

Stephan P. Leher

Trilogy III

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

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Human Rights and the Roman Catholic
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Institut für Systematische Theologie, Universität Innsbruck

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Introduction

The first chapter reads, studies and meditates on healing stories in the Gospel. Jesus was healing the sickness and the distressing calamity of afflictions. He was restoring the physical, psychic, social and spiritual integrity of the women, men and queer who asked him to heal their sufferings and pain. Meditating on Jesus healing the many sick and suffering comforts and brings peace. Jesus interacts with so many people, he cares for so many women, men and queer and cures them. (Rather than the letters LGBTQI as an acronym, I shall use the expression “queer” to include all non-heterosexual and gender variant people on the grounds of their non-normativity).

The second chapter reads, studies and meditates on the *Letter to the Hebrews* with the help of Albert Vanhoye (1988) as testimony to the egalitarian celebration of the faith in the first Christian communities. In the beginning there was no discrimination of women, men and queer in the Church. At the beginning of modernity, Fray Bartolomé de las Casas (1493-1566) is the example of a Catholic Christian who again takes the Gospel seriously. By analyzing his social choices and the social, political and religious structures of his colonial Umwelt in the light of the Bible, he turned away from oppressing and started defending the Indians. He was not a saint, but he contributed his part according to his possibilities to restore the dignity and freedom of the Indians. In 2020 CE, the Roman Catholic Church understands itself as society and as community that constitute two institutions distinct from one another (Onclin 1967, 733). All documents of the Second Vatican Council mirror this fundamental distinction of *Canon Law*. The Church as “the people of God”, as “the messianic people” is “established as a communion of life, charity and truth” (*Lumen Gentium* 9) and the Roman Catholic Church is at the same time a society “under the direction of the sovereign pontiff and the bishops” (Onclin 1967, 733).

The third chapter starts with preliminary remarks on the historic evolution of the Second Vatican Council and the sociological analysis of the state of the Roman Catholic Church 50 years after the Council. We learn from the European Values Studyⁱ that since the 1970ies, in Europe and in North America the religious institution Roman Catholic Church is not any more an unquestioned authority for guiding the lives of the Catholic women, men and queer. Religion has gotten personalized and the individual realizes freedom, dignity and the right to responsible social choices. In 2020 CE, there

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is a huge gap between the Catholic Church's hierarchy and the believers, Catholic women, men and queer. Nevertheless, the Second Vatican Council was intended by Pope John XXIII as a council for reform. The personality and intentions of Pope John XXIII are described within the horizon of his time and its challenges for the Roman Catholic Church and the world.

One big concern for reform of the Second Vatican Council was the liturgy. I describe the history of the development of the scheme on the liturgy, the later *Constitution on the Sacred Liturgy Sacrosanctum Concilium*. The scheme on liturgy remained the only scheme that had been prepared by the preparatory commission of the Second Vatican Council and also found the consensus of the bishops in the aula of the Council. Latin and the use of the vulgar languages were at the center of this reform. I comment the introduction and the following seven chapters of *Sacrosanctum Concilium*.

All documents of the Second Vatican Council call for the active participation of the laity in the life of the Roman Catholic Church and *Sacrosanctum Concilium* calls for the active participation of the Catholic lay women and men in the liturgy. Since the assessment of the hierarchical order of the Roman Catholic Church regularly follows the call for active participation, it is no wonder that Catholic lay women, men and queer protest this structural discrimination. Another obstacle to liturgical reform is the denial of the Roman Congregation for the Sacred Rites for liturgical adaption to the cultures of this world and the creation of new prayers, songs, symbols, and rituals.

The fourth chapter describes the development of the Dogmatic Constitution on the Church *Lumen Gentium* and comments on the eight chapters of the text. *Lumen Gentium* is the result of the main effort of the Second Vatican Council of describing the Roman Catholic Church. For the first time in the history of the Roman Catholic Church the laity is assessed as a fundamental element. The faithful gather in the Holy Spirit (*Lumen Gentium* 1), celebrating the Paschal mystery, the faithful become "communion" and "people of God", and they constitute the Church as "the messianic people" (*Lumen Gentium* 9). *Lumen Gentium* 26 describes the Church as "all legitimate congregations of the faithful" who "are gathered together by the preaching of the Gospel of Christ" and who celebrate "the mystery of the Lord's Supper". Pope Paul VI and a conservative minority at the Council do not want to give away the absolute power of the pope and block all efforts for an episcopal college that governs with the pope. *Lumen Gentium* insists that the bishops govern the Church under the supreme pontiff. I describe further

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contradictions in the text of *Lumen Gentium* that mirror the conflicts in the aula of St. Peter and the Vatican. The common vocation to sanctity all lay and clergy and monks is consented, but the sense of faith of all does not get linked with the lay but remains linked to the term community. The hierarchy governs this community. The community is again under the power of the hierarchy. This contradicts the vocation to sanctify all.

Chapter five describes the development of the texts on religious liberty *Dignitatis Humanae*, on ecumenism *Unitatis Redintegratio* and on Catholic Oriental Churches *Orientalium Ecclesiarum* and comments the texts. With *Dignitatis Humanae*, the Second Vatican Council finally consented on religious liberty. I describe how the American Constitution was accepted by Paul VI as a model for the affirmation of religious liberty. *Unitatis Redintegratio* finally acknowledges the existence of a plurality of Christian Churches and started a respectful dialogue with the Churches of the Reform. No difference in faith emerged as obstacle for unity with the Roman Catholic Church in the celebration of the Eucharist but the insistence of the Roman Catholic Church on the recognition of the pope as visible sign of the unity of the Church of Christ. The Catholic Oriental Churches received some recognition of their tradition as Churches, although their real dependency on Rome did not change.

Chapter six describes the development of the *Pastoral Constitution on the Church in the Modern World Gaudium et Spes* and comments on the text. *Gaudium et Spes* opens the view of the Roman Catholic Church to the cultures and societies of the modern world. The discussions on ecumenism, on religious liberty and on the relationship with the Jews had opened the attention of the Council to the world. The competence and authority of the Church concerning concrete problems of the individual consciences of the faithful had to be discussed. *Gaudium et Spes* recognizes the legitimate interests for the respect of the autonomy of worldly affairs and the legitimate apostolic effort of the Church. The Council analyzes cultural, social and economic aspects of the modern world and tries to understand what is going on in modern society. I describe the conflicting views of the Council Fathers on how to deal with the modern world. Some insisted on a dialogue with the world, others concentrated on the teachings of the Church for the world. I describe the interest of the liberation theologians in *Gaudium et Spes*. They were inspired by the call to solidarity of the Church with “those who are poor or in any way afflicted” (*Gaudium et Spes* 1) and developed the principle of the preferential option of the Church for the poor.

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The first part of *Gaudium et Spes* speaks of the dialogue with the modern world in a general way. The second part turns to some concrete and more urgent problems such as the family, marriage, education, sexuality, freedom of speech, development of culture, economic and social life in a globalized world, private property, rule of the law, government of the nation states and their peaceful cooperation. At the beginning of the second part of *Gaudium et Spes* the Council Fathers insist on the dignity of the human person as the central theme of the text. I am analyzing that the Second Vatican Council does not use the concept dignity in the same way as the Universal Declaration of Human Rights (UDHR). This observation is important, because Pope John XXIII had indeed affirmed that in the UDHR “in most solemn form, the dignity of a human person is acknowledged to all human beings” (John XXIII 1963, *Pacem in Terris* 144). I describe the use of the term dignity in the second part of *Gaudium et Spes* and compare this use of the term dignity in *Gaudium et Spes* with the use and understanding of the term dignity in the UDHR.

Chapter seven describes the development of the Decree on the mission activity of the Church *Ad Gentes* and comments on the text. Half of chapter seven is occupied with reflections on COVID-19, the state of the pandemic in April 2020 that is during the shutdown in Austria, and on the important role of the United Nations and the World Health Organization for coping with the pandemic. The COVID-19 pandemic constitutes the context for any mission activity of the Roman Catholic Church in 2020 CE. *Ad Gentes* tries to end the 500-year-old junction of European colonialism with the Roman Catholic Church. The *Congregation for the Evangelization of Peoples* takes charge of the mission activity of the Church. Autonomous local dioceses with a local bishop and clergy end the dependency of the Catholics living in the former colonies from Roman authorities for the missions. The analysis shows that *Ad Gentes* appreciates the role of the laity and *Ad Gentes* 15, 6 encourages the laity to announce Christ to the “non-Christian fellow citizens”. *Ad Gentes* 15, 7 restricts the mission activity of the Catholic laity again and puts her under the authority of the hierarchy and the clergy.

Chapter eight deals with the Decree on the Media of social communication *Inter Mirifica*. We describe that from the official inauguration of Vatican Radio by Pope Pius XI in 1931 until 2020 CE the Roman Catholic Church paid careful attention to the use of the modern media of social communication to present the popes and their teachings

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to the world. *Inter Mirifica* does not take up the theological innovations of the Second Vatican Council in ecclesiology, ecumenism, biblical exegesis, liturgy and many other reform efforts. Yet, *Inter Mirifica* understands and appreciates the new media as “new avenues of communicating most readily news, views and teachings of every sort” and identifies the importance of these media with their reach of the masses and their influence on them (*Inter Mirifica* 1).

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Notes

ⁱ <https://europeanvaluesstudy.eu/>

1. Jesus Christ healed women, men and queer.

In *Tractatus* 2.1 Wittgenstein describes an activity of consciousness of women, men and queer saying: "We make to ourselves pictures of facts." There may be conscious pictures in our consciousness that we make without words, which we make with colors, sounds, smells, figures or the like. The conscious activity of negating a picture usually needs a worded thought. When *Tractatus* 3 says: "The logical picture of the facts is the thought." *Tractatus* 4 leads consciousness to the acknowledgement: "The thought is the significant proposition." In *Tractatus* 4.003 Wittgenstein assesses the principle of the so-called linguistic turn: "All philosophy is 'Critique of language'."

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."

Significant propositions or sentences express self-examinations of consciousness. According to neuroscientists "consciousness is our brain's way of integrating information, of assembling a coherent model of the world as fed through our senses" (Scharf 2017, 115). The sentences of empirical science paint pictures of our "small rocky planet that orbits one ordinary star out of a trillion trillion stars in the observable universe" (ibid, 116). What is the use of trying to understand the phenomenon of life? What is the use of studying life, "the emergent product of the interaction of mind - numbingly large numbers of tiny, repeated, varied and recombined structures" (ibid, 117)? Why is it interesting and fascinating to learn that molecular building blocks of life "are the direct result of the physics of protons, neutrons, electrons, and electromagnetic forces", that "simply follow the fundamental rules of the universe that were locked into place some 13.8 billion years ago. Yet in concert, they can build galaxies, stars, planets, elephants, humans, birds, bugs and who-knows-what-else across the cosmos" (ibid)? In our self-study as humans, as the product of the universe, we find again the rest of the universe within ourselves (Hemenway 2008, 22). What is the use of constructing a rational picture of nature? Understanding the universe, understanding ourselves, taking profit of this understanding for improving our lives and ever wondering that the world is - we are that.

Looking at the visible universe, I wonder that it is. Looking at the sentences that I produce, at the fifty bits of consciousness per second, I wonder that I am. Trying to

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understand the universe that scientists find in the living cells on earth, I wonder that I exist and at the same time I am aware of the images, associations, memories and emotions, pleasant feelings and unpleasant that flood my mind. Calming down in meditation I experience peace and I am not frightened of being a tiny bit of consciousness. I am thankful that I do not at all feel lost in the vastness of the universe, on the contrary, I feel safe and secure that I will never feel abandoned. I try to go on living by taking this peace and calm into the interactions with my Umwelt, with my social relations only to realize the following morning that I was not able to realize at least one speech-act according to the validity-condition of my claims to validity that is realizing the dignity of the discourse partners.

Fifty bits of consciousness per second is not much knowledge, is not much understanding, and is not much power to change behaviour. I do not know how many of the 10 trillion bits per second that my body processes are necessary to produce these most precious 50 bits of consciousness. One might say that all of the body's interactions with the Umwelt and other persons and all the interactions within the body are contributing to this consciousness. There are about 70 trillion cells cooperating to make my body function, to make me exist, to make me capable of speaking about what I am aware. The brain has about 86 billion neurones at its disposition. An individual neurone may be connected to up to 10,000 other neurones, signaling to each other via as many as 1,000 trillion synaptic connections. All this is necessary to produce my consciousness, a most precious possibility condition to give my body feedback and interact with behavior. Imagining the vast observable universe of 13.8 billion light-years, I wonder how empty space is and that protons, neutrons and electrons build atoms and concentrate building molecules and eventually cells. I wonder that, compared with normal matter in intergalactic space, I would need "to scoop up at least a million times more volume to concentrate matter to the same level" as in my body" (Scharf 2017, 26). Although the atomic nuclei of the earth are the result of interstellar condensation, I wonder about the emptiness of matter: "Make a fist. Now imagine that your fist represents the size of an atomic nucleus. If it did, the entire atom would extend to about five kilometers in all directions" which means that "a typical atomic nucleus holds 99.9% of the mass of the whole atom, but only one-trillionth of its volume" (ibid, 159).

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Wondering that the world is at all, that I am, is an overwhelming experience. Experiencing peace and calm, feeling secure and calm about the picture of the end of my life, and not being troubled about myself makes me thankful and makes me express my gratitude. Usually we thank each other, women, men and queer thank each other, women, men and queer are angry at each other, they are peaceful with each other and they are violent and hurt each other. Women, men and queer also heal each other, love each other and do each other good. Doing myself good, caring and sustaining, and assuring my physical, social, psychic, economic and spiritual integrity is possible because my body has self-healing powers and my environment procures the necessary resources and possibilities.

The picture that describes all women, men and queer and the whole universe enjoying a permanent state of peace and happiness, secure and without troubles, we like to call a paradisiac state of affairs. We hope for our happiness and peace, we hope for peace and happiness in the world and universe. Experiencing happiness and peace, feeling secure and save, cared for and nurtured, is a hope, especially when we do not experience peace, justice, happiness and caring love. Since there is my experience of calm and peace and happiness, since I am able to thank for this experience, and since I am loosing again this state of secure awareness to the experiences of trouble and sufferings, I am hoping that peace and happiness will reign my life again. The expression "reign of peace and happiness" is a Biblical expression, just as the expressions "reign of heaven", or "kingdom of heaven". We could simply use the synonymous expression "paradise" for this state of peace and happiness for all women, men and queer. There are women, men and queer who hope for the reign of peace and happiness, for paradise and for heaven for all women, men and queer. There are women, men and queer who do not hope at all and there are women, men and queer who only experienced hell and continue themselves giving hell to their neighbours; others again reserve the promise of paradise for themselves and their families. A love empowering message concerning the realization of the hope of peace and happiness is narrated in the Gospels of the New Testament.

Matthew says that Jesus departed into Galilee and began to preach at a time when the prophets were killed again and John the Baptist was cast into prison (*Matthew 4, 12*). Jesus preached, "Repent, for the kingdom of Heaven is close at hand" (*Matthew 4, 17b*). *Matthew* narrates that Jesus began his ministry proclaiming that the reign of

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heavens is near, that is “the just world of Go’d” according to a translation in gender-just language (Schottroff 2007, 1840). The expression “the just world of Go’d” is a good interpretation of the terms “reign of Go’d, reign of the heavens, and kingdom of Go’d”. Luise Schottroff, the Protestant Biblical scholar and translator of *Matthew* argues her choice to translate the term “kingdom of heavens” or “kingdom of Go’d” as “Go’d’s just world” referring to the Jewish tradition of hope in Go’d. *Matthew* follows this tradition respecting the name of Go’d and not naming Go’d but rather speaking of “the heavens”. The terms “kingdom” or “reign” translate the Greek term *basileia* that is used by *Matthew, Mark and Luke* (Schottroff 2007, 2313).

With Jesus preaching that “the just world of Go’d is near”, the just world of Go’d has begun. According to the faith sentences of *Mark*, the beginning of the just world of Go’d, the beginning of the ministry of Jesus, was Go’d’s initiative, Go’d had set the time and the hour, the *kairos* and every woman, man and queer is invited to lend a helping hand realizing the just world of Go’d (*Mark* 1, 15b). This “just world of Go’d” is the hope of Jews, Christians and Muslims. Go’d’s mercy, coming, and just world is the empowering hope of Jews, Christians and Muslims who believe that the world is a creation Go’d’s justice. Believing in Jesus Christ, crucified and resurrected, justifies the Christian believers. The hope in Go’d’s mercy for the world is the hope of many believers in many cultures and religions of the universe. The hope of the coming of Go’d, the hopes of the just world of Go’d, the realization of Go’d’s just world is what Jesus preaches in the synagogues of Galilee “curing all kinds of disease and illness among the people” (*Matthew* 4, 23).

When Jesus speaks of the kingdom of Go’d and of Go’d’s reign he uses pictures that contrast worldly kings and queens. Go’d does not act unjustly, he pays according to the agreed but unexpectedly pays all workers the same, regardless of the hours they have worked (*Matthew* 20, 1–16 and 21, 28–32). Worldly kings and queens get power by violence, suppression and exploitation (*Mark* 10, 42–45). Jesus admonishes his disciples to use power differently. The power of the Messiah entering Jerusalem peacefully (*Matthew* 21, 1–11) is a gift of Go’d realizing the universal reign of Go’d’s justice and not a kingdom of the world (*John* 18, 36 and 19, 19–22). On the contrary, Paul claims that Jesus Christ will end the power of the kingdoms of the world and submit to the power of Go’d (1 *Corinthians* 15, 23–28) (Leutzsch 2007, 2337). The promise of Jesus is the realization of the just world of Go’d by Go’d. The Bible in just

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language coherently translates the terms “reign of heavens” and “kingdom of Go’d” as “the just world of Go’d” (ibid).

Matthew believes and confesses Jesus Christ as the promised Messiah, the Son of Go’d. He describes and proclaims the Gospel, the Good News (Greek: euanggelion) of the historic Jesus, the Gospel of the just world of Go’d, as we read in *Matthew* 9, 35:

“And Jesus went about all the cities and villages, teaching in their synagogues, proclaiming the good news of the just world of Go’d and curing all kinds of disease and all kinds of illness”.

Matthew 9, 35 is the inclusion of what has started in *Matthew* 4, 23:

“And Jesus went about all Galilee, teaching in their synagogues, proclaiming the good news of the just world of Go’d and curing all kinds of disease and illness among the people.”

Matthew narrates the teaching and healing of the historic Jesus; yet he is not writing a biography of the life of Jesus (Luz 2002, 245). The Gospel is the proclamation (Greek: *kerygma*) of the proclaiming (Greek: *kaeruessein*) of the historic Jesus (ibid). According to *Matthew* all proclamation of the Church must follow the proclaiming of the historic Jesus. There is no other Gospel but the words and deeds of Jesus (ibid). In *Matthew* 5–7 we hear and listen to the Messiah of the word, *Matthew* 8–9 describes the Messiah of the deed (ibid). The Sermon on the Mount (*Matthew* 5–7) presents the teaching of Jesus, his way of realizing the just world of Go’d (ibid, Exkurs) as Go’d had promised (*Matthew* 5, 3–10). The historic Jesus teaches justice for the world. “Blessed are they who hunger and thirst for justice” (*Matthew* 5, 6). This justice is realization of justice in the history of the world, because only in the world women, men and queer are persecuted for realizing and persevering to realize justice, as says *Matthew* 5, 10: “Blessed are those who are persecuted in the cause of justice: the just world of Go’d is theirs”.

In the Sermon on the Mount the historic Jesus teaches us to trust in Go’d’s mercy, to forgive sins “And forgive us our debts, as we have forgiven those who are in debt to us” (*Matthew* 6, 12) and to pray that the just world of Go’d will come (*Matthew* 6, 10). In 19, 1 *Matthew* makes Jesus depart from Galilee, going to the coast of Judea beyond the Jordan. Observing the teachings of the historic Jesus of the Sermon on the Mount

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is Matthew's last commandment of Jesus to his disciples, actually the last sentence of his Gospel, *Matthew* 28, 20:

"And teach them to observe all the commands I gave you. And look, I am with you always yes, to the end of time".

How did Jesus realize the just world of Go'd? *Matthew* writes about the historic Jesus in *Matthew* 4, 24:

"And his fame spread throughout Syria and those who were suffering from diseases and painful complaints of one kind or another, the possessed, epileptics, the paralyzed, were all brought to him, and he cured them".

Sick and suffering women, men and queer came to Jesus to find healing. They walked to him or were carried by family or friends. Jesus healed the suffering, he healed the diseases and those oppressed by tormenting pain. I imagine that these suffering women, men and queer who went to Jesus for healing had already consulted all kinds of healers and experimented with possible treatments. Nothing had been effective and the only accessible healer who promised help was Jesus. We do not know about the names of the diseases that Jesus healed according to our modern classifications of diseases. We do not even know very much about how Jesus healed. We often hear that Jesus imposed his healing hands on the suffering, that he applied a kind of paste made of dough and his saliva. We do not know the names of the diseases that Jesus healed and modern knowledge about anatomy, chemistry, physiology and the biological functioning of the body differs a lot from the understanding and practice of medicine in Antiquity. Nevertheless, we understand that suffering and pain oppress the health and well-being of a woman, man or queer. We recognize a suffering woman, man or queer and rightfully suppose that we would still recognize today the expressions of pain and suffering of a tormented woman, man and queer of Antiquity. We do not know how Jesus healed and what kind of treatment he applied. We know that he healed and apparently healed effectively, because the sick people did not stop approaching him to be healed.

We have learned the use of the expressions "pain" and "suffering". We understand most of the sentences of *Matthew* who was speaking about suffering people two thousand years ago. There are some sufferings named by *Matthew* that we understand less than others. The expression "possessed by demons" sounds strange to modern

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minds. What kind of suffering does Matthew express by speaking of being possessed with demons? What does it mean to be possessed? What is a demon? Since the people who were possessed with demons according to Matthew were suffering and had pain, “being possessed by demons” apparently describes a state of affairs that damages the biological, psychic, social and spiritual integrity of a woman, man or queer. We do not know what aspect of human health is suffering when we hear the expressions “possessed with demons”. It is important to investigate at this point the use of the expression “demon” in Greek Antiquity.

The expression demon (Greek: *daimwn*) translates in a first use as “spirit of the separated”. These demons are considered as something like a second class of inferior not so important gods, as beings in between the gods and the human world (Gemoll 1908, 181). It was common understanding in Antiquity that these demons give every new-born girl or boy or queer a personal spirit of protection at birth, a so-called *genius*. The Christians’ belief in guardian angels looks like a direct descendant from Antiquity’s belief in geniuses. A second use of the expression *daimwn* translates as deity, as god who influences the fate of the humans. This use translates as “with the help of the god” or as “it is up to the gods”, or “according to godly providence” (ibid). A third use of *daimwn* translates the expression as fate of the humans, as the destiny of the individual woman, man or queer. There is a positive destiny and a negative destiny. The positive use of fate shows for example the expression “the good old days”; the negative sense of destiny expresses ruin, corruption, depravity, perishing and death (ibid).

The New Testament uses the expression *daimwn* exclusively in the negative, bad and malign sense of a pernicious fate and even as a synonym of the term “devil” (ibid). Concerning the New Testament, we have to take notice of the fact that there are two Greek terms expressing devil. One term is *diabolos* (Hebrew: *satan*) and the other is *satanas*. In *John* 13, 2 we read:

“They were at supper and the devil (Greek: *diabolos*) had already put into the mind of Judas Iscariot son of Simon, to betray him”.

In *Luke* 22, 31 we read:

“Simon, Simon! Look, Satan (Greek: *satanas*) has got his wish to sift you all like wheat”.

The Gospels use the Greek noun *daimónion* that translates as divinity or godly being 28 times. A second use translates as godly providence, natural law, fate and destiny,

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or as the warning or admonishing by the godly voice of conscience. The New Testament uses the noun *daimónion* in the sense of bad spirit, devil or ghost (ibid).

In *Matthew* 4, 24 and 8, 16 as in *Mark* 1, 32 we find the use of the verb *daimonizomai* that translates as “to be demon possessed”. There is a huge tradition in Western culture that calls Jesus’s practice of liberating demon-possessed women, men and queer practicing “exorcism”. Reading in *Matthew* 4, 24 of the healing the sick and demon-possessed, I do not want to speak of an exorcism. It is centuries later that the term exorcism entered the rituals of the Roman Catholic Church. The context of Jesus’s healing is the suffering of sick women, men and queer, of paralytic, epileptic and sufferings that are called “possessed by demons”. The Late Greek verb *daimonaw* translates as “being stricken by calamity or disaster” (ibid). We may understand the verb *daimonizomai* in this sense. In my modern understanding, the symptoms of this calamity may very well indicate epilepsy but there are many kinds of calamities and disasters capable of violating the integrity of a person.

In any case, healing sickness or healing the distressing calamity of afflictions by demons, Jesus was healing. He was restoring the physical, psychic, social and spiritual integrity of the women, men and queer who asked him to heal their sufferings and pain. Meditating on Jesus healing the many sick and suffering comforts me, brings peace to my mind. Jesus interacts with so many people, he cares for so many women, men and queer and cures them. He is a man, a prophet, the Son of Go’d. He has so much energy and healing force, empowering power (Latin: *potestas*), he is a credible beginning of the just world of Go’d.

At the celebration of the Passover festival, the Rabbis exhort the Jewish women, men and queer persevering in their social choice for freedom and for realizing their freedom by the Exodus to dignity and justice. Jesus exhorts in *Matthew* 4, 17 his listeners to join him realizing the just world of Go’d. In *Mark* 1, 15b Jesus invites the women, men and queer who listen to turn on the way of the just world of Go’d that once Abraham, Isaac and Jacob had taken and on that his disciples now will turn following Jesus from Galilee to Capernaum up to Jerusalem.

After the end of the Sermon on the Mount, *Matthew* 8, 1 tells us that not only the Apostles but also a great multitude had assisted at the sermon: “After he had come down from the mountain large crowds followed him”. Jesus taught not only individual

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man, woman and queer, he taught the multitude, the people, all who listened to his words. When Jesus was healing, he was healing an individual man, woman or queer at a time. The healing took place as a mutual interaction. Rarely Jesus healed two persons at a time; he always healed interacting, speaking with the persons who wanted to get healed. Jesus does not heal against the will of a person. He does not heal without the demand of a person to get healed. Usually Jesus heals in the presence of many people and sometimes he addresses some words to the people surrounding the sick and himself.

In Matthew 8, 2–4 we read of the cure of a man with skin-disease (Greek: *lepros*):

“Suddenly a man with a virulent skin-disease came up and bowed low in front of him, saying, ‘Lord, if you are willing, you can cleanse me’. Jesus stretched out his hand and touched him saying, ‘I am willing. Be cleansed.’ And his skin-disease was cleansed at once. Then Jesus said to him, ‘Mind you tell no one, but go and show yourself to the priest and make the offering prescribed by Moses, as evidence to them’.”

The leper – as the man with the skin-disease is used to be called – came to Jesus and fell down before him (Greek: *proskunein*). This prostration or worship shows that Jesus has the power to heal his disease if he wants to. Jesus assesses his social choice for realizing the healing of the leper. He touched him and healed his disease. Jesus asked the healed man to go to the temple for the testimony of the healing. Next *Matthew* tells of a Roman centurion coming to Jesus (*Matthew* 8, 5–13). The centurion asks Jesus to heal his servant suffering from sickness. The centurion reveals his trust in Jesus, his confidence and belief in the healing powers of Jesus. Jesus assesses that this kind of strong faith and commitment to the reliability in his healing powers he had not encountered in Israel. The faithfulness of the centurion, his trust, Jesus’s credibility, the commitment of the centurion to save his slave, for all these predicates *Matthew* uses the same Greek verb *pistis* to express faith, trust and credibility. Jesus heals the servant, as the centurion had trusted he would do. Jesus praises the women, men and queer of the whole world who came to join the way realizing the just world of Go’d like Abraham, Isaac and Jacob had done. Those women, men and queer who did not realize their part for a just world and come up to the just world of heaven will be thrown out into darkness (*Matthew* 8, 11–12). *Matthew* uses the verb *ekballein* to speak of this separation of the women, men and queer who realized the just world of Go’d and those who did not but just wanted to enter it.

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In *Matthew* 8, 16 we find again the use of the same verb *ekballein*. This time the verb describes Jesus's activity of sending out the spirits that trouble the man that were possessed with demons and he healed all the sick who were brought to him. Literally *Matthew* writes that Jesus threw the spirits (Greek: *pneuma*) out of the possessed women, men and queer by speaking to them, that is by his word. *Matthew* uses the Greek term *pneuma* to describe what possessed the women, men and queer. *Pneuma* actually means breath, waft, whiff, or breath, soul and spirit. The expression *pneuma* in Greek is used to speak of ecstasy and ecstatic experiences, to go into ecstasies. In the positive sense this ecstasy means courage, fire or angel. Where the New Testament speaks of the Holy Ghost, the term *pneuma* is used in the most positive sense. The New Testament and classical Greek also know the negative sense of *pneuma*. This sense means being obsessed with negative influences on one's integrity (Gemoll 1908, 612).

Healing women, men and queer who suffer the violation of their physical, psychic, social and spiritual integrity with words, does not constitute anything miraculous or mythological. Healing without speaking anything is an impossibility for many therapies and medical systems of all times. *Matthew* says that Jesus healed the possessed by speaking to them with his word. There is nothing miraculous or irrational about Jesus's healing with words and restoring the integrity of possessed women, men and queer. The problems of mythology, myths and miracles, of the irrational and therefore incredible come with the translation of the expression *ekballein* as the realization of an exorcism. The use of the term exorcism by exegetes and Biblical scholars, by theologians, psychiatrists and church authorities usually associates some sort of psychopathology that is a conviction that is irrational, unreal and uncorrectable. This kind of psychopathology usually classifies as insanity, madness or mania. I do not associate the expression *ekballein* with the term exorcism at all.

Believing in Jesus Christ does not mean believing in an illusion or is a sign of madness; it is a belief. I do not believe in Jesus Christ the exorcist, who threw out, banished and exiled some perverted godly spirit or demon that possessed poor women, men and queer. I do not believe that Jesus commanded bad spirits to leave a person and to go into exile. When *Matthew* speaks of women, men and queer who are possessed with demons, I am thinking of women, men and queer whose integrity is somehow broken, dysfunctional and suffering. *Matthew* describes the activity of restoring the integrity,

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the complete physical, psychic, social and spiritual integrity of the suffering persons as the throwing out of spirits. This description of healing that is two-thousand years old should not serve contemporary readers of the Bible as justification for criminal rituals that further harm suffering women, men and queer.

In *Matthew* 8, 23–27 we read the narrative of the calming of the storm. In *Matthew* 8, 23 Jesus and his disciples entered a ship. A great shaking of a storm rose the sea, the ship got water ingress, Jesus was asleep and the disciples, fearing for their lives, awoke him saying, "Save us Lord, we are lost" (*Matthew* 8, 25b). Jesus criticizes their fear, describes them as having little faith, trust and confidence, and commands the storm to calm down. Because of this power to command the forces of nature, the old church spoke of Jesus as Go'd, Jesus is the protector Go'd of the Christian community (Luz 2007, 27) and the boat is a symbol of the church (ibid, 29). What is the literary form of this narrative *Matthew* 8, 23–27? Is this narrative not a myth in the sense of Greek mythology that is a story about a personified godly force that intervenes in the state of affairs of the world? It is impossible to conceive of *Matthew* as speaking of Jesus calming the storm the same as mythological language in Antiquity that narrates of gods appearing on earth as human beings around the Mediterranean and in the Orient. *Matthew* does not conceive of Jesus as a godly being that disguises as a human and appears as a human figure, as a son of the highest, bringing revelation and salvation. Yes, Antiquity and the Orient tell of gods and godly beings that appear in the form of humans. The central part of the gnostic myth of salvation is played by a godlike being, the son of the highest, who is disguised in human form, clothed in human flesh and blood, in order to bring revelation and salvation (Bultmann 1952, 38–39). Contrary to Bultmann, I do not see that *John* speaks in the language of mythology saying that Jesus was the *logos* and then became flesh (ibid, 38). Bultmann never mentions the demiurge, the godly being of the gnostic myth, in the context of the *logos*. Nevertheless, he conceives the Christian speaking of revelation as something coming from Go'd with the help of mythology (ibid, 39).

Even if an author of the Gospel, be it *John*, *Mark*, *Matthew* or *Luke*, employed mythological language, the author would have to deconstruct the myth and construct the message of the Gospel. He has to speak of Jesus by assessing the unity of his life and his teaching. In *John* 1, 18 we read:

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“No one has ever seen God; it is the only Son, who is close to the Father’s heart, who has made him known”.

Blutmann says that only here *John* uses the expression relate, explain, interpret, tell or describe (Greek: *exaageomai*) (ibid, 56). Jesus reveals Go’d, he interprets Go’d’s will; using the verb *exaageomai* *John* establishes Jesus as the revealer, as the one who told of Go’d that is Jesus is the revealer by his word, by telling, by speaking, by announcing and proclaiming (ibid, 57). Jesus the human man, the historic Jesus, is also the word, the *logos* that preexisted. Speaking human language, speaking the word unites incarnation and preexistence. From this point it is clear that *John* does not describe Jesus from the point of view of a hierophant who explains esoteric mysteries or as a mystagogue who initiates into mysteries, who has no existence apart from his word. Jesus speaks the word and at the same time exists as word, the life of Jesus and the teachings of Jesus are a unit (ibid).

Matthew finds the story of Jesus calming the storm at sea in *Mark* 4, 35–41 (Gnilka 2008, 197). Gnilka proposes that *Mark* changed this narrative of Jesus calming the storm from a miracle-story to a story that concerns the disciples. This miracle-story opens a whole cycle of miracle stories in the Gospel of *Mark* (ibid). *Mark* directs his Gospel to and concentrates his Gospel on the passion narrative (ibid, 25). If the passion is the center of *Mark*’s Gospel, the miracles are subordinated to the passion. *Mark* historicizes narratives of miracle-stories. Jesus commands the demons of nature, the storm, that threatens the lives of the disciples on the ship. Since the miracle-story of the calming of the sea looks like an exorcism to Gnilka, he asks about Jesus’s therapeutic and exorcist activity (ibid, 194). According to Gnilka Jesus’s critique of the fearfulness of his disciples in the ship and his assessment that they have no faith, presupposes that he had gotten to know them well. In *Mark* 4, Jesus is still at the lake and had not spent a considerable amount of time together with the appointed Twelve (*Mark* 3, 13–19) on the way of realizing the just world of Go’d (ibid). He does not yet know them very well. From this follows that this miracle-story and Jesus’s critique is not part of the words of the historic Jesus. *Mark* rather wants to encourage a Christian community experiencing a difficult situation, a life-threatening storm, and assesses the reliability of the helping presence of the resurrected Jesus (ibid).

Luz proposes that the miracle-story of Jesus’s calming the storm had been formed after the experience of Easter modelling a little bit the story of the prophet Jonah who

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got saved by Go'd who wants to save women, men and queer and not have them perished (Luz 2007, 27). Twelftree considers the possibility that the Gospel tries to present Jesus as a prophet in the Old Testament tradition. The authors of the Gospel would then present the people attributing to Jesus prophet-like qualities, such as stilling the storm in the like of the prophet Jonah, or feeding a crowd with a few loaves like the prophet Elisha, or raising people from the dead, like Elisha and the prophet Elijah (Twelftree 2014, 331).

The second parallel to *Mark* 4, 35–41 is *Luke* 8, 22–25. Bovon calls this story a rescue-miracle (Bovon 1991, 412). The literary form is that of the miraculous victory of the hero over the elements of nature (ibid). Bovon identifies the Hellenistic motive of the saving or protecting passenger. It cannot be that *Luke* or *Mark* want to describe Jesus as a savior from the dangers of the sea following the models of the Greek gods Asclepius, Sarapes or the Dioscuri Castor and Pollux. The myths of these gods or half-gods start describing a sleeping passenger who seems powerless like a child or a prisoner. This beginning looks like Paul in *Acts* 27, 14–44. The powerless in the course of the story becomes very powerful. He is revealed as mighty. I do not think like Bovon that *Luke* raises Jesus into the godly sphere by making him rebuke the wind and thereby saves his disciples without praying to Go'd for help (ibid, 415). For Luke it is faith in Jesus Christ as the crucified and resurrected Messiah that is important (*Luke* 1, 1–4). If there is any intention in the story of the calming of the storm, I see this intention in the challenge for the disciples and the readers of the Gospel to assess the identity of Jesus. Ultimately, I want to assess for all four Evangelists a similar use of miracles as in John, where there are clear “signs pointing to Go'd at work in Jesus” (Twelftree 2014, 339). The miracles of Jesus are no magic. If there is only the will of the miracle worker, then magic is in the game (ibid, 338). From the stories *Acts* 8, 9–24, *Acts* 13, 4–12, *Acts* 16, 16–24 and *Acts* 19, 3–17, we are very clearly instructed about *Luke's* definition of magic and that he very carefully marked off Jesus and his followers from the miracle workers (ibid). In *Acts* 8, 9–24 *Luke* presents Simon the magician as practicing magic arts in his own name. Meeting the Apostle Philipp makes Simon turn on the way of the Christians. He even receives baptism, but starts looking enviously at Peter and John who prayed that the people receive the Holy Spirit and offers Peter money to be able to make the people receive the Holy Spirit. Peter protests and we hear not much more about the future ways of Simon. In *Acts* 13, 4–12, we are confronted with the magician Elymas, “a Jewish magician and false prophet called Bar-

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Jesus”, who opposes Paul and Barnabas and meets the fierce resistance of Paul who preaches the Lord. In *Acts* 16, 16–24, Paul and Silas free a slave-girl from a spirit. Since the slave-girl then was not making money any more as a soothsayer, her masters have Paul and Silas whipped and thrown into prison. In *Acts* 19, 13–17, we hear of Jewish exorcists, among them “the seven sons of Sceva, a Jewish chief priest”. They tried an exorcism in the name of Jesus and “his spokesman Paul” but they failed miserably. The disciples were jealous about other persons performing exorcisms successfully, but Jesus corrected them, as the story of the unknown exorcist shows (*Mark* 9, 38–39 and the parallel story in *Luke* 9, 49–50).

Paul never claimed to directly perform miracles or exorcisms (*ibid*, 334). Paul appealed more to weakness than to miracles, when pressed for signs of his apostolic authority; apparently Luke attributed miracles and exorcisms to Paul (*ibid*, 333). If we consider Paul to be the earliest known interpreter of Jesus, it is interesting to observe that he “says neither anything about Jesus conducting miracles, nor appears to mention performing miracles in his own ministry” (*ibid*, 332).

The story of the demoniacs of Gadara (*Matthew* 8, 28 – 9, 1) is also taken from *Mark*. *Matthew* considerably shortens the story of *Mark* 5, 1–17. In *Mark* there is one man who comes out the tombs with an unclean spirit (Greek: *pneuma*) and worships (Greek: *proskunein*) Jesus (*Mark* 5, 6). We find with *Mark* the same expression that *Matthew* had used before in *Matthew* 8, 2 for worshipping or bowing down before a person in submission, respect and prostrating oneself in reverence to somebody. The unclean spirit implores Jesus not to torment him. Jesus speaks to the unclean spirit and tells him to leave the man. Then Jesus asks the unclean spirit for his name. The unclean spirit answers Jesus that his name is “*Legion*, for there are many of us” (*Mark* 5, 9). The unclean spirit urged Jesus to “send us to the pigs, let us go into them” (*Mark* 5, 12). Jesus permitted the unclean spirits to do so and they left the man and entered into the pigs. The herd of two-thousand swine ran down into the sea and drowned (*Mark* 5, 13). The herdsmen of the swine announced (Greek: *apaggelleien*) what had happened to the people. The people came and saw the man sitting in clothes with a healthy mind. The people were frightened and asked Jesus to leave. The healed man asked Jesus to be allowed to follow him as a disciple. Jesus told him to go home to his family and to announce (Greek: *apaggelein*) “to them all that the Lord in his mercy has done for you” (*Mark* 5, 19). The healed man did so and preached (Greek: *kaerussein*) in the

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Decapolis “what great things Jesus had done for him. And everyone was amazed” (Mark 5, 20).

In *Matthew* 8, 28, there are two men possessed with demons. In *Matthew* 8, 29, the two men shouted at Jesus, not the demons. The demons (Greek: *daimones*) urged Jesus to cast them out (Greek: *ekballein*) sending them into the herd of swine (*Matthew* 28, 31). Jesus allowed them to do so. The demons came out and went into the herd and the swine rushed into the sea and perished (*Matthew* 8, 32). The herdsmen fled and the people of the town asked Jesus to leave their territory (*Matthew* 8, 33–34). In *Luke* 8, 26–39 there is again only one man like in *Mark*, but the man simply has demons like in *Matthew* and not an unclean spirit like in *Mark*. For the rest of the story *Luke* follows *Mark* (*Luke* 8, 27). In *Luke* 8, 30, we hear that many demons went into the man. The demons get permission by Jesus to leave the man (*Luke* 8, 32) and they came out of the man and went into the swine (*Luke* 8, 33). Luz calls the story an exorcism and not a healing because Jesus deals with the demons; a healing would deal with the effects of the demons that is disease (Luz 2007, 33). If I consider that a demon might correspond in our modern understanding of a trauma to a damaged or broken biological, psychic, social and spiritual integrity, I am allowed to speak in this case of *Luke* 8, 26–39 of a disease too. Twelftree proposes the same analysis, *Luke* attempts to balance Jesus’s miraculous activity and his teaching and with *Luke* healing appears as exorcism and exorcism can become healing (Twelftree 2014, 336).

Luke’s epiphany reveals the saving power of the Son of Go’d and also the fall of the evil forces (Bovon 1991, 429). I prefer to speak of the revelation of the saving power of the Son of Go’d who restores and constructs the just world of Go’d that is who also constructs the health and integrity of suffering women, men and queer.

Without the integrity of women, men and queer in the world there is no just world of Go’d. Whatever terrifying event happened to the distorted man or whatever torments the two naked men encountering Jesus, they break their chains and cry loud, and Jesus faces their cries. They were living in tombs that were prepared for the dead. Roman legions occupied their territory, mistreating and oppressing the population, sacrificing women, men and queer like swine for the good of the emperor god. Only Jesus faces their cries, frightened or not, he allows the terrifying to be accepted in the light of speaking consciousness. A conscious Jesus confronts the tormented, distorted integrity of the men, the injustice and violence of the legions of soldiers. Men, women,

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and queer are suffering from men, women and queer and Jesus will suffer too, naked and crying at the cross he will face his ending life.

Mark, Matthew, Luke and John prepare their readers to face a naked man dying at the cross not as a condemned criminal but as an innocent man. He was made to leave the city, he was tortured and bore the unbearable by his social choice. The Gospel, the story of the social realization of the just world of Go'd is about the realization of the biological, psychic, social and spiritual integrity of the women, men and queer of the world, including the man Jesus of Nazareth.

In *Matthew 9*, 2–8, we read about another healing by Jesus. People bring a paralyzed man and Jesus seeing their faith (Greek: *pistis*) said to him: “Take comfort my child, your sins are forgiven” (*Matthew 9*, 2b). Some scribes accused Jesus of blasphemy. To prove to them that the Son of man has power to forgive sins, Jesus said to the paralytic “Get up, pick up your bed and go off home” (*Matthew 9*, 6b). The people saw that the paralytic was healed “got up and went home” (*Matthew 9*, 7). They “praised Go'd for having given such authority over human beings” (*Matthew 9*, 8). Since Jesus speaks of himself as of the Son of man and *Matthew 9*, 8 speaks of human beings that is women, men and queer, Luz interprets that the story is about the Christian community's power and authority to forgive sins (Luz 2007, 38). *Matthew* is clear and the people get it right by assessing that the power to forgive sins and to heal comes from Go'd and is a gift.

In *Matthew 9*, 13, Jesus teaches the Pharisees who protested that sinners like corrupt tax-gatherers make up the company of Jesus, what the prophet *Hosea* said of Go'd: “Mercy is what pleases me, not sacrifice (*Hosea 6,6*). And indeed I came to call not the upright, but sinners” (*Matthew 9*, 13b). In *Matthew 9*, 18 “one of the officials came up”, prostrated before Jesus and asked him to bring his daughter back to life again. On the way to the dead daughter, Jesus heals the woman who had suffered from a haemorrhage for twelve years and tells her “Courage my daughter, your faith has saved you” (*Matthew 9*, 22b). In the official's house, Jesus took the dead girl by the hand “and she stood up” (*Matthew 9*, 25b). Then Jesus departed and he healed two blind men who had faith in him (*Matthew 9*, 29–30). Jesus healed a dumb man who was possessed by a demon and the people who saw the healings were full of praise and wonder. Only the Pharisees accused Jesus “It is through the prince of devils that he drives out devils” (*Matthew 9*, 34).

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Matthew 9, 35 repeats *Matthew* 4, 23, and *Matthew* 9, 36 testifies of Jesus feeling deep compassion with his people “because they were harassed and dejected, like sheep without a shepherd”. In *Matthew* 9, 37, Jesus admonishes his disciples asking “the Lord of the harvest to send out laborers to his harvest”.

Jesus was a credible teacher and healer for the people because he healed all disease and suffering and called for mercy (Greek: *eleos*) like the prophet Hosea (Luz 2007, 45). The people are committed to Jesus because in the presence of the historic Jesus they experience help, rescue, healing and forgiveness of sins, they experience again their physical, psychic, social and spiritual integrity within a world that violates and distorts the integrity of women, men and queer.

I think that the authors of the Gospels and those inspired authors who wrote the small texts that serve the four Evangelists, were deeply moved, touched and affected by the Jesus, the historic Jesus, who day and night cares for the poor, small and miserable, teaches them salvation and heals their diseases and sufferings. This man was not one of the common heroes, gods, demiurges or mighty who live in the stories about the miracles, wonders, exorcisms and risings of the dead. Emperors, kings and despots may like or even organize a cult about their personality. This personality cult helps to keep their power over the ordinary people. Many people apparently need stars and the cult about their stars. In contemporary politics, music, show business and sports alike, we observe that masses of women, men and queer admire individual persons for qualities that are real in their imagination but not in the venerated and followed persons. The public and social media are full with stories about women, men and queer who enjoy cult status, or have become legends and myths. The veneration of Jesus in the Gospels comes from his realization of the just world of Go'd by teaching and by effective and accessible healing the sick and suffering. Nevertheless, entering a process of healing supposes a social choice for getting healed. I understand that the rites and myths that venerate power thirsty gods, heroes and almighty demiurges are easier to perform than hard work for one's integrity. Immediate satisfaction of the urgent need for a miraculous help or an imperial grace usually wins over the social choice for effective help that needs the engagement of the own person, perseverance, acceptance of bitter resistance and again perseverance and hope.

We cannot judge from our modern or post-modern experience and our more or less evidence based scientific worldview what the people of other times, lives, social strata

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and places were experiencing and thinking. We can read texts and interpret what they say and show to us. The “stories and references to healings, exorcisms, resuscitations and so-called natural miracles attributed to Jesus and his followers” that we read about in the New Testament, the Biblical scholar Twelftree calls “miracle” and “miraculous” (Twelftree 2014, 322). Modern exegesis generally agrees that Jesus was considered a healer and exorcist (ibid, 329). The authors of the New Testament show a range of views that involved the miraculous (ibid, 323). In *Mark* 1, 21–28, Jesus teaches in the synagogue of Capernaum and cures a man with an unclean spirit and the people were astonished (*Mark* 1, 27). Also in *Luke* 4, 36 this miracle is described as an astounding event (ibid). The miracles of the large catch of fish (*Luke* 5,1–11 and *John* 21,1–11), of the storm stilled according to *Mark* 4, 35–41 and not to the parallels in *Matthew* 8, 23–27 and *Luke* 8, 22–25, and an earthquake and the opening of prison doors (*Acts* 16, 25–34) are presented as something like a coincidence (ibid). Twelftree speaks of an unexplained event contrary to expectation reading *Luke* 5, 26 and *Mark* 2, 12. The reaction of the people to the cure of a paralytic is in *Luke* 5, 26: “They were all astounded and praised God and were filled with awe, saying, ‘We have seen strange things today’” and in the parallel reaction in *Mark* 2, 12b “they were all astonished and praised God saying, ‘We have never seen anything like this’”. Twelftree dares to claim that Luke understands the healing and forgiveness of the paralyzed man in a way similar to Western notions of the miraculous.

Myths rarely perform what they show; people also perform rites and rituals because the experience that all participate in the performances, ensures a kind of feeling of security and strengthens the cohesion of the social group. It is also clear that the legion of unclean spirits did not perish with the drowning herd of two thousand swine. The *Legion* of unclean spirits came back and with them there is a return of the suffering, a *re-legion*. For a moment I stop writing religion, I write *re-legion*. There is the Greco-Roman Catholic *re-legion*, which makes women, men and queer suffer again from oppression and discrimination. The last breath of Jesus at the cross was accompanied by the first cry of a woman, man or queer who was suffering from the hands of another woman, man or queer of the world.

There is no manageable performativity of the Gospel. Commissars and officials of *re-legion* developed an arsenal of techniques (Greek: *tekhnai*), for linking the calling out in prayer of women, men and queer with the prescriptions of their truths that they

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propagate in the name of a god. Jaques Derrida recalls Aristotle insisting that the calling out in prayer is neither true nor false (Cixous 2011, 135). The performativity of the Gospel is experienced by women, men and queer, but not more. The Gospel “appeals to the faith of the other and deploys itself in a pledge of faith” (ibid). My faith shows in the sentence, “I believe”. There is no performativity of religion; there are women, men and queer speaking their faith, their hope, their beliefs, their individual experiences. “For even when a religion thinks it is all about peace and love one another, be it Christian, Tibetan or Gandhian, it does not escape the fatality of violence” (ibid). *Re-legion* “proclaims, privileges, prefers”, “announces itself as elect, election gets translated into war” (ibid, 136).

The unclean spirits, the experience that torments the two men (*Matthew* 8, 28), makes them cry out their suffering, their possession by violence and dysfunctional integrity. Jesus listens to their experience of suffering. The Gospels show Jesus’s empathy and solidarity with the suffering. Twelftree interprets that for *Mark* the expulsion of Legion (Mark 5, 1–20) possibly is an exorcism as triumph over Rome (Twelftree 2014, 336). Yes, Jesus acting with power challenges social, political and religious structures, and concerning miracles and exorcisms, *Mark* narrates them rather in response to faith than to produce faith (ibid). The analysis of Mark’s stories of miracles and exorcisms assesses that the miraculous and the crucified, self-emptying Jesus are related to each other (ibid).

Re-legion returns with the legitimation of the Church’s power to reign in the name of Jesus. The Christian communities are supposed to follow the example of the powerful miracle-stories about Jesus. The Christian communities, the Church and the Churches are social structures, institutions of social power that reign over believers. There is nothing wrong with doing politics. “Religion, as a plurality of dogmas and beliefs, built as it is on fratricide, cannot be separated from politics” (Cixous 2011, 136). Jesus does not cast-out (Greek: *ekballein*) what the scholars and scribes had put together (Greek: *symbollein*). The *symbolon* is a treaty, an agreement between states, a sign that is produced by women, men and queer at the use of those who agreed.

There is no need to say “I twist in pain at the thought of not knowing” (ibid, 151). Women, men and queer are able to speak to each other and in speaking realize their social choices for dignity, freedom and equal rights. What about the feeling that I am abandoned, that there is no *symbolon* of hope given to me because my friends will

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leave me and already have left? Hélène Cixous and her friend Jaques Derrida take relief from their speech-act “In the end I say: I am glad to see you. Me too, he says” (ibid).

Derrida, who speaks and is terrified without consolation, returns to his friend Cixous. Cixous’s desperation in the eternal return of feeling abandoned is stopped by the returning of her friend. He keeps reminding her “we die in the end, too fast” (ibid, 142). Cixous on her side “did not believe that ‘we die in the end, too fast’” (ibid, 144). Jaques Derrida on his side “would say to whomever would listen, I’m forever having to begin all over again” (ibid, 145). “You can’t keep from dying” and actually there is no chance “that someone I-don’t-know-who or who-knows-what may come back” (ibid, 158). There are many ways to go and I do not know when, how and where I will die. Whenever experiencing the angst for the loss of my physical, psychic, social and spiritual integrity, I usually take the social choice to begin all over again. I tell my body to please restore my integrity and I feel ok soon thereafter. Nevertheless, there had been angst, and angst may still be with me, but there is no fear or fright or suffering because I will die in the end, too fast.

Jesus was healing and teaching his disciples and women, men and queer. In the end, there are the disciples with him, women, and men and queer. The people, the masses that had followed him and liked him, have left. In Jerusalem, Jesus approaches his departure, his death. What about his disciples? Are they ready and able to cope with Jesus’s departure? John takes five chapters (13–17), that is about one fourth of his Gospel to communicate his faith sentences and beliefs concerning the departure of Jesus from his disciples.

John 13, 1:

“Before the festival of the Passover, Jesus, knowing that his hour had come to pass from this world to the Father, having loved those who were his in the world, loved them to the end”.

John insists that Jesus realized social choices of love until the end. How is it possible for *John* to claim this love, when Jesus actually had taken the social choice to confront the authorities and die that is also to leave his disciples behind and alone? Abandoning his disciples to desolating loneliness is not an act of love.

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Jesus enjoyed participating at feasts. The Passover celebrates a hope and the responsibility of the women, men and queer of Israel for realizing the social choice to live and to live this hope. The hope concerns one's dignity, freedom and rights, the hope concerns the realization of freedom and the gift that eventually everything will be all right. Celebrating the Passover means celebrating the hope that at the end Go'd will intervene. In *John* 13, 1–30, *John* narrates the last supper of Jesus with his disciples (Bultmann 1952, 354). This was not the Passover feast, it was “before the festival of the Passover” (*John* 13, 1). Since the Passover was eaten in the afternoon of the fourteenth of Nissan, this last supper of Jesus with his disciples took place in the evening of the thirteenth of Nissan and was the usual main meal of the day, the supper (ibid).

John testifies that Jesus had loved his own, the women, men and queer who followed him the way from Galilee to this celebration of the last supper and *John* testifies of Jesus's determination and social choice to love his own till the end at the cross, and *John* assesses the realization of this love.

John writes that Jesus knew about the plot to kill him and that he was to be killed and his life ended in Jerusalem (*John* 13, 1). Becoming aware that one's death is about to come by treason of one of one's disciples, understandably leads to a troubled integrity, a threatened integrity. *John* 13, 21 reads:

“Having said this, Jesus was deeply disturbed (Greek: *tapassein*. See also in *John* 14, 1) and declared, “In all truth I tell you, one of you is going to betray me”.

The traitor was eating with Jesus and the other disciples and the disciples wanted to know who the traitor was. Jesus identified him by giving Judas son of Simon Iscariot a piece of bread (*John* 13, 26). *John* 13, 27 reads:

“At that instant, after Judas had taken the bread, Satan (Greek: *satanas*) entered him. Jesus then said, ‘What you are going to do, do quickly’”.

Bultmann argues that the narrative of the possession of Judas by Satan deprives Judas of any social choice for what he is going to do, it is not Judas who betrays Jesus, it is no human, Satan is at work, the adversary of Go'd and the revealer Jesus Christ (Bultmann 1952, 368). Bultmann acknowledges as a possibility condition for the figure of Satan as the adversary of Go'd in the picture of *John* 13, 27, the widespread imagination that persons can be possessed by devilish spirits or devilish demons. This

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kind of idea was common for Jews as for all cultures in Antiquity (ibid). From the idea that Satan possesses a person follows that Satan has taken over control of this person. It is logically coherent to claim that there is no responsibility where there is no possibility to control or influence anything. After the Holocaust, after the Gulags and after the millions of Chinese women, men and queer that died innocently from hunger and persecution, I do not need a personification for the evil in the world like Satan. I consider the evil in the world as a product of social choices of women, men and queer. Bultmann is right in the sense that we cannot assess anything about the historic Judas including his guilt or innocence or anything else. We cannot assess that Judas had a choice or that he had no choice; we know nothing about the state and shape of his physical, psychic, social and spiritual integrity in the last months, weeks, days and hours before his treason. In *John 17, 12*, we read that Jesus assesses in his prayer that he had protected and guarded them, he watched over them in the world that none of his disciples would get lost. Yet, there is this one disciple, Judas who got lost, who got destroyed. Jesus's assessment that Judas, "the son of perdition" got lost "to fulfill the scriptures", I do not interpret as the eternal destruction of Judas. Scripture is not about destroying humankind, it is about the hope that there is a time when all women, men and queer are saved, when all creation is saved by the Go'd. Jesus has to assess in his prayer that he was not able to protect and guard all his disciples.

Bultmann clearly says that the theme of *John 13–17* is the farewell of Jesus to his disciples (ibid, 348). In the reigning silence of the night, Jesus speaks to his disciples and to his community of the first Christians (ibid). In *John 13, 1–20*, the words of Jesus symbolically constitute the Christian community, *John 13, 12–20* indicates the law for the life of the community and *John 13, 34–35* and *John 15, 1–17* develops this law for the life of the community (ibid, 349). I completely agree with Bultmann, the law for the life of the community is love, the love of Jesus for his disciples and the love of the disciples for each other.

Bultmann argues that in *John 14, 25–31* we find the conclusion of the farewell discourses of Jesus; and he finds the adequate continuation of the Gospel in *John 18, 1* (ibid). Bultmann's argument sounds valid to me, since in *John 14, 31*, Jesus asks the disciples to move "Come now, let us go" and in *John 18, 1* the movement is realized "Jesus left with his disciples and crossed the Kidron valley". The New Jerusalem Bible's comment corresponds with Bultmann in the sense that the comment considers *John*

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16 and *John* 17 as possible repetitions of *John* 14 (The New Jerusalem Bible 1999, 1227). Bultmann suggests that *John* 15 – 17 are at the wrong place in the text and despite all uncertainties tries to restore the correct order (ibid, 350). Since *John* 15, 1–17 looks like a commentary on the commandment of love in *John* 13, 34–35, Bultmann proposes to place *John* 15 right after *John* 13, 34–35. Since the farewell discourses are to be considered comments on the prayer of Jesus and the prayer stands in the context of the last supper *John* 13, 1–30, Bultmann puts the farewell prayer of Jesus in *John* 17, 1–26 right after *John* 13, 1–30 (ibid, 351).

Bultmann's new organization of the whole structure starts with *John* 13, 1–30 and continues with the farewell prayer of Jesus in *John* 17, 1–26. The farewell discourses and talks follow in *John* 13, 31–35, *John* 15 – *John* 16, 33 and *John* 13, 36 – *John* 14, 41 (ibid).

To be precise, Bultmann starts the farewell prayer of Jesus with *John* 13, 1 (ibid, 371):

“Before the festival of the Passover, Jesus, knowing that his hour had come to pass from this world to the Father, having loved those who were his in the world, loved them to the end”.

Where would Jesus get the strength, the force, the capacity, the empowerment to realize his social choice for love until the end that is till his last breath at the cross? I am really thankful to Bultmann and his new organization of the whole structure of *John* 13 – 17, because the farewell prayer of Jesus in *John* 17, 1–26 makes clear that Jesus receives his empowerment in prayer, he prays Go'd to sustain him. Only after this prayer and the experience of this prayer and meditation is Jesus capable of the farewell discourse and the talking in *John* 13, 31–35, *John* 15 – *John* 16, 33 and *John* 13, 36 – *John* 14, 41.

John does not narrate the Eucharist as the other three Evangelists. This farewell prayer of Jesus with David Thyraeus (1531–1600) is also called the high priestly prayer of Jesus (Latin: *praecatio summi sacerdotis*) (ibid, 373). *John* does not know the Lord's Supper as do the synoptic Gospels (ibid, 371). As *John* 13, 1 indicates, the farewell prayer of Jesus is a prayer of the realization of love, because it prays for the realization of the glory (Greek: *doxa*) of the revealer (*John* 17, 1–5) and prays for the community (*John* 17, 6–26).

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How do I describe the expression *doxa*? The term *doxa* describes the eschatological revelation of the Messiah Jesus Christ. We find this term in *Mark* 8, 38 and in *Mark* 13, 26, where the *doxa* is associated with power (Greek: *dynamis*). *Matthew* 19, 28, and *Matthew* 25, 31 write of the *doxa* and *Romans* 8, 18 (where “the *doxa* will be revealed in us”) and 1 Thessalonians 2, 12 (where the Christians are called by Go’d into the just world of Go’d and into His *doxa*) (Bultmann 1952, 474).

The term *doxa* relates to Go’d, to Go’d’s being and power. Since we are not able to say anything about Go’d, we cannot say anything about the *doxa*. Speaking of the *doxa* shows that we mean by *doxa* that Go’d is life and that we recognize Go’d as life for us and that we honor and thank Go’d for this life. The experience that Go’d has saved my life and that I feel secure and in peace in my prayers and meditations comes real. Speaking of *doxa* means a state of affairs where this kind of experience of security and safety does not get lost any more. Christians speak in the same sense of the experience of eternal life (ibid, 375). Speaking of the *doxa* of Jesus Christ means that during history the faith experience that my life is safe and secure and that I am at peace with myself and the world did not get lost but was given to women, men and queer. We have to bear in mind that this farewell prayer of Jesus asks, begs, prays for this *doxa*, this *doxa* is not yet realized, that Go’d will realize this *doxa* is the hope of this prayer.

In John 17, 6–26, Jesus prays for the constitution of the community (*John* 17, 6–8), for the protection, keeping and sanctification of the community (*John* 17, 9–19) and for the unity within the community (*John* 17, 20–23). *John* 17, 24–26 prays for the fulfilment of the faithful (ibid, 397).

Before writing on a text of the Bible, it is important to meditate and pray with the text. Self-observation and self-experience cannot be lived at the same time. Writing about a text of the Bible means writing about one’s self-experience in meditation and prayer. It is also true that I am observing and writing only about my experience with the text. I have to accept that my range of experience is very limited, limited to my individual experience. Self-experience is a validity-condition for writing and self-experience is the range of validity of my claims to validity. Since I am writing here on the farewell prayer of Jesus Christ in John 17, 6–27, I want to communicate some sentences I have written on Holy Friday, that is the day Christians celebrate the memory of Christ’s crucifixion and death. On Friday, March 29, 2013, I wrote about my meditation experience of that day:

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“Resurrection” is an expression I use in my meditation when experiencing shelter from feeling annihilated, when feeling safe and secure. Concentrating on my integrity, I tell my body to relax. I feel fine and tell my mind not to think, but to live in the mode of receiving. I receive from peace and myself calm and the experience allows describing the expression resurrection meditating: Jesus has gone through this life on earth, sticking to his message and ready to get killed, giving expression to his desperation and hope, testifying his presence in me with securing affirmation that feels good.

I believe and do experience peace for moments and for hours. I am all right in these moments, just as promised to the believers. Strengthened by the shelter of feeling good and all right, I enter the world. The social part of life, the interactions with people and persons immediately leave fragmentary pieces of peace. What is right with communication when it contributes to empower the integrity of the involved speakers? What is wrong with communication that shakes and destructs the integrity of the participants? Empowering integrity is all right, weakening and destroying the individual's integrity is wrong. There are many ways to empower the integrity of individuals in discourse. There are many ways of violating and destroying the integrity of the individuals that participate in the discourse. There is a sense of sentences that follows the usual a priori of the sense of the sentences, that is the sentence can be perfectly understood but the sense destructively violates the integrity of the woman, man or queer who is addressed by the speaker of the sentence. A wide range of these sentences neglecting the dignity, liberty and equality of the interlocutors are realized within unjust, hierarchical and oppressing structures of society. An example of this sort of sentences that hurt the addressed individual is the sentence: “I order you to obey to do what I am telling you without questioning and regardless of whether you consent or dissent.” The use of this sentence follows the rules of the grammar of language but violates the dignity, liberty and equality of the interlocutor. A rule that claims the dignity, liberty and equality of the participants of discourse, that is of all men and women and human beings on this earth is proclaimed in the first paragraph of the Universal Declaration of Human Rights (UDHR): “All human beings are born free and equal in dignity and rights. They are endowed with reason and feelings and conscience and should act towards one another in a spirit of brotherhood and sisterhood.”¹ A discourse that observes the rule of Human Rights law respects, nurtures and claims the dignity, liberty and equality of all participants in the discourse.

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Often sentences that are perfectly understandable but offend and violate the integrity of the listeners come from interlocutors who are not capable and empowered to do better. Therefore, it is important and necessary that the interlocutors know what kind of communication they are performing and practicing. The self-assessment of one's communication reveals different qualities of forms of speech. There are fatalistic forms of speaking, deterministic forms but also interactionist forms. Only an interactionist form of conscience that understands one's behavior in a situation as a mutually influenced and constantly negotiated series of interactions constitutes a valid basis for a discourse that follows the validity-condition of Human Rights fulfillment for the claims of the discourse partners. End of my notes on Holy Friday 2013.

The feeling and the experience that another person accepts me, is a validity-condition for empowering my integrity. A very important possibility of this feeling and experience of personal acceptance is sexuality. Just as the nurturing of one's spirituality by meditation realizes taking care of one-self, sexuality is an experience of taking care of one-self and the other, taking care of each other. Just as writing on a text of the Bible follows the meditation and prayer of that text, the speaking of sexuality follows the sexual experience of taking care of each other.

A few weeks later, I read an interview with the psychotherapist Joseph Ahlers, for whom sex is the most intimate form of communication we human beings have at our disposition (Faller 2013). Sex as the possibility of a bodily experience of love starts with touching each other in a way that matters to us and that means something for us. With the help of sex, we are able to satisfy some psychosocial basic needs that women, men and queer aspire: being accepted and belonging. The sense of belonging to another human being affiliates a human being to human beings and makes the person a member of humanity (ibid). All my daily life activities as a human being, such as getting a job, making a living, or getting an apartment, contribute to making me feel that I am ok. Yet, the most intensive form of feeling that I am ok is sexual communication (ibid). Ahlers claims that human beings are programmed for binding relationships; the close ties of sex overcome isolation. Communicated sexual lust liberates and saves us by giving us the feeling of being accepted and being ok. This feeling of being ok is the only feeling we cannot produce individually for ourselves. Therefore we seek pairing and sleeping together all through the decades of our partnership. Sexual communication was there before the acquisition of language (ibid).

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Bodily contact was our most prominent form of communication for thousands of years. Apes who care for each other relate with the body, who communicate that they are ok and do not simply delouse each other, demonstrate that fact. Humans as apes can be calmed by touching and bodily contact. If mothers comfort their babies on their abdomen and breasts right after birth and the babies get love and the physical sense of being safe, they learn to dampen the noise of angst, to calm frustration caused by stress and to lower the state of alert from the moment (ibid).

Body contact and sex remain the most important form of communicating that we are ok. At the same time, this kind of caring sexual communication is almost completely out of our conscience, out of sight of our conscious control (ibid). We rarely assess the importance of the experiences of acceptance that we receive from our sexual life. Women, men and queer therefore should tell their partners that their sexual contact makes them experience acceptance. Women will feel accepted if they experience that they are perceived, valued, esteemed and well-liked, and men would understand their needs not simply as sexual satisfaction but as self-assuring communication. It is important to communicate the wish and desire to be bodily accepted, because bodily acceptance makes one feel ok. The expression and communication of the desire for bodily acceptance, the sentence "I want to sleep with you, and you mean all to me" are adequate, because only through the partner can one calm stress and angst and experience peaceful satisfaction. Emotional fulfillment and satisfaction are the fruits of making each other feel ok and accepted. It is also true that desire and the communication of desire does not guarantee the fulfillment of desire. For Ahlers, sex is the part of life with the greatest variety of feelings from deep suffering to heavenly happiness.

Ahlers claims that self-consciousness is possible only on the basis of the experience of acceptance. The possibility condition of acceptance and the experience that I am ok is the feeling of one's own worth and self-esteem, the experience of one's self-value (ibid). Our desire to merge into the other, to go up in the body of the other, to be taken up by the body of the other is immense. This kind of social resonance is necessary to make us sure of our self (ibid). Self-observation and self-experience cannot be lived at the same time. This is true for all communication and especially for sex.

In the beginning of the 21st century, the white, male theologian Mark Jordan, who takes up the theme of sexuality and Jesus, needs Nietzsche and the god Dionysus taking

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lovers to assess that for the canonical gospels “an erotic life for Jesus is inconceivable” (Jordan 2011, 43). I do not think, “The old God must be dead because He wouldn’t have sex with us”, nor do I think “we live in a sexual world that has excluded the erotic and especially the erotic encounter with God” (ibid, 46). “The old God” in the view of Jordan was apparently male. When I am imagining Go’d, I am not imagining a male or female and even becoming atheist would not solve the problems of sexism. I do not experience that the contemporary world does not appreciate the erotic, but I am not looking for an erotic encounter with God because my experience of peace and feeling secure in meditation and prayer is not an erotic experience. Erotic is an experience between women, men and queer, it is an interaction that brings to life our humors, animates our minds and revives our spirits. Why should the Christians not implicate Jesus in the knowing “of the twists in human desire” (ibid, 49)? Why should the Gospels not write about Jesus speaking about sex? We must be clear, that we do not understand Antiquity and the taboos or desires, the sexual longings and satisfactions of the Gospel’s Umwelt by reading, meditating and praying the Gospel, but Jesus’s teaching and healing do not hinder us from enjoying sexuality, the Gospel empowers us to enjoy our personal integrity. Catherine Keller testifies that the feminists in religion “were quick to recognize” in the abstract concepts of Go’d together “with an invasive nearness (*theos*), the Western hypostasis of a self-interested masculinity” and she suffers from “the disinterest of death of God theologians”, “in the terribly particular struggles – institutional, grammatological, sexual, political – of women” (Keller 2011, 60). Keller reconstructs the “love of Love” of Christian women in the past. For the future she is clear, that “all the love in the universe cannot evaporate for us the uncertainty of what is coming” and the necessity of always beginning again (ibid, 73). For Keller the *eros* experience seems not a possibility of this beginning. She kind of baptizes the *eros* by speaking of “the gift of the possible”, a self-realization of “agapic embodiment of passion, the com/passion that makes passion possible again – after loss” (ibid, 70). For me there is no need to baptize the *eros* again as a kind of *agape*, which is love. This procedure in the end again silences the *eros* by substitution.

Kelly Brown Douglas speaks of contemporary expressions of the black female body that join songs of sexual desires and satisfactions with womanist God-talk (Brown Douglas 2011). Kelly Brown turns the point of reference from religion and sexuality to sexuality and religion. First there is sexuality and sexual intimacy as experience of the body-selves as empowering satisfaction of the need for intimacy, and this kind of

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“sexuality is inextricably linked to religion in that the positive valuation of sexuality is essential to one’s relationship with the transcendent, with God” (Brown Douglas 2011, 104). The need for intimate communion concerns communion and communication with humans and God. Jordan and Keller do not trust that sexual intimacy empowers the self and Brown Douglas is right that Christian theologians are used to associate sexual desire and pleasure with sinful evil and “an anathema to God” and rather than with a wonderful expression of Go’d’s creatures (ibid, 105). She describes “religion’s troubling influence on sexuality” exploring “the exploited black female body/sexual” (ibid).

Black women have been sexualized by the male patriarchal world and the “discourses of hegemonic power” of white male Christians with a “sexualized white supremacist ideology” that “caricatures black women and men as hypersexualized beasts controlled by lust”, as “immoral animals driven by abnormal sexual proclivities” (ibid, 107). Since sexuality is integral to one’s very humanity, this kind of supremacist discourse dehumanizes a “person’s self-image, relationships with others, and relationship to God” (ibid). White culture does not only penetrate the black psyche by presuming a mind filled with lustful intentions, it distorts at the same time the relationship of white women and men with black men and women as a whole (ibid, 109). Historically, the black community reacted by complying with “white patriarchal heterosexual narratives” and tried to shape black behaviors and morals accordingly (ibid, 110). The stories of black life were brought to the urban centers of the North of the United States by black women singing the blues, liberating themselves from the oppression, singing “with an awareness of the racially sexualized narratives that attempted to seize control of their bodies and circumscribe their lives” (ibid, 112). By singing “brazenly about sexuality, they are taking control of their own sexuality”, they claim sexual agency and freedom “choose one’s partners, to marry, to engage in romance” (ibid 114). The black church community was not ready to follow the liberation of the blues women who restored “a right relation between sexuality and religion, sexuality and God” (ibid, 120).

Nevertheless, rescuing sexuality from its sinful space through the blues, points at the black religion tradition that “emerged within the enslaved community” and was holistic and free of any dualism of body and soul. In this tradition, “all life was considered sacred – including the body, the flesh, sexuality” (ibid). The incarnate God Jesus of this religion “reaches out to black people and cares for their very bodies”, Jesus “entered history in a blues context” from the manger to the point of crucifixion Jesus’s

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ministry “showed his compassionate solidarity with the blues people of his own day” (ibid, 121). The cross is central to black faith and the spiritual asks, “Were you there when they crucified my Lord?” (ibid). Sexuality, desire, satisfaction or deep suffering “as an expression of loving relationship (opening the way for homoerotic intimacy)” is “a vehicle through which loving relationship can be experienced (opening the way for an appreciation of who Jesus was as a sexual being)” (ibid).

At the conference where Brown Douglas was speaking, she cited the text of Bessie Smith’s (1894–1937) singing “I need a little sugar in my bowl” commenting that the black women blues singers sang “about their sexual needs, wants, and preferences” (ibid, 113). Nonetheless, in the concluding roundtable of the conference, Mary Aquin O’Neill, a white Catholic religious woman theologian writer, actually complained that she missed “the presence of the female body” in the talks of the conference (Martin Alcoff and Caputo 2011, 176). Brown Douglas instantly replied, “My whole talk was on the black female body. Were you present for the talk? I hope you weren’t suggesting that in my talk black women weren’t accepted as such” (ibid). If Mary Aquin O’Neill missed “the presence of the female body”, it was not because nobody talked about the female body but because she did not listen when the female body came up as a theme. In the contemporary world of the Roman Catholic Church, still only a handful of women, men and queer theologians listen to their body, their desires and their sisters and brothers experiencing loving relationships.

Gianni Vattimo is right, Jesus did not come into world to derive from the facts of his patriarchal society and Umwelt the natural norms of the order of society, “but to disrupt it in the name of charity” (Vattimo 2011, 126). The Roman Catholic Church does not follow the message of Jesus when defending “the natural order of monogamic reproductive family against any charity toward (naturally!) gay people, or prohibits the priesthood to women (again, in the name of a pretended natural vocation of the woman)” (ibid).

Notes

ⁱ “Universal Declaration of Human Rights,” United Nations, www.un.org/en/universal-declaration-human-rights (accessed January 18, 2019).

2. *The Letter to the Hebrews* and the conjunction of faith in Go'd and empathy with women, men and queer.

The Roman Catholic Church still understands itself as society and community as two institutions distinct from one another (Onclin 1967, 733). All documents of the Second Vatican Council mirror this fundamental distinction of *Canon Law*. The Church as “the people of God”, as “the messianic people” destined to bring together all human beings is “established as a communion of life, charity and truth” (*Lumen Gentium* 9) and is at the same time a society “under the direction of the sovereign pontiff and the bishops” (Onclin 1967, 733). In 1967, it was impossible for Onclin and the Pope to think of the world as a society. Since the Roman Catholic Church “wants to bring together all human beings”, it concerns the whole world and cannot be understood as a society, because humanity “comprising all the men on this earth” does not constitute a single organized society comprised of all men, but is divided into many States that is a community (ibid, 736). There is not a single world State, “a single organized political society” (ibid).

2.1 Women, men and queer interact in communion as society of Go'd

The last chapters of Pope John XXIII's Encyclical *Pacem in Terris* from 1963 clearly hold a different view on the world. John XXIII recognized the United Nations as the necessary organization that overcomes the particular interests of the single states and nations and claims the goal of world peace and justice as the common end. If the Church accepts the teachings of John XXIII, we are living in a world society and are collaborating as Christians for the realization of the government of the United Nations according to the rule of Human Rights law. The realization of the rule of Human Rights law constituted the individual woman, man and queer as subjects of international law. The Universal Declaration of Human Rights (UDHR) proclaims the individual to be subject to international law and every individual, not only single states, was invited and empowered to make claims of human dignity (Leher 2018, 18). This development of Human Rights in the world society of the United Nations constitutes the individual subjects of equal dignity, freedom and rights. There is no need for submission to the authority of monarchs who make the laws; there is no submission to obey the laws and precepts decreed by monarchs who stand over the law. Every individual woman, man

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and queer has the right to the membership of the world society of the United Nations and has the right to participate in the society's government, legislation and jurisdiction.

Pope John XXIII did not intend to change the doctrine of Christian faith, he wanted to give the Catholic Church back her equilibrium by realizing her proper values of inspiration and analysis (Fouilloux 1995, 76).

The Letter to the Hebrews proves John XXIII historically right, Christians were meeting as society, every woman, man and queer was considered a temple of Go'd who contributed with the service of love to building and preserving the community and ordered her life as society. I was reading, meditating and thinking *The Letter to the Hebrews* since my course with Albert Vanhoye at the Pontifical Bible Institute in Rome during my doctoral studies at the Gregorian University.

Before the summer vacations of 2007, I wrote a short preparation to my studies of *Hebrews*:

My belief that women, men and queer themselves are temples of God and that every human liturgy is a service of the love that we receive and give each other with the help of God nourishes my burning interest of reading and meditating on *Hebrews*. This service of love is a way to build and preserve a community living by the rule of Human Rights law.

I do not want to imagine the rituals of the Temple in Jerusalem and Jesus's teaching in the Temple without my contemporary experiences in Europe. In the Roman Catholic Church I observe and experience liturgies with golden garments and women, men and queer performing traditional rituals functioning according to the traditional conditioning by bishops, religious teachers, theologians and priests. The religious programmers do not respect or empower the individual spiritual life of the believers. The drill of devote women, men and queer produces pre-artificial intelligence robot mentalities that, like automated machines, repeat prefabricated thoughts of religious teachings. They practice their rituals like a jukebox that repeats the same song over and over again; this prayer wheel is like an external determination of behaviour and substitutes autonomy and self-determination. Neglecting to enjoy the senses, experience feelings and think on their own also wastes away the spiritual powers of the individual woman, man and queer. Social empirical investigations estimate that 10% to 15% of Catholics in contemporary Europe are to be included in the group of these fundamentalists (Denz

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2000, 70–86). They organise with the help of the official Catholic authorities. They prefer to listen to the voices that noisily tell them what to do. They do not hear the silent and peaceful call of the Unnameable to follow their vocation. Obedient routine and fear of actively taking part in the construction of the new way of the love of Jesus determine their social choices. A majority of Catholics are no longer following the instructions and teachings of the pope and the bishops, more and more Catholics are leaving their Church (ibid).

