Go'd for all and offers prayers to Mary to protect him (*ibid.*).

Philips then reflects on the significance of the Second Vatican Council for him. It was a curious story, and it allowed me to learn a lot about mankind, and he continues: "This story does not always encourage my heart. I have the impression that many of the Church's clergy and religious need more of the virtue of understanding than more intelligence. This fact does not flatter our clergy. Our humanity falls short of many qualities. A lack of faith, a lack of scientific formation and information leads to fear about one's orthodoxy to a rigidity of the heart and intransigence of the mind" (*ibid.*). The last two sentences of his diary touch my heart, they speak of the session of the Doctrinal Commission's Theological Commission that met on October 19, 1965 for the last time: "I was happy that the theologians were present at the last session of the theological commission; this way they were not able to accuse me of clumsiness. I hope I have fulfilled my work in an honest way. But it is God who will judge" (*ibid.* 78, 156).

These brief impressions from the diary of Gerard Philips are an important comment on the views of Yves Congar on the Belgian theologian and his Belgian colleagues at the Second Vatican Council. All through the Council Yves Congar voiced criticism of

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Philips' texts and at the same time Congar appreciated the work of Philips and was very conscious of the fact that he was irreplaceable at the Council (Declerck 2006, X-XI). In 1963 Congar and Rahner visited Monsignor Prignon and explicitly asked the Belgian theologian to fully assure Monsignor Philips of their loyal and complete collaboration. Congar continued that with regard to the scheme on the Church one could not hope that all necessary and desirable issues would receive a majority of the votes at the Council and he therefore puts all his trust in Philips, because he is the only one capable of rallying the majority of the Doctrinal Commission to the maximum possible (*ibid.* X).

On Friday, March 13, 1964, Congar notes about his "Belgian friends" at the Council that he does not want to criticize them or be impolite (Congar 2002, 53). "The Belgians are not numerous: five or six of them, but they are everywhere" (Congar 2012, 508). These Belgian theologians are the diocesan priests and theologians Gerard Philips (1899-1972), Charles Moeller (1912-1986), Albert Prignon (1919-2000), who is the confidant of the Belgian Cardinal Suenes, Gustave Thils (1909-2000), the Franciscan theologian Béda Rigaux (1899-1982), the bishops Jozef Maria Heuschen (1915-2002), André-Marie Charue (1889-1977) and the teacher of all Lucien Cerfaux (1883-1968). Congar does not take note of the Belgian religious theologians, who work as experts at the Second Vatican Council in Rome and who are not as prominent as the above-named professors from Leuven. There is for example, the Franciscan theologian Damien Van den Eynde. There is the Benedictine theologian Bernard Botte, the Jesuit theologian Édouard Dhanis, the missionary theologian Jean Frisque, the missionary Oblate André Seumois and the Premonstratensian Werenfried van Straaten, who had founded a nongovernmental organization to help Christians and priests who were suppressed in Communist Eastern Europe and later expanded his organization over the whole world (Spies 2012, 264).

Congar does not mention his Dominican brother Bernard Olivier, who worked at Leuven's University in Kinshasa, then the Belgian Congo. In 1885 the Congo was granted to King Leopold II of Belgium as his personal property. He perpetrated ruthless brutality and bestial cruelty on its women and men. Only in 1908 was the Congo placed under the control of the Belgian government and with its independence in 1960 became the Democratic Republic of Congo. There is no mention of Olivier's mediation efforts concerning the ecclesiological and missionary questions between African and

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European bishops at the Council. Later he worked on the questions of economic development of African countries, on marriage and sexuality, world justice and peace. Colonization, decolonization, the liberation movements in large parts of the world, questions of justice and peace and of the poverty and dependence caused by European powers are of no interest to Congar or to most of the theologians and bishops in Rome. Colonization and decolonization did not play on the conscience of the Second Vatican Council (Fouilloux 1995,176).

Congar is jealous of the small but influential group of theologians from the Catholic University of Leuven, who make up about half of the group of Belgian theologians at the Council. Congar is jealous that Moeller is on the Secretariat for the Unity of Christians and on at least three other commissions, that Thiels is on the Secretariat for the Unity of Christians and on the Theological Commission and that he himself was allowed to be on only the Theological Commission (Congar 2012, 508). Congar is jealous and notes with consternation that Cerfaux, Heuschen, Charue and Rigaux in the biblical sub-commission “actually exercise a final monitoring of the texts” of the Council “under the guise of the monitoring of biblical quotations” (*ibid.* 510). Congar observes that these Belgian theologians all come from the University of Leuven. They know each other from the time they were students there, share the same spirit, are on familiar terms with one another, trust each other, refer to each other and defend each other in the conviction that what comes from Leuven “is a bit above the world of the Gospel” (*ibid.*). Congar admits that they are not a completely homogeneous group although they form a very effective system (*ibid.* 509). “They share amongst themselves opinions on the sensitive issues. And what one of them passes on to another, or prepares for another, is made use of. They organize themselves, meet each other again and again” (*ibid.*). Congar observes that they like to socialize at their meals at the Belgian college and that other expert theologians of the Council “came to them to try to get this or that matter passed” (*ibid.*). Commenting on Philips, Congar presents an ambiguous judgment. For one he is clear: “The theological center is Monsignor Philips” (*ibid.*). Then a somewhat condescending remark escapes Congar: Philips “combines an extraordinary gift with average qualities” (*ibid.*). In my eyes there speaks from this sentence what Europeans usually call French arrogance. In the next sentence, Congar changes his tone and concerning Philips attests: “No one else could have done what he did and have succeeded as he has” (*ibid.*). Ambiguity of judgment also reigns in Congar’s description of Philips’ character and style: His character is

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“peaceable, pleasant, conciliating. He is welcoming to everyone and everything. He then does what he wants ... he is not passionate. He has the reputation of never having promoted a personal preference on any question. ... In practice, Philip does as he pleases” (*ibid.*). “He knows how to propose a question in a such a way that, disarming preconceptions, neutralizing objectives in advance, he points the others towards the solution he wants without their realizing it” (*ibid.* 509-10). Congar concludes: “Without any doubt, Monsignor Philips is the architect No. 1 of the theological work of the Council” (*ibid.* 510).

Congar characterizes the attitude of the Belgian theologians as “militant” and “offensive” (*ibid.*). I would like to translate the French word “offensive” with the English word “aggressive” rather than the English word “pro-active” (*ibid.*). The Belgian theologians “have set themselves certain objectives, they want to get certain things through. They act, they intervene, they mobilize their friends until they have got what they want” (*ibid.*). In contrast, the French theologians are timid, accept the text as it is and do not alter the text as do the Belgians (*ibid.*). Congar explains the lack of daring courage with the French theologians from his experience: “Personally I have never, I have still not, escaped from the apprehensions of one who is under suspicion, punished, judged, discriminated against” (*ibid.*). The Belgian theologians never were under surveillance and never have been scolded for their work (*ibid.*). Congar observes that the Belgian theologians are all diocesan priests, clerics, with the exception of Rigaux. The French theologians, Dominicans and Jesuits, are religious and “there is a slight barrier between the bishops and the religious” (*ibid.*). That is right, there is a barrier between the religious and the bishops. The religious orders owe their self-understanding, self-consciousness and identity to their claim to reform the Church of the bishops. Jesuits are by Canon Law exempt from the hierarchy of the bishops and obey the pope directly. It is clear that the bishops always regard these religious reformers, contesters and critics who get on their nerves with suspicion. This may also explain why the French bishops at the Council do not “work with the experts” (*ibid.*).

Congar shows himself as a jealous man, he claims to be timid and without daring courage. He kind of blames the Belgian theologians, saying they are aggressive, networking and successful. I understand Congar’s envy first as a positive emotion. It is “a sign of disparity and inequality in connection with a feeling of a painful lack or shortcoming as well as a subconscious fantasy of being disadvantaged” say the

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psychological experts (Aichhorn and Kronberger 2012, 521). Indeed, Congar was disadvantaged in comparison to the Belgian theologians, who could exercise their influence in more than one commission. I also understand that Congar suffered, because he was not able “to diminish or remove this disparity which causes a low sense of self-worth” (*ibid.*). Why is Congar not simply enjoying that the Belgian theologians successfully realize their social choices, have success and are liked and respected? Only Congar could have answered that question because he is the expert on his social behavior and affective regulation. The fact that he somewhat criticizes the Belgians’ active behavior and empowerment to take the initiative as “militant” and “aggressive,” that is as being recklessly egoistic and therefore morally bad, is not an expression of hate. It is in my eyes rather the expression of Congar’s incapacity to honor, validate and love the other for the way he or she is (*ibid.* 523). It is true, the psychologists say that “a child develops a sense of self-worth through mirroring from its mother” (*ibid.*). When a person is not accepted the way he or she is, “they experience feelings of humiliation, anger, and hate” (*ibid.*). Congar experienced throughout his life much destructive judgment concerning his behavior, work and expressions.

I want to return to the picture and traits of Philips’ personality as Declerck describes them with the help of Philips’ diary (Declerck 2006). Again, Philips is described as peaceable and conciliating (*ibid.* XVI). Philips describes himself in his diary as a conciliator. He remains between the two tendencies at the Council, the majority and the minority (*ibid.*). He is convinced that the authority of the college of bishops is not conceded by the pope, but constitutes a proper power of the bishops (*ibid.* XVII). Philips confesses his difficulties to always stay polite and conciliating, especially with bishops. But he does not want to offend, he wants to make understood the theological points to everybody, also to the minority (*ibid.*). Paul VI thanks Philips on more than one occasion for his method of dialogue (*ibid.*). Philips visits his adversaries, for example Father Tromp, Cardinal Browne or the French conservative theologian Marie-Roisaire Gagnebet and all trust him (*ibid.*). One cannot overestimate the influence of the experience of the universal Church in Rome on the young Philips. At 20 years of age the seminarist Philips was sent by his bishop to Rome in order to study at the Jesuit Pontifical Gregorian University. Philips stayed in Rome from 1919 to 1925 at the Belgian College that is an extraterritorial part of the Vatican. As a young student Philips had the chance to familiarize himself with the Roman ways of doing things by

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incidentally meeting and communicating with members of the Roman establishment of the Catholic Church in a very informal and informative way. The students at the Gregorian came from all over the world and represented the world Church. They spoke Italian with each other and were united by the same Christian spirit of brotherhood. When returning to Rome as an expert for the Second Vatican Council Philips did not come as a stranger; he was quite familiar with Rome and recognized Rome as the home of his faith.

A very important element of Philips' soft skills comes from his political work as senator in the bicameral Belgian Parliament. From 1953 to 1968 he is coopted as senator in the Christian Democratic Party. He had learned to treat the political adversary not as an enemy (*ibid.* XVIII). Philips had learned to practice the democratic rules between majorities and minorities and he knew about the procedures to turn projects into laws, he had also learned to debate and speak in Parliament (*ibid.*). In the Council aula he noted every intervention of a bishop on a card. His file-card box for *De Ecclesia* counted some thousands of cards. With the help of these cards it was possible to work in the text by exactly knowing the sense of a bishop's wish for a modification or an amendment. In the sessions of the Doctrinal Commission these cards were also an important instrument to demonstrate and prove to the commission members how many bishops wanted a change in the text and how many did not want to change and what were their arguments (*ibid.*). During the Council at the Belgian College, Declerck is a testimony to the spirituality of Philips. Notwithstanding his high work load and fragile health he would celebrate mass every day, recite the breviary, make his evening meditation and then say the rosary in the garden of the college (*ibid.* XIX). His modesty was honest and he liked his apostolic work as a priest. Since the 1950s, he was engaged in the movement of the Apostolate of the Lay. Philips had noted in his diary that the only way to take the right route is to directly regard Christ; doing this one has to accept that one is not perfect and despite all efforts errs from time to time; one must never overestimate the proper opinion (*ibid.*).

3.2.4 Assessing the text of *Dei Verbum*, conflicts of interests, values, norms and laws

"Hearing the word of God with reverence and proclaiming it with faith" the Second Vatican Council affirms in the first sentence of the Preface to the Dogmatic Constitution on Divine Revelation, *Dei Verbum* (Paul VI 1965d), that it observes "the words of Saint John: 'We announce to you the eternal life, which dwelt with the Father and was made

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visible to us. What we have seen and heard we announce to you, so that you may have fellowship with us and our common fellowship be with the Father and His Son Jesus Christ (1 John 1:2-3)".

Seeing and hearing the word of Go'd, the logos of life (1 John 1:1) that is Jesus Christ, listening and believing the word of Go'd and then proclaiming and announcing serves the "common fellowship" among the believers and "with the Father and His Son Jesus Christ." Believing in the logos of life, hearing and listening to Jesus Christ in the Scripture and proclaiming this faith, creates a fellowship, that connects us to Go'd and to each other. I want to take a moment to reflect on the term "fellowship" that translates the Greek term *koinonia*.

The New Testament Greek Lexicon of the New American Standard Bible (NAS) translates *koinonia* with fellowship, association, community and communion; this fellowship is also translated as participation, as intimacy and as a contribution in the sense of proof of this fellowship^{ix}. There is no doubt that the author of the first letter of John uses the term *koinonia* to describe the communion of the believers with one another and with Go'd the Father and His Son Jesus Christ. The appearance of the term *koinonia* in the *Magisterium* of the Catholic Church at the Second Vatican Council is quite an exciting event, if we understand this term as a theological description of the Church itself. The Church is the community that listens, believes and proclaims the Word of Go'd.

Actually, the Preface does not mention the Church. *Lumen Gentium* speaks about the Church. When Cardinal Florit started to present the text of the Dogmatic Constitution on Divine Revelation, *Dei Verbum*, to the Council on September 20, 1965, he pointed out the assessment of the ecclesiological function of revelation in the Dogmatic Constitution on the Church, *Lumen Gentium* (Theobald 2001, 288). For Theobald it is clear that the aula of the Council was conscious of the essential relationship between the two documents since the fall of 1964, when *Lumen Gentium* and *Dei Verbum* had been discussed together (*ibid.* 289.). After the serious fights on the text that again followed during the weeks after Florit's presentation of the document, we observe that the Preface to *Dei Verbum* no longer mentions the ecclesiological function of revelation. The Second Vatican Council turned to the Scripture as the foundation of the Church and the basis of the Council. Ultimately, Pope Paul VI never spoke of *Dei*

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Verbum as the basis of the Council or the Church. Instead, he turned away from Scripture to concentrate again on the institutional aspect of the Church (*ibid.* 359).

If we look at the etymology and meaning of the English word “church” that “derives from the Greek adjective *kuriakos*, meaning “belonging to the Lord” (Hill 1990,185), we may observe that the term *koinonia* as used by the author of the first letter of John is very aware of the centrality of Jesus Christ for the fellowship of the believers. It is also clear that the most important reference to the word “church” in Greek is *ekklesia* and in the New Testament the primary reference of *ekklesia* “is to the actual assembly meeting for worship (1 Corinthians 11:18, 14, 19 and 35)” (*ibid.* 187). There are also other images of the Church in the New Testament such as the Church as Temple, the Church as Zion or Jerusalem, the Church as the Bride of Christ and the Church as the Body of Christ (*ibid.* 188-90). Throughout the centuries the theological tradition developed models of the Church based on an understanding of the Church as the People of God, that is as observable social reality with institutional structures (*ibid.* 190-97), but also as Mystery and Sacrament (*ibid.* 197-99). The theological concept of Church as communion or fellowship, that is *koinonia*, becomes crucial to an ecumenical understanding among Christians of distinct traditions, who are not yet “in communion” with one another, but use the term *koinonia* to express what they share and have in common. These different communities, that is churches, have in common and share faith (*ibid.* 199). In this sense the term *koinonia* is a central term in the Statement on Authority in the Church put out by the first Anglican-Roman Catholic International Commission (ARCIC I) ^x in 1976 (*ibid.*). The Anglican Archbishop of Canterbury Michael Ramsey and Pope Paul VI established the Anglican-Roman Catholic International Commission in 1967^{xi}. The term *koinonia* thus became very helpful for Paul VI in the ecumenical dialogue between the Roman Catholic Church and the Churches of the Anglican Communion. All of a sudden, we find in a document that is an agreed statement of the Roman Catholic Church the terms *koinonia* and church-related again, the Church has to serve the *koinonia*. Thus, we read in the Introduction number 1 of ARCIC I:

“The confession of Christ as Lord is the heart of the Christian faith. To him God has given all authority in heaven and on earth. As Lord of the Church he bestows the Holy Spirit to create a communion of men with God and with one another. To bring this

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koinonia to perfection is God's eternal purpose. The Church exists to serve the fulfilment of this purpose when God will be all in all.”

This agreed statement confirms in number 8 that the unity of local communities under one bishop is rooted in the witness of the Apostles and entrusted with the apostolic mission, which also means that:

“The *koinonia* is realized not only in the local Christian communities, but also in the communion of these communities with one another.”

The communion of the local churches with each other has to be realized with *koinonia* again, we read in the number 9 of ARCIC I:

“Ever since the Council of Jerusalem (Acts 15) the churches have realized the need to express and strengthen the *koinonia* by coming together to discuss matters of mutual concern and to meet contemporary challenges. Such gatherings may be either regional or world-wide.”

The Preface to *Dei Verbum* does not use the term church and does not speak of the ecumenical dialogue of *koinonia*. The Second Vatican Council affirms in number 1 of *Dei Verbum* that it follows 1 John 1:2-3. *Dei Verbum* continues that with “the Council of Trent and the First Vatican Council” it wishes to present “authentic doctrine on divine revelation and how it is handed on, so that by hearing the message of salvation the whole world may believe, by believing it may hope, and by hoping it may love (Saint Augustine, *De Catechizandis Rudibus*).” In *De Catechizandis Rudibus* Augustine addresses one individual person, the catechist and deacon Deogratias of Carthage. The Council addresses the whole world. There is the economic aspect of salvation.

Rosino Gibellini states that the term *koinonia* was rediscovered for ecclesiology in the second half of the nineteenth century by the German lay theologian Friedrich Pilgram, although reception of the term remained very limited (Gibellini 2009, 79). Pilgram used the term *koinonia* to describe the Church as a *politía*, that is a communion in the sense of a society (*ibid.*). Indeed, the term *koinonia* was frequently used in Ancient Greek culture, Athenian practice as in Aristotelian theory as the central concept for expressing the order in society. The city-state (in Greek: *polis*) of Athens is a *koinonia* of Athenian citizens (Ober 1993, 131). Aristotle describes in the first book of his *Politics* children, women, slaves and free men as noncitizens (*ibid.*). The *polis* therefore was a *koinonia*

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defined by tensions that were generated by the conflicts of citizens and noncitizens between and within society at large (*ibid.* 148). If we look at the use of the term *koinonia* in the New Testament, we observe that it describes the interactive relationship between God and believers who are sharing new life through Christ as operating peace, justice and communion in the community. *Koinonia* as active participation in the community of believers overcomes differences of cultures, social status and power. Romans 15:26-27 tells us that Gentile believers in Macedonia had nothing in common with the Jewish believers in Jerusalem except Christ. In Philippians 3:10 Paul uses *koinonia* to describe the way he identifies with Christ's sufferings, Acts 2:42 describes *koinonia* as breaking bread and praying together that is as Eucharist and Agape, and 2 Corinthians 9:13 uses *koinonia* to express generosity in community^{xii}.

Gibellini observes that in the decades following the Extraordinary Synod of Bishops in 1985 that commemorated 20 years since the end of the Second Vatican Council, the term "communion" was used more and more to describe the Church (Gibellini 2009, 79). The Special Secretary of this synod and later Cardinal Walter Kasper even claimed in his memoirs in 2008 that the term "communion" (Latin: *communio*. Greek: *koinonia*) constitutes the central idea of the Second Vatican Council and its concept of the Church (*ibid.* 80). Yes, what all Christians have in common is the life in Jesus Christ. Kasper affirms that the People of God or the hierarchy of the Roman Catholic Church are receivers of this life in Jesus Christ and they are by no means the creators of this life (*ibid.*). Cardinal Kasper is not ready to think about structural consequences for the Roman Catholic Church that his claim insinuates. The ecumenical dialogue of the Anglican-Roman Catholic International Commission was more successful in pushing the Roman Catholic Church to rise to the awareness of a discussion of contemporary challenges in the churches by coming together and practicing *koinonia*, as did the Council of Jerusalem (ARCIC I. n. 9).