It makes sense to tell each other that our body is a *Temple of Go'd* and that our faith tells us that we are right to accept this grace. Unfortunately, we wait to the funeral rituals to tell our dead bodies' coffins that they were God's temple since baptism. We miss a chance by not empowering the young Christians from baptism on to shine like a temple and live empowered lives of self-determination. *The letter to the Hebrews* writes a lot about the Temple that we are and tells a lot about Jesus Christ. *Hebrews* searches who Jesus Christ was, and thankfully I follow the feelings that the sentences in *Hebrews* inspire in my heart. It is grace to feel oneself full of joy when the pictures of the author start speaking tenderly in the silence of my incapacity to speak.

The current bishop of Innsbruck got his tenure writing on Saint Thomas's interpretation of the *Letters* in the New Testament. He invited the faculty members to a meeting with him to discuss his thesis about the grace that Jesus was superior to Moses and the High Priest. The thesis did not clarify the meaning of grace and did not question the interpretation of *Hebrews* by Saint Thomas according to the standard of contemporary biblical exegesis. I had learned from Vanhoye that the rational logic of the structure of *Hebrews* according to Saint Thomas does not correspond to the text and content of *Hebrews* (Vanhoye 1988, 23). Saint Thomas divides *Hebrews* in a dogmatic part (first 10 chapters) and a moral part (chapters 11–13). Thomas claims that the dogmatic part assesses the superiority of Jesus over the angels, over Moses and over the High Priest of the Temple in Jerusalem (ibid, 22). According to Thomas the moral part assesses the unity of the Christians with their head Jesus Christ by grace and morals; Vanhoye corrects and rightly claims that the unity with Christ is not a theme of *Hebrews*, that instead, it is the theme of the *Apostle Paul* (ibid).

Unable to control myself in the meeting, I asked the bishop if he really thought that Saint Thomas is right on structure and content of *Hebrews* since Cardinal Albert Vanhoye had proven Thomas wrong. The bishop angrily insisted saying yes, the

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frightened faculty members sitting around the table remained blocked in silence. They have neither the knowledge nor the guts to argue with the bishop. Their interest is to assure that the bishop does not intervene in their faculty policies. My problem is not to not appreciate Saint Thomas. Well, there is a grave problem with Saint Thomas for a Catholic theologian or philosopher in the 21st century: The theology of Saint Thomas in 1879 in the encyclical *Aeterni Patris* was declared by Pope Leo XIII the model to restore Christian philosophy. Already then, it was clear to open minds that an authoritarian prescription of medieval medicine constitutes an anachronistic effort in post-revolutionary Europe that entered the age of industrialisation and liberal democracy, created new social classes, violently expanded colonialisms and prepared for fratricidal nationalism. Catholic thinkers felt and apparently still feel forced to present their pictures in relation to the theology of Saint Thomas if they want to be judged orthodox by the official faith-watchers of the Church. The formation of the Catholic clergy with some kind of infusions of Saint Thomas worked to ensure the ideology for practicing rites and giving homilies. Yet, the claims of the Christian faith cannot be validated today in a discourse without taking into account the cultural universe of a world that globalises in an accelerated manner, produces pluralisms over pluralisms and has started realizing the rule of democratic law. I want to speak with sentences of sense and want to draw a picture of Jesus and Moses and the High Priest according to the composition of the *Letter to the Hebrews* and not to the interpretation of the Aquinas.

People today are eager to hear about the meaning of Jesus as Saviour. People expect to get a credible answer to the question how the sacrifice of Jesus at the cross relates to the claim that he brought salvation. Well, the people have their ways to cope with empty sentences; people tell you the difference between a good answer and an empty slogan of dogma and they simply turn away from the institution Church. Coping strategies to overcome depression, violence, poverty, despair, sickness, loneliness and misery, to heal wounds inflicted by accidents and cruelties and surpassing the handicap of sicknesses are basic needs and important for the willingness to live. Life is not to be left to the helpless jiggles of unconcerned jugglers who do not want to know about the sense of their existence.

To experience sense in one's heart and be comforted in the mind, to feel safe and secure even if death would be at hand, and to be at peace with oneself is the possibility

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condition of listening to others and their state of affairs. Here end my thoughts from 2007.

The Scriptures inspired the lives of many a woman and men of many cultures and times. We do not know about the reactions of the assembly of Christians listening to the homily of *Hebrews* in the old Church. I want to tell of an example how a single verse of the Bible or some few sentences of a preacher were able to touch the existence of a listener and lead to change his life. I want to speak of the conversion of Las Casas from a sinner and exploiter of women and men slaves to a servant of peace and justice without hiding the life-long process of the individual woman, man and queer of always acting by interacting with the constructive and destructive structures of the Umwelt. For a short description of the life of Las Casas I follow Álvaro Hueriga (Hueriga 1998).

Bartolomé de Las Casas was born in Seville, Spain in about 1493 CE and in 1566 CE he died in the Dominican College of San Gregorio in Valladolid, Spain. His father Pedro de Las Casas served as a mercenary; he was a colonist in the Indies and a trader in Andalusia. In 1493, he accompanied Christopher Columbus on his second journey. When he came back six years later, his stories contributed to the opening of young Bartholomew's horizon. Was he of an old Christian family or did his family recently get baptised? We do not know. Nor does Bartholomew ever mention his mother. We do not know her name. We know he had four sisters. Until 1502, Bartholomew stayed in Seville. Since the triumphant entry of Christopher Columbus in 1493, Seville was increasing the number of its 50.000 inhabitants daily. In the 16th century, Seville became the major harbour to connect Europe with the New World (Hueriga 1998, 27–37).

On February 13th of 1502, Las Casas junior went to the Indies himself in order to make his fortune and get rich. He reached the island Santo Domingo on April 15 of that year. Thanks to the experience of his father, Bartholomé was better prepared for the real and hard life than the majority of the *conquerors* that reached the New World. Nevertheless, he was just one more of the many Spanish colonists and behaved like one. He took part in at least one expedition to fight Indians in rebellion against the Spanish, who forced them to work in the mines and farms. Las Casas received for his part in the suppression the title *conquistador* and he got some Indians to work at his

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farm as slaves and as serfs in the gold mines. In 1506, Bartolome travelled back to Spain and Rome. We do not know what he was doing there (ibid, 39–46).

In 1513, he went back to Santo Domingo. The Caribbean island of Santo Domingo is called the *Hispaniola*, the Spanish. She was the first Spanish colony in the New World. The eastern two-thirds of the island form today's Dominican Republic, which borders on the Republic of Haiti. The island lies about 100 kilometres west of Puerto Rico and about 200 kilometres east of Cuba and Jamaica. Las Casas was tired of the hard work in the gold mines. He built himself a house, a little fortress made of wood and clay, protected by the river and a wall. Bartholomé was making a living as an agricultural colonist and was searching for gold in the Yanique river. In September of 1510, the first small group of five Dominicans arrived on the island to preach the Gospel to the colony and all their inhabitants. Two groups were to follow later. The Dominicans observed the barbarity of the Spanish conquerors for a year. In 1511, they began denouncing the abuses of the colonizers and proclaimed human Christian rights for the Taínas, as the local Indians are called. On December 21 1511, the Dominican brother Antonio Montesino preached to the Spanish. His superior Pedro de Cordoba and the other Dominican brothers backed Montesino claiming that the Spanish on the island were living in mortal sin because of the tyranny and cruelty with which they were abusing and killing the innocent native population. He founded his sermon on *John* 1, 23.

Las Casas testifies in his *History of the Indies* that John the Baptist used the words of the prophet *Isaiah*: "I am a voice of one that cries in the desert: Prepare a way for the Lord!" Montesino in the wastelands of the colony cried in the name of Jesus Christ that the Spanish had no authority to do what they did. The Indians are humans with rational souls, they must be loved by the Spanish as they would love themselves and must be taught the Gospel, baptized and treated respectfully of their rights.

In the name of all Dominicans on the island, Montesino brought forth the prophetic, historic, heroic and movingly empathic denunciation of the rude abuse and killings of Indians as serfs and slaves for the Spanish whom he called sterile conscienceless sinners. The Spanish were oppressing and starving the Indians to death, refusing to treat their sick and negating them the status of humans. The governor and his Spanish colonizers were furiously protesting to the king, the Dominicans were defending themselves. Las Casas was on the side of the Spanish governor Diego Colon who was

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the son of Christopher Columbus. The son took his father's title as an Admiral and married Maria de Toledo. Thus, he enjoyed the protection of his wife's father, the powerful Duke of Alba. Diego Colon's talent to found and govern cities was as poor as his father's was. The protest of the Dominicans resulted in the Laws of Burgos of 1512, a first step to defend some rights of the Indians. When in 1511, Brother Antonio Montesino denounced the Spanish tyranny as a living in mortal sin, the *encomendero* Las Casas listened but did not agree. Montesino took the story of *John the Baptist* as a model for righteous Christian behavior (ibid, 47–56).

In *the Gospel of John*, the Baptist uses the simple name John that contrasts with the prestigious priests and Levites, the ministers serving in the Temple of Jerusalem, who listen to his witness. The priests and Levites are a bad example for the people of Israel. John is a good example and *Matthew*, *Mark* and *Luke* have the people listen to John because in the desert he bears witness to the voice that cries, "Prepare a way for the Lord. Make his paths straight" (*John* 1, 23). The Gospel of *John* stays closer to the Hebrew text than *Matthew*, *Mark* and *Luke*. *John* uses in its citation from *Isaiah* 40, 3 the verb "make straight" and not the verb "prepare" as does the Septuagint.

The correct translation of the Hebrew text of *Isaiah* 40, 3 reads, "A voice cries, make straight in the desert a way for Yahweh". That the Septuagint mistakenly makes cry the voice in the desert, "A voice of one that cries in the desert". The historic situation of Montesino corresponds to the desert. The way has to be made straight in the desert of Hispaniola, where the Spanish live in mortal sin. To straighten the way would mean to respect the rights of the Indians and to stop forced baptizing, labor and slavery. This sermon of Montesino will later serve Las Casas as a model. Like Montesino, Las Casas will tell the Spanish that it is mortal sin to enslave people and take away their personal liberty and freedom of religion.

John the Baptist exhorts to join the way of Jesus. To describe my understanding of the sentence "make straight the way of the Lord" I translate "join the way of the Lord". John uses the verb straighten. The Hebrew uses the verb *nth*, which means "to stretch, to incline, to turn". It is legitimate therefore to interpret "Turn on the way of the Lord", or "Join the way of the Lord".

The way of Jesus becomes the way of Montesino and with the help of Montesino's sermon on John the Baptist, eventually the way of Las Casas.

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Using the Gospel, brother Montesino gave force to his argument. John the Baptist denounces the exploitation of the poor by the priests, Levites, and tax collectors with the voice of the Prophet *Isaiah*. The author of the *Gospel of John* turns to the century old tradition of the prophets of Israel, who fought corruption, complained that the kings forgot about Go'd, and denounced the exploitation of the people.

450 years after Brother Antonio Montesino's denunciation of the Spanish tyranny in Latin America using the words of *John the Baptist* "Prepare a way for the Lord. Make his paths straight" (*John* 1, 23) on October 28 of 1958, the newly elected pope of the Roman Catholic Church cited the same verses from *John's Gospel* in order to outline the aim of his pontificate and took the name of John, becoming Pope *John XXIII* (Alberigo 1995, 27).

I turn again to Huerga (Huerga 1998). Years before his conversion to join the way of the just world of Go'd, Las Casas was at the same time serving as a priest and following his activities as a colonizer. We cannot say when Bartholomew received his priestly ordination. One of the Dominicans refused him the absolution of his sins in confession because he had continued exploiting slaves as priest. He still took part in the military expedition to colonize Cuba. His part was to preach and baptize Indians. Gradually though, he was able to realize what he heard preaching the Dominicans.

In Cuba at Easter of 1514, his conversion came near. In his *History of the Indies*, he testifies that *Ecclesiasticus* 34, 18–22 struck him very deeply and he cites the Vulgate from memory (ibid, 57–62).

I am citing *Ecclesiasticus* 34, 18–22 according to the New Jerusalem Bible.

"The sacrifice of an offering unjustly acquired is a mockery; the gifts of the impious are unacceptable. The Most High takes no pleasure in offerings from the godless, multiplying sacrifices will not gain pardon for sin. Offering sacrifice from the property of the poor is as bad as slaughtering a son before his father's eyes. A meager diet is the very life of the poor, to deprive them of it is to commit murder. To take away a fellow-man's livelihood is to kill him, to deprive an employee of his wages is to shed blood."

Las Casas began to realize what he experienced and saw before his eyes: the colonizing system was a system of forced Indian labor and tyranny in Spanish farms and mines. In fact, the Spanish were sinning against the Gospel. In the light of this discovery, Las Casas began eagerly studying the Bible, he finally gave away his Indian

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serfs and slave and began to preach like the Dominicans in Santo Domingo (ibid, 63–74).

In 1515, Las Casas went to Spain to fight for the rights of the Indians. With him on the ship was the Dominican brother Anton Montesino. Las Casas brought the cause of the Indians before the Spanish court, the king, before bishops and cardinals. He got letters from the pope. He returned once more to the New World (ibid, 75–95).

In 1522, Las Casas asked to take the habit of the Dominicans. He took the vows and studied for three years. In 1527, he was given order to found a new convent in Puerto de Plata, Santo Domingo in the Hispaniola. That year he began to write *the History of the Indies* (las Casas 1994) and *the Apologetic History of the Indians* (las Casas 1992). He still worked on *the History of the Indies* after his final return to Spain in 1550. *The History of the Indies* is considered his principal work, the important documentation of the genocide of the Indian population of the New World by the Spanish conquerors and of Las Casas's untiring and committed protest and fight against it. He completed the *History* in 1561, only five years before his death. Astonishingly *the History of the Indies* was published only in the early 19th century that is almost 300 years after the life of its author (ibid, 149–155).

Las Casas is famous as the defender of the Indians but not as the defender of the African slaves who the Portuguese and Spanish trafficked to the New World (Pérez Luño 1990). Las Casas fought the European's view that the Indians were intellectually incapable to govern. In the third volume of his *Apologetic History* (las Casas 1992) he writes that the Indians were unspoiled by greed, by lie and distrust and led morally and politically impeccable lives in ecologically privileged environments. The Indians by nature were good and innocent. They live in perfect harmony with the cosmos of nature and take advantage of the splendid sky, the climate and the food. Nevertheless, Las Casas is not aware of the coherence criteria for his thinking. It is not on his mind, that rough and cold climates, icy winds and snow-covered mountains like the Andes according to his naturalistic theory must have a very corrupting influence on the human character of the Andean population. Las Casas reserves this negative determination of the climate on the human character for the northern populations of Europe. The North Europeans are unrefined and clumsy, ponderous jumping jacks slow in thinking and of bad judgement. Nor does Las Casas spare the black population of Africa from his deterministic naturalism and from discrimination. In *the Apologetic History* we read

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that the Africans' body is black and their hair is rough and ugly, that Africans are of low intellect and have wild, cruel and beastly customs (Pérez Luño 1990).

We cannot talk about the genocide of the Indian population in the New World without also memorizing the crime of the establishment of African slavery in Latin America in the sixteenth Century. The colonization of America with the forced labor of African slaves marks the beginning of modern slavery as a system of global organization. According to their values and norms at the time, white European Christian intellectuals, philosophers and theologians, not to speak of the ecclesiastic and political authorities did not question the legitimacy of slavery. In the 16th century CE, there was no protest yet against this systematic refusal of basic Human Rights to millions of human brothers and sisters. Las Casas was not the first to advocate importing African slaves to the Americas to replace the Indian serfs and slaves in the mines and on the farms (Clayton 2009, 1529). In order to stop the extinction of the Indians, Las Casas, Pedro de Cordoba and his Dominican brothers already in 1516 and 1518 proposed and asked the Spanish King to substitute the Indian with African slaves. In the letter of the 20th of January of 1531 which Las Casas writes to the Spanish King's Counsel of the Indies, he suggests to bring African slaves to the New World. Las Casas argues that they were able to bear much better the hard labor in the mines and farms than the local Indian population does (ibid). In 1543, Las Casas was elected bishop of the poor diocese of Chiapas, in 1550 CE he presented his resignation, went to Spain and would never return to the Americas.

In *the History of the Indies* (Las Casas 1994), we read of Las Casas's facing up to the unjust and tyrannical acts of the Indian and African enslavement. In the early 1550ies ,when working in the Dominican monastery of San Pablo in Seville on his History of the Indies, he denounced the African slavery (Clayton 2009, 1530). The last twelve years of his life he spent at Saint Gregory continuing to work on *the History of the Indies* and documenting the destruction of the Indians (ibid). In chapter 129 of the third book of his *History of the Indies*, we read of Las Casas's auto criticism. He writes that he repented and judged himself culpable because he had suggested substituting the Indians with Africans; he saw that the captivity of the Africans was as unjust as the captivity of the Indians and was not sure if his ignorance on the matter would be excused in the divine judgment. He continues to confess that previously he had thought that the Africans would not die of sickness if they were treated well; but he had to

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realize that many of them died because of the inhumane conditions of slavery (Pérez Luño 1990).

Las Casas lives at the beginning of the globalization of the world by the Portuguese and Spanish conquerors of the New World. He participates and profits from the suppression of the Indians. He is an example of a conqueror who cruelly oppressed women, men and queer. Then he entered a process of conversion. By analyzing his social choices and the social, political and religious structures of his colonial Umwelt in the light of the Bible, he turned away from oppressing and started defending the Indians. He was not a saint, but he contributed his part according to his possibilities to restore the dignity and freedom of the Indians. He restored his own dignity by repenting that he had suggested to bring African slaves to the Americas. At the time of Las Casas, the idea of an international law was evolving as necessary but there was no talk of the individual woman, man and queer as the subjects of international law. Only in 1948 CE, the Universal Declaration of Human Rights (UDHR) proclaims the individual to be subject of international law and invites every individual, not only single states, to make claims of human dignity, freedom and rights. 500 years earlier, the individual Las Casas was already one of these women, men and queer who began claiming individual human rights.

How about the lives of the millions of women, men and queer living in the Caribbean during the last 500 years and now? I listen to the old songs of the suffering women and men of the Caribbean (Roberts, 1972). Heavy, slow sad songs as prayers for salvation and rescue from the perils of exploitation. The slaves take the wording of their song *Salve Regina* from the first Christians in Rome (ibid, 2). Slaves were already among those Christians. Today nobody in Rome thinks of *the Salve* as a major kind of vocal music of the Dominican Republic when the choir of the Sistine Chapel sings the *Salve Regina*. The song of *the Salve Regina* still preserves some elements of medieval Spanish religious music. The peasant women of the Caribbean implore the Virgin Mary with some words from the antiphon *Salve Regina* on all sorts of occasions when they come together for work or past time (ibid, 3). Church liturgies do not use and sing these simple songs. That is probably because Caribbean music on the Hispaniola testifies the sufferings, the hopes and the traditions of many cultures. Elements from the exploiting cultures of Britain, Spain and France join elements from the victims, the

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slaves from the coastal rain forest countries of West Africa, the Yoruba, Ewes, Ashanty, Fon and Ibo people and from the Bantu of the Congo (ibid). The call-and-response pattern of the singing is the most common African-derived vocal technique. The liturgies of the first two Christian centuries conserved that call-and-response pattern in their rites. In the first Christian centuries, the announcement of the promise of the Lord by the choir and the answer of the believers as praising response was a joyful and lively event of the hoping and thanking and praying community. Today, nobody in our stony cathedrals and churches remembers these joyful beginnings. The architectural elements of ambos and choirs are unable to substitute the life of a singing community. In Europe, the liturgical music of Mozart, Beethoven and Bruckner inspires listeners who feel happy.

They do not like disturbances of their aesthetic musical experience and waste not a single thought or feeling on the fact that liturgy is a service for realizing the just world of Go'd.

I am deeply touched listening to the recordings of the melancholy rhythm of the Caribbean music and I am frightened by the few words used for the wording. I am ashamed to see that most men and women in the Hispaniola still today are denied living a life in dignity. The expression of sense in the songs contents itself with few elements and points to the importance of the speaker as possibility condition. Who and what speaks in those songs? Folk music expresses secular and religious sentiments and thinking. There are Christian motives like the Virgin Mary and elements from African religions like the *Voodoo* or the healer-cum-sorcerer *Obeahman* who bans the spells at weddings and on the festive final night of a wake. Folk song, hymn and symphony, belief, conviction and theory, dance, ritual and dogma, the world is everything that is the case.

Women, men and queer mingle and mix with ritual movements and singing. Nobody wonders that symbols like water and serpent and death match the pictures of life; the songs give birth to a picture of hopes and promises and despair with changing sets of elements of their creation.

Since the listening, meditating and studying of the Bible was at the beginning of Las Casas's turn on the way of justice, I turn again to *the Letter to the Hebrews* to assess

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Human Rights for the participants in the liturgical congregation of women, men and queer.

I return to *Hebrews*. Vanhoye pioneered the recognition in the biblical studies that *Hebrews* is a liturgical sermon, a homily that was delivered in the context of a service (Kleinig 2016, 36). The listeners “heard the message of salvation (*Hebrews* 2, 1–4) and shared a holy meal (6, 4–5)” (ibid, 35). The service of prayer and praise was “done in connection with hearing God’s Word (*Hebrews* 4, 12–16)” and “was associated with the celebration of the Lord’s Supper as a communal meal” (ibid). The Lord Christ Jesus is available and accessible to the listeners and participants of the service, that “revolves around the presence of Christ Jesus as the hearers’ great High Priest and their possession of him (*Hebrews* 4, 14; 8, 1; 10, 21)” (ibid, 34). In the liturgy of the Divine Service, the congregation has access to Go’d (ibid, 38). *Hebrews* is the only text of liturgical preaching and teaching in the New Testament, “In it and by it, the teacher aims to lead his congregation into deeper and fuller participation in the Divine Service, both on earth and in heaven” (ibid, 39).

2.2 *Hebrews* 1, 1–4

“¹After formerly speaking in many parts and many ways to the fathers by the prophets, ²in the last of these days God has spoken to us by (the One who is) his Son, whom he appointed heir of all things, through whom he also made the ages, ³who, being the radiance of his glory and the exact imprint of his substance and sustaining all things by his utterance of power, having made purification for sins, sat down at the right hand of the Majesty in the (heavenly) heights, ⁴having become so much better than the angels as the name that he has inherited is more excellent than theirs” (Kleinig 2016, 43).

This introductive sentence has Go’d speaking first. In *Hebrews* 1, 1–2 Go’d is a grammatical subject. Although there is a change of the grammatical subject in *Hebrews* 1, 3–4 to the Son, “the introduction emphasizes the role of God as Speaker” (ibid, 51). Go’d is speaking through his Son and the Son is sitting at His right hand.

Jesus’s close relationship with Go’d – enthronement of Jesus, Go’d works with Jesus creating the world and gets appointed as heir – “equips him well to be God’s spokesman to the congregation” (ibid, 52). Jesus speaks to his congregation from heaven throughout *Hebrews*. On earth, human leaders are allowed to speak Go’d’s

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Word to the congregation in the Divine Service (*Hebrews* 13, 7; 2, 3; 2, 5; 6, 9) (ibid, 53).

Go'd spoke "in the last of these days" may be understood as the seventh day of creation (*Hebrews* 4, 4) (ibid, 54). In this case, Go'd's speaking to Her Son is part of his rest, a beautiful characterization of a relaxed relationship to Her Son. *Hebrews* 1, 2b, God appointed Her Son "heir of all things" alludes to Go'd's promise in *Psalms* 2, 7–8 (ibid, 55). The author of *Hebrews* takes care to make clear that before performing any unction, there has to be somebody presented as being ready for the anointment. It is very important for the author of *Hebrews* to insist first in the birth of a human being, of a son. To stress the point that a baby son is born the author of *Hebrews* uses the Septuagint and therefore misses the fact that he actually lends from tradition the picture of a birth-giving mother Goddess.

The New Jerusalem Bible does not dare to use the picture of the Only One as a mother:

"I will proclaim the decree of Yahweh: He said to me, 'You are my son, today have I fathered you. Ask of me, and I shall give you the nations as your birthright, the whole wide world as your possession'" (*Psalms* 2, 7–8).

The Only One is neither mother nor father, that is clear. The Only One is invisible. Nevertheless, we have to take notice of the Bible using the picture of Go'd as mother. The Bible bears the traces and tears of the lives of women and sometimes even of their joy and pleasure. Later these women voices and images were suppressed by patriarchal structures of oppression. If Go'd's first activity is to give birth, it is clear that She is a woman. The author of *Hebrews* uses the picture of *Psalms* two to characterize Go'd's activity in relation to this son: Go'd gave birth to Her son, She bore Her son, She delivered Her son; thus we read in *Psalms* 2,7. The old Hebrew text is very clear about this fact; the Hebrew verb *jld* stands to describe the mother's activity of giving birth (Gesenius 1910 297). Very rarely the verb *jld* is used to describe the father's activity of engendering a child (ibid). Moses is called a mother of Israel in *Numbers* 11, 12. Sometimes *jld* is used for mother and father together (ibid). The Septuagint evidently is the work of men who cannot imagine Go'd otherwise than as being a man and therefore translated *jld* with to beget. The author of *Hebrews* follows this Greek translation of the Septuagint that translates *jld* with the Greek *gennaw* that is to beget.

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The affirmation about the Son “being the radiance of his glory” (Greek: *doxa*) shows “how the Son of God resembles God and yet differs from him” (ibid, 57). Go'd is invisible, and we express our feelings and thoughts about Go'd but we are not able to describe Go'd. We are able to describe what we mean, and we say, what we want to say. When *Hebrews* speaks about Jesus Christ being the radiance of Go'd's glory, it is clear that we are not able to recognize or say anything about Go'd's glory. Nevertheless, the author of *Hebrews* affirms, that an experience of the manifest presence of the hidden and invisible Go'd is possible. The Divine Service of faith in the Son assesses this faith and manifests thereby the presence of Go'd. For the Christian, Jesus does not just reflect Go'd's light, “he is that light” (ibid). The term light is often used as a symbol for the life sustaining force of creation. It is important to take notice that the author of *Hebrews* speaks about light as “radiance”, that is there is a relation of the radiant light to the light. When Jesus is confessed as light from light, it is clear, that there is a relation. When Jesus is confessed as light, it is clear that Go'd is not light, but that we speak of Go'd as light, as the source and mother of all life, and we confess Jesus Christ as our light. It remains true, that we are not able to tell who Go'd is. *Hebrews* is somewhat conscientious of this fact, the picture of Go'd's Son as “the exact imprint of his substance” (*Hebrews* 1, 3) tells, how the Son differs from the Father (ibid). “The Son is God from God”, God stamped his substance (Greek: *hypostasis*) on the Son (ibid). God is the foundation for Jesus to stand on and Jesus “cannot exist apart from God” (ibid, 58). In a sense he stands under Go'd, the expression Jesus Christ is used by Christians as a *hypostasis*. Using the term hypostasis makes clear that there is an expression, the expression Go'd, whose use does not lead to a term Go'd.

The author of *Hebrews* writes believing in Jesus Christ as Son of Go'd. *Hebrew* 1, 1–4 is another confession of Jesus Christ as Go'd's Son and as Lord in the New Testament. We may say, Jesus Christ is human and Son of Go'd. We may also say, Jesus Christ is human, he is a man and Daughter of Go'd. The terms Son of Go'd and Daughter of Go'd are expressing a relation to Go'd who is neither woman nor man. If we therefore use the picture of giving birth, this picture speaks of a very intimate relation of Go'd and Jesus Christ, we do not speak of the birth of a son or a daughter. We do speak of an intimate, empowering, life sustaining relation between Go'd and Jesus Christ. Instead of the title Son of Go'd we may also use the title Daughter of Go'd, because we are expressing faith sentences and faith is not limited to gender.

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Within the world of the picture of the relation of Go'd with humans as Her children, we say that the relation is a relation of a woman, man or queer to Go'd. We believe in Jesus Christ and we believe in Go'd and the title Daughter of Go'd would be used in a matriarchal society, as the title Son of Go'd is used in patriarchy. Go'd sides neither with matriarchy nor with patriarchy. Since we believe realizing the just world of Go'd, not the discriminating world of Go'd, we may use the titles Son of Go'd or Daughter of Go'd simultaneously. The use of the title Daughter of Go'd helps to show that we are speaking faith sentences. The children of Go'd, women, men and queer believe in Go'd the invisible but the accessible in the experience of meditation, prayer and life. Experiencing Go'd is a gift to all, women, men and queer, without discrimination. The daughters of Go'd and the queer children of Go'd on this earth are promised the same intimate saving relation to Go'd as the sons of Go'd. It is important to make this point clear. The use of the term Daughter of Go'd serves to speak of the divine aspect of the relation of Go'd and Jesus Christ.

The image of Jesus Christ as “the mirror of God” has influenced the early Church and was of great importance for the Reformer Martin Luther (ibid, 61). The prologue to *Hebrews* “guided the great Christological debates in the third and fourth centuries” and shaped the confession of the Nicene Creed that “Jesus Christ is of one substance with the Father” (ibid, 62). We have to be very careful using these kind of Creed sentences in the right way that is without creating nonsense. The Greek term of the Nicene Creed for the term “of one substance” is *homoousion* that translates as “of one substance”, or of one being, of one reality, of one capacity. The Nicene Creed already makes use of the term *homoousion* in a very philosophical sense and does not any more cultivate the important memory of *Hebrew* 1, 3 where Go'd is confessed as the One who stamped his substance (Greek: *hypostasis*) on the Son (Kleinig 2016, 57). The picture of Go'd's Son as “the exact imprint of his substance” (*Hebrews* 1, 3) tells how the Son differs from the Father (ibid).

The Greek expression *hypostasis* literally means standing under. Therefore, I use the predicate understanding in association with the term *hypostasis* in order to make clear that the use of the expression hypostasis for describing the Father, Jesus Christ or the Holy Spirit is a use conscientious of our efforts to try to express human experiences of Go'd, no more and no less. We may speak of Go'd using the term *hypostasis* and speaking of the Father, the Son and the Holy Spirit in order to say what we mean. In

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order to understand the Niceen Creed in accordance with the Holy Scripture we have to be clear that we speak of the Father and the Son as hypostasis and that the term *homoousion* that is of one substance speaks about hypostasis and does not describe the invisible Go'd.

Jesus Christ tells us about Go'd by living, teaching and healing. It is important that Go'd speaks through Jesus Christ, that Jesus Christ speaks. Because of the human birth of the Son we are able to hear "what God says in and through his Son" (ibid, 63). "God's Son was conceived and born as a man and lived a human life", that, as a whole, was "an act of purification" (ibid). Theologically that is speaking with my Christian faith, I may also say, Go'd's Daughter was conceived and born as a man and lived a human life.

Kleinig further claims that the purification from sin began with the incarnation of Jesus Christ and his "lifelong service of God by cleansing the whole human life cycle from the womb to the tomb (*Hebrews* 2, 14–18; 10, 5–10)" (ibid, 59). Kleinig explains the faith sentence that from conception to death, Jesus lived a human life without sin claiming that each stage of his life was lived as a social choice for Go'd's love (ibid, 63). I agree that the pure life of Jesus makes possible that "human beings can share in his purity in all parts of their bodily existence" (ibid). Since faith is not about a historic documentation or biography of the complete series of Jesus's social choices from birth to death and resurrection, claiming such a claim in my eyes is nonsense. Faith in Jesus Christ has to do with the credibility of Jesus Christ, his life, death and resurrection. The Church fathers had been attentive defending the credibility of the faith in Jesus Christ by speaking about the experiences of Christians believing in Jesus Christ. In the third century CE the Christian Origen wrote against Celsus, the first hostile Roman observer of Christianity of great importance that Jesus deserves credibility, because the "evidence of the work of Jesus to be seen in the churches of God" makes faith in him credible. "The name of Jesus still takes away mental distractions from men and women, and daemons and diseases as well, and implants a wonderful meekness and tranquility of character, and a love to mankind and a kindness and gentleness, in those who have not feigned to be Christians on account of their need of the necessities of life or some other want, but have genuinely accepted the gospel about God and Christ and the judgment to come" (Chadwick 1953, I/67; Selwyn 1876, 68).

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It is the credibility of Jesus that inspired women, men and queer to turn on his way realizing the just world of Go'd. In reality women, men and queer are allowed to return to the way of love, to return to the way of realizing the just world of Go'd. As humans we are far away from realizing the just world of Go'd as a continuous series of social choices for Go'd's love. Salvation stays a hope that will find realization, and at the same time we secure and save because we may experience this love of Go'd.

2.3 *Hebrews* 1, 5 – 5, 10. Faith in Go'd and trust in Jesus Christ as our credible priest

The author of *Hebrews*, we do not know if man or woman or queer, describes the Christian term priest from the point of view of faith in Go'd as the One. Women, men and queer believing in the One are daughters and sons of Go'd. The daughters and sons of Go'd believing in Jesus Christ teaching and healing in the just world of Go'd, dying at the cross, and experiencing Christ having been risen by the Only One, call themselves Christians. The Christians justify the legitimacy of their belief, experiencing feelings of peace and love and giving thanks to Go'd for the testimony of Jesus and the sisters and brothers. The Only One confirms the testimony of Jesus and our sisters and brothers with signs, wonders and manifestations of power, and with Her gift of the Holy Spirit to us (*Hebrews* 2, 3–4). Jesus, the daughter of Go'd, is not only accredited by Go'd, Jesus trusts and believes Go'd, there is reciprocity and therefore credibility in the relation of Go'd and Her child (*Hebrews* 2, 11–13).

Hebrews 1, 5 – 2, 18 describes the priest, in a completely different way to the Hebrew Bible. In *Hebrews* there is no word of a temple, nor of sacrifices, benedictions or rituals performed by the priest Jesus Christ (Vanhoye 1988, 91). There is no consecration to perfection (Greek: *teleiow*) of a high priest, instead, *Hebrews* 2, 10 speaks of a perfection (*teleiow*) of the realizer (Greek: *archaegos*) of salvation through sufferings. Suffering is not part of the rituals of the Old Testament, there is no function for suffering in the rituals of the priest and the priest in the Old Testament never sanctifies the people as Jesus Christ does in *Hebrews* 2, 11 (ibid). Sanctified persons in the Old Testament are separated from the people by special rites; they are not any more ordinary people (ibid).

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Christians believe in Jesus Christ, who died at the cross and is risen; *Hebrews* speaks of the glorified Son of Go'd. At the same time, *Hebrews* describes Jesus Christ as brother of sisters and brothers (Hebrews 2, 17). Describing Jesus as realizing interactions with Go'd and with sisters and brothers and the people describes the validity-condition for a priest that is mediation between Go'd and the people (Vanhoye 1988, 92). Jesus Christ, the Daughter of Go'd, does not show empathy or solidarity with her brothers and sisters, "Since all the children have a share in the same flesh and blood" that is the same human nature, "he too shared equally in it" (*Hebrews* 2, 14a). Jesus Christ realizes a human existence, lives a human life as a man and shares the happiness and sufferings of women, men and queer. "For the suffering he himself passed through while being put to the test enables him to help others when they are being put to the test" (*Hebrews* 2, 18). He does not give help to angels but to the descendant of Sarah and Abraham (*Hebrews* 2, 16). *Hebrews* 2, 17 announces the theme of the whole part of *Hebrews* 1, 5 – 5, 10, Jesus Christ is high priest and he is merciful (Greek: *eleaemwn*) and credible (Greek: *pistos*) (Vanhoye 1988, 93).

We translate *pistos* as "credible, to be trusted or believed, raising trust and faith, and trustworthy" (ibid, 94). The term *pistos* is used to describe two relations. One interaction concerns the relation with Go'd and the other interaction is the relation with the people. The expression *eleaemwn* speaks of the relation to the people and describes the social realization of mercy and compassion. *Hebrews* presents the mercy of the priest as compassion with the sisters and brothers, as compassion based on the experience of the shared sufferings and tribulations with women, men and queer (ibid, 96). *Hebrews* 4, 15 repeats the same assessment of the priest's compassion with sisters and brothers (ibid). At the same time it is a validity-condition for the priest being trustworthy towards Go'd; without the capability of intervening with Go'd the priest cannot help the suffering women, men and queer and end the sufferings. The priest has to be trustworthy towards the relation to Go'd (ibid).

In *Hebrews* 3, 1, we hear that as Jesus Christ shares our human nature, we are invited as women, men and queer to share "in the same heavenly calling as Jesus" (Kleinig 2016, 167). *Exodus* 15, 17 claims that Go'd will bring Her people into Her own dwelling-place, that is the temple and the realization of this claim is called salvation. This divine vocation is our vocation as Christians, Jesus Christ is capable of realizing this divine project (*Hebrews* 3, 1), it is the realization of the relation of the priest with the house of

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Go'd. (Vanhoye 1988, 102). This house of Go'd in *Hebrews* is not anymore the temple in Jerusalem. *Hebrews* speaks of the sisters and brothers of Jesus Christ as houses of Go'd and of Go'd's household if we trust in Go'd and Her promises (*Hebrews* 3, 6) that is if we listen to Jesus Christ and perceive his message. Moses was credible because he spoke of the revelation of Go'd. Jesus Christ is also trustworthy because he speaks from his intimate relationship with Go'd just as the high priest had to proclaim Go'd (ibid, 103). The author of *Hebrews* exhorts that the existence of the community of hearers as congregation "depends of hearing the voice of God as he speaks to it through his exalted Son" (Kleinig 2016, 107). Kleinig writes as a white, male Bible scholar and is not conscious of gender and of sexist anthropomorphisms. Go'd the Only One does not have genders and genders do not describe the Only One. Therefore we may say that She trusts and has accredited Jesus as Her daughter, and Her daughter Jesus trusts in Her, so that we may trust in Jesus and become daughters of Go'd too. *Hebrews* 4, 1–13 describes the Divine Service of the congregation of women, men and queer as the church's celebrating her standing "between earth and heaven, time and eternity, this world and the world to come" (ibid, 221).

Hebrews 5, 1–10 is important for the whole part of *Hebrews* 1, 5 – 5, 10 for a complete understanding of the role of the high priest. The high priest does not only offer animal sacrifices, he is also mediator in the sanctuary and the only one allowed to enter the temple, and by proclaiming Go'd's oracle he transmits the divine answers to the people on important questions like going to war or not (Vanhoye 1988, 100–101). We have to remember all these different functions of the high priest in order to understand what Jesus Christ was realizing (ibid, 101). *Hebrews* 5, 1 affirms that "every high priest is taken among human beings", *Hebrews* 5, 2 affirms of Jesus Christ that "he can sympathize with those who are ignorant or who have gone astray; because he too is subject to the limitations of weakness". *Hebrews* 5, 5 affirms again with Psalm 2 that Jesus Christ is an instituted high priest by Go'd, Go'd has made him enter Her glory, not Jesus himself. *Hebrews* 5, 6 assesses Jesus Christ as high priest in the order of Melchizedek and cites *Genesis* 22, 16. *Hebrews* 5, 7 speaks again of the weakness of Jesus and of his suffering, "During his life on earth, he offered up prayer and entreaty, with loud cries and with tears, to the one who had the power to save him from death, and winning a hearing by his reverence". Hearing *Hebrews* 5, 7, I do not want to speak of a sacrifice but of a very important experience of Christian faith. Keeping one's integrity even through suffering, accepting suffering and empowering one's resilience

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comes first. *Hebrews* calls this accepting and resilience of suffering obedience, “he learnt obedience, Son though he was, through his sufferings” (*Hebrews* 5, 8). We are daughters and sons of Go'd not because Go'd takes away our responsibility for sustaining our integrity. Daughters and sons of Go'd live, suffer and are happy, they work for the integrity of their human bodies. Jesus is trustworthy, because *Hebrews* testifies that the suffering Jesus, was capable of having mercy with our sufferings. Having suffered is indeed very often a possibility condition for having empathy with the suffering of others. The authority of Jesus Christ is described as the weakness of living through his suffering and at the same time, being confident to the saving Go'd. Jesus Christ is not a role model for us, we may be sure of his mercy and compassion with all our sins and God' does not demand that we realize love and peace at any moment of our lives. For salvation faith in Jesus Christ who is trustworthy is sufficient, the social choice of believing in Jesus Christ *Hebrews* calls obedience (*Hebrews* 5, 9). It is a very important point for Vanhoye insisting on the similarity of the description of the high priest and Jesus Christ in Hebrew's; the author of *Hebrews* was interested in pointing out the continuity between the high priest and Jesus, at the continuity between the two Testaments (Vanhoye 1988, 119).

Vanhoye structures the Letter to the Hebrews in five parts. The first part deals in *Hebrews* 1, 5 – 2, 18 of the name of Christ. The second part runs from *Hebrews* 3, 1 to *Hebrews* 5, 10. In *Hebrews* 3, 1 – 4, 14 the theme is Christ as priest who is trustworthy, and in 4, 14 – 5, 10 Christ as priest who is compassionate. *Hebrews* 5, 1–10 connects with the following part three in many points. In this third part, *Hebrews* 7, 1–28; 8, 1–9, 28 and 10, 1–18 is again speaking of the priesthood of Christ (Vanhoye 1988, 102).

2.4 *Hebrews* 5, 11 – 10, 39

Hebrews 5, 11 – 10, 39 is the third part of the letter. It starts in *Hebrews* 5, 11 – 6, 20 as a preamble, in *Hebrews* 7, 1–28 we hear of the ancient priestly institution, in *Hebrews* 8, 1 – 9, 28 we hear of the functions of the priest, in *Hebrews* 10, 1–18 about the efficacy of the offering and in *Hebrews* 10, 19–39 we hear a paraenesis as conclusion (Vanhoye 1988, 147).

Hebrews 5, 11 – 6, 20 in my naïve eyes is a kind of motivational talk. The listeners have grown slow at understanding and “have become dull of hearing” (*Hebrews* 5, 11).

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There is a problem. *Hebrews* 5, 12 expects from the women, men and queer participants of the congregation who are hearing the homily that they were teachers. Women, men and queer Christians are supposed to be teachers in the Divine Service; they are not supposed to be just listeners. The preacher of *Hebrews* is somewhat disappointed with his congregation of women, men and queer. They really should already teach other and not behave like students who need instruction. Imagining the author of *Hebrews* as a disappointed teacher and preacher corresponds to the association of my preaching and teaching practice. For thirty years, I have been preaching in the Divine Service and for almost thirty years, I have been giving courses to students at universities. When assessing the fruits of my preaching and teaching, that is some consequences and successes on the part of the faithful and the students, I observe passivity, disinterest to become involved in personal inquiries and studies or lack of motivation and possibility of continuing one's faith work. The author of *Hebrews* looks to me like a manager who prepares for a difficult motivational talk with his team. She had prepared herself and decided to realize the confrontation and talk. She motivates her team to join the talk and tries to get to some agreement or contract. She motivates, we might have a strong consolation and find comfort grasping the hope held out to us (*Hebrews* 6, 18). She motivates again reaching out to the souls of her listeners claiming that this hope constitutes a certain and secure, a sure and firm anchor for our souls anchoring inside the curtain of Go'd for the sake of our reconciliation (*Hebrews* 6, 19). Using in her speech the personal pronoun "we" she does not only establish contact with her sisters and brothers but also tries to establish a contract for holding on to this hope of an inner relationship with Go'd. The author of *Hebrews* actually gives a talk and does not lead a discourse. We do not know about the reactions of the assembly. Since the Divine Service presumably continued after this talk, we may say that there was consensus on the contract. Finally yet importantly, the author takes measures for realizing the hope of reconciliation. Since "Jesus Christ has entered as a forerunner on our behalf" this sanctuary of hope and reconciliation (*Hebrews* 6, 20), we have to take measures to follow Jesus Christ. Any motivational talk has to lay down the consequences and sanctions for not complying with the measures of the contract. The sanctions of *Hebrews* 6, 4–6 are quite shocking, "after Baptism there is no second repentance for apostasy" (Kleinig 2016, 32). Only Cyprian insisted in his *Epistle* 51 from 252 CE that the rejection of pardon for apostates is not forever but that communion with the church could be restored "after a period of penitence" (ibid). The

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acceptance of Hebrews with the Christians was nevertheless a process that took much longer. Jerome regarded Hebrews as canonical, but in 414 CE he remarks that Hebrews is used in the liturgy of the East but not yet received as canonical in the Latin-speaking West (ibid, 33).

Hebrews 5, 1–10 strictly relates to *Hebrews* 7, 1–28 (Vanhoye 1988, 104). Again, there is the citation of Psalm 110, 4 with the oracle “You are a priest forever of the order of Melchizedek” (*Hebrews* 5, 6 and *Hebrews* 7, 1–3 and *Hebrews* 6, 20). The author of Hebrews insists that Jesus Christ was not proclaimed high priest in the order of Aaron, but of the order of Melchizedek. *Hebrews* 7, 11 speaks of “a different kind of priest”, a priest “of the order of Melchizedek rather than of the order of Aaron”. *Hebrews* 7, 15 again speaks of “another priest, of the type of Melchizedek” and *Hebrews* 7, 16 describes this other priest “not in virtue of a law of physical descent, but in virtue of the power (Greek: dynamis) of an indestructible life”. In *Hebrews* 5, 6 the authors cite *Psalm* 110, 4 for insisting on the continuity between Aaron and Jesus Christ, both were appointed and made high priests; in *Hebrews* 7 the author points at their differences (Vanhoye 1988, 105). It is important to observe with Vanhoye that there is talk of differences but there is no polemic against the First Testament, the Hebrew Bible, as valid expression of Go'd's promise of salvation and our hope to be part of it (ibid, 108). The author of Hebrews changes the scope of attention from the Temple institutions of the Old Testament to Jesus Christ as the high priest for our hope for salvation (ibid, 109). We do not need any more a Temple and its institutions, each sister and brother of the assembly is a house of Go'd.

Vanhoye suggests that *Hebrews* 7 deals of the social status of the priest, his standing (ibid, 110). In *Hebrews* 8, the author speaks of the sacrifice of the priest, of the activity of the priest, and *Hebrews* 9 deals with the efficacy of the priestly offering concerning the people (ibid) and *Hebrews* 10 deals with the consequences of the sacrifice for the people (ibid.: 114).

Hebrews 7, 3 speaks of Melchizedek as king of justice and as king of peace (Vanhoye 1988, 134). Concerning the status of the high priest *Hebrews* 7, 3 clearly claims from Melchizedek, “he has no father, mother or ancestry, and his life has no beginning or ending; he is like the Son of Go'd. He remains a priest forever”. In Genesis there is no word on Melchizedek's unknown heritage and there is no word that he remains a priest forever (ibid). The author of *Hebrews* takes *Psalm* 110, 4 in order to interpret Genesis

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and the picture of Melchizedek is a picture that serves talking of Jesus Christ (ibid, 136). If *Hebrews* 7, 3 claims from Melchizedek, "he has no father, mother or ancestry, and his life has no beginning or ending" it is clear for us that there is no talk of Melchizedek as human being. Human beings usually have parents and ancestry. We are therefore allowed to point at the possibility of speaking of Melchizedek as a woman, as a queen of peace and justice, as a woman who works for the just world of Go'd. Using the pictures of Jesus Christ as the Daughter of Go'd and of Melchizedek as a queen of peace and justice we try to point at the equal dignity, freedom and rights of women, men and queer that ban any discrimination. If we may speak of Melchizedek as queen of justice and peace and of Jesus Christ as Daughter of Go'd, we may consequently speak of Jesus Christ as our high priestess, our high woman priest in order to end discrimination in theological sentences of faith.

Hebrews 8, 2 speaks of the "true Tent" and the author of *Hebrews* insists that this "true Tent" serves for the liturgy of Christ (Vanhoye 1988, 119). Christ "is the ministry" (Greek: *leitourgos*) "of the sanctuary and of the true Tent, which the Lord, and not any man, set up", says *Hebrews* 8, 2 citing *Numbers* 24, 6 making the only use of the term *leitourgos* in relation to Jesus Christ in the whole New Testament (ibid, 120). The sanctuary is a place for rituals, the tent (Greek: *skænae*) is a holy place too, the context is cultic (Vanhoye 1988, 121). In *Hebrews* 8, 3 – 9, 10, the author talks about the ancient cult. In *Hebrews* 9, 11–28 we hear about the offering of Jesus Christ, we learn about the relation between sanctuary and tent (ibid, 122). From *Hebrews* 9, 11–12, we learn that sanctuary and tent are different, Christ entered into the sanctuary through the tent; the tent is a place of passage, the sanctuary the place of arrival (ibid, 123). The tent is the way that leads to the sanctuary. In *Hebrews* 10, 20, we read of Jesus Christ "by a new way which he has manifested for us, a living opening through the curtain, that is to say, his flesh", Jesus Christ has inaugurated a new way of life for us as access to the sanctuary (ibid, 126). The Germanic mentality that had tormented Christian theology for more than thousand years is convinced that the suffering, the passion operates a sacrifice. The Hebrew tradition and the teachings of *Hebrews* clarify that Passion without glorification does not constitute a sacrifice; glorification describing the perfect union with Go'd (ibid, 128). The central message of the teachings of *Hebrews* affirms the transformation of the humanity of Jesus to become the perfect tent. Christ is the new tent. In *Hebrews* 2, 10; 5, 9; 7, 11.19.28, this transformation is called *teleiwsis* that is the priestly consecration (ibid, 129). The author of *Hebrews* uses

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the profound and old tradition of the Hebrew Bible concerning the history of Israel that is construction of the Temple, destruction and new construction to describe her Christology (ibid). According to the Hebrew Bible (1 *Kings* 5–9), *King Salomon* built The First Temple in the 10th century BCE. Nebuchadnezzar destructed this First Temple by after the Siege of Jerusalem of 587 BCE. In 539 BC the ruler of Persia, Cyrus, conquered Babylon, allowed the Israelites to return to Jerusalem and to construct a new temple to YHWH; no wonder that the exiled Israelites “saw him as a redeemer empowered by God” (Segal 2015, 34).

According to Vanhoye, the author of Hebrews certainly was conscientious of *Matthew* 26, 64, where Jesus responds in the context of the new temple as the high priest. Jesus cites *Psalms* 110, 1 and *Daniel* 7, 13, “I tell you that from this time onward you will see the Son of man seated at the right hand of the Power and coming on the clouds of heaven” (ibid). Since the biblical scholars generally agree, that *Matthew* was composed after 70 CE and *Hebrews* before, I am not seeing how the above suggestion of Vanhoye would work with *Matthew*; it would work with *Mark* 14, 55–62.

Since decennials, I am impressed and touched and moved by the promise of a second covenant by Go'd according to Jeremiah. The prophecy of Jeremiah really comforts every disappointed teacher and preacher but also all those who suffer from people pushing and forcing the company of their insights on others. *Hebrews* 8, 8–12 in effect cites the whole of *Jeremiah* 31, 31–34,

“Look, the days are coming, the Lord declares,
when I will make a new covenant with the House of Israel and the House of Judah,
but not a covenant like the one I made with their ancestors,
the day I took them by the hand to bring them out of Egypt,
which covenant of mine they broke, and I too abandoned them, the Lord declares
No, this is the covenant I will make with the House of Israel,
when those days have come, the Lord declares:
In their minds, I shall plant my laws writing them on their hearts.
Then I shall be their God, and they shall be my people.
There will be no further need for each to teach his neighbor,
and each his sister and brother, saying ‘Learn to know the Lord!’
No, they will all know me, from the least to the greatest,
Since I shall forgive their guilt and never more call their sins to mind”.

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At the end of the third part of *Hebrews*, the author repeats again *Jeremiah* 31, 33–34 (*Hebrews* 10, 17). The author assesses the efficacy of the salvific priesthood of Christ pointing at the self-sacrifice of Christ and at the instauration of a salvific alliance (*Hebrews* 8, 6 and 9, 15) (Vanhoye 1988, 72). In *Hebrews* 10, 1–18 this salvific efficacy of the priesthood of Christ again rests of the self-sacrifice of Christ but also on the confirmation to the glorious session of Christ in heaven (ibid).

The concluding paraenesis in *Hebrews* 10, 19–39 is a consequence of the dogmatic teaching. Since Jesus Christ became a trustworthy high priest, we have to trust and believe in him; because of his compassion and mercy we have to approach him with our faith; because he is the true way towards Go'd, we have to take this way of love (Vanhoye 1988, 72).

2.5 *Hebrews* 11–13: Consequences for a Christian life from *Hebrews* 1–10

The fourth part of *Hebrews* consists of *Hebrews* 11, 1 – 12, 13 (ibid). *Hebrews* 11 is full of the term *pistis* that means trustworthy faith (ibid, 74). In *Hebrews* 12, 1–13 there are predications of exhortation like “let us run”, “let us reflect”, and “let us be patient and persevering”, “let us be educated and trained by perseverance” (ibid, 75). *Hebrews* 12, 2 exhorts, “let us keep our eyes fixed on Jesus, who leads us in our faith and brings it to perfection”. Jesus is faithful and he is the perfecter (Greek: *teleiwtaes*). We know from part one of *Hebrews* that the trustworthy Jesus Christ operates perfection by faith in Go'd, mercy and compassion. Hope sustains our life as Christians, hope in salvific mercy and compassion. Go'd treats us as Her daughters and sons, She educates us by perseverance (*Hebrews* 12, 7–8).

Hebrews 12, 14 – 13, 21 constitutes the fifth part of *Hebrews*. *Hebrews* 12, 13 announces the theme of this part, “make straight the paths of your feet”. Exhortations enhance the mental capacities for following this right way, for accepting obstacles with patience and perseverance for realizing as Christians a Christian life that bears the fruits of peace and justice (ibid, 77). *Hebrews* 13, 1–6 recommends the faithful of the assembly to continue to love each other like sisters and brothers. We are exhorted to welcome strangers in the community, to care for prisoners “and those who are being badly treated, since you too are in the body”; all must honor marriage and pure, undefiled sex; faithless and disloyal sexual relations that harm and hurt will be judged

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by Go'd. Leading women and men are those "who preached the word of God to you" and lived accordingly, they should be remembered and the fruits of their lives assessed, "take their faith as your model" (*Hebrews* 13, 7). Grace strengthens and confirms our hearts with security and not with ritual practices in the Temple; Jesus sanctified the people outside the camp so "let us go to him, then, outside the camp, and bear his humiliation" (*Hebrews* 13, 13). The assembly should listen to their leading women and men and be persuaded (*Hebrews* 13, 17). *Hebrews* 13, 20–21 takes up as inclusion the beginning of the fifth part of the letter again speaking of peace and the Lord, and ends with a doxology, "glory to Jesus Christ for ever and ever. Amen" (Vanhoye 1988, 82).

The final verses of *Hebrews* make the homily look like a letter. We learn from *Hebrews* 13, 19 that the homily had been sent to a nearby community in written form; from this verse it does not follow that *Hebrews* is a letter (ibid, 83). The whole structure of *Hebrews* is systematic and from the oratory beginning to its ending does not correspond with the literary form of a letter (ibid).

When listening to the stylistically perfect styled homily, one is convinced of the uselessness of the Temple rituals in Jerusalem. The homily is not for consoling a congregation that had lost its Temple by the destruction in 70 CE. The biblical scholars apparently agree that *Hebrews* was most likely composed before the destruction of the Temple in 70 CE (Kleinig 2016, 9). The homily is for strengthening a congregation believing in Jesus Christ and following his way of the just world of Go'd while priests still serve at the temple altar in Jerusalem (*Hebrews* 13, 10), and "while the first tent is still standing" (*Hebrews* 9, 8–9) (ibid). When the Temple had effectively been destroyed in 70 AD the Rabbinic coping arguments sound very similar to *Hebrews'* argumentation for the uselessness of the Temple. The Pharisees were very pragmatic about the consequences of the destruction of the Second Temple as the Mishna documents. Rabban Johanan ben Zakkai commented the ruins of the Temple in Jerusalem saying "we do not need a Temple for effective atonement, we need actions of lovingkindness as it is written: "I desire mercy and not sacrifice (Avot de-Rabbi Natan 6)"" (Segal 2015, 56). The Rabbi cites the prophet *Hosea* 6,6 just as *Matthew* makes Jesus cite the same verse two times in his Gospel (*Matthew* 9, 13 and *Matthew* 12, 7) and as *Hebrews* does. The Rabbis transformed Judaism from a Temple-centered religion to a tradition of reconciliation between God and Israel based on acts of lovingkindness, piety and

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humility (Segal 2015, 56). Christians hope too, for this reconciliation between God and Israel based on acts of lovingkindness, piety and humility. Jesus Christ showed the Christian faithful a way of this reconciliation by his life, death and resurrection.

Vanhoye completes his brilliant analysis of the literary structure of *Hebrews* (Vanhoye 1988, 54–87) with a reconstruction of the theology of the author (ibid, 89–145). I understand that Vanhoye does not enter the debate on the character of the office of the congregation. As a Jesuit, he stands for the priestly hierarchy of the Catholic Church and he vowed to defend and serve the ruling Roman Pontiff. Yet we have to interpret the fact that *Hebrews* speaks of women and men preachers, teachers and leaders of the congregation but not of priests, ordained priests and an ordained high priest. We may rightfully claim that at the time of *Hebrews*, the Christian congregation was led by presbyters, teachers and preachers but not by priests or bishops. *Hebrews* often speaks of Jesus Christ as the High Priest, but there are no faithful of the congregation anywhere called priests (Kleinig 2016, 152). Neither do I think that the author silently assumes that Christians are priests, nor do I think that he rejected something like priesthood for the faithful (ibid). Instead from the message and theology of *Hebrews* it follows that Christians believe their trustworthy and merciful High Priest Jesus Christ, and hope and pray for salvation through the mercy of Go'd. They simply have no need for priests, because they thank Jesus Christ in the Divine Service, their High Priest, for having access to Go'd and celebrate their thanks participating in the congregation of the Divine Service. The Lutheran pastor and teacher Kleinig principally would agree with this theology of equal access to Go'd with equal freedoms and liberty by all faithful of the congregation (ibid, 154). Nevertheless he wants to turn again to the priestly office of ordained priests and adds for this end to the clear text of *Hebrews* an interpretation of the congregation of faithful as “the true high-priestly people of God” from *Justin Martyr* in his *Dialogue with Trypho*, 116, 1–3 (ibid). I am surprised that the Lutheran pastor and teacher does not honor Luther's principle of following the Scripture only.

The central message of the teachings of *Hebrews* affirms the transformation of the humanity of Jesus becoming the perfect tent. Christ is the new tent. In *Hebrews* 2, 10; 5, 9; 7, 11.19.28, this transformation is called *teleiwsis* that is the priestly consecration (ibid, 129) by the grace of the Only One. Jesus Christ manifests through his life, death and resurrection a new way for us, the hope that we, too, will access the sanctuary,

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that the Only One will give us salvation (*Hebrews* 10, 20). The way of Jesus Christ realizing the just world of Go'd does not know discrimination of the Daughters and Sons of Go'd. The congregation of the faithful does not discriminate anybody. Teaching men and women are part of the congregation that listens to the sermon and *Hebrews* 5, 12 expressly expects the women and men to be teachers in the Divine Service. Faith in the Only One is assessed by Abraham (*Hebrews* 11, 8) and by many men, but also by women like Sarah who with faith receives power (Greek: *dynamis*) (*Hebrews* 11, 11) and of Rahab, the prostitute who welcomed the spies (*Hebrews* 11, 31). Access to Go'd through faith for all women, men and queer is manifest by faith in Jesus Christ.

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3. Women, men and queer Christians celebrate the realization of their hope in Jesus Christ

On a sunny Tuesday morning in the fall of 2019, I was rereading my first sentences, preparing to write on liturgy in 2013.

My position on the couch was comfortable. My right elbow and upper arm resting on the Arabic salt bag covering the compact cat cushion; my body on the rough red cloth of the long couch, my eyes watching the confrontation of the German chancellor Angela Merkel seeking re-election with the Socialists' candidate on television. Being not very impressed by the debate, I took comfort looking at the blue colours of the three sea paintings on the wall. One picture showing a gull standing on a lonely pier, one with eleven yellow islands and each island with one house on the top, and another with one house on top of the only island in the seas. The three paintings of Sabine Moser share the company of my painting showing five marching columns. This picture helped in programming my safety and liberation that I had realized after leaving the Jesuits. The picture was framed with a black wooden frame from my grandmother's villa in Peuerbach. I looked at the cherry wood art nouveau mirror that I had auctioned in Koethen, in the district of Anhalt, Germany. Koethen was the second district that took over the Reform from Luther and later knew Johann Sebastian Bach as member of the court orchestra. The mirror reflected the right thief hanging on his cross and looking up to Jesus crucified and saving the thief's existence in the Albertina reprint of Albrecht Dürer's lithography. Two Iranian rugs in orange and dark red reflect the warm sun of the Orient and the Turkish kilims covered the floor with flowers of hope. I was enjoying moments of calm in this evening of September of 2013. I was clear about how to continue to write. After prayer and meditation, I started.

3.1 Preliminary remarks

The Roman Catholic Church is organized as a strictly hierarchical monarchy. In 1962, Pope John XXIII assembled 2,300 bishops from all over the world in Rome. This was the largest committee in recorded world history to get together so far. 2,300 bishops is a lot of men, but rather than representing one billion Catholics they represented the territories where Catholics were living. The Pope is the sovereign of the Vatican State and enjoys full legislative, executive and juridical power. This sovereign power of the

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Pope still separates Protestant and Catholic Christians, 500 years after Luther's Reformation. A huge communication network helps the Pope, the state secretary, the cardinals and papal nuncios govern the Catholic world church (Nuzzii 2012, 268). Nuncios from papal embassies in 179 countries send information and receive instructions from the Pope or the cardinal State Secretary on pastoral, political and economic matters. In 1900, there were only about 20 apostolic nunciatures, in 1978, there were already 84 and in 2005, there were 174. The number is still growing in order to secure the Vatican's influence on the geopolitical world stage. The nuncios are capable of collecting detailed information on the 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 bishops in dioceses and on much more (ibid).

Given the centralist structure of government of the Roman Catholic Church, nobody expected in the 1950s that a pope would call for reform. In 1958, a head of the Catholic Church got elected by the Cardinals that surprised the world with his love for all people of the planet. Angelo Giuseppe Roncalli was born on the 25th of November 1881 as the fourth of fourteen children to a family of sharecroppers that lived in a village in Lombardy. In 1953, he was created cardinal and named Patriarch of Venice (Schelkens and Mettepenning 2013, 143). After eleven ballots, Roncalli was elected pope on October 28 of 1958 at the age of 77 (Alberigo 1995b, 21). As John XXIII, he was not a caretaker pope as the cardinals might have wanted him to be. By the authority of an absolute monarch, he called the historic Second Vatican Council (1962–1965) (ibid).

Giuseppe Alberigo, the historian of the transition phase that the Second Vatican Council marks, tells me that today's lack of enthusiasm with the results on the Church of the Second Vatican Council is part of developments that the same Council started to bring about (Alberigo 1995a, 9). What does this transition phase look like? I try to describe some elements. We learn from the European Values Studyⁱ (Denz 2000: 80–86): Especially in Europe and in North America the religious institution Roman Catholic Church is not any more an unquestioned authority for guiding the lives of the Catholic women, men and queer. Religion has gotten personalized and the individual realizes freedom, dignity and the right to responsible social choices. Today, there is a huge gap between the Catholic Church's hierarchy and the believers, Catholic women, men and

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queer. From the point of view of this analysis, one can claim that Vatican II is the transition from the obedient Catholic congregation to the individual Catholic man and woman, heterosexual, homosexual, bisexual, transsexual, intersexual, lesbian and queer. Individual Catholics leave the Church but continue to live their beliefs and convictions as Christians, as believers, as individuals developing an individual spirituality. It is clear from my point of view and experiences with the European clergy that the white, male celibate priests are not willing and capable of adapting to their changing cultural environment. I observe also, that many of the Catholic white men teaching at the Theological Faculties of State Universities in Austria and Germany are not following the transition. The Catholic academics do not think and write about the spiritually empowered individual Christian woman, man or queer. The male and female theologians who tried to join the transition and published on the importance of the individual, in the last 25 years were systematically denied to teach at Catholic Faculties by the central Church authorities in Rome. Writing on possibilities of divorcing, on married men and women priests, on an appreciation of lust and sexuality as mutual experience of intimacy, on gender questions and Human Rights within the Catholic Church lead to censure, repression and the loss of the job in the Catholic institution. Alberigo describes the hard work of John XXIII to make the few Cardinals he was collaborating with in the preparation of the Council speak their minds and stop remaining in the passive mode of respectful obedience to the papal authority.

My doctorate students in Innsbruck are Catholic priests coming from India, Indonesia, Nigeria, the Democratic Republic of Congo, Uganda, the Ukraine and China who show impressive efforts to respect their cultures, languages, rites and customs and to fight for basic Human Rights for the suppressed women and men they are living with and working for in their countries. These basic Human Rights concern Civil and Political rights, Legal Rights, Economic, Social and Cultural Rights. Clothing, food, education, work, family and a life that is free of private, public or state violence are basic concerns of these young pastors. They fight for these basic Human Rights in the civil society but not within the Catholic Church and its institutions.

Without Alberigo's life work, it would be impossible for me to comment on a description of this phase of transition (Alberigo, Giuseppe. Director. 1995–2001. *Storia del Concilio Vaticano II*. Bologna: Società Editrice il Mulino). Peace and unity were the elements John XXIII brought to the Council and the world; in unity with the people, he desired

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peace and some justice for the poor on this earth (Alberigo 1995b, 33). There was no word on freedom and liberty on his mind. I did not study Pope John's writings systematically; therefore, I only want to present some disturbing facts. John XXIII condemned the writings of Pierre Teilhard de Chardin on the compatibility of evolution and Christian faith (Fouilloux 1995, 90). This condemnation is a blow to the conciliation of science and faith. That Pope John insisted on Latin as official language of the Catholic Church documents his will to further maintain the rift between clergy and people. Questions over the ordination of women (whether diaconate, priesthood, or episcopate) were not on the mind of John XXIII. He certainly was not thinking that in a few years Catholic lay women, men and queer would claim the ordination of non-celibacy gays, as well as the blessing of same-sex unions and marriages. I do not think that *John XXIII* was familiar with the concepts of discrimination and the equal dignity, liberty and rights of all humans. He was a mild and severe patriarchal father with a high sense of responsibility that love and peace would rein his family. He was aware that the last word was up to him, but he knew that peace demands many words before the last was lasting. Talking the other day on the phone to Annemarie Fenzl who for more than 50 years served Cardinal Koenig from Vienna as a private secretary, she told me about Pope John: He was able to listen to the people and give the impression that the people are heard. That was the surprising and healing quality of John XXIII.

Alberigo's motivation for his work was to ease the controversy over the acceptance and reception of the Council (Alberigo 1995a, 10). He wanted to lay the foundation to overcome wounding controversy he writes at the beginning of the five big volumes of his history of the Second Vatican Council (ibid). I am grateful for his methodical skills that insist on situating the texts within the spirit of the Second Vatican Council (ibid). Alberigo describes this spirit as the inspired task of renovation of the Church by paying brotherly and sisterly attention to the lives of the people without discrimination of race, religion or life. Allow me to note that the discrimination of gender and the obligation to fight this injustice was not on the agenda of the Council. Nevertheless, the spirit of the Council again links the Church and the message of the Gospel. I am studying the Second Vatican Council in order to contribute with love to realizing the effective rule of Human Rights law within the Catholic Church.

The work of the historian consists first in the assessment of documents. Alberigo will study the sources, compare them and carefully use them as elements for the historic

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picture he constructs (Alberigo 1995a, 10). John XXIII prepared the announcement of a general Council for January 25 of 1959 by hand (Alberigo 1995b, 21). Stuck in the customs of the Codex of Canon Law of 1917, the Vatican bureaucracy changed the expression general for ecumenical. The expression ecumenical refers to the unity or cooperation of Christians. *John XXIII* announces a general Council reaching out to the men and women of all religions of this world. The cardinals of the Roman Catholic Church prayed in the Roman Basilica of Saint Paul Outside the Walls for the unity of the Christian Churches (ibid.: 19). *John XXIII's* choice of the Basilica of the Apostle of the Gentiles for the announcement of a general council concerning the whole world is coherent with the foundational work of Saint Paul (ibid).

The political context of the announcement of the surprising Council was the Cold War and the end of national colonialism. 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 get the sympathy of the Third World for their organization of social life. The United States of America and Western Europe tried the same. The Mass Media began to demonstrate their growing influence on shaping and making public opinion, the industrialization accelerated and the agricultural sector declined. Still communication possibilities were far from the computer age that began some 15 years later, the World Wide Web was not yet working. The people of the Third World did not yet speak up internationally, the people of the First World were preparing to live the sexual revolution, Woodstock, and the Hippies' strive for liberty and communication and the criticism of traditional institutions of society. The Catholics as all men and women of the Second World were silenced and kept in social, cultural and economic isolation behind the Iron Curtain. Regardless of these inhuman limitations and restrictions on the individual, the social, economic, cultural and spiritual life, John XXIII wrote in the announcement of his irrefutable will of a General Council (ibid, 22).

The euphoria that was produced by this Second Vatican Council in the Roman Catholic Church for me as a child in the Catholic countryside of Austria was rather disturbing and strange. I did not understand why and about what the engaged and active Catholics, the young priests and the monks were excited. Apparently something very special was happening to them so that they gave the impression to be on a trip of happy making drugs. My mother told me of the later Cardinal Franz Koenig's struggle

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to resist the Nazis. As a young parish priest, he formed the consciences, ignited the spirit of a Christian life and encouraged the dreams for a life in freedom of the young Austrian boys and girls like my mother and her brother. This small but influential underground Church was preparing young Christians for a fundamental change of Catholic life. According to my mother, this change would include the construction of new cities, new communities, tolerance, freedom and loving solidarity of the sisters and brothers in the Church. They would educate their children for an even a better future. My personal experience with the institutional Church as a child and youth contrasted with these utopian descriptions and dreams. Nevertheless, I heard of alternative Christian models and communities.

Certainly, in the ten years as secretary of the bishop Giacomo Radini Tedeschi in Bergamo, Italy, the later John XXIII (1881–1963) was formed by the bishop's pastoral commitment, that is by his concern and caring for the individual's well-being in the Diocese according to the traditional Catholic conception of private and public life. The young priest Roncalli learned from his bishop Radini that it is possible to organize, hold and manage a Diocesan Synod in order to improve communication between the clergy and lay men and women Catholics who engaged in the revival of the liturgical life. In the decades before his papacy, Angelo Giuseppe Roncalli prepared the edition of the documents of 16th century Saint Charles Borromeo's apostolic visit to Bergamo as archbishop of Milan. Cardinal Borromeo, only twenty-two years old, was already the leading statesman at the papal court in Rome. After the death of his uncle Pope Pius IV, the former Cardinal Angelo de Medici, Charles Borromeo turned to care for his Diocese. Caring for a Diocese in the time of the Council of Trent, where Borromeo was taking part as the Pope's advisor, meant to take care of the education and formation of the clergy. Borromeo therefore established seminaries, colleges and clerical communities. He was the most important of the 6 cardinals who in 1565 founded the Roman Seminary where the young Roncalli got a scholarship to study theology. As *Pope John*, many of his cardinals had studied in the Grand Pontifical Roman Seminary near the Lateran Basilica in Rome, too. From the beginning, the Seminary was run by the Jesuits and after the suppression of the Jesuits in 1773 the formation followed in the spirit of Saint Ignatius combining his Spiritual Exercises with the task of intellectual reflection. Pope John will return near to his Seminary taking his pastoral obligations seriously at the Lateran Basilica where in 1904 he was ordained a priest by the (?) bishop of Rome. The pastoral context of Tedeschi and Roncalli was the Tridentine

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Church. The historians point at Borromeo and his application of the Council of Trent as the internalized model for the pastoral priorities of the later John XXIII (Alberigo 1995b, 26).

The idea to put not only the General Council for the *bonum animarum* that is the wellbeing of the people on the agenda of his papacy was his idea (Alberigo 1995b, 20). The idea to complete the Council with the *aggiornamento* of the Roman Catholic Church's Canon Law and the announcement of a Roman Synod John XXIII received from advisers in the first three months of his papacy (ibid, 21). The reasons he gave in the announcement of the Council for the need of a Council were his authentic convictions; he wanted to care for his diocese as a pope and bishop of Rome. His predecessors neglected this spiritual source of their papacy (ibid). From his papal basilica Saint Peter, *John XXIII* walked over to Saint John Lateran and took possession of his patriarchal basilica as bishop of Rome; he walked to the prisons and visited the sick in the hospitals. As Shepherd of the universal Church, *John XXIII* announced a universal Council. In his announcement of the Council, he invited the faithful of the separated Churches to participate in this symposium of grace and fraternity. It sounds to me like an invitation to an ecumenical party in freedom and consensus. The bureaucracy of the Vatican like the majority of the bishops all over the continents did not understand and mutilated the official announcement: The separated Churches again were called communities and thus neglected the status of brothers and sisters, they were not invited to participate but to follow the Roman lead. The cardinals elected *John XXIII* as a transitional pope and not as the pope of transition to the culture of the world that lies outside the walls of the feudal and autocratic structures of the Vatican and the palaces of its hierarchy (ibid, 30). The public greeted the announcement with enthusiasm and interest (ibid, 48).

On July 4 of 1959, *John XXIII* wrote down the name of the Council to come. On July 14 of 1959, *John XXIII* communicated the name *Vatican II* for the council to his Secretary of State Cardinal Tardini. Four days later he informed members of theological faculties in Rome of this decision (ibid, 66).

We have to point at the fact that the group of 47 Catholic scholars of Christian theology and Church historians exclusively consisted of white males, most of them celibate Catholic priests. No woman theologian or historian participated in the construction of the Second Vatican Council as an historic event of transition in the Catholic Church.

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These white men usually exclude the perspective of women and queer, are not conscientious about gender discrimination, racism and sexism when writing the history of the Second Vatican Council (Alberigo, Giuseppe. Director. 1995–2001. *Storia del Concilio Vaticano II*. Bologna: Società Editrice il Mulino). At the same time Alberigo's history is my possibility condition to write on the Second Vatican Council, I could not do without it. The same is true about the monumental theological commentary on the Second Vatican Council that Peter Hünermann and Bernd Jochen Hilberath edited with the collaboration of seven white male German theologians (*Herders Theologischer Kommentar zum Zweiten Vatikanischen Konzil*. 2004–2005. Freiburg: Herder).

The German theologian Reiner Kaczynski (1939–2015) was a member of both working groups and commented on the *Constitution on the Sacred Liturgy Sacrosanctum Concilium* (Kaczynski 2004). Reiner Kaczynski was born in Wroclaw, Poland in 1939. At the end of World War II, he fled with his family from Silesia as did hundreds of thousands of Germans. He found his second home in Bavaria. The Germans left their native homes fleeing the advancing Red Army and for fear of the revenge orgies of the liberated Polish and Czech population that had suffered the brutal death orgies of Nazi aggression and occupation. Kaczynski studied theology at the Gregorian University in Rome and was ordained priest in 1964. He got his doctorate from the Catholic Theological Faculty of the University of Trier, at German Catholicism's most distinguished academic liturgical formation, the Liturgical Institute of Trier. He worked for five years at the Vatican's Congregation for Divine Worship and the Discipline of the Sacraments. From 1980 to 2004 he was professor of liturgy at the University of Munich, Bavaria (Hauerland 2015, 311).

Kaczynski introduces his theological commentary of *Sacrosanctum Concilium* speaking of the so-called liturgical movement at the beginning of the 20th century (Kaczynski 2004, 11). The movement rooted in the work of elite liturgical theologians, Benedictine monks of France and Germany and German professors of theology at the University of Tubingen (ibid, 12). The Neo-Scholastic mainstream of European Catholic theology worked at that time with the medieval concepts of Thomas Aquinas and first ignored and later discredited the emerging liturgical movement and modern concepts in theology. The theological groundwork of Johann Adam Moehler (1796–1838) had pioneered the concept of the Church as a “holy community” and the most important theologian of the liturgical movement of the 20th century, Josef Andreas

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Jungmann (1889–1975) takes up the concept in 1927 (ibid, 16). Jungmann recognizes the social constitution of the Church as a holy community as a possibility condition for the hierarchical structures of the Catholic Church, for the jurisdictional powers and privileges of the hierarchy. He claims that the social structures of the Church take origin in the inner structure of the Church as a holy community (ibid). Jesus Christ founded this holy community of all believers for the sake of all humanity and only because of the incarnation of the Word, this holy community is able to form a visible community on this earth (ibid). Till the end of the time, women, men and queer shall speak the Word and by speaking the Word renew the incarnation of the Son of Go'd ever regenerating (ibid). The central term of this theological reform movement is active participation; the speech-acts of all believers realize the basic agency of the Church celebrating liturgy as a service of Go'd (ibid). For Moehler, the celebration of the Eucharist realizes the basic agency of active participation, when all participants of the congregation are active in a participative spiritual way and celebrate the memory of Christ by offering their eulogy as sacrifice (ibid). There is no privileged position of the priest because all are participating with their priestly dignity, as the Church fathers had proclaimed (ibid). Following Franz Anton Staudenmaier, a student of Moehler, liturgy can be described as the service of Go'd by means of holy actions, at holy times and with the help of holy art (ibid, 17). Liberation and salvation are experienced in this service of Go'd as an ongoing process; liberation and salvation have to be described as reconciliation of men and women with Go'd, as communion with Go'd (ibid).

The liturgical movement was able to become a movement within the Catholic Church thanks to the support of Pope Pius X (ibid, 23). His *Motu Proprio* on the importance of the active participation of all participants at the liturgy from November of 1903 was a decisive legitimation of the ecumenical movement (ibid). The liturgical movement started with a speech by the Benedictine theologian Lambert Beauduin (1873–1960) on September 23 of 1909 in Mecheln, Belgium. Beauduin repeatedly claimed that liturgy has to become democratized (French: il faudrait démocratiser la liturgie) (ibid, 25). Beauduin considered liturgy as the true life of the Church and his insistence on democracy aimed at opening access to the spiritual experience of liberation and salvation of the people, of educating the poor, the uneducated people, the masses who attended mass in the parishes (Wernert 2009, 76). The liturgical language of the Catholic Church was Latin and for one thousand five hundred years only educated priests, monks and nuns were able to understand the prayers at liturgy.

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Democratization meant for Beauduin the empowerment of all women and men of the multitude attending the liturgical services to understand what was going on to be able to profit for one's own life and one's relation to Go'd (ibid, 78). Beauduin protested that the multitude of Catholic women and men assisting the Eucharist were bored because there was no communication between them, they were silently sitting in their pews and thinking of their own affairs (ibid, 80). The term active participation describes the possibility condition of understanding liturgical prayers and rites and participating by singing songs and following the homilies of the priests. Democratization of the liturgy for the liturgical movement and the Second Vatican Council does not mean that the faithful share and realize their equal dignity, freedoms and rights in liturgy. I am not criticising that the liturgical movement and the Second Vatican Council did not introduce the rule of democratic law into liturgy. I am criticising that the liturgical movement and the subsequent Constitution on the sacred liturgy *Sacrosanctum Concilium* of the Second Vatican Council did not follow the example of celebrating the Eucharist as the Sacred Scripture, the New Testament, testifies and reveals.

Hebrews 5, 12 expects from the women, men and queer participants of the congregation who are hearing the homily that they were teachers. Women, men and queer Christians are supposed to be teachers in the Divine Service; they are not supposed to be just listeners. Leading women and men are those "who preached the word of God to you" and lived accordingly, they should be remembered and the fruits of their lives assessed, "take their faith as your model" (*Hebrews* 13, 7). Grace strengthens and confirms our hearts with security and not with ritual practices in the Temple; Jesus sanctified the people outside the camp so "let us go to him, then, outside the camp, and bear his humiliation" (*Hebrews* 13, 13). The assembly should listen to their leading women and men and be persuaded (*Hebrews* 13, 17). The congregation of the faithful does not discriminate anybody. Access to Go'd by faith for all women, men and queer is manifest by faith in Jesus Christ and the Eucharist celebrates with Jesus Christ this access to Go'd.

Joel 2, 28 and *Acts* 2, 17 testify that the Spirit is poured out on all, both daughters and sons prophesize in the liturgy (Berger 2011, 154). At the beginning of the second CE, the Didache witnesses the link between prophet and presider in that it allows prophets to eucharistize, that is, pray in thanksgiving, "as much as they wish" (Didache 10, 7) (ibid). At least for this earliest church order, the charism of prophecy authorizes

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Eucharistic praying and presiding, a charism that was not gender-constrained. Examples of women prophets in the New Testament are Philip's four daughters (*Acts* 21, 9). Even Mary has a tradition as a priestess. In 1913, images of Mary in priestly vestments were forbidden, invocations of the *Virgo Sacerdos* soon followed (*ibid*). The Superior General of the Daughters of the Sacred Heart of Jesus had requested permission to use this title in prayer in the houses of her congregation. All devotions to Mary as *Virgo Sacerdos* also were prohibited, and the officially approved prayer was withdrawn. One reason for this turn of events was surely the fact that by then questions were being raised within the Women's Movement about the exclusion of women from priestly ordination (*ibid*, 161). Gender contestations surrounding liturgical leadership emerged early on, only to be answered (or muted) by a decisive linking of masculinity and priestly presiding; this decisive link constantly had to be re-asserted and re-narrated throughout the centuries, "requiring, as does any tradition, ongoing repetition to it with seeming inevitability" (*ibid*).

Despite *Sacrosanctum Concilium*, despite the realization of liturgical reform in the Catholic Church and despite academic theological reflection, in 2011, Berger has to confirm that the choice of passages for reading in liturgical worship is androcentric (*ibid*, 173). The lectionary for Sunday Masses in the Roman Catholic Church does not attend carefully enough to biblical stories about women. The story of the two Hebrew midwives, Shiphrah and Puah, who set the scene for the *Exodus* by defying pharaoh, is simply cut out of the liturgical reading of *Exodus* 1, 8–22. The lectionary reading lets worshippers know about this pharaoh while hiding the two Hebrew women who defied him (*ibid*). Berger accuses the male celibate Church leaders of being very conscious of the fact that they have to mute women voices in order to stay in power (*ibid*).

Studying the history of the making of *Sacrosanctum Concilium* and its theological commentary by the male scholars of Catholic theology, we have to bear in mind the damning bias of silencing the liturgical repression of women. The link between masculinity and liturgical leadership is masked by unconscious or conscious suppression (*ibid*, 122). The authoritative pattern of liturgical leadership in the Catholic Church continues constructing gender as gender differences, despite the fact that Jesus does not segregate and separate and "has no fear transgressing taboos of injustice to women" (*ibid*, 24).

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Pope Paul VI promulgated *Sacrosanctum Concilium* on December 4, 1963 (Paul VI, 1963) together with the *Decree on the Media of Social Communications Inter Mirifica* (Paul VI 1964b) on the last day of the second session of the Second Vatican Council.

3.2 Development of the text of *Sacrosanctum Concilium*

Mathijs Lamberigts, historian and theologian from the Catholic University of Leuven, writes about the debate on liturgy during the first session of the Second Vatican Council (Lamberigts 1996). On October 22, 1962, the aula in Saint Peter began discussing the schema on the liturgy (*ibid*, 130). On September 4, 1962, Pope John XXIII nominated the Spanish Cardinal Larraona, then prefect of the Vatican congregation for the rites, President of the Conciliar Commission for Liturgy (*ibid*). During the preparatory phase of the Council, many bishops had asked for liturgical reforms. The scheme on liturgy had been very well prepared and enjoyed the consent of the experts. The scheme on liturgy indeed was the right document to prove to the bishops that the Council could work constructively (*ibid*). We remember that after the opening speech of John XXIII on October 11, 1962, the Council was interrupted the next day because the bishops protested and claimed their right to freely elect the members of the commissions of the Council (Riccardi 1996, 47). The self-government of the Council had begun and working on the widely consented scheme on liturgy was welcomed as an opportunity to give the bishops security that the Council functions (Lamberigts 1996, 130).

Larraona had substituted Annibale Bugnini, who was the secretary of the preparatory commission with the Franciscan Ferdinando Antonelli (*ibid*). Larraona considered Bugnini to be too progressive. In reality, Bugnini was the principal author of the prepared scheme that came up for discussion and he was the only secretary of a preparatory commission who was not to continue as secretary of the corresponding commission of the Council (*ibid*).

Annibale Bugnini (1912–1982) entered the Order of the Congregation of the Mission. He was absorbed by his pastoral work in a suburban Roman parish by the publications for the missions of his congregation and the redaction of a scientific liturgical journal. He became professor at the Pontifical Lateran University and in 1948 was appointed secretary of the commission for liturgical reform by Pope Pius XII. In 1960, he was appointed secretary of the Pontifical Preparatory Commission of the Liturgy by Pope John XXIII, which essentially drafted the document that would become *Sacrosanctum*

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Concilium, the Council's *Constitution on the Sacred Liturgy* (Kaczynski 2013, 65). In 1962, he was also sacked as professor at the Pontifical Lateran University. What had happened? Accusations or denunciations that he was a Freemason are discussed as the cause of Giovanni sacking him. In 1964, he reappeared and made a comeback, appointed by Pope Paul VI as secretary of the *Consilium for the implementation of the Constitution on the Liturgy* (ibid). This was the papal institution which was to control that liturgical reform was implemented by the bishops all over the world. In 1972, Paul VI consecrated him bishop. Three years later, accusations of Bugnini being a Freemason reappeared. Paul VI economized in a curial reform the secretary by sending Monsignor Bugnini to Iran. In 1979, the archbishop and nuncio Bugnini discussed the release of 54 American hostages with Ayatollah Khomeini, the Iranian leader. Eventually they were released in January of 1981, but Khomeini did not want to meet Pope John Paul II on the matterⁱⁱ.

The aula debated the scheme until November 13, 1962. National bishops' conferences brought forward the majority of the 328 oral interventions during the debate. They spoke of the use of Latin and the use of vulgar languages in liturgy and the possibility of priests concelebrating the Eucharist. They further discussed the communion of bread and wine, the adaptation of the liturgy to local cultures, the powers of the bishops to realize liturgical reforms, the reform of the Brevier, of the Missal, the Ritual, and the reform of the sacrament of anointing the sick (ibid, 133–35).

The Chilean bishop E. Larraín Errázuriz, who had transformed his bishop's palace into a shelter for the poor, spoke in the name of some South American bishops. He asked to adopt the Church's liturgical celebration to the culture and life of the poor (ibid, 170). He claimed that the little baby in the stall of Bethlehem is the model for liturgical simplicity and criticized the pompous processions of the Catholic Church, showing off her precious metals, monstrances and mitres. The luxury of golden churches and baroque cathedrals is not coherent with the preferential choice for the poor that we have to take in the name of Jesus (ibid). Yoshigoro Taguchi, bishop of Osaka, told the aula that in Japan's culture of discrete perfection of the simple, the exuberant splendor of the liturgical cups, candelabras and golden brocade, offends the Japanese mind and mentality for liturgical forms (ibid, 171).

The bishops of the Third World countries empathically insisted on the necessity for liturgical reform (ibid, 175). A relative majority of the aula was ready for moderate

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liturgical reforms. Latin and the use of the vulgar languages were at the center of this reform. A minority of Roman bureaucrats were against any liturgical reform (ibid). Cardinal Tisserant, president of the directive board of the Council, proposed a first directive vote on the scheme on liturgy. Cardinal Confalonieri diligently asked the aula for approval of the directive criteria for liturgical reform that is its pastoral concern and fidelity to the faith. He proposed that the scheme would be voted later when all necessary corrections had been introduced into the text (ibid). The instrument of an orientation vote, a kind of democratic procedure to find consensus in the steering process of decision-making, was the contribution of Professor Constantino Mortati, eminent member of the Italian Constitutional Court, to the Council (Alberigo 1996, 620). The further development of the Second Vatican Council proved that the procedure of the orientation vote significantly enhanced the consensus finding process of the Council.

Given the many critical voices during the debate on the scheme for the liturgy, it was a surprise for all that the vote on Confalonieri's proposal of November 14, 1962, the first vote of the Council, passed with 2,162 votes in favor, 46 votes against and 7 irregular votes (ibid, 176). The ensuing discussion and several votes concerning modifications were very constructive, on December 6, 1962, the General Secretary of the Council bishop Felici asked the aula to vote on the text of the first chapter. The aula accepted and voted the next day with a similarly overwhelming majority as the first vote and approved the first chapter of the liturgical constitution (ibid, 192).

The high majority of Yes votes for liturgical reform on November 14, 1962 ended the honeymoon of the Council (Ruggieri 1996, 259). After liturgical reform that the bishops widely recognized as necessary, the Council entered the debate on a central question of faith. The Council was asked to clarify the relation between the oral revelation by Jesus Christ and its successive transmission by tradition and in the New Testament. Was the tradition of the Church's teachings an authentic part of revelation or was revelation only to be found in the Scriptures? Since the bishops were not prepared theologically to deal with this questions many meetings between theologians and bishops that took place in the first weeks of the Council in order to educate the bishops with these kinds of crash courses for the discussion on the scheme on revelation. The text on the sources of revelation that had been prepared by the preparatory commission for the Council spoke of two sources of revelation, the Scripture and

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tradition (*ibid*, 261). The Council of Trent only spoke of Scripture as source of revelation and cardinals, bishops and theologians heavily criticized a doctrine speaking of two sources of revelation (*ibid*).

Since debate on the question was very controversial, the presidency of the Council decided to vote, if the discussion on the prepared text should go on or not. In case of a no vote, the prepared text would have to get worked over completely. The no vote did not get the necessary two-thirds majority. Only the pope could overcome the impasse and *John XXIII* decided to create a commission that would have to work over the text (*ibid*, 293). This decision of *Pope John XXIII* opened the way for the Second Vatican Council to overcome the fixed formulas of codified faith that had ruled the Church since the Council of Trent (*ibid*).

The scheme on liturgy remained the only scheme that had been prepared by the preparatory commission of the Second Vatican Council and also found the consensus of the bishops in the aula of the Council. During the intersession of 1962–1963, the amendments were integrated into the scheme. Only the commission on the liturgy continued to work with confidence after the death of *John XXIII* (Melloni 1998, 39). Almost all other commissions needed the backing of the future pope for constructive work to overcome the growing rifts between traditionalists and reformers (*ibid*). The final text of the scheme on liturgy was sent to the Council fathers in the summer of 1963, the commission on the liturgy had reached consensus on the remaining questions for discussion in the aula (Kaczynski 1998, 210). On September 29, 1963, Paul VI indicates in the opening speech for the second session of the Council that he hopes to get the document on liturgy passed in the upcoming second session of the Council (*ibid*, 212).

The introduction and the first chapter of the scheme on the liturgy were ready for approval by the Council at the beginning of the second session (*ibid*, 214). On October 8, 1963, five amendments for chapter two concerning Sunday mass, the order of the readings and the homily successfully passed the necessary votes. On October 9, 1963, the votes on chapter two continued. The amendments concerned liturgical language, communion of the bread and the cup and the active participation of the laity in the celebration of Sunday Mass and on feast days (*ibid*, 215). On October 10, 1963, seven amendments concerning the concelebrating of priests at the Eucharist passed the necessary votes (*ibid*, 216). After these positive votes it was a surprise on Monday,

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October 14, 1963 that the final vote on chapter two did not receive the necessary two-thirds approval. 781 votes still asked for minor corrections and therefore chapter two had to go back to the Commission (ibid).

On October 15, 1963, voting on amendments to chapter three concerning the sacraments followed, on October 16, 1963, amendments concerning the administration of the sacraments followed (ibid, 217). The vote on October 18, 1963 of chapter three also brought this chapter back to the liturgical commission (ibid, 218). Discussion on the amendments to chapter four concerning the Liturgy of the Hours began on the same day (ibid). The votes on the following days were positive and on October 24, 1963, the whole chapter four passed the final vote (ibid, 220).

The Jesuit Josef Andreas Jungmann from the University of Innsbruck, world famous expert on the historic development of the liturgy, especially the Eucharist, stubbornly insisted over and over again on a reform of the Liturgy of the Hours in the liturgical Commission (ibid, 230). His determination to fight the Commission's and the Council's indifference on his point did not lose intensity during the whole period of the Council (ibid, 231). He argued that the working rhythms of modern industrial civilizations differ substantially from the working days during agricultural production economies. It does not make sense to oblige contemporary priests to offer a prayer in the morning and in the evening, to the Vespers and the praising of God in the morning and to prescribed prayers in a rhythm of three hours. The liturgical commission did not take up his suggestion to reform these prayers of the priest by adapting it to the rhythms of modern life and working habits (ibid). Neither the liturgical commission nor the Council understood these deep and fundamental changes in the lifestyle of the priests in an age of global communication and totally desynchronized working patterns. Jungmann, the mountain farmer from the Alps was no diplomat like Philips from Leuven. Jungmann did not recognize the art of compromise; he did not understand how to work for majorities and to lobby for support of his ideas (ibid). His students at Innsbruck remember the bitter contrast of his inspiring ideas and his boring lecturing style, monotonously reading stiff sentences from his notes without making eye contact with his audience. Jungmann's successor at Innsbruck, the German Jesuit Hans Bernhard Meyer, to whose support I largely owe my appointment as professor of Christian Ethics at the University of Innsbruck, continued to work for reform of the Liturgy of the Hours and he, too, failed. As a consequence of this failure of reforming the Liturgy of the

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Hours, the majority of priests in Europe after the Second Vatican Council simply abandoned praying the Liturgy of the Hours.

Discussion on chapter five of the text on the liturgy began on October 24, 1963 and was on the liturgical year. The text was approved by the vote of October 29, 1963. Discussion of chapter six on church music began on October 25, 1963, and the whole chapter was approved on October 30, 1963. Chapter seven on church art liturgical tools was approved on October 31, 1963.

After the voting of the aula of the Council, the liturgical commission had to revise the amendments; there was lots of work to do (ibid, 226). On November 28, 1963, the liturgical commission met for the last time (ibid, 234). The seven chapters of the liturgical constitution passed the votes and on December 4, 1963, the council approved the whole document on the Constitution of the sacred liturgy with an overwhelming majority of 2,147 votes of approval and only 4 negative votes (ibid, 240).

Cardinal Larraona was president of the Congregation for the rites of the Vatican and he was also president of the liturgical commission of the Second Vatican Council. Already on November 9, 1962, a group of experts from the liturgical commission wrote a letter to the Secretary of State Cardinal Cicognani saying that Cardinal Larraona was not capable of leading the liturgical commission and suggesting to replace him with Cardinal Lercaro (ibid, 257). The complaints about Larraona being incapable of realizing liturgical reform in the Catholic Church continued and on October 10, 1963, Paul VI told the moderators of the Council that he wanted Cardinal Lercaro to prepare a document establishing some norms for the reform of the liturgy (ibid, 258). With the *motu proprio Sacram Liturgiam*, of January 25, 1964, Pope Paul VI announced the formation of a committee to revise all the liturgical rites. The committee was later called the *Consilium* (ibid, 263). Paul VI formed the *Consilium* on liturgy on February 29, 1964 (Vilanova 1998, 371). Cardinal Lercaro, a recognized liturgical expert, headed the committee, and Bugnini was rehabilitated and became secretary. Cardinal Larraona was nominated a member too. It was important for Paul VI to be able to demonstrate his capacity to act with liberty and to balance his authority with the collegiality of the college of the bishops by naming Cardinal Lercaro, who was not a Cardinal of the Curia (ibid, 372).

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It took some time to clarify the respective responsibilities of the Congregation of the rites and *Consilium* for liturgical reform. On January 7, 1965 Cardinal Secretary of State Cicognani informed the Prefect of the Congregation of the rites Cardinal Larraona, that Cardinal Lercaro and Bugnini are authorized to present suggestions for the implementation of the liturgical reform (Kaczynski 1998, 268).

On March 25, 1964, Lercaro informed the Episcopal conferences that *Consilium* will help them with guidelines and instructions for the application of the liturgical reform (Vilanova 1998, 494). *Consilium* and Lercaro were very important for the success of the liturgical reform especially during the unstable moments of the intersession in the spring of 1964, with all the elements of the bishops' insecurity on how to proceed. Lercaro was an important person to bring liturgical reform to the Roman Catholic Church all over the world. He contributed to the cooperation of the bishops' conferences on the application of liturgical reform in their cultures (ibid). In the spring of 1964, the French and German bishops' conferences published first norms for liturgical reform (ibid, 495–96). The British Catholics bishops' conference followed in June with a publication (ibid, 497). The Italian and the Spanish bishops' conferences published texts on liturgical reform (ibid, 499). The bishops of Latin America and the Caribbean were not all enthusiastic about liturgical reform, especially in Bolivia, Venezuela and Ecuador there was not much impulse for liturgical reform by the bishops (ibid.: 502).

Africa used the liturgical reform to work on an effective incarnation of the Christian mystery in their cultures (ibid, 503). Elements from the natural religions were taken into consideration to be reconciled with Christian liturgical rites. Relations to the Muslims for the first time were taken into consideration. The importance of rites and rituals for African cosmology and anthropology was recognized and taken seriously (ibid). The function of feasts as necessary interruptions of the hard rhythms of daily work were acknowledged (ibid). The African Catholics consented to the necessity of overcoming the European chains of cultural imperialism in liturgy. Yago, the archbishop of Abidjian, Ivory Coast, spoke in a letter of the Africanisation of Christian ceremonies (ibid). The Latin liturgical tradition was to be replaced by the African (ibid, 504). The Catholics in Egypt spoke of their tradition of plural rites and liturgies pointing at the peaceful coexistence of their Catholic Latin rite, the Mennonite rite, the Coptic, Armenian, Greek, Syrian and Chaldean rites (ibid, 505).

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In Japan, Korea, Taiwan and Vietnam liturgical reform was eagerly greeted with joy (ibid, 507). To replace knee bend for inclination was a very significant change for expressing the Catholic faith in the ways of one's own culture. Other problems of acculturation or enculturation of liturgical expression were of more delicacy. One burning question is the question of how to deal with the veneration and cult of ancestors (ibid)?

3.3 *Sacrosanctum Concilium*

Sacrosanctum Concilium consists of an introduction followed by seven chapters and an appendix.

3.3.1 Introduction

The introduction counts four numbers. *Sacrosanctum Concilium* 1 introduces the documents of the whole *Second Vatican Council* and describes the four aims that Pope John XXIII had set out for the *Council* and which Pope Paul VI had approved and promulgated (Kaczynski 2004, 54). The Council wants to serve by enhancing “the Christian life of the faithful”, to adapt “to the needs of our times those institutions which are subject to change”, “to foster whatever can promote union among all who believe in Christ”, and “to call the whole mankind” to join the ways of Jesus Christ realizing the just world of Go'd (*Sacrosanctum Concilium* 1). From the beginning, *Sacrosanctum Concilium* is clear about the aim of the Second Vatican Council that is to adapt the Catholic Church to the needs of our times without touching untouchable institutions. In *Sacrosanctum Concilium* 2, we hear a little bit more about these unchanging institutions. During the discourse at the end of the first session of the Council, on December 8, 1962, John XXIII affirmed that beginning the work of the Council with the text on sacred liturgy is justified, because liturgy is the expression of women, men and queer relating to Go'd according to revelation and the teaching of the Church (Kaczynski 2004, 54). At the end of the second session of the *Council*, Paul VI promulgates on December 4, 1963, the *Constitution on the Sacred Liturgy Sacrosanctum Concilium* declaring that the celebration of the liturgy constitutes “the nature and the dignity” of the life of the Church (ibid). It is also true, that nobody participating in the elaboration of the text on liturgy was aware of the fundamental importance of the document for the whole *Council* (ibid).

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“The real nature of the true Church” and “the mystery of Jesus Christ” is realized “most of all in the divine sacrifice of the Eucharist” (*Sacrosanctum Concilium* 2). Very interestingly, the *Constitution on the Sacred Liturgy* from the beginning describes the two aspects of the Catholic Church. One aspect is called the “divine”. *Sacrosanctum Concilium* does not yet speak of the Church as communion, or as the people of Go’d as later documents of the *Council* will do. *Lumen Gentium* 9 will speak of the Church as “the messianic people” destined to bring together all human beings that is “established as a communion of life, charity and truth” (Paul VI 1964a). The other aspect of the Church is called “human”. The magisterium of the Church and Canon Law speak of the Church as divine and as human. The Church at the same time is divine and human that is “the society of men who are incorporated in it and who, under the direction of the sovereign pontiff and the bishops, pursue in common the end to which they are called, communion in divine life” (Onclin 1967, 733). All documents of the Council will abide by defining the Catholic Church as a hierarchical society and as an invisible community that is directed “to that city yet to come, which we seek (*Hebrews* 13, 14)” (*Sacrosanctum Concilium* 2). In the last five decades, my German speaking Catholic male colleagues principally forgot to question the validity of the hierarchical structure of the Catholic Church. They ignored the claims to the male celibate priestly hierarchy as true and divine constitution of the Church as society in the *Constitution on the Sacred Liturgy* and in the whole *Second Vatican Council*.

It makes sense for a *Constitution on Sacred Liturgy* to use the *Letter to the Hebrews* that is a homily used in the liturgical service of the congregation of believers (Kleinig 2016, 36), as Scriptural authority and for theological argumentation. Yet, the citation of *Hebrews* 13, 14 is incomplete and ignorant of the social context of the homily. The Lord Christ Jesus is available and accessible to all listeners and participants of the service that “revolves around the presence of Christ Jesus as the hearers’ great High Priest and their possession of him (*Hebrews* 4, 14; 8, 1; 10, 21)” (ibid, 34). There is no hierarchy, the order of the divine and human congregation centers around the presence of Jesus Christ and there is no priest but Jesus Christ. Throughout *Hebrews*, Jesus speaks to his congregation from heaven. On earth, human leaders are allowed to speak Go’d’s Word to the congregation in the Divine Service (*Hebrews* 13, 7; 2, 3; 2, 5; 6, 9) (ibid, 53). In *Hebrews* 5, 12, the preacher expects from the women, men and queer who are participating in the congregation that they become teachers of Go’d’s Word in the Divine Service. The preacher of the homily encourages the women and

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men of the community to teach, not to dumbly listen and obey the words of a hierarchy of celibate men priests.

Sacrosanctum Concilium 2 speaks of “the divine sacrifice of the Eucharist” but fails to describe this sacrifice with *Hebrews 13, 15* as a sacrifice of praise, as a eulogy. *Sacrosanctum Concilium* is not interested in *Hebrews* any more; the first citation of *Hebrews* is the last one.

I am conscious of the fact that the use of vernacular language in Roman Catholic liturgy is the possibility condition for active participation of the laity in liturgical services. I am also conscious of the fact that the *Second Vatican Council* realized this possibility condition after centuries of exclusively using Latin as church language. Nevertheless, fifty years after the Council we have to recognize that *Sacrosanctum Concilium* and all the other precious documents of the *Second Vatican Council* cite the *Sacred Scriptures* avoiding any reference to the egalitarian relations of mutual reciprocity of love of the Christian sisters and brothers.

Fifty years after the Second Vatican Council, we have to be conscious when using its documents that the equal dignity, freedom and rights of women, men and queer Catholics within the Catholic Church was not on the mind of the council fathers. Whenever the documents of the *Second Vatican Council* feel the need to reassert, re-narrate and reclaim the decisive linking of masculinity and priestly presiding at the Eucharist or of the hierarchical structure of the Church in general, they reassess that claim. They use pieces of Bible verses and interpret them out of their social and historic context in order to maintain the status quo of clerical power and discrimination of the laity. I am not authorized; neither am I willed to accuse the council fathers. Accusation is not my point. The fact that the bishops, cardinals and popes of the Council were not aware of their abuse of powers and of their discrimination of the laity belongs to the historic horizon of the Council. Fifty years after the Council, I am determined to claim reciprocal relations of mutual love between sisters and brothers in the Catholic Church, to claim equal dignity, freedom and rights of all women, men and queer Catholics in the Catholic Church as human and divine institution.

Sacrosanctum Concilium 2 presents the first examples of the use of citations from the *Sacred Scriptures* to assess the male celibate priestly power hierarchy of the Catholic Church as inevitable truth and as the true nature of the Church as human society and

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divine community. The citation of *Ephesians 2, 21–22* is incomplete and distorts the message of the *Sacred Scripture*, because the Council receives the divine aspect of the Church and represses the human aspect of the Church as congregation. *Ephesians 2, 20* clearly speaks of the Church as built on prophets and the apostles and Jesus Christ as corner stone and *Ephesians 2, 22* addresses all believers and their common vocation to build the temple of Go'd. This temple of Go'd is constructed by the Holy Spirit (*Ephesians 2, 22*) and not by a pope, cardinal or bishop holding power to govern, teach and preside the liturgy.

Next, *Sacrosanctum Concilium 2* cites *Ephesians 4, 13* out of context. Jesus Christ gave to some “that they should be apostles, to some prophets; to some, evangelists, to some, pastors and teachers” (*Ephesians 4, 11*). Their common service is to “build up the body of Christ” (*Ephesians 4, 12*) and yes, our hope is that we will “fully mature with the fullness of Christ himself” (*Ephesians 4, 13*). “The fullness of Christ” clearly aspires to a divine hope of the faithful, but *Ephesians 4, 14* is very clear about the fact that the way of realizing this hope and the validity-condition of this way is living “by the truth and in love”. Christ fits and joins the whole Body together, “every joint adding its own strength, for each individual part to work according to its function. So the body grows until it has built itself up in love” (*Ephesians 4, 16*) and not in submission to a pope with supreme governmental, juridical and teaching powers and his hierarchy.

The old prophet Isaiah claims that the Lord will “assemble the outcasts of Israel” as “a signal for the nations” (*Isaiah 11, 12*). *Sacrosanctum Concilium 2* uses this reference to Isaiah for assessing that the faithful may teach Christ to those who are outside of the Church. This claim implies that the faithful, that is the laity of the Catholic Church, is not allowed to teach Christ inside the Catholic Church. This kind of discriminating Church will not be able to gather together “the scattered children of God” as *Sacrosanctum Concilium 2* claims citing *John 11, 52*. According to *John 11, 52*, it is again the Lord and not any Church who will “gather together into one the scattered children of God”. In the reference *John 10, 16* it is Jesus, the good shepherd, who speaks as the one shepherd for the one humanity. The Catholic Church will not gather humanity, as the claim of *Sacrosanctum Concilium 2* pretends; Jesus Christ is the good shepherd. Concerning the Council's reference to the *Gospel of John* when speaking about “the divine sacrifice of the Eucharist” (*Sacrosanctum Concilium 2*), we may affirm that in *John 13*, Jesus washes the feet of the apostles. It is clear therefore, without the

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service of washing the feet of each other, without the effective service of love for each other, there is no credible divine service of liturgy at all.

Sacrosanctum Concilium 3 affirms that “concerning the promotion and reform of the liturgy”, “practical norms should be established”. In *Sacrosanctum Concilium 2*, Jesus Christ speaks as shepherd of all humanity. *Sacrosanctum Concilium 3* abandons the catholic aspect of the Gospel, abandons the aim of liturgical celebration, that is the celebration of the redemption of the faithful (*Sacrosanctum Concilium 2*) and prefers to concentrate on norms for the rite. There were discussions in the liturgical commission and some members insisted on describing the means for realizing the aim of liturgy together with the aim. In the end the wish for clear norms and practical directives for liturgical reform prevailed (Kaczynski 2004, 56).

Claiming, “the practical norms which follow, however, should be taken as applying only to the Roman rite” restricts the attention of the Second Vatican Council to the Latin rite of the Roman Church. The Ambrosian Milanese rite and the Old Spanish rite are also valid Latin rites. Kaczynski comments that the Council behaved like a Roman synod of the Latin Church and not like an ecumenical council of the whole Church because the fathers dealt with the reform of the Roman Latin rite only (ibid, 57). This concentration on the Roman Latin rite is justified. It does not make sense to reform the rite of the Oriental Churches united with Rome, if the Orthodox Churches will not reform too (ibid). *Sacrosanctum Concilium 3* anticipates the later development. The Roman Curia will take over control of the reform of liturgy and restrict the participation of the regional bishops’ conferences in the liturgical reform (ibid, 56).

Sacrosanctum Concilium 4 speaks of the Roman Catholic Church as the “holy Mother Church” and declares to respect those rites that are recognized by Canon Law. It is clear that the supreme legislator of Canon Law is the Roman pope who is not accountable to anybody in the Catholic Church. Rome watches new developing rites for celebrating the Eucharist and other liturgical celebrations subordinated to Rome suspiciously. When, in 1988, the episcopal conference of the Republic of Congo presented a Mass book integrating elements of local cultures, Rome insisted that the missal was called “Roman missal for the dioceses of Congo” (ibid, 59). In 1995 and in 2001, Roman instructions on liturgy and enculturation made it very clear that Rome does not want the development of new rites but allows only for an adaption of the Roman Latin rite to regional and local cultures (ibid, 58–59). In the light of this Roman

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centrist perspective, the propositions from bishops from the Congo and from China on the pre-preparatory liturgical commission of the Second Vatican Council will not be received soon (ibid, 60). The bishops had asked to develop liturgies in accordance with different cultures such as a Western, a Semitic, an African, a Chinese-Japanese, a Slavic and a South-American liturgy (ibid).

3.3.2 First Chapter

The first chapter of *Sacrosanctum Concilium* deals with “general principles for the restoration and promotion of the sacred liturgy”. A first point tries to describe “the nature of the sacred liturgy and its importance in the Church’s life”. Today we rather speak of the function of liturgy and try to describe the multiple cultural forms in the life of the Christians that realize the function. The function of Christian liturgy is realizing a bit of the just world of Go’d by celebrating together the hope of salvation and praying with Jesus Christ. Kaczynski insists on the description of a liturgy’s function. The Constitution on liturgy starts describing the function of liturgy in the first chapter of *Sacrosanctum Concilium* 5–13 and thus confirms that form follows function (Kaczynski 2004, 60).

Sacrosanctum Concilium 5 recalls with pieces of 1 *Timothy* 2, 4 and *Hebrews* 1, 1 Go’d’s history of salvation and Go’d’s universal will of salvation for all women, men and queer (ibid, 61). Pieces from *Isaiah* 61, 1 and *Luke* 4, 18 hint at Go’d’s preferential option for the poor, and call Jesus Christ “doctor of the body and the spirit” referring to Ignatius of Antioch (ibid). The reference to 1 *Timothy* 2, 5 that claims Christ as mediator between Go’d and women, men and queer, serves to legitimize *Sacrosanctum Concilium* as a continuation of *Pope Pius’ XII* encyclical of 1947 that approved of the liturgical movement and had already used the above biblical reference (ibid).

Pointing at Christ’s mediation affirms his priesthood. This is in line with *the Letter to the Hebrews*. The intention of the Council and of the popes is to legitimate their priestly function as vicars of Christ and this use is not doing justice to the Scripture. I am not investigating how *Sacrosanctum Concilium* uses the Bible, I point at the importance of the fact that the Council uses the Scripture at all (ibid, 60). The citation from the Christmas oratorio of the oldest preserved Sacramentarium of the Roman liturgy, the Sacramentarium Veronese, refers to the priestly salvific agency of reconciliation of Christ in the liturgy and refers to Christ’s gift and realization of the perfect cult that is “fullness of divine worship” (*Sacrosanctum Concilium* 5). The Council rediscovers the

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historic foundations of the sacred liturgy, which is true. It is also true, that the Council and the following liturgical papal instructions to our days consider the liturgy of the Catholic Church completed by the development of the Roman rite in the fourth to the sixth century CE. The multitude of countries in the world are not allowed to develop new rites according to their cultures. All possible reform is an adaptation of the Roman rite and excludes the development of new rites in new cultures (ibid).

“Redeeming mankind and giving perfect glory to God” constitute the “paschal mystery” of Jesus Christ. The faith in the paschal mystery is the faith in the death and resurrection of Jesus Christ. The Church celebrates the paschal mystery as “sacrament of the whole Church” (*Sacrosanctum Concilium* 5) by celebrating the sacraments, the sacramentals, the liturgy of the word and the liturgy of the hours (ibid, 62).

Angelus A. Häußling, the Benedictine liturgist of Maria Laach, called the term “paschal mystery” the heart of *Sacrosanctum Concilium* (ibid, 63). From the beginning of the liturgical preparatory commission, French auxiliary bishop Henri Jenny had asked for the theological foundation of the liturgy by the explication of the term paschal mystery (ibid). We find the term in *Sacrosanctum Concilium* 6, 61, 104, 106, 107 and 109. The term always expresses the center of the history of salvation and of the faith of the Church and the Christians, and unites the confession of the faith with the celebration of the faith (ibid).

Sacrosanctum Concilium 5 speaks of “redeeming mankind” and recalls with pieces of 1 *Timothy* 2, 4 and *Hebrews* 1, 1 Go’d’s history of salvation and Go’d’s universal will of salvation for all women, men and queer (Kaczynski 2004, 61). The Constitution on the Sacred Liturgy stands at the beginning of the Second Vatican Council. Only at the end, does the *Council* assess Go’d’s universal will of salvation as the one economy of salvation that comprises the entire human family. The *Council* then proclaims, “The Holy Spirit offers everyone the possibility of sharing in the paschal mystery in a manner known to God” (*Gaudium et Spes* 22).

Sacrosanctum Concilium 6–13 deal with different forms of liturgically realizing the paschal mystery.

From the time the first believers in the Word were baptized, “the Church has never failed to come together to celebrate the paschal mystery”. They continued “in the

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teaching of the apostles and in the communion of the breaking of bread and in prayers . . . praising God and being in favor with all the people (*Acts 2:41–47*)” (*Sacrosanctum Concilium 6*).

The Church continues the work of salvation of Jesus Christ in the liturgy. The proclamation of the mystery of salvation goes together with the performance of the mystery of salvation in the liturgy (*ibid*, 63–64). With the references to *Romans 6, 4*, *Ephesians 2, 6*, *Colossians 3,1* and to *2 Timothy 2, 11* the *Council* uses the *Pauline* concept to describe baptism as the realization of the paschal mystery (*ibid*, 64). With references to *2 Corinthians 9, 15* and *Ephesians 1, 12* the Council describes the Eucharist as realization of the paschal mystery (*ibid*, 65).

The Council fathers were not aware of the concept of realizing social choices when Christians celebrate the paschal mystery. Cardinal Raul Silva Henriquez from Santiago de Chile taught the Council that the Holy Spirit is given the Christian women, men and queer as empowerment for their social choices for realizing the paschal mystery in their lives, and also in the liturgy, in the sacraments, in baptism and the Eucharist (*ibid*). At the end of *Sacrosanctum Concilium 6*, there is a tiny reference to “the power of the Holy Spirit”. For the rest of the Second Vatican Council I repeat the critique of Kaczynski speaking of the forgotten Holy Spirit (*ibid*). The Holy Spirit is the agent empowering the individual woman, man and queer Christian participating and realizing the liturgy and the Christian life as realization of the paschal mystery of Jesus Christ. The Council forgot the Holy Spirit because it forgot the life of the Holy Spirit of the women, men and queer.

How can Jesus Christ be present in the Church, as *Sacrosanctum Concilium 7* claims, if the Holy Spirit is not present in the Christians? Kaczynski sharply criticizes that *Sacrosanctum Concilium 7* has no mention of the Holy Spirit at all (*ibid*, 71). In the Eucharist, Jesus Christ “is offering through the ministry of the priests” claims the Second Vatican Council with the Council of Trent. *Sacrosanctum Concilium* cannot claim the necessity of the priests with reference to the New Testament, because the Christians realize the paschal mystery of baptism and the Eucharist without any priests. Their only priest is the high-priest Jesus Christ. Today we may again realize the paschal mystery of baptism and the Eucharist without the ordained ministry of priests, and have a presbyter woman or man or queer offered the baptismal prayer and the Eucharistic prayers.

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Christians are given the Holy Spirit; they realize sentences of faith and social choices of faith in Jesus Christ because they received the Holy Spirit. When Christians assess the experience of their integrity and their empowerment with faith by the Holy Spirit they assess the presence of Jesus Christ. They are called assessing this presence of Jesus Christ in baptism as the one who baptizes, as St. Augustine had affirmed in his *Tractatus in Ioannem*, VI, n.7. Jesus Christ is present in the Eucharist as the one who offers, in the Scripture as the one who speaks, and in the praying and singing Church as the one who is "in the midst of them" according to *Matthew* 18, 20 (*Sacrosanctum Concilium* 7).

All of a sudden, *Sacrosanctum Concilium* 7 gets everything right: "the liturgy is considered as an exercise of the priestly office of Jesus Christ". In addition, "in the liturgy the whole public worship is performed by the Mystical Body of Jesus Christ, that is, by the Head and His members" and "every liturgical celebration ... is an action of Christ the priest and of His Body which is the Church". The *Council* takes the picture of the Church as the Body of Christ from the *deutero-Pauline* letters *Ephesians* 1, 22; 4, 15; 5, 23 and *Colossians* 1, 18. The picture of the Church as the Bride of Christ the *Council* takes from *John* (*Revelation* 21, 2.9; and 22, 17) (*ibid*, 68). It is true at the same time that *Sacrosanctum Concilium* does not yet think of the individual Christian women, men and queer celebrating the liturgy that is the sacrament of the Church. The presence of Jesus Christ in the lives of the Spirit empowered women, men and queer, their prayers of thanks, praise and glory of the paschal mystery are somewhat subordinated to the hierarchy of the Church who is in control. They watch over the spirit of the law of believing and praying, they do not assess the law of the Spirit that is love as constitutional for the liturgy, the celebration of the sacrament of salvation, the Church. Only at the very end of the *Second Vatican Council* that is on December 7, 1965, the bishops were ready assessing that Go'd calls all Christians to proclaim the presence of Jesus Christ (Kaczynski 2004, 67). We read in the Decree *on the mission activity of the Church Ad Gentes* 9 "By the preaching of the word and by the celebration of the sacraments, the center and summit of which is the most holy Eucharist, He brings about the presence of Christ" (Paul VI 1965).

Sacrosanctum Concilium is not aware of the fact that *Hebrews* is a homily given in the congregation of the Christians celebrating liturgy and passionately implores the present women, men and queer to assess the presence of the Holy Spirit in their bodies

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and to teach the paschal mystery to the sisters and brothers. *Sacrosanctum Concilium* 5 uses *Hebrews* as selective reference to the Hebrew Bible where Go'd speaks to the fathers in the prophets (*Hebrews* 1, 1). One would expect that a *Constitution on the Sacred Liturgy* would embrace wholeheartedly and at length *Hebrews*, the only text of liturgical preaching and teaching in the New Testament. In reality, there are only three references to *Hebrews* in the *Constitution. Sacrosanctum Concilium*, as the whole Second Vatican Council is not only Spirit-forgotten, it is also gender-forgotten. Go'd spoke and speaks not only to the fathers, he also spoke and speaks to women, men who are not fathers and queer.

As does *Sacrosanctum Concilium* 2, *Sacrosanctum Concilium* 8 also invokes the celestial liturgy with a reference to *Hebrews* 8, 2, to Jesus Christ as the high priest, the only tent that Go'd put together, the only minister of this sanctuary. The bishops of the Council were not able to read *Hebrews* 8,1 claiming that our high priest "has taken his seat at the right" (*Psalms* 110,1) "of the throne of divine Majesty in the heavens" together with the fact that the exegetes badly explain too. *Hebrews* often speaks of Jesus Christ as the High Priest, but there are no faithful of the congregation anywhere called priests (Kleinig 2016, 152). The congregation of Christians in *Hebrews* simply has no need for priests, because they thank Jesus Christ in the Divine Service, their High Priest, for having access to Go'd and celebrate their thanks participating in the congregation of the Divine Service.

Sacrosanctum Concilium 8 praises the celestial liturgy and expresses our hope to participate one day too in that heavenly liturgy that is our hope in the second coming of Christ.

All of a sudden, *Sacrosanctum Concilium* 9 discovers that there is need for conversion to the faith in Jesus Christ and that the faith of women, men and queer is the possibility condition for a functioning liturgy that thanks, praises and serves the paschal mystery. Yet many of the bishops are not ready to think about how liturgy functions as social realization of the presence of Jesus Christ, as a realization of the work of salvation and as the source of love, which constitutes a Christian's life at any moment of its existence. Kaczynski diagnoses that many Council fathers regarded liturgy as a performance of rites and rituals and not as existential realization of the faith, and at the Council they continued moralizing about ceremonial rules (Kaczynski 2004, 74). Concerning the

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sentences of the necessity of the Christians to preach the Word to the world, *Ad Gentes* clearly addresses all Christians.

It is easy to claim, as *Sacrosanctum Concilium* 10 does “From the liturgy, therefore, and especially from the Eucharist, as from a font, grace is poured forth upon us”. Without social choices for realizing the dignity, liberty and rights of all women, men and queer, any assessment of grace or of the Eucharist as a font of grace remains hollow and false.

It is important to assess liturgy as celebration and realization of the paschal mystery of Jesus Christ. It is also important to describe the historical context of the evolving *Constitution on the Liturgy* at the Council. At the beginning of the second session of the Second Vatican Council in October 1963, the dominating debate in the aula concerned the text of the *Dogmatic Constitution on the Church Lumen Gentium*. The introduction and the first chapter of the scheme on the liturgy were ready for approval by the Council at the beginning of the second session and the discussion and vote on the few remaining amendments passed without difficulties (Kaczynski 1998, 214–16). To my knowledge there was no amendment claiming a discussion of the function of the celebration of the Eucharist in relation to the structures of the Church. The impasse concerning the development of the ecclesiological concept of *communio* in relation to Church structures that traumatized the Council following the events of October 15, 1963 would have blocked any discussion on the function of the celebration of the Eucharist for Church structures for the *Constitution on the Sacred Liturgy*. The orientation vote on the reform of some church structures that the moderators of the Council had fixed with approval and consent to the content for October 16, 1963 was obstructed by adversaries of any structural change of the Church such as Cardinal Ottaviani, the secretary of the Council Felici and other members of the Roman Curia (Melloni 1998, 94). Dossetti implored Cardinal Suenes and Lercaro to protest the halt of the vote and to stick to the text that was supported by Paul VI (ibid, 95). The vote concerned the consecration of bishops as foundation of the three *munera* of a bishop (ibid, 89). The second question for a vote concerned the episcopal college, its foundation by divine right with the supreme and full *podestas* (power) over the universal Church and the third question concerned the diaconate (ibid). There was no vote on the three questions. On October 23, 1963, Paul VI created a super-commission to further discuss and pass the orientation vote (ibid, 99). On October 30, 1963, the lightly

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modified questions passed the vote in the aula with approval rates of 75% (diaconate) to 95% (consecration as foundation of *podestas*) (ibid, 121). Paul VI, most of the Council fathers and their theologians praised this dogmatic passage assessing the powers of the episcopal college as historic (ibid, 121). The future development of the Council would rather suggest speaking of the vote of October 30, 1963 on the episcopal consecration, power and collegiality as a Pyrrhic victory. Melloni uses the term already in connection with his thoughts on Paul VI taking the center stage and mediating role of the Council (ibid, 122). Concerning *Sacrosanctum Concilium*, it is clear at the end of October 1963 that it was not possible to identify the celebration of the Eucharist as the foundational element of the Church. First, there was the congregation of Christians celebrating the Eucharist believing in Jesus Christ, being empowered by the Holy Spirit and thereby founding the Church in the presence of Jesus Christ. Only second, do we find further structural elements of the Church like the diaconate as the institution of the Seven documents (*Acts* 6, 1–7). *Sacrosanctum Concilium* 10 is right in assessing that the celebration of the paschal mystery of Christ necessarily includes the realization of social choices of love and dignity by the faithful who follow their Lord Jesus Christ.

Sadly, *Sacrosanctum Concilium* misses the central point of connecting the Eucharist with the pneumatological character of the celebrating congregation, due to the empowerment of every assisting faithful by the Holy Spirit, and does not recognize the Eucharist as the founding element of the Church as a social structure. In the old tradition of Greek Orthodoxy, the Eucharist is the celebration of the foundation of the mystical body of Christ. Commenting on *Unitatis Redintegratio*, Hilberath observes “*Ubi eucharistia, ibi ecclesia*”, where the Eucharist is celebrated there is Church, expresses Orthodox theology and “*Ubi Petrus, ibi ecclesia*”, where there is Peter there is Church, the Catholic point of view and “*Ubi spiritus, ibi Ecclesia*”, where there is the Holy Spirit there is Church, expresses the theology of the Reformation (Hilberath 2005, 116).

Characteristically for *Sacrosanctum Concilium* and all documents of the Second Vatican Council, the function of active participation follows the hierarchical form of the Church. *Sacrosanctum Concilium* 14–20 deal with the liturgical instruction, the form of the liturgical norms and regulations, and only then ask for possibilities of active participation by the laity. The Council does not dare to affirm that the law of the Spirit

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constitutes the function and makes function the assembly of the faithful, not the law of the liturgical rubrics.

At the beginning of this second section of the first chapter of *Sacrosanctum Concilium* 14, the fathers rightly affirm, “Mother Church earnestly desires that all the faithful should be led to that fully conscious, and active participation in liturgical celebrations which is demanded by the very nature of the liturgy”. Such participation by the Christian people as “a chosen race, a royal priesthood, a holy nation, a redeemed people (1 Peter 2:9; cf. 2:4–5), is their right and duty by reason of their baptism” (*Sacrosanctum Concilium* 14). However, already at the end of this passage of *Sacrosanctum Concilium* 14 it is clear again that “not all the faithful”, not the “Christian people” as a whole but “the pastors themselves, in the first place, become thoroughly imbued with the spirit and power of the liturgy, and undertake to give instruction about it” (*Sacrosanctum Concilium* 14).

With a reference to *Lumen Gentium* 26, Kaczynski tries a theology of the liturgy claiming that the subject of the liturgy is the Church, the congregation that assembles around the priest Jesus Christ. At the same time *Sacrosanctum Concilium* 14 and Kaczynski’s reference to it clearly prove that the Church, the *ekklesia*, is a “a chosen race, a royal priesthood, a holy nation, a redeemed people (1 Peter 2,9; cf. 2,4–5), by reason of their baptism” (Kaczynski 2004, 79). The Scripture reveals that baptism of the faithful is the reason that constitutes a “people of God”, and we have to clear up the minds of the theologians and bishops. The Church knows baptism of individual persons, not of a collective congregation. John the Baptist baptized individuals, he baptized Jesus Christ and nobody baptized a Church or a congregation. The subject of liturgy therefore cannot be the congregation in the first place, only in the second place because the first place is reserved for the baptism in the Holy Spirit of the individual faithful. The Second Vatican Council and the German-speaking theologians that interpreted the Council for 50 years did not realize baptism as a foundational sacrament of the Holy Spirit.

What the faithful may do and not do as active participation lies in the authority of the priests to decide. *Sacrosanctum Concilium* does not reflect the discrimination of the faithful, does not reflect their marginalization and exclusion. The lay are treated as incompetent to celebrate liturgy empowered and authorized by the Holy Spirit that they had received in baptism. I know of laymen and women, Catholics that were formed by

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theological studies, who were not allowed active participation in liturgy by the priests. They were not allowed to sing the songs at celebrations that they wanted to sing. They were not allowed to live liturgy with the young according to the needs of the young and they finally were appalled and left cooperation with the parish completely.

Nevertheless, we have to read the text of *Sacrosanctum Concilium* also in the historic context of the Council. The historian writes of the high riding wave of expectations that were raised by the news from the Council in Rome that reached the parishes. Lay women and men got excited about the possibilities of 'active participation' and they started pressing their priests and bishops for a change in leadership that would empower and facilitate active participation at liturgy. The bishops were not prepared for this kind of storm of expectations. The bishops and the priests were not yet educated in the theology of liturgical participation and celebration. The bishops got frightened and feared liturgical chaos by unlimited experimentation in liturgy. By 1964, the bishops of the Council started to draw back on their enthusiasm concerning liturgical reform. They were frightened; they were exhausted by the amount of workload at home for reform and in Rome for the Council. They were tired and wanted the life of their dioceses to again enter calm waters and well-ordered routine (Theobald 2001, 330–31).

Sacrosanctum Concilium 15 insists on training professors for liturgy. *Sacrosanctum Concilium* 16 establishes the study of liturgy as required in the curriculum of theological studies. *Sacrosanctum Concilium* 17 claims the liturgical formation in the seminaries and *Sacrosanctum Concilium* 18 proposes something like a permanent liturgical formation for priests. *Sacrosanctum Concilium* 19 exhorts the priest educating the laity for active participation in the liturgy, but most importantly the priests must "lead their flock!". *Sacrosanctum Concilium* 20 takes care that the bishops control the radio and television commentators of liturgical celebrations.

Kaczynski considers the Church the subject of the liturgy and not the individual faithful of the congregation. Yet he is conscious of the fact that women, men and queer pastoral assistants who collaborate in the parishes and all laity that realize pastoral services have to get a liturgical formation and not only the priests (Kaczynski 2004, 81). He admits that the Council forgot about the laity, the pastoral assistants, and their liturgical formation (ibid). In 2004, Kaczynski criticises the predominant understanding of liturgy as external reading of texts and external observation of rubrics and not as

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celebrating the paschal mystery of Christ with his presence as source for the Christians' lives (ibid, 82). The liturgical celebrations of the Catholic communities in this world still wait for their realisation according to the experience of the paschal mystery by the faithful. All prescriptions of the *Congregation of divine worship and the discipline for the Sacraments* in Rome and all instructions by the bishops' conferences all around the world still lack the courage and faith to go forward celebrating liturgy as a feast of hope, love and faith with equal and active participation of all, men, women and queer.

Liturgy is not the repetition of tradition. Why do European Catholics leave Sunday mass? It is because they cannot receive power and peace for their lives in the kind of Eucharistic liturgies that they are exposed to by overaged priests. The celebration of the Eucharist seems to be reserved to Christmas and Easter; there is at least a festive atmosphere because of the festive music and songs. The rhythm of modern life and the rhythm of Sunday mass do not match any more every Sunday. In 2014, in Europe, the Catholics are still ready to celebrate important moments in their lives like marriage, the baptism of their children and the funerals of their dear ones. They no longer participate in the daily, weekly or monthly Eucharistic celebrations of the liturgical calendar. The rituals that the Catholic Church offers their faithful do not any more serve the spiritual necessities of loading or reloading the proper spiritual sources for experiencing one's integrity in daily life.

A third part of the first chapter of *Sacrosanctum Concilium* deals with "the reform of the Sacred Liturgy" (*Sacrosanctum Concilium* 21–40). The Constitution on the Liturgy is clear about the way of realizing this reform. The Council establishes norms (*Sacrosanctum Concilium* 21). Paradoxically, these norms will bring about a considerable and deeply conflicting change for the Latin Roman rite of the liturgy in the aftermath of the Council (Kaczynski 2004, 86). The authority for realizing changes stays with the pope, the bishops are granted for the first time since the Codex of 1917 some small powers for changing liturgical elements (*Sacrosanctum Concilium* 22, 23). *Sacrosanctum Concilium* 23 insists on the Latin liturgical tradition as model for all change. There is no word on gender justice and peace, reconciliation, and sisterhood and brotherhood as principles for organizing liturgical life. *Sacrosanctum Concilium* 24 assesses "Sacred scripture is of the greatest importance in the celebration of the liturgy". The liturgical commission and the Council is not yet ready to affirm with *Dei*

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Verbum 24 that the Sacred Scriptures “are inspired, really are the word of God” and the study of the Sacred Scriptures “is the soul of sacred theology” (Hoping 2005, 800). In 1963, at the time of the last discussion on liturgy, the Council still puts tradition and hierarchy before the word of God. Nevertheless, *Sacrosanctum Concilium* 25 claims a revision of the liturgical books that will bring the Sacred Scriptures to the attention of the faithful. Kaczynski explains that until the second century CE the only canonically recognized liturgical book was the Bible. There were other texts that were used and that we call formulars (Kaczynski 2004, 90). Many priests that started experimenting with liturgical forms after Vatican II, again recognized only the Bible as canonical in liturgy and therefore changed the prayers of the Eucharist according to their theological tastes.

Sacrosanctum Concilium 26 makes it clear that the Church is “the holy people united and ordered under their bishop”, and discriminates the faithful “according to their differing rank, office, and actual participation”. At least it becomes clear that the whole liturgical congregation is the subject of the liturgy and not only the presiding priest (ibid, 93). *Sacrosanctum Concilium* 27 expresses the preference of communal services over quasi-private liturgical services of the priests. *Sacrosanctum Concilium* 28 insists on the observance of the limits of each liturgical office and affirms at the same time that the validity of the liturgical functions of lay people by themselves and not any more through co-performing by the priest (ibid, 95). For the first time since the Council of Trent, the Catholic Church allows women to realize liturgical offices (ibid). *Sacrosanctum Concilium* 29 affirms the lay offices of “Servers, lectors commentators, and members of the choir”. *Sacrosanctum Concilium* 30 restricts the active participation of the laity to “acclamations, responses, psalmody, antiphons, and songs, as well as by actions, gestures, and bodily attitudes. And at the proper times all should observe a reverent silence”. Rubrics and the people’s parts must be clear (*Sacrosanctum Concilium* 31) and “there are liturgical laws providing for due honors to be given to civil authorities” (*Sacrosanctum Concilium* 32). It is not that the civil authorities attending a liturgy provide due honors to Jesus Christ, or that the faithful and priests provide due honors only to Jesus Christ; no, the Church also provides honor to civil authorities. At least the Church stopped calling to honor clerical and parochial dignitaries according to their social status and rank in the liturgy (ibid, 98).

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Sacrosanctum Concilium 33 claims with the Council of Trent the liturgy “contains much instruction for the faithful”. Evidently, the priests are left out because they “preside over the assembly in the person of Christ”. As *Hebrews* shows, there are no priests present or presiding over the assembly of the faithful because the only priest present is the high priest Jesus Christ and there is no necessity of another priest. There is no priest in the liturgy of the first Christians; there is no priest who says the prayers “in the name of the entire holy people and of all present” (*Sacrosanctum Concilium* 33), because the whole congregation celebrates the paschal mystery, the presence of Jesus Christ, and everybody is empowered to speak for herself or himself. In the beginning *Sacrosanctum Concilium* 33 rightly assesses – almost with the words of Martin Luther (ibid, 100) “For in the liturgy God speaks to His people and Christ is still proclaiming His gospel”. In liturgical practice, the Catholic Church privileges the priest to read the Gospel and celebrate the paschal mystery and discriminates the congregation of the faithful.

The rites should be simple, clear and understandable (*Sacrosanctum Concilium* 34). The intention of the liturgical movement as of the Second Vatican Council consisted in restoring the roman liturgy of Antiquity (Kaczynski 2004, 101). The Council and the following fifty years of celebrating the paschal mystery missed the point that the churches need to focus on the development of their own tradition instead of repeating a past.

Sacrosanctum Concilium 35 actually claims speech acts as validity-condition for celebrating the sacraments “That the intimate connection between words and rites may be apparent in the liturgy”. Kaczynski legitimates this claim citing Augustine “*Detrahe verbum, et quid est aqua nisi aqua? Accedi verbum ad elementum et fit sacramentum* (CCL 36, 529)” and *Tractatus in evangelio Johannis* 15,4 (CCL 36, 152) (Kaczynski 2004, 102). Also: “*Tolle ergo verbum, panis est et vinum: adde verbum, et fiet sacramentum* (Sermo Denis 6,3. Morin I, 31)” (ibid). Take the sentence away and what you have got is nothing but water, or bread and vine. If the sentence is added to the water, the sacrament happens, if you add the sentences to bread and vine the sacrament will happen. The word, the sentences, we should hear in liturgy is the Gospel. *Sacrosanctum Concilium* 51 and 92a will describe in detail this practice. It is a revolutionary claim for Catholic liturgy to call the sermon a speech act that is an integral and effective part of the liturgy of the Mass (ibid, 103). In liturgical praxis, there are

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actually no speech acts as realization of the equal dignity, liberty and rights of the participants in the liturgy. In reality most of the speaking in liturgy is reserved for the priests presiding. Sermons and homilies that take the form of a dialogue between priest and a lay man, woman or queer are rare experiments and cannot mask the actual dominance of the priest.

Sacrosanctum Concilium 35 exhorts the priests presiding the liturgies using a greater variety of texts from the Bible. The sermon of the priest should draw “from scriptural and liturgical sources”, instructions should be given and if there is no priest available, the bishop may authorize “a deacon or some other person” for bible services on vigils of feasts and Sundays. Including again a sermon after the reading from the Scripture is a progress in relation to the Roman Missal that until 1962 did not know any more sermons during Mass. If there was a sermon on Sunday it was given before Mass (ibid, 103). *Sacrosanctum Concilium* 36 claims that the faithful hear the reading from the Scripture in their mother tongue, “whether in the Mass, the administration of the sacraments, or other parts of the liturgy”. Since uncountable generations of faithful for more than a thousand years were not able to understand the language of the liturgical prayers and readings, the sudden turn to vernacular language in liturgy was dangerous, because the faithful are now empowered to pray, meditate and interpret the Bible on their own and not according to the norms of the Church. The Council therefore insists on the approval of the translations of the Bible and of the liturgical texts by Church authorities and by Rome that is by the pope (*Sacrosanctum Concilium* 36). The use of gendered language in Biblical translations fifty years after the Second Vatican Council is still not approved by the episcopal conferences or by Rome.

Sacrosanctum Concilium 37 promises the willingness of the Roman Catholic Church to “adapting the Liturgy to the culture and traditions of peoples”. In reality the Roman Catholic Church does not “respect and foster the genius and talents of the various races and peoples” in the sense that episcopal conferences adapt the liturgy to their cultures. In the end, every small adaptation of the liturgy has to get the approval of the Roman authority of the Apostolic See. *The Fifth Instruction for the Right Implementation of the Constitution on the Sacred Liturgy of the Second Vatican Council – Liturgiam authenticam* from May 7, 2001, officially introduces again the Roman liturgy as universal standard for any liturgical adaption (Medina Estévez 2001).

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This instruction ends all efforts of the Second Vatican Council to open the liturgy for an effective adaption to the culture and traditions of peoples (Kaczynski 2004, 113).

Sacrosanctum Concilium 1 had already fixed the guiding principles for the adaptation of the liturgy. The Council wants to augment the Christian lives of the faithful on a daily basis. It will accommodate to the needs of our time by changing Church institutions within the limits of the hierarchical Church, and promote and encourage the men and women that believe in Christ to form a union. The actual power of the Roman pope and the Roman liturgy is the measure for judging the cultures of the world. There is no affirmation that all cultures are expressions of Go'd's creation. *Sacrosanctum Concilium* 37 completely misses the point that Jesus Christ operates unity through the Holy Spirit. Not a pope pretending to be Christ's governor on earth realizes the unity of the faithful. Roman power imposes liturgical standards and liturgically colonises the world with the Roman liturgy of past centuries. The perspective of the council fathers who approved of *Sacrosanctum Concilium* does not perceive the women, men and queer of the Christian communities around the world as bearers of the faith in Jesus Christ, as *Christophoroi* and as bearers of the Holy Spirit of love.

Speaking of women, men and queer of the Christian communities all around the world, I am not thinking of white male European and North American academics. I am thinking of the Indian tribal people who struggle to keep their tribal cultural identity and start a Christian community organisation with the help of priests of the Catholic Church. A doctoral thesis that I accompanied is titled "The Callenges of Catholic Mission among the Oraons of Chhattisgarh Chota in Nagpur in Central India" (Tirkey 2013). A tribal Oraon wrote the thesis. His father was a traditional healer and the catechist of the community at the same time (ibid, 10). He gave the Christian faith to his son who still appreciates the medical skills and herbal knowledge of his tradition (ibid). Tirkey claims that the local Churches in Asia assess their multi-religious, multicultural realities, all their different traditions including their socio-political realities of poverty and suppression (ibid, 244). Only this kind of inculturation will empower the Oraons for a human life in dignity (ibid, 245). A tribe consisting of many clans in North-Eastern India are the Khasis of Megalaya. To struggle for a personal, family and social life, maintaining one's cultural identity and living in peace and justice is a very tough challenge there today (Ottappally 2012, 199). Inter-religious violence, terrorizing Hindu nationalism and brutal state violence intoxicate future generations with "feelings of fear,

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tension, anxiety and insecurity within the person, in the families and in society” (ibid). A Christian response to violence among the Khasis has to be “rooted in prayer for the gift and the power of God” and demands “recognition and promotion of human rights and dignity and a committed effort to ensure the promotion of justice and peace” (ibid). A Christian response to violence among the Khasis consists in creating a culture of peace and justice with “the wholehearted collaboration of people in all walks of life, of all the religions and Christian denominations among the Khasis” (ibid). There is no need to mention the many problems of tribalism in the social and political organizations and religious communities in Africa. The thesis of Ahlonko Kouassi Kouanvih that was finished in Innsbruck in 2004, gives testimony of the struggle of a Catholic priest for the dignity of effective Human Rights in the traditional society of Togo in West Africa (Kouanvih 2004). To be clear: the fight is for effective Human Rights law rule. The fight is not about “superstitions and error of beliefs” that *Sacrosanctum Concilium 37* condemns. The fight is about Human Rights, about the Christian belief that men and women and queer are created with dignity in Go'd's image, with equal dignity as original divine descent. Ahlonko Kouassi Kouanvih at the beginning of his doctoral thesis honors his mam Marcelline and his dad Etienne Kouanvih corresponding to their *kavod*, their empowerment for creation (Kouanvih 2004, 3). According to the Decalogue, the power of creation empowers every parent – biological or social – that cares for the creature child, boy, girl or queer, and their identities, dignities and integrated lives. Marcelline and Etienne were the first teachers and educators of the faith of Ahlonko, their son (ibid). Therefore, they rightly carry their glory. Glory is not a social means for suppression. Ahlonko Kouassi Kouanvih makes public the African Synod's claim of 1994 to realize effectively the rights and dignity of African women as an urgent task of the Catholic Church. Ahlonko speaks of the people living in South Togo and is clear about the fact that traditions, cultural customs, religious, political and social world-views institutionalised oppression of the women and left women as persons without rights (Kouanvih 2004, 187–202). For him it is clear, the celebration of liturgy is linked to celebrate justice, peace and the dignity of the participants.

These young Christians from India and Africa are aware of the time of the Church fathers in the Antiquity and of their Christian example. Kaczynski points at the example of Hippolytus who died around 235 CE. His church order put at the disposition of the faithful models of prayers and rites that are not supposed to be simply copied but creatively used as patterns for the liturgies for the ordination of officials, for the

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Eucharist and for the benediction of oil, cheese and olives (Kaczynski 2004, 112). In 393 CE, Augustine still a presbyter in Hippo, at the synod of Hippo in Northern Africa, exhorts to use prayers only after a thorough discussion among the faithful brothers and sisters (ibid). Ambrosias, the bishop of Milan, advocated not to disturb the plurality of rites – for example washing the feet in the rite for baptism – and not to force a unity that kills celebrating local customs and rites (ibid, 113). Receiving *Sacrosanctum Concilium*, the Philippine Benedictine Anscar J. Chupungco suggested to translate the Latin liturgical texts, to adapt them and then to create new texts. He once was a consultant for the *Congregation of worship* but Rome's repelling autocratic tendencies of the late 20th and beginning 21st century stopped his efforts (ibid).

The revision of the liturgical books around the world has to see that “the substantial unity of the Roman rite is preserved” (*Sacrosanctum Concilium* 38).

Rome sets the norms for liturgical adaptations and only “in the case of the administration of the sacraments, the sacramentals, processions, liturgical language, sacred music, and the arts” local bishops' conferences may send suggestions to Rome (*Sacrosanctum Concilium* 39). Concerning the adaptations coming from regional or local episcopal conferences, *Sacrosanctum Concilium* 40 rules “necessary preliminary experiments” are allowed, “experts” must formulate the adaptations and “Adaptations which are judged to be useful or necessary should then be submitted to the Apostolic See, by whose consent they may be introduced”.

Sacrosanctum Concilium 41 considers the bishop “the high priest of his flock”. This claim contradicts the Scriptures. *Hebrews* often speaks of Jesus Christ as the High Priest, and nobody else of the faithful is called priest (Kleinig 2016, 152). Christians believe their trustworthy and merciful High Priest Jesus Christ. Christians thank Jesus Christ in the Divine Service, their High Priest, for having access to Go'd and they celebrate their thanks in the congregation of the Divine Service (ibid). *Sacrosanctum Concilium* 41 is wrong claiming that from the bishop “the life in Christ of his faithful is in some way derived and dependent”. The life in Christ comes from Jesus Christ and the Holy Spirit the Father has entrusted on the Christians. *Sacrosanctum Concilium* 41 refers to the martyr bishop Ignatius from Antioch for assessing the unity of the faithful “in a single prayer, at one altar, at which there presides the bishop”. Ignatius insists on the single prayer of all the faithful and he speaks of one altar. Apparently Ignatius did not receive *Hebrews'* claim that after Jesus Christ there is no more altar (*Hebrews*

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13,10). Ignatius affirms that the bishop presides the Eucharist. Everybody would consent that somebody has to preside in some way the congregation of the faithful, but Ignatius does not claim that the life of the congregation is dependent on the bishop. At this point of *Sacrosanctum Concilium* the bishops get entangled assessing their powers and glories. They cannot claim their privileges referring to Scripture and quite significantly and sadly *Sacrosanctum Concilium* does not refer any more to the Bible until the end of the document. *Sacrosanctum Concilium* 42 claims that the priest “takes the place of the bishop” in the parishes and addresses the problem of creating a sense of community within the parish and with the bishop. Today the faithful women, men and queer realize their equal dignity, freedom and rights celebrating the Eucharist. Unity is experienced if the dignity of all is realized in the prayers. Bishops who suppress the equal dignity, freedom and rights of all faithful suppress unity and make it impossible for the faithful to join in a single prayer.

Sacrosanctum Concilium 43 is right, the movement of the Holy Spirit in the Catholic Church for reform, “promotion and restoration of the liturgy is rightly held to be a sign of the providential dispositions of God in our time”. It is a pity that the Second Vatican Council sets up “liturgical commissions”, “Institutes for Pastoral Liturgy”, and promotes liturgical “studies and experiments” all over the world without effective authority for realizing the reforms. The Vatican does not trust the reformation work of the Holy Spirit around the world and suffocates the reform by assessing the full authority of the Apostolic See concerning any adaptations of the liturgy (*Sacrosanctum Concilium* 44). *Sacrosanctum Concilium* does not argue any more with the Scripture. From now onward, we will find only two more references to the Bible in the whole Constitution. Following the logic of control, the “commissions on the sacred liturgy” are put under the direction of the bishops (*Sacrosanctum Concilium* 45) and “the commissions for sacred music and sacred art” are “at best fused in one commission” with the liturgical commission (*Sacrosanctum Concilium* 46).

3.3.3 Second Chapter

Chapter two of *Sacrosanctum Concilium* is on “the most sacred mystery of the Eucharist”. I copy *Sacrosanctum Concilium* 47.

“At the Last Supper, on the night when He was betrayed, our Saviour instituted the eucharistic sacrifice of His Body and Blood. He did this in order to perpetuate the sacrifice of the Cross throughout the centuries until He should come again, and so to

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entrust to His beloved spouse, the Church, a memorial of His death and resurrection: a sacrament of love, a sign of unity, a bond of charity (St. Augustine, *Tractatus in Ioannem*, VI, n. 13.), a paschal banquet (Latin: *convivium paschale*) in which Christ is eaten, the mind is filled with grace, and a pledge of future glory is given to us" (Roman Breviary, feast of Corpus Christi, Second Vespers, antiphon to the Magnificat).

Fifty years after the Second Vatican Council, it is possible to get sense out of *Sacrosanctum Concilium* 47. For decades the theologians tried that and I too may understand the institution of the Eucharistic sacrifice. Yet today, we insist that in order to celebrate the Eucharist, the participants need to have faith in Jesus Christ, in his life, death and resurrection. The text of *Sacrosanctum Concilium* does not worry about this faith but presupposes a living community of Christians. At the Last Supper, most likely this faith was not present with the Apostles, Jesus has not yet died and was not yet resurrected, faith in him was still developing with his disciples and they had not yet received the Holy Spirit and confessed the name of Jesus Christ.

The commentary of the theologian Kaczynski helps see the two different visions of the celebration of the Eucharist that are present in *Sacrosanctum Concilium* 47, the vision of a sacrifice and the vision of a ritual community prayer. In the antiphon for the Magnificat in the second vespers of the Feast of Corpus Christi, we read in the Roman Breviary of the Eucharist as a *sacrum convivium* that is a sacred banquet. The Roman Breviary is a fruit of the Council of Trent. *Sacrosanctum Concilium* 47 renounces taking up the term *sacrum convivium* and other sacrificial definitions from the Council of Trent for the Eucharist and speaks of a *convivium paschale*, a paschal banquet (Kaczynski 2004, 121). It is innovative of *Sacrosanctum Concilium* to understand the Eucharist as a sacrifice of praise, as a eulogy of resurrection by the faithful in the sense of Origen.

Indeed, Jesus Christ "entrusted" or "confided" (Latin: *concrederet*) the Eucharist, for "perpetuating" the Eucharistic sacrifice that is the celebration of the Eucharist by the faithful to "the Church" (*Sacrosanctum Concilium* 47). Jesus Christ confides the Eucharist to all Christians and not only to the ordained priests "acting in the person of Christ" as *the Dogmatic Constitution of the Church Lumen Gentium* 10 later claims again. Kaczynski, as many of his male colleagues, does not question for a second the mediating role of the ordained priest at the Eucharist (Kaczynski 2004, 122). Who authorized the ordained Catholic priest to speak in the name of all faithful? The whole people of God, all women, men and queer believers of the congregation remember

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and celebrate the death and resurrection of Jesus Christ. They are empowered agents by the Holy Spirit, Jesus confides and entrusts the Eucharist to all. If the Christians do not celebrate the death and resurrection of Jesus Christ, resurrection does not happen. In every celebration of the Eucharist, we confess and celebrate our faith in Jesus Christ, by celebrating this paschal *convivium*, the realization of love is a sacred sign, a sacrament of the just world of God.

In the beginning, *Sacrosanctum Concilium* 48 silently still substitutes the only high priest Jesus Christ by the priests of the hierarchy of the Catholic Church. Jesus Christ instructs the faithful, nourishes them and the faithful give thanks to him. The end of *Sacrosanctum Concilium* 48 acknowledges at least an autonomous participative part of the faithful celebrating the Eucharist.

All the beautiful performances of love that take place in the Eucharist, are the experiences of the agency of the faithful. All good wishes and prayers of the faithful are welcome. In order to experience that we have a rest to relax, to recover and refresh and the Holy Spirit to build up strength again at the table of the Lord's Body, we certainly have to change the habitual rituals of our Eucharistic celebrations. Do the faithful "understand the rites and prayers" as *Sacrosanctum Concilium* 48 claims, and do the rites and prayers correspond to the needs and experiences of the Holy Spirit of the faithful? I doubt that this is the case. If I want to celebrate my life and the impact of the death and the resurrection of Jesus Christ on my life, and if I want to construct my policy as a Christian, I have to have the right and opportunity to express my experiences at the Eucharist. The men, women, and queer faithful are not yet used to do this in the celebration of the Eucharist. It will take a lot of grace and time of grace that men, women, and queer with the faith in Jesus Christ and his Gospel will take the word and start moving in the Eucharist. There is only one priest, Jesus Christ. He is living and present in us all, by baptism we Christians all become bearers of Christ, *christophroi*, *christophorai* and *christophora*. We need elders, men, and women and queer not to represent Christ for others, but to lead the Christ-bearing faithful to expressions of a life that is borne along with Christ. We are born again in the Holy Spirit and we are born along with Christ because he is responsible for the gift of the Holy Spirit. The claim is theologically coherent that all participants at the celebration of the Eucharist together pray the "memorial of his death and resurrection" and all together

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pray the Eucharistic prayer, all together thank Go'd for the grace to celebrate together united by love and a bond of charity (*Sacrosanctum Concilium* 48).

Sacrosanctum Concilium 49 forgets about *Scrosanctum Concilium* 47 and speaks of "the sacrifice of the Mass" as something different from the life of the faithful that has "to become pastorally efficacious" for the faithful. It is the other way round. The experiences and lives of the faithful are pastorally efficacious and the celebration of the Eucharist celebrates thanksgiving for this life and prays for the realization of further life. At the time of the Second Vatican Council, a normal celebration of the Eucharist consisted in a private Mass, that is a celebration of a lonely priest together with a server boy (Kaczynski 2004, 123). Considering this historic horizon, *Sacrosanctum Concilium* sounds like a real reform.

Nevertheless, today we do not need "devout and active participation by the faithful" (*Sacrosanctum Concilium* 50), but active realization of love and prayer by all the faithful celebrating the Eucharist. We do not need a "simplification of rites" we need rites that express the lives and prayers of the faithful and help realizing love. Form follows function! The essential of this reform of the ritual order of the Eucharist, the *ordo Missae*, consisted in concentrating on the service of the word and the service of the table as the main parts of the celebration of the Eucharist (Kaczynski 2004, 123). The polemic about liturgical reform will start at the Council and continue to our days. Therefore, it is just and worthwhile to appreciate the enormous effort that the Council realized reforming the rite of the Mass: The introductory rites, greetings and penitential rite were shortened. The liturgy of the word and the liturgy of the Eucharist were separated and celebrated at two different sites. The Offertory was to be celebrated with participation of the faithful; the Eucharistic prayer was in part to be prayed aloud. The communion rite and the concluding rites (final blessing and dismissal) were simplified (ibid).

In the 1970ties, the vast majority of Catholics in Europe deliberately decided to no longer follow the interpretative monopoly of the Catholic hierarchy on the world and its teachings on how to live their lives. They discovered liberty of conscience and freedom of thinking and doing in religious matters. Active participation in liturgy based on equality with the priests was not possible and their needs were ignored, personal experiences celebrating the paschal mysteries in the Eucharist did not interest the hierarchy. Therefore, these men, women and queer left the churches empty at Sunday

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Mass. In the 1990s, Pope John Paul II and the Roman Catholic hierarchy were further weakening the remaining structures of lay participation in the Church life. The consequent appointment of weak bishops instituted obedient executors of Rome's teachings. It is very important to notice that millions of Catholic men, women and queer ignored their bishops or left the institution completely, but they did not abandon their Christian faith. In 1951 in Austria, 89 % of the population was Catholic. In 2018, about 50% remain Catholics and about 7 % of the Catholics attend Sunday Mass regularly. In 1971, the Netherlands had 40 % Catholics and 36 % Protestants. In 2010, there were 24 percent Catholics and 16 percent Protestants. Compared with the European average, the losses of Church members in Austria and the Netherlands are still under the average loss of institutionalized religiousness.

It is the clergy and the hierarchy of the Catholic Church that destroys the celebration of the paschal mystery. Vatileaks documents the case of Bishop William M. Morris from the diocese of Toowoomba near Brisbane in the South-East of Australia (Nuzzi). He asked for women's priestly ordination, for the celebration of the Catholic Eucharist by protestant pastors and finally Morris confirms the general pardon of Go'd who is mercy. Since Go'd loves all sinners who repent, Morris practices general absolutions of sins. Not only the cardinal responsible for the Vatican congregation for the bishops, but Pope Benedict XVI himself prepares the letter convicting Bishop Morris and dismissing him from office May 11, 2011. Morris complains with Pope Benedict XVI that he was denied a due process. Benedict XVI answers that there never was a process but only a "brotherly dialogue". Bishop Morris speaks of "a lack of care for the truth" on the side of the Vatican. Pope Ratzinger autocratically assesses a lack of knowledge of the Catholic magisterium on the part of the bishop. He further insists that the priestly ordination of women is a question of faith that had been definitely ruled out by Pope John Paul II. I do not know whether Pope Francis will be able to do away with this kind of distortion of Christian life and starts the priestly ordination of women. I doubt he will do this.