When the Second Vatican Council in the Preface to *Dei Verbum* "takes direction" from the words of 1 John 1:2-3, we have to see that the author of the first letter of John preaches, interprets and applies the Gospel of John in a concrete historic situation of his Christian community (Hartenstein, Petersen 2007, 2244). The author wants to console his community and his most important theme is love. Love is praised and presented repeatedly as the way to solve conflicts in the community, since the realization of love corresponds to empowerment through God's love (*ibid.*).

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Chapter I of *Dei Verbum* has the title "Revelation itself." Number 2 has 13 references to the New Testament and two references to the Old Testament. I suppose there is not a second paragraph in the documents of the Second Vatican Council that works with this large number of biblical references. Certainly, citing verses of the Scripture is the best way to deal with "revelation itself." In the following five numbers of Chapter I the references to the Bible continue with a lower frequency. References to the *Epistle to Diognetus* from the second century AD, to the Second Council of Orange (529 AD) and to the First Vatican Council point to the understanding of some key clarifications and concepts of tradition that the Council fathers in 1965 felt were important to document.

Number 2 of *Dei Verbum* concentrates on Jesus Christ, the revelation of "the invisible God Himself." It is through Jesus Christ that women, men and queer (*Dei Verbum* simply speaks of *homines* i.e. "man") in the "Holy Spirit have access to the Father and come to share in the divine nature." In the English text of *Dei Verbum* the term "economy of revelation" gets lost. The term "economy" describes a wider range of realizations than the word "plan" that is used to translate the Latin term *oconomia*. Jesus Christ realizes the economy of revelation in the unity of his deeds of salvation that confirm and proclaim his teachings, and by his teaching words that operate salvation. These Christological affirmations legitimate the orthodoxy of the claim that pastoral and dogmatic realizations are to be considered from the source of their unity in Jesus Christ. Therefore, it is allowed to say that the Second Vatican Council is pastoral and dogmatic. The economy of revelation in number 2 of *Dei Verbum* is an operation of Go'd that has engendered a "history of salvation" with women, men and queer. The "economy of salvation" is a "mystery" and we access this mystery through Jesus Christ. It is clear that from Jesus Christ we hear about the invisible Go'd and about the salvation of women, men and queer that we experience. The last sentence of number 2 of *Dei Verbum* defines the concept of "truth" in strict relation to the words and deeds of Jesus Christ. *Dei Verbum* makes clear that we have to use the term "truth" very carefully, that is in strict reference to the Scriptures (Ephesians 1:9). The assessment of the truth of revelation in Jesus Christ, his sentences about Go'd and his realizing our salvation, on our part is possible by an assessment of faith that is expressed by blessings, praise and thanksgiving to Go'd, as the hymn in Ephesians (Ephesians 1:3-14) demonstrates. What we mean when speaking about Go'd and salvation we have to take from the words and deeds of Jesus Christ, in whom we believe as our Lord. Using the word "Go'd" we cannot show whom we mean, because

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Dei Verbum rightly affirms again that Go'd is invisible. The Bible frequently uses language games concerning human vision. What we mean when seeing Jesus Christ and listening to his Gospel and speaking about this message *Dei Verbum* describes as "intimate truth," but not as the whole truth or any other assessment that would claim the truth-value true. This "intimate truth" functions as "illumination" of our existence, but not as a description of Go'd the invisible.

Number 3 of *Dei Verbum* describes the history of salvation that realizes Go'd's economy of revelation according to the Christian faith. Number 4 continues this history of salvation and speaks of the sending of His Son, the manifestation of Christ as already the Epistle of Diognetus had confessed and defended. With Jesus Christ Go'd's economy of salvation is revealed to the whole world. The death and resurrection of Jesus Christ and the sending of the Spirit for us complete and conclude revelation, so that we entered the "Christian economy" awaiting "the glorious manifestation of our Lord Jesus Christ."

Go'd who is revealing, we have to offer *oboedientia fidei*, that is "the obedience of faith," as a free commitment of oneself to Go'd. It is important that the free consent that is necessary for the *oboedientia fidei* is part of the first sentence of number 5 of *Dei Verbum*. There is no *oboedientia fidei* without liberty, freedom and the social choice to believe. Cardinal Döpfner's insistence on using the term "freedom" in the context of faith is important for the faith of contemporary women, men and queer. Number 5 of *Dei Verbum* takes the term "obedience of faith" from the Letter to the Romans 16:25 and refers to the First Vatican Council, which cites the angered Paul, who in 2 Corinthians 10:5-6 warns the disobedient Corinthians that they will be punished if they are not obedient. *Dei Verbum* pays tribute to "fear of divine justice" to motivate obedience. The immediately following reference to the Second Council of Orange balances the temptation of Pelagius that the act of believing and obeying Go'd depends on one's own will and capacities. The "grace of God" and the "help of the Holy Spirit" are unambiguously asserted as possibility conditions for believing and obeying the word of Go'd. It will take more than 50 years of ecumenical effort until on October 31, 1999 the Lutheran World Federation and the Roman Catholic Church finally agree in their *Joint Declaration on the Doctrine of Justification* (Lutheran World Federation and Catholic Church 1999) that the term "gift of faith" may be used synonymously for the term "grace of faith." In this number 5, the claim made by Quentin Quesnell, namely

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that “at every turn the Council’s emphasis was on the experiential, trying to tie the theory in to life,” is not quite realized. Use of the expression the “grace of God” instead qualifies as a metaphysical reflection that does not provoke thankfulness, as for example in the hymn Amazing Grace (Quesnell 1990, 448). The same lack of giving testimony to life concerns the claim that the “Holy Spirit” perfects faith “by His gifts” (*Dei Verbum*, number 5). “First- and second-century writers do not hesitate to appeal to manifestations of God’s action in their midst” (Quesnell 1990, 448). As fruits of the Spirit that transform their lives, they list “love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self-control (Galatians 5, 22)” (*ibid.*).

Number 6 of *Dei Verbum* legitimates speaking of Go’d’s will to “manifest and communicate Himself” in reference to the First Vatican Council. The last sentence of number 6 of this Dogmatic Constitution of the Second Vatican Council refers to Romans 1:20, as the First Vatican Council had already done. I would like to present a translation of Romans 1:20 that follows The New Jerusalem Bible with the exception of the translation of the verb *kathoráw* as “discern clearly.” *Dei Verbum* mutates “discern clearly” into “know with certainty” and this reading is more an interpretation than a translation in the context of dealing with the invisible Go’d. I simply translate *kathoráw* as “perceive.” Romans 1:20: “Ever since the creation of the world, the invisible existence of God and his everlasting power have been perceived by the mind’s understanding of created things.” Concerning Go’d’s universal will of universal salvation, Paul’s assessment in Romans 1:20 is of fundamental importance. If *Lumen Gentium* 16 claims Go’d’s universal will of salvation: “God our Savior wants everyone to be saved and reach full knowledge of the truth”; then everyone must have some knowledge about this universal will of salvation. *Nostra Aetate* in number 2 actually affirms: “From ancient times down to the present, there is found among various peoples a certain perception of that hidden power, which hovers over the course of things and over the events of human history.”

Referring to Chapter 2, “On Revelation,” of the Dogmatic Constitution of the Catholic Faith of the First Vatican Council, *Dei Verbum* also claims that with revelation “everyone” can obtain “solid certitude” and knowledge “with no trace of error” about the “truths” of revelation. From my point of view as a Christian it makes sense to affirm the revelation of the Gospel in this positivist way. The revelation of Jesus Christ is a gift. Describing the revelation of Jesus Christ with “solid certitude and no trace of error”

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points at the ecclesiological function of *Dei Verbum* without taking into consideration the individual. “Certainty” and “no mix of error” touch the assessment of the subjective evidence and the conviction of personal encounters with Go’d and does not simply express a collectively shared evidence. Hoping cites De Lubac, who writes on women, men and queer having been created as an image of Go’d (Hoping 2005, 749). De Lubac speaks of an *a priori* that allows every woman, man and queer on this earth since the origin of mankind to understand and learn with Go’d despite all original sin (*ibid.*). Perceiving Go’d revealing Herself thus has to be understood as the realization of a possibility condition that was given with creation; from this follows not only the ecclesiological function of revelation, but also the eschatological function of the operation called “economy of salvation” for the whole of creation.

Chapter II of *Dei Verbum* is entitled “Handing on Divine Revelation.” Number 7 asserts that “Christ the Lord commissioned the Apostles to preach to all men that Gospel which is the source of all saving truth and moral teaching.” The Apostles fulfilled this commission to preach “what they had received from the lips of Christ and from living with him ... or what they had learned through the prompting of the Holy Spirit.” Apostolic men “under the inspiration of the same Holy Spirit committed the message of salvation to writing.” References to Scripture, to the Council of Trent and the First Vatican Council legitimate the claims so far. The Second Vatican Council is not able to legitimate the claim that “the Apostles left bishops as their successors, handing over to them the authority to teach in their own place” with a reference to the Sacred Scriptures. Instead, the reference goes to Saint Irenaeus’ book “Against Heresies” (Chapter III, 3:1). We may say that the teaching authority was transmitted from the Apostles to the bishops, because Irenaeus wrote that this was the case. The transmission of faith and care for the authentic proclamation of the faith as the primary task of the bishops stands in line with *Lumen Gentium* numbers 20 and 21 (Hoping 2005, 753). *Dei Verbum* as well as *Lumen Gentium* historically justify the origin of the bishops’ role as teachers with the help of Irenaeus (*ibid.*). Hoping recalls that there were times when the bishops did not use their office in the Church for the purpose of serving the authentic handing on of the faith; by contrast, the Apostles did indeed serve with their *Magisterium*, that is the teaching office, the transmission and proclamation of the faith (*ibid.*). From the bishop’s teaching - thus claims the last sentence of number 7 of *Dei Verbum* – emerges a “sacred tradition” that together with “Sacred Scripture” mirrors Go’d’s revelation. Hoping is clear about the fact that the term “sacred tradition”

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in *Dei Verbum* 7, 2 has to be understood as the authentic handing on of the Gospel in the Church (*ibid.* 754). *Dei Verbum* speaks of “tradition,” whereas Trent still spoke of “traditions,” that is rites, customs and habits etc. (*ibid.* 755).