Another aspect to consider concerning the Catholics who stopped participating in Sunday Mass is social conditioning. Up to the 1960s, it was a self-evident cultural habit for young and old Catholics in Europe and North America to go to mass. Forty years later, the old visit mass at Christmas and Easter and some of the children accompany their parents. Their liturgical participation is a kind of nostalgic experience. In Europe

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and North America, the children of the generation of the Second Vatican Council in reality do not have many emotional ties to the Church. Celebrating the paschal mysteries in the Eucharist was not part of their religious socialisation. Their compromise consists in assisting the liturgical services for baptism, marriage and funerals. They do not want to celebrate Mass in connection with baptism, marriage and funerals. They celebrate the birth of children, their marriages and assist funerals, asking for some prayers and blessings. They want a priest or a lay professional to perform some rite and some prayers that make them feel good and in peace. The loss of the traditional practice of prayers or rites by all members of a Christian community is real. The traditional practice of the liturgy is not any more an experience of the presence of inner peace, rest and spiritual devotion. Prayer is private, and not any more a resource for fostering social identity. The loss of experience and practice of memorized prayers in the daily routine is a fact. Modern cities around the world show a pluralism of forms of life, and offer unprecedented opportunities of freedom and liberty for information, education, and formation. Women find jobs in the cities and realize their emancipation, liberty and social choices. When the parents of my mother moved from the rural village to the city before World War II, they kept the practice of regularly visiting Sunday Mass. Individual prayer was already private and my grandparents did not pass the empowerment for personal prayer to my mother. My mother got the empowerment to pray personally through the habit of her nanny Maly praying with her and thereby teaching my mother to pray. Maly was the daughter of poor peasants who sent her to town for work. Maly got married, but her husband died soon. She suffered the death of her sons in the war and all her life suffered the grief of this merciless loss. She was a poor woman all her life, she shed seas of tears out of her desperation and yet, when she visited my mother, my brother and me she blessed us with her empathic smile. She travelled the countryside with public transport to visit us. I received warm comfort from her mild face folded with sun coloured wrinkles that won the blows of her life. Recalling Maly's presence, I still feel ashamed of my own life that was protected and without poverty. Maly visited us still feeling attached to my mother. Her visits comforted my mother, who all her life did not overcome the death of her firstborn son John. I remember now, that Maly already fifty years ago claimed that the male priests marry women and lead normal family lives in order to give testimony of Jesus Christ. Maly was barely literate but a critique of the Catholic Church's inhumane truths and teachings. Her argument was clear as the water in a baptismal

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font. Jesus was living and teaching love, she used to say. May Mary be blessed for the faith she brought to my family.

In post-modern Europe, the practice of individual spirituality has not vanished. Women, men and queer consider themselves religious in an individual and authentic way. Small objects express desires for protection. Rings, tattoos, piercings, necklaces with saints or a cross give testimony of lived religious hopes. Religion turns into a private thing because the officials of public religion do not take serious the transcendental experiences of men, women and queer. They experience God in many ways, and these ways are unknown and hidden for outsiders. Women, men and queer struggle for their dignity, the individual acknowledges her or his empowerment for the existential struggle for identity and integrity. An important part of personal integrity is about gender identity. The job and a good working social environment, the feeling of having and belonging to a family are important aspects of personal integrity. Respect from the partners, confidence, fidelity and exchange of emotions are appreciated and claimed values. The personal belief systems correspond with modern science, global communication networks provide information about the world, about all that is the case. Worries about peace and the concerns about a destroyed nature are basic concerns. Nevertheless, in Europe and North America, Christians do not really sense the needs of the millions of poor people suffering in the world. The rich do not share their world with the women, men and queer who live in conditions lacking a life in dignity. Reconciliation of the poor and the rich in this world is waiting for justice and peace. Catholic men, women and queer scientists and theologians claim to include the gender dimension in the work on Christian justice. It is vital to incorporate an understanding of gender into any response to social injustice. Roman authorities convict to silence these Christians and ban them from Catholic universities and Catholic academic institutions. The same is true for Catholic scientists studying and documenting that the gender dimension was evident in ancient Christian times. If the Churches of Africa, Asia and Latin America do not respond to poverty as agents of their dignity, freedom and rights, their churches will empty as in Europe or North America.

Sacrosanctum Concilium 51 opens liturgy for the "treasures of the bible". After centuries without readings from the Old Testament on Sunday Mass and Feasts, the Old Testament will now again be an integral part of the lectionaries (Kaczynski 2004, 127). Nevertheless, the interpretation of the Bible was for the priests and not the

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faithful. *The Decree on the training of the priests Optatum totius* 16 claims for the priests and not for every faithful “Students are to be trained most diligently in the study of scripture, which ought to be the very soul of all theology. After a suitable introduction, let them be carefully initiated into exegetical method, study closely the main themes of divine revelation and find inspiration and nourishment in daily reading of the sacred books and meditation on them”.

Sacrosanctum Concilium 52 insists on the importance of the homily as “a part of the liturgy”. The Council silently supposes as evident and natural that giving a homily is the privilege of the priest and the deacon. The new 1983 Canon Law provides this privilege in canon 767 § 1 (John Paul II 1983). Concerning the Bible and the faith of the Christians, the Holy Spirit and formation empower everybody to give a homily and teach the faithful. Encouraging Christians, men, women and queer to prepare and give homilies is a very good way to educate these Christians in their faith, to form their faith by discussing the feedback on their homilies and to be proud of their empowerment and capacity to effectively speak out about their faith and belief. The preacher of *Hebrews*, who is not a priest in the liturgy, is somewhat disappointed with his congregation of women, men and queer. They really should already teach other and not behave like students who need instruction (*Hebrews* 5, 12). What is true for *Hebrews* is true for today too, women, men and queer Christians are supposed to be teachers in the Divine Service; they are not supposed to be just listeners.

Sacrosanctum Concilium 53 restores “the common prayer” or “prayer of the faithful”, says “the people are to take part” in it and refers to 1 *Timothy* 2,1–2. *Sacrosanctum Concilium* 54 concedes an “appropriate use” of the vernacular for the celebration of the Eucharist. Only on May 4, 1967, the use of the vernacular was allowed by Rome for the whole canon of the Mass (Kaczynski 2004, 132). *Sacrosanctum Concilium* 55 in order of “a more perfect participation at Mass” recommend warmly that the faithful receive the Lord’s body “from the same sacrifice”, that is receiving wafers from a former celebration of Mass should not happen. Only in 2002, the Roman Missal delegated authority to the bishop allowing communion under both kinds, if the celebrating priest judged this as appropriate (ibid, 135). Since “the liturgy of the word and the Eucharistic liturgy” are “closely connected with each other” *Sacrosanctum Concilium* 56 wants the faithful to “take part in the entire Mass”. *Sacrosanctum Concilium* 57 encourages concelebrating as “a convenient way of manifesting the unity of the priesthood”. Today

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concelebrating is common if there is more than one priest present at Mass. *Sacrosanctum Concilium* 58 announces that a new rite for concelebrating. The *Missale Romanum* of 2002 described this new rite and there were no more restrictions for concelebrating (ibid, 138).

3.3.4 Third Chapter

Sacrosanctum Concilium 59–82 is “on the other sacraments and the sacramentals”.

Sacrosanctum Concilium 59 is the first and only assessment of the Second Vatican Council that the sacraments “presuppose faith”. The celebration of the sacraments “instruct”, they “nourish, strengthen and express” faith, they have “the purpose to sanctify men, to build up the body of Christ, and, finally, to give worship to God” (*Sacrosanctum Concilium* 59).

Sacrosanctum Concilium 59 speaks of foundational Christian convictions. Faith is a grace, a gift of Go’d to the individual woman, man and queer. The celebration of this faith by the faithful in liturgy realizes the three *munera* that all documents of the Second Vatican Council reserve for the pope and the bishops. The *munus* of sanctifying women, men and queer, the *munus* of governing the body of Christ and the *munus* of worship to Go’d. Evidently, the Council fathers did not recognize the theological power of their assessment. Otherwise, the documents on ecclesiology, on the bishop and the priests and on the laity would not speak of the hierarchical privileges of the Catholic Church. The commentary of Kaczynski recognizes Go’d’s initiative in founding faith and empowering women, men and queer celebrating the sacraments (Kaczynski 2004, 142) but falls short of assessing the responsibility of the faithful realizing the sacraments as social choices of equal dignity, freedom and rights.

Sacrosanctum Concilium 60 assesses the sacramentals as instituted signs that resemble the sacraments. *Sacrosanctum Concilium* 61 finally relates the celebration of the sacraments and sacramentals to the “paschal mystery”. The individual faithful turn away from the prefabricated celebrations of past generations. The faithful do not universally experience the sacraments and sacramental as an absolute perfect manner and unchangeable form for expressing their existential and spiritual needs, hopes, and prayers. *Sacrosanctum Concilium* 62 very prudently assesses that “some changes have become necessary to adapt the sacraments and sacramental to the needs of our

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own times”, but does not expect at all the exodus of the faithful from fixed liturgical forms and rites to spiritual dignity and freedom of liturgical expression.

Sacrosanctum Concilium 63 does not open the Catholic liturgy to the development of proper rites and celebrations according to the cultures of the faithful but rather assures the Roman translating authority for the antique roman rituals into vernacular languages of the world’s cultures. *Sacrosanctum Concilium* 64 calls for a lived introduction of adult catechumens into Christian life.

Sacrosanctum Concilium 65 prudently allows the integration of elements of initiation rites in mission countries, *Sacrosanctum Concilium* 66 asks for a new rite for the baptism of adults. It will take almost forty years till the first new rites are approved in Germany (Kaczynski 2004, 150). Since the Roman Missal of Trent presented the rite for baptism of infants like a rite of adults, *Sacrosanctum Concilium* 67 calls for a baptismal rite for infants. *Sacrosanctum Concilium* 68 concedes that “especially in mission countries” the catechists or even lay men and women may baptize “when there is danger of death” and “neither priest nor deacon is available”. The 1983 Code of Canon Law – Canon 230 § 3 and Canon 861 §2 – confirms the legality of this administration of the sacrament by the lay. *Sacrosanctum Concilium* 69 calls for new rites for children and adults that were already baptised in a “short rite” and afterwards receive a formal welcome in the community that must not repeat baptism. *Sacrosanctum Concilium* 70 indirectly assesses that the benediction, the words, make “baptismal water” and not the water itself. *Sacrosanctum Concilium* 71 calls for reforming the rite of confirmation. *Sacrosanctum Concilium* 72 asks for a revision of the rite of penance.

Sacrosanctum Concilium 73–75 speak of reforming the rite for “extreme unction”. The term has to be replaced by the term “anointing of the sick” as it was used and practiced by the early Christians in case of sickness and not only when death was imminent. In 2019, it is clear that the reformed rite for the anointing of the sick is not of help. When I celebrate this sacrament in the hospice of Innsbruck, Austria, the Roman rite does not touch the dying person and her family members. The rite is considered strange and empty of sense. To celebrate the farewell of a parting husband, mother or father, I need to adapt the rite to the needs of the participants. I have to assure the possibility for their giving expression or their thankfulness and hopes for the beloved. Carefully, I have to respect the existential level of the celebration. *The letter of James* 5, 15 reads,

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“The prayer of faith will save the sick person and the Lord will raise him up again; and if he has committed any sins, he will be forgiven”. In the University Clinics of Innsbruck, the women pastors preferentially are asked by the sick to pray with them and celebrate the forgiveness of sins and reconciliation with one’s life. Scripture does not say that an ordained priest is necessary to celebrate the sacrament of penitence with the sick; the Catholic Church reserves the right to minister the sacraments to ordained male celibate priests. *Sacrosanctum Concilium* 76 speaks of a reformation of the ordination rites, and silently keeps the ordination privilege for male celibates only. *Sacrosanctum Concilium* 77 and 78 claim reforming the rite of the sacrament of marriage. *Sacrosanctum Concilium* 79 is on sacramentals. The ordination of a bishop, a priest and deacon is a sacrament. The consecration of a virgin is a sacramental celebration, also the dedication of a church or altars. *Sacrosanctum Concilium* 80 concerns the rite of the consecration of virgins, but also the vows of religious and their review. *Sacrosanctum Concilium* 81 claims “funeral rites should express more clearly the paschal character of Christian death” and *Sacrosanctum Concilium* 82 wants to reform the rite for the burial of infants.

3.3.5 How do Christians celebrate the paschal mystery?

How do we Christians perpetuate and celebrate a memorial of the paschal mysteries, how do men, women and queer on this world celebrate the mystery that the world is? *Sacrosanctum Concilium* still centres pretty much on the priest for realizing the liturgy. Late in 1965, *The Decree on the Missionary Activity of the Church Ad Gentes* 9 discovers, with reference to *Luke* 10, the claim that all Christians and not only the Twelve Apostles speak with the words of Christ and that Christ speaks to their listeners. “After this the Lord appointed seventy-two others and sent them out ahead of him in pairs, to all the towns and places he himself would be visiting” (*Luke* 10,1). “Anyone who listens to you listens to me; anyone who rejects you rejects me, and those who reject me reject the one who sent me” (*Luke* 10, 16). When do we start taking this claim of Jesus seriously that he calls all Christians speaking the just world of Go’d? When do we start to allow women to read and preach the Gospel and take a lead in celebrating the liturgy, especially the sacraments and first of all the Eucharist?

Chapter three of *Sacrosanctum Concilium* repeatedly assesses that all celebrations of the paschal mystery – that is especially the celebration of the sacraments but also the sacramentals – have the Eucharist as center and summit and are celebrated in Mass

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or together with a Eucharist (*Sacrosanctum Concilium* 2, 6, 10, 66, 71, 78, 80, 82). In 1965, *Ad Gentes* 9 confirms, "Through preaching and the celebration of the sacraments, of which the holy Eucharist is the center and summit, missionary activity makes Christ present, who is the author of salvation". The believers are speaking with Holy Spirit who is present in them as promised by Jesus Christ. Christians will celebrate the Eucharist until all men, women and queer in this world will live in peace and justice.

The Lutheran Theologian Hoefler describes mission based on his missionary work in Madras (Hoefler 1979). The term mission describes the empowerment of all men, women and queer by the Holy Spirit for an effective and active participation and interaction with every-body who forms the communion of the community (ibid, 22). At the Second Vatican Council, Cardinal Raul Silva Henriquez from Santiago de Chile insisted on the empowering of all Christians by the Holy Spirit who is at work in their lives, in their celebrating the paschal mystery and in their mission preaching Jesus Christ (Kaczynski 2004, 65). Go'd equips each member of His Body fully for His mission (Hoefler 1979, 22). Yes, it is Go'd who equips every-body to effectively participate in the celebration of the Paschal mystery and we are called to take part in this mission. We Christians have to empower each other to be able to take part in the celebration of the Paschal mystery and to consider this participation as our mission. It does not correspond with the reign of the Lord that the Church excludes hierarchy women and queer and married men by canon law and in the name of the Lord from fully participating in the celebration of the paschal mystery. Jesus Christ is the Lord of all Christians, and all Christians confess with the oldest Christian *kerygma* in *Acts* 10, 38 "You know of Jesus of Nazareth, as God anointed Him with the Holy Spirit and with power, and as He went about doing good, and healing all who were oppressed by the devil; for God was with Him".

Still in 1989, the Benedictine liturgist Anscar J. Chupungco of the Philippines insists "flexibility in the liturgy is the undercurrent of *Sacrosanctum Concilium* 37-40" (Chupungco 1989, 8).

It was a claim of Chupungco that liturgical adaption to the cultures of this world demands creativity that is the creation of new prayers, songs, symbols, rituals, etc (Chupungco 1992, 52). Sometimes this creativity is called indigenization. The term indigenization is "coined from the word indigenous; this term refers to the process of conferring on Christian liturgy a cultural form that is native to the local community" (ibid,

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14). Philippine liturgists tried to integrate “the existing Western form of worship with the indigenous elements that made up the Filipino culture”(*ibid*, 15). “Indigenous rhythms and melodies of the Ifugao, Kalinga, and Maranaw tribes” were used for the music for the ordinary of the Mass (*ibid*). Yet Chupungco documents that “from the start the question that vexed liturgists in the Philippines was whether the concept and understanding of culture should be confined to what is indigenous. Would not the retrieval of an indigenous form of music alienate the liturgy from contemporary cultural expression? We know that culture is incessantly subjected to evolution because of its inner dynamism and that it is continually enriched, and perhaps impoverished, because of interaction with other cultures. At any rate, should not the contemporary phase of culture be the cutoff point and hence the point of departure for the process of liturgical renewal in the country” (*ibid*, 15–16)? In my judgment Chupungco is right criticizing the concentration on the use of traditional indigenous elements and not taking into consideration the creative participation in contemporary cultural expression. The relationship between liturgy and culture is not described in depth in *Sacrosanctum Concilium* and there is no systematic analysis of the many factors that contribute to a liturgical renewal. Part of this renewal are the revision of the typical editions of liturgical books, the translation and adaption of these to local situations, the rediscovery of the theological and spiritual dimensions of liturgical rites, the active role of laypersons as liturgical ministers, and the renewed interest in liturgical catechesis. Yet there remains the tension between these reform efforts for renewing the liturgy and the necessary creation of new prayers, songs, symbols, rituals. The churches need to focus on the development of traditions instead of focusing on their repetition. The faith rediscovers itself in the debate with tradition, and this debate ought to be a reworking of tradition in the context of contemporary questions and problems.

In India, the first phase of indigenization of the liturgy concerned the Indian atmosphere of worship: postures, forms of homage, objects and elements, silence and interiority (Amalorpavadass 1973, 27). On April 25, 1969, in Rome, A. Bugnini signs the document of the Commission for Liturgy of the Catholic Bishops' Conference of India. Cardinal Benno Gut, president of the Congregation for Divine worship had accepted the proposals of the Indian bishops for certain adaptations in the liturgy according to *the Liturgical Constitution Sacrosanctum Concilium* 37–40 (*ibid*, 30). Amalorpavadass is happy: “India will have an authentic Indian Liturgy, India will be able to worship the Father through Christ in the Spirit by means of signs and forms handed down from

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generation to generation in the long cultural and religious history of India" (ibid, 31). He is clear that this is but a first, modest step "to give our Liturgy a more Indian setting and complexion" (ibid). Concerning postures there are the important examples "that when sitting, people sit on the floor in accordance with the Indian mode of sitting when at worship; secondly, that the same posture be used instead of kneeling" (ibid, 37). It really gives me relief to read that the European mode of sitting and kneeling on wooden benches during worship is replaced by a more suitable mode. Personally, I have profited from sitting on my heels in yoga style for my morning mediation on the floor for 30 years. It was a shock for me to learn in the Jesuit novitiate in northern Germany in the town of Muenster in 1980 that kneeling to receive the Holy Communion does not correspond with an active participation of a self-responsible and free Catholic. I learned to receive the Holy Communion standing. The second phase of indigenization of liturgy in India concerns the word (ibid, 44). The vernacular translation of the Scriptures is important. Amalorpavadass is right "By a major reform Vatican II has restored Scripture to its due place and provided for the nourishment of Go'd's people with this Word" (ibid, 45). The songs and recitation of prayers were no more in Latin, and the faithful could participate liturgy in their own language. "Liturgical translation was an altogether new venture, with no tradition in the preceding centuries" and the first attempts at translation of liturgical texts were "timid, scrupulous, literal, slavish and verbatim" (ibid, 46). The third phase of indigenization concerns the use of Scriptures of other Religions in the Christian Liturgy (ibid, 51). Reading Hindu Scriptures and other Holy Scriptures at liturgical services and at para-liturgical celebrations for the bishops' conference of India is a very delicate matter (ibid). I do not want to comment much on the Indian situation. All I can testify is the bright proud eyes of my Indian doctorate students who tell me that they are reading from the Baghavad Gita during celebration of mass in Indian. Vatican II speaks of the "seeds of the word" in the holy scriptures of the Hindu, but what does the expression "seeds of the word" mean (ibid)? Amalorparvadass asks many questions. "How are the Hindu texts related to the Word of Go'd? Are they inspired? If so, what is the relation between the inspiration of the Bible and that of the Hindu scriptures? It is an important question too, how to relate them with the Old Testament and the New Testament" (ibid)? The fourth phase of indigenization concerns the relevance to the present context and special groups (ibid, 52). "What has our liturgy to say on development, welfare, war and peace, world justice, liberation movements? How is liturgy related to the burning problems of the day, concern for the

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world and temporal realities and day-to-day life of men in the street” (ibid)? Amalorpavadass is very conscientious of “the widespread dichotomy between liturgy and commitment to the world” and claims to overcome this dichotomy (ibid, 175). He observes with pain “that our liturgy often fails to transform the lives of our Christian communities” and desperately calls for “hearing Go’d’s speaking in the Word announced in the liturgy” as “hearing him calling us in the agony, the anxieties, the struggles, the joys, hopes and aspirations of men around us” (ibid). “The glaring injustices, inequalities and disorders of society are insults to Go’d in the responsibility which we share” not only when participating in the liturgy but as Christians living and working for the just world of Go’d (ibid).

At the same time that Amalorpavadass writes on India, Zeitler affirms the challenges posed by the Asian world to the Asian Churches (Zeitler 1977). In 2019, we acknowledge China as a new world power, an economic and political world player and we observe the rising economic opportunities and military powers of India. In 1977, Zeitler writes that Asia “holds the key for war and peace for vast parts of the world and will play a vital role for the next fifty years to build up the new world or to destroy it” (ibid, 3). Zeitler assesses that the Youth is the decisive challenge for the Asian Churches. The Youth is “the power that will shape the Asia’s future” and protests the fact that the Catholic Church neglects this youth, predicting that “we are heading for disaster if we do not devote much more of our efforts to shaping the youth of Asia” (ibid, 28–29). Zeitler does not forget that “half of Asia is part of the Red Empire” of Communist China (ibid,7) and “that Christianity in Asia is today called to create an alternative for the future of Asia, an alternative to Asian Communism” (ibid, 25). Facing the tremendous economic, social, political and cultural challenges of Asia, Christians “have to open up to the great religious traditions of Asia in inter-religious dialogue” and join in the common constructive efforts “for the total human development of our peoples” (ibid, 8).

Amalorpavadass organized meetings of three to five days with Hindus, Sikhs and Muslims and Catholics living together and sharing their lives (Amalorpavadass 1977, 13). He is convinced that the Christians have to develop “a deeper understanding of Go’d’s revelation to men” that takes the teaching of the Second Vatican Council seriously that “from the beginning, through His Word, God revealed Himself to all men in various ways, calling them to share in His love” (ibid). Amalorpavadass does not cite

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the Declaration on the Relation of the Church to non-Christian Religions Nostra Aetate verbally. He cites in a way that opens the dialogue with other religions on an equal base and at the same time, he tries to confess his faith that Go'd "gave the final revelation of Himself in Christ" (ibid). Amalorpavadass makes it clear, "that dialogue is good in itself" and has nothing to do with evangelization, although he admits to the tension between dialogue and evangelization as "two aspects of his Christian existence" (ibid). The rise of Hindu nationalism in the last fifty years and the growing violence and hate have considerably strained the living together of Hindus, Muslims and Christians in India and elsewhere. In this sad and very difficult and despairing situation, it is an important guiding to peace to remember the many meetings of Hindus, Sikhs, Muslims and Christians living together in "a great experience of joy and goodwill" (ibid, 20). "They came together in prayer, meditation and shared reflections and spent much time in songs and bhajans, sharing of thoughts and insights, readings from different religious scriptures and prayer" (ibid).

It is logical that before being capable of dialoguing with other religions, Christians have to assess their own understanding of the Holy Scriptures. *The Dogmatic Constitution on Divine Revelation Dei Verbum 7* says "Apostles and apostolic men who under the inspiration of the same Holy Spirit committed the message of salvation to writing". *Dei Verbum 11* defines the way the Sacred Scriptures "have God as their author". Go'd "committed to writing under the inspiration of the Holy Spirit" the sacred books in a way that He "chose men and while employed by Him they made use of their powers and abilities, so that with Him acting in them and through them, they, as true authors, consigned to writing everything and only those things which He wanted". After this assessment, we can claim with Amalorpavadass. "The Christian community can speak meaningfully of the inspiration of the Scriptures of other religions only in so far as its experience of itself is no longer that of a closed group but of a community that is open and moving toward the formation of a new, wider community that would be as wide as Go'd's economy of salvation" (Amalorpavadass 1976, 24). Amalorpavadass is absolutely clear about the fact that speaking of inspiration "can have a meaning only within the context of a faith-experience" of the persons involved in the dialogue with persons of the same faith, culture and religion as with persons from different faiths, cultures and religions (ibid).

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The personal faith-experience of the individual woman, man and queer is necessary for dialoguing about faith. The personal faith-experience of the individual woman, man and queer is also necessary for celebrating together the faith of the congregation. *Sacrosanctum Concilium* 37–40 opened the way for realizing the “dream of enriched and truly meaningful rites” of the sacraments (Chupungco 1989, 147). The cultural adaptation for the rite of marriage, for example, is “a challenge to the local churches” (ibid). I strongly agree on this point. Nevertheless, delegating “this demanding task” to “the conviction and support of church leaders, the expertise of local linguists, and the professional assistance of experts in the related sciences”, is insufficient (ibid). Meaningful rites require the individual woman, man and queer who shares her or his faith-experience with the community and participates in the creation of a rite that expresses these experiences and structures the celebrations. This is true in all cultures of the world, in a globalized world all Christians of the local Christian communities are empowered to join in creating and shaping the liturgy. Liturgy is the service of Go’d and all Christians are called into this service. To celebrate Go’d’s love for women, men and queer we do not need experts and leaders, we need all faithful. It is not true that women, men and queer that are barely literate are unable to express their convictions, faiths, hopes, desires, sufferings and prayers, and denying them expression of their sentences suppresses the equal dignity, freedom and rights of all women, men and queer (Leher 2018, 164–66). It is not true in Asia, Africa, South America, and it is not true in Europe.

Celebrating the sacrament of marriage is a very personal matter of the men, women or queer involved. The couple wants to take an active part in the liturgy and in adapting the liturgy to their wishes, prayers and aspirations. Faith-experiences are very different and the liturgical experts are not capable of describing their contents. Deacons, priests and presbyters preparing the celebration of a marriage have to pass time together with the couple and future spouses. Usually the couple presents texts that are of no obvious religious content at all but that express faith-experiences of the love of the couple that they want to share with each other and the congregation celebrating their marriage. There are also personal statements from the couple or somebody from the families and friends that celebrate the liturgy. Usually the congregation is much moved and happy to learn something about what is important to the couple that is getting married. Non-biblical texts, personal prayers of the couple, of the family, of children and friends express the faith in the future life of the couple and make up the celebration of marriage

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as a sacrament, as a sign of the realization of the just world of God. It is not easy and takes a lot of patience and empathy to construct these personalized liturgies.

Celebrating Sunday Mass together with the congregation is a real celebration of the paschal mystery, if the congregation expresses prayers, thanks, and thoughts and personally contributes to enriching the liturgy. It is true that personal participation and personal formulation of prayers by the faithful do not spell out the correct grammar of the Christian faith. Often these prayers are the first personal articulation of one's faith in public and these tries are shy, imperfect and unusual. Nevertheless, the authenticity of expressing from a personal faith-experience is unmatched and enriches the congregation. For me as presiding the celebration of the Eucharist in Austria, the most delicate point and the point of most caution concerns the Eucharistic prayer and the original composition of texts. To maintain continuity with the essential elements of a genuine Judeo-Christian tradition of liturgy is a valid claim. This claim is valid in Europe as in India or elsewhere. Expressing the Christian thanksgiving in liturgical forms used in the Indian culture is a valid claim. The principle of the Indian bishops' conference, and certainly the principle of the Catholic Magisterium in Rome, to "maintain the structure of the new Roman Eucharistic prayers" according to *Sacrosanctum Concilium* 23, in my eyes does not help to empower the participating Christians to celebrate the Paschal mystery in their cultural contexts. It is ok and important that, in 1968, Rome published three new Eucharistic prayers, and made several changes in the Roman canon itself and thus opened the way for composing new Eucharistic prayers (Kaczynski 2004, 139). If the Eucharistic prayers express the faith of the participating congregation, everything is ok. If the faithful do not understand the prayers because they are not informed and were not involved in the creative process, their participating consent and identification lacks and liturgy is not celebrating the paschal mystery.

3.3.6 Fourth Chapter

Sacrosanctum Concilium 83–101 deal with the Divine office. *Sacrosanctum Concilium* 83 recalls Jesus Christ, the high priest, continuing his priestly work by praying the canticle; the language turns pathetic. Jesus prayed the Psalms, he prayed to the Father and we pray the canticle and sing hymns of praise. We may pray because Jesus Christ called us to prayer. Jesus Christ brought salvation that is love, forgiveness of sins and prayer to the world and invites us to follow and forgive sins, love and pray. If I pray with Jesus Christ for the salvation of the world, I would like to use the words and

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language games of my Umwelt. Yes, incessant prayer is a grace and Jesus told us to do so but in the sense that all aspects of our life in the existence of time be brought up before Go'd. We should praise the Lord, when we make love and enjoy sex as the example of Tobit and Sarah teach us. The Second Vatican Council does not speak of sex because talking about sex is a taboo. Let us exclude exclusion, let us stop splitting off experiences and realities that belong to our lives but are still held as being something like dirty and not really human. Without sex, there would be no humanity. We pray with Jesus Christ. We also pray to Jesus Christ as our Lord and we pray through Jesus Christ to the father.

Despite all the descriptions of the Divine Office in *Sacrosanctum Concilium* 83–86, I ask. What is the divine office realizing? Is it a celebration or a recitation (*Sacrosanctum Concilium* 95)? Does it “perform the public prayer of the Church” (*Sacrosanctum Concilium* 98)? *Sacrosanctum Concilium* 99 claims, “The divine office is the voice of the Church that is of the whole mystical body publicly praising God”, but in reality it constantly addresses clerics and priests with their duties performing the divine office. The clerics and priests do not constitute “the whole mystical body” of the Church. Where is the laity? *Sacrosanctum Concilium* 84 timidly allows the laity to pray with the divine office on condition that “the faithful pray together with the priest in the approved form”.

Sacrosanctum Concilium 85 speaks of standing “before Go'd's throne” when we pray with the Divine office. I am thinking of the men, women and queer who in this moment get tortured in some place in Syria and I am thinking of the young girls that in this moment get violated by members of Boko Haram in the desert. They rather feel annihilated and in despair like Jesus at the cross and they do not feel like standing “before a throne”. The liturgists, as theologians in general, easily escape reality and do not think about the fragility of the suffering and the poor on this earth.

Sacrosanctum Concilium 87–90 speak of a reform of the Divine office, and *Sacrosanctum Concilium* 91–93 speak of the parts of the Divine office. Reforming the hours of the prayers, shortening the readings and concentrating on the “Lauds as morning prayer and Vespers as evening prayer” did not change the fact that the divine office today is experienced as an element of a life style that is bygone. Kaczynski laments the Council's inability to create a divine office for stressed clerics that are absorbed by their pastoral duties, and desire a rest for spiritual regeneration and time

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for personal prayer (Kaczynski 2004, 173). The Council kept treating the priests like monks in monasteries and not as pastors in a noisy, busy, and demanding world. The Divine office does not function any more as “a source of nourishment for personal prayer” as *Sacrosanctum Concilium* 90 claims. The social reality of modern priests and pastors and the recitation of Psalms, the prophets and Moses, the Gospel and Church fathers and saints does not match any more immediately. Less prescribed reading and more meditation that is individual leads to more strength and regeneration.

Kaczynski describes the stubbornness of the Jesuit Josef Andreas Jungmann from the University of Innsbruck, who insisted in the liturgical commission of the Second Vatican Council on the reform of the Liturgy of the Hours. He pleaded for an adaption of the Divine office and suggested a prayer in the morning and a prayer in the evening but most important of all, half an hour of daily personal prayer and meditation (ibid). The liturgical commission did not consider the needs of priests living the rhythms of modern life. In the preindustrial ages of a predominantly agricultural economy, living without electricity and machines, there was plenty of time for prayers, when it was physically impossible to continue the hard labor routine. Neither the liturgical commission nor the Council understood these deep and fundamental changes in the lifestyle of the priests. Adaption to these new conditions of life failed. Jungmann, the alpine mountain farm was no cultured diplomat like Philips from Leuven; he did not understand how to work for majorities and to lobby for the support of his ideas. His talent was to fascinate the readers with his discoveries of how the Christians had prayed and celebrated the Eucharist over the centuries. His students at Innsbruck remember the bitter contrast of his inspiring research of liturgical sources and history and his boring lecturing style. The consequence of this failure of reforming the Divine office consisted in the fact that the majority of priests after the Second Vatican Council simply abandoned to pray the Liturgy of the Hours.

3.3.7 Fifth Chapter, Sixth Chapter and Seventh Chapter

Sacrosanctum Concilium 102–111 is on the liturgical year. The Church celebrates “every week, on the day which she has called the Lord’s day”, “the memory of the Lord’s resurrection, which she also celebrates once in the year, together with His blessed passion, in the most solemn festival of Easter”. “Within the cycle of a year, moreover, she unfolds the whole mystery of Christ, from the incarnation and birth until the ascension, the day of Pentecost, and the expectation of blessed hope and of the

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coming of the Lord” (*Sacrosanctum Concilium* 102). In this “annual cycle of Christ’s mysteries”, the Church “honors the Blessed Mary” (*Sacrosanctum Concilium* 103), “proclaims the paschal mystery achieved in the saints” and martyrs (*Sacrosanctum Concilium* 104), and “completes the formation of the faithful by means of pious practices for soul and body, by instruction, prayer, and works of penance and of mercy” (*Sacrosanctum Concilium* 105).

The paschal mystery was recognized as the centre of the mystery of Christ from the beginning of the Christian communities. From the second century on, the celebration of the paschal mystery at Easter is documented (Kaczynski 2004, 181). From the third century on, the celebrations of incarnation, nativity, ascension, Pentecost and more high feasts were institutionalized in the liturgical year (*ibid*). They unfold the mystery of Christ. Due to many cultural factors, circumstances and an understanding of the events of salvation as given historic facts, the celebration of the paschal mystery as a celebration of faith was covered up by celebrating historic facts of salvation. Kaczynski speaks of these celebrations of the high feasts as holy memorials realized by the liturgy (*ibid*). He does not insist on the faith of the individual faithful as foundation of the celebration of the liturgy. Kaczynski does not dispute the faith of Jesus Christ in his Father and the realization of this faith through the life, death and resurrection of Jesus Christ by the salvific will of Go’d. It is also clear for the liturgist that the Second Vatican Council tries to come back to an understanding of liturgy as celebrations of the faith by the faithful. Yet the faith of the individual woman, man and queer does not receive the attention as a social choice of the individual and as a realization by the individual.

Sacrosanctum Concilium 103 honours the “Blessed Mary” as a model of faith in Go’d and service of Jesus Christ. The mystery of incarnation joins her with Christ (*ibid*). The “martyrs and other saints” are joined to Christ by the paschal mystery; they have suffered with Christ, and are glorified with him (*ibid*). In my eyes our times testify to a multitude of women, men and queer martyrs and saints who suffer and suffered with Christ realizing with him the just world of Go’d despite persecution, torture and death. Not documenting, honouring and memorizing these bearers of Christ in our contemporary world discriminates their dignity, freedom and rights as women, men and queer who are created images of Go’d. The national bishops’ conferences are free to establish the names of women, men and queer who are testimonies of Christ but not officially canonized as saints or beatified and who may receive liturgical veneration

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(Kaczynski 2004, 187). Some men and women who have been testimonies of Christ and martyrs during the Nazi terror regime in Austria over fifty years after the end of World War II have finally received this recognition by the bishops and a few were also officially beatified by Rome.

Sacrosanctum Concilium 106 once again claims that the celebration of the Paschal mystery on Sunday “is the foundation and kernel of the whole liturgical year” and other celebrations (of the sacraments for example), “shall not have precedence over the Sunday”. The Council announces a revision of the liturgical year according to the principles of *Sacrosanctum Concilium* 37–40 (*Sacrosanctum Concilium* 107). The feasts of the Lord have prevalence over the feasts of saints and martyrs (*Sacrosanctum Concilium* 108). “The season of Lent” prepares for baptism and recalls penance (*Sacrosanctum Concilium* 109), during Lent penance should be encouraged (*Sacrosanctum Concilium* 110) and the local Churches should celebrate the feasts of the saints that are of special importance to a particular region, nation or religious family (*Sacrosanctum Concilium* 111). The realization of this principle earned the Church after the Council much confusion, anger and trouble (Kaczynski 2004, 187). Many Catholics experienced the reduction of obligatory feasts of the saints as an outright abolition of the honoring of saints and even as the deprivation of sainthood at all (ibid). The intention of the Council is to “extend to the universal Church” only those feasts “which commemorate saints who are truly of universal importance” (*Sacrosanctum Concilium* 111).

Sacrosanctum Concilium 112–121 are on sacred music. Sacred music is holy to the Church. *Sacrosanctum Concilium* 119 encourages the mission countries to use their music traditions in liturgy, overcome the traditional euro centrism also in music, but “the texts intended to be sung must always be in conformity with Catholic doctrine” (*Sacrosanctum Concilium* 121). There is no word of attention for contemporary music for the liturgy, be it pop, rock, classic, folk or traditional. The problem that the Roman Catholic Church till the beginning of the 20th century cultured castrates as celebrated singers in the liturgies for example in the Sistine Chapel is neither remembered or commented on by *Sacrosanctum Concilium* nor by Kaczynski.

Sacrosanctum Concilium 122–130 are on sacred art and furnishings. *Sacrosanctum Concilium* 122 provides for the insurance “that sacred furnishings should be dignified and beautiful”. There is no critique of the pomp of Rome’s golden furnishings. I suppose

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that there were no bishops from Japan and Asia in the commission to point again at the modesty in their culture's worship rites and modest wooden temples. *Sacrosanctum Concilium* 123 praises the "great men" who produced sacred art. There is no word and no wish to have great women artists in the Church. *Sacrosanctum Concilium* 124–25 institutes the censoring of the artists by the bishops. *Sacrosanctum Concilium* 130 restricts the use of "pontifical insignia" and we hear from Kaczynski that in 1986 politicians and cardinals intervened with success in Rome for an exception of this article 130 (Kaczynski 2004, 197). They demanded that the provost of the Cathedral Altötting in Bavaria, Germany and his successors have the right to wear a miter on their head again (ibid). Other articles of desire are the crook, the pectoral cross, the ring and the pileolus. It is strange to see these bishops and prelates insist on ritual insignias, colours and dressings to strut around in liturgical celebrations of the paschal mystery like rutting peacocks.

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Notes

ⁱ <https://europeanvaluesstudy.eu/> (accessed July 20, 2020).

ⁱⁱ "Annibale Bugnini," Wikipedia.org, https://en.wikipedia.org/wiki/Annibale_Bugnini (accessed July 20, 2020).

4. Women, men and queer confess Jesus Christ as the Light of the world

4.1. Preliminary remarks

The Dogmatic Constitution on the Church *Lumen Gentium* starts proclaiming, “Christ is the Light of nations. Because this is so, this Sacred Synod gathered together in the Holy Spirit eagerly desires, by proclaiming the Gospel to every creature (*Mark* 16, 15), to bring the light of Christ to all men, a light brightly visible on the countenance of the Church” (Paul VI 1964, *Lumen Gentium* 1).

Lumen Gentium results from one of the main efforts of the Second Vatican Council to describe the Catholic Church. The Dogmatic Constitution on the Church offers many such descriptions. *Lumen Gentium* 26 for example, describes the Church as “all legitimate congregations of the faithful” who “are gathered together by the preaching of the Gospel of Christ” and who celebrate “the mystery of the Lord’s Supper”. The Church is the congregation that assembles around Jesus Christ, teacher, savior and priest (Kaczynski 2004, 79). When studying *Lumen Gentium* and all the other documents of the Second Vatican Council we have to observe that the descriptions of the Catholic Church predicate two aspects that are always present. One aspect concerns the Church as a social institution. Theologians speak of the human aspect of the Church. *Lumen Gentium* 26 speaks of a congregation that is of women, men and queer. The other aspect of the Church concerns the faith, the hopes and the end of this congregation of the faithful. The faithful gather in the Holy Spirit (*Lumen Gentium* 1). Celebrating the Paschal mystery, the faithful become “communion” and “people of God”, they constitute the Church as “the messianic people” (*Lumen Gentium* 9). Theologians call the faith aspect of the Church as people of God or as the messianic people the “divine” aspect of the Church. The magisterium of the Church and Canon Law speak of the Church as divine and as human (Onclin 1967, 733). Theologians describe the divine aspect also as an invisible community that is directed “to that city yet to come, which we seek (*Hebrews* 13, 14)” (*Sacrosanctum Concilium* 2). For the Council Fathers, for the magisterium of the Catholic Church and for all popes following Pope John XXIII to our days it is clear and beyond doubt that the human aspect of the Catholic Church must be realized as the hierarchical institution and society that is

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reigned under the absolute powers of the pope. The 1983 Code of Canon Law claims in Canon 331 that the pope possesses absolute power, “by virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely” (John Paul II 1983). Speaking of the Catholic Church, we always must join the two aspects, the divine and the human. The Church at the same time is divine and human that is “the society of men who are incorporated in it and who, under the direction of the sovereign pontiff and the bishops, pursue in common the end to which they are called, communion in divine life” (Onclin 1967, 733).

We always have to pay attention to the two aspects of the Catholic Church. When *Lumen Gentium* 9 speaks of the Catholic Church as “the messianic people” destined to bring together all human beings that is “established as a communion of life, charity and truth” (Paul VI 1964), we think of our hopes for a world of peace and justice for all women, men and queer and we agree. At the same time, we cannot agree that the Catholic Church insists that the societal and human aspect of the communion of life and charity is institutionally organized as an absolute monarchy. Realizing the truth in Christ today implies realizing societies under the rule of Human Rights law. Human Rights proclaim and protect the equal dignity of all women, men and queer. Proclaiming in the name of Jesus Christ that the societal aspect of the people of God is the hierarchical institution of the Catholic Church under the absolute power of the pope, as does Canon 331 of the 1983 Code of Canon Law, does not correspond to our understanding of the Gospel. Nevertheless, canonists, theologians and Dogmatic Constitutions of the Catholic Church try to defend the hierarchical institution of the Catholic Church by referring to the Gospel. Onclin refers with *Lumen Gentium* 8 to *Matthew* 28, 16–20; *Mark* 16, 15; *Luke* 24, 45–48; and *John* 20, 21–23 (Onclin 1967, 741). None of these references speaks of governing, directing or guiding the faithful with prescriptions, laws and precepts. In *Matthew* and *Mark*, Jesus confides to the eleven disciples the mission to baptize and teach his Gospel, and in *John* Jesus sends the disciples as the Father had sent him in order to forgive. Nowhere in the Scriptures does Jesus tell the apostles and disciples to govern like kings, direct as absolute monarchs and guide with laws and prescriptions of their will. On the contrary: “Among the gentiles it is the kings who lord it over them, and those who have authority over them are given the title Benefactor. With you this must not happen. No; the greatest among you must behave as if he were the youngest, the leader as if he were the one who serves” (*Luke* 22, 24–26).

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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” (*Dei Verbum* 7) with a reference to the Sacred Scriptures. *Dei Verbum* 7 marks the above sentence as a reference to the *Epistle to Diognetus*. We do not know the name of the author of the Epistle from the times of the *Apostolic Fathers* (Altaner and Stuiber 1966, 77). The Second Vatican Council is somewhat conscious of this fact and actually uses Saint Irenaeus of Lyons, the most important theologian of the second century CE (ibid, 110), as authority for the claim that the transmission of the faith and the care for the authentic proclamation of the faith is the primary task of the bishops (*Lumen Gentium* 20). In chapter three of his book *Against Heresies*, Irenaeus claims that the teaching authority was transmitted from the Apostles to the bishops (Hoping 2005, 753). *Dei Verbum* 20 assesses “like the Christian religion itself, all the preaching of the Church must be nourished and regulated by Sacred Scripture”. The origin of the teaching office of the bishops and the primate of the bishop of Rome we do not find in the Sacred Scripture.

Luke is one of the “apostolic men who under the inspiration of the same Holy Spirit committed the message of salvation to writing” (*Dei Verbum* 7). At the end of his Gospel *Luke* makes Jesus Christ resurrected tell the last instructions to his apostles and disciples: “... in his name, repentance for the forgiveness of sins would be preached to all nations, beginning from Jerusalem” (*Luke* 24, 47). The message of Jesus Christ is for the whole world without any discrimination. *Lumen Gentium* 1 does not refer to the secured text of *Luke* 24, 47 to assess the last instructions of Jesus Christ to his apostles and disciples. *Lumen Gentium* 1 uses a reference to *Mark* 16, 15 claiming, “To bring the light of Christ to all men” by “proclaiming the Gospel to every creature (*Mark* 16, 15)”. *Mark* 16, 15 is an important reference for many documents of the Second Vatican Council. We find the reference to *Mark* 16, 15 in Sacrosanctum Concilium 6, in *Lumen Gentium* 1 and 19, in *Dei Verbum* 7, in *Orientalium Ecclesiarum* 3, in *Unitatis Redintegratio* 2, in *Dignitatis Humanae* 13, in *Ad Gentes* 5, 13 and 38 and in *Presbyterorum Ordinis* 4 (Hünemann 2004b, 753). We do not find a verse of the Gospel that the Second Vatican Council uses with a higher frequency than *Mark* 16, 15. *Mark* 16, 9–20 “are the work of an author other than the evangelist” (Metzger 1994, 106). *The Gospel of Mark* ended with *Mark* 16,8 and we do not know if the evangelist closed his Gospel with *Mark* 16, 8, or if he never finished his Gospel, or if “the Gospel accidentally lost its last leaf” (ibid, 105). The importance of *Mark* 16, 9–20 in the textual

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tradition of the Gospel is without doubt (ibid). Nevertheless, I would expect from a Council that claims, “All the preaching of the Church must be nourished and regulated by Sacred Scripture” (*Dei Verbum* 20) to use for example *Luke* 24, 47 for assessing that the Gospel of Jesus Christ should be preached to all nations. The high frequency of the use of *Mark* 16, 15 by the Second Vatican Council indicates the importance of the Catholic tradition for assessing the Christian faith. The Council of Trent refers in the Decree on Scriptural Canons to *Matthew* 28, 19–20 and to *Mark* 16, 15.¹ *Dei Verbum* 7 takes up the biblical references and refers to the Council of Trent.

Lumen Gentium 1 claims the Light of Christ is “a light brightly visible on the countenance of the Church” (Paul VI 1964, *Lumen Gentium* 1). I doubt that the Light of Christ is “brightly visible on the countenance” of the Church’s hierarchy. Nevertheless, the hierarchy of the Catholic Church belongs to the Catholic Church. I do not dispute that some men of the hierarchy mirror the Light of Christ in their lives. I doubt that all men of the hierarchy mirror the Light of Christ. Yes, the Church possesses the mission to preach and heal. The authority of the Church is Jesus Christ who directs this mission with the help of the Holy Spirit that every faithful receives at baptism. Jesus Christ administers the law, which is the law of the Spirit that is love and justice. The lawyer had been asking Jesus for eternal life, “Master, what must I do to inherit eternal life?” (*Luke* 10, 25). Jesus makes it clear that the Samaritan who relates to the wounded and robbed man realizes the commandment of love, and *Luke* shows that Jesus had also succeeded in relating to the lawyer (*Luke* 10, 29–37). Christian faith hopes for Go’d’s love and mercy on the Day of Judgement as the Rabbis claim that Go’d does not forget his creation and will have mercy in the final judgement and bring peace and justice for all times. As Christians, we read, meditate on and pray the Gospel of Jesus Christ. We must not forget that Jesus proclaims in the Gospel that what “you did to one of the least of these brothers and sisters of mine, you did to me” (*Matthew* 25, 40). “For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you made me welcome, lacking clothes and you clothed me, sick and you visited me, in prison and you came to see me” (*Matthew* 25, 35–36). The Church possesses not only the mission to preach but also the mission to heal. Jesus Christ was preaching by healing and healing by preaching. In *Luke* 24, 46–47, the risen Jesus tells his apostles and disciples “So it is written that the Christ would suffer and on the third day rise from the dead, and that, in his name repentance for the forgiveness of sins would be preached to all nations, beginning from Jerusalem”. Christ

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suffered and assesses that he identifies himself with the suffering until the last day of creation (*Matthew 25, 40*).

4.2. Development of the text of *Lumen Gentium*

After the successful intervention of Cardinal Liénart on the second day of the first session of the Council, October 11, 1962, the Council got off the ground and on its way (Fogarty 1996). The bishops overcame their confusion and solitude by organizing meetings. The most important element of Vatican II as an event of the history of the Catholic Church, in the judgment of Fogarty was the beginning of a mutual exchange of opinions and 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 that had passed since Vatican I. The Vatican bureaucracy simply could not control any more the bishops' sharing and discussing their proper ideas. Many theologians and bishops were disappointed with the prepared documents, especially with the schemes concerning doctrinal questions (*ibid*, 88). From the experience of sharing and working together, now there emerged a sense of collegiality of the episcopate that only later was described and appreciated in the documents of the Council (*ibid*, 95).

The second day of the Council lasted about 50 minutes and was ended by the plea of the venerable 68 year old Cardinal Liénart from Lille to postpone the Council for some days (Riccardi 1996, 47). The Council Fathers were already busy selecting bishops from prepared lists for the ten commissions of the council. Liénart argued that the Council could not vote for the 160 bishops and cardinals that were to take part in the different commissions of the Council immediately (*ibid*). Cardinal Frings, like Liénart one of the 10 Cardinals of the presidential board of the Council, took the word after him, supported his claim, and communicated to the Council that also Döpfner and König wanted some time to get clear about whom they wanted to vote for the commissions (*ibid*). The aula of the Council spontaneously applauded for a long time and the Cardinal Dean of the cardinals Tisserant consented (*ibid*). John XXIII told Liénart that he had done well (*ibid*, 51). This decision made clear that the Council would not be the simple continuation of the preparatory commissions. Liénart's decision to take the word was the beginning of the self-government of the Council. The bishops' conferences began to produce the lists of the possible members for the Council's

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commissions and the Council Fathers would vote on the candidates in the aula of Saint Peter's (ibid, 54). This was a revolution compared with Vatican I (ibid).

On October 22, 1962, it was announced in the aula of the Council that John XXIII had elevated the Secretariat for Christian Unity to a commission (ibid, 64). With this 11th commission, Cardinal Bea reached an institutional position at the Council (ibid). The presidency of the Council and the presidents of the 10 commissions got instituted at the beginning of September together with Felici as General Secretary of the Council at the presidency of the Council. Additionally, John XXIII instituted the Secretariat for extraordinary affairs of the Council and the Secretary of the State, Cardinal Cicognani was to be president of this new institution (ibid, 77). Felici was not happy that the presidency of the Council was to get help from another secretariat. Members of this Secretariat were the Cardinals Siri, Montini, Suenens, Döpfner, Confalonieri, Meyer from the United States and Cardinal Wyszyński from Poland (ibid). John XXIII wanted to limit the influence of the Roman Curia on the council. The relatively open-minded Cardinals from the Secretariat for extraordinary affairs were to steer the Council in accordance with the mood of the bishops in the aula. Since the presidents of the other 10 commissions of the Council were all members of the Roman Curia, John XXIII wanted to institute a kind of balance to their power and interests. John XXIII trusted Cardinal Bea and Cardinal Suenens and they significantly determined the second preparation of the council. Their influence on the pope and the Council declined progressively under Pope Paul VI.

On October 22, 1962, the Council started its work on the prepared scheme on sacred liturgy (Fogarty 1996, 102). The Council got off the ground of confusion and insecurity by starting with the one preparatory document that was acceptable to a vast majority that is the document on liturgy. German and French bishops and theologians had been meeting since October 19 and were still discussing the theological proposals of Rahner and Ratzinger to start the Council with alternative texts, Congar was writing on a mission statement for the Council and Danielou had also written alternative texts for the Council. Neither of the texts of Ratzinger and Rahner, Congar and Danielou ever got official recognition at the Council (ibid, 103). Congar was the first to realize that the German initiative to start the Council with alternative texts had failed (ibid, 106). There were three reasons for this failure. First, the small group of French and German theologians that prepared alternative texts on revelation and the deposit of the faith

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ignored the prepared scheme on ecclesiology. Second, they had no strategy to get their texts discussed in the aula of the Council (ibid, 102). A third reason for the failure was the incapacity of Rahner and Congar to cooperate on a common text and the lack of communication of Danielou with his colleagues. On November 4, 1962, a small group around Rahner, Ratzinger and Congar met for the last time. The common project of an alternative text to the prepared schemes on Revelation and on the deposit of the faith with Congar's general introduction to all texts of the Council was dead. Fogarty thinks that the Germans had decided to end the confusion and to continue on their own (ibid, 106).

Cardinal Suenens and his theologian Philips followed the strategy to work on the amelioration of the prepared document on the Church. Philips did not work out an alternative text but tried to get a corrected version of the prepared text that would find the consensus of all. The strategy of Suenens and Philips was successful; they discussed the matter with Montini and his theologian Carlo Colombo and built further institutional support for their project. On October 19, 1962, Suenens and Montini presented together the necessity for a corrected version of the prepared scheme of the Church in the meeting of the secretariat for extraordinary affairs of the Council (ibid). Neither Cardinal König from Vienna for whom Rahner was working, nor the German cardinals connected with any Italian cardinal or with a cardinal from the Roman Curia to develop a strategy to bring their texts to aula of the Council. They had not been learning about reform strategies from Pope John XXIII. When John XXIII announced the upcoming General Council on January 25, 1959, he knew he had to cooperate 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 Roman Tribunals. He wanted the bureaucrats to be involved and engaged in the process of preparation (Alberigo 1995, 64). Apparently he calculated the price he had to pay to get this collaboration (ibid). To keep the damage small 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 (ibid, 62). 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 is the Inquisition, Cardinal Alfredo Ottaviani (1890–1979) (Fouilloux 1995, 63). Domenico Tardini was born in Rome and studied like the later John XXIII at the Pontifical Roman Seminary. Tardini together with Giovanni Battista Montini (1897–

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1978), the later Paul VI, was the main assistant to Cardinal Eugenio Pacelli (1876–1958), Cardinal Secretary of State till 1939, when he became Pius XII. In 1954, Pope Pius XII named Montini Archbishop of Milan, in 1958 Pope John XXIII created Montini cardinal. As cardinal of the largest diocese of Italy and as an insider of the Roman Curia, Cardinal Montini was an influential, powerful and necessary ally for Cardinal Suenens from Brussels, Belgium. Cardinal Bea was another ally for reform. Suenens supported his reform text on divine revelation and Bea supported Suenens efforts reforming the text on the Church *De Ecclesia*.

Sebastian Tromp (1889–1975), the Dutch Jesuit and from 1929 to 1967 professor of theology at the Gregorian University in Rome, was the most important adviser of Pope Pius XII for the encyclical *Mystici corporis* on the Church (Hünemann 2004b, 294). As *peritus* (expert) for the Council he was secretary of the preparatory doctrinal commission and later of the doctrinal commission. Tromp redacted the scheme on the Church that Cardinal Ottaviani prepared for the Council in the sense of Ottaviani's Congregation for the Doctrine of the Faith, the former Holy Office (*ibid*). The prepared scheme on the Church counted eleven chapters. The first deals with the nature of the militant and triumphant Church. The second is about its members, the third about the episcopate as the highest order of priestly ordination. The fourth deals with the bishops, the fifth with the evangelical counsels, the sixth is about the lay, the seventh about the magisterium of the Church, the eighth about authority and obedience, the ninth deals with church-state relations, the tenth with the necessity of missionary activity, and the eleventh is about ecumenism (*ibid*, 294–95).

Already in May 1960, the German Cardinals Frings and Döpfner expressed complaints about the lacking coordination of the preparatory work; the French bishops communicated the complaints to John XXIII (Komonchak 1995, 184). In order to supervise and coordinate the 10 preparatory commissions John XXIII created a central preparatory commission that he would preside in June 1960 (*ibid*, 182). This commission met for the first time a year later and for the second time from November 7 to 12, 1961 (*ibid*). The discussion on the texts that had been prepared by the preparatory commissions ended in June 1962 (*ibid*, 321). In March 1962, Cardinal Suenens spoke in the central preparatory commission of the impossibility to deal with all the schemes that are in preparation at the upcoming Council. Pope John XXIII agrees, Suenens consults with Cardinals whom he trusted and suggests to focus the

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Council's work on the inner constitution of the Church, *ecclesia ad intra* or the mystery of the Church and on the relation of the Church and the world, *ecclesia ad extra* (Hünemann 2004b, 320). Pope John XXIII takes up this suggestion and speaks of it publicly a month before the opening of the Council. The presidents of the Council did not take up this plan and started the discussion of the Council with the scheme on liturgy (ibid, 321).

The long awaited schema on ecclesiology only arrived at the bishops in the aula on November 23, 1962 (Ruggieri 1996, 309). For the majority of the bishops ecclesiology was the single most important issue and primary cause for the Council (ibid). Since the preparation of the scheme on the Church, the doctrinal commission of Cardinal Ottaviani and the Secretariat for the Unity of the Church of Cardinal Bea were divided on central issues (ibid). Like the encyclical *Mystici corporis* of Pius XII the prepared scheme *De Ecclesia* described the Church in strictly juridical terms as a perfect society that is considered identical with the Catholic Church. The hierarchy of the pope, cardinals, bishops and priests was not regarded as a human institution but as an institution that God had instituted. This concept of the Church completely ignored the divine vocation of the faithful women, men and queer. It was up to the hierarchy to direct the mission of the Church that is "evangelization and its task of bearing witness – it has been only what the pope says or teaches that really matters" (Hill 1987, 199). The critique of the Benedictine monk is fundamental: "The church has come to be perceived as a centralized absolute papal monarchy, it is this papal institution that has been overwhelmingly, not to say suffocatingly vested with the aura of divine mystery" (ibid).

Cardinal Bea did not dispute the hierarchy governing, teaching and sanctifying the faithful but because of God's grace for all of humanity and for all Christians, Protestants and Catholics were real members of the Church. Bea recognized that not all Christians are full members of the Church but all are real members (Ruggieri 1996, 309). In contrast, the doctrinal commission saw the Protestants only oriented versus the Church and also claimed that the jurisdictional powers of the Pope were passed on to the bishops by the Pope's absolute power. The secretariat for the unity holds that the bishops received jurisdiction by ordination (ibid). Cardinal Bea further insisted on the recognition of religious liberty and freedom that is grounded in love (ibid, 310). The solution of the concept of membership of the Catholic Church was crucial for any

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equilibrium on the inner and outer aspects of the Church. Is the Church the perfect side of the world and the world the necessary but somewhat rotten condition of human existence?

On October 18, 1962, Philips tells Congar that Cardinal Suenens had asked him to work over the prepared scheme *De Ecclesia* (ibid). Philips presented his project to Congar. According to Congar, Philips had in mind six chapters, starting with a first chapter describing the Church as people of Go'd, as a mystery and as a mystical body that empowers the bishops (ibid). Philips practically follows the order of the chapters of the prepared scheme on *De Ecclesia* and tries to ameliorate them. He spoke of the collegiality of the college of the twelve Apostles with Peter and of the sacrament of the episcopal ordination. The second chapter deals with the members of the Church, the third is about the bishops. The fourth deals with the lay, the fifth with the evangelical counsels and the sixth is about ecumenism. The chapters follow Suenens's preferred order of first speaking of the Church *ad intra* and then of the Church *ad extra* that is the relation with the state, religious freedom and other themes (ibid, 310–11). On October 25, 1962 Philips discusses his redaction of the scheme with Congar, Colombo, Lécuyer, Rahner, Ratzinger, Semmelroth and McGrath and received best wishes to succeed (ibid, 311). A week later, Philips communicated his text to Cardinal Bea who expressed only minor corrections. Instead of talking of the members of the Church, Bea suggested to speak of the family of the Roman Catholic Church. On November 12, 1962, Philips communicates his text on *De Ecclesia* to Tromp. He will complain having received the text from a stranger and keeps sticking to the official scheme (ibid, 312). Tromp's reaction surprises, because he and Philips knew each other since their studies at the Gregorian University in Rome in their youth. Tromp continued living in Rome for decades; Philips became professor of theology at Leuven. Tromp was a Vatican insider. Philips remained an independent outsider.

In the following weeks, Philips keeps working on his text, produces drafts of his paper and tries to organize the scheme coherently. He hoped that the bishops would accept his text not as an alternative option but as a slight correction of the official schema (ibid, 326). Schillebeeckx and Rahner were not satisfied with this theology from Leuven (ibid, 332). For Schillebeeckx the beginning of a theology of the Church has to consist in a theology of the vocation by Go'd; all Christian communities are members of the Church and constitute a sacrament. He claimed collegiality for all communities, men

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and women in the Church and not only for the bishops. He cited Saint Thomas that all of humanity was potentially part of the Church. Ruggieri reminds Schillebeeckx of the fact that the bishop's office is intimately connected and founded in the Eucharist. A bishop is the one who is appointed by the community to chair the Eucharist. The bishop has to see that all take part in the celebration of Jesus's thanksgiving (ibid, 333–38). Rahner saw the Church as a means of salvation but would concede means of salvation that are outside the Catholic Church. Rahner saw the Church as a sacrament of the many. Baptism is a sacrament, a sign celebrated visibly by a community of believers in Jesus Christ who welcomes another man or woman with prayers of thanksgiving for the grace of the Lord. Rahner speaks of the collegiality of the priests and not only of the collegiality of the bishops. He claimed a theology of different charismas. This theology of the different charismas of men and women in the Church is the basis to talk rightly of the responsibility of the lay people, the clerics, the monks, etc. in and for the Church. He reminded the Council of the fact that the councils of poverty, chastity and obedience of the Gospel were well practiced before the existence of any religious orders and therefore stay at the basis of Christian life for all, lay, clerics and monks. Rahner wanted to see the laity, men and women to be considered as constitutive for the Church, and the Church therefore seen as the People of God (ibid, 338–43). Rahner and Schillebeeckx wanted to reject the prepared schema *De Ecclesia* (ibid, 343). The way of Suenens and Philips was not their choice. Rahner, Schillebeeckx and others hoped that the Pope would intervene again as he did already on the schema on revelation. These hopes in the pope describe the ambivalence of many theologians who claim participation in the development of the teachings of the Church but at the same time ask the pope to elevate their privileged theological ideas to the official teaching of the Church.

On November 23, 1962, Felici announced that after the discussion of the scheme on the means of communication the Council will discuss the schemes on the Virgin Mary and then on the Unity of the Church. Already on November 26, Felici had to correct the order of the schemes. First, there will be the discussion on the scheme on the Unity of the Church and then the discussion on *De Ecclesia* will follow. The presidency of the Council overruled the effort of Cardinal Octaviani to prevent the discussion of *De Ecclesia* in the first session of the Council. Ottaviani wanted to secure that the prepared scheme would not be rejected by the Council (ibid, 355). On November 30, 1962, Felici had to announce with the words of John XXIII of November 21, 1962 that the

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discussion should be on the general principles of the schemes, so that in case of necessity, there remains enough time for their revision and accommodation. This statement implied that at least the presidency of the Council had concluded the necessity to revise the prepared scheme on *De Ecclesia*. On December 1, 1962, the debate on *De Ecclesia* began and everybody had accepted that the prepared scheme had to get worked over (ibid).

From the December 1 to December 7, 1962, 77 Council Fathers took the word and discussed the schema on *De Ecclesia*. Cardinal König asked for more religious freedom and claimed that the Roman Catholic Church had to work for the benefit of all people and not only for Christians. König speaks of the necessary influence of the individual Catholic woman and man on the teachings of the Church. He intervenes a second time claiming again the Church's obligation to work for peace on this earth, to help the countries of the missions, to reflect on the concept of natural law, on the collegiality of the bishops and to organize special teams of priests for special tasks that is for the pastoral of the working class (ibid, 359). The most effective intervention to convince the fathers to substantially correct the prepared scheme came from Cardinal Frings. He insisted on the Greek and old Latin term of Catholicity that is *katholon*. Catholicity knows two possibility conditions: She is founded in the Eucharist and by the collegiality of all with Rome (ibid, 361). I very much enjoy the intervention of the bishop of Thebe Isaac Ghattas. He spoke in French and it is a pleasure to read a comment to the modern world in a language that is actually spoken in this world and not dead like Latin. He reminded the Council Fathers of the old tradition of the Greek Orthodoxy. Accordingly, we find the mystical body of Christ in the Eucharist. He also insisted that the tradition of the Churches of the Orient always spoke of Churches. For example of the Church of Rome, the Church of Constantinople, of Alexandria, of Antioquia and of the mother Jerusalem. He also pointed at the principle of collegiality that guided the way to relate from one Church to the other. He reported that the Churches of the Orient also speak of the Churches of Africa, Japan, China etc. . Unity is to be considered from the point of the mystical body of Christ (ibid, 362–63).

Ruggieri makes the very important observation that the bishops were worried about the future of the Church and the future of their Churches. What would they bring back to their dioceses? Still there were no results of the Council written down, and the Pope was suffering from a mortal disease (ibid, 366–67). Bishops like Marcel Lefebvre and

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others clearly recognized that a majority of the Council Fathers wanted to follow the Pope's intentions of renewal and saw with anxiety the erudition of the habitual juridical ground of their existences as bishops. He and the entire minority did not deny the pastoral character of the Council and the necessity of the pastoralist approach in its documents but they categorically refused to attribute to the term pastoral the distinction and the dignity of being an essential part of the Christian faith that is being a dogma (ibid, 368). It was not at all recognizable for them to acknowledge that Jesus had been teaching by healing and taught by teaching.

In this situation of insecurity and concern for the future of the Council, Cardinal Suenens got the occasion to make his final point. Already on the November 14, 1962 he had manifested his worry with the confused organisation of the Council's work and on December 4, 1962, was to collect the consensus for his proposal on *De Ecclesia*. He presented all the points of the prepared schema, considered the concerns of everybody's mind in the assembly, and spoke in a concrete, coherent and understandable way. He spoke of his project of two documents. One would be *ad intra* and the other *ad extra*. *De Ecclesia* is the document *ad intra* and deals with the nature of the Church as mystical body of the Christ, with the missionary task of the Church, with teaching the Catechism, with baptising and operating the sacraments and with praying (ibid, 369). Suenens continued that a second document will address the *ad extra* that is the Church in dialogue with the world. The Church will speak in this dialogue of the life of the human person, of social justice, on the evangelization of the poor and on peace and war. Suenens concluded his speech assessing that the Church has to dialogue with the faithful, with the brother Churches that are not yet visibly united with the Catholic Church and finally with the modern world. The speech received overwhelming applause from the listening Council Fathers (ibid, 370).

The next day, December 5, 1962, Cardinal Montini gave his support to the project of Suenens. Montini knew that he had to follow a program of moderate reform if he wanted to get elected the next pope (ibid). On Tuesday December 4, 1962, Congar notes in his Journal the clerical gossip that Montini is the rising star behind the scenes, that he lives in the papal palace as guest of Pope John XXIII and has growing influence in the Secretariat of State (Congar 2012, 235). Carefully distancing himself a bit from the Roman Curia, Montini even suggested beginning *De Ecclesia* with Cardinal Bea's points on the importance of the college of the Apostles, continuing with the college of

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the bishops as successors of the college of the Apostles and ending with the sacramental character of the office of the bishops (Ruggieri 1996, 370). On December 6, 1962, Cardinal Lercaro presented the last significant and programmatic discourse of the discussion on *De Ecclesia*. He suggested to turn the attention of the document on the Church on the necessity of the Church to announce the Gospel to the poor (ibid, 371). He wanted a poor Church at the side of the poor of the world and being present with the poor and spoke of the Church of the poor. French bishops and bishops from Latin America enthusiastically greeted the term Church of the poor (ibid). Following the poor Christ, Lercaro wanted the Catholic Church to become poor and began defining the authority of the monarchic Church and its hierarchy according to the presence of Christ with the poor (ibid, 372). For the moment, nobody was ready to follow Lercaro with this prophetic conception of the Church. John XXIII certainly would have liked that Lercaro follows him as pope. For the majority of the Council Fathers Lercaro was too prophetic, too progressive, too dangerous and radical to be considered as possible candidate to follow John XXIII. Just as Jesus, also Lercaro suffered the fate of the prophets.

Right after Lercaro's speech, a to-do list for the first intersession that John XXIII had established the day before, was distributed to the Council Fathers. Because of this papal intervention a vote on the prepared scheme *De Ecclesia* was not any more necessary (ibid, 372). On the same 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 (Grootaers 1996, 392). The presidency of the coordinating commission was given to Cardinal Cicognani, Secretary of the State and president of the secretariat for extraordinary affairs of the council. The first of six sessions of this new coordinating commission took place at the end of January 1963 (ibid, 393). Suenens was chosen as relator for the documents on the church, for the document on the Virgin Mary, and for social media (ibid). John XXIII had addressed the coordination commission in its first session and was personally present on March 25, 1963 in the second session, exhorting the cardinals to cooperate and to confirm that the principal theme of the council was the church (ibid, 395). Cardinals in the coordinating commission that were close to the Curia, like Confalonieri, Cicognani and Urbani, regularly differed in their positions from commission members that were not members of the Roman Curia and these conflicts of interests frequently led to disputes (ibid, 401). The cardinals that still defend the

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prepared documents for the first session of the Council now turn to be decisive adversaries of the second preparation and the resistance to the second preparation from the Curia is getting more and more effective (ibid 402). Cardinal Ottaviani does not want to collaborate and does not collaborate with the coordinating commission. By stopping Ottaviani trying to take influence over other commissions and the coordinating commission, Cicognani affirmed the necessary authority of the coordinating commission for its work on the second preparation of the Council (ibid, 404).

John XXIII instituted the coordinating commission as a principal commission, *commission princeps* that is as a commission with authority over all other commissions. The monarchists of the Roman Curia, the Vatican's bureaucratic elite was out of time and stubbornly stuck to their power. Pastoral relations with lay women, men and queer, the spiritual renewal of the Church as a people of God, grace as the most important mystery, the freedom and dignity of religious experience of the individual woman, man and queer on this earth were not the concerns of the Curia. Instead, the prelates of the Roman Curia angrily reacted against the men from Northern Europe and the United States who took away their influence on the Council. In the intercession, the Curia and disappointed traditionalists regained momentum and social significance as a peer group. The so-called minority of the Council organized as an influential group at the Council. The majority of the bishops was nervous about the paralyzing impasse on the schemes. They found some relief only when in March 1963, the coordinating commission made some progress on ecumenism and the document on the Church. The commission was eager to assure an able majority at the Council. The price for a broad consensus and relative stability of a shaky majority was compromise on theological progress (ibid, 385–86).

There was no know-how to reach a coherent text on the basis of a concordance of all propositions and arguments. Frustration tormented the dioceses, the bishops and the Cardinals at Rome, the coordinating commission and the other commission working on texts because of the lack of a badly needed coordination of the Council. The bishops in their dioceses and the public did not get the needed information to participate in the process of the text construction. Commissions that already had been dissolved continued gathering and worked on outdated drafts and texts. There was no institutional frame to interweave the thousand small elements from the discussions and papers to a combined connected text, there was no technique at hand to interlink the

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actors for a functional team-work. Pope John XXIII had hoped that by Christmas of 1963 the Council could end its work. On January 6, 1963, he had to motivate the bishops to continue the work of the Council. He sent them the letter "*Mirabilis ille*" insisting that the Church had to remain the central theme of the Council. John XXIII concentrated all his energy to inspire the intercession. He encouraged the coordination commission to communicate with the bishops at home and asked the clerics and lay to cooperate with their bishops in discussing reform. The pope is quite conscious about the fact that a group of Curial Cardinals does not follow his will on reform and fights his efforts to a renewal of the Church (ibid, 387–89).

Already In September 1925, the prophetic theologian Lambert Beauduin observed in a conference in Brussels that the First Vatican Council (1869–1870) had not finished but was suspended because of the outbreak of the German-French war in 1870 (ibid, 423). Beauduin concluded that a document on the theology of the episcopate would have constituted the necessary balance to the document on the theology of pontifical infallibility (ibid). Edward Schillebeeckx, theologian at the University Nijmegen, Netherlands, right from the announcement of a council in February 1959, published articles on the necessary work of the upcoming council. He spoke of the task working out a theology of the relation between the pope and the bishops, of the collegiality of the bishops and of the importance of the laity for the life and existence of the Church (ibid, 424).

In January 1963, the coordinating commission published a resolution that indicated the direction for the work on *De Ecclesia*: The prepared scheme on the Church had to be revised by clearly demonstrating the inner connection between the First and the Second Vatican Council (ibid, 426). In this work the doctrine of the primate of the pope will be presented in a pastoral and ecumenical perspective together with a description of the collegiality of the episcopate, a theology of the priestly office and the role of the laity in the Church (ibid,). Cardinal Ottaviani, president of the doctrinal commission still refuses the collaboration with the coordinating commission. On February 12, 1963, the doctrinal commission met for the first time in two months. Tromp shot against the alternative text to *De Ecclesia* (ibid, 427). A sub-commission for the work on *De Ecclesia* was formed of seven bishops, five reformers and two conservatives. The bishops brought their theologians to the sub-commission. Cardinal Léger came with his theologian Lafontaine, Cardinal König with Rahner, Parente with Balic and later

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with Schauf, Charue with Gérard Philips, Garrone with Daniélou and later with Congar and Schröffer with Gustave Thils from Leuven and later with Moeller. Ottaviani made Browne president of the sub-commission (ibid). Meanwhile the doctrinal commission continued to be busy with the work on *De Revelatione*, the sub-commission on *De Ecclesia* succeeded preparing a considerable revision of the prepared official scheme on the Church (ibid). Although on February 26, 1963, the president of the coordinating commission Cardinal Cicognani sent the sub-commission on *De Ecclesia* order not to work on an alternative text, the sub-commission took a different decision that day. There were several texts: The official scheme of Parente, a French scheme, the German project, the scheme of Philips and very extensive text from Chile (ibid, 428).

Suenens had unsuccessfully tried by the way of the Secretariat for extraordinary affairs to bring the scheme of Philips to the aula for discussion at the end of the first session of the Council. It was a big surprise that Léger, König, Charue, Garrone and Schröffer reached a consensus to start working with the scheme of Philips. His scheme was the most circulated and known in the first session of the Council. The five fathers chose the scheme of Philips because of its conciliatory tone and its international origin. The scheme of Parente should be taken into consideration and possibly also elements from other schemes that had been prepared (ibid, 429).

The experts of the sub-commission worked hard to be able to present a text to the dogmatic commission. They were perfectly conscious that if the new majority of the reformers failed to present a new text, Ottaviani could force the Council to discuss the old official scheme of Parente in September 1963. This need of a unified effort and the hermeneutic arts of Philips contributed to the rapid consensus for his text. He knew Rome very well, he had visited France and Germany to understand and discuss with his colleagues and made them understand that the need to present the theology of reform in Rome's traditional terminology. Philips used a positive language towards the world and assured the majority without being theologically new. He principally stuck to the prepared schema. The simple fact of the existence of his text assured a majority and gave security to overcome the doubts concerning the presentation of a new text in September 1963. In only four days, the sub-commission finished the text on chapter one and two for the doctrinal commission. Ottaviani and Browne rejected the text and tried to put obstacles in the way for the work of the sub-commission (ibid, 430).

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Philips, counting on a knowledge of parliamentary procedures, remained patient and was concerned not to create winners or losers while using his skills to get a compromise. Philips and Congar succeeded in introducing the Church as a mystical body and as a sacrament. Philips managed to escape attacks of the minority that he would neglect the hierarchical aspects of the Church (ibid, 435). The second chapter of Philips's text introduced the idea of the collegiality of the bishops. Protests were imminent and bitter exchanges of insults were treated. Nevertheless, Suenens presented the first and second chapter on March 28, 1963 at the coordinating commission. He accepted the precision of Tromp that the first two chapters were dogmatic and not treating of Church discipline and government. The juridical aspects of the Church's organization could be treated later on (ibid, 436). Ottaviani pointed again at the hierarchical structure of the Church and insisted on the pope as the only Vicar of Christ with full jurisdictional power. The final redaction of chapter one and two were ready on April 18, 1963. On April 22, 1963, the State Secretary issued the official approval and, in May 1963, the chapters were finally sent to the bishops around the world (437).

The doctrinal commission met again for two weeks in the second half of the month of May 1963. The completion of the first two chapters gave the majority the self-assurance and confidence to be able to complete the whole text successfully. The minority stayed active waiting that time would run out for the reformers. The theologians of the sub-commission of the doctrinal commission worked till exhaustion to be able to present a text (ibid, 438). The third chapter of *De Ecclesia* treats the laity. Long before the convocation of the Council, Philips had been elaborating a theology of the lay men and women and one of his many texts now served as basis for the third chapter (ibid, 439).

The third session of the coordinating commission took place from July 3 to July 4, 1963. The session was short but very important for the future development of the document *De Ecclesia* (ibid, 443). Suenens got the revised chapter on the lay and the religious approved. Suenens suggested some fundamental modifications to the organization of the chapters. After the first chapter, which was titled "The mystery of the Church", Suenens wanted a chapter titled "The people of God in general". Only then did he proceed with the chapter on the hierarchical constitution of the Church. The fourth chapter would deal with the function of the laity in the Church and the fifth chapter was

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titled "The vocation to sanctity of the Church" (ibid, 443–44). This restructuring was of fundamental significance for ecclesiology. The idea of this inclusive ecclesiology that called the bishops, lay, clergy and religious together the people of God had been circulating in Germany, the Netherlands, France and Canada. The coordinating commission did not reject the restructuring and on July 19, 1963, Cicognani sent the chapter on the laity to the bishops and informed them of the new order of the chapters of *De Ecclesia*. It is the merit of the efficient mediator during the Council, A. Prignon, rector of the Belgian College at Rome, to propose this ecclesiology to Suenens who was on his way to the meeting of the coordinating commission (ibid, 444). The doctrinal commission prepared its protest against the restructuring of *De Ecclesia* by Suenens. The archbishop of Mechelen-Brussels, Cardinal Suenens, the team of editors of *De Ecclesia* and other supporters and advocates of the inclusive theology also met in September 1963 to prepare the upcoming controversy in the aula of the Council (445). Gérard Philips decisively contributed with his scheme on *De Ecclesia* to end the uncertainty and confusion of the intersession from December 9, 1962 to September 1963. This first intersession became the so-called second preparation of the Second Vatican Council.

The new important factor of influence on the course of the Council in August 1963 was Paul VI. He is the new absolute monarch of the Roman Catholic Church. His plans, anxieties and hesitating passivity determine the insecurity on the beginning of the second session (Melloni 1998, 19). The first act of the newly elected Paul VI was to declare that the Council would continue in October 1963 (ibid, 21). Paul VI asked Cardinal Döpfner from Munich, Germany, if the number of the proposed schemes could be reduced. Cardinal Lercaro, the theologian Dossetti and his collaborators from Bologna were asked to present proposals to better steer the Council. (ibid, 23). Paul VI starts preparing his first encyclical letter on the Church *Ecclesiam suam*. Dossetti, the ex-politician, and now secretary of the four moderators thinks about a constitution for the Council. Paul VI does not meditate the liberty of the Council in respect to papal authority. There was insecurity about the role of the Council's presidency, the role of the coordinating commission and its confirmed president Secretary of State Cicognani. Colombo proposes that Paul VI form a new steering group for the Council. Three or four cardinals from the coordinating commission and the presidency should become moderators (ibid, 26). On September 9, 1963, the State Secretariat informs

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Agagianian, Döpfner, Lercaro and Suenens that they are the moderators. There was no official text on their real executive powers and authority and the relations between Pope, Secretariat of State and the moderators never were spelled out in a regulation (ibid, 27).

On September 21, 1963, Paul VI insisted in a letter to the whole Vatican Curia and some Council Fathers already present at Rome on the necessity of the curial structure for the Pope's government. The Curia was relieved. Paul VI had not prepared the destruction of the apparatus that expelled him as substitute of the State Secretary in 1954. Although the Pope claimed that the residential bishops around the world participate in the work of the Roman Congregations, Paul VI missed an opportunity to reform the government of the Roman Catholic Church (ibid, 31). Paul VI reserves the right to formulate and promulgate any reform concerning the Roman Curia to the Roman Curia. How will the Roman Curia develop when the pressure of the 2500 Council Fathers on the Curia is gone after the Council (ibid, 32). The Melchite metropolitan Neophytos Edelby, theological expert on the synods and used to the decision making processes of the bishops at synods, assesses that this letter of Paul VI takes away the reform of the Roman Curia from the deliberations of the Second Vatican Council. He was very disappointed and the letter reinforced his mistrust of Rome (ibid, 33).

On the August 31, 1963, the coordination commission decided that *De Ecclesia*, and the documents on the Virgin Mary *De Beata*, on the bishops, on the apostolate of the laity and on ecumenism would be discussed in the upcoming second session of the Council. On September 16, 1963, Felici communicated this decision to the bishops of the Council. There was not much time left for the bishops to carefully study the documents and send their observations on the schemes back to Rome before the opening of the new session (ibid, 34).

From September 26 to September 27, 1963, French and Italian bishops met in Florence to discuss. The French episcopate knew about Congar's critique on the prepared text on revelation. Betti succeeded in convincing the bishops not to accept what the mixed commission had prepared on revelation. Revelation has to be described as a communication of God to men and women with a personal history within history. The German bishops' conference discusses the observations on *De Ecclesia*, *De Revelatione* and *De Beata* that Rahner had sent them in July. They discussed the

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collegiality of the bishops and the pope. The episcopate of the United States from August 6 to August 7, 1963, gathered in Chicago. They discussed religious liberty as the last chapter of the schema *De Oecumenismo*. Bishops' conferences around the world discussing the documents of the upcoming second sessions of the Council. Just a year prior, similar conferences of the world episcopate would have been completely impossible (*ibid*, 34–37).

The 2500 bishops with their advisers came back to Rome for the second session. They have gotten familiar with the place, but had lost the enthusiasm of the previous year. Four hundred of the arriving bishops were new and came for the first time. Communication with the bishops behind the Iron Curtain was almost impossible China still refused to send bishops (*ibid*, 45). Thirteen lay men were allowed to assist the Council at St. Peter's. Paul VI established the list with Jean Larnaud from the UNESCO, with Henri Rollet, the president of the International Federation of the Action Catholique, and with the Italians Silvio Golzio, Raimondo Manzini from the Osservatore Romano and with Francesco Vito, the president of the Catholic University of Milan. Further there was the Belgian Auguste Vanistendael, a Catholic labor unionist, Ramon Sungranyes de Franch, the Spanish president of Pax Romana, James J. Norris from the US and president of the International Commission on Immigration, Mieczyslaw de Habitch from Poland and Juan Vazquez from Argentina representing the Youth of the Action Catholique. Later Jean Guiton, Vittorino Veronese and Emilio Inglessis were nominated too. The whole group was male. Bishop Guano was charged as their guardian. There were no women present at the aula. Only Vito was member of a commission (education) of the Council (*ibid*, 46). Five small Churches now accept the invitation as observers to Saint Peter's: The Syrian-orthodoxy of India, the Mar Thomas of Malabar, the Southern Church of India, the Armenian Church and the Church of Georgia. The patriarch of Constantinople did not attend the Council with respect to Moscow, but was pleased to establish good relations and communication with Rome (*ibid*, 47).

The second session opened on September 29, 1963. Fenton, the American theologian fighting the definition of the Church as a sacrament and enjoying Ottaviani's trust, comments the entry of the bishops and the Pope walking on foot as a better start than a year ago. The Argentine theologian Zazpe consents to the sobering routine of the opening. Yves Congar this time was physically and psychically ready to stay for the

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whole spectacle within Saint Peter's although he experiences the baroque production of papal pomp not only anachronistically absurd but also as a real imprisonment of the Gospel of Jesus. Active liturgical lay participation on September 29, 1963, was not part of the protocol (ibid, 50).

The opening speech of Paul VI is reminiscent of Pope John XXIII only verbally. The content of the speech was not prophetic. There is no allocution to the collegiality of the bishops with the pope. Paul VI speaks of the dialogue of the Church and the World (ibid, 52–54). The 37th general congregation of the Council started on September 30, 1963, with discussions on *De Ecclesia* (ibid, 60). Ottaviani and Browne, president and vice-president of the doctrinal commission gave the first talks. They had not changed their opinion. This time the listening bishops were relaxed. Over the last year, they had found ways to talk their minds and stick to their conscience without fear of repression from the Curia. Frings takes the word in the name of 65 German and Scandinavian bishops. He approves the prepared text of *De Ecclesia* and demands to explicitly call the Church a sacrament (ibid, 61). On October 1, 1963, there is a decisive vote on *De Ecclesia*. This vote would definitely do away with the schema that was presented a year ago by Ottaviani. There were 2231 votes for the proposal accepting the schema Philips as basic text for *De Ecclesia*, 43 against and 27 empty sheets (ibid, 62). The first chapter deals with the mystery of the Church in the light of the economy of salvation that is from creation to the incarnation of the second person of the Trinity. The second chapter of *De Ecclesia* is on the hierarchical structure of the Church. The bishops would loyally work together in the collegiality of the episcopate and in responsibility towards the received sacrament of consecration. The third chapter treats the people of God and the lay, the participation of all baptized men and women in the same mission of the Church. The fourth chapter talks about the call of every man and woman to sanctity defined as instrument and fruit of grace (ibid, 63). The scheme of Philips was a compromise that had sacrificed some important theological developments. There was no way for further discussion of the concept of *communio* in respect to Church structures as French and Chilean bishops had suggested. The pneumatological character of the Church and the Eucharist as founding element of the Church were not mentioned, as some non-Catholic observers sadly remarked (ibid, 64).

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From October 1 to October 4, 1963, the first chapter was discussed. Parallel to the debates in the aula, the commissions again worked intensively. Schema 17 would not be debated in October and remains invisible. The doctrinal commission and the commission of the lay are absorbed working on *De Ecclesia*. Schema 17 as presented by Philips tries to tell the Catholics what the world demands from them and tells the world how the Catholic faith tries to respond. Congar's sequence of *koinonia-diakonia-martyria* persists in the text (ibid, 69–70). The commission on the apostolate of the lay assumes its work but does not know what to produce: a document, a small one, a big one, a declaration or simply some considerations on behalf of the use of bishops (ibid, 71). Actually the commission will work on a big document to treat the lay as basis of ecclesiology.

On October 4, 1963, debate began on the second chapter of *De Ecclesia*. There are heavy debates and fierce emotions on the hierarchical structure of the Church, on collegiality and the bishops (ibid, 80). It is not disputed that the Church is founded on Peter and the Apostles. Together they form something like a college but they do not dispose of constitutional or juridical powers. One might speak of a directive junta with authority coming from having accompanied Jesus. There is resistance in the Curia and in the Council to speak of the pope and the bishops as college in the same way that Peter and the Apostles are treated as something like a college of the Apostles. The Curia fears that the experience of episcopal collegiality at the Council would serve the bishops as a better model for governing the Church than the Curia's jurisdictional approach. There is no dispute that episcopal consecration transmits the power to sanctify, that is called *leiturgia*. What about the bishop's power for government and for teaching? Does consecration transmit these powers to the bishop or does the pope give this juridical power to the bishop (ibid, 82–86)?

On October 10, 1963, the four moderators and their secretary Dossetti enthusiastically leave their usual audience with the pope and speak of a moment of lived collegiality (ibid, 87). The moderators and the Pope had agreed on an orientation vote on some very important questions, a vote that would bind the work of the commissions (ibid, 88). Dossetti and Carlo Colombo, now a qualified expert of the aula, enjoy the trust of Paul VI. They start preparing the formulations of the questions for the vote. The first question is about the consecration of the bishops and the transmission of the three powers – sanctification, teaching, and government. The second question is about the

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college of the episcopate as an institution of divine right with full and supreme power over the universal Church. The third question is about the diaconate. On October 13 and October 14, 1963, Dossetti works over the questions. Colombo wants to integrate a better connection of the consecration of the bishops with the apostolic succession and collegiality. Colombo gets to read the corrections. There is also the inclusion of a reference to the primate and vicariate of the pope. The pope has juridical power allowing actions of collegiality of the bishops. The aula debates on the questions (ibid, 89–90).

On October 15, 1963, the moderators decide to vote to end the debate on the second chapter of *De Ecclesia* and announce the distribution of voting sheets with four key questions for the following day. Pericle Felici had already received the ballot papers from Lercaro and they got into print (ibid, 92). In the morning of October 15, 1963, everything for the orientation vote seems to be set. The vote would be risky but in the case of a success of the vote, the commissions, and especially the doctrinal commission, would finally have to accept the will of the Council. Since the ante-preparatory phase of the council the commissions are bound to the congregations of the Roman Curia. With the help of the Curia the Pope exercises control over the council. It was clear to Felici, that the subordination of the commissions to the will of the assembly would damage the principle of papal authority. Felici was opposed to such a situation (ibid, 92). He informed Cicognani and asked him to consult Paul VI to block the vote for the other day. Paul VI claims to be ignorant of the vote planned for the next day. The situation is confused and the historians still cannot establish the facts of the case. On February 2, 1965, Congar confides to his diary that Prignon – Albert Prignon, rector of the Belgian college at Rome – had told him that the pope had declared never to have seen the questions that were to be put to a vote. In the evening of October 15, 1963, Cicognani calls by phone and orders the ballots to be destroyed. He also informs the moderators that the vote is suspended without giving a day when it will be taken up again (ibid, 93).

Dossetti begged Lercaro, beseeched Suenens and implored them not to give in on the collegiality of the episcopate with the pope. He reminded them that Paul VI had accepted his text. It is clear: collegiality means to put the Curia under the authority of this college that is the Council (ibid, 95). As a consequence of the failure to bring the four questions to a vote, Dossetti will lose whatever influence he exercised as secretary

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of the moderators. The moderators lose their steering monopoly of the Council and will be forced to compromise with the men of the Curia. The theologians and Council Fathers did not know about the crisis, the aula continues with the debate on the third chapter of *De Ecclesia* on the people of God. The common vocation to sanctity of all lay and clergy and monks is consented. The sense of faith of all does not get linked to the lay but remains linked to the term community. The hierarchy governs this community. The community is again under the power of the hierarchy. This contradicts the vocation to sanctity of all. There are again arguments for putting the chapter on the people of God before the chapter on the bishops and the hierarchy (ibid, 97).

There follow five days of intensive lobbying for Paul VI with massive pressure coming from the presidency of the council, the coordinating commission, the general secretariat and the doctrinal commission, that is Tisserant, Urbani, Wyszyński, Cicognani, Felici and Ottaviani (ibid, 99). All of them had been excluded from the initiative of the moderators concerning the four questions and the vote on them. Dossetti had tried to assure that the assembly of the Council Fathers could elect their projects freely, independently from directives coming from the Curia. Three of the four moderators did not come from the Curia, they represented the episcopate residing around the world and conscious of the needs of their dioceses. The possible participation of the world episcopate in the central government of the Roman Catholic Church threatened the absolute power of the Curial bureaucrats. The bishops and cardinals of the Curia perceived the moderators as competitors to their powers and barely hid their critique and antipathy. For the moment Tisserant, Urbani, Wyszyński, Cicognani, Felici and Ottaviani had no success making Paul VI turn against the moderators, but all claimed that the pope was open to their critique of the men who directed the Second Vatican Council in his name for the last three weeks (ibid). On October 19, 1963 Paul VI communicates to the moderators that he wants them to discuss and approve the texting of an orientation vote on the second chapter of *De Ecclesia* in a super-commission that consists of the moderators, the general secretariat of the Council, the council of the presidency and the coordinating commission (ibid, 100). On October 23, 1963, the members of the super-commission meet for the first time (ibid, 101). Tisserant as deacon of the Cardinals chaired the meeting of this super commission and demonstrated energy and strength to get to a compromise. The college of the episcopate was kept in the text but could only take a decision if they were authorized by the pope to do so. The decision, the act of collegiality, thus was

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qualified as a special variant of the pope's personal exercise of absolute power over the Church. The word collegiality nevertheless remained in the text. The orientation vote on the second chapter thus includes the four questions according to the above compromise and was passed with overwhelming consensus by the aula on October 30, 1963 (ibid, 121). What would have happened without the firmness of Tisserant to a compromise? The Curia was certainly set to eliminate whatever influence of the moderators on the Council (ibid, 102–104).

On December 2, 1963, the doctrinal commission received permission to vote a second vice-president and a second secretary. Browne and Tromp thus got bishop Charue and Philips as companions. Philips was very relieved to finally formally possess an official position (ibid, 124). He had been working in a sub-commission on his scheme *De Ecclesia* right since the vote of October 1, 1963. There were many observations coming in from the Council Fathers. After the vote of October 30, 1963, more sub-commissions on the chapters of *De Ecclesia* were constituted to revise the text according to the observations. Since January 31, 1964, the text resulting from the work of these sub-commissions that had been supervised by Philips was sent to the coordinating commission and then to the Council Fathers for further debate in aula (ibid, 125). Philips proceeded very carefully, he organized small working-groups on the disputed points and prudently dealt with the delicate concerns of the minority of the Council that opposed collegiality and pressed treating the hierarchy before the people of Go'd. In March 1964, the doctrinal commission had accepted the proposition of Philips to make the chapter on the people of Go'd chapter two and then work on the hierarchy. Philips proceeded (ibid, 128). In the council aula, he had 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 on 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 an important instrument to demonstrate and prove to the commission members how many bishops wanted a change of the text and how many did not want to change and what were their arguments (Declerck 2006, xviii).

During the intersessions the coordinating commission, all the other commissions, the sub-commissions and working-groups tried to execute the directions they had received in the last session. In the intersession from December 1963 to September, 1964,

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Philips was capable of taking control over all modifications of the text on *De Ecclesia* and of scheme XVII, for assuring some coherence of the documents. He had to prove his political skills and powers by managing the collaboration of important players. Three factors were responsible for the success of the Council's work till 1965 and not only during the second intersession: There was Cardinal Suenens who controlled the redaction of *De Ecclesia* and scheme XVII in the coordinating commission. There was bishop Charue who was very respected in the doctrinal commission and there was Philips himself, second secretary of the doctrinal commission and editor of important texts (Vilanova 1998, 369). There were schemes that had already been discussed by the Council, that had received corrections and then passed partial votes on the text. At the beginning of April 1964, the schemes that had been discussed and modified were *De Ecclesia* (with the exception of the chapter on the Virgin Mary), *De Oecumenismo* (with the exception of the chapters on the Hebrews and religious liberty), and *De episcopis*. The scheme on revelation had to be worked over completely before another discussion in the Council. Schemes that had not been discussed so far by the Council were the scheme on the missions, on the apostolate of the laity and scheme XVII that was still under construction. Other schemes had been reduced to declarations (ibid, 370). On May 19, 1964, Felici communicated the doctrinal commission a letter of Paul VI with thirteen suggestions concerning chapter three of *De Ecclesia*. This kind of papal initiative was unusual and greeted with ambiguity. By presenting modifications like the Council Fathers were doing during the sessions, the pope acted like a Council father. Nevertheless, he intervened not during an official session but during the intersession, at a moment, when the whole doctrinal commission had already approved the text with very high consensus. The pope now introduced the preoccupations of the minority of the Council on his behalf, the preoccupations of the minority that had been defeated in the vote of the commission (ibid, 441). The pope suggested cancelling the term *caput collegii* (the pope being head of the college of the episcopate). The commission refused and proposed instead the term *pastor ecclesiae*. The pope suggested also to define the pope as *caput ecclesiae* (head of the Church). The commission introduced the alternative term *supremus pastor* (supreme pastor). Most of the other suggestions of the pope also concerned questions of pontifical powers (ibid, 442). The doctrinal commission starts discussing the papal suggestions, consults the biblical commission, which assesses that in the Bible there is no evidence of a college of bishops that would have succeeded the college of the Apostles. The biblical commission also affirms that

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the powers given to Peter in *Matthew* 16, 19 according to *Matthew* 18, 18 were also given to the Apostles, but the biblical commission was not capable of describing these powers (ibid). The commission insisted on the sacramental character of the bishop's ordination and on collegiality that had already passed the orientation vote in October 1963 (ibid, 443). Philips was also ready to assess in the text of *De Ecclesia* that the college of the episcopate never could decide without the consent of the pope. The doctrinal commission communicated their answers for the pope to Felici on June 7, 1964. Paul VI did not want intervening in the voted text, although there was considerable pressure on him. A letter signed by many cardinals, bishops and general superiors of religious congregations at Rome such as the general superior of the Jesuits Janssens, lobbied to suppress the theme of collegiality. Paul VI wanted to pacify the minority. The minority kept attacking the pope nevertheless. In September 1964, the pope again defended himself, affirming that he had not given away on the primacy of the pope (ibid, 443). On June 10, 1964, the pope had not yet read the answer to his suggestions, Paul VI received Charue for forty-five minutes. Charue informed the pope on the answers to his suggestions. Paul VI was reassured on collegiality but troubled concerning his *potestas* (powers) (ibid, 444). The pope wanted to get to know Philips and received him on July 7, 1964. Philips assured the pope that collegiality does not do away with the popes primacy (ibid). On his return to Leuven, Philips still suspected troubles for *De Ecclesia*, although the final text for *De Ecclesia* had already been sent to the bishops around the world. He was right, and in September Philips and Colombo published articles against conservative arguments and fake news on collegiality that were fiercely circulated, published and preached during the summer of 1964 (ibid, 445). The pope did not intend to change the text of *De Ecclesia* because of the blocking efforts of the minority; but he considered it appropriate to publish a text about the right interpretation of the text on collegiality to end the boycott of the minority (ibid, 446).

The weeks before the opening of the third session of the Council on September 19, 1964, there was much debate if the Council could be concluded with this session (Komonchak 1999, 53). The bishops' conferences expressed complaints and impatience with the huge agenda that lay before the Council. At the same time, new regulations would limit their speaking time in the aula. Even Döpfner became skeptical about the possibility realizing his own plan for the schemes of the Council. On October 1, 1964, he asked in the meeting of the moderators if a fourth session was not needed

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for the Council. Important documents like that of the relation of the Church with the modern world still needed a complete revision (ibid, 54). Felici wanted the council to be closed on November 20, 1964. Most cardinals of the coordinating commission agreed, even Lienart, Lercaro, Döpfner and Suenens, who nevertheless wanted to realize scheme XIII that is the former scheme XVII. On October 2, 1964, the delegates of the bishop's conferences wrote in a letter to the pope that the public expects a document on the relation of the Church with the modern world and the matter of scheme XIII was very important to them and would justify per se a fourth session of the Council (ibid, 56). Two weeks later, sixteen lay auditors of the Council wrote the moderators that scheme XIII was very important for them and that they would present some suggestions as they already had presented for the document on the apostolate of the laity (ibid).

Philips now worked on the amendments for the documents on the Church, on Revelation and on scheme XIII. Additionally, he was also asked to join the work on religious liberty. How could he manage all this work? There are three possibility conditions for psychological health claims Karyn Hall and lists receptivity and openness to new experiences in order to learn, the ability to adapt to changing environmental conditions and last but not least intimacy and connectedness with at least one other person (Hall 2018). Philips disposed over the possibility conditions for staying resiliently healthy. We would not have noticed Gérard Philips's intimate connectedness with his sister Roza Philips, if Miss Philips had not asked Leo Declerck for help to classify the literary estate of her brother (Declerck 2006, xvii). Declerck notes on Roza Philips (1901–1977), the sister of Gérard Philips, that she lived with her brother in Lessel-Lo, Leuven and worked for him as a secretary (ibid, 177). Yet, in the books XI and XII Gérard also leaves a testimony that he was emotionally very close and existentially connected with his sister Roza. He realised that Roza's feedback and advice were important guidelines for his self-control in the social interactions at the Council. In his retreat during Holy Week 1963, he noted a visit of the sick and depressed Tromp, who was still fixed in his views on De Ecclesia that he actually had replaced him as major editor of the evolving text on De Ecclesia (ibid, 95–96). Philips writes that as the editor of De Ecclesia, he must accept not to try dictating his own views and must not put himself on the pedestal (ibid, 96). He notes that Roza expressively (Dutch: uitdrukkelijk) gave him this advice (ibid, 18, 96). Philips is conscious of the fact that only by neither giving importance to his critics nor to the

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flattering compliments will he preserve his independence and be able to regard the Lord (ibid). Philips enjoyed public recognition but did not depend on it. When he encountered critique, obstacles and defamation, he was flexible, tried different ways to reach compromise and always stayed polite and friendly. In July 1964, Philips documents that he had effectively relaxed on a pilgrimage to the Holy Land of Palestine with Roza and a group guided by biblical scholar Father Rigaux, who was also an expert at the biblical commission of the Second Vatican Council (ibid, 119). On Saturday November 14, 1964, after he had completed his work on *De Ecclesia* and the text on revelation, he hopes that his "suffering at the cross" may have an end. His dominant feeling is gratitude as regards God and he communicates his happiness to Roza (ibid, 135). On Wednesday, October 20, 1965, he suffers again from chest pains and he receives medical treatment. Philips fears for his weakened heart condition. He hopes that Roza will arrive the next day and that they can travel "home" together by train on Saturday (ibid, 154). There is not yet a real historic awareness for the contributions of women like Roza Philips to the Second Vatican Council. The historians do not yet describe the existentially important bonds of bishops and theologians with the women who influenced and enhanced their psychological health and work at the Second Vatican Council. We have to listen to these women telling about their sacrifices being suppressed and subjugated to the interests of the male celibate priests of a hierarchy that excludes them from equality as we have to listen to the women who decided to keep and even defend their status of subjugation by patriarchy.

On October 15, 1964, there was another meeting of the leaders of the Council. Lercaro reported his concern about the strong reactions of the assembly against the tight agenda the moderators had presented them. There were interventions, letters and a petition of 307 Council Fathers protesting. Lercaro suggested therefore a fourth session for the Council (Komonchak 1999, 57). In the following discussion Agagianian, Cicognani and Confalonieri dissented, Döpfner, Suenens and Liénart followed Lercaro (ibid, 58). Lercaro affirms that an amelioration of the text of scheme XIII would need a year of work. Three out of the four moderators then were in favor of a fourth session of the Council (ibid). On October 23, 1964, Felici had to announce that the third session would end on November 21, 1964. This announcement implied a fourth session of the Council (ibid). On January 4, 1965, Paul VI decided that the fourth and last session of the Council would open on September 11, 1965 (ibid, 59). This fourth session of the Council realized the *Pastoral Constitution on the Church in the Modern World Gaudium*

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et Spes. This *Pastoral Constitution on the Church in the Modern World* was crucial for acknowledging some problems of injustice and discrimination in the world. Some awareness of women's situation in the world, and some encouragement of the laity in their vocation in the Church already fostered the growing of women's theological involvement in the Church (Nussberger 2019, 834). *Gaudium et Spes* 9 affirms "women claim for themselves an equity with men before the law and in fact" and assesses that Go'd created women as persons of dignity (*Gaudium et Spes* 27). The suppression and exploitation of women is labeled as social sins and "women's liberation from every kind of injustice" and women's freedoms are also assessed with faith claims from the center of the Catholic faith doctrine that is the redemptive act of Jesus Christ (ibid). It is true, the *Pastoral Constitution on the Church Gaudium et Spes* endorsed the conversation between the Catholic Church and the world's oppressed populations and Catholic feminist theologians identified with the oppressed and entered the academic theological discourse (ibid). It is also true that the Second Vatican Council never discussed women's discrimination and subjugation within the Catholic Church itself. The principal exclusion of women from the hierarchy of the Church remains unchallenged in the documents of the Second Vatican Council.

On September 21, 1964, the aula had started voting on the hierarchy of the Church that is chapter three of the scheme on the Church. The first vote was on number 18 (collegiality of the twelve with Peter as one of them but being their head) and passed with 2,166 *placet* (yes) and 53 *non placet* (no). The second vote was on number 19 (on the collegial character of the group of the twelve) and passed with 2,012 *placet* and 191 *non placet*, the third vote was on number 19 concerning the origin of the ministry of the bishops and passed with 2,013 *placet* and 106 *non placet*. The vote on number 20 (transmission of the apostolic mission to the bishops) passed with 2,091 against 115. The minority was not very happy with the result of the votes and protested; Cardinal Larraona, a Spanish cardinal and prefect of the Roman Curia protested with Felici (ibid, 100). On September 22, 1964, the votes continued on the most controversial issues: The sacramental character of the episcopate. The sacramental origin of the three functions of the bishops, the analogy of the college of the twelve and the college of the bishops, the recognition that collegiality was exercised by the primitive Church, and the assessment that a bishop becomes a member of the college of bishops by ordination and by the communion with the college of bishops. All issues

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passed and received an overall average of only 300 no votes that is about 10% of the bishops voted no. Paul VI was relieved by the outcome (Komonchek 1999, 101–102).

In the week from November 14, 1964, to November 21, 1964, several interventions rocked the council. There was no more peace in the aula and the Council experienced a crisis (Tagle 1999, 417). *The New Yorker* called November 19, 1964 “black Thursday” (ibid). On January 15, 1965, bishop Bekkers from Bois-le-Duc, Netherlands, first used the expression “black week” to talk of that gloomy week when sinister black grim characters shocked the reforms of the Councils (ibid). Historians and theologians have since then used the expression “black week”.

In that week, it had become evident that the minority at the Council had successfully started the campaign of counter reform to maintain the old regime with the absolute powers of pope. The majority of the Council Fathers had the impression that the text on collegiality in the third chapter of *De Ecclesia* had been weakened by unnecessary concessions the Pope had evidently made to the minority fathers (ibid). What had happened?

The general secretary of the Council, monsignor Felici announced on Monday November 16, 1964, that problems that remained with the third chapter of *De Ecclesia* would be solved by the organs of the Council (ibid, 419). The Council Fathers were not amused to hear that they were not part of the procedure that clarifies the collegiality of the episcopate and the powers of the pope (ibid). A second point of Felici concerned the doctrinal status of *De Ecclesia*. He wanted to downplay the significance of the document (ibid, 420). The third point of Felici really preoccupied the aula. Felici announced an explicative note (the *Nota explicativa praevia*) from the Pope on the correct interpretation of the doctrine of the episcopate and primacy of the pope in *De Ecclesia*. The introduction to the *Nota Explicativa Praevia* makes clear that the doctrinal commission had redacted the note. This *Nota Explicativa Praevia* will be added as appendix in the official publication of *De Ecclesia* (ibid). On November 18, 1964, the text of the *Nota Explicativa Praevia* was distributed to the fathers in the aula. On the same day the Council voted on chapter three of *De Ecclesia* and accepted with 2,099 yes and only 46 no votes (ibid). The Council Fathers had read the *Nota explicativa* but did not vote on the *Nota explicativa*. They voted on the third chapter of *De Ecclesia* only. The next day, Wednesday, November 18, 1964 the modifications of the last three chapters of *De Ecclesia* were voted (ibid, 421). November 19, 1964, was

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a day of hard work for the fathers of the Council. At the end of the day, Felici asked the Council Fathers for the vote on the whole text of *De Ecclesia*. He added the precision that the vote is realized according to the *Nota Explicativa Praevia* of the pope, the highest authority of this general congregation, from November 16, 1964 (ibid). There were 2,134 yes votes and only 10 no votes. One could say that the vote was passed almost unanimously. The problem consisted in the fact that the *Nota Explicativa Praevia* received with this day a different status (ibid, 422). From now on, the minority of the Council claimed that the *Nota Explicativa Praevia* had been voted on by the Council as the official hermeneutical key for the interpretation of the doctrine of chapter three of *De Ecclesia* (ibid). What had been a note from the pope now was an official text of the Second Vatican Council.

On November 14, 1964, Philips confides to his notebook XII that the last weeks were for him 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). On November 16, 1964, Philips documents some notes on the last two weeks. He writes that these notes on the last work on the *Dogmatic Constitution on the Church Lumen Gentium* have to stay strictly secret (ibid, 136). On Saturday October 31, 1964, Colombo, the theologian of Paul VI came to visit Philips in the Belgian College at Rome to talk about the last modifications on *De Ecclesia*. On Monday November 2, 1964, Philips prepares four points of the *Nota explicativa praevia*. In the evening, Colombo visits him again and presents an introduction to the *Nota* that had been written by the Jesuit Wilhelm Bertrams, a canonist, who had gained growing influence at the Council during the spring of 1964. Philips will think about that plan and the next day he writes Colombo a note saying that he strongly advises not to use this introduction. The introduction would provoke another big discussion in the doctrinal commission that would possibly delay the final vote on *De Ecclesia* (ibid). In the afternoon, Colombo tells Philips on the phone that he will submit the texts and the question to Paul VI. On Wednesday, Philips does not mention these events concerning chapter three in the doctrinal commission that is working on chapters four, five and six (ibid, 137). On Thursday, November 5, 1964 Philips reaches Colombo on the phone. Colombo gives permission to discuss the *Nota* in the doctrinal commission. Philips understands that the pope apparently had abandoned the introduction. In the afternoon of Friday November 6, 1964, the doctrinal commission accepts Philips's text of the *Nota*. Only Monsignor Parente insists that the words "not independently of the Roman Pontiff"

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remains in the text (ibid). The pope wants to see the final modifications on chapter three of *De Ecclesia* and Philips sends him a copy. On Monday, November 9, 1964, Colombo presents his own text of the *Nota* at the presidency of the Council (ibid, 138). The next day Colombo again presents his introductory note at the counsel of the presidency. It rejects the note. Colombo still wants to introduce into the text that the pope exercises his power at all time at his will and he wants to change the cooperation of the episcopate into conjunction of the episcopate (ibid). The next day the question of the introductive note is open in the doctrinal commission without decision (ibid). Philips documents that on Monday November 16, 1964, the Pope announces the *Nota* with an introduction and a word on the theological qualification of the *Nota* to the Council. A number of Council Fathers are preoccupied and experts like Ratzinger, Dockx, Congar and others try to provoke a negative vote of the aula. Many Council Fathers try to calm the moods (ibid, 139). The vote on the modifications on chapter three, four and five passes. Philips comments that the pope had reached his goal to convince the minority (ibid, 140). The minority pretends to be satisfied (ibid). On Wednesday November 18, 1964, the text of *De Ecclesia* is distributed to the Council Fathers and Philips receives warm congratulations from many fathers. Philips is disappointed that there is no word of thanks from Cardinal Suenens (ibid).

The next entry in his notebook dates May 24, 1965. There, Philips calls November 21, 1964, an important day (ibid, 141). The pope had approved and promulgated *Lumen Gentium*, the *Decree on the Catholic Eastern Churches Orientalium Ecclesiarum* and the Decree on Ecumenism *Unitatis Redintegratio*. Philips will finish 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). Philips reads *Lumen Gentium* and is very happy with the results of chapter one and two (ibid, 142). Philips claims that the many additions in chapter three to assure the primacy of the pope were not necessary. Especially *Lumen Gentium* 22 on collegiality missed a big chance for a generous gesture towards the bishops of the Orient. The doctrine of the document would have stayed the same without the precautionary additions (ibid). Philips had assured the pope several times that the primacy of the pope was not at stake. The pope had always consented to the collegiality of the episcopate but his concern was primacy. Philips always respected this preoccupation of the pope and yet talked freely and openly in the two audiences with him. Paul VI thanked him on November 22, 1964 with the present of a golden chalice and Philips was moved by the gesture (ibid). The historian

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confirms that Philips stayed coherent with his convictions (Declerck 2006, xiv). The five propositions answering the thirteen suggestions of the pope in the spring of 1964 as the *Nota Explicative Praevia* claim the same points. The pope does not delegate the powers of collegiality but they are transmitted by episcopal ordination. The bishops also exercise the powers of collegiality when there is no council and the exercise of the episcopal power of collegiality needs rules of law that the Church only develops and codifies with time (Declerck 2006, xiv).

When Philips writes during Holy Week of 1964 on his memories of the first weeks of the first session of the Second Vatican Council, Cardinal Suenens speaks to him the first in Rome and asks Philips to rework and restructure the prepared scheme on the Church (ibid, 83). Suenens had coordinated this task of Philips with Cardinal Bea and other theologians to concentrate on one initiative. The collaborators of Philips on this task were Congar, Lécuyer, Colombo, Rahner, Ratzinger, Monsigneur McGrath, Cerfaux and Onclin (ibid). It is important to document that Philips from the beginning of his restructuring the scheme on the Church collaborated with the expert on Canon Law Onclin, his colleague from Leuven. Philips insists on reworking and restructuring the prepared text. He did not reject it, because as a member of the Senate of the Belgian Parliament he had learned the parliamentary procedure. Legislative texts coming from the government into Parliament received corrections and compromises were negotiated but the texts were not rejected outright. Analogically, he did not reject the text coming from the theological commission on the Church for not cutting the relationship (ibid, 85). On Friday August 14, 1964, Philips writes in Lourdes that he has had some discussions about the college of the bishops (ibid, 128). He laments that his discourse partners did not understand that the bishops have the power to act as the college of bishops without papal jurisdiction. Philips affirms that he mentioned in his text on the scheme of the Church that the bishops receive their powers by ordination. These powers concern the power to govern that is jurisdiction, the power to teach and the power to sanctify. Philips said it is a pity that the theological commission had substituted his formula with the general formula that the episcopal college cannot act independently of the Roman Pontiff (ibid). He claimed it to be impossible to derive a reduction the powers of the bishops over the whole Church from a charitable provision of the pope. The powers of the bishops rightly constitute a function of the bishop. The minority of the Council would agree that the pope grants the bishops powers as an act of charity, but without any proper authority. According to them authority is exercised

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only by the pope in the Catholic Church (ibid 51, 128). Philips claims with this thinking it becomes impossible to make theology and live through theologically what passes at the Council (ibid). Philips observes that laws and juridical regulation always follows the practice and this is true for Canon Law too (ibid, 129). He claims that without a juridical regulation concerning the authority of the episcopal college and collegiality, the signification of the collegiality of the episcopate remains incomplete (ibid). Without the juridical powers of the collegiality of the episcopate it would be impossible to convoke a Council. It is impossible to claim supreme power of the college of bishops with the pope if the college of bishops does not already possess this power. If the pope has to attribute to the bishops supreme power, it is not supreme power but attributed power (ibid).

The *Nota explicativa praevia* affirms that the expression "College is not understood in a strictly juridical sense" but in the sense of a stable group (Felici 1964). It affirms further "A person becomes a member of the College by virtue of Episcopal consecration and by hierarchical communion with the head of the College and with its members" (ibid). This means that episcopal consecration confers the functions (*munera*) but not the powers (*podestas*). These powers are given by the juridical power of the pope. The Nota also affirms that the sentence "The College, which does not exist without the head" has "supreme and full power in the universal Church" distinguishes "between the Roman Pontiff taken separately and the Roman Pontiff together with the bishops" but not "between the Roman Pontiff taken separately and the Roman Pontiff together with the bishops" (ibid). Further "the Supreme Pontiff can always exercise his power at will" and the college of the bishops is not always fully active, but "only from time to time and only with the consent of its head" (ibid). Reading the *Nota* and the lines, that Philips had written in August 1964 I do not only say that Philips is a good looser. To me Philips speaks as a politically thinking and democratically experienced Christian. If the Council Fathers courageously realize the powers that episcopal consecration confides on them and if the bishops of the world episcopate would find the strength and courage to realize social choices of the full power of their college in the government of the Catholic Church, then Canon Law inevitably will follow, legalizing this practice.

When Philips writes on Mai 24, 1965, that he is happy with *Lumen Gentium*, especially with chapter one and chapter two, the expression "black week of November 1964" is

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around for 5 months (ibid, 128). Philips does not use this qualification. He qualifies the many modifications on his text of chapter three of *Lumen Gentium* by the Council Fathers and the concerns of the pope and the Nota as unnecessary, yet he is happy about the results of his work on *Lumen Gentium* (ibid). In the light of his notes of August 1964, I interpret that the democratic convictions of Philips made him believe that the rule of law of a liberal democracy once will also be practiced within the Catholic Church. At least he believed that Canon Law will one day promulgate the social practice of the bishops exercising their legitimately powers of governing, teaching and sanctifying that were confided to them by episcopal consecration at the demand of the majority of the faithful women, men and queer of the individual dioceses. Philips was conscious of the fact that before the change of Canon Law to a more democratic rule of law within the Church, the bishops would have to live a social practice of effective collegiality. The juridical form follows the exercise of the social functions. Philips had no timetable or deadline for this change to come, although I believe his hope was for history and not for eschatology. I take relief from his sober analytical observation and self-consciousness that social change needs social choices of many individual women, men and queer, even bishops. Philips kept his seat in the Belgian Senate during his years working for the Second Vatican Council. He was the only theologian at the Council who at the same time participated in the social practice of a parliament.

4.3. Comments on the text of *Lumen Gentium*

The first chapter of *Lumen Gentium* is titled “the Mystery of the Church”.

We have to be clear that, in the first chapter, *Lumen Gentium* speaks of the Catholic Church in respect to divine predications like mystery and uses expressions like people of Go'd, sacrament, and communion but determines the social aspect of the Church always as hierarchical and never as a people of Go'd, a sacrament, a communion of equals. The Catholic Church is a social reality with a monarchist government. The pope has absolute powers over a hierarchy of celibate men and rules one billion women, men and queer. The Catholic Church is also a social reality of believers and faithful in Jesus Christ. Faithful women, men and queer celebrate the divine communion of their local community recording the Last Supper in the Eucharist. This celebration of the communion is also a divine sign that is the celebration of the sacrament of the communion of the local faithful with all ecclesiastical communities and Churches on

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this earth (*Lumen Gentium* 3). This celebration and the *communio* of the faithful centers around Jesus Christ and according to Canon Law centers as a social reality around the bishop who is empowered by the absolute authority of the pope. Yet, the Catholic Church does not yet correspond to that communion (Latin: *communio*) of the people of Go'd that realizes the policy, politics and polity of the just world of Go'd that Jesus Christ had preached. The first chapter of *Lumen Gentium* ignores that the realization of the divine sign of the *communio* remains propaganda, as long as the social structure of the Catholic Church does not realize the equal dignity, freedom and rights of all faithful as social expression of the consensus of the beliefs and faith of the Christians that is the *sensus fidelium*.

Lumen Gentium 1 shows the contradictions of the human constitution of the Catholic Church as absolute monarchy with the divine aspect of the Catholic Church as the communion of believers. "The Church is in Christ like a sacrament or as a sign and instrument both of a very closely knit union with God and of the unity of the whole human race" (Paul VI 1964). If the Church is a sacrament, a sign of the just world of Go'd, it cannot be an instrument. Treating the faithful like instruments contradicts the understanding of the Church as a sacrament and mystery. The bodies of women, men and queer living with the help of the Holy Spirit, constitute a sacrament and mystery of a unity of equal dignity, freedom and rights of all women, men and queer and their relation with Go'd. The women, men and queer who form the body of Christ are living bodies with social and faith agency for free choices and they are no instruments. Women, men and queer try to realize a world according to the preaching and living of Christ with their social choices and not as instruments of the hierarchy.

Lumen Gentium 2 assesses the belief in the dependency of the world's existence from Go'd who makes women, men and queer participate in Her life. The Council is not yet ready to assess its recognition of the *Hebrew Bible's* hope that Go'd, who had created the world, will lead the world to unity and peace. The text qualifies the *Hebrew Bible* as preparation of Go'd's revelation in Jesus Christ and constitution of the Church by the Holy Spirit but not as Go'd's revelation with validity for the ages.

Lumen Gentium 3 assesses that Jesus Christ inaugurated "the mystery of the Kingdom of heaven and earth". I prefer to speak of the mystery of the just world of Go'd. The Council expresses the hope for the realization of the just world of Go'd. The Lord refers to his death on the cross, his burial and resurrection and proclaims the fulfilment of the

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just world of Go'd that is redemption: "And I, if I be lifted up from the earth, will draw all people to myself (*John* 12, 23)" (*Lumen Gentium* 3). The celebration of the Paschal mystery in the Eucharist memorizes and actualizes Christ's redeeming agency. The reference to "the blood and water which flowed from the open side of a crucified Jesus (*John* 19, 34)" is a sign for the source of the Church. Blood refers to the origin of the Church and the baptismal water refers to the growth of the Church. We find this picture of the redeeming self-donation of Christ at the cross that the Eucharist celebrates also in *Sacrosanctum Concilium* 5,2 (Hünemann 2004b, 359).

Lumen Gentium 4 proclaims the gift of the Holy Spirit for "all those who believe would have access through Christ in one Spirit to the Father (*Ephesians* 2, 18)" and assesses "The Spirit dwells in the Church and in the hearts of the faithful, as in a temple (1 *Corinthians* 3, 16)". With reference to *Ephesians* 4, 11–12, to 1 *Corinthians* 12, 4 and to *Galatians* 5, 22, the Council tries to affirm that "the Holy Spirit equips and directs with hierarchical and charismatic gifts and adorns with His fruits" the Church. In fact there is no reference to the hierarchical structure of the Church in these citations from the New Testament at all (Hünemann 2004b, 360). Saint Paul writes in 1 *Corinthians* 12 that all members of the body are of equal value, even if they are not of equal qualities.

By teaching and healing "Lord Jesus" realizes the just world of Go'd (*Lumen Gentium* 5). If Christ is a "King" he is also a queen, actually I would not use neither predicate. Philosophers of the Enlightenment like Kant, Hegel and Schelling, existentialists like Kierkegaard but also Nietzsche and Bloch adopted the term kingdom of Go'd as a synonym of the ethical perfection of man (Hünemann 2004b, 361). The Council most probably was not aware of this use by the philosophers. It is a pity that the Council did not spell out concrete contemporary challenges for the realization of the kingdom of Go'd (ibid). I follow the feminist exegete and keep sticking to the interpretation of the Biblical expression kingdom of Go'd as the just world of Go'd (Schottroff 2007, 1840).

Lumen Gentium 6 speaks of Go'd as shepherd of the faithful who are called sheep, the sheepfold is the Church, the Church is also a piece of land cultivated by Go'd, and many other pictures describe the Church. The Council acknowledges its roots in the Patriarchs and the Prophets and claims reconciliation between the Jews and the Gentiles referring to *Romans* 11, 13–26. Hünemann criticizes that the Council does not apply the pictures of *Ezekiel's* vision of the temple (*Ezekiel* 40, 1 – 44, 3) or Go'd's

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love for Israel with the pictures from *Hosea* 1, 2–3 and 2, 18–25 (Hünemann 2004b, 361). These pictures describe the social and mystical aspects of the Church but there are no pictures describing God or Jesus Christ in interaction with the industrialized modern world that had been evolving over the last two hundred years before the Council (ibid, 362). When this chapter on the mystery of the Church had been discussed for the first time at the Council from October 1 to October 4, 1963, Council Fathers from Africa and Latin America claimed to consider the Church in their countries. Cardinal Rugambwa proposed to include a picture of a dynamic and growing Church corresponding to the growing Catholic Church in Africa. It is true that Congar had developed this concept of a dynamic and growing Church for a conference to the African episcopate at the Council. The archbishop of Darussalam, Cardinal Laurean Rugambwa who had been appointed the first African cardinal in 1960, takes up this concept in the aula of the Council assessing that this concept is significant for the African Church (Melloni 1998, 68). Bishop Himmer claimed in the name of a group of Latin American bishops to describe the Church as Church of the poor. Himmer's empathic language on the poor impressed the sober Europeans (ibid). The language of the Council nevertheless continued using very academic European expressions adopting the pictures of the Church Fathers. In the discussion on the document on the bishops that took place from November 5 to November 15 1963, Cardinal L. Rugambwa claimed a new institution in the name of the episcopate from Africa and Madagascar. Other than local and regional episcopal conferences, a permanent group of bishops should be established as an organ of collegiality for the government of the whole Church as Maximus IV had proposed (Famerée 1998, 142). Lercaro was in favor, and the moderators received letters from Rugambwa, from the episcopate from Venezuela and from a group of French bishops creating a commission on the question. Some Council Fathers thought, that Paul VI would consent to a commission studying this proposal, but in reality this commission never came into being (ibid, 151). We see that the divine and the human aspects of the Church are always interacting and that the mystical Church in Africa and Latin America and in some dioceses on Europe suffered from the actual human structure of the central hierarchical Church government. We observe also that the social structure of the hierarchical Rome-centered Church impedes the necessary cultural and social collaboration of Catholics with all Christians in regions where the Christians are a minority. Cardinal Rugambwa

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expressed this ecumenical concern for Africa on November 20, 1963 in the aula (Soetens 1998, 292).

Lumen Gentium 7 proclaims Jesus Christ as “the image of the invisible God”, the head of the Church who “By communicating His Spirit, Christ made His brothers, called together from all nations, mystically the components of His own Body”. The text repeats Christ’s redeeming choices from baptism to the Eucharist. Christ is the model for the individual Christian’s life. *Lumen Gentium* 7, 3 falsely claims that 1 *Corinthians* 14 submits the charismatics to the authority of the Apostles. Paul’s word for the community in 1 *Corinthians* 14, 29 claims instead that prophets shall be judged by all members of the community (Hünemann 2004b, 364).

Lumen Gentium 8 describes the Church, referring in length to the encyclical of Pius XII *Mystici Corporis* from 1943. “But, the society structured with hierarchical organs and the Mystical Body of Christ, are not to be considered as two realities, nor are the visible assembly and the spiritual community, nor the earthly Church and the Church enriched with heavenly things; rather they form one complex reality which coalesces from a divine and a human element”. I agree that the Church is a complex reality consisting of a divine and a human element. I strongly disagree that the human element consists in an absolute monarchy under the absolute power of the pope and the hierarchy. Whenever the Council writes of the Church as a whole and does not describe the divine and human elements separately, we have to protest this usurpation of power by the pope and the hierarchy. Christ worked for the just world of Go’d but became a Church constituted as an absolute monarchy. Why do we Catholics allow this usurpation of power and distortion of the just world of Go’d? A Church announcing the poverty and persecution of Jesus, “announcing the cross and death of the Lord until He comes” is not credible when discriminating, suppressing and oppressing her faithful women, men and queer by a dictatorship of male celibates. The hierarchy does not govern, teach and sanctify in humility and self-denial but humiliates and denies the equal dignity, freedom and rights to millions of faithful. Hünemann speaks of structures of sin within the Catholic Church as an earthly society that is of social institutions of the Church that violate the life in faith of the communities and of individuals (Hünemann 2004b, 369).

The second chapter of *Lumen Gentium* titles the people of Go’d.

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Lumen Gentium 9, 1 affirms that the first people Go'd had chosen for a covenant was the people of Israel. This first covenant prepared the second covenant that was ratified in Jesus Christ. *Jeremiah* 31, 31–34 serves to assess the claim that the Christians constitute “the new People of God”. *Romans* 4, 25 already proclaimed that we are justified because Jesus had been delivered up for our sins and crimes. *Lumen Gentium* 9, 2 affirms, “The state of this people is that of the dignity and freedom of the sons of God, in whose hearts the Holy Spirit dwells as in His temple. Its law is the new commandment to love as Christ loved us (*John* 13, 34). Its end is the kingdom of God, which has been begun by God Himself on earth, and which is to be further extended until he brings it to perfection at the end of time, when Christ, our life (*Colossians* 3, 4) shall appear”. Then “creation itself will be delivered from its slavery to corruption into the freedom of the glory of the sons of God (*Romans* 8, 21). *Lumen Gentium* 9,3 assesses with *Nehemiah* 13, 1, *Numbers* 20, 4 and *Deuteronomy* 23, 1–8 that already Israel was called Church of Go'd. The Church of Christ is a sacrament of unity for all who believe in Christ as source of salvation and peace.

Since the days of Adam, Eve, Abel, Cain and Abraham to the days of Jesus Christ we hear from the Scriptures of Go'd's plan. The women, men and queer on this earth will not anymore be hungry or die from hunger, will not be subjected to violence, to torture and terror but will instead be empowered to live a life of dignity, equal rights and freedom. The last sentence of *Lumen Gentium* 9 at least refers a little bit to the necessity of the Church to renew herself with the help of the Holy Spirit. Apart from this assessment of conversion a confession of the Church's sins in history and at presence would make her self-assessment in this second chapter of *Lumen Gentium* more credible.

Lumen Gentium 10, 1 calls Christ Lord and High Priest referring to *Hebrews* 5, 1–5. Christ made the baptised the new people “a kingdom and priests to God the Father (*Revelation* 1, 6 and 5, 9–10)”. If all baptised in the name of Jesus Christ are priests then there is no need for a hierarchy of celibate men as a second line of priests. The Council simply suppresses the social realization of the claims of the author of *Hebrews*.

Lumen Gentium 10, 2 concedes a general priesthood of all baptized but tries to justify the hierarchical priesthood of ordination with Pius XII. Quite significantly, the Council cannot refer to any verse of the Scripture for assessing the priestly service as a hierarchical function of male celibates. Hünermann asks to start to understand the

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sacraments as performance of the people of Go'd, as the performance of the community of the faithful. Today there is no legitimation that only ordained male celibate priests may perform the Eucharist. The German bishops' conference wrote in its draft for *Lumen Gentium* that all members of the people of Go'd enjoy the same dignity as Christians because they are members of the people of Go'd. An essential difference between these members does not exist (Hünemann 2004b, 378). All Christian women, men and queer take part in the mission of Jesus Christ in the same way. Christ confided them baptism and the Eucharist (ibid, 379).

Lumen Gentium 11 splits the communion of the celebration of the sacraments into those who participate and those who are consecrated priests of the hierarchy. Only "Those of the faithful who are consecrated by Holy Orders are appointed to feed the Church in Christ's name with the word and the grace of God". Hünemann criticizes that the Council degrades the faithful as receivers of the sacraments and does not recognize them as Spirit empowered subjects of the sacraments (ibid, 381).

Lumen Gentium 12 affirms "The holy people of God shares also in Christ's prophetic office" and rightly refers to *Hebrews* 13, 15. The Council even affirms, "The entire body of the faithful cannot err in matters of belief". The *sensus fidelium* cannot err. In reality, all prophetic teaching of the faith by the laity in reality is an act of obedience to the "sacred teaching authority" of the Church (*Lumen Gentium* 12, 1). *Hebrews* 13, 15 claims the prophetic office for all Christians and not only for the bishops and the pope. *Lumen Gentium* 12, 2 again makes "the appointed leaders" masters of the unity of faith of the Church and not the law of the Holy Spirit that is love.

Lumen Gentium 13, 1 uses the idea of unity for the interactions of Go'd and women, men and queer on the earth "In the beginning God made human nature one and decreed that all His children, scattered as they were, would finally be gathered together as one". *John* 11, 52 serves as testimony to the unity of mankind that Jesus Christ realizes. *Lumen Gentium* 13, 2 uses citations of the Church Fathers to describe the unity of the world. Why does the Council not refer to the encyclical *Pacem in Terris* of John XXIII and his thoughts on the collaboration of the Church with the United Nations?

Lumen Gentium 13, 3 alludes to the "bonds of close union" of Churches that respect the primacy of the pope of the Catholic Church. There is no real attention of the Council for "The catholic unity of the people of Go'd" (*Lumen Gentium* 13, 3).

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In the middle of the 20th century, ecumenical efforts gave rise to questions of the salvation of all people and of the relation of other Christian confessions and other religions with the Catholic Church (Hünemann 2004b, 392). *Lumen Gentium* 14 – 16 tries to give answers to the question of who is a member of the Catholic Church. The tone of the document changes. There are no more descriptions of the people of Go'd. Instead, there is much fencing off and dissociation of full membership and membership in progress (ibid, 394). Go'd's universal will of salvation is not questioned but the particularities of the Catholic Church really hide salvation under a veil of Catholic hierarchical supremacy over other faiths and religions.

Lumen Gentium 14, 1 assesses that the Church is necessary for salvation. The Church apparently was made necessary by Christ and Christ rules the Church "through the Supreme Pontiff and the bishops" (*Lumen Gentium* 14, 2). Hünemann is right that in *Mark*, *Matthew* and *Luke* the risen Lord confides his disciples the mission to preach the faith and baptize the believers. Although the Eastern Orthodoxy, the Churches of the West and the Churches of the Reformation recognize the same picture of the Church as congregation of the faithful as does *Lumen Gentium*, *Lumen Gentium* 14 insists a lot on the institution of the hierarchical Roman Catholic Church and the primacy of the pope (Hünemann 2004b, 394).

Lumen Gentium 15 concedes that the Orthodox Christians and the Christians of the Churches from the Reformation "are joined with us in the Holy Spirit, for to them too He gives His gifts and graces whereby He is operative among them with His sanctifying power". Yet unity is not possible because they "do not preserve unity of communion with the successor of Peter". Those Christians who do not subject themselves to the authority of the pope are not in full communion with "Mother Church". The decree on ecumenism *Unitatis Redintegratio* 3 not only confirms that Orthodox Christians and Protestants are joined with the Catholics but affirms that they are in communion with Catholics by baptism (ibid, 396). This communion is not perfect but the Protestants are justified because of faith and baptism and therefore incorporated in Christ (ibid). *Unitatis Redintegratio* 11 will differentiate the elements of Christian faith that are necessary and less important elements (ibid, 397).

Lumen Gentium 16 establishes the order that orders non-Christians to "the people of Go'd" and to salvation. The Hebrew are first called by Go'd, but also Muslims participate in Go'd's "plan of salvation" as do "those who in shadows and images seek

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the unknown God (*Acts* 17, 25–28)”. “Those who, without blame on their part, have not yet arrived at an explicit knowledge of God and with His grace strive to live a good life” are not excluded from salvation. There are also those “who, living and dying in this world without God, are exposed to final despair”. In *Gaudium et Spes* 19–20, the Second Vatican Council finally succeeds in assessing that atheists, too, have access to the grace of salvation. The Second Vatican Council tries to face the Holocaust, the ending colonialism and the mission to preach the Christian faith (Hünemann 2004b, 398). *Lumen Gentium* 2 spoke of the Hebrew Bible, *Lumen Gentium* acknowledges the roots of the Christian faith in the faith of the Patriarchs and the Prophets and claims reconciliation between the Jews and the Gentiles referring to *Romans* 11, 13–26. *Lumen Gentium* 9, 1 affirms with *Jeremiah* 31, 31–34 that the first people God had chosen for a covenant were the people of Israel. Despite these affirmations of the revelations of the *Hebrew Bible*, the hope of Israel for salvation is not recognized as full salvation. The *Declaration on the Relation of the Church to Non-Christian Religions Nostra Aetate* is a bit more conscientious of the dependency of the Church from Israel than *Lumen Gentium*: “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” (*Nostra Aetate* 4). The *Decree on the Mission activity of the Church Ad Gentes* and the *Declaration on Religious Freedom Dignitatis Humanae on the Right of the Person and of Communities to social and civil Freedom in matters Religious* more conscientious of God’s unknown ways of realizing salvation. In the end, the women, men and queer who describe and give testimony to the mystery that is at work in lives are the only subjects of a universal belief in salvation (Hünemann 2004b, 400–401).

Lumen Gentium 17 speaks of the mission of the Church to preach the Gospel. The mission by Jesus Christ constitutes the Church (*John* 20, 21; *Matthew* 28, 18–20 and *Acts* 1, 8) (ibid, 401). After having spread the faith with violence and military suppression, the Council finally assesses the values “in the religious practices and cultures of diverse peoples”. “The obligation of spreading the faith is imposed on every disciple of Christ, according to his state. Although, however, all the faithful can baptize, the priest alone can complete the building up of the Body in the eucharistic sacrifice” (*Lumen Gentium* 17). Again, the hierarchical ordained priesthood limits the preaching of the Gospel by the laity. *Ad Gentes* will be a little more precise on the actual mission agency of the Christians.

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Lumen Gentium 18 – 29 is on the hierarchical structure of the Church and in particular on the episcopate and forms chapter three of the document.

Already the first sentence of *Lumen Gentium* 18 is a lie. Jesus Christ never instituted ministers and the power of the hierarchy is not sacred. It is not true that in *John* 20, 21, Jesus Christ sends the Apostles “as He Himself had been sent by the Father”. In *John* 20, 21, Jesus Christ sends his disciples that is women, men and possibly queer that were in the room (*John* 20, 19). *Lumen Gentium* 18 admits that it follows the teachings of the First Vatican Council concerning the primacy of Peter. *Lumen Gentium* 18 does not admit that there is no verse in the Scriptures claiming that the episcopate succeeds the Apostles according to the will of Jesus Christ. Neither is there a verse of the Scripture assessing that Jesus Christ instituted Peter as head of the Apostles “and in him a permanent and visible source and foundation of unity of faith and communion”.

Lumen Gentium 19 is slightly more precise concerning history. In *Mark* 3, 13–19 and *Matthew* 10, 1–42, Jesus calls the twelve, he does not appoint or institute them as claimed in *Lumen Gentium* 18. It is right to refer to *Luke* 6, 13, who calls the twelve Apostles. Jesus never “formed after the manner of a college or a stable group” his twelve Apostles and Judas demonstrates the fragility of the group. Yes, Jesus Christ sent his disciples to preach all peoples and he sent them to pasture them and serve as the Latin text of *Lumen Gentium* 19 claims referring to *Matthew* 28, 16–20, *Mark* 16, 15, *Luke* 24, 45–48 and *John* 20, 21–23 (Hünemann 2004a, 105). Jesus did not send his disciples to “make all peoples His disciples, and sanctify and govern them” as *Lumen Gentium* 19 falsely claims.

The claim that the Apostles appointed bishops and the bishops other bishops does not correspond to history. There is no “succession running from the beginning” as *Lumen Gentium* 20 claims, and the “apostolic tradition” that is the preaching and living of the Gospel, was preserved by women and men according to their charismas. In the first century CE, being Apostle was not an office with an exact profile and a clear area of responsibility. The Church was visible as a number of Christian communities around the Mediterranean. The communities of Christians were in communication and Paul’s letters are a testimony of the hard way of persuasion and loving motivation of the brothers and sisters to persevere in the ways of Jesus Christ. It is true that men already in the first century CE started and continued, with growing intensity in the second

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century CE, to chase away women from the responsible jobs and the realization of their charisma in the communities (Spencer 1997).

Lumen Gentium 21, 1 assesses Jesus Christ as a high priest, but then claims His realizing of the sacraments, the teaching and governing of the Church not by the Holy Spirit that all baptized had received and believe in, Jesus Christ is only present in the hierarchy. At the place of Jesus Christ, there is the ordained hierarchy of the Church that preaches, administers the sacraments and governs “by their paternal functioning”. “The outpouring of the holy Spirit coming upon them (*Acts* 1, 8; 2, 4 and *John* 20,22–23)” according to *John* 20, 20 concerns the disciples and not only the eleven Apostles as implied in the reference of *Lumen Gentium* 21, 2. It was a pious wish of Church Fathers of the first centuries CE and it is the teaching of the Council of Trent “that by Episcopal consecration the fullness of the sacrament of Orders is conferred” to the bishops and “that fullness of power” and “the high priesthood, the supreme power of the sacred ministry” (*Lumen Gentium* 21, 2). It is not the teaching of the Gospel. *Lumen Gentium* 21, 2 therefore speaks of the tradition of the Catholic Church that gives the bishops the powers of teaching, governing and sanctifying and not of the Scripture. Bringing up Christ and the Holy Spirit as actual agencies teaching, governing and sanctifying the Church may overcome the Council of Trent that did not need Christ and the Holy Spirit for the government of the Church (Hünemann 2004b, 415). Hünemann praises the entry of Christology in *Lumen Gentium* (ibid). Nevertheless, there is no word of critique on the use of Christ to suppress the people of Go'd with the help of a hierarchy and an absolute monarch, not to speak of the discrimination of women, men and queer. The primacy of the pope is assessed, because the episcopal powers “can be exercised only in hierarchical communion with the head and the members of the college”. If the last sentence claims that the community of the Churches, the *communio ecclesiarum*, constitutes and founds the collegiality of the bishops, this claim fatally hides behind the primacy of the pope. Hünemann is right in claiming the celebration of the communion of the Eucharist with the bishop at the center as the basic realization of Church (Hünemann 2004b, 417). We have to be clear about the fact that *Lumen Gentium* does not speak anywhere of this Eucharistic ecclesiology. It is nice if the theologian completes the Council, but the theology of the official Church does not change because of a theological commentary. It remains for future generations to convince the popes and bishops that first, there is the celebration of the Eucharist of a local community and then there is a community of Churches and the Church.

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Lumen Gentium 22, 1 assess again “Hence, one is constituted a member of the Episcopal body in virtue of sacramental consecration and hierarchical communion with the head and members of the body”. In the first centuries CE, the consensus of the people of God for consecrating a bishop was also necessary. The candidate for bishop expressly had to confess the faith of the people of God. The assessment of the consent of the individual Christians of a community for the consecration of an individual candidate for bishops realizes the assessment of the common faith. In patristic times, this foundational consent is necessary to exercise the powers and function of a bishop. The Second Vatican Council forgot about the consensus of the people of God (Hünemann 2004b, 423). The Council corrects the teaching of the Council of Trent by assessing the sacramental origin of the bishop’s teaching, governing and sanctifying power (ibid). On the initiative of Paul VI, the Council specifies: “But the college or body of bishops has no authority unless it is understood together with the Roman Pontiff, the successor of Peter as its head” (*Lumen Gentium* 22, 2). In the famous *Nota Explicativa Praevia*, we read the authentic interpretation of the magisterium, the teaching authority of the Catholic Church, of *Lumen Gentium* 22. As a summary of the *Nota*, I propose that the absolute power of the pope over the individual bishops as over the college of the bishops is without dispute, although the pope is member of the college. Hünemann interprets the sentence “The Roman Pontiff, taking account of the Church’s welfare, proceeds according to his own discretion in arranging, promoting and approving the exercise of collegial activity” of the *Nota Explicativa Praevia* (Paul VI 1964) as papal encouragement of episcopal conferences around the world and of synods of bishops with the pope (Hünemann 2004b, 545). Fifty years after the Second Vatican Council, we know that Paul VI actually worked in the opposite direction and John Paul II further restricted the authority of episcopal conferences. At the end of his commentary on *Lumen Gentium*, Hünemann speaks of two post conciliar developments in the Church and in Church politics (ibid, 547). The development in Church politics definitely and with cruel papal power destroyed the social realization of effective episcopal colleges. The social realization of effective episcopal conferences and synods remains on the agenda of dreaming theologians.

Lumen Gentium 23 assesses the teaching of the First Vatican Council that the pope is the “foundational principle” of the bishops and the faithful of the universal Church. With references to Church Fathers of the first centuries CE, the Council speaks of the bishop as the “principle and foundation of unity” of the particular Church. By Christ’s command

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the local bishop has “to be solicitous for the whole Church”, although the Council makes clear that there is no jurisdiction for this solicitude. The ambiguity of the third chapter of *Lumen Gentium* between the estimation of the service of the local individual bishop for the whole Church and his effective dependence on the powers of the pope shows the necessity to resolve this question. The sentence “the bishops, in a universal fellowship of charity, should gladly extend their fraternal aid to other churches, especially to neighboring and more needy dioceses in accordance with the venerable example of antiquity” admits that there are very rich dioceses living in the lands of plenty and very poor Churches. The Roman Curia disposes over a Congregation for the Mission of the Church. The Council does not encourage this central institution cooperating with the episcopal conferences of the world for realizing international solidarity within the Church.

Lumen Gentium 24 introduces the description of the teaching, sanctifying and governing offices of the bishops in *Lumen Gentium* 25–27. *Lumen Gentium* 24 repeats the unbiblical claims from *Lumen Gentium* 20 and 21 that bishops are successors of the Apostles and assess the necessity of the “*missio canonica*”, the juridical authorisation of the bishop for his mission by Rome.

Lumen Gentium 25 treats the duties of the bishop preaching the Gospel. “The bishops speak in the name of Christ and the faithful are to accept their teaching”, the bishops are “teaching in communion with the Roman Pontiff” and “religious submission of mind and will must be shown in a special way to the authentic magisterium of the Roman Pontiff”. It is no wonder that the faithful flee by millions that Catholic Church that claims to be entitled to this kind of suppression of the conscience of the faithful.

Lumen Gentium 26 assess the bishop’s authority in ordering all liturgical and sanctifying services according to Roman prescriptions. *Lumen Gentium* 27 claims that “Bishops, as vicars and ambassadors of Christ, govern the particular churches entrusted to them”. There is talk of the counsel, exhortations, and example of the bishops but in the end, they govern “by their authority and sacred power”.

Lumen Gentium 28 deals with the relationship of the presbyter with Christ, of the presbyter with the bishops and the episcopate, of the presbyter with other presbyters and presbyterate as brothers, and finally of the presbyter with the people of God of whom the priest takes care. It is not the intention of the Council to describe the office

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of the presbyter historically (Hünemann 2004b, 450). The expression presbyter expresses the governing function and the expression priest expresses the cultural function (ibid, 451). The historic presbyters presided the Eucharist and the community and there was no need for priests. It is clear that the priests “are dependent on the bishops in the exercise of their power”. At the same time they are “associated with their bishop in a spirit of trust and generosity”, they are his “co-workers” and the ambiguity of dependence and generosity of obedience and self-responsibility characterizes all texts of the Council on the priests.

Lumen Gentium 29 characterizes the diaconate as a “ministry of service of the liturgy, of the word, and of charity to the people of God”. The Council rules, “the diaconate can in the future be restored as a proper and permanent rank of the hierarchy” and “be conferred upon men of more mature age, even upon those living in the married state”.

The third chapter of *Lumen Gentium* is on the laity. The Council Fathers and the pope make a step back from their self-understanding as all-powerful guides of the lay and start taking the lay seriously as members of the mystical body of the Church. In the commissions preparing the document there are three lay men, the vast majority of the commission members were bishops and priest theologians. Women were not invited to the commissions and queer were not invited either. The laity of the Catholic Church was about to make up their own mind on the equal dignity, freedom, equality and rights of all faithful, and were realizing their Christian faith with the help of the Holy Spirit. Their silent submission to the social hierarchy of the Catholic Church has ended and millions of lay women, men and queer are leaving the social institution of the Catholic Church.

Lumen Gentium 30 assesses that the pastors of the laity, that is the bishops and priests, “know that they were not ordained by Christ to take upon themselves alone the entire salvific mission of the Church toward the world”. There is also the laity cooperating with its proper roles in the Church. *Lumen Gentium* 30 cites *Ephesians* 4, 15–16 in order to legitimize the limited roles and functions of the laity in the Church. Actually, *Ephesians* 4, 15–16 proclaim that all Christians are equal members of the body of Christ and that Christ is the head of the Christians and there is no word of a hierarchy speaking in the name of Christ. We can work properly in building the body of Christ without sacramental priesthood and without sacramental ordination of bishops and without an autocratic pope. The Council ignores the equality and liberation aspect

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of *Ephesians* 4, 15–16 “If we live by the truth and in love, we shall grow completely into Christ, who is the head by whom the whole Body is fitted and joined together, every joint adding its own strength, for each individual part to work according to its function. So the body grows until it has built itself up in love”. In 1960, *John XXIII* claimed in his homily at Pentecost that *Ephesians* 4, 15–16 be the leading theme for the opening of the “portals of the Council” (Hünemann 2004b, 463). In 1964, these portals were about to be closed again. The Austrian Jesuit Neuner, who worked all his life as professor of theology in India and was expert at the Second Vatican Council for the theology of religions, rightly claims that a right theology of the people of Go’d would render redundant any speech of a laity (Neuner 2001, 52).

Lumen Gentium 31 claims the laity “are by baptism made one body with Christ and are constituted among the People of God; they are in their own way made sharers in the priestly, prophetic, and kingly functions of Christ; and they carry out for their own part the mission of the whole Christian people in the Church and in the world”. The laity seeks the kingdom by “secular affairs”. Sacred affairs are affairs of the ordained priests to sacred ministry. Within the given limits of the hierarchy, the laity “may work for the sanctification of the world”. The expression “kingdom of Go’d” in the biblical sense was introduced into Catholic theology again only in the 20th century (Hünemann 2004b, 466). The feminist theologians of the 20th century CE prefer interpreting the biblical expression as the just world of Go’d.

Lumen Gentium 32 starts out perfectly on the one chosen People of God “one Lord, one faith, one baptism” (*Ephesians* 4, 5); sharing a common dignity as members from their regeneration in Christ, having the same filial grace and the same vocation to perfection; possessing in common one salvation, one hope and one undivided charity. There is, therefore, in Christ and in the Church no inequality on the basis of race or nationality, social condition or sex, because “there is neither Jew nor Greek: there is neither bond nor free: there is neither male nor female. For you are all ‘one’ in Christ Jesus (*Galatians* 3, 28 and *Colossians* 3, 11)”. The differentiation of the different ministries quickly introduces again discrimination of men and women and queer into the Catholic Church. The male celibate hierarchy teaches, sanctifies and governs the laity. Hünemann is conscious of the fact that it will take time for the Catholic Church to change its social character from a monarchy to the social character of sisters and

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brothers living together with equal dignity, freedom and rights (Hünemann 2004b, 468).

Lumen Gentium 33 acknowledges “The lay apostolate, however, is a participation in the salvific mission of the Church itself”. If the laity wants to cooperate in the apostolate of the hierarchy, it needs to be called by the hierarchy to do so. There is no talk in *Lumen Gentium* 33 of cooperating in the construction of the just world of Go’d. The interest of the hierarchy is building up the Catholic Church.

Lumen Gentium 34 starts with the good sentence “The supreme and eternal Priest, Christ Jesus, since he wills to continue his witness and service also through the laity, vivifies them in this Spirit and increasingly urges them on to every good and perfect work”. Also *Lumen Gentium* 35 starts with a good sentence. “Christ, the great Prophet, who proclaimed the Kingdom of His Father both by the testimony of His life and the power of His words, continually fulfills His prophetic office until the complete manifestation of glory”. It is a pity that right after this assessment of Christ’s prophetic office that continuous with the faithful, the hierarchy claims to teach in the name of Christ and to govern in the name of Christ. The faithful are reduced to “children” who are sanctified by the “married and family life”. It is nice that *Lumen Gentium* 36 claims, “the Lord wishes to spread His kingdom also by means of the laity, namely, a kingdom of truth and life, a kingdom of holiness and grace, a kingdom of justice, love and peace”. It is not nice that the hierarchy in reality restricts the work of the laity for the just world of Go’d. *Lumen Gentium* 36 therefore encourages the laity to work for equal dignity, freedom and rights, for a just distribution of the wealth in the world, as long as this work does not turn to the social realization of equal dignity, freedom and rights of the faithful within the Catholic Church.

In the decennials following the Second Vatican Council, the laity did in abundance what *Lumen Gentium* 37 claims, “the laity should openly reveal to the bishops their needs and desires with that freedom and confidence which is fitting for children of God and brothers in Christ”. The bishops did not listen and the hierarchy blocked any discussion on the desires of equal dignity, freedom and rights. *Lumen Gentium* 37 claims that the laity accept with obedience the decisions of the hierarchy. At the same time, *Lumen Gentium* 37 claims in the following “Let the spiritual shepherds recognize and promote the dignity as well as the responsibility of the laity in the Church”. Nobody is able to resolve this contradiction of claiming obedience to the hierarchy and at the same time

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claiming the recognition of the responsibility of the laity. These contradictions weaken the Church and do not strengthen the Church as the last sentence of *Lumen Gentium* 37 hopes. Hünemann comments that the Council Fathers expressed their mistrust of the laity and he remembers Pope Boniface VIII calling the laity enemies of the clergy in 1296 (Hünemann 2004b, 481).

Lumen Gentium 38 demands from the laity living “before the world as a witness to the resurrection and life of the Lord Jesus”. There is nothing wrong in following this call.

Chapter five of *Lumen Gentium* is on the universal call to holiness in the Church. Chapter six of *Lumen Gentium* is on the religious. The discussions in the aula were never-ending on the question if to write one chapter on the universal vocation to sanctity of all men and women in the Church or if to make two chapters, one for the religious and the other for the laity. 679 bishops, including 17 cardinals from different religious orders and the conference of the superior generals of the religious orders in order tried hard to prevent the assessment of an universal vocation to sanctity. They thought the religious vocation superior to the vocation of the laity to sanctity in the Church. The commissions working on the text were unable to reach consensus on the question and the question had to be decided in the aula in the third session of the Council. On September 30, 1964, the vote passed on the decision for two chapters, one speaking of the universal vocation and the other of the religious (Hünemann 2004b, 483–84).

Lumen Gentium 39 assesses that Christ sanctified the Church and this holiness “is expressed in many ways in individuals, who in their walk of life, tend toward the perfection of charity, thus causing the edification of others; in a very special way this (holiness) appears in the practice of the counsels, customarily called evangelical”. The Council puts the individual woman and man into the center of attention and does not speak of individual communities or orders but of individuals (ibid, 484). *Lumen Gentium* 40 proclaims “The Lord Jesus, the divine Teacher and Model of all perfection, preached holiness of life to each and every one of His disciples of every condition”. *Lumen Gentium* 40 sticks to this egalitarian perspective on holiness “Thus it is evident to everyone, that all the faithful of Christ of whatever rank or status, are called to the fullness of the Christian life and to the perfection of charity”.

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Lumen Gentium 41 speaks of the different realizations of holiness in the Church according to six orders. The bishops have to carry out their ministry; the priests realize holiness by “their very office of praying and offering sacrifice for their own people and the entire people of God”. Deacons “will accomplish holiness by their constancy in prayer, by their burning love, and by their unremitting recollection of whatever is true, just and of good repute”. There are “laymen, chosen of God and called by the bishop. These laymen spend themselves completely in apostolic labors” and “married couples and Christian parents should follow their own proper path (to holiness) by faithful love”. There are those “who are weighed down with poverty, infirmity and sickness, as well as those who must bear various hardships or who suffer persecution for justice sake” and finally there are “all Christ’s faithful, whatever be the conditions, duties and circumstances of their lives”. All this corresponds to the traditional ethics of social states in the Church of the late Antiquity but is not in accordance with the contemporary world (Hünemann 2004b, 490–91) of open and free pluralism of all sorts, of liberal democratic states, of modern dictatorships and a globalized world suffering deadly climate crisis. *Lumen Gentium* 42 names the sacraments as a way to realize holiness, also confessing Jesus Christ before men and even under the threat of persecution and martyrdom, further the evangelical counsels of chastity, obedience and poverty.

Lumen Gentium 43 starts speaking of the religious and the realization of the evangelical counsels by the various communities and religious orders and families. *Lumen Gentium* 44 develops the theology of this particular form of life. The religious intends “by the profession of the evangelical counsels in the Church, to free himself from those obstacles, which might draw him away from the fervor of charity and the perfection of divine worship”. “The Church preserves and fosters the special character of her various religious institutes” that is prayer or “active works of the apostolate”. *Lumen Gentium* 45 makes sure that the religious orders are under the control of the pope and the hierarchy “It is the duty of the ecclesiastical hierarchy to regulate the practice of the evangelical counsels by law”. The pope and the hierarchy do not like religious orders or religious individuals who are too independent of the Roman authority or who criticize too much and become publicly visible as opposition to the pope. Church jurisdiction over the religious orders is important. The pastoral in the mission countries during colonialism was largely in the hand of religious orders. The Roman Pontiff encountered difficulties establishing his hierarchy of bishops and priests once the countries had reached independence from the colonial powers. *Lumen*

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Gentium 46 praises the benefits of the evangelical counsels lived by the religious for one's human development and holiness. Unfortunately "the men and women, Brothers and Sisters, who in monasteries, or in schools and hospitals, or in the missions" not only "render generous services of all kinds to mankind" but also sadly fall short of their vocation and violate children, boys and girls, women, men and their religious sisters afflicting suffering and misery on them. There is no word on the necessity of conversion, repentance, confession of sins, atonement, reparation and reconciliation in the text. *Lumen Gentium* 47 encourages all the faithful living a life in holiness, without assessing the weakness of the individual woman, man and queer who constantly need to rise again after mistakes, failures and sinning.

The seventh chapter of *Lumen Gentium* titles the Eschatological nature of the Pilgrim Church and its Union with the Church in heaven. Pope John XXIII asked Cardinal Larraona, prefect of the Congregation for the sacred rites, to prepare a text for the Council on the celestial Church of the Saints and their veneration. In February 1964, Paul VI gave the text to the doctrinal commission. The document on the Church so far lacked the eschatological aspect of the Church, the text of Larraona fit into that vacuum and was integrated into *Lumen Gentium* as chapter seven. At the beginning of the third session of the Council in September 1964, the Council Fathers discussed the text that was still titled "the Eschatological nature of our vocation and our union with the celestial Church" (Hünemann 2004b, 303). This title expressed a very individualistic view of eschatology. The final title expresses the collective aspect of the Church as people of God. The Maronite archbishop of Aleppo, Ignace Ziade welcomed the text because *Lumen Gentium* centers on Jesus Christ and had forgotten about the Holy Spirit. Cardinal Suenens criticized in an important speech the fact that the vast majority of the saints were religious men and women who were born in three European countries. He protested that the complicated process of canonization was too expensive for dioceses in poor countries and, on September 20, 1964, the chapter passed the vote, (ibid, 505–6).

Lumen Gentium 48 is clear about the eschatological character of the Church. She "will attain its full perfection only in the glory of heaven". The foundation of the eschatological hope of the Church for salvation is the faith in Jesus Christ. *Lumen Gentium* 1 and 9 are remembered. Christ will reestablish "at the end of time the human race as well as the entire world". Salvation concerns the whole creation, the whole

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cosmos and not only women, men and queer. The Second Vatican Council did not yet acknowledge the environmental crisis of the world or climate change caused by women, men and queer. There is no confession of any sins committed by the Church in the past or in the present in the document, and any such confession at the time of the Second Vatican Council was unthinkable (ibid, 507). Nevertheless, the Council was conscientious of the old theological tradition that the second coming of Christ concerns the restoration of the whole of creation. *Lumen Gentium* 49 claims that the heavenly Church and the pilgrim Church together form the one people of God, the mystical body of Christ. The “communion of the whole Mystical Body of Jesus Christ” is the reason for “the memory of the dead” (*Lumen Gentium* 50). The Church has always venerated the Saints and martyrs “with special devotion, together with the Blessed Virgin Mary and the holy angels”. *Lumen Gentium* 50 refers to *Sacrosanctum Concilium* 104 and assesses that in the sacred liturgy “we celebrate together the praise of the divine majesty” and celebrating the Eucharist, “we are most closely united to the Church in heaven”.