Dei Verbum number 8 again is dedicated to the preservation of apostolic teaching. “This tradition which comes from the Apostles develops in the Church with the help of the Holy Spirit.” It was a central claim of Orthodox theology not to forget the Holy Spirit in the text (*ibid.* 759). Orthodox theologians severely criticize the strong role of the office of transmission of the Gospel, the *Magisterium*, in the Roman Catholic Church. The texts of the Second Vatican Council are analysed as being unilaterally Christocentric. Orthodox theologians claim a comprehensive theology of the Holy Spirit when considering transmission of the faith (*ibid.*). What the Apostles “had learned through the prompting of the Holy Spirit” (*Dei Verbum* 7, 1) always has to be seen as authentic transmission of the Gospel. This transmission and development of tradition in the Church happens through the spiritual experiences, contemplation and studies of the believers, claims the text in an egalitarian way, but transmission and development of tradition happen above all by those “who have received through Episcopal succession the sure gift of truth.”

The term “Episcopal succession” in *Dei Verbum* 8 is written with a capital letter. This documents the great importance that the bishops of the Second Vatican Council attributed to the term that legitimates their powers. In his work of redacting the text, the diplomat theologian Philips succeeded in performing another balancing act. On the one hand, there is the transmission of the faith by all believers and, on the other hand, there is the role of the Church’s government. Philips asserts the fundamental participation of the millions of believing Christians, women, men and queer, in the faithful transmission of the word of Go’d. Philips was a renowned expert on Mariology and it is not by accident that we find at this place in *Dei Verbum* 8 a reference to Luke 2:19 and 51. On the other hand, Philips satisfies the *modi* of those bishops who insist on asserting their authority, power and legitimacy as “preaching” and instructing the lay because they possess “the sure gift of truth.” Power of government, power of teaching, power of jurisdiction are all legitimate offices, ministries and claims because of Episcopal succession. The Roman Catholic Church is aware that there was a transition from the apostolic period of the Christian communities to the institution of a ministry of teaching and governing. In 1973 the International Theological Commission claims that this

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ministry “should never be separated from the community in such a way as to place itself above it: its role is one of service in and for the community” (International Theological Commission 1973). The Commission is also very clear about the fact that “the absence of documents makes it difficult to say precisely how these transitions came about” (*ibid.*). “By the end of the first century the situation was that the Apostles or their closest helpers or eventually their successors directed the local colleges of *episkopoi* and *presbyteroi*,” by the beginning of the second century the figure of a single bishop appears, and in the third century ordination with imposition of the hands was considered necessary (*ibid.*). The Commission’s document does not further reflect what happened to Church government in the fourth century, the European Middle Ages or later centuries.

It is good that the Roman Catholic Church no longer speaks of an uninterrupted series of historically established successors. The Joint International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Church approved in 1988 the common statement on “the Sacrament of Order in the Sacramental Structure of the Church, with Particular Reference to the Importance of the Apostolic Succession for the Sanctification and Unity of the People of God” (Valamo 1988). This document claims “by ordination, the bishops are established successors of the Apostles and direct the people along the ways of salvation.” From this point of view apostolic succession or Episcopal succession does not present a theological or ecumenical problem. The unsolvable problem emerges when the papacy is concerned and when apostolic succession is considered a mere question of succession of powers. Number 55, the last sentence of the common statement, says that “primacy in the Church in general and, in particular, the primacy of the bishop of Rome” is “a question which constitutes a serious divergence among us and which will be discussed in the future.” The primacy of the bishops of Rome in the ecumenical dialogue also constitutes the most important obstacle to the common celebration of the Eucharist by Protestant and Catholic Christians. If the pope is considered the necessary sign of the unity of all Christians in Jesus Christ, then recognition of this sign is a possibility condition for celebration of this unity in the Eucharist. Thus, religion becomes perverted by power when power perverts the service of proclaiming faith by making claims to jurisdictional, governmental and political authority.

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As in *Dei Verbum* 2, we find again in number 8 the communicative aspect of God revealing by speaking and conversing. The life of the Church with the living word of God is illustrated with the reference to Colossians 3:16. The interaction of the Christian communities, the bodies of Christ, is necessary. There is teaching of each other and admonishing one another with love and thankfulness: "Let the Word of Christ, in all its richness, find a home with you. Teach each other, and advise each other, in all wisdom. With gratitude in our hearts sing psalms and hymns and inspired songs to God" (Colossians 3:16).

Number 9 repeats once more that "sacred tradition and Sacred Scripture ... flowing from the same divine wellspring, in a certain way merge into unity and tend toward the same end". Sacred tradition is expressly described in the sense that Hoping had already claimed in *Dei Verbum* 7, 2 as "handing on" the word of God, that is as authentic transmission of the Sacred Scripture (Hoping 2005, 754). Finally, we read Colombo's compromise formula solving the unending problem of one source or of two sources of revelation: "Consequently it is not from Sacred Scripture alone that the Church draws her certainty about everything which has been revealed." There is no talk of two sources of revelation, but there is the claim that "sacred tradition and sacred Scripture are to be accepted and venerated with the same sense of loyalty and reverence" as the Council of Trent has claimed. Hoping points at the broad consensus within the Churches of the Reformation, who already at the time of the Second Vatican Council understand Luther's *sola scriptura* in the sense that the Scripture is to be understood together with its interpretation (*ibid.* 762). The recognition of the hermeneutic function for understanding the Scripture is common understanding of Catholics and Protestants. The ecumenical dialogue still documents the fundamental dissent on the function of Church authorities and their contribution judging an understanding of the Scripture, judging an interpretation as "right" or "wrong" (*ibid.*). The claim to normativity of the Catholic *Magisterium* concerning the understanding of the Scripture contradicts the freedom of the Christian women, men and queer.

"Common life," "the breaking of the bread" that is the Eucharist and "prayer" constitute the central foundation of the hermeneutics of understanding the Scripture in the Church, we learn in number 10 of *Dei Verbum* (*ibid.*). The Council claims that this effort "of practicing and professing the heritage of the faith" is "a single common effort ... on the part of the bishops and faithful". On March 4, 1963, in the last session of the Mixed

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Commission Congar insisted on the active contribution of the believers to the transmission of the faith. *Conspiratio pastorum et fidelium* were his words. The Latin word *conspiratio* is usually translated as “conspiration.” In the context of *Dei Verbum* number 10 the official translation of the Latin *conspiratio* as “effort” is ok. A second look at the word “conspiration” reveals that it is composed of the prefix *con* that in English means “with” and the noun *spiritus* that means “spirit”. It is allowed to interpret that the spirit with which bishops and believers practice and profess the faith is the Holy Spirit. In 1963 Ottaviani rejected the claim of a *conspiratio pastorum et fidelium*. In the final text we find the claim again: *Antistitum et fidelium conspiratio* are the words in *Dei Verbum* number 10. Again, that is right; but there is no egalitarian interpretation of the Word of Go'd by the *Magisterium* and the faithful.

What happens, when the *Magisterium* of the Church differs with the theologians or the faithful in their understanding of the faith? Number 10 of *Dei Verbum* does not present the answer, as Hoping comments (*ibid.*). *Dei Verbum* does not need to present an answer, because Catholics know that the *Magisterium* claims the authoritarian power-restoring consensus again. Right down to today, the practice of governing the Roman Catholic Church consists of the method of absolute monarchic rule by the pope and his government. Pope Francis would not deny the absolute primatial powers of the pope in the Catholic Church, yet he is aware that reform is necessary. In his Christmas message of December 21, 2017, he addressed his Roman Curia calling for reform and defending his monarchic powers:

“... the Curia is an ancient, complex and venerable institution made up of people of different cultures, languages and mindsets, and bound, intrinsically and from the outset, to the primatial office of the Bishop of Rome in the Church, that is, to the “sacred” office willed by Christ the Lord for the good of the entire Church (*ad bonum totius corporis*)” (Francis 2017).

Pope Francis immediately legitimizes his claim with the reference to the Dogmatic Constitution, *Lumen Gentium*, of the Second Vatican Council and cites from number 18:

“In order to ensure that the People of God would have pastors and would enjoy continual growth, Christ the Lord set up in his Church a variety of offices, whose aim

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is the good of the whole body (Second Vatican Ecumenical Council, Dogmatic Constitution, *Lumen Gentium* 18)" (*ibid.*).

Pope Francis continues to address the need for reform, because there are men working in the Roman Curia, "who betray the trust put in them and profiteer from the Church's motherhood. I am speaking of persons carefully selected to give a greater vigor to the body and to the reform, but – failing to understand the lofty nature of their responsibility – let themselves be corrupted by ambition or vainglory" (*ibid.*). Hoping for the conversion and the *mea culpa* of his cardinals, bishops and secretaries cannot substitute for structural reform of the government of the Church.

Preparing the way for structural reform of the Catholic Church by presenting a theology of the Body of Christ, the People of God or the *koinonia* of the believers that allows the Church to strive and search together for consensus on conflicting interests is one of the tasks of theology today.

The Council of Trent constructed the transmission and proclamation of the Gospel according to the juridical model of the promulgation of a law, Jesus Christ is presented as the giver of a new law (Latin: *lex nova*) (Hopling 2005, 751). *Dei Verbum* number 1 no longer uses juridical terms, but speaks of a *koinonia* that results from "hearing the message of salvation" by believing: "... the whole world may believe, by believing it may hope, and by hoping it may love."