Lumen Gentium 51 takes pastoral care for the right veneration of saints that consists in the “praise of Christ and of God”. The Council insists, “The authentic cult of the saints consists not so much in the multiplying of external acts, but rather in the greater intensity of our love, whereby, for our own greater good and that of the whole Church, we seek from the saints’ example in their way of life, fellowship in their communion, and aid by their intercession”.

Chapter eight of *Lumen Gentium* titles The Blessed Virgin Mary, Mother of God, in the Mystery of Christ and the Church.

On October 29, 1963, the aula decided with a small majority of the votes to integrate the scheme on the Virgin Mary into the scheme on the Church. Cardinal Santos spoke in the name of those who were against and Cardinal König spoke for the supporters of integration (Hünemann 2004b, 512). The supporters of integration for ecumenical reasons described Mary as a member of the Church who received and welcomed the grace of salvation. Santos and König worked in the commission for the scheme and as theologians Carlo Balic (1899–1977) and Philips representing the different theologies on Mary. Balic was a Croatian Franciscan who had studied at Leuven. He was a renowned expert on Mary, founder of the International academy of Mary in Rome and president of the international Scotist commission. He wanted to concentrate on the

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special privileges of Mary at the side of Jesus, as mother of Christ, underlining her role as mediator and cooperator in the work of salvation and insisting on her conformity with Christ. Philips represented the bishops who wanted to write about Mary's place within the Church and the mystery of Christ founded on scriptural and patristic texts, and Mary as a model member of the Church. When the Belgian colleagues at the University of Leuven shied away from Philips in November of 1963 because of his redaction of the official text on the Church, Balic assures Philips of his solidarity (Schelkens 2006, 86). The Oriental bishops did not join the Latin bishops in the ecumenical effort, because they considered the discussion an interior problem to the Catholic-Protestant dialogue. Paul VI had preferred the theology that Christ was the unique mediator but Mary the mother of the Church. Philips persuaded the pope considering the many Council Fathers with conservative mentalities on Mary. For them it was important to predicate Mary as mediator. Especially Balic insisted on the term mediator of salvation for Mary (Schelkens 2006, 131). Philips pointed at the tradition of the Catholic Church to attribute different titles to Mary. Paul VI insisted on adding the title Mother of the Church (ibid, 141). In the name of Latin-American bishops, Mendez Arceo pointed at the contradiction of calling Mary mother of the Church and at the same time a member of the Church, Mary being in that case the mother of herself. At the beginning of June 196 the theological commission approved a text for the Council Fathers (Hünemann 2004b, 513). The new title of the text expresses the theological program, "The Blessed Virgin Mary, Mother of God, in the Mystery of Christ and the Church". I want to be completely clear that good theologians construct the term Virgin Mary by linking the predication Holy Spirit to Mary and not the biology of the hymen.

Even Hünemann, who is not a feminist theologian but a traditional male celibate theologian typically holding that theology is a gender-neutral science of faith, recognizes the super elevated artificial language style of the chapter on Mary (Hünemann 2004b, 517). He qualifies this clerical men talk on the woman Mary as esthetic, and succeeds in completely ignoring the important feminist theological literature on the Virgin Mary. Feminist theologians insist on plausible historical reconstructions of the life of Mary within the concrete social and cultural location, asking "what it would have been like for this young, Jewish peasant woman to be ostracized and threatened because she was risking her life to carry out a controversial pregnancy" (Nussberger 2019, 842). Mary overcame poverty and oppression and

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“actively responded to God with courage, wisdom and strength” (ibid). Theology has to take notice of the human struggle for integrity of this young woman who intimately knew about the destructive forces of violence and oppression “when she suffers the persecution and death of her innocent son who cries out for Go’d’s justice” (ibid, 842–43). The testimony of *Luke* 1, 46–55 is the faith testimony of a woman who confronted injustices of poverty and oppression and praised the social realization of her restored dignity. Assessing the sentences of women, men and queer speaking of their bodies, sex, life and death concerns theology speaking of faith. Motherhood and giving Christ’s life to the world are experiences of life and faith of the concrete woman Mary that are her experiences. We have no right to interpret the life of Mary by substituting her life and faith experiences with celibate male fantasies and desires. The text on the Virgin Mary in chapter eight of *Lumen Gentium* is part of the suppressive history of male dominance in Catholic theology’s hierarchy of “man as first and woman as second”. Mary invites to be regarded as a role model for women who fight for the equal dignity, freedom and rights of women, men and queer. Characterizing, super elevating and venerating Mary as submissive partner of Go’d is but to carry on with the construction of male dominance in the Catholic Church. Patriarchal ideology tried to label Eve as “helpmate or as second to Adam”. Feminist theology rightly protests the sexist labeling of women as being passive and humble sufferers. Mary invites to “regard woman’s character as resilient and responsible active by not limiting her activity to the consumption of the forbidden fruit” as (ibid, 843). We would need theological texts eliciting “the process of identity formation for men and women” and queer as active agents of the social realization of equal dignity, freedom and rights; women “are one with Christ, freely choosing to enact a grace-filled, Christic life-form that is not imposed from the outside” (ibid). We would need “helpful Mariologies designed to empower both women and men to be fully-fledged, devoted members of Christ’s body” (ibid, 844).

I try to interpret *Lumen Gentium* 52–54 as the assessment of Mary as a self-determined woman believing in Jesus Christ. She realizes, as the first member of the body of Christ, her faith and realizes her integrity as woman and mother of the boy Jesus whom she has given life.

Was Mary the first human to believe that Jesus was the messiah of Go’d? I understand all the stories of Jesus’s infancy in the Gospels as posterior to the passion recites and testimonies of Christ’s resurrection. Whether Mary was the first believer, I cannot

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decide, neither with affirmation nor with negation. *Lumen Gentium* 52 starts talking about Mary citing a faith sentence from the *Letter to the Galatians*. The question of Mary concerns my faith, my belief “when the fullness of time came, God sent His Son, born of a woman...that we might receive the adoption of sons (*Galatians* 4, 4)” and daughters and queer. From my Christian faith it follows that Mary was of greatest importance to the history of salvation. In some way, we even can say that Mary was the possibility condition of the birth of Jesus and therefore of the incarnation. From this it is not only clear that “the faithful must in the first place reverence the memory of Mary” as mother of “our Lord Jesus Christ” (*Lumen Gentium* 52) but they must treat all women, men and queer according to the dignity they receive from Go’d creating them to sustain their existence.

The Virgin Mary “received the Word of God in her heart and in her body and gave Life to the world” (*Lumen Gentium* 53) as may do men, women and queer as temples of the Holy Spirit. There is no person and there is no body without heart. What is Mary’s uniqueness in the history of humankind and of salvation is the fact that Mary “in her heart and in her body” birthed Jesus Christ and she became as a mother a believer and follower of Christ. She followed Christ to beneath the cross and learned to believe in his resurrection. She followed the resurrected and believed in the way of love to overcome the violence of sin. Therefore, it is right to say that Mary “is hailed as a pre-eminent and singular member of the Church, and as its type and excellent exemplar in faith and charity” (*Lumen Gentium* 53). This same Catholic Church today would certainly refuse Mary “type and excellent exemplar in faith and charity” the ordained priesthood and any place in the hierarchy of the Church. A Church refusing to teach the teaching of the Holy Spirit that all women, men and queer are of equal dignity, freedom and rights, is not credible in hailing an individual woman Mary, the sister of all oppressed and discriminated women of the world.

With *Lumen Gentium* 54 the introduction to chapter eight ends. There is no perfect text that perfectly claims the mysteries of Christian faith in a complete way. There are only faithful who claim their faith. Concerning the dogmas on Mary and the theology of these dogmas and other important considerations on Mary there is the tradition of the Church Fathers, especially those from the East. They use biblical pictures and pictures of their culture and traditions. In the 18th and 19th century, many Christians and Catholics, not necessarily the theologians, turned away from pre-modern theological concepts and

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claimed the freedom of their conscience of faith. Women, men and queer in the times of nationalism and industrialization started to make up their mind on questions of the faith based on the philosophies they found in their surroundings and were part of their living world. The theologians who continued to express dogmas in the old way of metaphysical speculation of Greek concepts and patristic pictures did not reach out to these new world-views. The terms “Virgin Mary” or “Mary mother of Go’d” (*Lumen Gentium* 54) were taken as statements of biological facts and not as expressions of faith. *Lumen Gentium* 54 is therefore right in assessing that “the work of theologians has not yet fully clarified” the many questions concerning faith and Mary.

Lumen Gentium 55–59 are about “The Role of the Blessed Mother in the Economy of Salvation”.

Lumen Gentium 55 speaks of Mary and the Hebrew Bible. Eve apparently fell into sin (*Genesis* 3, 15) and Mary will achieve “victory over the serpent”. The sexist male determination of Eve as the quintessential disobedient woman is continued with the sexist male suppression of Mary’s self-determination and faith agency and her oppression as a model of “pure obedience” (Nussberger 2019, 843). The first discrimination concerns the reduction of Eve to the consumer of the forbidden fruit and the second discrimination concerns the reduction of Mary to a purely obedient woman without freedom and rights for her own social choices (ibid). A third discrimination concerns all women of the Hebrew Bible and the New Testament who suffer the male determinations over their stories and biographies. Christian theologians have to face the Jewish reproach of stealing the Hebrew Bible for a Christian interpretation that ignores Jewish life, tradition and revelation. *Isaiah* 7, 14 and *Micha* 5, 2–3 speak of a virgin “who shall conceive and bear a son, whose name will be called Emmanuel”. *Matthew* 1, 22–23 affirms that Mary is this Virgin. This corresponds to the faith of the Christians but as Christians, we have to affirm that the Virgin Mary is not the only but together with many women “stands out among the poor and humble of the Lord, who confidently hope for and receive salvation from Him”. Today we have to meditate on how women and men and queer live in dignity, freedom and equality and are empowered with these liberties and dignity to realize the project of Go’d, for the just world of Go’d, women birthing children, parents parenting, and women, men and queer living a family life.

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Lumen Gentium 56 cites *Luke* 1, 28 and *Luke* 1, 38 not showing much interest in *Luke*'s assessment of the testimony to personal liberation from oppression by Mary. At least Mary's faith is assessed as an active social choice "Rightly therefore the holy Fathers see her as used by God not merely in a passive way, but as freely cooperating in the work of human salvation through faith and obedience". The rest of *Lumen Gentium* 56 again elevates obedience as the principal virtue for women. If Mary cooperates in the economy of salvation, every woman, man and queer is also called to cooperate.

Lumen Gentium 57 treats the faith sentences of the Gospel of *Luke* 1, 5 – 2, 52 not as an announcement of the mission of Jesus and the discovering of his mission by Jesus himself but as empiric evidence for the "union of the Mother with the Son in the work of salvation". *Lumen Gentium* 58 follows in that sense taking the appearances of Mary in the public life of Jesus in the Gospels as abstract assessment of the super-elevated and completely idealized union of Mary and Jesus. The struggle, perseverance and resilience of the young woman Mary believing in the mission of her son and joining her faith with solidarity in life is not mentioned or explored. Already in the Gospel of *Luke* and in *Acts* we do not hear Mary speaking any more after Christ's resurrection. We have to read *Lumen Gentium* 59 and interpret Pentecost as empowering all, women, men and queer of realizing the mission of the Gospel and not as a legitimation for silencing the women in the Church. After the Apostles had returned from the ascension of Christ to Jerusalem and stayed in one room "with one mind continually devoting themselves to prayer, along with the women, and Mary the mother of Jesus, and with His brothers (*Acts* 1, 14)" the first to take the word and speak was Peter but not a woman. No woman will ever raise her voice in *Acts*. The Second Vatican Council continued with this sad distortion of the liberating Gospel of Jesus and continued silencing the women. Women are excluded from equal liberty and dignity to stay close to Jesus Christ and take responsibility for his mission through the centuries.

Lumen Gentium 60–65 titles "On the Blessed Virgin and the Church". *Lumen Gentium* 60 makes clear that Jesus Christ is the one and only mediator between God and humankind. *Lumen Gentium* 61 assesses "the Blessed Virgin was on this earth the virgin Mother of the Redeemer". *Lumen Gentium* 62 attributes to Mary, who was taken up into heaven, the office of maternal care for all Christians. It makes theological sense to claim that Mary "cares for her Son's sisters and brothers". We can ask: What makes me a brother and sister of Jesus? The answer is faith in him. Mary cared for brothers

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and sisters of Jesus during her life. That we see in the Gospel. It is also true that the poor, humiliated, sick, those who long for consolation, and hope for a way out of despair and suppression pray to Mary. I do want to respect the claims of those who got consoled by their prayer to Mary. I do not accept the claim of Council Fathers and theologians establishing an office in heaven for Mary in order to help the miserable. The Council Fathers should help the poor and end suppression themselves.

Lumen Gentium 63 claims that divine maternity unites Mary with Jesus and because of this closeness with Jesus the Redeemer, "the Blessed Virgin is also intimately united with the Church". Mary is a pre-picture of the church in the order of faith, charity, and perfect union with Christ. The Council Fathers refer to Saint Ambrose as authority for this claim. The Church is made up of the individual members of the body of Christ. We need at least two individuals to form a group that we may call Church. Well, we could take Jesus and Mary. I rather consider Mary and Joseph. Doing this, there is sense in the sentence that Mary gave birth to Jesus after sexual intercourse with Joseph. There is also sense in the sentence that Mary gave birth and believed, that her son Jesus is the Christ, "the Son of the Father". We believe that this belief and faith of Mary was given birth by the Holy Spirit. In the sense that the Holy Spirit is the gift of faith for every man, woman and queer, the Holy Spirit empowered the faith of Joseph that his son Jesus is the Christ. Faith is possible without sexual intercourse, being a human being is hardly possible without sexual intercourse. Sexual intercourse sometimes empowers joy and faith in Go'd's creative agencies. Joseph, because of sexual intercourse, is the father of Jesus Christ. To do some justice to Joseph, I suggest claiming that together with Mary he is a pre-picture of the Church. To considering Mary and Joseph as sexual beings, least of all to consider Jesus as a man with sexuality, is impossible for the hierarchy, for many theologians and for many faithful of the Catholic Church. The power of sexuality is very strong but confidence in sexuality is confidence in life and fear of the destructive power of sexuality is mistrust in Go'd's creation.

The Council Fathers refer to Gerhoh of Reichersberg as testimony that Mary pre-pictures and pre-models the Church as Virgin and mother. To pass through the village of Reichersberg right over the banks of the river Inn that separates Germany and Austria today, one has to leave the autobahn and take the old medieval road through the village. The tourists visit the monastery of the Austrian baroque and take a rest in the monastery's restaurant. In medieval times, the intellectual capacities of the Canon

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Regulars of Saint Augustin of Reichersberg were respected in Germany and Austria. In the following centuries, the Regulars rather were famous for their excellent wines that they produced in their fertile vineyards of the Wachau and the region of the river Kamp, one of Austria's best places to culture wine. The Regulars are respected by the local population as long as they offer their pastoral services to the local parishes. After the Second Vatican Council, more and more Regulars left the monasteries and the monastery turned from serving the parishes to selling wine to tourists. Already at the time of Gerhoh of Reichersberg in the 12th century, the Catholic Church was in need of reform. Individual women and men claimed and struggled for reform, reform was preached from Cluny in France to Salzburg, Augsburg, Freising and Reichersberg, and even in Rome and Paris. After 300 years, Luther institutionalized the Reform and the Evangelical Churches give testimony today. The Council Fathers of the Second Vatican Council did not realize that the Church was in need of a more profound reform than they were ready to procure. They missed the development that women, men and queer who had irrevocably started embracing dignity, freedom and equality for their lives and their faith claimed to be listened in the Church.

Lumen Gentium 64 idealizes the Church as a whole as a kind of virgin. The Virgin Mary is mother of Jesus Christ; the virgin Church is the spouse of Jesus Christ and mother of her baptized children. The parallelism of Mary as mother and the Church as mother is perfect and thus the Church marries the son of Mary. In this kind of construction Mary is not the mother of the Church but the stepmother of the Church since the Church marries her son. Since the Virgin Mary is also member of the Church, *Lumen Gentium* 65 claims that Mary is also the perfect model of the Church, the type of the Church. As Mary more Jesus Christ, "through the Church He may be born and may increase in the hearts of the faithful also". Now, the Church is spouse of Jesus Christ and at the same time mother of Jesus Christ. All this really does not fit together and produces a whole mess of neurotic fantasies. We really get no instructions from the Council about the real life of faith and of solidarity of Mary.

The faith in Incarnation is of the order of grace. Jesus Christ, the incarnated word, on the cross entrusted Mary to John in order to take care of her as his mother. Yes, we should take care and entrust ourselves to the oppressed women of this world and treat them as our mothers. Not to turn to abstract ideas but on the contrary realize our lives as daughters and sons with dignity, freedom and equality. Speaking of love, we have

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to remember the words of the question Jesus asked the lawyer “Which of these three do you think made himself neighbor to the man who fell into the robbers’ *hands*? (Luke 10, 36)”. The case is that only through love will I prove to be a neighbor to a woman, man or queer in need of my solidarity. The problem is to become a neighbor, not a son, a daughter, a mother or father. Mary is the mother of the *Logos en sarkos*, the word that became flesh. In this sense, Mary is the mother of Jesus. She is also the mother of Christ, *theotokos*, and this is important in order to give Mary the dignity, liberty and equality of a woman believer in Christ. By believing in Christ she can say, I am the mother of Christ, the son of Go’d. Why do theologians shy away from their business so much? Rather than speaking sense, they too often proclaim nonsense and sick fantasies.

Lumen Gentium 66 and 67 treat “The Cult of the Blessed Virgin in the Church”. *Lumen Gentium* 66 confirms that Mary “is rightly honored with a special cult by the church”. Whatever this cult looks like it is a cult by the Holy Spirit, a spiritual cult by women, men and queer. Why does the article not speak of the millions of pilgrims of so many centuries, who in so many different circumstances of poverty, war, suppression, violence and other plagues experienced Mary who talked to them with consoling love and peace? The pilgrims express the needs of the times, the special situations in history that demand answers by the faith with the Holy Spirit in deeds and agencies of solidarity. No word of the Council Father on this. *Lumen Gentium* 67 warns of “sterile and transitory feelings” concerning the cult of Mary. In this sense, I suggest an alternative prayer: Let the faithful not despair of anger with empty concepts of theological speculations full of nonsense on Mary. Encourage every woman through the example of Mary, who took care of her dignity so all women are treated equally at every step of their life and receive respect for their deepest and private decisions on life.

Lumen Gentium 68 and 69 title “Mary the sign of created hope and solace to the wandering people of God”. I lost my virtue commenting on the two articles. In view of the sisters and brothers believing in Jesus Christ of all Churches and confessions, I dare to say: We believe and thank Mary for her example of faith and a life of a suppressed woman that celebrated liberation, dignity and equality for all women, men and queer on this earth. Let us join in the hope with her son Jesus Christ that all families

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of people may be happily gathered together in peace and justice into one people of
Go'd . Amen.

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4. Women, men and queer confess Jesus Christ as the Light of the world

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Notes

- ⁱ "Denzinger. Sources of dogma," Patristica.net, <http://patristica.net/denzinger/#n700> (accessed January 6, 2020).

5. Religious freedom, Ecumenism, and Catholic Oriental Churches

5.1. Development of the texts of *Dignitatis Humanae*, *Unitatis Redintegratio* and *Orientalium Ecclesiarum*

Since 1959, John XIII insisted that the upcoming Council would work for the unity of all Christian Churches (Soetens 1998, 277). Paul VI continued the ecumenical efforts of the Catholic Church. At the end of June 1963, he asked Cardinal Bea to communicate to the Ecumenical Patriarch of Constantinople S. B. Athenagoras on his papal election and invited the patriarch to send observers to the Second Vatican Council (ibid). The Metropolitan Maximos of Sardi congratulated in the name of the patriarch. On September 20, 1963, Paul VI writes a personal letter to Athenagoras. It is the first letter of a Roman pope to the patriarch of Constantinople in centuries. Paul VI expressed his wish and determination to do whatever contributed to unite the Christians (ibid). In his opening speech for the second session of the Council, Paul VI asked God and all Christians for forgiveness for all responsibility on the side of the Catholic Church concerning the split and separation of other Churches (ibid, 278). It was clear for all that Paul VI charged himself with the ecumenical heritage of John XXIII (ibid).

In 1960, Cardinal Cicognani was president of the pre-preparatory commission of the Second Vatican Council on the Oriental Churches. His secretary was Father Atanasio Welykyj and the experts came from the Oriental Churches that recognized the Roman pope and from the Oriental institute of the Papal Gregorian University in Rome (Komonchak 1995, 212). Without communicating with the theological commission and with the secretariat for Christian unity of Cardinal Bea the pre-preparatory commission on the Oriental Churches produced a document that insisted on the juridical recognition of the Roman Pontiff as necessary condition for unity (ibid, 216). Since 1961, Cardinal Cicognani had been Vatican Secretary of State and the Secretary of State decided to present the prepared document on the Oriental Churches at the first session of the Council without integration of other prepared documents on ecumenism. Cicognani also became president of the Secretariat of the Council and nobody wanted to offend this powerful person without necessity (ibid, 217–18).

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On October 26, 1962, the discussion on the prepared document on the Oriental Churches united with Rome began in the aula (Ruggieri 1996, 345). The energy of the Council Fathers is consumed by the discussions on the document on revelation and on the Church and there is not much interest for the small document on the Oriental Churches (ibid). The Melkite bishops from the Middle East had developed a strategy to protest in the aula of Saint Peter's against the prepared document. They complained about the ignorant discrimination of the Church of Rome in their regard. Their patriarchs in Rome are treated inferior to Roman Latin cardinals and bishops. Further, they pointed at the hostile distrust and legitimate jealousy of the Orthodox Churches concerning Rome. The Melkite bishops claimed solidarity with the Orthodox Churches (ibid, 346). On November 27, 1962, the Melkite Patriarch Maximos IV, the Melkite archbishop from Nabaa and archbishop from Aleppo Néophytos Edelby spoke in the aula of their identity, history and self-consciousness (ibid, 350). The Churches of the Orient were the firstborn of Christ and the Apostles. Exclusively Greek and Oriental Fathers organised and developed these Churches and the bishop of Rome came later and was one of the bishops. They asked Rome to remember this history and to respect collegiality between the different Churches and demanded from Rome to stop her insistence on primacy. The Council Fathers ignored these claims of the Melkite patriarch and bishops. The Melkite Church also remained isolated within the other Oriental Churches who did not want to offend Rome (ibid, 351). On November 30, 1962, there was an overwhelming vote in favour of the prepared document and a proposition was accepted the next day to include the text on the Oriental Churches and the text on ecumenism into the dogmatic constitution *De Ecclesia* (ibid 354). The claims of the Melkite Church were ignored and the historian Ruggieri sadly observes that they suffered the price of Roman Realpolitik that throughout the 20th century abandoned the Christians of the Near East to their destiny (ibid).

The discussion on the Oriental Churches was overshadowed by the conflicts on the scheme *De Ecclesia*. A prepared text on the Virgin Mary was also discussed. The discussions were by far less dramatic than the discussions on revelation. The discussions on *De Ecclesia* of the first week of December 1962 included many aspects that concerned the ecumenical debate. Cardinal Frings relented on his theologian Ratzinger and insisted in the debate on the old Greek definition of Catholicity that origins in the Eucharist and the practice of collegiality of all with Rome (ibid, 361). Referring to Saint Augustine, he spoke of the inseparability of unity and peace with the

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Eucharist and of the intercommunion of the Churches with the Pontifex in Rome by celebrating the Eucharist (ibid). I very much enjoy the intervention of the Coptic-catholic bishop of Sohay in Upper Egypt (ibid, 162). He spoke in French and it is a pleasure to read a comment to the modern world in a living language of this world and not in the dead language Latin. Ghattas reminded the Council Fathers of the Eucharist as the foundation of the mystical body of Christ celebrated in the old tradition of the Greek Orthodoxy. He made a strong point of the fact that the tradition of the Churches of the Orient always spoke of Churches, such as the Church of Rome, the Church of Constantinople, the Church of Alexandria, the Church of Antioquia and the Church of the mother Jerusalem. Collegiality was the way to relate from one Church to the other. He reported that today they continue to use the expressions “the Churches of the Orient”, “the Churches of Africa, Japan, China etc.” (ibid, 363). Ghattas suggests considering Church unity from the point of the mystical body of Christ. He proposed treating the definition of membership or affiliation to this mystical body of Christ with care and according to the respect that is due to the Church as a mystical gift. He concluded that collegiality is the way to deal with each other and that the Churches grouping around Rome should institutionalize collegiality (ibid).

On December 4, 1963, the second session was closed with the psychologically important promulgation of the documents on liturgy and the mass media.

From January to May of 1963 the scheme, *De oecumenismo*, had to overcome many obstacles. Cardinal Bea and his secretary of the Secretariat for Promoting Christian Unity Johannes Willebrands, a Dutch theologian with a very active interest promoting ecumenism, did not want to join the scheme on ecumenism with the scheme on the Oriental Churches. The Vatican Secretariat of State and the Roman Curia in general did not like ecumenical considerations very much and preferred Roman primacy (Grootaers 1996, 464–65). On February 5, 1963, Father Welykyi ended any cooperation with Cardinal Bea on a joint text on ecumenism and the Oriental Churches (ibid, 466). Bea was not very sad about this decision. Concerning his ecumenical efforts, he still had to fight the resistance of Cardinal Ottaviani, president of the doctrinal commission (ibid, 469). In April 1963, Willebrands sent the text of the Secretariat for Promoting Christian Unity on ecumenism to the Secretariat of the State and on April 22, 1963, got the authorization of John XXIII for the text. Cardinal Ottaviani had to accept this papal decision and abandoned his claim of controlling Willebrands (ibid).

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Nevertheless, the text was not yet ready. The Secretariat for Promoting Christian Unity wanted two sections in the third chapter, one treating the Churches of the Orient united with Rome, the other the separated Churches of the Reform of the 16th century CE. The first chapter of the text dealt with the catholic principles of ecumenism, the second chapter was about the praxis of ecumenism (ibid). The new scheme differed considerably from the scheme presented by the commission for the Oriental Churches in the aula in November, 1962 (ibid 470).

The text on unity and ecumenism depends on the theology of the text of the document *De Ecclesia* on the church. So far the scheme on ecumenism stuck with the juridical aspect of the Roman Catholic Church, the hierarchy was first and the people of God second. The text does not yet consider collegiality (Soetens 1998, 279). Therefore, at the beginning of November 1963, Congar and Dupuy worked with seven bishops on the text and other informal groups prepared their modifications. Reformist theologians of the group of observers claimed the ecclesial character of the communities of the Reformation; union is something different from simply going back to the Roman Catholic Church that cannot simply assess the realization of catholic fullness because of her involvement in the separation (ibid, 280). The text on unity was ready for presentation and debate in the aula on November 18, 1963 (ibid, 281). A fourth chapter of the text spoke about the relations with the Non-Christians and with the Hebrews and a fifth chapter was on religious freedom (ibid, 286). The debate is on the first three chapters. The Belgian theologian Charles Moeller observed there are two models of ecumenism: one prudent, abstract and juridical for fear of relativism; the other evangelical, concrete, open. The first will end in ruins (ibid, 283). The bishops from the US claimed that religious freedom was a possibility condition for relations with other Churches (ibid, 290).

Religious freedom and the relations with the Jews constituted two major problems for the Catholic Church. John XXII had asked Cardinal Bea to prepare a decree on the Jews. Bea produced a text of seven pages. In June 1962, this text was sacked because of the protests of the Arabs and because of fear of the Secretariat of the State of further protests (ibid, 296). In February 1963, the coordinating commission included one page of Bea's old text into the scheme on ecumenism. Since the theological commission of Ottaviani had no control over the coordinating commission, Bea's text was safe (ibid). Bea insisted on memorializing the Holocaust, he claimed the recognition of Christian anti-

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Semitism and the necessity of changing Catholic mentality concerning the Jews. Bea insisted also on finally doing away with Catholic theology collectively holding the Jewish people responsible for the death of Jesus (ibid, 296–97).

There were bigger problems concerning a text on religious freedom. In March 1962, Ottaviani's theological commission had approved a text on the relations between the Church and the state for the scheme *De Ecclesia* (ibid, 297). Cardinal Bea had prepared a text for a scheme on religious freedom and in June 1962, Ottaviani and Bea clashed on the two texts. In March 1963, Cardinal Suenens proposed to include the scheme on religious freedom into the scheme on the Church in the world (ibid, 298). On April 4, 1963, the North American Jesuit John Courtney Murray was named theological expert for the Council (ibid). Since 1955, he had not been allowed by Rome to write on religious freedom. Now he began working on the amelioration of the text on religious freedom. He worked using the encyclical *Pacem in Terris* and continued throughout the year of 1963 making important contributions to the future declaration on human dignity *Dignitatis Humanae* (ibid). There was much discussion on religious freedom in the doctrinal commission from the beginning of the second session of the Council. The US American bishops claimed integrating religious freedom and the text on the Jews into the scheme on ecumenism (ibid, 303). Bea's text on the Hebrews was distributed as chapter four of the scheme on ecumenism on November 8, 1963. On November 19, 1963, the text on religious freedom was distributed in the aula as chapter five of the scheme on ecumenism (ibid). Bea presented the text on the relations of the Catholic Church with the Jews and De Smedt the text on religious freedom (ibid, 304). Bea's relation received applause. The reactions to the relation of De Smedt were also positive, some were critical and some were negative. Spanish bishops spoke negatively on religious freedom (ibid, 306–7). Franco still was oppressing Lutherans and other Christians, Jews and Muslims. Some Italian bishops feared that the Democratic Christian Party would turn socialist if religious freedom was granted to the Catholic politicians. There was not enough time to carefully discuss the two chapters till the vote planned for December 2, 1963 (ibid, 307). The four moderators of the Council did not even get a short discussion in the aula organized. There was no possibility of an orientation vote on religious freedom and the Jews, the orientation vote on the first three chapters of the scheme on ecumenism was positive (ibid). The distribution of powers between the presidency of the council, the coordinating

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commission, the moderators and the general secretariat of the council was not clear. Therefore the lack of coordination of the Council's working schedule (ibid, 316).

On December 4, 1963, Paul VI closed the second session of the Council. He began his speech thanking all organisms of the Council, the theological experts and the Council Fathers for the good performance of the Council (ibid, 350). Lauding the performance, Paul VI actually silenced the critical voices of the Council Fathers that the work of the Council is still not very well organized. The pope praised the adoption of the *Constitution on the Sacred Liturgy Sacrosanctum Concilium* and the adoption of the decree on the *Social means of Communication Inter Mirifica* (ibid, 351). Paul VI intended to end the Council with the third session. He did not say this openly but encouraged the commissions to prepare condensed and short texts that express the opinions and amendments of the Council Fathers in order to permit debates that are more effective (ibid). The priorities for Paul VI were the scheme on revelation, the scheme on the functions of the bishops and strengthening of the hierarchy, and the scheme on the Virgin Mary (ibid, 352). Paul VI stays silent on the central theme of October 1963 that is collegiality of the bishops with the pope. There was no word on ecumenism and on the reform of his curia. Concerning a possible council of the bishops the pope expressed but vague allusions (ibid, 353). He bypassed confronting the relations of the Church with the modern world and religious freedom by simply appealing to actions of charity. Congar observes in his diary that Paul VI looked tired and demonstrated far less energy and will to engage with the Council than in September 1963 (ibid). Paul VI announced his upcoming pilgrimage to Jerusalem and the Holy Land in order to pray for peace and for a good conclusion of the Council. Most of the commentators of the speech concentrated their comments on the voyage to Palestine. The international press is rather friendly, judging the second session as a personal success of Paul VI. The press has not yet discovered the terms majority and minority of the Council to describe what is already going on behind the council's aula (ibid, 354).

What is the situation of the Council at the end of the second session? The conscience of Council had found a majority on the fundamental questions of collegiality, of the necessity of a permanent counsel of bishops that helps in governing the Church, and had succeeded in rejecting the controlling influence of the Roman Curia on the commissions of the Council. Ecumenism now was a theme of the Council's agenda

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(ibid, 355). Nevertheless, since October 1963, a minority of Council Fathers had begun to organize their resistance to the ongoing reforms. Concerning the future of the Council there were very different views (ibid, 356).

Some commentators assumed that Paul VI's decision to visit Palestine at this time of some uncertainty and disappointment concerning the Council intended to bring back stability and continuity to the Council (ibid, 358). In reality the decisions for this pilgrimage seems to date back to the letter of Paul VI to Athenagoras at the end of September, 1963 (ibid, 359). Paul VI's intention for the pilgrimage was spiritual and he wanted to seize ecumenical possibilities (ibid, 360). There were no political intentions. The Vatican had not recognized the existence of the state of Israel. The Arabs feared that Paul VI's visit could lead to something like this recognition. Paul VI travelled from January 4 to January 6, 1964. The encounters with Athenagoras were cordial and polite. The fact that the pope was ready to meet the Orthodox Patriarch of Constantinople in the Holy City of Peace was a decisive step in the ecumenical dialogue with the Orthodox Churches (ibid). Paul VI remained deeply impressed by the heartily reception he received from the Muslim crowds that greeted him in Jerusalem and Nazareth as well as from the population and press of Israel. Concerning the State of Israel, Paul VI was little sensitive to the cause of the Holocaust. Before the head of the State of Israel, Paul VI defended Pius XII from the accusations that Rolf Hochhut had brought forward. In his play, the Vicar of Christ, Hochhut accused Pius XII of not having protested against the Holocaust and thus contributed to the genocide (ibid, 363). Concerning the future work of the Second Vatican Council, this pilgrimage of Paul VI did not produce the necessary institutional or orientating impulses that the Council would have needed (ibid, 365).

During the intersession from December 1963 to September of 1964, there were commissions working on many schemes and texts. *De Ecclesia*, *De Beata*, on revelation, on ecumenism, on religious freedom, on the bishops, on the apostolate of the laity, on the missions, on the seminaries, on religious life, on the sacraments, and on the scheme XVII that treats the relations of the Church with the modern world.

The first three chapters of the scheme on ecumenism had been approved but about 500 observations and comments of the Council Fathers concerning the approved text and chapters four and five had to be studied by the experts of Cardinal Bea (Vilanova 1998, 398). At the beginning of March 1964, the final text of *De Oecumenismo* was

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practically ready. But what would become of the texts on the Hebrews and on religious freedom (ibid, 399)? There was consensus on the necessity of a text on the Hebrews. This text should be published as an appendix to the scheme *De Oecumenismo* and should talk also of the Muslims and the relations with other religions. Cardinal Bea did not like the idea of separating the chapter on religious freedom from the scheme on ecumenism for fear that the theological commission and Cardinal Ottaviani would then be responsible for the text (ibid, 399–400). Bea communicated his considerations to Confalonieri and on April 16, 1964, Confalonieri successfully proposed the coordinating commission to produce two declarations, one on religious freedom and the other on the Jews (ibid, 400). On April 18, 1964, Felici communicated to Bea that the schema on ecumenism will have three chapters and two declarations will be joined. One would be on the Hebrews and non-Christian religions and one on religious freedom (ibid, 403).

Cicognani sent the text on religious freedom to the Council Fathers on April 27, 1964. The decree was ready for the aula and the debate started on September 23, 1964 (ibid, 454). In order to understand the theological development of the text on religious freedom during the second intersession, we have to understand the thinking of *John Courtney Murray* (ibid). Murray had the task of studying and evaluating the many observations of the bishops concerning religious freedom that in January 1964 filled 280 pages (ibid, 455). Murray criticized that the discussions and debate in the aula of November 1963 on religious freedom neglected the juridical aspect of the question. He followed a political theory of the institutions of society, of legality and the constitutional right to religious freedom (ibid, 455). The constitution of the liberal democratic nation state guarantees religious freedom with the rule of law. The constitutional liberty of the Church is the possibility of the Church to give religious freedom a theological dimension and at the same time to assume an active part as Church in the construction of society (ibid, 455–56). This practical conception of the American Constitution was very different from the Catholic theory of tolerance that dominated the mind of the most Europeans at the Council. According to this teaching, the ideal state is the Catholic state that is a state – not necessarily liberal and democratic – with Roman Catholicism as official religion of the state. This concept did not necessarily tolerate and grant religious freedom to other religions. Religious freedom according this sort of thinking was only a theme when Catholics were living as minority in a nation state and claimed tolerance for their religious practice (ibid, 456).

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Giovanni Miccoli from Trieste is a respected historian on the Second Vatican Council and on pope Pius XII dealing with the Shoah. For centuries, the Mediterranean harbor of Trieste connected the trade routes of continental Europe with the whole world, harboring the poets James Joyce and Robert Musil, but also the fascist hell that cruelly deported the Jews to the extinction camps of the Nazis in World War II. Miccoli studied in Pisa, Munich and London and writes on the development of the texts on religious freedom and on the relations of the Catholic Church with the Jews (Miccoli 1999).

The third session of the Second Vatican Council opens on September 11, 1964. After the first days of the debate effectively advanced the scheme *De Ecclesia*, on September 23, 1964, the Council Fathers turned to the text on religious freedom and on September 25, 1964, they started the debate on the relations with the Jews (Miccoli 1999, 119–20).

During the 19th century CE, the popes developed the counterrevolutionary and antidemocratic theological argument that only the truth, that is the Catholic faith, has a right to freedom. Absolute papal power would ensure the teaching and realization of this doctrine. Other faiths at best would be tolerated (*ibid*, 121). The Catholic Church received heavy critiques for this double strategy and many Catholics wanted to open the Church to a modern understanding of the religious freedoms of the individual. On August 27, 1964, the bishop of Bruges, De Smedt argued in the general assembly of the Secretariat for the Unity of the Christians in Rocca di Papa, in favor of indisputable the rights of the individual person (*ibid*, 123). The underlining theme of this recognition of the rights of the individual concerns the development of Catholic doctrine and teaching. Is it possible that Catholic doctrine and teaching change during history? The answer to this question, affirmative or negative, constitutes the reason for the conflict of the majority and the minority of the Council Fathers (*ibid*). Already in 1961, Cardinal Bea had been conscious that religious freedom and the liberty of the individual in general does not correspond with traditional Catholic teaching. At the same time, Bea and his Secretariat for Christian Unity defended the principle of religious freedom for ecumenical reasons. Without liberty there would be no dialogue with Protestants and the Churches of the Reform (*ibid*, 124). Cardinal Ottaviani from the Congregation of the faith and others fiercely defended the immutability of Catholic doctrine and accused Bea being heretic (*ibid*, 125).

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In spring, 1964 theologians tried to justify religious freedom with arguments of faith. The moral theologian Josef Fuchs spoke of a divine vocation to liberty. In the end the argument of Murry prevailed, the constitution of the democratic state of the rule of law guarantees religious freedom (ibid, 125). De Smedt presented the document in the aula and tried to convince the critics. He defended the use of the term religious freedom, because this use corresponds to the modern world of democratic governments, institutions, journalists and jurists. He referred to Paul VI, who had used the term religious freedom in a seminary of the United Nations in the spring of 1964 (ibid, 130). De Smedt argued that the Catholic Church traditionally claims the liberty of the individual person to consciously accept the Catholic faith. Finally, De Smedt affirmed that not only the conscience of the individual operates with liberty and freedom but that Go'd created the human person with a nature that empowers realizing social choices that is liberty (ibid, 131).

Ottaviani and Cardinal Ruffini, Italian bishops and the Spanish bishops defended the Spanish concordat of 1953 between Franco and the Vatican as a perfect realization of Catholic teaching where the Catholic State Spain was authorized to suppress the religious freedom of other Christian confessions (ibid). The Coetus Internationalis and its speaker Marcel Lefebvre aggressively fought against religious freedom (ibid, 137). The Polish bishops intervened in protest for fear of legitimizing the Communist regime to crack down on Catholic religious freedom. The bishop of Lodz, Klepacz, spoke in the name of the Polish bishops, and Wojtyla from Cracovia and Cekada from Skoplej expressed the same preoccupations and claimed that state authority is bound to respect the natural right of religious freedom (ibid, 132).

On September 29, 1964, Spanish priests wrote a letter that was distributed at the Council protesting the repressive Franco regime and protesting also against the compromising complaisance of the bishops with the repressions of civil rights of this regime (ibid, 135). A young Catalan smuggled a letter from the abbot of the Benedictine Abbey of Montserrat to De Smedt in Rome. The abbot denounced the police state of Franco and its tyrannical ideology that keeps the Spanish Catholic Church in the situation of isolation. The Catholic Church had been suffering for centuries and deserves a Church life searching spiritual perfection and protected by the politics of a democracy ruling the separation of state and church (ibid, 134). German and French cardinals kept silent in the ferocious debates and ignored the attacks on religious

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freedom by the Spanish and Italians. Suenens, Lercaro and Alfrink kept silent too (ibid, 143). König intervened in support of the suppressed people living under atheist-Marxist regimes and pleaded for religious freedom. All US American cardinals and many bishops from the US intervened to defend religious freedom. The American bishops had pressed for religious freedom already during the second session of the Council. They were interested in demonstrating pro-American behavior in face of their protestant compatriots. Kennedy was elected as the first Catholic president of the United States of America and this was the result of constitutional religious freedom (ibid, 144–47). After the debate in aula, the Secretariat for Christian Unity tried to put together the puzzles for a text. Murray was the advocate of liberty of religion as guaranteed by the Constitution of a democratic state. He got support from Pietro Pavan (1903–1994). Pavan was the collaborator of John XXIII for *Pacem in Terris*. Pavan was priest, theologian, economist and an expert in social questions. He defended what is known as the Anglo-Italian point of view on religious freedom. This thinking starts with the juridical and political argument of a Constitution that protects religious freedom, then theological and moral arguments help to sustain the point (ibid, 159). The Secretariat favored this position over the traditional doctrine of no tolerance for heretic faiths (ibid). On October 9, 1964, a grave incident severely shook and shattered the Council on the matter (ibid, 160).

On Friday October 9, 1964 in the afternoon, the tempest on the document on religious freedom exploded. The Secretariat for Christian Unity had received a letter from the secretary of the Council, Felici. Bea communicated the letter at the plenary session of the Secretariat that same day. In the name of the pope, the letter asked for a new draft of the text on religious freedom because the actual text would not fulfill its aim. Bea was ordered to work with members of the Secretariat and members of the doctrinal commission on a new draft. Felici told Bea that Michael Brown, Marcel Lefebvre, Carlo Colombo and Aniceto Fernandez would be members of this mixed commission too. The new draft should be ready by October 20, 1964 (ibid, 192).

In a second letter dating from October 8, 1964, Felici informed Cardinal Bea of another decision taken. That decision fell in a joint meeting of the Counsel of the presidency of the Council, of the coordinating commission and the moderators and concerned the declaration on the people of Israel. A mixed commission with members of the Secretariat and the doctrinal commission should work on a text on the Hebrews for the

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second chapter of *De Ecclesia*. The text had to be ready by October 25, 1964. There was no doubt; the anti-conciliar Cardinals of the Roman Curia together with the minority of the Council had successfully attacked the declaration on religious freedom and the declaration on the relations with the Jews. The Council Fathers were alarmed and by indiscretion the press got the information (ibid, 193). Cardinal Bea and the Secretariat for Christian Unity walked from the affair blessed in their dignity and significantly weakened in their influence on the Council (ibid, 194). Once again, an indecisive Paul VI gave in to the massive interventions of conservatives (ibid, 195).

The organizer of the attack at the Secretariat for Christian Unity was Felici. Paul VI never claimed a mixed commission on religious freedom. In an audience on October 1, 1964, he writes in an autograph that he was not yet happy with the actual text on religious freedom. In a second autograph, the pope suggested that more experts worked on the text. Felici waited a whole week before communicating a manipulated message of Paul VI to the Secretariat for Christian Unity (ibid, 197). Cardinal Bea turned to counterattack. He would not give away the texting of the two documents. Already on October 11, 1964, 13 cardinals signed a letter of protest for the pope. More signatures followed and three moderators and three members of the presidency of the Council signed too (ibid, 213). Henri Fresquet got the letter via indiscretion and published it in *Le Monde* on October 17, 1964 (ibid). The signatories expressed their great pain that the declaration on religious freedom, already voted in concordance with the majority of the council, is given to a mixed commission. The signatories asked that the rules and procedures of the Council be respected and that the liberty of the Council was damaged. They asked that the text on religious freedom will be treated according to the normal regulations of the Council (ibid, 214). Del Gallo, master of the pope's chamber, tried to deescalate pretending the pope never read Felici's two letters, but the situation was not yet cleared (ibid). Something was changing, Felici does not use the term 'mixed commission' in the context of religious freedom any more (ibid, 215). On October 16, 1964, a letter from the Secretariat for the State gave Felici new instructions. The question of religious freedom was therefore closed for the moment. Ottaviani did not want to work with Marcel Levebvre and Paul VI named Brown and his theologian Colombo as additional experts for the text on religious freedom (ibid, 216). In a letter of October 16, 1964, the State Secretary Cicognani declared that there will be no new mixed commission and that Bea was in charge of the examination of the scheme on religious freedom. The experts would meet with Bea at his Secretariat and

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their text will be presented to the commission of the Secretariat for Christian Unity and to the doctrinal commission (ibid, 217). The problems with the declaration on the Jews were resolved in a calmer way but technically following much the same way. The Secretariat was assured that the text will not be amputated nor diminished or shortened and will deal with the relations of the Catholic Church with the non-Christian religions in a separate document (ibid, 218). For both texts new difficulties will arise in November 1964 (ibid, 219).

On November 11, 1964, Willebrands handed the new text on religious freedom over to Felici (Tagle 1999, 427). Already on November 15, 1964, Paul VI in a personal note expressed his wish for a directive vote on the scheme. Felici tried to block the vote arguing that the Council Fathers would need some time for the study of the new text. On November 18, 1964, a petition to review the text because of its novelty reached the presidency of the Council. A similar petition arrived the same day at the presidency signed by many Council Fathers. Finally, 20 Colombian bishops asked the pope to postpone the vote. The French Cardinal Tisserant from Strasbourg (1884–1972) and a member of the presidency of the Council proposed a vote for November 18, 1964 (ibid, 429). On November 19, 1964, Archbishop Luigi Maria Carli from Segni, Italy, a leader of the Coetus Internationalis, protested against a vote. On the same day the Cardinals Meyer, Ritter and Léger wrote to the pope that they feared about the future of the text (ibid, 431). On November 20, 1964, Tisserant communicated the decision of the presidency of the Council to postpone the vote because of the wish of the Council Fathers to have time for the study of the text. January 31, 1965 was fixed as the last day for sending observations and amendments on religious freedom (ibid).

In the first week of October 1964, there were positive indicative votes on the three chapters of the *Decree on Ecumenism Unitatis Redintegratio*. The Secretariat for Christian Unity integrated the incoming amendments into the text and at the beginning of November there were further positive votes and the final vote on the whole document passed on November 20, 1964, without apparent difficulties (ibid, 436). Nevertheless, in the second half of November 1964, there were interventions of Paul VI on the text (ibid, 437). The pope wanted to postpone the vote on the declaration to the last session of the Council in 1965. Cardinal Dell'Acqua, a member of the Roman Curia, once again acted as a mediator between the Council Fathers and Paul VI. The pope got convinced that postponing the promulgation of the *Decree on Ecumenism* would badly damage

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the ecumenical efforts of the Council. Together with Willebrands, Dell'Acqua studied the red lines of Paul VI on the text (ibid, 439). Willebrands repeatedly insisted that the chapters had already received positive indicative votes but wisely accepted insignificant changes of the text (ibid, 440). The Council Fathers felt offended when they heard of the papal changes in their text. They did not protest because they wanted the promulgation of the decree. On the same November 20, 1964, the decree on the Oriental Churches passed the final vote, too (ibid, 441).

The intersession will have to prepare the fourth and last session of the Council. For some important questions, the commissions await theological groundwork. These questions concern the recognition of the Bible as sovereign authority of the Christians and the Church, the place of the Church within secular society, the way from tolerance to full religious freedom and the recognition of the Catholic Church of her historic and theological indebtedness to the Hebrews (Burigana and Turbanti 1999, 483). The interventions of Paul VI during the third session and the black week are expressions of the growing distrust of the pope with regard to the Council and of the Council with respect to the pope. Many theologians were pessimistic, skeptic and delusional in their analysis of what had happened to the Council due to Paul VI (ibid, 486). Especially the *Nota Praevia* ended much hope for a structural reform of the Catholic Church by an effective episcopal collegiality with the pope (ibid, 487). In 1962, John XXIII admonished the Council to respect the majority (ibid, 484). The attitude of Paul VI towards the Council had changed. The pope was fearful of the critique from the minority and his efforts to calm the anger of the minority changed the atmosphere and substance of the Council. The theologians of the group of Bologna around Cardinal Lercaro judged that the council had ended with November 1964. The Presbyterian J. N. Thomas observed that Paul VI had killed any move to further democracy within the Catholic Church. Thomas prophesies a possible development of the Catholic Church outside the Curia (ibid, 490). There was a lot of work going on by theologians to prepare the publication of *Lumen Gentium* (ibid, 493). All promulgated documents were in Latin and there was a need to translate them into modern languages, comment them, and communicate the theological developments of the Council (ibid, 494–95). Similarly, the Secretariat for Christian Unity had to work out an ecumenical manual just as the Congregation for the Sacred Rites had edited the new liturgical manuals. This work was an important phase of the ecumenical process at the council. In the first

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months of 1965, the Secretariat for Christian Unity organized ecumenical meetings with the Churches of the Reform (ibid, 563–64).

On December 2, 1965, Paul VI started his pilgrimage to Mumbai, India to assist the 38th International Eucharistic Congress (ibid, 507). Critical voices commented that Paul VI fled the sceptic reception and disillusionment with the development of the Council. Paul VI regularly spoke of the Second Vatican Council on his voyage and he stressed the junction between the Council and his pilgrimage. He spoke of the importance of *Lumen Gentium*, he assessed the importance of the decree on ecumenism *Unitatis Redintegratio*, and he stressed the importance of inter-religious dialogue and the search for universal peace (ibid, 509). He spoke also of the hope to overcome world poverty. This social theme was important for a small group of Council Fathers who did not get the attention of the whole aula. The pope appealed for the pacific coexistence of the super-powers and claimed an end to the arms race. These themes so far were not treated in the documents of the Second Vatican Council. Preparing the scheme on the modern world, many Council Fathers were eager not to be accused of following communist propaganda. The reaction to the journey to India was positive and helped to demonstrate the new way of the Catholic Church meeting with other religions and working for justice and peace. The pilgrimage did not change the overall skepticism of many Council Fathers and theologians concerning Church reform by the Council. Nevertheless, the pilgrimage to India inspired the work on the scheme on the world and on the relations with the Jews and other religions (ibid, 512).

On January 4, 1965, Paul VI fixed September 15, 1965 as the opening of the fourth session of the Council (ibid, 524). In the intersession, Paul VI continued to intervene in the work on the remaining schemes and texts. The theologians in the commissions started to impose a kind of auto-censorship on their work knowing about the doubts of the pope on some texts (ibid). Especially scheme XIII, the scheme on the relations of the Catholic Church with the world, suffered interventions by members of the doctrinal commissions that were sent by Paul VI to the sub-commission working on the chapters of scheme XIII (ibid, 534). On May 11, 1965, the coordinating commission should receive all schemes that had been elaborated during the intersession (ibid, 542). Paul VI wanted to see all the documents before they were sent to the fathers. The commissions did not like this control by Paul VI. Also the influence of the general secretary of the Council, Felici continued to grow. The coordinating commission of the

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Council seems to have lost its autonomy to the control of Felici who worked in accordance with the pope (ibid, 543).

Until the midst of February 1965, observations on the text on religious freedom still reached the Secretariat for Christian Unity from the Council Fathers around the world (ibid, 565). From February 24 to 28, 1965, a first meeting of the sub-commission was scheduled in Rome in Monte Maria with the Dominican Sisters of Bethania (ibid, 566). Congar wanted to complement the juridical conception of religious freedom with biblical arguments. He spoke of liberty as a gift of God to men and women that developed throughout history (ibid, 569). Congar, Murray and Pavan were not fans of this kind of mixed argumentation. They insisted on the right of conscience to act freely realizing the common wealth and respecting the rights of the others. Murray again seems to win over Congar. The text was sent to Paul VI on March 20, 1965. Although Paul VI was in favor of the text in general, there was still fear of a negative intervention by the pope (ibid, 572). On May 10, 1965, Willebrands told the plenary session of the Secretariat for Christian unity that Paul VI approved of the text but disliked the biblical introduction. Paul VI had written four pages insisting that the Catholic Church must not force her religious truths on others and had the duty to tolerate the religious freedom of others. This was the position of Murray (ibid, 573). Congar was sad and felt abandoned by everybody; his theology of liberty and freedom developing throughout the history of salvation was not accepted (ibid, 374–75). The concept of equal liberty and freedom of all resulted from a development by trial and error within history. Paul VI probably was influenced by the memorandum that his philosopher friend Maritain had sent him. Maritain defended that civil liberties and the faith concept of liberty differ considerably. Maritain did not use the terms liberty and freedom in a univocal manner. Bea insisted on the removal of Congar's biblical introduction. (ibid, 575). For me it is clear: the call for liberty is the call for a new ecclesiology. This ecclesiology was not yet ready in 1965 and hardly is ready in the year 2020. In the end, even Congar was surprised by the possible consequences of his point and remained hesitant on the matter (ibid, 576). For Murray, the juridical foundation of liberty was essential. For Paul VI, the juridical foundation of liberty was a matter of prudence to stop liberty entering the life of the church (ibid). Willebrands sent the final text via Dell'Acqua to the pope. Felici wanted the doctrinal commission to see the text before it was sent to Paul VI. Ottaviani and his commission did not interfere any more with the text. The doctrinal commission was not any more an instrument for resisting the declaration on religious

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freedom. Paul VI would control the further steps of the declaration with the help of his trusted theologian Carlo Colombo (ibid, 577).

On September 15, 1965, the discussion on religious freedom started in the aula. De Smedt presented the final text on religious freedom to the aula. There were three parts. The first part of the text stressed the Church's insistence on religious freedom on the basis of the dignity of the person and of the revelation. The second part gave rational arguments for religious freedom; the third spoke of the revelation (ibid, 88). De Smedt clarified points that preoccupied the bishops in 218 observations and amendments. The Gospel does not speak of religious freedom, but evangelical liberty is in line with religious freedom said the relator (ibid, 89). Murray had prepared the American Cardinals and bishops for taking the word in the aula with a well-staged set of interventions. Cardinal Spellman was talking freely on the matter. Cushing spoke on freedom as a positive value, Cardinal Ritter explicated that freedom and its protection is part of the common good. Cardinal Shehan prepared on development of doctrine, O'Boyle claimed religious freedom as different from indifferentism as the true image of Church, Primeau spoke of religious freedom and Christian freedom within the Church and Hallinan spoke on religious freedom and scheme XIII. The Canadian bishops and an important group of French bishops joined the Americans. Resistance still was hard from Spain and Italy, especially from the Cardinals Siri and Ruffini and the *Coetus internationalis* (ibid).

The American Cardinals and bishops all started their speeches insisting on the necessity for the credibility of the Church to open to the pastoral needs of the modern world of modern states. For the Americans the subjects of the law are the persons, and rights are for persons and not for things and concepts of truth (ibid, 90–91). Paul VI had given Urbani the presidency of the Italian bishops' conference. Urbani spoke in favor of the text, the favor of the pope payed off. He spoke in the name of 32 Italian bishops. Thus, the pope had avoided an Italian block against the text on religious freedom. The Cardinals Alfrink and Frings were important on the first day. They supported the text while expressing criticism (ibid, 92). Their support helped advance the discussion in the aula. The aula feared that traditional catholic doctrine was abandoned for an evolutionary idea (ibid, 93).

There was a great limitation of the discussions in the aula during the whole Council in that there was not a debate of directly exchanging argument and counter argument.

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The statements were prepared in advance and there was no immediate answer to a statement (ibid). There was also skepticism on religious freedom coming from a group of Latin-American bishops and from the Oriental Churches. On the second day of the debate, the Maronite Patriarch of Antiochia protested that the council now accepts religious freedom against the traditional teaching of Pope Pius IX who had rejected the errors of false religions. These critics were not aware of the evolution of the doctrine under the Popes Leo XIII up to John XXIII. Change was already under way (ibid, 94). The Archbishop of Paderborn, Germany, Cardinal Jaeger and the Archbishop of Santiago de Chile, Cardinal Silva Henríquez spoke of the responsibility of the text that does not lead to any relativisms (ibid, 95). There was no clear majority for the text in the aula. There was much confusion, lack of orientation, the Cardinals from the Curia were on both sides and even the conservative minority was split on the matter (ibid, 98). The bishops living under communist dictatorships defended the text. Baraniak from Poznan spoke in favor of religious freedom in the name of the polish bishops. The Archbishops of Zagreb, Croatia, Cardinal Seper insisted that religious freedom was a condition for religious life. The auxiliary bishop of Caracas, Henriquez, reminded that the Latin American Church did not follow the way the Spanish had set out for them by colonialism. The Argentine bishop Aramburu said that the Christians fighting for justice are always sympathetic of protest and the public contestation of a political order suppressing the Gospel. Racial discrimination has to be contested in the name of social justice and order, even if this meant a disturbance of the public order (ibid, 98–99). The Archbishops from Boston, Cardinal Cushing concluded that religious freedom is fundamental in democratic states with a cultural and social pluralism and special pastoral needs. In totalitarian states and in states with Catholic and Christian minorities like in India, in Muslim states and in the Orient religious freedom is fundamental for preaching the Gospel. Instead, in the Mediterranean Catholic countries religious freedom seems not to be cherished very much (ibid, 100). The Cardinal expressed the dilemma of the Council at this moment of October 1965. The majority of the Council Fathers was not capable of guiding a Council that was dealing with the whole world. Regional interests were prevailing (ibid, 101).

After a week's discussion, no solution was in sight (ibid, 102). The opposition was better orchestrated and organized than the majority that lacked coordination and guidance (ibid, 103). Paul VI wanted a declaration on religious freedom but did not openly support the text. He neither was against the text but the many letters of critiques

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and the arguments of Siri and Ruffini impressed him (ibid, 104). He asked the moderators for a proposal to solve the issue, probably by a new commission that would work on the text with theological arguments. The moderators declined following this way for fear of never being able to finish the Council if a new commission got started. The archbishop coadjutor of Paris, Pierre Veuillot proposed a vote in the weekly meeting of the representatives of the 21 bishops' conferences. He followed the suggestion of Suenens and argued a vote would show the actual situation in the aula and would also restore public confidence in the bishops (ibid). On September 15, 1965, Cardinal Bea the promotor of the scheme, in the name of the Secretariat for Christian Unity officially demanded a vote of the aula. Döpfner also wanted a vote. Felici succeeded preventing a vote (ibid, 105). The pope was already under pressure for his trip to the United Nations. He did not want to arrive with a couple of hundreds of negative votes in New York and proposed to involve the Presidency of the Council (ibid, 106). The many governing organs of the council were not helpful in guiding the council (ibid). The debate in the aula continued. On September 18, 1965, Bea wrote a letter to the pope demanding a general vote on the text. Bea wrote that he anticipated only a low number of negative votes (ibid, 107). Paul VI prepared for New York. The big bishops' conferences were positive on a vote. The majority grew or was secure, but split in its argumentation. Meanwhile the opposition suffered from fatigue of their arguments and changed strategy. On September 20, 1965, the Secretariat for Christian Unity was openly attacked in the aula. Anoveros Ataun, bishop of Cadiz and supporter of Francisco Franco asked to give the text on religious freedom to a new sub-commission. The text does not only concern Protestants and therefore the Secretariat for Christian Unity is not competent on it (ibid, 116).

In the interventions of the aula, the question of the vote was a taboo (ibid, 116). Only Shehan shortly alluded to the question (ibid). The press of the United States and the public showed growing preoccupations in this tense stalemate situation. Bea wrote another letter to Agagianian and to the pope. He asked the moderators to proceed with a vote, and asked the pope to authorize a general vote on the text that could still be amended (ibid, 117). During the meeting of the moderators, the pope's message arrived asking for at least an indicating vote on the text. Paul VI got nervous before going to New York. He also wrote a letter to Felici asking to give in on Bea (iibid, 117–18). On the 20th of September, Felici united the directive organs of the Council that is the moderators, the Counsel of the Presidency and the coordinating commission. After

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a long discussion, they agreed not to go on voting and refused the pope's wish. Tisserant, Agagianian and Felici dominated this reunion. They had accorded their interventions. Nine fathers were in favor of a vote: Döpfner, Shehan, Liénart, Spellman, Alfrink, Suenens, Krol, Le Cordien and Kempf. Opposed to a vote were Tisserant, Cicognani, Frings, Caggiano, Gilroy, Lercaro, Urbani, Agagianian, Ruffini, Siri, Wyszynski, Confalonieri, Roberti, Nabaa and Morcillo (ibid, 118). Immediately after that reunion, Bea and Willebrands went to press Paul VI. The pope wanted a vote anyways, and now was ready to act. On September 21, 1965, Paul VI spoke to the cardinals telling them he favored a vote (ibid). Taking this decision, Paul VI took pressure from his visit to the United Nations. Many testimonies and analysis demonstrate that Paul VI in this period of the council was the decisive factor of reform. In front of an inert majority and a very energetic minority the leadership of Paul VI was decisive. John XIII intervened in the first period saving the scheme on revelation, now Paul VI had saved the Declaration on Religious Freedom (ibid, 121).

On September 21, 1965, there was the vote on the *Declaration on Religious Freedom Dignitatis Humanae* (ibid, 122). 2,222 Council Fathers voted on the Declaration. There were 1,997 positive votes and only 224 negative votes (ibid, 126). The Council Fathers and the Secretariat for Christian Unity were relieved. The next day, Bea thanked Paul VI in a letter for his decision demanding a vote. The pope had assured the unity of the Catholic Church and now was free to travel to the United Nations (ibid). Meanwhile amendments were integrated in the text and members of the doctrinal commission joined the final redaction. At the end of September, the pope had to resist another initiative of a group of 125 bishops to stop the declaration again (ibid, 133). Until the distribution of the final Declaration to the Council Fathers on October 22, 1965, Paul VI had to fend off more of these interventions (ibid, 136). At the end of October, the votes on the individual chapters followed and modifications of the text were still made. On November 19, 1965, the final vote still counted 249 negative votes out of a totality of 2.216 votes (ibid, 141). Nevertheless, the Declaration had missed the intended promulgation in the public session of the Council of November 18, 1965. New modification demands from Cardinals and bishops put pressure on De Smedt for further changes in the texting. The final vote counted 2,308 positive votes and only 70 negative votes. On the same day, December 7, 1965, Paul VI promulgated the Declaration on Religious Freedom (ibid).

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In 1999, Komonchak published the text dealing with religious freedom that in 1950 Courtney Murray had sent to the Vatican Secretariat of State (Komonchak et al.1999). This text is important to understand Giovanni Battista Montini, who supported religious freedom as the later Pope Paul VI. Giovanni Battista Montini, at that time substitute secretary of State, apparently had requested the text from Murray (ibid, 675). Murray argued for empowering the American Catholics to support the First Amendment of the U.S. Constitution that is to support religious freedom (ibid). The text summarizes the development of the Catholic Church's teaching on religious freedom and the changes that Murray claimed (ibid, 676). On September 22, 1950, Murray met in Rome with Montini, who expressed sympathy for Murray's views and encouraged him to write the memorandum (ibid, 680–81). Murray writes that he wants to fight a feeling within the people of the United States "In the United States there is a widespread belief that the Catholic Church does not fully and sincerely affirm the human and political values of a democratically organized political society" (ibid, 688). Murray observes that the 1944 Christmas radio-message of Pius XII showed a "more positive and affirmative attitude towards the development of democratic political society than was possible in the 19th century" (ibid, 693). Murray therefore presents his claim that the three basic political American principles "can be harmonized with the three corresponding essential principles of the Catholic Church's traditional doctrine with regard to her relations to the State" (ibid, 694).

Murray identifies the following three principles of the American Constitution: First, the State is lay in character, function and end. Second, the State has the duty of cooperation with the Church. Third, "the lay State is subject to the sovereignty of God" (ibid). The state recognizes that its acts and legislation ought to be in harmony with the law of God" (ibid). There is no word "God" in the American Constitution and the Constitution does not speak of "the sovereignty of God". Murray constructed these expressions because they are key to the Vatican's point of view. Murray argued for harmony between the American Constitution and the Vatican's view on the State. Murray never cites the whole first Amendment and never indicates the inseparable link of religious freedom and freedom of expression in the first Amendment. According to the US Constitution, the harmony between the State and a religion is operated by the individuals of the democratic state who operate their right of freedom of expression and speech. The people themselves effect the harmony through the medium of democratic institutions; the people "bring the demands of their religious conscience to

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bear upon the acts and legislation of government” (ibid). Murray points at the fact that the American State is a lay state and not a laicizing state like the third French Republic (ibid). The American State is a power and not a person, “it was to establish and vindicate an order of justice and of human and civil rights and freedoms. It was to promote genuine human welfare” (ibid, 695). The American State was “declared incompetent in the order of religious belief and practice, since this order is not lay but ecclesiastical”, the order of civil society as such confines its function (ibid). In France, the State was separate from the Church, in the United States the State was “originally established as a lay power” and never separated, “because it had never been united to the Church, as in Europe” (ibid). This separation does not hinder cooperation between the State and the Church. It is interesting that Murray very carefully does not speak of Churches but of the Church (ibid). He does not want to offend the Roman Catholic authorities and at the same time, there is no ecumenical movement at his time in the United States as it already develops in Europe. In the U.S., the Constitution protects the Church in her freedom. The Constitution enabled her to exercise her own powers, to fulfill her own function, and to be what she is (ibid, 696). According to Murray, the sense of justice is not somehow resident in the people of a state as was assumed in the Medieval Age (ibid). The law of God reaches organized society “only through popular participation in these processes” that are democratic (ibid). If there is moral and spiritual direction of the lay State this direction is from below, “from all its citizens” (ibid).

In the following, Murray argues that the Catholic Church is able to comply with the three principles of the American Constitution because the Catholic Church also teaches freedom, harmony and cooperation. The functions of the Church are “to teach, to sanctify and to rule” (ibid, 697). The possibility condition to realize these functions is “the freedom of the Church” (ibid). This principle is called *libertas ecclesiastica* and in the 19th century, Pope Leo XIII uses this principle to express the demand of the freedom of the Church from the State. The Catholic Church has a self-understanding of being a constituted society (ibid). The United States of America always had respected this freedom of the Church. Leo XIII further sustained that here is harmony between the two laws, the divine law – both natural and positive – and the human law made by the political power (ibid, 698). This harmony or *concordia* follows from the nature of man, not of the Church, insists Leo XIII. A human person is both, citizen and a Christian (ibid). In a lay democratic State of the American character this harmony

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“must be achieved from the bottom up by the layman acting under the guidance of his Christian conscience” (ibid). Murray is honest about the fact that the Church of Leo XIII did not teach this democratic realization of the social choices of the individual conscience. Only Pius XI starts teaching “that the layman bears the responsibility of seeing to it that the institutions and the laws of society are brought into harmony with the demands of Christian faith” (ibid).

It is necessary that the Church and the State cooperate (ibid). This necessity results from the nature of a political society that is organized as democratic state, “the government in the democratic state is not the external bishop (*episcopus externus*) of the early Christian empire” (ibid). Murray is clear about the historic fact that *episcopus* was a title for various government officials. The Church later used the term for officials with juridical powers and ordination. This use of the Church differs from the use of the term in the *New Testament* speaking simply of elders, presbyters, in the Christian communities. The individual woman, man or queer is a conscious agent of her or his personal autonomy (ibid). In democratically organized States, the single woman, man or queer citizen acts as “defender of the faith” and “protector of the unity of the Church”. In feudal times of monarchies, only “the Christian Prince” was empowered to govern. Murray was reluctant to claim a change of Church doctrine. Therefore, he insists that the principles of freedom, harmony and cooperation did not evolve as new principles and did not change doctrine. The change concerns the way of realizing these principles. There is the monarchic or the democratic way to do so (ibid).

The liberal nation state with the democratic rule of law considers “judgement on the truth or error of religious beliefs as beyond the competence of the State” (ibid, 700). Murray speaks of a limitation of the State (ibid). Murray suggests that already Pius XII had taught that democracy was rooted in the human person. Murray therefore claims the human person as “the origin and end of social order” (ibid, 702). Pius XI developed the institutional theory of society, and Leo XIII advanced the idea of an ethical state (ibid). Murray points out with clarity that the persisting Catholic political practice of intolerance toward non-Catholics does not follow from the dogma of the Church but results from the post-Reformation constitutional concept of “the religion of the State” (ibid, 703).

Murray claims from Pius XII a doctrine that meets “the legitimate demands of the democratic political conscience”, and “a Church-State doctrine that will not be an

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obstacle, but a help, in the Church's apostolate in the contemporary world" (ibid, 704). In 1954, these ideas earned Murray and fellow theologians in the United States and in Europe a process by the Holy Office and formal condemnation by Cardinal Ottaviani. Murray was forbidden any further publication on religious freedom by his Church (ibid, 685). In 1963, John Courtney Murray was appointed a conciliar expert of the Second Vatican Council. The *Declaration on Religious Freedom Dignitatis humanae* realized the claims of Murray's memorandum from 1950 (Komonchak et al. 1999, 686).

5.2. *Orientalium Ecclesiarum*

There are many Christian Churches. The Catholic Church has 1.285 billion faithful. Thereof the Latin Church has 1.255 billion faithful and the Eastern Catholic Churches have 16.3 million faithful. The Eastern Orthodoxie has 270 Million faithful, about 70 million live in Russia, the Oriental Orthodoxy has 86 million faithful. There are 85 million Anglicans. Protestantism has 800 million faithful.¹

We talk about Churches that were founded in the East of the Roman Empire and are still united with the Roman Catholic Church. Because these Eastern or Oriental Churches are united with Rome, they are called Uniate Churches. The Orthodox Churches do not like the Uniate Churches because they recognize the Roman Pope. Since they celebrate their own liturgy and have their own canon law, they are called Catholic and exemplify the Roman-Catholic pluralism. Up to the Second Vatican Council, these Roman Oriental Churches did not enjoy much attention from the Latin Church. The decree *Orientalium Ecclesiarum* finally gives some attention to the Oriental Churches. Nevertheless, Roman Catholic Western dominance continues (Hilberath 2005a, 5). The Latin Church exercised this dominance over the East politically since the conquering of Constantinople by the crusaders in 1204 and at the IV. Lateran Council Rome assessed the doctrinal and canonical suppression of the East (ibid, 6).

At various points in history Oriental Churches officially united with Rome. The Union with the Chaldeans dates from 1551, the union with the Armenians from 1740, the union with the West Syrians from 1783, and the union with the Copts from 1899. The Maronites of the monastery Saint Maron became Church in the beginning of the 8th century and in 1182 they united with Rome. The Melkites got constituted as Church in 1774 (ibid, 6). There were also Churches from the byzantine Orthodoxy that united with

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the Apostolic See (ibid). So, we find in the East parallel to the Oriental-Orthodox Churches, Churches of the Armenian, Coptic, Ethiopic, West-Syrian and Syro-Malankarian rites. The Chaldeans come the East-Syrian tradition. They are related with the autonomous Syro-Malabar Church in South India (ibid). Parallel to the Churches of Byzantine rite emerge the Ukrainian Church, the Rumanian, Hungarian and Bulgarian Uniate Churches (ibid).

The Orientals united with Rome and present at the Second Vatican Council generally were not very united among themselves, in reality they hold very different and conflicting views on the theological matters that were discussed at the Council. There was a consensus for the *communication in sacris* that is the validity of mixed marriages, the dates of the Easter Feast, and the regulation of fasting and the use of vernacular language. This kind of ecumenism with the Orthodoxy developed during the Council among the Oriental Churches (ibid, 12). Pope John XXIII initiated with Bea the dialogue with the Oriental Churches. Papal jurisdiction was for the Orientals an important theme, especially the participation of their Patriarchs in this jurisdiction (ibid, 15). During the preparation of the Second Vatican Council the Roman Curia was not ready to open up to face the Oriental Churches as partners and not as dependent on Rome. Due to these difficulties, the scheme on the Eastern Churches did not develop until 20 September 1963. Only in the third session of the Council, a common text with the Oriental Churches became reality (ibid, 21). Cardinal König from Vienna, Austria was a strong supporter of the cause of the Oriental Churches. He insisted on recognizing Orthodox marriages and spoke of intercommunion rather than of *communicatio in sacris*. Cardinal Lercaro from Bologna, Italy consented with König (ibid, 22).

The Oriental Churches claimed the integration of this decree into the *Dogmatic Constitution Lumen Gentium* of the Catholic Church in order to prove that the Roman Catholic Church was opening up to an ecclesiological model that realizes unity within plurality, a communion in pluralism (ibid, 24). Oriental Patriarchs wanted to introduce the Patriarchate into the Roman Catholic Church and thereby reduce the Roman centralism (ibid).

Orientalium Ecclesiarum 1 is the preamble. In 2020 CE, the official Vatican translation does not speak any more of the Apostolic See but of the Holy See. The Melkites had strongly protested the monopolizing use of the term Apostolic See by the Vatican pointing at the historic fact that in the Orient there are many Apostolic Sees and all of

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them have Apostolic origin (ibid, 25). In the final translation “this sacred Ecumenical Council” that is the Second Vatican Council cares for the Oriental Churches and provides them with “a number of principles”. The Oriental Synods and the Holy See will take care of the rest. Because of the pretended Roman paternalism this first article of the decree was already one of the most controversial and disputed (ibid).

To the disappointment of some Oriental bishops, *Orientalium Ecclesiarum* 2–4 speaks of “the individual Churches and rites” and not of autocephalic Churches, that is of Churches with an autonomous hierarchical constitution” (ibid, 29). In *Orientalium Ecclesiarum* 2, the Council affirms “that each individual Church or Rite should retain its traditions whole and entire”. *Orientalium Ecclesiarum* 3 claims the primacy of “the pastoral government of the Roman Pontiff” over the universal Church. Abbot Primate Hoeck reminds that the pre-schismatic universal profile of the Church for the Roman Bishop as Pope does not have the pope as governor of the Church but as protector and guarantee of its unity and of the bonum commune, the common good. As summus iudex, that is as supreme judge and arbiter, he intervenes only in order to protect unity and the purity of the faith (ibid, 31). Hoeck vehemently protests the unnecessary repeated use of the papal primacy in this number that contradicts love (ibid). *Orientalium Ecclesiarum* 4 brings up the question of communities of Oriental Churches and communities of Catholics and their relations. More and more Oriental Christians live overseas in the immigration. If they are not allowed to form their own organizations, they will go to other churches and integrate. Taken the high numbers of immigrants this constitutes a danger to the very existence of the Orientals. But are the Latin territories capable of tolerating the jurisdiction of a bishop of a different rite and Church, Edelby asks and gets a negative answer from the Council (ibid, 32).

Orientalium Ecclesiarum 5 and 6 are about the preservation of the spiritual heritage of the Eastern Churches. Spiritually there is apparently no problem in declaring “the Churches of the East, as much as those of the West, have a full right and are in duty bound to rule themselves”. *Orientalium Ecclesiarum* 6 speaks of the Oriental Rite and not of the Oriental Churches when encouraging them to preserve their “legitimate liturgical rite and their established way of life”.

Orientalium Ecclesiarum 7–11 is on the Eastern Patriarchs. For centuries, the Eastern Churches have not heard from the West “the patriarchate, as an institution, has existed in the Church from the earliest times and was recognized by the first ecumenical

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councils" (*Orientalium Ecclesiarum* 7). It is proof of the development within the Second Vatican Council to speak now of the patriarchate as an institution within the Church and not any more as an institution within the Oriental Churches only (Hilberath 2005a, 41). Since the Council Nicaea in the 4th century CE, there were regional structures of the Church that is Rome, Alexandria and Antioquia. Since the council of Constantinople in 381 and definitively since the council of Chalcedon in 451, Constantinople got the second place. Chalcedon also ranked Jerusalem higher. So, since Justinian we have a Pentarchic structure of Patriarchates. The head of these is the *Catholicos*. In the 16th century, the Patriarchate of Moscow was created without asking Rome (ibid). Another historic development lead to the fact that Antioquia since 543/544 had an orthodox (Greek-Melkite, Caledonian) Patriarch and a Syrian or Jacobite (earlier called Monophysite) Patriarch and in the 8th century additionally a Maronite Patriarch. In addition, Alexandria has two Patriarchs (an Orthodox-Greek-Melkite and a Coptic) since 566 CE. In Jerusalem, a Latin Patriarch has his residence, the Patriarchs of Venice, Lisbon, the West- and East-Indies had no jurisdiction (ibid, 42). It is important that the jurisdiction of the Patriarch is not limited by his territory but extends to his rite (*Orientalium Ecclesiarum* 7,2). This reach of the Patriarch's jurisdiction is also confirmed in *Orientalium Ecclesiarum* 7,3 (Hilberath 2005a, 43). *Orientalium Ecclesiarum* 8 failed to name the patriarchs because it did not want to name Rome as a patriarchate (ibid).

Orientalium Ecclesiarum 9,1 speaks of the Patriarchs of the Eastern Churches and not only of the Patriarchs of the East as Rome used to do for centuries (ibid, 44). *Orientalium Ecclesiarum* 9,2 restores the rights and privileges that existed in the time of union between East and West. *Orientalium Ecclesiarum* 9,3 repeats and confirms the common pre-schismatic past. *Orientalium Ecclesiarum* 9,4 confirms the inner autonomy of the patriarchs. Concerning the right to erect eparchies, Edelby speaks of the beginning of the decentralization of the Catholic Church (ibid). Nevertheless, in the end there is again the confirmation of the "inalienable right of the Roman Pontiff to intervene in individual cases".

Orientalium Ecclesiarum 10 speaks of the same rights of patriarchs and of the major archbishops of the Eastern Churches. There was talk to promote these major archbishops of the Malabar Christian, the Ukrainians and the Ethiopians to the rank of patriarchs. For the Orthodox this is a scandal. For the Eastern Churches, it is desirable

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(ibid, 45). *Orientalium Ecclesiarum* 11 suggests in a very general manner “that new patriarchates should be erected where there is need, to be established either by an ecumenical council or by the Roman Pontiff”.

Orientalium Ecclesiarum 12–18 speaks of the discipline of the Sacraments. This part of the decree concerns all aspects of the praxis of the sacraments. *Orientalium Ecclesiarum* 5 and 6 had guaranteed the ancient tradition. *Orientalium Ecclesiarum* 12 again confirms ancient disciplines concerning the sacraments, the rituals, their celebration and administration in the Eastern Churches. Inter-ritual questions are treated in *Orientalium Ecclesiarum* 13 (confirmation), 14 (priests from the West may baptize in the East and vice versa), 16 (the same is valid for hearing confession), 20 (the day for celebrating Easter) and 21 (families with two rites are allowed to choose the rite they want to celebrate). Roman orders and norms for the Oriental Churches are lifted in *Orientalium Ecclesiarum* 15 (Sunday Mass), 17 (the old oriental institution of the permanent diaconate is to be restored) and 18 (validity of mixed marriages). The Melkites also wanted the old oriental tradition of celebrating the Eucharist with children together with baptism and confirmation to be written down. For the council this was too much (Hilberath 2005a, 50). For the Eastern Churches, the council of Trullo in 692 determined that the faithful should come to church for the Divine Liturgy or the prayer of the hours at least every three weeks. Hilberath reminds us of the fact that only in the 17th century, the Latin missionaries could convince the faithful that not attending the Eucharist on Sundays was a deadly sin (ibid). The extension of the celebration of the Eucharist to the Vesper before Sunday also corresponds to an old Oriental tradition and Hilberath notes that in Muslim countries Sundays have a different status than with Christians and adaption for the minority therefore is a necessity (ibid).

Orientalium Ecclesiarum 19–23 deal with the Divine Office. It is not very systematic because the text is a patchwork of former documents. *Orientalium Ecclesiarum* again speaks of the Apostolic See and ignores the many Apostolic Sees in the East. Further the Apostolic See of Rome has the right “to determine, transfer or suppress feast days common to all the Eastern Churches”. Why only Rome? Concerning the celebration of Easter, the Oriental Churches are in contact with the Orthodox Churches on the ground and share the common interest in Easter’s priority and importance. Oriental and Orthodox also share the common Muslim surroundings that demands unity in order to be respected as a minority (ibid, 54). The liturgical year was fixed between the 8th and

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11th century CE in the East and the West basically celebrates accordingly (ibid). Later differences arose when the Gregorian calendar was followed in the West and the East stayed with the Julian (ibid).

In the East, the Divine Office was the official prayer of the whole Church, it was not the obligation of clerics or monks to pray the Divine Office in private if they could not attend the prayer in the choir. Since the middle ages there were attempts to make obligatory the Divine Office for clerics and monks. There were also efforts to create a breviary for the East, since there was nothing like this at hand for the Orientals (ibid, 55). *Orientalium Ecclesiarum* 22 demands of clerics and religious to follow the old tradition of the East and encourages the faithful to also take part in the Divine Office.

It was due to an intervention of the Melkite Maximos IV with John XXIII that finally the Oriental Churches could freely use the languages according to their traditions (*Orientalium Ecclesiarum* 23). These languages were Arabic, Slavic, Georgian, and Syrian. Nevertheless, the translations of liturgical texts into vernacular have to be approved by the Apostolic See (Hilberath 2005a, 56). There are people who believe this obligation serves to be able to produce a high degree of correspondence between the different translations; others say Rome wanted to control the liturgy (ibid).

Orientalium Ecclesiarum 24–29 treats with relations of the Oriental Churches with the brethren of the separated Churches that is of the Orthodox Christians. *Orientalium Ecclesiarum* 24 speaks of a special mission for the unity with the Orthodox Christians on the part of the Eastern Churches. The Eastern Churches are Catholic but not Latin and Oriental but not Orthodox. Therefore, the Orthodoxy regarded the Oriental Churches simply as secessionists that entered in competition with them. The chances for success of this mission are not very high. The Council again affirms the important principle of spiritual ecumenism that *Unitatis Redintegratio* had developed.

Orientalium Ecclesiarum 25 rules that Orthodox Christians converting to Catholicism have to profess the Catholic faith and nothing else. Orthodox priests who convert to the Catholic Church are respected as priests in the Catholic Church. Do the Orthodox grant similar rights for converting Catholics? The easing of conversions on both sides can be seen as an original way to unity (Hilberath 2005, 59). In *Unitatis Redintegratio* 8, 4, we heard of the two Catholic principles in respect to this intercommunion as Cardinal Koenig preferred to call the *communicatio in sacris* (ibid). Catholics recognize

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the validity of the sacraments and the priestly ordination of the East. Despite the end of the mutual excommunication of East and West, there is not yet unity. John Paul II did not claim in his *Encyclical Ut unum sit* recognition of the papal powers that Vatican I gave the pope. However, he did not talk with the Orthodox before publishing his encyclical. The Orthodox remain skeptical and still fear Catholic proselytism (ibid, 60). *Orientalium Ecclesiarum* 27 affirms that Eastern Christians may receive the Catholic sacraments of Penance, the Eucharist and Anointing of the Sick. Catholics may ask for these sacraments from non-Catholic ministers in case there is no Catholic priest accessible. This rule again follows the principles of *Unitatis Redintegratio* 8, 4 (ibid, 61). The same rule applies to the *communicatio in sacris* that do not concern sacraments. We speak of attending church services. Concerning the *communicatio in sacris*, *Orientalium Ecclesiarum* speaks of a “conciliatory praxis” of the local hierarchy in “consultation also with the hierarchs of the separated Churches”.

Orientalium Ecclesiarum 30 concludes with the joy and optimism for the cooperation between East and West. Prayer for all Christians who suffer because of their faith is promised and the self-obligation of love for each other is encouraged with reference to Romans 12,10.

5.3. Unitatis Redintegratio

Regarding the central themes that arise in the Catholic Church’s relation with the ecumenical movement – that originated with the Protestant Churches – we may identify three: There is the community that is unified by the same faith, there are the same sacraments that are celebrated, and there is the government by the rightful pastor, the pope. (Hilberath 2005b, 75). In view of the ecumenical dialogue, Cardinal Bea claimed that truth and love have to be a persistent part of the Council’s perspective. The theological foundation of this claim consists in the fact that the separated sisters and brothers by baptism are members of the mystical body of Christ (ibid, 89). The hierarchical government of the Catholic Church under the absolute primacy of the pope is the principal obstacle for the inner structural reform of the Catholic Church as well as for the ecumenical dialogue (ibid, 91).

Unitatis redintegratio consists of an introduction (*Unitatis Redintegratio* 1) and three chapters. Chapter one writes on the Catholic principles of ecumenism (*Unitatis Redintegratio* 2–4). Chapter two is on the practice of ecumenism (*Unitatis*

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Redintegratio 5–12) and chapter three deals with Churches and ecclesial communities separated from the Roman Apostolic See (*Unitatis Redintegratio* 13–24). Cardinal Bea was a biblical scholar by profession and many exegetes and experts in biblical studies worked at his *Secretariat for Christian Union*. Since the *Secretariat for Christian Union* signs as major author of *Unitatis Redintegratio*, we observe an extensive use of the Bible in the document. In the first chapter, there are 18 references and three citations of the Bible. In the second chapter, there are two references and five biblical citations and in the third chapter there are one reference and seven citations of the Bible.

Unitatis Redintegratio 1,1 affirms “The restoration of unity among all Christians is one of the principal concerns of the Second Vatican Council” and confesses the “division openly contradicts the will of Christ”. The Second Vatican Council rather promotes unity with the help of ecumenism, reunification is not really the aim of the Council (Hilberath 2005b, 108). *Unitatis Redintegratio* 1,2 assesses “In recent times more than ever before, the Lord has been rousing divided Christians to remorse over their divisions and to a longing for unity”. The Council speaks of an ecumenical movement. Concerning the “separated brothers” the declaration cites from the first article of the constitution of the *World Council of Churches (WCC)* the definition of the ecumenical movement “Those belong to it who invoke the Triune God and confess Jesus as Lord and Savior”. *Unitatis Redintegratio* does not name the WCC. The WCC does not have a self-understanding as something like a Super-Church. The WCC gives room to all Churches, that accept the WCC as a community of Churches who recognize Jesus Christ as God and Savior (ibid 112). *Unitatis Redintegratio* 1,3 claims that this decree gives the Catholics “the ways and means by which they too can respond to this grace and to this divine call”.

The Catholic principles of ecumenism, the title of the first chapter of the declaration, speak of the same ecumenism as the WCC (ibid, 113). It is ecumenically important that there is no Roman Catholic ecumenism. The Roman Catholic Church or simply the Catholic Church is not the Church of Jesus Christ. Catholics confess in the Creed the Church of Jesus Christ with the words “*una, sancta, catholica et apostolica*” that is one, holy and catholic (ibid, 114). Hilberath insists reading *Unitatis Redintegratio* 2 with the pneumatological understanding of the body-of-Christ-ecclesiology of *Lumen Gentium* 2–4 and 8,1 (ibid, 115). “*Ubi spiritus, ibi Ecclesia*”, where there is the Holy Spirit there is Church, expresses the theology of the Reformation. “*Ubi eucharistia, ibi ecclesia*”, where the Eucharist is celebrated there is Church, expresses Orthodox

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theology and “*Ubi Petrus, ibi ecclesia*”, where there is Peter there is Church, the Catholic point of view (ibid, 116).

Unitatis Redintegratio 2,1 starts as *Lumen Gentium* 1 with the *oikonomia*, the economy of the Trinity, of the Trinity realizing salvation (ibid). Jesus Christ is the center of Christian faith “In His Church He instituted the wonderful sacrament of the Eucharist by which the unity of His Church is both signified and made a reality. He gave His followers a new commandment to love one another (*John* 13,34) and promised the Spirit, their Advocate (*John* 16,7) who, as Lord and life-giver, should remain with them forever”.

Unitatis Redintegratio 2,2 affirms “the Lord Jesus poured forth His Spirit”, the Spirit dwells in those who believe and calls them “into a unity of faith, hope and charity”. There is “one Lord, one faith, one Baptism (*Ephesians* 4, 4–5)”. This acknowledgement of the Holy Spirit as the principle of “a unity of faith, hope and love” stands in line with the WCC and may be seen as catholic recognition of the ecclesiological realities of non-Catholic Churches (ibid, 117). Concerning the Spirit see also *Lumen Gentium* 4; 7,1–3; and 13,1). Faith, hope and love have to be taken as the criteria for judging the realization of the church of Jesus Christ (ibid).

Unitatis Redintegratio 2, 3 claims “In order to establish this His Holy Church everywhere in the world till the end of time, Christ entrusted to the College of the Twelve the task of teaching, ruling and sanctifying (*Matthew* 28, 18–20 and *John* 20, 21–23)”. I take a look at these Biblical references that try to justify the institution of the College of the Twelve by Jesus Christ. *Matthew* 28, 16 speaks only of eleven and not of twelve. Moreover, from the verses *Matthew* 28,18–20, it is not clear that there is an institution of an institution. Looking at *John* 20, 19, we read of the disciples that were together and Jesus spoke to these disciples. We are allowed to see the use of the term disciples not only telling that more men were present than the eleven apostles. We are also allowed to understand that among these disciples there were women. At least women are not excluded yet. We are allowed to think of the case that Jesus sent women empowered by the Holy Spirit on the mission to preach the Gospel and to heal and to lead communities. I am thinking of the testimony of women’s ministry in the *Letter to the Romans* 16,1–16.

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Unitatis Redintegratio 2,4 assesses the so-called apostolic succession without pretending any legitimizing reference to the Scriptures “Jesus Christ, then, willed that the apostles and their successors – the bishops with Peter’s successor at their head – should preach the Gospel faithfully, administer the sacraments, and rule the Church in love”. This assessment of the absolute governing, teaching and sacrificing power of the pope that he lends to the bishops is the end of any ecumenical dialogue. I do not know why Hilberath does not see this assessment of the Catholic Church as a human society, as an absolute monarchy. He sticks to the divine aspect of the Catholic Church and her government that is of a government of the Church as a service of the Holy Spirit (ibid). He is right claiming *Unitatis Redintegratio* 2,3 and 2, 4 have to be read together with *Lumen Gentium* 8, 1 (ibid). I fear Hilberath ignores in his reading the societal aspect of the Catholic Church as an absolute monarchy. *Lumen Gentium* 8, 1 speaks very clearly of the Catholic Church as “the society structured with hierarchical organs and the Mystical Body of Christ”, as “one complex reality which coalesces from a divine and a human element”.

Looking at the Gospel, we see that there is no talk of the Catholic Church as an absolute monarchy. Peter is not the pope with jurisdiction over a Catholic Church when Jesus speaks to him in *Matthew* 16,19 and in *Matthew* 18,18. There is no indication by Jesus of a pope’s government in *Luke* 22,32. Jesus has to pray for Peter and already in *Luke* 22, 34, Jesus tells Peter of his coming betrayal by him. *John* 21, 15–18 speaks of Jesus and nobody else. Peter is the stone but not any pope, and it is already an enormous grace that is given to the betrayer and emphatically ignorant and weak Peter. Bea is very shrewd to cite and claim in *Unitatis Redintegratio* 2, 3 with *Ephesians* 2, 20 and 1 *Peter* 2,25 that from the beginning till the end Jesus Christ will be our corner-stone and shepherd of our souls.

Unitatis Redintegratio 2,5 proclaims “the Church serves all mankind through the Gospel of peace (*Ephesians* 2,17–18 and *Mark* 16,15)”. *Ephesians* 2,17–18 speaks of peace and *Mark* 16, 15 speaks of all humankind. The declaration speaks of the Church of Jesus Christ? Or does it speak of the Catholic Church? The preacher in *Ephesians* 2, 17–18 is Jesus Christ and in *Mark* 16,15 Jesus Christ commands to preach the Gospel to all creation. Referring to *Mark* 16,15 the Council misses the opportunity to overcome its anthropocentrism and reach out to our responsibility for the whole

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creation. Climate change and pollution of the earth, the seas and the atmosphere were not yet on the agenda of the Council.

Unitatis Redintegratio 2, 6 speaks of the mystery of the unity of the Church as the mystery of the Trinity. The pilgrim way of the Church of the Trinity and its eschatological perspective allow to consider many elements of the Catholic Church – and presumably also elements of other Churches – as what they are, namely elements that will perish after they lost their service functions for the Holy Spirit. I pray that the hierarchy of the Catholic Church will open to becoming some loving democratically living community.

According to Hilberath, *Unitatis Redintegratio* 3 is the key for understanding the relations of the separated brothers from the Orthodoxy as from the Reformation with the Catholic Church according to the Council (Hilberath 2005b, 119). *Unitatis Redintegratio* 3,1 claims the classical Roman Catholic position, that the Church of Christ, one, catholic and holy, subsists in the Roman Catholic Church. Although the separated Churches and communities do not cease to be Churches, the claim of the Council in my eyes is not a realization of love. The following assessment in *Unitatis Redintegratio* 3,1 is better. Despite all rifts and obstacles “all who have been justified by faith in Baptism are members of Christ’s body and have a right to be called Christian, and so are correctly accepted as brothers by the children of the Catholic Church”. *Unitatis Redintegratio* 3,2 again takes up the Toronto-declaration of the WCC that speaks of the announcement of the Word, the interpretation of the Gospel and the administration of the sacraments as elements of the Church of Christ. *Unitatis Redintegratio* 3, 2 speaks of “the written word of God; the life of grace; faith, hope and charity, with the other interior gifts of the Holy Spirit, and visible elements too” but does not name the sacraments. In the same way, *Unitatis Redintegratio* 3,3 speaks of “liturgical actions” but not of sacraments. After all these ecumenical efforts *Unitatis Redintegratio* 3,4 returns to the hubris claiming that the separated Churches and communities are “deficient in some respects”. I wonder if there is more to this deficiency than not recognizing the primacy of the Roman pope? *Unitatis Redintegratio* 3, 5 seems to verify my suspicion assessing that “only through Christ’s Catholic Church” the separated brothers and sisters “can benefit fully from the means of salvation” because these are entrusted “to the apostolic college alone, of which Peter is the head” that is in the self-understanding of the Second Vatican Council, the Roman Pontiff.

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Much of *Unitatis Redintegratio* 4 instructs the Roman Catholic faithful about their part in ecumenism (Hilberath 2005b, 128). *Unitatis Redintegratio* 4, 1 invites the Catholics “to take an active and intelligent part in the work of ecumenism”. *Unitatis Redintegratio* 4,2 speaks of mutual relations of fairness and with truth, of the necessity of the dialogue by experts in order to learn from each other and even of reform within the Catholic Church. *Unitatis Redintegratio* 4, 3 is fearful of the ecumenical dynamics of the Catholic faithful and puts all their ecumenical activities under the *vigilantia*, that is vigilance and control of the bishops. The term vigilance does not testify of the perspective of a spiritual ecumenism (ibid, 130). Again there is the claim that the Church of Christ subsists in the Catholic Church. Hilberath comments that the Orthodox Churches and the Churches of the Reformation claim the same for them (ibid). In 2017, the year we remember 500 years of Reformation, the pope constitutes the most important obstacle to unity with the Christians of the Reformation. The way the bishops are held to instruct and watch the Catholics who want to engage in the ecumenical dialogue is authoritarian and therefore dialogue is difficult to realize within the Catholic Church. The bishops can kill at any time any efforts of the laywomen, -men and -queer. A social structure like that of the Catholic Church does not permit open and free dialogue between the faithful, theologians and bishops within the Catholic Church and is not capable of dialoguing with other Churches either.

Unitatis Redintegratio 4,4 clarifies that conversion is not the aim of ecumenism though ecumenism does not exclude the possibility of conversions (ibid, 131). *Unitatis Redintegratio* 4,5 encourages the Catholic faithful to approach the members of separated Christian communities, “But their primary duty is to make a careful and honest appraisal of whatever needs to be done or renewed in the Catholic household itself”. *Unitatis Redintegratio* 4,6 moralizes aiming at Christian perfection. *Unitatis Redintegratio* 4,7–4,9 seem to accept a certain pluralism within the life of the Catholic Church “all, according to the gifts they have received enjoy a proper freedom, in their various forms of spiritual life and discipline, in their different liturgical rites, and even in their theological elaborations of revealed truth”. Hilberath dryly comments that, in the decades after the Second Vatican Council, the Roman Curia defined “proper freedom” according to their interests of monopolizing the power in the Catholic Church (ibid, 133). *Unitatis Redintegratio* 4,8 acknowledges that the separated brothers give “witness to Christ” and suffer martyrdom. *Unitatis Redintegratio* 4,9 thanks for “the grace of the Holy Spirit in the hearts of our separated brethren” as means of our

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edification. *Unitatis Redintegratio* 4, 10 confesses that the divisions among Christians impedes the realization of the fullness of catholicity. *Unitatis Redintegratio* 4,11 assesses the growing ecumenical work of the faithful.

With *Unitatis Redintegratio* 5 starts the chapter on the practice of ecumenism. “The attainment of union is the concern of the whole Church” and the decree apparently speaks of the Catholic Church. *Unitatis Redintegratio* 6, 1 affirms that the first step in realizing ecumenism is the renovation and reformation of the own Catholic Church. *Unitatis Redintegratio* 6,2 makes clear that at the center of this reform stands Jesus Christ who calls the Christians. This is the actual model of ecumenism. In as much as the Christians answer this call to come to Christ, they are realizing the unity (ibid, 136). The deficiencies of the Catholic Church in “moral conduct or discipline” that is church order, “or even in the way that church teaching has been formulated” should be set right. *Unitatis Redintegratio* 6,3 says that ecumenism is under way and “The Biblical and liturgical movements, the preaching of the word of God and catechetics, the apostolate of the laity, new forms of religious life and the spirituality of married life, and the Church’s social teaching and activity – all these should be considered as pledges and signs of the future progress of ecumenism”. Catholic documents usually start this enumeration with liturgy (*liturgia*), continue with the testimony of the faith (*martyria*), and end with the service (*diakonia*). Naming liturgy first helps ecumenism. The declaration does not want to discriminate the activities that Catholics and other Christians realize together (ibid, 137).

Unitatis Redintegratio 7 talks about personal conversion and the personal conduct of life. *Unitatis Redintegratio* 7,1 is a moralizing and unrealistic exhortation for the renewal of one’s mind. *Unitatis Redintegratio* 7,2 piously but without convincing says “So we humbly beg pardon of God and of our separated brethren, just as we forgive them that trespass against us”. Protestants already in the 1920 Lambeth-Conference and repeatedly thereafter (Amsterdam 1948; Evanston 1953) had expressed their regret for the responsibility of all parts in the separation of the brothers and sisters (Hilberath 2005b, 139). *Unitatis Redintegratio* 7,3 realistically claims the unity of Christian faith and the social choices of love.

Unitatis Redintegratio 8 speaks about the necessity of prayer for unity and for one another. *Unitatis Redintegratio* 8,1 calls the conversion of the heart, holiness of life and private and public prayer for the unity of Christians “spiritual ecumenism”. *Unitatis*

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Redintegratio 8,2 takes the so-called priestly prayer of Christ “That they may all be one” (*John* 17,20) as the model prayer for unity. *Unitatis Redintegratio* 8,3 speaks of the prayer for unity of Christians during ecumenical gatherings. The official circumstances for these prayers were rare at the time of the Second Vatican Council. It was an absolute novelty for the Catholic universe that Paul VI, at the end of the last session of the Second Vatican Council, celebrated a liturgy of the Word, an ecumenical religious service together with the observers at the council (Hilberath 2005b, 140). *Unitatis Redintegratio* 8,4 claims two Catholic principles for the sacramental fellowship of the pulpit and the altar. The Churches of the Reformation of the WCC established full altar and pulpit fellowship at the so-called Leuenberg Concord only in 1973 (ibid). The common understanding of the Gospel formed the basis for this concord. For Catholics and Orthodox, this criterion is not a sufficient foundation of altar fellowship (ibid). The sacramental altar and pulpit fellowship depends on two principles: Unity of the Church(es) and “sharing in the means of grace” (Hilberath 2005b, 141). It is up to “the local episcopal authority, unless the bishops’ conference according to its own statutes, or the holy See, has determined otherwise” to decide on interdenominational celebration of the sacraments. Because there are few bishops like bishop Elchinger of Strasbourg who published guidelines for interdenominational and mixed marriages and families, there is a growing impatience among Christians on the matter (ibid, 142).

Unitatis Redintegratio 9 encourages experts of both sides to meet and discuss the theological problems of ecumenism. Naturally this dialogue must be approved by the bishops.

Unitatis Redintegratio 10 naively claims that theology itself is ecumenical. *Unitatis Redintegratio* 10,1 claims that theology “must be taught with due regard for the ecumenical point of view, so that they may correspond more exactly with the facts”. *Unitatis Redintegratio* 10,2 makes “future shepherds and priests” master ecumenical theology. It is not yet on the mind of the Catholic bishops that lay women, men and queer also study theology with an ecumenical interest. In 2020 CE, “the instruction and spiritual formation of the faithful and of religious” does not any more depend on priests as claims *Unitatis Redintegratio* 10,3. *Unitatis Redintegratio* 10,4 is clear about the fact that only the cooperation of Christians successfully realizes the proclamation of the Gospel in missionary territories.

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Unitatis Redintegratio 11 speaks about the expression of the Catholic faith to others. This expression should hide nothing of the faith in the dialogue with other Christians (*Unitatis Redintegratio* 11,1), should be understandable for others (*Unitatis Redintegratio* 11,2) and “must proceed with love for the truth, with charity, and with humility. When comparing doctrines with one another, they should remember that in Catholic doctrine there exists a hierarchy of truths, since they vary in their relation to the fundamental Christian faith” (*Unitatis Redintegratio* 11,3).

Number 11,3

On November 25, 1963, bishop Pangrazio from Gorizia, a diocese where the cultures of Italy, Austria, Slovenia and Croatia meet, speaks in the aula of the Council of “a hierarchy of truths” concerning the history of salvation (Hilberath 2005b, 149). In the discussion, Cardinal König from Vienna took up the expression ‘hierarchy of truths’ constructing circles of sentences with the truth value true around the center of the faith confessing Jesus Christ as savior. Accordingly, there are sentences with the truth value true, such as many moral sentences that are very far from the center that is Christ (ibid). So far the exact hierarchy has never been spelled out by theologians, they are still at work (Hilberath 2005b, 154–56).

Unitatis Redintegratio 12 encourages all who believe in the triune God to cooperate as a realization of their unity and “This cooperation, which has already begun in many countries, should be developed more and more, particularly in regions where a social and technical evolution is taking place. Be it in a just evaluation of the dignity of the human person, the establishment of the blessings of peace, the application of Gospel principles to social life, the advancement of the arts and sciences in a truly Christian spirit, or also in the use of various remedies to relieve the afflictions of our times such as famine and natural disasters, illiteracy and poverty, housing shortage and the unequal distribution of wealth”. “The just evaluation of the dignity of the human person” does not include a wholehearted proclamation of the Human Rights of the UDHR of 1948. Women, men and queer Christians protest their discrimination by their Church authorities and unjust structures.

Chapter three of *Unitatis Redintegratio* is on Churches and Ecclesial Communities separated from the Roman Apostolic See. Speaking of separated “Churches and ecclesial communities” shows respect for the ecumenical process (Hilberath 2005b,

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159). *Unitatis Redintegratio* 13 precludes the two parts of the chapter. *Unitatis Redintegratio* 14–18 treats the Churches of the East, and *Unitatis Redintegratio* 19–23 speaks about the separated Churches and communities of the West (ibid). “Division” started between the “Eastern Patriarchates” and the “Roman See” (*Unitatis Redintegratio* 13,2). “Other divisions” occurred with the Reformation (*Unitatis Redintegratio* 13,3). *Unitatis Redintegratio* 13,4 proposes “prudent ecumenical action”.

Unitatis Redintegratio 14,1 describes very positively the first thousand years of Christianity in the East and West as “sister Churches”. Nevertheless, their communion (Greek: *koinonia*. Latin: *communio*) got lost.

Unitatis Redintegratio 14,2 assesses that the West has drawn “extensively” from the treasury of the Churches of the East. This treasury is made up of “liturgy, spiritual tradition and law”, the East defined the Trinitarian Creed and the dogmas of Christology (Hilberath 2005b, 168). In this context, it is very important that the Catholic Church acknowledges that “To preserve this faith these Churches have suffered and still suffer much”.

Unitatis Redintegratio 14,3 confesses “diversities of mentality and conditions of life” and “a lack of charity and mutual understanding” prepared the divisions. *Unitatis Redintegratio* 14,4 claims that the Churches of the East and the Catholic Church “must take full account of all these factors”, if a dialogue that hopes for a future full communion is to be realized.

Unitatis Redintegratio 15 speaks about the liturgical and spiritual tradition of the Churches of the East. *Unitatis Redintegratio* 15,1 speaks about the Eucharist that builds the Church of God “in each of these churches”. *Unitatis Redintegratio* 15,2 praises the liturgical worship of “Mary ever Virgin, the Mother of God and the saints” in the East. *Unitatis Redintegratio* 15,3 assesses The East “possess true sacraments, above all by apostolic succession, the priesthood and the Eucharist, whereby they are linked with us in closest intimacy”. Celebrating the sacraments in communion nevertheless needs the approval of the Roman authorities. I observe, that this communion therefore is rather an exception than regular ecumenical practice. *Unitatis Redintegratio* 15,4 encourage the West to study the Church Fathers and “the riches of monastic life” coming from the East. *Unitatis Redintegratio* 15,5 sounds logical, claiming “for bringing about reconciliation between Eastern and Western Christians” it

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is important that “The very rich liturgical and spiritual heritage of the Eastern Churches should be known” declares that the Churches of the East, while remembering the necessary unity of the whole Church, have the power to govern themselves according to the disciplines proper to them

It is of significant ecumenical importance that *Unitatis Redintegratio* 16 “declares that the Churches of the East, while remembering the necessary unity of the whole Church, have the power to govern themselves according to the disciplines proper to them” (Hilberth 2005b, 171).

Unitatis redintegratio 17,1 holds that the different developments and expressions of “various theological expressions are to be considered often as mutually complementary rather than conflicting”. *Unitatis Redintegratio* 17,2 empathically affirms “All this heritage of spirituality and liturgy, of discipline and theology, in its various traditions, this holy synod declares to belong to the full Catholic and apostolic character of the Church”. The praising allusion to Eastern Churches “living already in full communion” with Rome is not very much appreciated by the majority of Eastern Churches who want to stay independent from Rome (Hilberath 2005b, 175).

Unitatis Redintegrato 18 indirectly points at decisions of “Councils and Roman Pontiffs” that have to be accepted for full communion, but directly simply speaks of dialogue and friendship, of closer relations and “the spirit of love”. The official German translation of *Unitatis Redintegratio* speaks of the “Roman bishop” and not of the “Roman Pontiff”, but this does not change the Roman position. Therefore, there follow no far-reaching consequences from the German translation as Hilberath claims (Hilberath 2005b, 175). The last sentence of *Unitatis Redintegratio* 18 and the last sentence on the Churches of the East of the decree invokes the Council of Florence (1439–1442) that had tried to restore unity between the East and the West. The intention for union came from the top that is the emperor who came with the Patriarchs and 700 dignitaries to Florence to get military assistance from the West against the Muslims. Unity was a means for a deal that should save power and influence, unity was not aspired because of suffering from separation. The Christian basis of the remaining Byzantine Empire were not interested in this kind of union and the whole effort failed. The West had no intention to help the East militarily. We may learn from the history of this failure that successful ecumenism could work bottom up and initiatives from top down do not function (ibid,

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178). As long as the Catholic Church functions top down, ecumenism is doomed to fail anyways.

Despite separation from the “Apostolic See of Rome” the Churches and communities of the Reformation “have retained a particularly close affinity with the Catholic Church” claims *Unitatis Redintegratio* 19,1. Because of the considerable difference between the Churches of the Reformation and all ecclesial communities *Unitatis Redintegratio* 19,2 does not start describing them all. *Unitatis Redintegratio* 19,3 admits “that in these Churches and ecclesial Communities there exist important differences from the Catholic Church”, nevertheless serve the following considerations “encouraging a dialogue”.

Unitatis Redintegratio 20 thinks of the Christians who confess Christ as the Lord and yet, there are considerable differences in the considerations of Christ. The decree rejoices “to see that our separated brethren look to Christ as the source and center of Church unity”.

Unitatis Redintegratio 21,1 respects “the love and reference for the Sacred Literature” of our “separated brethren”. *Unitatis Redintegratio* 21,2 recognizes that “invoking the Holy Spirit” our separated brothers seek in the Scriptures God, and they contemplate what Jesus Christ “did for our salvation, especially the mysteries of His death and resurrection”. *Unitatis Redintegratio* 21,3 rightly sees that the separated brothers hold the Sacred Scriptures as divine authority for the faith whereas the Catholic Church attributes to the teaching authority of the Church the power to interpret the Bible. *Unitatis Redintegratio* 21,4 affirms that the Sacred Literature is of highest importance for unity.

Unitatis Redintegratio 22 is on sacramental life. Hilberath argues that recognitions of baptism in the name of the Lord Jesus as incorporation into the body of Christ and the beginning of the life in faith that constantly gets renewed and nurtured in the celebration of the Eucharist, inevitably leads to the celebration of the Eucharist at a common table; the resistance to overcoming the separated tables of the Eucharist in this context amounts to a great scandal (Hilberath 2005b, 185). *Unitatis Redintegratio* 22,1 affirms that the administering of baptism in the way of the Lord, incorporates into Christ. *Unitatis Redintegratio* 22,2 claims the union of baptism but the lacking Eucharistic communion. According to *Unitatis Redintegratio* 22,3 the Protestants lack full unity,

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they lack the fullness of the Eucharistic communion because of the “absence of the sacrament of Orders”. On the one hand, the decree affirms that the Protestants celebrating the Eucharist “profess life in communion with Christ”, at the same time this sign is insignificant because without a valid sacrament of ordination there is no Eucharistic reality. This argumentation is contradictory (Hilberath 2005b, 186). If the separated brothers and sisters hear of their deficiencies concerning the complete profession of faith, the means of salvation of the Church, and Eucharistic fellowship they will not really feel encouraged to dialogue with the Catholics concerning “the fullness of life in Christ” (ibid). *Sacrosanctum Concilium* uses very often the terms ‘paschal mystery’ and ‘mystical body of Christ’ when treating the Eucharist. The Joint Declaration is on justification and not on the Eucharist. Nevertheless, it is interesting that the term ‘paschal mystery’ is not used in this dialogue.

Unitatis Redintegratio 23 affirms that the Protestants share baptism, hearing the word of God, and “some notable features of the liturgy from old times” with the Catholics. *Unitatis Redintegratio* 23, 2 affirms that the faith of the Protestants is responsible for “a strong sense of justice and a true charity toward their neighbor”. In the 1920s, there was an ecumenical movement between Protestant Churches, especially in mission countries like India, that developed the justice principle of equal dignity, freedom and rights of all humans. Catholics did not take part in this movement. Their fight for Human Rights is of a later date and the Catholic hierarchy never joined this fight. An ecumenical dialogue on the moral conduct as wished by the Gospel is very difficult to realize. It is easier to claim such conduct as *Unitatis Redintegratio* 23,3 does.

Unitatis Redintegratio 24,1 “exhorts the faithful to refrain from superficiality and imprudent zeal, which can hinder real progress toward unity”. *Unitatis Redintegratio* 42,2 “professes its awareness that human powers and capacities cannot achieve this holy objective – the reconciling of all Christians in the unity of the one and only Church of Christ”. On November 21, 1965, Pope Paul VI promulgates the decree.

5.4. Joint declaration on the doctrine of justification by the Lutheran World Federation and the Catholic Church.

“The doctrine of justification was of central importance for the Lutheran Reformation of the sixteenth century (The Smalcald Articles, II,1; Book of Concord, 292)” and the “ruler

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and judge over all other Christian doctrines (*'Rector et iudex super omnia genera doctrinarum'* Weimar Edition of Luther's Works (WA), 39,1,205)" (Joint declaration 1).

In 1998, the Lutheran World Federation and the Catholic church came to a common understanding of our justification by God's grace through faith in Christ (Joint declaration 5). Ecclesiology, the doctrine of the Church, still separates Lutherans and Catholics.

I want to copy numbers 11 and 12 of the joint declaration because they really give testimony to the fruits of understanding each other after decennials of ecumenical dialogue. "Justification is the forgiveness of sins (cf. *Romans* 3,23–25; *Acts* 13,39; *Luke* 18,14), liberation from the dominating power of sin and death (*Romans* 5,12–21) and from the curse of the law (*Galatians* 3,10–14). It is acceptance into communion with God: already now, but then fully in God's coming kingdom (*Romans* 5,1f). It unites with Christ and with his death and resurrection (*Romans* 6,5). It occurs in the reception of the Holy Spirit in baptism and incorporation into the one body (*Romans* 8,1f, 9f; 1 *Corinthians* 12,12f). All this is from God alone, for Christ's sake, by grace, through faith in 'the gospel of God's Son' (*Romans* 1,1–3)" (Joint declaration 11).

"The justified live by faith that comes from the Word of Christ (*Romans* 10,17) and is active through love (*Galatians* 5,6), the fruit of the Spirit (*Galatians* 5,22f). But since the justified are assailed from within and without by powers and desires (*Romans* 8,35–39; *Galatians* 5,16–21) and fall into sin (1 *John* 1,8,10), they must constantly hear God's promises anew, confess their sins (1 *John* 1,9), participate in Christ's body and blood, and be exhorted to live righteously in accord with the will of God. That is why the Apostle says to the justified: 'Work out your own salvation with fear and trembling; for it is God who is at work in you, enabling you both to will and to work for his good pleasure' (*Philippians* 2,12f). But the good news remains: 'there is now no condemnation for those who are in Christ Jesus' (*Romans* 8:1), and in whom Christ lives (*Galatians* 2,20). Christ's 'act of righteousness leads to justification and life for all' (*Romans* 5,18). What remains to be said is that tradition allows us to speak of the Holy Spirit as the gift we receive in order to operate the renewal of our hearts and calling us to good works" (Joint declaration 12).

I am thankful for the affirmation "Lutherans and Catholics share the goal of confessing Christ in all things, who alone is to be trusted above all things as the one Mediator (1

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Timothy 2,5f) through whom God in the Holy Spirit gives himself and pours out his renewing gifts” (Joint declaration 18). Thanks to God, Lutherans and Catholics now together “place their trust in God’s gracious promise by justifying faith, which includes hope in God and love for him. Such a faith is active in love and thus the Christian cannot and should not remain without works. But whatever in the justified precedes or follows the free gift of faith is neither the basis of justification nor merits it” (Joint declaration 25).

Protestants and Catholics “confess together that in baptism the Holy Spirit unites one with Christ, justifies, and truly renews the person. But the justified must all through life constantly look to God’s unconditional justifying grace” (Joint declaration 28). Being justified by faith and at the same time “struggling with the selfish desires of the old Adam” brings up the theme of sin in the justified. Lutherans and Roman Catholics have a different understanding of this theme (Joint declaration 29). “Lutherans understand this condition of the Christian as a being ‘at the same time righteous and sinner” (ibid). This understanding expresses already a very modern understanding and a holistic view on women, men and queer. The Roman Catholic understanding seems to express a different perspective on the human condition as a whole.

Apparently, a joint declaration helps the Catholic theologians to present their point of view in an understandable way even when dealing with difficult themes like sin and personal sinning and justification. “Catholics hold that the grace of Jesus Christ imparted in baptism takes away all that is sin ‘in the proper sense’ and that is ‘worthy of damnation’ (*Romains 8,1*). There does, however, remain in the person an inclination (concupiscence) which comes from sin and presses toward sin. Since, according to Catholic conviction, human sins always involve a personal element and since this element is lacking in this inclination, Catholics do not see this inclination as sin in an authentic sense. They do not thereby deny that this inclination does not correspond to God’s original design for humanity and that it is objectively in contradiction to God and remains one’s enemy in lifelong struggle” (Joint declaration 30).

In the 21st century CE, I am ashamed to communicate to my Lutheran sisters and brothers an anthropology of concupiscence of the time of Saint Augustine. I prefer speaking of the life long struggle of the individual woman, man and queer for one’s biological, psychic, social, cultural, economic, spiritual, political etc. integrity. Working for one’s integrity is a permanent task of the individual. Most of the time our body

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operates the physical and emotional integration work below the level of consciousness. In case of malfunction, we feel sick, depressed, and in effect suffer diseases. Restoring our integrity and being able to give sense to our lives then is the primary objective. Personal integrity concerns the biological systems and the psychic and all the others. Working for psychic integrity and balancing the various emotions, feelings and states of well-being or sufferings, joys, fears and happiness is part of the integration work but not everything. In the 21st century, we understand the integrity of the individual woman, man and queer dependent on the climate on earth, dependent on the fauna and flora and on the whole of cosmos. There are millions of women, men and queer who are not granted the integrity of their body and lives and who suffer from all kinds of deprivations, violence and diseases. There is no answer to the question: why is there suffering in the world that is not caused by human social choices? There is no answer to the question: why is there life and death? As a Christian, I do not have any answer to these questions and Christian faith helps my social choices but does not keep me from dying one day. The hope for an afterlife is a hope and not a certainty.

As a Christian, I believe in creation that is I believe that the cosmos and life are given. Anthropologically speaking, a gift usually is given by a person, nevertheless I think that calling the giver, who sustains the cosmos and life, Go'd, amounts to giving a name to somebody whom I do not know. Since I am speaking of Go'd, I have to learn that speaking is a function of myself. I am speaking, my Umwelt taught me to speak and keeps telling me to speak and speaking is an important part of assuring my integrity. Usually speaking is a conscious social choice and being conscious that I speak leads to the insight that my conscious brain activity produces with the help of my body sentences that express names like Go'd. Therefore, it is important to search for Go'd within myself. I believe in Go'd, I am capable of describing my beliefs.

The Joint declaration really testifies the common faith of Lutherans and Catholics in Jesus Christ. Notwithstanding this confession of the common faith in Jesus Christ, the center of a Christian existence, the separation of the tables celebrating the Eucharist is not ended by the joint declaration. On matters of Church structure, the Catholic hierarchy sticks to its privileges and the faithful of the Lutheran Church and the Catholic have to suffer from this separation in their families, friends and sisters and brothers in Christ. It is true what Hilberath says commenting *Unitatis Redintegratio* 22. The resistance to overcoming the separated tables of the Eucharist because the Lutherans

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do not accept the primacy of the pope of Rome, amounts to a great scandal (Hilberath 2005b, 185).

5.5. *Dignitatis Humanae*

The last sentence of *Dignitatis Humanae* 1,1 affirms the Council “searches into the sacred tradition and doctrine of the Church – the treasury out of which the Church continually brings forth new things that are in harmony with the things that are old”. The Council Fathers will not succeed in arguing with contemporary political theory of democracy and sticking to the traditional Roman Catholic teaching on the relationship between the Church and the State. The Roman Catholic Church does not dispose of a theological concept of the equal dignity, freedom and rights of all women, men and queer on this earth. Concerning the concept of human dignity, the Council refers to the 1963 encyclical *Pacem in Terris* of Pope John XXIII and assesses “A sense of the dignity of the human person” characterizes contemporary society (*Dignitatis Humanae* 1, 1). We do not get a closer description of this sense of the dignity of the human person. There is an association to the Universal Declaration of Human Rights (UDHR), but *Dignitatis Humanae* carefully refrains from citing the document for fear of proclaiming Human Rights from within the Roman Catholic Church. The journal of Congar gives the confirmation that Paul VI and his theologian Colombo feared the risk that *Dignitatis Humanae* “runs the risk of being interpreted as a charter of freedom within the Church” concerning the claim of the dignity of the human person (Congar 2012, 761). Colombo had communicated this fear to Murray on May 6, 1965 and we find the note of Congar on May 7, 1965 (ibid). According to Willebrands, since 1960 secretary of the Secretariat for Christian Unity and since 1964 titular bishop of Mauriana, this fear is related “to the crisis concerning the Young Christian Students movement in France” that claimed freedom of speech in a disagreement with the French Episcopate (ibid). The Episcopate resolved the crisis by simply exchanging the leadership of the movement (ibid).

Concerning civil liberties and freedoms, all that the Roman Catholic Church wants “is the free exercise of religion in society” (*Dignitatis Humanae* 1, 1). Article 18 of the UDHR proclaims, “Everyone has the right to freedom of thought, conscience and religion”. The Roman Catholic Church would subscribe to this article and to a few more

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of the UDHR, but would not accept the 30 articles of the UDHR as the rule of law for the Catholic Church itself.

Dignitatis Humanae 1,2 makes clear that the Council does not accept a pluralism of religions on an egalitarian understanding and without discrimination since the “one true religion subsists in the Catholic and Apostolic Church”. This claim constitutes a discrimination of all the other Churches, confessions and religions on this earth. The Council Fathers simply cannot describe the beliefs and their faith in a way that claims truth without excluding the truth claims of convictions of other beliefs. The truth claims to truth of a belief sentence or faith sentence need a validity-condition for this truth. In a liberal democracy with the rule of Human Rights law, the validity-condition for religious claims consists in the social realization of Human Rights. Epistemologically religious belief systems are not tested on the basis of a two-valued logic of falsification and verification. There is no verification or falsification for religious beliefs and faiths as there is verification and falsification in empirical investigations of state of affairs. Religious faith is a personal conviction, world view of an individual woman, man or queer.

Dignitatis Humanae 1,3 takes a step in the direction of religious freedom by assessing the central role of the conscience of the individual person concerning religious faith and beliefs. It is true, the Roman Catholic Church uses the expressions religious faith and beliefs synonymous with the expression truth, because she accepts only one system of belief as true. This use of the expression truth does not correspond with the use of the expression truth in everyday language where there is a pluralism of uses.

Dignitatis Humanae 1,4 claims “freedom of religion” and “immunity from coercion in civil society” for the belief systems of the Roman Catholic Church. The Roman Catholic Church claims freedom for intolerant and discriminating beliefs and convictions. The Western liberal democracies demonstrate their liberal freedom guaranteeing agency by religious freedom.

Dignitatis Humanae 1, 5 announces to present “the doctrine of recent popes on the inviolable rights of the human person and the constitutional order of society”. The Council will present the first positive speeches on democracy by the popes of the 20th century. The Council presents the official teaching of the Roman Catholic Church, that is at this point of *Dignitatis Humanae* the argument is not established with the help of

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the Bible. A lonely reference to *Matthew 28*, 19–20 serves to legitimize the claim of the responsibility of everybody to take notice of the Gospel. This is not the point of the Gospel. *Matthew 28*, 19–20 is about the Mission of the disciples.

What about the dignity of women, men and queer who did not hear of Jesus Christ and who get confronted with the Christian message by Christian women, men and queer? *Digitatis Humanae* 1, 2 cites *Matthew 28*, 19–20. Whenever possible, the documents of the Second Vatican Council cite *Matthew 28*, 19–20. Yes, we hear from *Matthew* the instruction of Jesus Christ risen for his disciples to announce the Gospel to all women, men and queer of this world. We therefore have to see this declaration on religious liberty in strict connection with the Council's document on the Mission of the Church. It looks like the Church Fathers and theologians working on religious liberty were not in contact with the commission working on the self-understanding of the Mission of the Church.

The answer to the self-questioning of a woman, man or queer what do I believe, what is my world view and what are my religious convictions the individual woman, man and queer develops in a long process of living and reflecting on life. All four Gospels describe this process of coming to embrace the belief in Jesus Christ or of refuting this belief and believing in something else. *Digitatis Humanae* does not turn to Scripture to speak on the process of the disciples of Jesus on their way to becoming believers. The Gospels guarded the stories of misunderstandings, failures and treason of the disciples as precious testimony for the grace of God and encouragement for the women, men and queer of all times who search their faith and world-view.

Why is it so difficult for Church authorities and Christians to accept the testimony of *Mark* on the dignity of failing Peter? The Council writes on the truth that the message of Jesus Christ holds for us that we ought to believe and embrace in a perfect way as if believing was a kind of obedience to a commandment. Jesus was a very patient teacher and often was despairing of the misunderstandings and unbelief in regard to his Gospel. Jesus starts teaching over and over again throughout the Gospels. In *Mark 8*, 31, Jesus began to teach (*didaskhein*) once more. *Mark* presents us Jesus as the most important teacher, as a teacher who teaches the people of Israel as Moses once did. It is the teaching of Jesus, we learn from *Mark*, that the son of man will suffer a lot. I have to observe at this place that *Mark* presents the talking and teaching of Jesus in simple and understandable terms. The Council Fathers use a language that is abstract,

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complicated and suffocates the breathing with burning dogmatic incense. The son of man will suffer from women, men and queer and the son of man will be rejected and killed by the religious authorities, High priests, leaders and theologians, of the Roman province of Judea. Jesus was able to communicate about his life and death. In order to believe in Jesus Christ, we need grace and we do not need the claim to truth of this belief as we claim the truth of the laws of physics. For believing we need the prayer of Jesus Christ himself who empowers his followers. We read in *Luke 22, 32* that Peter will be able to believe because of the prayer of Jesus for him. When Peter will have turned to faith (*epistrepas*) he will have to empower his brethren. It is true that Peter is the interlocutor of Jesus in this dialogue. It is Peter and not any of the other disciples. From this does not follow that Peter is attributed the role of head of community. *Luke* at this point presents Jesus speaking to disciples and not to a community. There is no talk about structure, roles or offices. Peter simply will be able to empower his brethren to stay firm in the faith that he himself had struggled desperately to be (*Luke 22, 54–62*). Since so many documents of the Second Vatican Council work and meditate the Scriptures, I hope for tolerance concerning my taking rescue in some verses of the Gospel while commenting on the beginning of *Dignitatis Humanae*. The Biblical references will appear later in the document.

Dignitatis Humanae 2,1 assesses religious freedom for all, not only for Roman Catholics “This Vatican Council declares that the human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power”. *Dignitatis humanae 2,2* even dares to declare human reason as the foundation of human dignity and human dignity as the foundation of religious freedom. There is again the reference to *Pacem in Terris* for legitimizing this claim as a papal teaching. *Dignitatis Humanae 2,2* assesses also that there is a human dignity “known through the revealed word of God” that is the foundation of religious freedom of the individual person. It is clear from the text that the two dignities are not used in a univocal way. There is no contradiction between reason and revelation but there is a clear preference for revelation. The claim of *Dignitatis Humanae 2,2* “This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right” sounds like coming from a constitution of international law. Yet we have to be careful, the Council does not reflect on the Holy See as constituting also the Vatican State.

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There is no reflection of the fact that the Vatican insists to be considered and treated as a state with the same state powers as any other state. So religious liberty would concern also the Vatican who discriminates the liberty to discuss religious matters freely within the Catholic Church. It will be up to us to make clear that revelation in reality and effectively does comply with the whole reasoning of the *UDHR*. When we speak of religious freedom, we speak of freedom. In the *UDHR*, religious freedom has to be treated strictly in relation to freedom and dignity. This is true for all human rights claims in the *UDHR*. *Dignitatis Humanae* 2,3 struggles to integrate the traditional doctrine of conscience and the free will into a concept of religious freedom. It sounds quite strained that religious freedom “continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it and the exercise of this right is not to be impeded, provided that just public order be observed”.

Dignitatis Humanae 3,1 turns again to arguing with faith sentences from the Judeo-Christian religious tradition that “the highest norm of human life is the divine law-eternal” that “directs and governs the entire universe” by the word of God. The Council Fathers present the laws of Go’d the unknowable in the way of the laws of mechanics of classical 19th century physics. Even these laws of physics are no longer considered to be objective, eternal or universal. They are subjective, relative and can be described by experiments that repeatedly show similar results.

Dignitatis Humanae 3,2 teaches a kind of truth finding process by communication “The inquiry is to be free, carried on with the aid of teaching or instruction, communication and dialogue, in the course of which men explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth”. *Dignitatis Humanae* 3,3 rapidly destroys the fresh air of open speech by moralizing on adhering to the truth one has found.

Dignitatis Humanae 3,4 returns to traditional Catholic teaching on conscience as possessing divine elements, and as perceiving “the imperatives of the divine”. Religious freedom consequently concerns the expression of the thoughts, convictions and beliefs of the conscience within the constitutional state.

Dignitatis Humanae 4,1 claims religious freedom for religious communities. The American Constitution describes the nation State as lay in character and affirms that the State has the duty to cooperate with the Church (Komonchak 1999 et al., 688).

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Murray wrote his memorandum on religious freedom in 1950 in order to convince many skeptical Americans that the Roman Catholic Church fully and sincerely affirms the values and rights of democracy (ibid). One is tempted to say that *Dignitatis Humanae* follows the practical conception of the Church State relationship of the American Constitution. *Dignitatis Humanae* 4 writes on the necessary cooperation of the State and the Church, while respecting religious freedom of the religious community.

Dignitatis Humanae 4,2 starts enumerating the various rights of religious communities within the State “religious communities rightfully claim freedom in order that they may govern themselves according to their own norms, honor the Supreme Being in public worship, assist their members in the practice of the religious life, strengthen them by instruction, and promote institutions” for their religious life. *Dignitatis Humanae* 4,3 claims the right not to be hindered by the government “in the selection, training, appointment, and transferral of their own ministers, in communicating with religious authorities and communities abroad, in erecting buildings for religious purposes, and in the acquisition and use of suitable funds or properties”. *Dignitatis Humanae* 4,4 claims “Religious communities also have the right not to be hindered in their public teaching and witness to their faith”. “In spreading religious faith and in introducing religious practices” religious communities refrain from any “abuse of one’s right and a violation of the right of others”. Religious communities have the right to participate in “the organization of society” on the basis of the values of their religion, claims *Dignitatis Humanae* 4,4. And men have the right “freely to hold meetings and to establish educational, cultural, charitable and social organizations, under the impulse of their own religious sense”.

All these rights are not only affirmed by the American Constitution. Article 2 of the *UDHR* as article 26 of the International Covenant on Civil and Political Rights (*CPR*) from 1976 not only protect religion, but protect against many forms of discrimination. “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, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status” (Gibson 1996, 54). Article 18 of the *UDHR* and of the *CPR* proclaim “Everyone has the right to freedom of thought, conscience and religion” (ibid, 72). The same right is claimed by the European

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Convention for the Protection of Human Rights and fundamental freedoms of 1953, the International Covenant on Economic, Social, and Cultural Rights of 1976, the International Covenant the American Convention on Human Rights of 1978, the Cairo Declaration on Human Rights in Islam of 1990, the Declaration on the Basic Duties of Association of Southeast Asian Nations (ASEAN) Peoples and Governments of 1983, and the African Charter on Human and Peoples' Rights of 1986 (ibid, 73).

CPR 18:

Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching. (2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. (3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. (4) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, where applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. Covenant on Civil and Political Rights, Article 18 (ibid, 72–73).

There are still more rights concerning religious freedom that we find in the covenants of International Law. I do not intend to present an overview of all these laws. I am observing that *Dignitatis Humanae* does not refer to the UDHR. Just as the US is suspicious of the United Nations, so is the Vatican. Murray followed a political theory of the institutions of society, of legality and the constitutional right to religious freedom according to the American Constitution (Vilanova 1998, 455). The constitution of the liberal democratic nation state guarantees religious freedom with the rule of law. Assessing religious freedom *Dignitatis Humanae* assesses religious freedom for every woman, man and queer on this earth. No nation state of this earth is excluded from the claim to guarantee religious freedom. *Dignitatis Humanae* nevertheless coherently sticks to the principles of the American Constitution concerning religion and religious freedom. The Second Vatican Council and Pope Paul VI could have very well followed a different way and could have recognized religious freedom referring to the *UDHR* from the United Nations. When Paul VI in 1950 got to know and appreciated the

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argumentation of the Jesuit political and theological scholar John Courtney Murray his model for religious freedom and the assessment of democracy was the US. I do not know if the Cold War and the fear of a Communist government in Italy kept the hesitant and insecure Paul VI on the side of the Western Super Power to guarantee religious freedom for the Roman Catholic Church in the world. Pope John XXIII demonstrated more courage and he worked with confidence to overcome the dangerous splitting of the world in spheres of interest between the Soviet Union and the US. The last chapters of Pope John XXIII's Encyclical *Pacem in Terris* of 1963 clearly views the world in a perspective of peace and justice and already political unity. John XXIII recognized the United Nations as the necessary organization that overcomes the particular interests of the single states and nations and claims the goal of world peace and justice as the common end. Recognizing the United Nations as the realized nucleus of a future single world State was not on the mind of the Council Fathers of the Second Vatican Council. In 1967, the theologians and bishops were not aware of "a single organized political society" or the possibility of realizing such a society on earth, they described the whole of humanity as a community, that does not constitute a single organized society comprised of all men, but is divided into many States. There is not a single world State, "a single organized political society" (Onclin 1967, 736). The teaching and practice of the Roman Catholic Church for almost two thousand years has been developing and realizing concepts of unity. Yet, at the Second Vatican Council, no theory of unity for the world was prepared. There was no thinking about how to realize the political unity of a world society with democratic means and the rule of law. The rule of Human Rights law of the United Nations did not correspond with the concepts of realizing unity by the absolute powers of a monarch. The Roman Catholic Church further declined to think about democratic concepts for her own unity in pluralism. With the experience and practice of surviving the centuries of history and a unique arsenal of know-how how to stay in power, the Roman Curia turned to diplomacy to get influence at the UN and at international organizations. This diplomacy of cooperation in autonomy is very successful and a proof of the effectiveness of the so-called soft-powers.

Dignitatis Humanae 5 affirms the right of the family "freely to live its own domestic religious life under the guidance of parents" who "have the right to determine, in accordance with their own religious beliefs, the kind of religious education that their children are to receive". The state cooperates enabling "a genuinely free choice of schools and of other means of education". A system of education that excludes

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religious education or forces instructions on children “which are not in agreement with their religious beliefs” violates the right of the parents to guide the education of their children. *UDHR* 26,1 claims “everyone has the right to education”, and *UDHR* 26,3 claims “Parents have a prior right to choose the kind of education that shall be given to their children”. Concerning education there is correspondence between *Dignitatis Humanae* and the *UDHR*. Taking a look at International Law we read in the International Covenant on Economic, Social, and Cultural Rights 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”. *Dignitatis Humanae* 5 will not be developed further after the Second Vatican Council into a concept of education that corresponds with Human Rights without discrimination. *Dignitatis Humanae* 5 misses an opportunity to affirm the important function of education for maintaining peace on this earth. The Declaration on Christian education *Gravissimum Educationis* 1 (Paul VI 1965b) recognizes the importance of education. In the fifty years following the promulgation of the decree, developments on the concept of education and its realization were neglected (Siebenrock 2005a, 582). In the few post conciliar Church documents on education, we read a lot about Catholic schools but little on education (ibid). Paul VI promulgated *Gravissimum Educationis* in the last session of the Council in 1965. The Council fathers were already exhausted and lacked the energy to work on a concept of education within the social context of cultural pluralism (Velati 2001, 221).

Dignitatis Humanae 5 claims the right to education in the context of the right to a family, but does not develop further on the right to a family. *The Pastoral Constitution Gaudium et Spes* deals with the family. Nevertheless, it is strange, that a declaration on human dignity like *Dignitatis Humanae* because of doctrinal difficulties with divorce and traditional discrimination of women and married men from the ordained priesthood and therefore from the hierarchy of the Roman Catholic Church in general, cannot comply with the *UDHR* claiming the right to marriage and to a family. *UDHR* 16,1 proclaims the right to marry and found a family without any limitation, and men and women “are

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entitled to equal rights as to marriage, during marriage and at its dissolution". The Catholic Church does not grant this right to their ministers and discriminates women and married men on this point. The right to marriage and to a family is a very basic right, a human right and there must not be any form of discrimination or violation of this right. I doubt that the right of religious freedom, that also constitutes a basic human right, would include the right to not appoint married men to ministers. The right to choose ministers is part of the religious freedom. There is no doubt over the validity of the claim of *Dignitatis Humane* 4,3 to "the right of the religious communities to freely select, train and appoint their own ministers". The right to non-discrimination of the *UDHR* 2, claims the non-discrimination on the distinction of sex. In my judgement this right has to be taken seriously just as the right to religious freedom. The exclusion of women, married men and queer from the ministry of priesthood, bishop or pope within the Roman Catholic Church constitutes a grave violation of Human Rights.

Dignitatis Humanae 6 deals with the second principle of State Church relationships that Murray identified in his 1950 article that is the duties of the State in relation to religious communities (Komonchak 1999 et al., 694). *Dignitatis Humanae* 6,1 affirms "the common welfare of society" needs appropriate conditions of social life that "chiefly consists in the protection of the rights, and in the performance of the duties, of the human person". *Dignitatis Humanae* 6,1 refers to the encyclicals *Mater et Magistra* from 1961 and to *Pacem in Terris* from 1963 for his argument that the rights of the US Constitution are conform with the teaching of the Popes. *Dignitatis Humanae* 6,1 concludes that the duties of religious freedom to take care for the common good involves all, the "whole citizenry", social groups, government, and "the Church and other religious communities".

Dignitatis Humanae 6,2 claims "The protection and promotion of the inviolable rights of man ranks among the essential duties of government" and cites again *Mater et Magistra* and *Pacem in Terris* as confirming authorities. We must be very careful not to mix up the assessment of the Roman Catholic Church "of the inviolable rights of man" with an assessment of the Human Rights of the *UDHR*. The Roman Catholic Church does not subscribe to the *UDHR* in general but assesses selected rights. *Dignitatis Humanae* 6,2 claims the right of religious freedom, nothing else.

Dignitatis Humanae 6,3 again claims the duty of the State to secure religious freedom. Government has to empower religious life "in order that society itself may profit by the

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moral qualities of justice and peace which have their origin in men's faithfulness to God and to His holy will". Murray had resorted with the support of the US American cardinals and bishops to a diplomatic ruse. Murray claimed the correspondence of the claims of *Pope Leo XIII* and of the American Constitution. In his 1885 Encyclical *Immortale Dei*, *Leo XIII* claimed that governments have to empower "men's faithfulness to God and to His holy will". The American Constitution claims, "The state recognizes that its acts and legislation ought to be in harmony with the law of God". Murray had convinced the Council Fathers that the two claims are coherent and correspond with each other (Komonchak 1999 et al., 694). In November 1963, the Dominican De Riedmatten and other theologians reacted with outrage at presenting the claim of *Leo XIII* like a positive evaluation of institutional democracy (Soetens 1998, 306). Although it is anachronistic claiming that the popes did not fight constitutional democracy well into the 20th century CE, Murray succeeded in convincing the Council that the democratic State secures religious freedom as the popes had taught. De Riedmatten was not in favor of the principle of constitutional democracy that is one-person one vote concerning religious liberty "Everything should not be based on the individual right of the person" (Congar 2012, 419).

Dignitatis Humanae 6,3 assesses that "justice and peace have their origin in men's faithfulness to God and to His holy will". For Pope Leo XIII and the popes who followed him there was no doubt that the "holy will" of God calls for banning women and married men from the ordained priesthood in the Roman Catholic Church. Go'd's holy will serves to legitimize discrimination. Nevertheless, discrimination of women and married men and queer is a violation of the principles of justice and peace. It is not possible for the Second Vatican Council and it is not possible for contemporary theologians and bishops to claim without self-contradiction "The protection and promotion of the inviolable rights of man ranks among the essential duties of government" and at the same time discriminate "the inviolable right of man" within the Roman Catholic Church. Neither is it possible to claim without contradiction Go'd's "holy will" as "origin of justice and peace" and at the same time violate in the name of Go'd's "holy will" justice and peace by discriminating women, men and queer. It is not possible to claim without contradiction religious freedom to be founded "in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself (*Mater et Magistra, Pacem in Terris*)" (*Dignitatis Humanae* 2,2) and at the same time violate

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dignity “known through the revealed word of God and reason” by the discrimination of women, men and queer.

Dignitatis Humanae 6,4 claims “the constitutional order of a society” guarantees that the right “of all citizens and religious communities to religious freedom should be recognized and made effective in practice”.

I copy *Dignitatis Humanae* 6,5 “Finally, government is to see to it that equality of citizens before the law, which is itself an element of the common good, is never violated, whether openly or covertly, for religious reasons. Nor is there to be discrimination among citizens”. The claim of *Dignitatis Humanae* 6,5 that “there is to be no discrimination among citizens” sounds corresponding to the *UDHR* 1 “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood”. We have to be careful that *Dignitatis Humanae* 6,5 does not condemn discrimination in general, but condemns nonspecifically discrimination “among citizens”. *Dignitatis Humanae* discriminates married women and men, who are banned from priestly ordination and the hierarchy, and it discriminates queer who are not allowed to receive the sacrament of marriage. The Roman Catholic Church legitimizes this discrimination with the right to religious freedom. We have to bear in mind the hermeneutical principle of jurists that the Human Rights of the *UDHR* are inseparable from one another. Religious liberty therefore is to be seen together with the equal dignity, liberty and rights of all women, men and queer and there is no discrimination possible on the ground of religious beliefs. If *Dignitatis Humanae* 6,5 wants to claim the recognition of religious freedom on the basis of the *UDHR*, then all rights of the *UDHR* have to be recognized by the Roman Catholic Church.

It is clear from *Dignitatis Humanae* 6 that the Roman Catholic Church does not claim all Human Rights of the *UDHR*. *Dignitatis Humanae* 6,1 affirms “the common welfare of society” needs appropriate conditions of social life that “chiefly consists in the protection of the rights, and in the performance of the duties, of the human person”. *Dignitatis Humanae* does not use the expression “common welfare” synonymous with the expression Human Rights. Siebenrock comments that the use of term “common welfare” (*commune bonum*) proves that the Second Vatican Council accepts the modern concept of freedom and liberty of the individual human person (Siebenrock 2005b, 179). Siebenrock does not reflect on the concept of equal dignity, freedom and

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rights of all women, men and queer as does the *UDHR*, nor does he reflect the philosophy of the Enlightenment or the Protestant Ecumenical movement after World War I that leads to the concept of equality of dignity, freedom and rights.

The German theologian Siebenrock in my judgement is a typical representative of his generation of lay or clergy theologians at German speaking theological faculties that are recognized by the Roman authorities. These theologians do not reflect on the equal dignity, liberty and rights, that claim the first article of the *UDHR*. Siebenrock does not support the autonomous individual person as faithful of the Roman Catholic Church. The individual Catholic woman, man and queer is not recognized in her or his equal dignity, freedom and rights and the discrimination of women, men and queer is justified on the basis of religious freedom of the Roman Catholic Church providing her norms and laws. The individual women, men and queer faithful of the Roman Catholic Church recognize the equal dignity, freedom and rights of all Christians and claim Human Rights. Women protest their discrimination in the Roman Catholic Church and they are supported by men and queer. The so-called intellectual professors of theology are not able to acknowledge and reflect Human Rights, they are happy with their social privileges as professors and forget about their duty to use this privilege for developing theological concepts for the future.

Siebenrock comments that “the inviolable rights of the human person” is an assessment of *Dignitatis Humanae* of Human Rights (ibid). I do not think that this is the case. Even if it were the case, the duty of protecting the Human Rights concerns the governments and not the Roman Catholic Church (*Dignitatis Humanae* 6,2). The equality of dignity, freedom and rights as a leading principle for the whole *UDHR* is not recognized in the whole commentary of Siebenrock. Siebenrock comments that the State has to realize human rights, but he does not speak of the *UDHR* or give a description of the human rights he is speaking of (Siebenrock 2005b, 180).

Dignitatis Humanae 6.6 claims the duty of governments not to “hinder men from joining or leaving a religious community”. Governments must not “in any way destroy or repress religion, either in the whole of mankind or in a particular country or in a definite community”. Destroying religion is “a violation of the will of God and of the sacred rights of the person and the family of nations”.

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Dignitatis Humanae 7 develops the rights and duties of men in society from the point of view of Roman Catholic social teaching. *UDHR* 1 proclaims the equal dignity, freedom and rights of all women, men and queer. *UDHR* 16 proclaims religious freedom. *Dignitatis Humanae* 7,1 starts the other way round, claiming that the right to religious freedom is subject to norms and therefore “In the use of all freedoms the moral principle of personal and social responsibility is to be observed”. The Roman Catholic Church declares her “moral principles” as rules and norms for the citizen. “In the exercise of their rights, individual men and social groups are bound by the moral law to have respect both for the rights of others and for their own duties toward others and for the common welfare of all. Men are to deal with their fellows in justice and civility” (*Dignitatis Humanae* 7,1). The “rights of the individual men and social groups” are not spelled out, whereas “the moral law” that sustains “the common welfare of all” is described as the reciprocal respect “for the rights of others and for their own duties toward others”. This law of reciprocity of rights and duties would sound quite enlightened, if it included all of the rights of the *UDHR*. This is not the case.

Dignitatis Humanae 7,2 affirms in a short sentence “society has the right to defend itself against possible abuses committed on the pretext of freedom of religion”. This affirmation is a light form of what Murray in his memorandum of 1950 called the priority of the lay state’s laws over religious norms in conflict with the lay state (Komonchak et al. 1999, 704). Right after this affirmation *Dignitatis humanae* 7,2 continues to claim the control of the actions of the government by “juridical norms which are in conformity with the objective moral order”. The norms of “the objective moral order” protect the rights of all citizens, peacefully settle conflicts of rights and arise “out of the need for a proper guardianship of public morality”. *Dignitatis Humanae* neither affirms the *UDHR* as “the rights of all citizens” nor the protection of these rights with the help of the rule of law of a liberal democracy. Siebenrock assesses the vagueness of the expressions “the common welfare”, “rights of all citizens” and “public morality” in the wording of *Dignitatis Humanae* 7, and in a footnote he points at the US American Constitution as a model of protecting religion from suppression (Siebenrock 2005b, 182). There is no word on the discrimination of the rights and freedoms of the Roman Catholic faithful within the Roman Catholic Church and there is no claim for something like a Catholic Constitution of basic rights and freedoms of the faithful. The Roman Catholic Church would for example, never accept the rights of queer to marry or the right of married men and women to divorce. This contradicts *UDHR* 16,1 that proclaims the right to

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marry and found a family without any limitation, and men and women “are entitled to equal rights as to marriage, during marriage and at its dissolution”. When *Dignitatis Humanae* 7,3 claims from society – not from the government of the liberal democracy or the rule of democratic law –, “the freedom of man is to be respected as far as possible and is not to be curtailed except when and insofar as necessary” we have to be clear that this respect reaches as far as the moral teachings of the Roman Catholic Church and not as far as the rule of the *UDHR* law.

Dignitatis Humanae 8,1 writes from the perspective of Roman Catholic doctrine, that the faith sentences of the Catholic faith get the truth value true and that this truth overrules social choices of individual women, men and queer who decide according to their own conscience and not according to the moral value system that Church authority prescribes. The right to freedom and freedom of self-determination is not affirmed, social choices are rather suspect for using “the name of freedom as the pretext for refusing to submit to authority and for making light of the duty of obedience”. We have to understand this “authority” not as the legitimate democratic authority of government and the “duty of obedience” does not concern the rule of law but monarchic Church authority. The only obedience that does not violate one’s dignity is the free social choice of the single woman, man and queer to consent to the restriction of one’s liberty in order to realize the liberty of another woman, man and queer, a social choice based on equality of liberty, rights and dignity. *Dignitatis Humanae* 8,1 further calls the formation of men who “will respect the moral order and be obedient to lawful authority” by submitting their freedom of decision to obedience “education”. The Second Vatican Council wants obedient faithful and not faithful that take their social choices according to their conscience and freedom.

Dignitatis Humanae 8,2 praises religious freedom as a possibility condition that men are “fulfilling their duties in community life”. These duties are not described but we are allowed to complete that these duties concern the fulfilling of the moral principles of the teaching of the Church.

Dignitatis Humanae 9 admits that the “dignity of the human person” developed in a process of experience throughout history. At the same time, *Dignitatis Humanae* 9 claims that the Second Vatican Council’s “doctrine of freedom has roots in divine revelation”; Christ respected “the freedom with which man is to fulfill his duty of belief in the word of God”. This freedom for the social choice to believe or not to believe

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corresponds with religious freedom of the state, “religious freedom in society is entirely consonant with the freedom of the act of Christian faith”. I do not know why there is this very abstract mentioning of Christ, but no story about Jesus that exemplifies freedom of faith. Jesus showed respect for the social choices of not believing him, of betraying him, of the difficult and complicated way of Peter to become a believer. It is a service of love to respect the dignity of others. *Acts* describe the conflict and complicated relationship between Peter and Paul. Peter finally respected the dignity of Paul and the dignity and freedom of the Hellenistic Christians. Dignity as it was realized by Jesus Christ according to the testimonies of the Gospel leads me to claim the truth value true for the claim that Christians and non-Christians in a coherent and univocal way may use the term dignity that is described as respect of the liberty and freedom of social choices of others.

Dignitatis Humanae 10 affirms “Catholic doctrine that man’s response to God in faith must be free” as founded in the Bible and rooted in Catholic tradition; “This doctrine is contained in the word of God and it was constantly proclaimed by the Fathers of the Church”. Catholic doctrine claims freedom as validity-condition for an act of faith. *Dignitatis Humanae* 10 refers to a litany of Church Fathers and popes who assessed this fundamental Catholic principle. Since the principle that affirms faith as a social choice of the individual woman, man and queer is already central to the teachings and healings of Jesus and his claim to believe in the Son of Man, and since Jesus Christ realized the social choice of non-violence over militant resistance to his arrest and death as an act of his freedom and self-determination, *Dignitatis Humanae* is finally capable of arguing with references to the Holy Scripture. It looks like the exegetes and biblical scholars of the Secretariat for the Unity of Christians at this point took over the argumentation in *Dignitatis Humanae* from the American constitutionalist John Courtney Murray. After 9 articles with only one reference to the Gospel, all of a sudden *Dignitatis Humanae* 10 refers within one sentence to two verses of the Scripture, to *Ephesians* 1, 4 and to *John* 6, 44. The theological claim of the sentence is dense like the nucleus of an atom. *Ephesians* 1, 3 blesses “Go’d and the Father of our Lord Jesus Christ” for the blessings we received from Him in Jesus Christ. The blessing we received from Jesus Christ are described in *Ephesians* 1, 4 and accepting these blessings in return empowers women, men and queer to reciprocate the blessings of Jesus Christ in a kind of blessing of Go’d that is in a prayer of thanksgiving. *Ephesians* 1, 4 professes the faith to be chosen by Go’d in Jesus Christ before any beginning of

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the world for the sake of realizing love “According as he hath chosen us in him before the foundation of the world, that we should be holy and without blame before him in love”. *Dignitatis Humanae* 10 does not dare to take up the second part of *Ephesians* 1, 4 and does not proclaim that all believers are called to realize love as a sign of their life in the presence of Go’d. *Ephesians* 1, 4 assesses as uncountable verses of the Bible assess Go’d as the Only One who sanctifies. We may read the complete verse *Ephesians* 1, 4 as another fundamental critique of the pope’s and his hierarchy’s claim to be in charge of the sanctifying power in the Church. The Bible proclaims Go’d as an agent of creation, redemption and sanctifying. The Gospel proclaims that Jesus Christ empowers us to the service of love, that is believing in the word of God and that Go’d empowers us to believe in Jesus Christ. *Dignitatis Humanae* 10 affirms this belief sentence referring to *John* 6, 44. Unless the Father draws one to Himself (*John* 6,44) there is no faith. *Dignitatis Humanae* does not call the act of faith, the free social choice of believing in Jesus Christ with *Ephesians* 1, 4 “a service of love”. *Dignitatis Humanae* 10 says man “offers to God the reasonable and free submission (Latin: *obsequium*) of faith”. *Obsequium* means accommodation and not simple obedience. I do not respond to God with obedience, I do respond to God as a social choice that realizes a service of love. The Biblical expressions of love evidently were too much for the receiving capabilities of the Council Fathers. Reading the whole verse *John* 6,44, it is perfectly clear that Jesus claims that God draws the woman, man or queer to him, Jesus Christ proclaims “No one can come to Me, unless the Father who sent Me draws him; and I will raise him up on the last day” (*John* 6, 44). We have to read therefore, this citation in the context of *Dignitatis Humanae* 9 where the respect of Jesus Christ of the freedom of faith is called respect for the dignity of the single woman, man and queer. There is another principle at work in the process of the single woman, man and queer who develop a social choice of service of love that is called believing the word of God. Jesus Christ respects the dignity of every woman, man and queer. The *Gospel of John* as the *Letter to the Ephesians* help the Council Fathers to introduce the Scripture in their argumentation on religious freedom.

Dignitatis Humanae 11 is the longest article of the declaration and excels citing the Gospel 20 times, in *Dignitatis Humanae* 11, 1 alone, there are 10 references to the Gospel. At the beginning there is a long description of Jesus Christ as an example for Go’d’s respect of the dignity of the human person. Jesus respected the dignity, liberty and freedom of conscience of his disciples and followers. There is no force on his side

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or coercion to believe. The sentence “God has regard for the dignity of the human person whom He Himself created and man is to be guided by his own judgment and he is to enjoy freedom” assesses the first and only theological argument for the equal dignity of women, men and queer, that is they all were created by Go'd and with Go'd there is no discrimination. Speaking of a judgment, the Council Fathers speak of free choice of faith as something like the person's counsel that is deliberating and reaching a decision, like searching for plan and guide. The person has to take counsel with its own *consilium*. Understanding, insight and knowledge are also aspects describing the Latin expression *consilium*. To translate the expression *consilium* with the expression judgement is incomplete and too abstract. *Consilium* expresses a process that prepares the decisions and takes decisions. Thereby facts get checked, arguments are considered and possible consequences are assessed.

Dignitatis Humanae 11,1 continues with biblical testimonies of how Jesus Christ related to his disciples and followers and respected their dignity despite incapacities and failure to believe. His policy was not that of power politics and he did not claim power to sanction contesters, sinners, or enemies. “Christ is at once our Master and our Lord (*John* 13,13) and also meek and humble of heart (*Matthew* 11,29). In attracting and inviting His disciples He used patience (*Matthew* 11, 28–30 and *John* 6, 67–68). He wrought miracles to illuminate His teaching and to establish its truth, but His intention was to rouse faith in His hearers and to confirm them in faith, not to exert coercion upon them (*Matthew* 9, 28–29, *Marc* 9, 23–24 and 6, 5–6)”. The truth of the doctrine that Cardinal Ottaviani, president of the doctrinal commission, defended with all his powers and intrigues, in *Dignitatis Humanae* 11,1 is finally described as the truth of the authenticity of the life and teachings of Jesus Christ, the faith in Jesus himself. Jesus accepted who did not believe in him and left to Go'd all final judgement (*Matthew* 11, 20–24, *Romans* 12, 19–20, 2 *Thessalonians* 1, 8 and *Matthew* 13,30 and 40–42). The Council Fathers insisted on citing from the long and secondary ending of *Marc* 16, 16 “He who believes and is baptized will be saved. He who does not believe will be condemned”. Ottaviani and the *Coetus partrorum* preferred the Gospel of deterrence to the Gospel of mercy and love. *Dignitatis Humanae* restores the whole context of the Biblical perspective of love assessing of Jesus “He refused to be a political messiah, ruling by force” (*Matthew* 4, 8–10 and *John* 6, 15). “He showed Himself the perfect servant of God (*Isaiah* 42, 1–4) who ‘does not break the bruised reed nor extinguish the smoking flax’ (*Matthew* 12,20)”.

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Dignitatis Humanae 11, 2 looks like a further assessment of Biblical testimonies of faith in Jesus Christ. *Dignitatis Humanae* 11, 2 cites “Render to Caesar the things that are Caesar’s and to God the things that are God’s (*Matthew 22, 21*)” and interprets this verse as Jesus’s acknowledgement of “the power of government and its rights”. There is no word of *Dignitatis Humanae* on the fact that *Matthew 22, 21* serves as the landmark legitimization of the separation of Church and State and of religious freedom for Christians (Gibson 1996, 74). The Second Vatican Council and Paul VI did not want to acknowledge that Jesus taught the separation of the Church and the State and the Roman Catholic Church had ignored and violated throughout the whole second Millennium CE this principle of the separation of worldly and spiritual powers fighting the emperors and kings with armies, battles and politics for their submission under papal authority. Only in the 19th century CE, the Roman Catholic Church had to recognize the complete failure of this policy but she never acknowledged having ignored and violated the commandments of Jesus Christ.