It is interesting that Congar, one of the most influential theologians at the Second Vatican Council, as late as 1952 still defended the constitutional setting of the Catholic Church as defined by the Council of Trent. It is incredible to read in his theology for the lay women and men sentences like these: Jesus instituted the Apostolate and juridical powers for this office that he confined to the Twelve Apostles (Congar 1956, 537). Instituting the Twelve Apostles is a hierarchic and juridical mission and founds the Church as an institution, as the society of the faithful (Latin: *societas fidelium*) (*ibid.*). Congar models the relationship between the hierarchy of the Institution Church and the lay after the mechanical motion of a weaving loom. The hierarchy constitutes the warp (*ibid.* 538) like "the iron skeleton" of our modern buildings (*ibid.*). The lay are inserted into this Church like the weft, the filling yarn, into the warp yarn. The term "People of God" in the whole book on the lay is applied only once and describes the Church (*ibid.* 534). The iron scaffolding of the Church is the hierarchy (*ibid.* 538). The

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lay are considered a “body” or a “communion” that is given a soul by the Holy Spirit, just as the Twelve Apostles had received the Holy Spirit, and therefore the individual woman and man are subjects according to the hierarchy of life (*ibid.*). This spiritual mission of the lay and the juridical mission *ex officio* of the hierarchy of the institution have their common foundation in the same Holy Spirit and in the same Lord Jesus Christ (*ibid.*). Congar does not for a second consider the possibility of conflicts of interests that exist between a growing plurality of different social choices of the millions of lay women and men and queer and the few men of the hierarchy that are guided by an interest in controlling and commanding as the iron scaffold of the Church. All this changes when in February 1954 Congar is purged by the hierarchy of the Catholic Church and his obedient Dominican Order. On Tuesday, February 9, 1954 Congar calls the Holy Office a “supreme and inflexible *Gestapo*” (Congar 2001, 242). The Holy Office, the former inquisition of the Catholic Church, did not trust Congar’s affirmation of the institution of the hierarchy and its juridical powers. Instead, the Holy Office was offended by Congar’s prudent criticism of the central Roman government, the *Magisterium* of the pope and the hierarchical structures of the Church, because he felt they darken the mystery of the Church (Fouilloux 2001, 11). As a POW in a German prison camp in 1941, Congar still defended the collaboration between Maréchal Pétain and Hitler. In 1952, Congar still defends the juridical institution of the Church’s hierarchy by Jesus Christ, not realizing that thereby it is he himself who darkens the mystery of the Church. Congar’s life as a follower of Jesus Christ resembles Peter’s life as a follower of Jesus Christ; Peter ultimately had to accept that on this way he denied that he was a follower of Jesus. The first Christians hold it to be of primary importance to cultivate the memory of Peter’s denial. There is consolation for me in the knowledge that Go’d writes straight on crooked lines. Congar is just one of the many theologians who in the first half of the twentieth century returned to the Bible as the source of their theology, studied the Church Fathers to discover a living interpretation and responsible understanding of the Gospel and the spiritually active participation of the believers in the liturgy (Gibellini 2009, 74). Nevertheless, in 1968 Congar reflects on the primary cause that had enabled him and the whole Catholic Church to open up their minds to liberty and think and speak freely on matters of faith and identifies this cause as the person of Pope John XXIII (*ibid.*). Congar writes that within a few weeks of his election in 1958 Pope John XXIII had created a new climate in the Church (*ibid.*).

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All of a sudden, the frozen forces of renewal could develop, thanks to a social choice that was taken by the upper echelons of the Church (*ibid.*).

In 1961 Congar reflects on the Church and discusses its mystery with the help of three terms: People of Go'd, Body of Christ and Communion (*ibid.* 78). Congar now abandons the Tridentine concept of the Church as a perfect society and prefers to describe the Church with the two terms Body of Christ and People of Go'd (*ibid.* 79). The term "People of God" is central to the theology of Congar, but he insists on complementing this term with the term "Body of Christ," because Jesus Christ, the incarnate Son of Go'd and the gift of the Holy Spirit for the believers, might become lost when using only the term "People of God" (*ibid.*). Congar is right: only a few years later theologians like John Baptist Metz and Edward Schillebeeckx on the Catholic side, as well Jürgen Moltmann as a Lutheran theologian, start to view the historic context of the Gospel as calling for a politically liberating practice on the part of Christians (*ibid.* 87). Gustavo Gutiérrez also calls for social justice and peace, but consistently adheres to the spiritual resources of the individual's energy. Personally, I am suspicious of Metz and Schillebeeckx, because they do not reflect on individual social political choices as a realization of the dignity of the believers, but unrelatedly presuppose the consent of the people to their theories.

Congar remained obedient to his Lord Jesus Christ and obedient to the hierarchy and accepted the absolute primatial powers of the pope in the Catholic Church until his death. His ecclesiology based on the terms "People of God, Body of Christ and Communion" never challenges the institution of the Catholic Church's government as an absolute monarchy. If the monarch decrees a time of free speech and action, as did John XXIII, Congar is ready to follow. If the pope puts an end to this liberty, Congar follows him again. For his obedience to the pope, Congar was made a cardinal in 1994, one year before he died. Rahner was also obedient to his Lord Jesus Christ for all his life and he was in principle obedient to the pope in Rome as the undisputed authority for the office of unity of the institution of the Roman Catholic Church. Unlike his Jesuit brothers De Lubac, Alois Grillmeier and Jean Daniélou, Rahner was not made a cardinal. His theological merits in proclaiming the Gospel of Jesus Christ were no less than those of his brothers. Yet Rahner was less obedient to the pope and too critical of the pope's governing powers over the Church and was thus not proposed by the Roman Curia as a candidate for cardinal.

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It is true that Rahner never used metaphors like “iron skeleton” for the hierarchy and for the lay he never used the concept of “filling yarn” that is inserted into the Church, like Congar did in 1952. I turn to his 1946 article on membership in the Church according to the encyclical *Mystici corporis Christi* by Pius XII to learn about Rahner's concept of ecclesiology (Rahner 2003).

Pope Pius XII's encyclical *Mystici corporis Christi* uses the terms “Church” and *corpus Christi mysticum* synonymously (*ibid.* 79). Rahner is clear about the fact that the tradition of the Catholic Church together with *Mystici corporis Christi* by Pope Pius XII does not exclusively define the Church “as a juridical society of rights and laws and sacramental signs” (*ibid.* 80). Rather, the Church is described as the Body of Christ - that is *corpus Christi* – that by the grace of the Holy Spirit comes to life (*ibid.*). It is important for Rahner to consider membership in the Church not only with the help of juridical conditions of membership, but also with the help of theological terms like “inner grace, inner personal consensus to the faith, attachment and solidarity with Christ by grace, etc.” (*ibid.*). The claim of the juridical conditions for valid membership in the Church must be considered on the basis of the theological validity condition for this juridical claim that is the communication of Go'd's grace to all humankind and the presence of this grace in the Church as the founding sacrament (*Ursakrament*) of salvation (*ibid.*). The Church thus becomes the living Body of Christ and ecclesiology is the answer to the question how this living Body of Christ actually lives, is called to live and this is the question of its social constitution. Rahner reflects the realization of the communication of Go'd's grace as the incarnation of the logos. It is the logos, it is Jesus Christ who founds the Church as the living Body of Christ as the founding sacrament of salvation. From this foundation follows the sacramental Church as the juridical organisation of the Body of Christ (*ibid.* 81). Incarnation consecrates humanity within the dimension of the visible and historic Church as People of Go'd. By incarnation, the Church is constituted as consecrated humanity and is also established as a juridical organisation. All of a sudden, the visible Church, the juridical social organisation that follows from the incarnation of the logos, is recognized as the possibility condition for membership of the individual in the Body of Christ. Grace structures the sacraments, and incarnation structures salvation (*ibid.*).

Rahner's interpretation of the Church as the mystical Body of Christ includes the affirmation of the need for the hierarchical structure of the visible Church and he

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consents to *Dei Verbum* 10 without any conflict of interests between the invisible and the visible Church. Authentic interpretation of “the word of God ... in the name of Jesus Christ ... is exercised ... has been entrusted exclusively to the living teaching office of the Church,” *Dei Verbum* again claims, taking up the authoritarian claim of Pius XII. At the same time we find for the first time in a general Council of the Catholic Church the affirmation that “this teaching office is not above the word of God, but serves it, teaching only what has been handed on, listening to it devoutly, guarding it scrupulously and explaining it faithfully ...” (*ibid.* 763).

The last paragraph of number 10 of *Dei Verbum* claims “that sacred tradition, Sacred Scripture and the teaching authority of the Church ... cannot stand without the others ...”. Why is sacred tradition first, and Sacred Scripture second? Chapter 2 of *Dei Verbum* confirms that Sacred tradition is interpretation of Sacred Scripture; therefore, Sacred Scripture is mentioned first and sacred tradition second. What part does “the teaching authority of the Church” play in all of this? The last sentence of *Dei Verbum* 10 claims that sacred tradition, Sacred Scripture and the teaching authority of the Church “all together and each in its own way under the action of the one Holy Spirit contribute effectively to the salvation of the souls.” What does “salvation of the souls ... under the action of the one Holy Spirit” mean? “Salvation of the souls” is an important claim of faith. What does the Council mean by “salvation of the souls”? Faith in Jesus Christ as the incarnation of God’s grace operates salvation. Faith is the realization of a social choice by an individual woman, man or queer. The Council does not reflect salvation in relation to the individual person who is experiencing salvation. There is no word on the saved woman, man or queer individual. The description of the confession of faith as the realization of a social choice by an individual person implies the agency of freedom, liberty and dignity. I call dignity the realization of liberty and freedom by a social choice. Social choice by definition implies liberty and freedom. A choice is a decision made between possible alternatives. We need the concept of freedom and liberty to describe the concept of social choice.

The Dominican father Congar was studying the Church Fathers, the Bible and the theological tradition. For the use of theological concepts, he was a devoted student of Saint Thomas Aquinas. Also, for Rahner Aquinas was the self-understood theological reference of doing Catholic theology. The concept of liberty and freedom in the sense of a social choice made by the individual, not to speak of the claim that the realization

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of the dignity of the individual person presupposes the realization of equal rights to this freedom and liberty, is not part of the theological medieval universe of Saint Thomas Aquinas. The Jesuit father Karl Rahner knows in his theology about a social choice of the individual woman, man and queer that is the realization of dignity, that is a free choice, reflecting on the *Spiritual Exercises* of the Jesuits' founding father Ignatius of Loyola (Loyola 1987). In the *Spiritual Exercises* number 234 Ignatius opens Saint Augustine's triad of the person's agencies, that is memory, will and reason, and that Saint Thomas continued to cultivate, to the new concept of liberty and freedom:

"Receive, O Lord, all my liberty.

Take my memory, my understanding, and my entire will.

Whatever I have or hold, You have given me;

I give it all back to You

and surrender it wholly to be governed by your will.

Give me only your love and your grace,

That is enough for me."^{xiii}

This prayer is part of the "Contemplation to attain the love of God" that starts with the point "that love ought to manifest itself in deeds rather than in words" (*ibid.* Number 230).^{xiv}

The rules, instructions to proceed in meditation, contemplation and prayer of the *Spiritual Exercises* are meant to help and accompany the exercitants on their way of social choices for the realization of a Christian life (Tellechea 1991. 132). Ignatius takes affectionate care to provide the necessary external conditions for the exercitants' way to social choices during the process of the Exercise. Ignatius wants the freedom and conscious interiority experience to be absolutely respected by the exercitants, for it is his deepest conviction that grace motivates and moves every individual (*ibid.*). On July 31, 1548, Pope Paul III approved the *Spiritual Exercises* in the bull *Pastoralis officii* (Tellechea 1991. 336). With this document Ignatius' method, with which the individual man, woman and queer find the right social choices for their life as a Christian, is officially recognized by the highest Catholic authority as a legitimate method. Nevertheless, we have to assess that this freedom and liberty for the individual person

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making social choices within the Catholic Church is restricted to the strictly private setting of the *Spiritual Exercises*. This situation is protected by the Catholic Church and its institutions such as religious orders, seminaries or houses where lay women, men or queer meditate and pray. One might speak of a publicly protected private situation of an exercitant praying, meditating and contemplating Go'd and the Gospel and regularly speaking about his experiences with the accompanying master of the exercises. Saint Ignatius repeatedly and explicitly makes clear that the expected social choices of the exercitant "must be indifferent or good in themselves and furthermore must remain within the realm of the teaching and practice of our holy mother the hierarchical Church" (Rahner 1964. 101). Nevertheless, also Rahner confirms "There is general agreement that the nature of the Exercises is ultimately determined by the fact that a choice, a vital decision, is to be made in them" (Rahner 1964. 89). Rahner invites theology to learn from the *Spiritual Exercises* (*ibid.* 87). He is convinced that the experiences of the *Spiritual Exercises* have "something to say to theology, which this cannot otherwise come to know." In this context Rahner speaks even of a kind of source for theology, because the social choice of the individual that searches for the will of Go'd in prayer, meditation and contemplation of the *Spiritual Exercises*, the existential particular of this experience, "is a concrete realization of Christianity" (*ibid.*). Rahner is convinced that Ignatius "taught ... that there are such individual ways of realizing Christian life in the individual human being (and consequently even more in each of the various historical periods taken as a whole), which cannot be completely reduced by regressive analysis into abstract principles" (*ibid.*). We are not coming any closer to Karl Rahner's recognition of the social choices made by the individual Christian as fundamental elements of the realization of the Catholic Church. I search for the reason why Rahner does not present a theology of the communion of the multitude of these individual Christians. It is clear for Rahner that the concrete existential experience of the Christian is a matter of fact. Why does Rahner not develop a theology that allows for the realization of dignity by free social choices on the basis of something like a Constitution of Equal Rights of all these individual Christians in the Church? Rahner is not able to think of something like the rule of law realizing equal dignity, liberty and freedom in the Church, because his theology is based on something like the idealist dialectics of an abstract individual that is never considered when dialoguing, communicating and interacting with other individuals in the public sphere. There is no theology of a communion of freedom and equal rights.

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I want to describe this inability of at least two Christian individuals in the public sphere to conceive a theology of speech-acts as the realization of dignity. I take a look at some concepts of Rahner's "Foundations of Christian Faith" (Rahner 1984) that cannot hide their philosophical closeness to the first chapters of the "Phenomenology of the Spirit" of Georg Wilhelm Friedrich Hegel (Hegel 1927). Rahner encounters liberty and freedom not in the form of a social choice that realizes the dignity of a person, but describes freedom also as transcendence, as prime feature of mental activity. The person rises in her self-interpretation above and beyond herself by acknowledging the never-ending dialectics of response and new answers as a never-ending and never adequately answerable experience as spirit, as the subject of transcendence (*ibid.* 43). The person also acknowledges the transcendence of her freedom not only as self-consciousness of knowing about oneself as spirit, but also as self-consciousness concerning the dialectics of having acted in a certain way and of being the agency of responsibly acting in general (*ibid.* 47). Transcendence and transcendental freedom never are adequately reflected as objects by reason, because this form of concrete realizations of freedom by objectivities cannot reach the foundations of transcendence and freedom as the silent infinite horizon of reality (*ibid.* 48). In 1979, namely three years after publication of the "Foundations of Christian Faith," Hans Georg Gadamer (Gadamer, Habermas, 1979) frees the dialectics of questions and answers from the self-isolation of the self-consciousness of the individual and develops the unity of dialogue and dialectics (*ibid.* 52). The dialogue of individuals constructs with the help of a hermeneutics of questions and answers a community of communicative agencies that gives the individuals a chance to become subjects of history (*ibid.*). Rahner's theology never joins this discourse on a community of persons with equal dignity, freedom and rights.

Chapter 3 of *Dei Verbum* is entitled Sacred Scripture, its inspiration and divine interpretation. Number 11 claims with the Dogmatic Constitution on the Catholic Faith, *Dei Filius* of the First Vatican Council that the Scripture is "sacred and canonical, because written under the inspiration of the Holy Spirit, they have God as their author and have been handed on as such to the Church herself." For the validity of this claim "mother Church" relies "on the belief of the Apostles (see John 20:31; 2 Tim 3:16; 2 Pet 1:19-20; 3:15-16)". We carefully read and study these verses by John the Evangelist and the second letters by Timothy and Peter and find that they do not speak of Go'd as the author of the Sacred Scriptures:

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John actually claims that the Sacred Scripture has been written, in order that I may believe as we read in John 20:31: "These are recorded so that you may believe that Jesus is the Christ, the Son of God, and that believing this you may have life through his name" (The New Jerusalem Bible). *Dei Verbum* claims something very different, namely that the Sacred Scriptures are inspired by the Holy Spirit and that Go'd is their author.

The second letter by *Timothy* claims in 3:16 that all Scripture is inspired by Go'd: "All Scripture is inspired by God and useful for refuting error, for guiding people's lives and teaching them to be upright" (*ibid.*). And also the second letter of Peter 1:20 is very careful on the matter of inspiration and there is no word that Go'd was an author: "At the same time, we must recognize that the interpretation of scriptural prophecy is never a matter for the individual" (*ibid.*). It is interesting and probably just a copying error that the official Latin text of *Dei Verbum* also refers to the following verse that is Peter 1:21: "For no prophecy ever came from human initiative. When people spoke for God it was the Holy Spirit that moved them" (*ibid.*). The youngest text of the New Testament is very clear on the fact that interpretation of the Scripture is a matter of the community of the believers in Jesus Christ. The second chapter of the second letter from Peter continues to say that the criterion for a true prophet is Jesus Christ and that a false prophet is one who does not believe in Jesus Christ as Go'd's revelation. The description of the term inspiration inevitably leads again to the necessary affirmation of the ecclesiological function of revelation. It is still true that *Dei Verbum* no longer mentions this function, as was affirmed in *Lumen Gentium*.

I want to express my special thanks for verse 15a in 2 Peter 3, because it tells us that Go'd wants our salvation: "Think of our Lord's patience as your opportunity to be saved" (*ibid.*). It is allowed to pause a moment to reflect on the almost one hundred years that passed between Vatican I and Vatican II as an example of this history of Go'd's patience with the Christians that the second letter from Peter announces. Vatican I spoke in a positivist and jurisdictional way about what we can perceive with our senses, namely Go'd's communication with individuals. The word of Go'd, revelation, is accessible only in connection with individuals, be they prophets, Apostles, evangelists or women, men and queer being moved by the Holy Spirit and forming the community of believers consenting in faith, staying firm in faith and loyally faithful. The fathers who wrote the text of *Dei Verbum*, namely on revelation, the word of Go'd, were excellent

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theologians and some were exegetes and biblical scientists. Yet they did not comment on the way Vatican I used the Bible or how in 1964 they differed from that kind of “scriptural proof.” Writing a conciliar text in 1964 still requires wisdom and all gifts of the Holy Spirit in order to create consensus among the bishops.

Number 11 of *Dei Verbum* continues to claim three affirmations concerning inspiration and three references for their legitimation: “In composing the sacred books, God chose men and while employed by Him” is the first claim and the reference is to Pius XII and his encyclical *Divino Afflante Spiritu*. The second claim is that “they made use of their powers and abilities, so that with Him acting in them and through them.” The references for the claim that Go’d acted “in” the chosen men who composed the sacred books are Hebrew 1:1 and 4:7. The references that Go’d speaks “through” man are 2 Samuel 23:2 and Mathew 1:22; the Dogmatic Constitution on the Catholic Faith *Dei Filius* of the First Vatican Council uses “in” and “through.” Still, there is no word of Go’d as the author of the Scripture in number 11 of *Dei Verbum*, but there is a clear affirmation of the powers and abilities of the chosen men who composed the sacred books. Finally, they are called “true authors.” The third claim repeats with Leo XIII and his encyclical *Providentissimus Deus* that “they, as true authors, consigned to writing everything and only those things which He wanted.” We find ourselves in front of another diplomatic balancing in the redaction of the text: There is a reference to *Providentissimus Deus*, but the claim that Go’d is the “principal author” of the Scripture is no longer made (Hoping 2005, 767). It is true that this first paragraph of number 11 of *Dei Verbum* speaks of the use of “the powers and abilities” of the men who were “employed” by Go’d to write “only those things which He wanted.” There is no longer any mention of these men as “instruments” or “secretaries” as we find in the encyclicals *Providentissimus Deus* from 1893 and *Spiritus Paraclitus* from 1920 (*ibid.* 766). *Dei Verbum* no longer teaches – as the two mentioned encyclicals did, writes Hoping – that the Scripture is “absolute without any error” (*ibid.* 768).

The second paragraph of *Dei Verbum* number 11 enables us to admit that errors concerning the historic truth occur in the Sacred Scripture. The inspiration of the whole Sacred Scripture does not exclude these errors of history or concerning knowledge of the natural sciences, as Cardinal König had affirmed in the fall of 1964; Divine inspiration does not consist of dictating sentences (*ibid.*). The end of the truth of the Sacred Scripture concerns salvation (*ibid.* 770) and again we find the citation from 2

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Timothy 3:16 and 17. It is in this scriptural context that we have to understand the Council's claim to teach faith "faithfully and without error" (*Dei Verbum* number 11). The expression "for the sake of salvation" (Latin: *nostra salutis causa*) ends the endless quarrels about Philip's suggestion to speak to the First Vatican Council about the "salutary truth" of the Gospel, Bea's consent and later dissent, and the final consensus of all and the pope on Philip's compromise wording that speaks of a truth "for the sake of salvation" (Schelkens 2006, 153).

Dei Verbum number 12 establishes the rules for biblical hermeneutics as they were accepted in 1965. In "City of God" Saint Augustine asserted that "God speaks in Sacred Scripture through men in human fashion," as *Dei Verbum* recalls. *Dei Verbum* abandons speaking of a literal sense and a spiritual sense of the Scripture. We "should carefully investigate what meaning the sacred writers really intended", that is what they wanted to communicate and did communicate, because it is "by means of their words" that Go'd wanted to manifest what He "wanted to communicate to us."

The second paragraph of number 12 of *Dei Verbum* teaches how to come to understand the sense the authors (Latin: *sensus auctoris*) of the Bible intended. Interpretation must pay attention to the literary genders and forms as well as to the circumstance of the edition of the text. Hoping observes that *Dei Verbum* follows Hermann Gunkel's term *Sitz im Leben* as it was extended by the contemporary sciences of the Bible from the literary genders to the whole cultural context of the texts (Hoping 2005, 773).

"The unity of the whole Scripture" and "the living tradition of the whole Church" must be taken into account by the exegetes. The final word on interpreting the Scripture is commissioned to the Church, that is her "ministry of guarding and interpreting the word of Go'd (First Vatican Council, On Revelation)". *Dei Verbum* does not discuss the problems of the history of Bible interpretation and its consequences for the teaching and life of the Church (*ibid.* 774).

The third chapter of *Dei Verbum* ends with a citation from a Homily by Saint John Chrysostom in number 13. Chrysostom repeatedly pointed to the Sacred Scriptures, where there is shown the "condescension" of eternal wisdom, that is nothing less than of Go'd. The New Testament uses the term *kenosis* to express this condescension of Go'd in Jesus Christ as the hymn in Phillipian 2:6-11 praises in order that every

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woman, man and queer “set their mind in Jesus Christ” (Philippians 2:5) (*ibid.* 775). The Easter Morning Exsultet also speaks of this “condescension” (Latin: *dignatio*) (*ibid.*). The last sentence of *Dei Verbum* number 13 presents a credible example of a so-called analogy of faith, the Sacred Scripture is *kenosis* of Go’d as is Jesus Christ. “For the words of God, expressed in human language, have been made like human discourse, just as the word of the eternal Father, when He took to himself the flesh of human weakness, was in every way made like men.”

Chapter IV of *Dei Verbum* concerns the Old Testament. Saint Paul is rediscovered for asserting a theology of the Old Testament that was “written under divine inspiration” and remains “permanently valuable” (*Dei Verbum* number 14). “For all that was written for our instruction, so that by steadfastness and the encouragement of the Scriptures we might have hope (Romans 15:4)” (*ibid.*). Go’d’s “plan of salvation” (Latin: *oeconomia salutis*) is found in both Testaments.

Dei Verbum number 15 affirms that the Scriptures of the Old Testament “show us true divine pedagogy” (Latin: *paedagogia divina*). It is very important to observe with Hoping that *Dei Verbum* uses the present tense when speaking of the revealing Old Testament (*ibid.* 780). In the second half of the third century, Origen of Alexandria and the fathers used the term “divine pedagogy” (*ibid.*). *Dei Verbum* itself refers to Pius XI and his Encyclical *Mit brennender Sorge* (With deep concern) from March 14, 1937, that was directed against Nazism. Pius XI first defended his negotiations for a concordat with the German Reich as an effort to ensure peace, and then affirmed with resignation that the Nazis led “a war of extermination” (Pius XI 1937). This encyclical was written in German, and the official English translation speaks of “divine tutorship of salvation,” “of the luminous splendor of the divine light revealing the saving plan which finally triumphs over every fault and sin” that we find in the Old Testament, whose books “are exclusively the word of God, and constitute a substantial part of his revelation.” The pope denounced and protested the crimes against humanity and especially against the Jews. I am not able to judge the righteousness of Pope Pius XI. Nevertheless, I want to claim that the Catholic Church was not able to prevent the Nazis from undertaking to exterminate the Jewish and other populations. In my eyes this signals the fact that the Catholics in Germany and Austria did not fight, that is they did not have the power, Spirit or courage to fight.

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Number 16 of *Dei Verbum* acknowledges the unity of the Two Testaments with the anti-gnostic and anti-Manichean wording that this unity is founded by Go'd and cites the classical wording of Augustine: "God, the inspirer and author of both Testaments, wisely arranged that the New Testament be hidden in the Old and the Old be made manifest in the New" (Hoping 2005, 781). Well, originally Augustine speaks of the two economies of salvation, not of the Two Testaments (*ibid.*). The Church Fathers interpreted the Two Testaments, and the work of theologians until far into the Middle Ages consisted primarily of writing commentaries on the Bible (*ibid.* 782). How do we see the relationship between the New and the Old Testament? Is this an egalitarian relationship? Is there perfection and imperfection, hidden and open, announced and realized, beginning and ending, imperfection and perfection? I turn again to Saint Paul's picture of the whole tree of Jews and Christians to demonstrate that questions of this kind really miss the point of Paul's theology.

Chapter V of *Dei Verbum* concerns the New Testament. Nevertheless, this most important paragraph 17:1 of *Dei Verbum* starts by speaking about the word of Go'd, the logos of Go'd, as "the power of God." *Dei Verbum* number 17 starts with the sentence:

"The word of God, which is the power of God for the salvation of all who believe (see Romans 1:16), is set forth and shows its power in a most excellent way in the writings of the New Testament."

Speaking as a Catholic Christian of power, it is important to realize that power is first of all held by Go'd. The reference is to Romans 1:16: "For I see no reason to be ashamed of the Gospel; it is God's power for the salvation of everyone who has faith, Jews first, but Greek as well" (The New Jerusalem Bible). There is no doubt that the term "word of God" in this first sentence of *Dei Verbum* 17:1, refers to the Old and the New Testament, to Jews and Greeks. The second sentence of *Dei Verbum* 7:1 professes the Christians' faith that Jesus Christ is the "word of God."

"The Word was made flesh and dwelt among us in His fullness of grace and truth (see John 1:14)".

The reference to John 1:14 again affirms Christians' belief in Go'd's initiative. The logos of Go'd is a power, a might, a strength, a force, that is His capability to operate salvation by believing. Hoping wished that the Council had also cited the following verse,

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Romans 1:17, that proclaims that “the Word of God” justifies the believer (Hoping 2005, 782).

In Romans 1:17 Saint Paul claims on behalf of the Gospel: “for in it is revealed the saving justice of God: a justice based on faith and addressed to faith. As it says in scripture: Anyone who is upright through faith will live” (The New Jerusalem Bible). “Anyone who is upright through faith will live” is a citation from *Habakkuk* 2:4. The Septuagint translation of the Greek *pistis* is faith. The Hebrew Bible translates *aemunah* as *firmness, fidelity*. Once again, we see that Abraham is the father of all believers in Go’d.

The connection between the word of Go’d and justification is of ecumenical importance. Personally, I am pleased that at this most important point of assessing the Christian faith in the word of Go’d in *Dei Verbum* there is no use of juridical terms. The term “justification” is central to the Reform of Luther and *Dei Verbum* shows the way to a common understanding of justification by Protestants and Catholics. The term “salvation” constitutes a more holistic concept of Go’d’s plan and I prefer to try to say what I mean by the term “salvation.” The use of the term justification leads straight away to the Council of Trent that expresses Christian belief in juridical terms like grace, apostolic succession, social institution of the Church as a perfect society and so on. In my prayer the ecumenical effort signifies the common way of Protestants and Catholics that is the common way of Christians receiving the word of Go’d today and trying to contribute to realizing the community of Go’d on this earth.

With Abraham all women, men and queer are called to believe in Go’d. With Peter all women, men and queer are called to believe in Jesus Christ. *Dei Verbum* 7, 1 cites John 6:68. Again, we modestly have to learn from the Jews that it is important to identify Abraham as the speaker of the first speech-act of belief in Go’d. The Jews remember Abraham with veneration. We Christians are invited to venerate Simon Peter, who in John 6:68 asks “Lord, to whom shall we go? You have words of eternal life.”

I hold it to be very important to cite the claims taken from Scripture in a way that the speakers of the claims are identified. When Peter speaks, we should say so. When Saint Paul speaks, we should also be say so.

Dei Verbum 7, 2 concludes that the task of the “holy Apostles and prophets in the Holy Spirit (see Ephesian 3:4-6)” consists of preaching the Gospel, “stir up faith in Jesus,

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Christ and Lord, and gather together the Church” (Latin: *ecclesia*, i.e. the community of the called).

We have to read this document *Dei Verbum* together with the document *Nostra Aetate* that rightly claims that Go'd's ways are a mystery to women, men and queer. Why should the mystery in Christ (Eph 3:4) be clearer than the mystery in Go'd? We do not understand Go'd very well and we do not understand Christ very well. Otherwise, there would be more peace, love and hope on this earth. On the other hand, I want to testify to the love and peace my body receives when meditating on Scripture in these past weeks, for example, the Gospel of Luke. When experiencing these meditations of happiness and well-being what I want to do is to give thanks. We experience that believing and loving and hoping are states of existence that are very precious and not the first and lasting experience of our daily life. On the contrary, the fragility of our body, of our integrity and of our beliefs, is often the predominant experience of women, men and queer. We learned to acknowledge that women, men and queer wrote the Gospel with the help of the Holy Spirit. Well, when we speak or write about the Gospel and our experiences with the Holy Spirit, we also speak and write as fragile, mortal existences working for our integrity. Any pretension for a point of view outside our body is violence to oneself and others.

Dei Verbum number 18, 1 claims “a special preeminence” for the four Gospels in the New Testament and Hoping points out the fact that the Christians recognize this preeminence, for example, in liturgy by solemnly celebrating the proclamation of the Gospels.

Number 18, 2 confirms that the four Gospels “are of apostolic origin.” It is important to observe with Hoping that until Justin Martyr, that is until the second half of the second century, the term “Gospel” (Greek: *euangelion*, English: the good message) was understood as the announcement of the good message by Jesus Christ and not as a literary genre (Hoping 2005, 784).

Number 19 of *Dei Verbum* discusses the historic foundation of the Church and touches again on the conflicting views concerning the relationship between tradition and Scripture still presented in the two last sessions of the Theological Commission on Revelation on Saturday, October 9 and Monday, October 11, 1965 (Theobald 2001, 324). Already in the first sentence of *Dei Verbum* number 19 the Church again affirms

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the historicity of the four Gospels. By citing Act 1:1-2 it was possible to avoid speaking of the resurrection as a fact of history and to affirm the resurrection as a fact of faith (*ibid.*). *Dei Verbum* thereby preserved a plurality of interpretations of the “empty grave.”

“The sacred authors wrote the four Gospels, selecting some things from the many which had been handed on by word of mouth or in writing, reducing some of them to a synthesis, explaining some things in view of the situation of their churches and preserving the form of proclamation, but always in such fashion that they told us the honest truth about Jesus (see the instruction “Holy Mother Church” edited by the Pontifical Biblical Commission 1964, 715).”

Tromp, Salaveri and Rahner agreed that the text of number 19 of Chapter 5 respects the distinction between faith and the truth of reason of the “sacred authors” of the Gospel, who selected facts but stayed loyal to the truth of faith in Jesus Christ (*ibid.*). The Gospels are historic testimonies of faith that transmit what Jesus “really did and taught for eternal salvation” (Hoping 2005, 785). Finally, the end of number 19 cites Luke 1:2-4. These verses present the most elaborate Greek sentences of the four Gospels.

Dei Verbum number 20, 1 affirms “the New Testament also contains the letters of Saint Paul and other apostolic writings, composed under the inspiration of the Holy Spirit.” These apostolic writings tell of Jesus Christ and “the story is told of the beginnings of the Church and its marvelous growth” without making any further use of the term “institution of the Church” as the text still suggested in 1964 (*ibid.* 789). The new Testament also “foretold” the “glorious fulfillment” of the Church. *Dei Verbum* number 20, 2 legitimizes the claim of the “glorious fulfillment” of the Church by the fact that “the Lord Jesus was with His Apostles as He had promised (see Mathew 28:20).” This promise might be legitimately interpreted as “glorious fulfillment” if we take seriously the promise made by Jesus: “I am with you always; yes, to the end (completion) of time” (Mathew 28:20) as the announcement of this fulfillment (Hoping 2005, 790).

Chapter VI of *Dei Verbum* deals with Sacred Scripture in the life of the Church. *Dei Verbum* number 21 starts by seeing the Sacred Scriptures together with the Body of Christ, that is the Eucharist. The Church “unceasingly receives and offers to the faithful the bread of life from the table both of God’s word and of Christ’s body.” This affirmation is of prime ecumenical importance, because for Luther the word, the speech-act is

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essential in the Eucharistic transformation of the bread into the substance of the Lord that is the community's communion. Cardinal Volk prepared at the Secretariat for the Unity of Christians this part of the document on the Sacred Scripture in the life of the Church (*ibid.* 792). He referred to the picture of the twofold "bread of life," one from the table of the word and the table of the Body of Christ, as Hieronymus, Augustine and other Church Fathers had expressed, but above all to the *Imitatio Christi*, a book of immense spiritual influence and incredible dissemination that is attributed to John from Kempen. It is good to tell the Christian preachers "all the preaching of the Church must be nourished and regulated by Sacred Scripture." Oscar Cullmann's positive commentary on *Dei Verbum* 21 is welcome for its realization of ecumenism (*ibid.* 795). Cullmann receives with satisfaction the sentence of number 21: "For in the sacred books, the Father who is in heaven meets His children with great love and speaks with them..." Hoping again points out the positive fact that this sentence is a confirmation of the concept of auto-communication of Go'd that describes revelation in *Dei Verbum* (*ibid.*). I accept this analysis and judgment as the point of departure for a theology of reading, meditating and praying the Bible. This theology is important because "the force and power in the word of God" are affirmed "as the support and energy of the Church" in the continuation of the above sentence of *Dei Verbum* 21.

"Easy access to Sacred Scripture should be provided for all the Christian faithful" is the first sentence of *Dei Verbum* 22. The Council confirms the Church's acceptance of the Septuagint since the beginning and of other Eastern translations as of the so-called vulgate, the Latin translation. "Suitable and correct translations are made into different languages" and the Church supports ecumenical efforts to translate the original texts of the Bible, that is the *Biblia Hebraica* and the *Novum Testamentum Graece* (*ibid.* 795). The biblical original text is the text that is common to all Christian Churches. For ecumenism this is of fundamental importance (*ibid.*). Go'd also speaks in the authorized translations of the two testaments, says the Catholic Church (*ibid.*).

The Church owes her existence to the word of Go'd. Therefore, the Church is called "the bride of the incarnate Word" (*ibid.* 797). Hoping says it is not the faithful women, men and queer of the Church, who are meant at this point of *Dei Verbum* 23, where there is no reason for enthusiasm about a theology of the lay Christians. The Church at this point must be identified with the hierarchy of the Church, and Hoping proves his analysis right by citing the hierarchy, the Church "feeds her sons with the divine words"

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(*ibid.* 797). The Church “also encourages the study of the holy Fathers of both East and West and of sacred liturgies” affirms *Dei Verbum* 23. “Catholic exegetes then and other students of sacred theology” should “provide the nourishment of the Scripture for the People of God.” All this should happen “under the watchful care of the sacred teaching office of the Church,” that is that the exegetes have to pay attention to the interpretation of the Sacred Scripture of the *Magisterium* of the Church (*ibid.*).

The first sentence of *Dei Verbum* 24 affirms that “Sacred theology rests on the written word of God.” The Sacred Scriptures “are inspired, really are the word of God” and the study of the Sacred Scriptures “is the soul of sacred theology.” This means for theology that it has to start with the testimony of the word of God (*ibid.* 800). Catholic dogmatic theology because of this point of *Dei Verbum* has to change its traditional methodic paradigm of first considering Church doctrine (Latin: *doctrina ecclesiae*) and then looking at the Scriptures to find a verse that defends the claims of tradition and speculation (*ibid.*). It is clear that Church doctrine, theology and tradition are not inspired. “By the same word of Scripture the ministry of the word also, that is pastoral preaching, catechetics and all Christian instruction,” above all “the liturgical homily,” is nourished and flourished.

Dei Verbum number 25, 1 first addresses the clerics and exhorts them to a “sacred reading and careful study” of the Sacred Scriptures. The deacons and catechists are also “legitimately active in the ministry of the word.” “All Christian faithful” are urged to “learn by frequent reading of the divine Scripture.” There is the “sacred liturgy,” where the faithful get to the sacred text itself and then there is their “devout reading” in private and the study of the sacred text. The “suitable institutions” that are capable of helping the faithful read the Bible and other aids or helps are put under “the approval and active support of the shepherds of the Church.” It is also good that the Council claims at the end of *Dei Verbum* 25, 1: “Let them remember that prayer should accompany the reading of Sacred Scripture, so that God and man may talk together” (Latin: *ut fiat colloquium inter Deum et hominem*). *Dei Verbum* in 25, 1 centers on Christian Spirituality in prayer, the Bible and the sacred liturgy (*ibid.* 802).

Dei Verbum 25, 2 calls for the “sacred bishops,” who with Irenaeus of Lyon “have the apostolic teaching” to supervise all reading, interpreting and instruction of the lay women, men and queer reading the Bible. These women, men and queer are not treated as equal Christians, responsible persons living with the Holy Spirit. They are

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considered “children” and the Church is the hierarchy that has to guide, instruct and control them. *Dei Verbum* 25, 2 actually claims that the bishops empower the lay “to be penetrated with” the spirit of the Sacred Scriptures. It is not stated that the Holy Spirit penetrates all Christians and helps them understand the Sacred Scriptures. My view on these paternalistic norms of *Dei Verbum* 25, 2 concerning the proper life with the Sacred Scriptures by the lay and all the other provisions of the hierarchy to control the life of the Church seems to represent a minority position. Together with his generation of German-speaking theologians, Hoping praises *Dei Verbum* 25, 2 as the end of the monopoly of the Church’s hierarchy concerning the Bible (*ibid.* 803). It is true that in the 50 years that followed the Second Vatican Council Christian expert exegetes invested their professional life energies in the production of precious translations of the Bible in vernacular languages. These translations immensely help the lay women, men and queer come into contact with the word of Go’d in the Bible. The New Jerusalem Bible of 1985 brought the much-needed education for understanding the Second Testament on the basis of the First Testament. This education was important for a new relationship of respect and understanding among Christians and Jews. The *Einheitsübersetzung* and the *Traduction œcuménique de la Bible* were very important for realizing the ecumenical claims of *Dei Verbum*. An important claim of the Gospel itself, namely the call to all of mankind, that is women, men and queer, to take part in the table of the word of Go’d, led to translations of the Bible that were conscious of gender equality and gender-sensitive language. The *Bibel in gerechter Sprache* (2007) is an example of these discrimination-fighting efforts of women and men exegetes that produced wonderful translations that lyrically transmit the poetic pictures of the original text. This German translation was not accepted by the German-speaking Catholic episcopal conferences, because the bishops are not yet open to the dignity aspects of gender or to a second look at the original text for identifying discriminating official translations. In 2018 it is sad to say that we have to document that not only the Catholic hierarchy is blind to the message of the New Testament that does not know gender discrimination. There is, for example, the renowned scholar Bruce M. Metzger. He is author on behalf of and in cooperation with the Editorial Committee of the United Bible Societies’ Greek New Testament (Metzger 1994). In this Textual Commentary on the Greek New Testament, Metzger against all textual evidence in Romans 16:7 and hundreds of inscriptions conscientiously continues to replace the female Apostle Junia with the male Apostle Junias. Some

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members of the Committee considered “it unlikely that a woman would be among those styled apostles” (Metzger 1994, 475).

Dei Verbum 25, 3 is important because it prepares the possibility conditions for women, men and queer, Christians or non-Christians, to come into contact and live with the Bible: “Editions of the Sacred Scriptures, provided with suitable footnotes, should also be prepared for the use of non-Christians and adapted to their situation.” This effort serves the end that “the word of God may spread rapidly and be glorified (2 Thessalonians 3:1)” and “fill the hearts” of all women, men and queer of the world. Thus starts *Dei Verbum* 26 starts and thereby confirms “that by hearing the message of salvation the whole world may believe, by believing it may hope, and by hoping it may love (*Dei Verbum*, number 1).

Dei Verbum 26 concludes with the hope that the life of the Church may be strengthened by celebrating more often the Eucharistic mystery and the life of the Spirit may be strengthened by “a growing reverence for the word of God.”

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