“Religions and belief systems have many dimensions. Landmarks in the right to religious freedom are prominent in many historical eras, societies, and cultures but largely revolve around the person’s freedom to believe and worship without dictation by government or discrimination and intolerance from any source. Over the centuries, however, governments have demanded people’s conformity to state religion, accompanied or followed by discrimination, intolerance, and often severe punishment for any deviation from the identity of ‘church and state’ or the prescribed belief system. The history of Western imperialism is remembered well in many parts of the world where Christianity was imposed as ‘the imperial creed’” (Gibson 1996, 74).

“Over the ages, the ‘Caesar’s’ of the state identified themselves with God, and many were convinced of their ‘divine right’ to rule. The Renaissance and Reformation in Europe led to the wars of religion which, in turn, brought about the brief Peace of Augsburg in 1555. One could worship as a Catholic or a Lutheran, if the person’s prince were Catholic or Lutheran; some Free Cities permitted both. Calvinists and others were ignored. The Peace opened the door to toleration which was widened with the treaties of the Peace of Westphalia of 1648, introducing the modern state system. On the Continent, in 1579, religious strife in Holland moved the Protestants in the Union of Utrecht to affirm their faith in the North Low Countries but not to prosecute Catholicism

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in the South. Holland then became the first home of religious toleration on the Continent” (ibid, 75).

Dignitatis Humanae 11, 2 continues, unimpressed by its ignorance of most important biblical reference for the separation of Church and State. All along, the Council Fathers had used the American Constitution in their defense of religious freedom now they use the Bible describing the work of salvation of Jesus Christ, referring to *John* 18, 37, to *Matthew* 26, 51–3 and to *John* 18, 36 as well as to *John* 12, 32 assessing over and over that Jesus did not force anybody to believe in him and encountered everybody with love. *Dignitatis Humanae* does not try to join the constitutional argumentation with biblical arguments for freedom, dignity and equal rights of all women, men and queer on this earth.

Dignitatis Humanae 11,3 presents another 12 references to the *Letters of the New Testament* and to *Acts* describing how the Apostles followed the way of Jesus Christ as their example. They preached and tried to convince, and they did not force anybody. Referring to *Romans* 14, 12, the Council Fathers underline again the conscience of the individual person as the agent deliberating the claim “the Gospel is indeed the power of God unto salvation for all who believe” (*Romans* 1, 16). The Apostles respected the civil authorities and criticized them.

Dignitatis Humanae 12 ,1 returns to the constitutional argumentation of the Second Vatican Council affirming “religious freedom as befitting the dignity of man and as being in accord with divine revelation”. Religious liberty is the new concept and dignity and revelation are the traditional concepts. The Council even admits that the Church in its history exercised constraint on religious freedom against the teaching of Jesus Christ and the Apostles.

Dignitatis Humanae 12,2 accepts that the Gospel itself made the people recognize the dignity of the human person and the validity of the claim for religious freedom. The Gospel makes the people conscious and aware of what it says. *Dignitatis Humane* 12,2 affirms the Gospel “has contributed greatly” to the recognition of the dignity of the human person. Who else has contributed to the recognition of the dignity of the human person and whose contribution was decisive? Who in history began treating the individual as individual? Hammurabi, Socrates, Buddha, Solon, Jesus, Saint Francis of Assisi, Bartolomé de las Casas, the Bill of Rights?

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Dignitatis Humanae 13,1 claims with the letter *Officio Sanctissimo* from Pope Leo XIII from 1887 “that the Church should enjoy that full measure of freedom which her care for the salvation of men requires”. *Dignitatis Humanae* here does not speak of the religious freedom of the single person, of the dignity of the human person. The Church claims many rights from the state. Why suddenly this claim of religious freedom for the institution Church without regard for the individual believer? Leo XIII wrote his letter for the bishops of Bavaria in an effort to end the clash between the rights of the Roman Catholic Church and the state of Bavaria as formulated in the international treaty between the Holy See and the state of Bavaria in 1817. The pope claims in the state of Bavaria, as in other nation states with treaties with the Vatican, the right for censorship of books that do not please the Catholic Church, the right to prohibit mixed marriages and divorce. The State of Bavaria had not recognized the infallibility of the pope that the First Vatican Council had promulgated. In this context, freedom of the Church means granting the pope powers, for example to appoint bishops in Bavaria or sack theology professors that were employed by the State of Bavaria to teaching Catholic theology. After the French Revolution and the wars of Napoleon during most of the 19th century CE, the Roman Catholic Church in Germany and Bavaria had to reorganize her Church life as her relationships with the States (Franzen 1980, 334).

Dignitatis Humanae 13, 2 claims freedom for the two realities of the Church, the spiritual and the societal. The Church as society claims all the rights to discriminate her faithful women, men and queer in the name of the faith, and formulates this doctrine of Pope Pius XI from 1937 very encoded “The Church also claims freedom for herself in her character as a society of men who have the right to live in society in accordance with the precepts of the Christian faith”. *Dignitatis Humanae* 13,3 claims not only the constitutional freedom of religion but also “its practical application” that is the power to fire professors, appoint bishops, and discriminate women, men and queer. *Dignitatis Humanae* 13,4 claims freedom of the Church as the authority of the Church to intervene in the life of the State as the Church and not as an individual citizen and faithful. This claim is a contradiction to the US Constitution that claims that individual persons express their faith and policies within the rule of the democratic state of law. There is no harmony between the freedom of the Church that is the authority of the hierarchy of the Church and religious freedom of the individual faithful, as *Dignitatis Humanae* 13,4 claims. Where does the claim of freedom of the Church come from? *Dignitatis humanae* is about religious freedom and not freedom of the Church.

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Freedom of the Church is part of religious freedom. The balance of Church freedom and the rule of law of the democratic state is realized by the possibility of the faithful to live their faith according to their conscience within the democratic rule of law. Conscience is the common ground for citizens and the faithful, it is not the teaching, governing or sanctifying authority of the Church.

Dignitatis Humanae 14,1 assess again the mission of the Catholic Church for spreading “the word of the Lord” with another reference to Matthew 28, 19–20. Jesus commanded all of his disciples to preach the Gospel and keep his commandments, *Dignitatis Humanae* 14,1 speaks only of the Church that is the hierarchy of bishops and priests. There was evidently no cooperation with the commission working on the text for the missions *Ad Gentes*. The hierarchical Church claims in *Dignitatis Humanae* 14,1 further that the word of the Lord be “glorified” (2 Thessalonians 3,1). The faithful are not addressed as responsible women, men and queer, as Christians who are called by the Holy Spirit to preach the Gospel and heal, instead the faithful laity is addressed as “children” of the Church, they are treated by the Council Fathers as under-aged sheep-like infants, who are incapable of preaching, teaching, governing and sanctifying. The conscience of these children is formed by “carefully to attend to the sacred and certain doctrine of the Church”, not the sacred teaching of Jesus Christ. *Dignitatis Humanae* 14,1 demonstrates the authoritarian Church self-understanding of the pope as a Roman aristocratic prince in the way of Pius XII, the last pope before the Second Vatican Council. Together with the reference to the authoritarian assessments of the hierarchy by Pius XII, *Dignitatis Humanae* 14,1 concludes by encouraging with *Acts* 4,29 the Christians to walk their life with “apostolic courage, even to the shedding of their blood”. In the face of Communist persecution of Christians and millions of Christians suffering suppression the allusion to their martyrdom dignifies their sacrifices in the public conscience of the Second Vatican Council. The closeness to the reference to Pius XII who did not dare encourage the German and Austrian Christians to resist the brutal Nazi terror-regime of Adolf Hitler, and protest the extermination of Jews, Sinti and Roma and millions of Slavic women and men and queer, leaves a stale taste and lack of sensitivity at this place of *Dignitatis Humanae*.

Dignitatis Humanae 14,2 assesses Jesus Christ as the center of the Christians and calls for patience and love for those who ignore or err concerning the Christian faith. The reference is to John XXIII and his encyclical *Pacem in Terris* and he could have

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spoken the last sentence of *Dignitatis Humanae* 14,2 “All is to be taken into account – the Christian duty to Christ, the life-giving word which must be proclaimed, the rights of the human person, and the measure of grace granted by God through Christ to men who are invited freely to accept and profess the faith”.

Dignitatis Humanae 15,1 a last time assesses religious freedom, assesses “religious freedom has already been declared to be a civil right in most constitutions” and even finds the way for the first time to a shy and indirect allusion to the UDHR claiming religious freedom “is solemnly recognized in international documents”. The Council is not naïve and documents that governments subscribing to religious freedom by their constitution in practice nevertheless suppress religious freedom. The reference to the UDHR is indirect and works by directly referring to *Pacem in Terris* as source of the claim of the UDHR. The last articles of *Dignitatis Humanae* are filled with references to religious liberty by Pope John XXIII who had initiated a document on religious freedom in the first place.

Dignitatis Humanae 15,2 follows John XXIII’s claim to work for world peace “Consequently, in order that relationships of peace and harmony be established and maintained within the whole of mankind, it is necessary that religious freedom be everywhere provided with an effective constitutional guarantee and that respect be shown for the high duty and right of man freely to lead his religious life in society”. *Dignitatis Humanae* 15,3 ends the declaration praying for religious freedom and for the freedom of the daughters and sons of Go’d as *Romains* 8,21 proclaims.

5.6. Interaction between revelation and human experience

The Second Vatican Council confirms in the first sentence of the Preface of the *Dogmatic Constitution on Divine Revelation Dei Verbum* (Paul VI 1965a) that 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” (*Dei Verbum* 1). 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.

Religious freedom and the confession of the common faith in Jesus Christ make of the believers a common fellowship, a kind of community. To this community of believers

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in Jesus Christ belong all Christians, the Orthodox Churches, Christians from the Churches of the Reformation and from the Roman Catholic Church. These Christians are women, men and queer believers. How do these women, men and queer believers experience their faith? Neither *Dignitatis Humanae*, nor *Unitatis Redintegratio* or *Orientalium Ecclesiarum* bother about gender, ethnicity, and class in the context of the believers who hear, comprehend, speak and live their faith. Feminist theologians assert that gender, ethnicity, and class are part of those cultural, social and biographical variations that directly influence the understanding, practice and speaking of faith (Nussberger 2019, 833). Women and queer voices “are equally indispensable for articulating and living Christian faith” as the voices of the male celibate bishops and theologians, yet these voices are ignored by the Second Vatican Council (ibid). The only woman who gets attention by the documents of the Second Vatican Council is the Virgin Mary. There is not a single reference to a woman Doctor of the Church or to a woman Apostle. The life of Catherine of Siena (1347–1380) testifies of the conviction of Catherine “that she was called to preach and to give Church leaders guidance in political affairs” and the life of Thérèse of Lisieux (1873–1897), another Doctor of the Church, open up the routine of presenting pious women as passive and private. Thérèse’s childlike simplicity of faith that “matures in her trials of God-forsakenness during her final illness” gives authentic testimony to “a God hidden and revealed” (ibid, 843). It is true that “the historical settings in which the Scripture took shape were patriarchal, and that this frequently led to the unfortunate absence of women’s voices in the communication of God’s word” (ibid, 837). The woman who anointed Jesus’s feet at Bethany (*Mark* 14, 3–9) is unnamed “though Jesus insists that she will be remembered” (ibid). This woman “stands as a symbol of all the forgotten women whom God remembers and whom contemporary women must never disregard; for, they knew Jesus, they followed him faithfully to the cross, they saw him after he had risen, and thereafter they testified to his identity” (ibid). Not only the twelve were with Jesus “going about from one city and village to another, proclaiming and preaching the kingdom of God” (*Luke* 8, 1) but also women were with Him who had been healed. Mary Magdalene (*Luke* 8,2) “and Joanna the wife of Cuza, Herod’s steward, and Susanna, and many others” (*Luke* 8, 3). Finally, we get some names from *Luke*, he names the women who found their physical, psychic, social and spiritual integrity in the company of the healer Jesus and they follow him proclaiming the just world of Go’d. All Gospels testify of women following Jesus to the cross. *Mark* remembers Mary Magdalene, and

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Mary the mother of James the Less and Joses and Salome (*Mark* 15, 40). A few women are remembered with their names, but there were “many other women who had come up with Him to Jerusalem” (*Mark* 15, 41). Feminist theologians who remember women’s past experiences and construct women’s complex history aim at opening up a new path into the future, working for a socio-cultural conversion of contemporary structures of oppression and continuing discrimination. Unfortunately, in 2020 CE feminist theologians, feminist women and queer as feminist men are still not getting the institutional support of the Roman Catholic hierarchy of popes, bishops and clergy for realizing within the Roman Catholic Church the discipleship of equals that Fiorenza Schüssler had been fighting for since the 1980s (*ibid*, 837).

The “language we should be using to name and call upon God in whom we believe” constitutes the most fundamental and serious concern of feminist systematicians in theology (*ibid*, 838). The Council Fathers of the Second Vatican Council were not conscious of the male celibate socio-cultural context that was determined and dominated by white males. These celibate males did not reflect their Go’d language and male images as patriarchal symbols of a social hierarchy that discriminates female and queer understandings of their religious experiences. With *Dei Verbum* we are able to assess as the official teaching of the Church the feminist claim that Go’d “reveals God’s self through the creatures God had made, and who, on the other hand, remains hidden” (*ibid*, 839). Feminists therefore do not advocate “the exclusive use of feminine imagery of God”, instead they protest the suppression of the use of feminine imagery for God (*ibid*). A fundamental claim of feminist theologians concerns the social realization of the equal dignity, freedom and rights of women expressing their faith, their faith experiences and their faith concepts.

Nussberger demonstrates this point with sentences of feminist systematic theologians speaking of the salvific mission of Jesus (*ibid*, 840–41). Jesus’s “ministry to the poor, the sinners, and the socially marginalized” proclaims salvation from the social sins of sexism, racism and classism, and redeems humanity from sin by promoting “freedom from concrete situations of suffering, oppression and abuse” (*ibid*, 840). Jesus’s mission concerns the healing of “the oppressor and the oppressed”. African American, Hispanic, African, and Asian women confront their experience of suffering and oppression with “the biblical Jesus and see resonances between their quests for justice

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and liberation, and the salvation that Jesus has achieved through his life, death, and resurrection" (ibid, 840).

In the context of "God's saving design" *Nostra Aetate* 4,2 not only compares the Christians to "wild shoots" which "had been grafted onto the olive tree" (*Romains* 11,17–24) and assess that the Jews are co-heirs of salvation. *Nostra Aetate* 4, 2 also assesses the Roman Catholic Church's belief that salvation has to do with reconciliation between Jews and Gentiles and that the cross of Jesus Christ brought this peace (*Ephesians* 2, 14–16). The claim of reconciliation between Jews and Gentiles, peace between all those peoples believing in Go'd like Abraham certainly constitutes a validity-condition of the claim of salvation by Jesus Christ. *Nostra Aetate* 4, 8 further claims that the social choice of Jesus who suffered the cross was a realization of love and confesses "the cross of Christ as the sign of God's all-embracing love and as the fountain from which every grace flows". Christians confess the cross as the realization of a social choice for love that confronts the hatred and violence of integrity destructing and integrity destructed social choices of women, men and queer (*Ephesians* 2, 14–16). The fight against sexism, racism and classism is part of the social realization of equal dignity, freedom and rights that follow from the Law of the Spirit that is love. The Second Vatican Council has no word against discrimination of women, men and queer and therefore we have to insist on this social realization of love as part of the realization of the just world of Go'd. *Nostra Aetate* does not claim the end of discrimination of all kinds, of women, men and queer, of different religions, cultures and world-views. *Dei Verbum* 17, 1 assesses the New Testament as "The word of God, which is the power of God for the salvation of all who believe (*Romains* 1,16)". The fight against the discrimination of women, men and queer as part of salvation and part of the word of Go'd is not considered in *Dei Verbum*. *Dignitatis Humanae* 11,2 again assesses the cross of Jesus Christ as "the work of redemption whereby He achieved salvation and true freedom for men" without understanding "true freedom for men" as the realization of equal dignity, freedom and rights for all women, men and queer. Referring again to *Romains* 1, 16, *Dignitatis Humanae* 11, 3 proclaims the faith of the Apostles "the Gospel is indeed the power of God unto salvation for all who believe" and fails to insist on preaching salvation as a call to love for the believers, that is also the call to realize their equal dignity, freedom and rights. Instead, *Dignitatis Humanae* 13,1 puts the care for salvation exclusively into the hands of the Roman Catholic Church. The Second Vatican Council actually claims that the celibate male bishops

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and cardinals under the absolute powers of the pope will care for the salvation of the women, men and queer believers. The suppressors of salvation as realization of equal dignity, freedom and rights are considered as safeguards of peace and justice. This is a contradiction and Roman Catholic women, men and queer claim a division of powers within their Church.

Feminist theologians insist on the “continuity between the covenantal theology of the Hebrew Scriptures and the soteriology of the New Testament” (ibid). Further, we must not forget that Jewish theologians treat much the same questions as Christians. The Rabbis studied and study the *Torah*. They prayed, meditated, discussed and wrote comments on the Torah, the constitution of Israel that was written under divine inspiration. Rabbis would discuss, comment and write on theological themes like reconciliation, forgiveness of sins and new life, redemption, atonement, justification, salvation and new creation (Segal 2015, 34). Taking serious the soteriological hopes of Exodus and the annual celebration of it, we have to be clear as Christians that redemption and salvation is not yet finished. It is a central aspect of the rule of scriptural exegesis in Judaism that is of the Mekhilta, that the Passover Festival not only concerns the commemorating of the deliverance from the bondage in Egypt, commemorating the salvation from Egypt inspires and prefigures the hopes for salvation at the end of times (Plietzsch 2005, 56).

Taking the Christian faith sentences in the New Testament seriously, we have to be clear about the fact that there is the promise and hope of a second coming of Christ. In *Luke* 21, 28 we learn that Jesus Christ announced to his disciples his second coming. Luke narrates with the belief perspective of the “fulfilled deeds” (*Luke* 1, 1) that is the death and resurrection of Jesus Christ. Redemption or salvation of the disciples will come (Bovon 2009, 197). In this sense “salvation that Jesus has achieved through his life, death, and resurrection” (Nussberger 2019, 840) is not yet achieved for all oppressed and suffering women, men and queer. Contemporary Jewish faith claims make this point very clear and underline the responsibility of empowering us with salvific hope for eschatological peace and justice by realizing our freedom, dignity and rights.

With the Jewish theologian Susanne Plietzsch, we have to protest against the discriminating claim of *Ephesians* 2, 12 that the Jews “were excluded from membership of Israel”, that they “were separate from Christ” (Plietzsch 2017, 258). We have to set

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straight the ambivalence of *Nostra Aetate* 4 that refers to *Ephesians* 2, 12 that discriminates the Jews and that recognizes contemporary Jewry with *Romans* 11, 17–24 as co-heir of salvation. *Luke* makes a Jewish lawyer ask Jesus concerning his eternal life, concerning his eschatological hope of justice (*Luke* 10, 25). Jesus answered with a double question: “What is written in the Law” and what is your interpretation of it? (*Luke* 10, 26). The lawyer answers with *Deuteronomy* 6, 5 and *Leviticus* 19, 18: “You must love the Lord your God with all your heart, with all your soul, with all your strength, and with all your mind, and your neighbor as yourself”. Jesus assesses the answer of the lawyer: “You have answered right, do this and life is yours”. *Luke* makes Jesus join the justice function of the Law with life just as the Rabbis claim that Go’d does not forget his creation and converts his justice actually into mercy (Hebrew: *rahamim*) (Plietzsch 2005, 79). The Rabbis taught that Yahweh had written down the Torah in order to give life and Yahweh will do mercy in the final judgement and liberate Israel again and for all times.

A look at an Indian Christian perspective on salvation helps understand our history as the ongoing process of Jesus’s work of salvation, if Jesus “came into this world only to repair the dent in the human face that was caused by the sin of humanity and not he is in heaven, completely unemployed and inactive, as true God and true Man, then he is no better than a museum” (Chandrakanthan 1978, 31). Jesus does not rest at the side of Go’d in some kind of eternal retreat. Christians believe the ongoing involvement of Jesus Christ in the struggle for redemption and salvation. Jesus’s “incarnational presence in the heart of creation, is to lead the world to its destiny. His redeeming presence is therefore on-going, and ever growing moving and dynamic” (ibid, 30).

Christian theologians cannot speak of the concepts of atonement and redemption, forgiveness of sins, of reconciliation and justification without reference to the concept of the death and resurrection of Jesu Christ (Lyonnet 1989, 22). Justification with the first coming of Jesus Christ according to *Romans* 3, 21 has to be understood as reconciliation as salvific justice (Lyonnet 1989, 92). The fulfillment of revelation is Jesus Christ’s suffering at the cross for love of the Father. The acceptance of the cross is the realization of the validity-condition of the claim to validity of his love for the Father and the love of the women, men and queer that Christ loves *until* “he said, ‘It is fulfilled’; and bowing his head he gave up his spirit” (*John* 19, 30b) (Lyonnet 1989, 161). Feminist protestant theologians insist that the Gospel testifies the presence of women

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at the cross and at the burial and as the first testimonies to the resurrection of Jesus Christ. Women are the first testimonies to the resurrection of Jesus Christ. It is very important to interpret the relationship of these women with the resurrected Jesus Christ as empowerment of their self-esteem and as announcement of relationships of equals that characterize the realization of the just world of Go'd (Taube, Tietz-Buck, and Klinge 1995, 153). Reflections and meditations of the death and resurrection of Jesus Christ cannot suppress the cruelty of the cross. Most importantly, feminist theologians interpret the Gospel narrative of the death and resurrection of Jesus Christ as empowerment for coping with one's actual life, its difficulties, struggles and sufferings with the perspective of taking responsibility for overcoming the troubles and standing up again with dignity, liberty and equal rights (ibid, 20). Pointing at the self-sacrificing Jesus at the cross often leads women, men and queer to uncritically bear sufferings without protest. Failing these excessive demands of patiently enduring the pressure of the sufferings from oppression, discrimination and injustice produced feelings of guilt, depression and despair. Above all, women suffered and still suffer from this self-sacrifice under moral duress that denies and makes impossible an active response through accepting and transforming suffering into healing and restored integrity (ibid). Unfortunately, western theologians interpreted for millenniums the cross as the achievement of Jesus sacrificing his life for the guilt of women, men and queer (ibid, 91). Instead, the Gospel invites us to follow the visions of Jesus Christ for the just world of Go'd, for relationships of mutual love and respect, and for discovering the healing powers of our bodies. We are empowered to realize equal dignity, freedom and rights in our societies. We are invited to follow the perseverance of Jesus Christ and his social choice not to give in to violence, hate and aggression until his death and to accept our death within the projects of our life (ibid, 118). Feminist protestant theologians defend against the theologies of their male colleagues free will and responsibility, social choice and dignity, self-determination and self-esteem over blind obedience to cruel determination by a god. As biblical theologian Bovon sticks to a kind of divine determinism that makes Pilate and the group of Jews execute Go'd's will (Bovon 2009, 429) and claims that they really lack the freedom and liberty for a different kind of choice (ibid, 435). If Go'd wants life (ibid), why does he let Jesus be killed by Pilate and a group of Jews? There is no biblical evidence that Pilate and the Sanhedrin and the group of Jews had no choice, there is no description of the terms "life", "liberty", "freedom" by Bovon. He simply repeats formulas he had been conditioned to and refers

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to Luther's exegesis of the Gospels (ibid, 477). Bovon blindly sticks to an unquestioned theology of his male white protestant tradition that claims Go'd's predetermination of atonement by the expiatory sacrifice of Jesus's life for the sin of the whole world; the term "grace" is not used in this context.

The cross is a reminder of our weakness and our redemption and justification by the mercy of Go'd. All, the strong and the weak, the sinners and hosts in the love feasts and even the enemies are welcome to Christ. In *Romans* 15, 7 Paul exhorts the believers relating to each other according to the model of Jesus Christ: "Accept one another, then, for the sake of God's glory, as Christ accepted you". The verb "to accept" is the same Greek *proslambánomai* for the welcoming of one another and the redemption of Christ (Mathew 2013, 145). The redemptive action of Christ is caused not by our merits but on the contrary by our "unrighteous character", Christ accepts our weakness with active love (ibid, 152). *Romans* 15.3: "Christ did not indulge his own feelings, either; indeed, as scripture says: *The insults of those who insult you fall on me*". Paul refers to *Psalms* 69,9b. In behalf of the shamed, Christ died a shameful death (ibid). The sisters and brothers judging one another with contempt in Rome are the weak, and Christ's shameful death is weakness again. This mutuality of weakness bears reconciliation. Weakness restores the dignity and integrity of those who come to honor one another and stop despise and contempt (ibid).

For 23 chapters the people in the *Gospel of Luke* were on the side of Jesus. In *Luke* 23, 13 the people turn to the side of the enemies of Jesus. Jesus now is completely left alone. *Luke* 23, 27, *Luke* 23, 35 and *Luke* 23, 48 cannot neutralize that in *Luke* 23, 21 the group of the present Jews screaming shouted out their demand for crucifixion. In *Luke* 23, 14 Pilate had declared Jesus innocent, in *Luke* 23, 15 he assessed that Herod had declared Jesus innocent and in *Luke* 23, 20 and 23, 22 he keeps repeating that Jesus is innocent. What perversion: The real criminal "who had been imprisoned because of rioting and murder" (*Luke* 23, 25) goes free and the innocent gets condemned to death on the cross (Bovon 2009, 416). Jesus is not passive. He stays with his social choice to persevere his way to the Father and does not enter negotiations for pardon or release. It is important to assess that Pilate, too, takes a social choice, he is taking a decision, he acts. He had the political power to resist the Jews, but he did not. Giving in to his weakness and his lacking self-consciousness may be taken as mitigating circumstances for his terrible decision, but there is no doubt: he

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is acting on his responsibility. He is handing over Jesus to the will of those who are going on to kill him (*Luke* 23, 25). As biblical scholar Bovon identifies parallels to *Luke* 23, 1–25 in *Acts* 2, 23; 3, 13–15; 4, 10; 4, 27–28; 10, 39; and 13, 27–29 (*ibid.*, 419). I believe in Go'd's grace and mercy for the salvation and reconciliation of all women, men and queer at any moment of their lives. In my opinion, Pilate and the group of Jews that are going to kill Jesus were free to turn away from their path of violence until the very end. The narrative of the "good criminal" (*Luke* 23, 40–43) impressively affirms that repentance, reconciliation and the promise of salvation is granted until the end.

At the beginning of the *Gospel of Luke* the angel of the Lord announces to Zechariah that the son his wife Elisabeth will bear "will be your joy and delight and many will rejoice at his birth" (*Luke* 1, 13–14). The angel of the Lord announces to the shepherds the "great joy" that the savior was born (*Luke* 2, 10–11). In *Luke* 24, 52 we find again the same expression "joy" (Greek: *chará*), "great joy" filled the disciples" (Bovon 2009, 620). The narrative of the *Gospel of Luke* is constructed with an inclusion of joy and delight. The story of Zechariah began in the temple and now at the end of the *Gospel of Luke* the disciples again are in the temple (*Luke* 24, 53). The temple is the place for prayer (*Acts* 3, 1) not any more of sacrifice. In the temple, Peter starts proclaiming Jesus Christ, the crucified and risen Messiah (*Acts* 3, 12–26). With the missionaries, Go'd's Gospel will pass from Jerusalem to the whole world (*ibid.*). For this time, it is clear that Jesus Christ stays with the Father in the glory of Go'd and that Go'd's Holy Spirit will stay with those believing in Jesus Christ.

Not only Protestant feminists and Catholic feminist theologians but also Muslim women defend the equal dignity, freedom and rights of women and men. As a catholic, I am encouraging the Roman Catholic Church to make come true Human Rights, above all within the Roman Catholic Church, and interpreting the Bible as proclaiming equal dignity, freedom and rights for all women, men and queer. The Muslim woman Adila Abusharaf holds that the Qur'an is not against women rights; it is the family and (often pre-Islamic) patriarchal traditions that are against women rights. I am impressed by Adila Abusharaf who encourages women to penetrate the theological discourse to negotiate their roles and rights (Abusharaf 2006, 722).

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I document the development of Human Rights on a global basis. After the adoption and proclamation of *The Universal Declaration of Human Rights (UDHR)* by the General Assembly of the United Nations on December 10, 1948, treaties of international law confirmed the rights of the *UDHR*. In 1976, there was the ratification of the Principal United Nations Human Rights Treaties, which agreed on Economic, Social and Cultural and further Civil and Political Rights by Member States developing and realizing Human Rights. I believe in the conviction of article 18 of the *Universal Declaration of Human Rights*. "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion of belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance". Because of lack of the necessary scholarship, I cannot enter the discussions of intra-qur'anic abrogation or the connection between the Qur'an and the Sunna. Abrogation says "that some verses of the Qur'an restrict, modify or even nullify other verses" (Dammen McAuliffe 2006, 187). Jane Dammen McAuliffe gives Qur'an 9,5 as a verse that is used for abrogation. Qur'an 9,5 begins, "And when the sacred months have passed, kill the idolators whenever you find them ..." (ibid). Ibn al-Jawzi (1116–1200 CE) refers in his important commentary to the Qur'an to this verse as the verse of the sword (ibid). In standard treatises this verse seems to abrogate at least 124 other verses on religious tolerance (ibid, 187–88). A related question for the exegesis of the Qur'an asks: does the verse apply to a single individual or a specific group of people or is its applicability far broader than that (ibid, 188)? Exegetic scholars of the Bible ask the same question for verses of the New Testament. Abdulaziz Sachedina writes she is convinced that "The recognition of freedom of conscience in matters of faith is the cornerstone of the qur'anic notion of religious pluralism, at the level of inter-religious as well as intra-religious relations" (Sachedina 2006, 295). It is a unique conviction of Islam that the oneness of God unites Muslims with all of humanity (ibid, 294). Nevertheless, there is a tension between Islam as a religion and as a civilization. The Qur'anic recognition of a pluralism of responses to divine guidance and of freedom of human conscience concerns the private faith and its spiritual space (ibid). Islam organizes its public order in view of the well-being of the community of Muslim believers and of their social system (ibid). The community and society limits its jurisdiction over the public projections of private faith by "its commitment to build a just social order" (ibid, 295). For Catholics, Muslims, Jews and all women, men and queer who hold beliefs and

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convictions, I express my hope and claim that the believers include in their convictions the belief in the rule of Human Rights law without any abrogation of liberties, dignity, and rights.

I stick to the conviction of article 19 of the *Universal Declaration of Human Rights*: “Everybody has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. Asma Barlas writes that not only does the Qur’an address women, but also it frequently does so in a manner that should leave little room for doubt that it considers them equal to men. Some 1,400 years ago Muhammad’s wife Umm Salama reportedly asked him why the Qur’an was not addressing women (Barlas 2006, 255). Muslims use this recorded tradition to explain why the Qur’an speaks directly to women (ibid). In Qur’an 33, 35 “Go’d makes women the subject of divine discourse” (ibid, 256). In the Qur’an women expressed themselves and their concerns during the process of its revelation (ibid). Although in Arabic language the male gender is inclusive of the female, the Qur’an expressly addresses both genders. “For Muslim men and women, for believing men and women, for devout men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in God’s praise; for them has God prepared forgiveness and great reward (Qur’an 33,35)” (ibid, 255). Apparently, the same happened to women in Islam as happened to Christian women in the decades after Jesus’s death through the patriarchal structure of the Church. By the second Islamic century (eighth century CE), male scholars or *ulama*, had managed to dilute “the egalitarian impulse in various parts of tradition”, and a hundred years later, even the egalitarianism that was once associated with the Qur’an lost its “subversive connotation” (ibid, 256–57), reports Asma Barlas and continues: Muslims have a reason to struggle against social and gender inequalities (ibid, 269). Let me modestly confirm the same interest for Catholics. Claims of equal dignity, freedom and rights remain “confined to the margins of Muslim religious discourse”, because Muslim societies allow only some men to speak authoritatively in God’s name (ibid, 268–69). Asma Barlas insists “There needs to be a far-reaching reform of Muslim societies and communal consciousness since one cannot read the Qur’an for its best meanings in repressive and antidemocratic circumstances where one cannot ask some questions

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openly” (ibid, 269). Analogically, we have to assess for the Roman Catholic Church, there needs to be a far-reaching reform of the society of the Roman Catholic Church and communal consciousness since one cannot read the Bible for its best meanings in repressive and antidemocratic circumstances where one cannot ask some questions openly.

The Christians’ belief in the resurrection of Jesus Christ, their Lord, does not do away with the claim of *Romans* 11, 17–24 that the Jews are co-heirs of salvation (*Nostra Aetate* 4, 2). On the contrary, the Second Vatican Council is not ready to affirm that the Christians’ belief in the adjunction of redemption, salvation and the cross and resurrection of Jesus Christ does not do away with the salvific vocation and realization of social choices of saving love by Muslims. Go’d’s will of salvation not only concerns all of humanity but also is the origin of the freedom of conscience and the liberties for social choices.

Nostra Aetate 1, 1 confirms the task of the Roman Catholic Church of “promoting unity and love among men, indeed among nations, she considers above all in this declaration what men have in common and what draws them to fellowship”. *Nostra Aetate* 1, 2 proclaims unity and peace of “the community of all peoples” for several reasons. Because of the belief that the origin of humankind is the Only One, Go’d, because of the belief that the final goal of women, men and queer is Go’d, and because of the belief and faith that “His providence, His manifestations of goodness, His saving design extend to all men” (*Nostra Aetate* 1, 2). *Nostra Aetate* 1, 2 legitimizes this claim of faith with four references to the Bible: *Wisdom* 8, 1, *Acts* 14, 17, *Romains* 2,6–7 and 1 *Timothy* 2,4.

Wisdom, that is Go’d, “reaches from one end of the world to the other and she governs the whole world for its good” (*Wisdom* 8, 1). *Acts* confirms with the speech of Barnabas and Paul after the healing of a cripple in Lycaonia that Go’d is the Go’d of the freedom of conscience and the freedom of the social choices of women, men and queer on this earth. “In the past He allowed all the nations to go their own way” (*Acts* 14, 16). Go’d created the equal dignity, freedom and rights of all women, men and queer and women, men and queer of all nations realize social choices of their own ways and Go’d keeps caring for them and sustaining His creation. “But even then he did not leave you without evidence of himself in the good things he does for you: he sends you rain from heaven and seasons of fruitfulness; he fills you with food and your hearts with merriment” (*Acts*

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14:17). The Second Vatican Council is ready assessing “Go’d’s saving design for all men” (*Nostra Aetate* 1,2) but is not ready assessing with Acts 14, 16 Go’d as origin of the freedom of conscience and of the freedom of the social choices of women, men and queer. Reading Acts 14, 16–17 as conjunction and not as split affirmations, reveals the complete gratuity of Go’d’s mercy and salvific design. *The Degree on the Mission Activity of the Church Ad Gentes* 7, 1 again confirms the universal will of Go’d for saving all women, men and queer by preaching the Gospel. “This missionary activity derives its reason from the will of God, ‘who wishes all men to be saved and to come to the knowledge of the truth. For there is one God, and one mediator between God and men, Himself a man, Jesus Christ, who gave Himself as a ransom for all (1 *Timothy* 2, 45), ‘neither is there salvation in any other (Acts 4,12)’” (*Ad Gentes* 7, 1). The citation of 1 *Timothy* 2, 45 sounds quite dogmatic and invites to exclude women, men and queer who have no access to Jesus Christ from salvation. *Ad Gentes* really does not read 1 *Timothy* 2, 45 within the context of the whole *First letter to Timothy* and does not reflect on the context of the letter within the New Testament. In 1 *Timothy* 2, 7 the author of the letter affirms that he was appointed to preach and be an apostle of Jesus Christ. From this personal testimony, it is clear that the author of *The First Letter to Timothy* preaches his faith in Jesus Christ from which he receives salvation. This kind of confession does not exclude salvation for women, men and queer according to Go’d’s salvific design. The same is true for the citation of Acts 4, 12 by *Ad Gentes* 7, 1. The context of the proclamation “neither is there salvation in any other (Acts 4,12)” than Jesus Christ by Peter and John is a healing in front of the Temple in Jerusalem and the defense speech of Peter and John before the Sanhedrin. It is clear that Peter and John proclaim their faith in Jesus Christ as their faith, Jesus Christ for them is the cornerstone of salvation, the way and the truth. At the same time Peter and John from the beginning insist that Go’d raised Jesus Christ of Nazareth from the dead, the proclamation of salvation in the end is a proclamation of the One and Only, Go’d of mercy (Acts 4, 10). It is not the intention of the author of Acts to exclude anyone from salvation according to the salvific design of Go’d’s mercy.

Mouhanad Khorchide, the Austrian sociologist and Islamic scholar of Palestinian family background, and the German Roman Catholic theologian Klaus von Stosch frankly assess the effects of the Muslims’ faith in the divine origin of the Qur’an for Christians. The conviction that the Qur’an is the result of Go’d’s communication to the first addressee of revelation who is Mouhamad constitutes an explosive potential for the

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dialogue and cooperation of Christians and Muslims (Khorchide and von Stosch 2018, 10). Dealing with the Christians' defense of their Christology and the Muslims' critique of this Christology is a possibility condition for a peaceful cooperation of Christians and Muslims and their religions with each other (ibid). Christian theology can learn from the representations of Jesus in the Qur'an and the understanding of the estimation of Jesus in the Qur'an is important for an adequate understanding of the Qur'an. 108 verses speak in 15 different suras directly of Jesus, many other verses speak of him indirectly (ibid). For six years the Muslim and Christian authors, Khorchide and von Stosch, collaborated with each other and a team of Muslim and Christian women and men researchers in order to understand the perspectives of each other and to take together responsibility for the final text (ibid, 13). The principles of the so-called comparative theology constitute one methodological element of this extraordinary project. The authors describe comparative theology as trying to mutually empathize with their faith perspectives and interact aiming at mutually supporting a credible expression of the proper faith (ibid, 14). At the end of this common process, von Stosch writes that the sura Maryam helped him see the importance of the Virgin Mary for Jesus. Jesus is the son of Mary, Mary births Jesus with pains of labor, and she found herself in the difficulties of a young mother with an illegitimate child. From the beginning Jesus is empowered helping her in her troubles with his solidarity and blessings (ibid, 290). Von Stosch is moved by the Christological titles the Qur'an attributes to Jesus, such as word of Go'd, servant of Go'd, son of Mary, spirit of Go'd and the one being close to Go'd (ibid, 291). The Qur'an's blanks on the passion and the cross of Jesus Christ made the Christian theologian von Stosch think (ibid, 292). This first book on Jesus in the Qur'an in the common responsibility of a Christian and a Muslim author (ibid, 10) for me is a consoling gift of peace. I do not read Arabic, and I do not discuss much with Muslims on our faiths. Khorchide's assesses, the Qur'an does not criticize Christianity in general but criticizes convictions and practices of groups of Christians and Muslims alike, who divinize human persons and scholars in order to privilege the proper religious convictions but doing so challenge the omnipotence of Go'd (ibid, 296).

So far, the priority of the daily struggle for my physical, psychic, social, cultural and spiritual integrity and the meditation with this struggle brought me integrity, peace and comfort. Following my experience of integrity, thankfulness and hope filled the meditation of the healing and preaching Jesus. The gift of feeling comforted in the hands of Go'd's mercy and the experience of safety and security fill my consciousness

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with happiness. The meditation about sentences of Khorchide and von Stosch (2018) makes me feel with great clarity and security that the a priori of salvation is the acceptance of my suffering and my social choice to walk the way of healing. Accepting my suffering and restoring my integrity is the possibility condition of meditating on the cross of Jesus Christ and the resurrection. My hope remains to become sanctified by the Holy Spirit that is experiencing Jesus Christ living as the life empowering power of Go'd, and living with the Spirit of love. In the light of understanding my acceptance and healing from my sufferings, and in the light of accepting suffering as lived experience of women, men and queer, I repeat some sentences about my understanding of the Christian term sacrifice as spiritual sacrifice of my body concerning the social realization of the just world of Go'd. What does that mean? I propose describing my sacrifice as my social choice to renounce some legitimate interest for the sake of others, to go without a claim for something for myself and thereby empower the equal dignity, freedom and rights of another person or persons. Sacrifice is a policy within the politics of caring for the polity of democracy. Why do I call a sacrifice of myself spiritual? I call a sacrifice spiritual because as a Christian I believe and wish realizing the law of the Spirit that is love. *The Pastoral Constitution on the Church in the Modern World Gaudium et Spes* 24,2 recognizes the value of love for peace and the unity of mankind and insists with Paul together with John on the conjunction of love of oneself, of love of the neighbor and of love of Go'd. "If there is any other commandment, it is summed up in this saying: Thou shalt love thy neighbor as thyself.... Love therefore is the fulfillment of the Law (Romans 13:9–10)" and "the one who does not love his brother whom he has seen, cannot love God whom he has not seen (1 John 4:20)".

It is true; Paul uses cult terminology to speak of the faith in justification, reconciliation and liberation. *Romans* 3, 25a:

"God appointed him as a sacrifice for reconciliation, through faith, by the shedding of his blood, and so showed his justness;"

Paul speaks of the sacrifice of Jesus Christ as Go'd's justice. This justice is reconciliation, reconciling justice that we receive through faith (Lyonnet 1989, 92). The Greek *hilasterios* is translated by "means of expiation" or "place of propitiation", that is a propitiatory sacrifice (ibid). Against the tradition of the Reform and the Catholic tradition since then we are not allowed to interpret that Go'd was putting his anger over Jesus. The Greek expression *endeixis* means "proof" and the *New Jerusalem Bible*

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translates “showed”. Lyonnet interprets the expression sacrifice as “the showing by realization” of the liberation from enslaving sin (*Romans* 3, 24) as Go’d’s salvific agency that is by “forgiving the sins” (*Romans* 3, 25b) (ibid). Concerning the use of the expression “sacrifice” (in Greek: *thusia*) with Paul we have to pay attention at the fact that Paul speaks of a “spiritual service” (Greek: *logikae latreia*) that is the new cult of the Christians is of the order of a spiritual service (ibid, 37). This new cult we find strongly defended in *Hebrews* (ibid). The *New American Standard Bible* beautifully and correctly translates *Hebrews* 12, 28: “Therefore, since we receive a kingdom which cannot be shaken, let us show gratitude, by which we may offer to God an acceptable service with reverence and awe”.

If Paul calls his Roman sisters and brothers in *Romans* 12, 1 “to offer your bodies as a living sacrifice” as a “spiritual service” to Go’d, Paul speaks of apostolic service. In *Romans* 15, 16 Paul offers the Gentiles as his “priestly service” as “servant of the Gospel” to Go’d for that Go’d may “sanctify them in the Holy Spirit” (ibid, 39).

5.7. A poem

Poem

I am left-handed and dyslexic
When creating I am happy and when restricted to muse
I memorize forms;
I am incapable to be clear, I constantly confuse;
I am used to count sticks by bundles of five and not by numbers purely;
I insist on the use of language, I am listening to you and speaking;
Sculptured, painted and spoken pictures bring to me the world of many a woman, man
and queer and I want them to listen to my pictures.
Language spoken and written is for reading and speaking.
The pictures of language are the result of hard labor just as sculpturing statues out of
stone consumes a lot of energy.
Paradoxes: Producing pictures of language, one of the hardest jobs of women, men
and queer, commonly is thought to be an effortless everyday activity almost free of the
necessities of sustaining life and something like the divine part of the body. The
contrary is the fact: Like birthing picturing is painful and only the cry and the breath of
the resulting sentence with sense rewards with joy, satisfaction and happiness the

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labor.

If you want to know about paradise accessible to women, men and queer or about the promises of heaven on this earth look at the sentences and try to speak; speech is the only expression of paradise lost and gained on earth.

A bundle of joy, a bundle of verve,

A bundle of sense, a bundle of nerves

A bundle of sentences a bundle of sorrow

Perhaps tomorrow

I will abandon to speak and turn to earth.

Freedom sense and cells is the triad of the 21st century.

Look at the aspects of the individual woman, man and queer,

Free, they form pictures of sense and thus operate as informed systems of cells

Not always respecting human rights law rule but constantly integrating the biological, psychic and social, the economic, cultural and spiritual aspects to form a functioning unity that produces sense.

All are to be free and never be ripped off their liberties and integrity and called to live as men and women in dignity.

Despairs do not contradict dignity, and angst only impairs producing sense;

If the gift to create sense returns, thankfulness is my duty.

To ask for this gift and peace and thanking for the rest are the duties of my religion, the social parts of my faith that is my cult.

Look at the gifts of sense and the pictures of men and women in all social expressions of faith, in all religions and pictures speaking of the callings from a warm and love empowering source for women, men and queer who did not implore in vain.

Umm Salama nearly a millennium and a half ago challenged the prophet if her husband was not able to receive the gifts for men and women alike.

For a meaningful encounter with Go'd you have to use your picturing capacity.

In fact, writes Asma Barlas, the Qur'an would have all Muslims, women and men, cultivate a critical use of their pictures and picturing capacities, of reason and intellect and their emotions, in order to decipher its verses or *ayat*, the signs of God.

To use a sound theological conception of God is of primary importance for Asma Barlas. She understands that we speak of God and if God speaks to us it is language we hear and speech is made of pictures.

Qur'anic epistemology is her conviction is inherently anti-patriarchal and based on an

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uncompromising rejection of the patriarchal imagery of Go'd the father, of prophets as fathers, or fathers and husbands as (divinely ordained) rulers. Instead, a qur'anic perspective is based in the belief that Go'd is beyond sex and gender and that divine justice lies in never doing any *zulm* to human beings (transgressing against their rights).

Thus speaking our pictures of Go'd are in line with our claims of Human Rights law rule on earth.

Thanks to the question of Umm Salama we clearly listen to Qur'an 33,35 where men and women are considered equal:

"For Muslim men and women, for believing men and women, for devout men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in God's praise; for them has God prepared forgiveness and great reward."

My Catholic Congolese sister Josée Ngalula teaches in Kinshasa and studied the pictures of Go'd in the Old Testament. Go'd is not a father, neither a mother. His relation to us is described in the picture of the relation of a father to his son, of a mother to her children. Jesus is not the son of the father. Jesus's encounter with Go'd is of the sort of a good relationship of a son to his father. Till I came to read those lines, I was not able to touch the female pictures of Go'd that are used in the Bible to console a demoralized and discouraged people that is on the road to be destroyed. Hope is to be taken from the picture that the tenderness of a mother nourishing her offspring can be expected of Go'd and constitutes the faith in her or him. Now, I am ready to use the pictures describing Go'd as mother. I accepted the picture that Go'd would accept his helplessness, powerlessness and impotence caring and cultivating a people that is struck in angst, violence and sickness. I experience the healing power of wrong descriptions. I accept my weakness to sculpture pictures of my weakness and take comfort in the help from the picture of a helpless Jesus Christ despairingly caring for women, men and queer all his life till the end on the cross.

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Notes

ⁱ "List of Christian denominations by number of members," Wikipedia.org, https://en.wikipedia.org/wiki/List_of_Christian_denominations_by_number_of_members (accessed July 27, 2020).

6. *Gaudium et Spes*

6.1. Development of the text of *Gaudium et Spes*

In March 1962, Cardinal Suenens told the central preparatory commission that at the upcoming Council, it will not be possible to deal with all the schemes and texts that the 10 preparatory commissions had prepared. Pope John XXIII agrees and after having consulted trusted cardinals, Suenens suggests to focus the Council's work on the inner constitution of the Church, *ecclesia ad intra* or the mystery of the Church and on the relationship of the Church and the world, *ecclesia ad extra* (Hünemann 2004, 320). A week before the opening of the Council, John XXIII publicly confirms these two centers for the Council's work (ibid, 321). Nevertheless, we have to be clear about the fact that the pre-preparatory commissions and the preparatory commissions for the upcoming Second Vatican Council never thought of a project concerning the relationship of the Church and the contemporary world (Sander 2005, 616). The preparatory commissions presented minor schemas on chastity, virginity, marriage and the family but these texts were not discussed in the first session of the Council. Still in January 1963, the president of the Coordinating Commission Cardinal Cicognani insisted on keeping the prepared schemes and on ranking their importance for the further discussion in the second preparation of the Council (Grootaers 1996, 408). The Cardinals Urbani and Confalonieri members of the Coordinating Commission and moderate conservatives, proposed a list of seventeen schemes for the second preparation and the commission approved of this list. The last of the seventeen schemes on the list was simply called scheme XVII. Urbani wanted the commissions to finish their work by Easter 1963 (ibid). Nevertheless, no other scheme of the sixteen that the Second Vatican Council had promulgated developed as slowly, without such an incoherent preparation, and with so many diverse themes and contrasting theological perspectives as scheme XVII. In the spring of 1964, it got called scheme XIII, and only in 1956 a final name was kept, *Pastoral Constitution on the Church in the Modern World Gaudium et Spes*. No other text of the Second Vatican Council had so many difficulties finding a name. No other scheme of the Council met so many difficulties getting at the order of the aula for a discussion (ibid, 445).

The speech of Cardinal Suenens in the aula on December 4, 1962 was important for starting work on a scheme concerning the Church and the world. In December and on

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January 17, 1963 the commission for the apostolate of the laity discussed the issue and proposed forming a mixed commission with members of the doctrinal commission for the work on scheme XVII (ibid, 446). Immediately, Urbani accepted the proposal and his Coordinating Commission confirmed the creation of the Mixed Commission for scheme XVII. At the same time, the Coordinating Commission asked Suenens for his opinion on three cancelled schemes that the theological preparatory commission had produced, and the possibility to use them for scheme XVIII. Suenens proposed keeping the prepared text on the moral order but overworking it. He criticized the prepared scheme on the social order because it had not adopted the ideas of John XXIII in his encyclical *Mater et Magistra* and proposed reworking strongly the text. The prepared scheme on the community of the peoples of the world got criticized. It presented the moral life in juridical terms and was silent on atheism and humanism, the international community, poverty, democracy and social justice and the cooperation with all women, men and queer of good will (ibid, 447). Cardinal Liénart took the word in the Coordinating Commission and strongly criticized a prepared scheme on the deposit of the faith because it was identifying heretic errors of modernity but not presenting the Christian faith in an understandable and clear way like the positive assessments of the Christian faith by John XXIII (ibid, 448). Urbani suggested in the coordinating commission, integrating chapter four of the prepared scheme on the apostolate of the laity that deals with the social realization of the Christian faith by the laity, into scheme XVII (ibid). The first intersession of the Council had to re-prepare many important schemes for the Council, and there was not much energy left for working on scheme XVII. In the Mixed Commission the adversaries Ottaviani, president of the Doctrinal Commission, and Cento, president of the Commission on the Laity met again and their diverging theological convictions did not facilitate the production process for scheme XVII (ibid 449). Nevertheless, the discussion of the Coordinating Commission in January 1963, already resulted proposing the six chapters of scheme XVII as we find them in the text that evolved in March, April and May of 1963 within the Mixed Commission. An introduction and six chapters on the vocation of the human person, the human person in society, marriage, family and demography, human culture, economic order and social justice and the communion of the peoples in peace will in substance be kept until the final promulgation of *Gaudium et Spes* in 1965 (ibid).

A restricted group of bishops and experts met as restricted Mixed Commission on February 28 and March 1, 1963 for the first time under the presidency of Cardinal König

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from Vienna, Austria (ibid, 450). In the Mixed Commission, the bishops who had prepared the small schemes during the preparation of the Council, got replaced by bishops and cardinals from the majority of the Council (ibid). In March 1963, the bishops Prignon and Ligutti joined the Mixed Commission and De Riedmatten, Daniélou, Medina, and Tucci were appointed as experts (ibid).

In the meeting of the Coordinating Commission on March 29, 1963, Ottaviani and his theologian Tromp did not show up. They had not been able to take control of the introduction text to scheme XVII that Cento and Brown had proposed. Suenens criticized the proposed introduction in that session of the Coordinating Commission for being not pastoral and not positive enough, that is not following the intentions of John XXIII (ibid, 452). On April 11, 1963, John XXIII published his encyclical *Pacem in Terris*. The encyclical received widespread attention, the press was enthusiastic and the positive public opinion on the encyclical pressured the Council Fathers to follow the ideas of John XXIII in their documents. *Pacem in Terris* deeply influences the redaction of scheme XVII (ibid). For the first time, prominent lay Catholics from Catholic international organizations and from the International Congresses of the apostolate of the laity collaborated in April 1963 as experts in the Mixed Commission. They prepared the way for the first lay auditors of Council who started their work in March 1964 (ibid). In May 1963, the whole Mixed Commission worked over the chapters of scheme XVII and assigned the further work to five sub-commissions (ibid, 453). The Mixed Commission then counted about fifty bishops and a big number of experts. Many members complained that there was not enough time to discuss and work out a good text and Congar even feared a bad end, if a serious text would not come before the Council (ibid). The text now counted 60 pages and many bishops and experts judged its argumentation as incoherent and superficial. Slowly the idea evolved of dividing the text into a theological part speaking of the vocation of the human person and Christian faith on the one side and into a second part dealing with the problems of the modern world (ibid, 454). Soon, the Coordinating Commission will approve of this idea (ibid).

In the spring of 1963, Gérard Philips was mostly occupied with the redaction of *Lumen Gentium*. Cardinal Suenens asked for his expertise and collaboration for many other documents of the Council, and for scheme XVII. His diary shows a few entries on the development and discussions of the Mixed Commission on scheme XVII, most entries are on his work with *Lumen Gentium*. On the Sunday of Pentecostal, June 2, 1963,

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Philips describes an example for the clashing of pre-modern views on the ethics of social life with the modern views that respect the equal dignity, freedom and rights of women and men concerning marriage in the last days of May 1963 in the Mixed Commission (Philips 2006, 110). Philips writes that the discussions on marriage in the Mixed Commission are full of bitter exchanges. Cardinal Ottaviani and his theologian Tromp consider conjugal love as something of minor importance for marriage and quite irrelevant when considering the essence of conjugal duty that is procreation (ibid). Philips analyses the self-contradiction of that claim observing that marriage continues to exist without having children or even with infertility of the couple. In a rare attack of irony, Philips turns the argument of Ottaviani around and claims procreation as of minor importance for marriage (ibid). Philips documents the remark of bishop Charue in the Mixed Commission that men and women are not animals and that Christians cannot reduce their conjugal love to the physical union of animal love (ibid). Philips contradicts the affirmation of Tromp that Go'd's only will for marriage is the will for procreation and he insists on the human quality of love and love as a human quality. Philips points at the Holy Scripture where conjugal love helps characterize the type of alliance of Go'd with the elected people and thereby demonstrates the high value of love for Christians (ibid). Philips informs that his Belgian colleague at the University of Leuven, Charles Moeller collaborates with the Italian Jesuit Roberto Tucci, chief editor of the Jesuits' journal *La Civiltà Cattolica*, on the culture chapter of scheme XVII (ibid, 111). Congar writes together with the archbishop of Toulouse, Gabriel-Marie Garrone on human dignity in chapter one of scheme XVII. Then Philips informs about his important collaboration with Congar and Moeller. Together they prepare a report on the status of scheme XVII for Cardinal Suenens (ibid).

On July 3, 1963, the judgement of Suenens on scheme XVII was negative in the Coordinating Commission, although he observed some ameliorations of the text (Grootaers 1996, 454). The archbishop of Mechelen was not the only negative voice in the coordinating commission. Other cardinals joined his judgement (ibid). Suenens suggested a small commission that would work on a coherent biblical and patristic composition of the *imago Dei* theology for the whole document and he wanted sub-commissions with specialists and experts for the concrete problems of marriage, culture, social life and the international community (ibid, 455). The texts of these specialized sub-commissions would enjoy an inferior status regarding the theological chapters. Was Suenens giving in to Ottaviani and his sharp distinction of doctrine and

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pastoral? Confalonieri suggested giving the elaboration of a new text into the hands of Suenens. Döpfner supported this suggestion first, and then all members of the coordinating commission followed (ibid).

Already the next day Albert Prignon, the rector of the Pontifical Belgian College in Rome, received from Cardinal Suenens the order of assembling a team for the work on the first part of scheme XVII (ibid, 456). This group elaborated the so-called text of Mechelen. In the end, this text was not of decisive importance for the final constitution *Gaudium et Spes*, but the text demonstrates the scattered work of the intersession on scheme XVII (ibid). The theologians Congar, Philips, Moeller, Delhaye, Thils, Rahner and Dondeyne participated in the group of experts that Prignon invited to Mechelen Brussels for September 1963 (ibid, 458). Congar suggests three chapters according to the trilogy of human vocation that gives testimony of Jesus Christ to the world (Greek: *martyria*), of serving humanity with the Gospel (Greek: *diakonia*) and of forming with the Church a world community of peace and justice (Greek: *koinonia*). Since the third General Assembly of the Ecumenical Council of Churches in New Dehli in 1961, Congar had remained very much impressed with this trilogy of testimony, service and communion (ibid). The Mixed Commission that finally met again on November 29, 1963, found itself in great confusion about the state of scheme XVII and refused to accept the text of Mechelen (ibid, 460). There had been insufficient communication between the Coordinating Commission who had received the text of 13 pages from Suenens and the Mixed Commission who only had received the text of Mechelen the week before the meeting on November 29, 1963. In the end, Cardinal Cicognani, president of the Coordinating Commission was responsible for the bad communication (ibid, 461). Ottaviani and Tromp were not sad about the created confusion. Tromp considered the text of Mechelen unofficial and a private text, others like Brown, Cento, Charue, Hengsbach, Prignon and Rahner doubted the mandate of Suenens for editing the whole theological text of scheme XVII. Archbishop of Toulouse Garrone, Cardinal König and the moral theologian Bernhard Häring opposed the text of Mechelen because of the split of scheme XVII in an official part and an unofficial and inferior part that consisted of mere appendices (ibid). König insisted on the task of the Council to generate texts of equal authority (ibid). Garrone had been the best friend of Suenens and, with the exception of Moeller, Garrone will not invite the team of theologians of Suenens to Zurich, Switzerland, in January 1964 to prepare another text for scheme XVII, the so-called text from Zurich (ibid, 463).

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On December 4, 1963, a sub-commission of the Central Commission met and decided that Häring and Sigmond, secretary and undersecretary of the Central Commission would work on scheme XVII with experts under the presidency of bishop Guano from Livorno, Italy, member of the commission of the apostolate of the laity. In September 1964, Garrone will eventually take over the leadership on the development of scheme XVII from Guano who was considerably weakened through sickness (ibid). The group met on December 12, 1963 and worked all through January 1964 elaborating a new text. The group consented on reading the signs of the times, on speaking of the people of Go'd, on paying attention to the apostolate of the laity in the contemporary world, on dealing with human dignity, religious liberty and the concrete problems of family, marriage, social order, justice and peace (Moeller 1968, 255). During this phase of the work on scheme XVII, the formulation of the first sentence of the preface of the later *Pastoral Constitution on the Church in the Modern World Gaudium et Spes* emerged. "The joys and the hopes, the griefs and the anxieties of the men of this age" are the joys and hopes, the griefs and anxieties of the followers of Christ (Paul VI 1965). The preface affirmed the service of the Church for all of humanity offering collaboration with all men of good will (Vilanova 1998, 427). According to Häring, the four chapters followed the text of May 1963, adopted some concepts from the text of Mechelen, and integrated the many contributions from the bishops that had arrived in the last weeks (ibid, 428). Guano, Moeller and Tucci met with the Swiss reform theologian Lukas Vischer from the World Council of Churches. Vischer convinced the redaction group of the ecumenical necessity to speak in scheme XVII of the separated brothers (ibid). Moeller insists in his history of the text of scheme XIII that the redaction group for the scheme kept contact and communication with the ecumenical institutions throughout the whole redaction process (Moeller 1968, 269).

Guano, Moeller and Tucci met from February 1 to 3, 1964 in Zurich, Switzerland and worked through the new text. Häring communicated the results to Ottaviani and Cento in Rome and Guano informed Suenens (Vilanova 1998, 430). On March 4, 1964, the Mixed Commission expressed critique of the text from Zurich. Rahner, Congar and others criticized the excessively optimistic tone of the document that ignored the problem of evil in the world, and the problems of poverty, suffering and injustice (ibid, 431–32). The discussion of the chapters of the text provoked new questions. Parente suggested not to speak any more of the *sensus fidei*, like of an objective deposit of faith, but to speak of the *sensus fidelium*, the consented faith and belief of the

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Christians. Rahner brought up the question of the competence and authority of the Church concerning concrete problems of the individual consciences of the faithful. Rahner repeatedly insisted on considering the common vocation of humankind as a supernatural vocation and not only a natural one. For decennials Rahner had been claiming a transcendental existential of all humans without reflecting on the necessary consent of the individual woman, man and queer for this idealist universal claim to transcendence by a theologian. Häring became the scape-goat of Ottaviani's Congregation for the Doctrine that lead a campaign to eliminate him as the responsible secretary for scheme XVII because of his insistence on love as the end of marriage and his defense of hormonal birth control. By November 16, 1964, they will have succeeded (ibid, 433). Finally, the group consented to a text. The coordinating commission received this text at the end of June and decided to send the document with the title "On the Church in the world of today", now called scheme XIII, to the bishops in order to get their feed-back by October 1, 1964 (ibid, 434). The document consisted of an introduction, four chapters and a conclusion. The introduction assessed that the Church and the Council intends to discern the signs of the times of the whole of humanity in the light of Jesus Christ as light for the world (Tanner 1999, 295). The first chapter deals with the integral vocation of the human person, on the worth of life in the world and on the dignity of the human person, on sin and the need for the Savior, and on the difficulties and the harmony of human responsibility. The second chapter is titled "the service of the Church for humanity" (ibid). The third chapter reflects on the contributions of the faithful for the communion between peoples by dialoguing with the world. The fourth chapter speaks of the responsibilities of marriage and the family, on culture, on economic and social life, on solidarity between the peoples and on war and peace. The conclusion identifies the addresses of the document (ibid). At the end of the document followed five appendices (Latin: *adnexa*). The *adnexa* dealt with a sociological description of contemporary society and with the analysis of the four topics of chapter four by competent experts on the topics (ibid). In September 1964, the Mixed Commission created two sub-commissions, one on theological questions and the other on the signs of the time. Guano coordinated their work in view of reporting the results to the upcoming third session of the Council (Vilanova 1998, 436).

On October 11, 1964, Philips is back in Leuven. He participates in the regional elections and reflects on the events in Rome of September 1964 (Philips 2006, 132).

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He judges that the text of scheme XIII is theologically weak and insufficiently prepared. He affirms the resistance against the *adnexa* and names the proposed teaching on marriage and conjugal love and the claims of nuclear disarmament as real causes of this resistance (ibid). Philips is convinced that the amelioration of the text would take more than a few months and that therefore a fourth session of the Council will be necessary, although many Council Fathers still opposed a fourth session with vehemence (ibid). The historian confirms that already during the preparation of the third session of the *Second Vatican Council* there were doubts and discussions about the possibility to conclude the *Council* with this session (Komonchak 1999, 54). Cardinal Döpfner from Munich, Germany realized the difficulties to conclude the Council according to his plan. On October 1, 1964, he asked the other moderators of the Council, who are Agagianian, Lercaro and Suenens, if the Council would need a fourth session. Important documents like that of the relation of the Church with the modern world still needed a complete revision (ibid). Felici wanted to close the council on November 20, 1964. Most cardinals of the coordinating commission agreed, even Liénart, Lercaro, Döpfner and Suenens, who wanted to realize scheme XIII. A letter of the delegates of the bishop's conferences to the pope insisted on the importance of a document on the relation of the Church with the modern world and on a fourth session of the Council (ibid, 56). Sixteen lay auditors of the Council wrote the moderators that scheme XIII was very important for them and that they wanted to collaborate on the text (ibid). By October 15, 1964, the Cardinals Lercaro, Döpfner, Suenens and Liénart had changed their mind and supported a fourth session of the Council; the Cardinals Agagianian, Cicognani and Confalonieri still opposed a fourth session (ibid, 58). The third session of the Council started on October 14, 1964. The bishops were not happy with the overburdening work-load of documents they had to deal with. They got further frustrated by the lack of time for discussion on the schemes. The secretary of the Council Felici pushed for a fast ending of the Council and therefore restricted the time for discussion on the amendments for the proposed schemes. On October 23, 1964, Felici had to announce that the third session would end on November 21, 1964. This announcement implied a fourth session of the Council (ibid). On January 4, 1965, Paul VI decided that the fourth and last session of the Council would open on September 11, 1965 (ibid, 59).

During this third session of the Second Vatican Council, there was an intervention of Paul VI on November 6, 1964. The Council debated the missions and Paul VI spoke

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in favor of a document on the missionary activity of the Church. There was the debate on the priestly ministry and the formation of the priests and a discussion on a text on marriage. An important event of this third session was the speech of Cardinal Lercaro representing the small group of Council Fathers of the so-called Church of the poor who protested social injustice and poverty in the world and proposed introducing a change of culture within the Church, becoming a poor Church living with the poor. The discussion on the relationship of the Church with the world constitutes a new development in the aula. This debate on the Church in the world realized the original intentions of John XXIII for a pastoral council (Tanner 1999, 293). The discussions on ecumenism, on religious liberty and on the relationship with the Jews had opened the attention of the Council to the world (ibid).

From October 20 to November 10, 1964, the scheme on the Church in the world of today, the later *Gaudium et Spes*, was debated in the aula (ibid). The discussion was interrupted from November 6 to November 9, 1964, when the decree on the missions was debated (ibid, 302). Many Council Fathers and theologians had emotionally been discussing outside the aula the relationship between the Church as the visible presence of the mystery of Jesus Christ in history, the legitimate authority of the world (Suenens) and the salvific value of history for humanity. Now they awaited the affirmation of their expectations in the discussions of the aula (ibid). Cardinal Cento and bishop Guano presented the scheme in the name of the Mixed Commission (ibid, 303). Ottaviani did not want to enter the presentation, he was strongly critical of scheme XIII (ibid, 304). Cento spoke very enthusiastically of the scheme, Guano argued that many persons expected from the Church to speak to their culture, to the economic and political situation of the world and to their needs (ibid). He reported the history of the text, described the expression “world” and its relationship with the Church, and presented the four chapters and five *adnexa* (ibid, 306).

The historian does not feel empowered to describe a full picture of the following discussions (ibid). He concludes generally that the overwhelming majority of the Council Fathers recognized the importance of the document for the Council. There was no direct and open critique in the discussion on the document as such. Yet we do not know about the discussions going on within the *Coetus internationalis patrum* that opposed the text. Forty-two Council Fathers intervened in the course of the debate. Questions concerned the further description of the terms world and Church, the

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addressees of the text. Was the text for Catholics or for the whole world? The need to better describe the terms “salvation of the human soul”, “salvation of the human person and the whole world” was expressed (ibid, 307–8). The debate in the aula was not a coherent discussion of a chain of arguments. The speakers did not refer to the speakers before them and later speakers would present their prepared statements. Albeit this incoherence, the discussion in the aula was important for the bishops and experts who were working on the amelioration of the text of scheme XIII (ibid, 353). The Council Fathers spoke their minds, and the lack of theological precision did not impede their enthusiasm and involvement with the real problems of the women and men in their dioceses (ibid, 354).

On November 16, 1964, a week after the discussions and the positive vote of the Council Fathers for continuing with the work with scheme XIII, the Mixed Commission met in a plenary session to assess the state of affairs of scheme XIII and to organize the future work (Burigana and Turbanti 1999, 550). Guano asked the Mixed Commission for a strong mandate for his central sub-commission to steer the work on the amelioration of scheme XIII (ibid, 551). He received this mandate and was able to enlarge his sub-commission with experts and members representing all regions and continents of the world, he constituted new sub-commission for the work on the different problems of the *adnexa* and on theological questions, and formed a small redaction committee for the document. Although the Council had never officially elected the members of the Mixed Commission, it now worked with the status of a relatively autonomous commission (ibid).

I observe with great interest that on the next day, Gérard Philips testifies in his diary (November 17, 1964) to a slightly different picture of this meeting of the Mixed Commission. Philips writes that the usual confusion reigned the plenary session and Philips unequivocally diagnoses the lack of a strong and determined direction of the group (Philips 2006, 140). He also reports that the Mixed Commission had invited him to become the general redactor of scheme XIII. He would have taken the place of Häring and Philips writes that he does not want to drive out Häring (ibid).

Evidently, Guano had fewer scruples and followed the suggestion of the Italian Jesuit Tucci to replace the German moral theologian Häring with the French sociologist Hauptmann (Burigana and Turbanti 1999, 551). Hauptmann is a priest from the dioceses of Grenoble, France. He wrote a thesis on the 19th-century parliamentarian,

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philosopher and social revolutionist Pierre-Joseph Proudhon. The French bishops trusted Hauptmann, who had been the national pastor for the French Catholic Workers' Action (ACA) and was rector of the Catholic University of Paris, the Institut Catholique (ibid). Hauptmann had been responsible for the *adnexa* on the social and economic life (ibid, 552). The Mixed Commission appointed Tucci, Hirschmann and Moeller to help him in the redaction committee. Congar reports that already in September 1964, Guano had wanted to replace the stubborn and inflexible Häring with the equilibrating mediator Philips and that he had encouraged Guano to do so (ibid). The redaction committee met in Rome on December 5, 1964 and planned a meeting of all sub-commissions working on scheme XIII for February 1965, near Rome, in Ariccia to be precise. Hauptmann returned to Paris where he absolved a very intense working schedule for the preparation of the meeting in Ariccia (ibid, 554). Hauptmann contacted many theologians and asked them for contributions on Christian anthropology, on the capabilities and limits of the Church in dealing with the modern world, on the collaboration of the world with the "Reign of Go'd", and on how to deal with atheism (ibid, 555). On December 28, 1964, Hauptmann travelled to Brussels in order to discuss with Moeller, Philips and Houtart (ibid, 554). Hauptmann informed Garrone on all these activities, sent him reports and established a relationship of trust with the archbishop of Toulouse. In return, Gabriel-Marie Garrone helped Hauptmann to understand the structure and ways of the Council. This mutual collaboration of Garrone and Hauptmann was crucial for the success of the redaction of the future text of scheme XIII (ibid, 555). From February 1 to February 6, 1965, over 100 persons, bishops, theologians and lay experts discussed the redaction of scheme XIII in Ariccia (ibid, 556). The absence of Rahner was noted. The young bishop Karol Wojtyla from Poland received a lot of attention because of his critique of the text of Hauptmann. Wojtyla complained that the text was too optimistic and affirmed that Western capitalism as the Communist regimes in the East give false answers to the questions that concern the modern world (ibid). Wojtyla then presented the ideas which his group of theologians had elaborated in Krakovia and received some attention for their conviction that the teachings of the Catholic Church presented the truth for solving the problems of the world (ibid, 557). The text of Hauptmann respected cultural and social pluralism as the separation of Church and State. The texts of Hauptmann and Wojtyla contradicted each other on many points and reconciliation was not possible. In order to overcome the split that emerged at Ariccia, Hauptmann invited Philips to cooperate

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with the redaction of scheme XIII for the meeting of the Mixed Commission that had been scheduled for the end of March 1965 (ibid, 558). Philips had not been present at the meeting of Ariccia and only a few days before the beginning of the plenary session of the Mixed Commission on March 29, 1965, he had received the final text from Hauptmann (ibid, 558). The situation was not easy for Philips because he had to present the text to the Mixed Commission that included members from the Doctrinal Commission of Ottaviani who were hostile to scheme XIII anyways (ibid, 559). Until April 7, 1965, Philips needed all his diplomatic and political skills to neutralize the growing skepticism of the German bishops who were present. Philips moderated the many conflicting views and suggestions that the members of the meeting expressed during that week (ibid, 559). There were many different theological arguments and the pastoral experience of the bishops were very different. The world-views of the Europeans from the East and from the West seemed irreconcilable. The text of Karol Wojtyla and his group of Polish bishops condemned the atheist regimes of the East that suppressed and persecuted the Christians. The atheist intellectuals of the liberal Western democracies criticized Christian faith sentences as primitive superstitions that lack rational legitimacy (ibid). The Christian faith constituted for the persecuted Christians who had to live in the Communist dictatorships, the spiritual, moral and political resource for resisting their oppression. Philips succeeded in reaching a compromise by including an indirect condemnation of communism into the text. Archbishop Parente from the Doctrinal Commission and collaborator at the Congregation for the Doctrine of Ottaviani opposed any reference to the case of Galileo. They wanted to avoid any expression of regrets for the condemnation of Galileo at all costs and they did not want to rehabilitate him (ibid, 560). There was no consensus on the questions of artificial birth control and the family. Paul VI had a secret commission working on the problem of birth control and the family that was not reaching conclusions either (ibid). There was no consensus on banning nuclear arms or the arms race, nuclear deterrence was not condemned. Paul VI repeatedly received Guano, and followed the evolvement of the text (ibid, 561). The Pope consented with the result from the meeting of the Mixed Commission. Moeller and Tucci discussed the text with Lukas Vischer and received substantial critique from him (ibid). Vischer insisted on reflecting theologically the necessity of history for realizing salvation and not just juxtaposing history and salvation as separated realities (ibid). Vischer criticized the use of the expression "signs of the times" as superficial because it does not take

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into consideration the Holy Spirit who was with Jesus Christ and therefore within history where the Spirit inspires women, men and queer dealing within the world (ibid, 562).

On May 4, 1965, Haubtmann sent the corrected scheme XIII to the Coordinating Commission that on May 11 approved of the text (ibid). Haubtmann had met with Suenens to prepare his presentation of scheme XIII in the Coordinating Commission. Felici remained an enemy of scheme XIII and gave Paul VI a page expressing his opposition of condemning the nuclear arms and criticizing the affirmation of the priority of conscience over Church teachings concerning birth control (ibid). Paul VI allowed scheme XIII to be sent to the Council Fathers by June 1965 (ibid). The project had to overcome a moment of shock when in the middle of May, Guano was hospitalized for hepatitis and the hopes for his eventual convalescence were disappointed (ibid, 563).

On May 24, 1965, the second day of his spiritual retreat, Philips confides to his diary, that he is tired from the work in Rome (Philips 2006, 141). He writes that it was not always possible for him to pray in Rome because of the workload on *Lumen Gentium* and scheme XIII. In 1964, he did not have the opportunity to go on his annual spiritual retreat and he could rarely concentrate on God although he was conscious that his work was not possible without his faith experiences (ibid). He writes that in fact it was him who led the discussion on scheme XIII during the meeting of the Mixed Commission from March 29 to April 8, 1965 (ibid, 143). He qualifies as strange the circumstances of his leadership in the discussions and redaction of the text (ibid). He thought it was peculiar that the French, French theologians and French bishops, who were entirely responsible for the prepared text, were convinced that only the arts of Philips would succeed in getting consensus on a final text in that meeting of the Mixed Commission (ibid). Philips did them the service without reserves (ibid). Philips notes ironically that since the Coordinating Commission had accepted the text of scheme XIII on May 11, 1965, the French showed considerably less interest in his help and he even did not receive the report of information that Haubtmann was supposed to send him (ibid). Philips did not feel offended; he thought that the substance of the report was not important anyways and was happy to be able to step back and to retreat (ibid, 143).

He writes, he first had to concentrate on God, he was doing his annual spiritual retreat, and second he was already preoccupied by the results of the elections of the Belgian Parliament of May 23, 1965 (ibid). His party, the Christian People's Party and the Socialists had lost their majority of two thirds and had to form a government with the

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Liberal Party that had won 20 percent of the votes. The Liberals preoccupied Philips because they represented the Right and had anticlerical tendencies, although many Catholics voted for them. He was also preoccupied that the nationalist Flemish Party gained seats in Parliament and feared an upcoming crisis (ibid). Again, Philips sensed right and within three years, the conflict between the Walloons and the Flemish population openly erupted and deeply divided the country. Philips' Catholic University of Leuven will suffer the catastrophe of splitting up in two autonomous universities, according to ethnic lines. Concerning the experience that the big political parties in Europe that formed the governments in postwar Europe, the Socialist party and the Christian Conservative Party, lost their majorities and other parties had to join coalitions to form governments, the rest of Europe would follow Belgian within decades. Within decades nationalist parties would surge all over Europe and their authoritarian leaders will challenge the defenders of the European Union. Despite all of this, Philips was back in Rome in October 1965.

In September 1965, the climate in the Doctrinal Commission working on the text on revelation and the climate in the Mixed Commission working on scheme XIII was considerably different from the relatively equilibrated atmosphere of May 1965 (Turbanti 2001, 63). With the abundant feedback from the Council Fathers on the text of scheme XIII that they had received in June, the members of the Mixed Commission had to face a growing vague of critiqued and skepticism concerning scheme XIII. The Mixed Commission remained unimpressed by the attentive interest of the public opinion and the press for the questions on artificial birth control and for the position of the Council on world peace when the United States intensified their war in Vietnam and South-East Asia. The surging critique of the text on scheme XIII by the Council Fathers preoccupied the theologians of the Mixed Commission more and more (ibid). Congar writes of his amazing and bitter experience that so many Council Fathers intellectually were not ready and not educated for a complex dialogue with the modern world (ibid). At the same time, Congar recognizes that there are "several serious defects" in the prepared text of 94 pages for scheme XIII. On September 13, 1965, that is right at the beginning of the Fourth Session of the Second Vatican Council he writes in his diary and lists the defects: "1) the absence of vigorous direction and movement of the whole. It ought to have been Christological and anthropological: to have given the human face of biblical-Christian affirmations; 2) sometimes, there is a little demagoguery. It is rather ACO (Catholic Workers' Action). And certain sections, on the

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economy for example, list all the requirements without allowing sufficient latitude for the development of new forms, or sufficiently providing a deep Spirituality” (Congar 2012, 772). Congar expresses the central difficulty of scheme XIII and of the Catholic Church dealing with the modern world. There are blue-collar workers, Catholic laywomen, men and queer who organize and fight for better working conditions, just wages, social security, health care, pensions and much more. They regularly meet to discuss and reflect on their labor experiences and interpret their actions with an understanding of the Gospel as encouraging them to fight for the just world of Go'd within society. Catholic professors of theology, of social and political theory and sociology accompany the social actions of protest and the fight for social justice of the organized Catholic workers. The majority of Catholic theologians and bishops do not understand these sociologists of the Christian faith. Traditional theology has not yet learned to cope with the social philosophy of labor struggles. When the ACO speaks of the working class, the majority of the Church Fathers and their theological experts hear a Marxist ideology and not a Christian concern for the just world of Go'd. The theologians sociologist analysis of society usually have not acquired the skills of modern biblical exegesis and are not ready to argument their pastoral social thesis with Scripture and Tradition.

The French Dominican and social scientist Louis-Joseph Lebreton (1897–1966) passed with the help of Cardinal Liénart his points of criticism of scheme XIII to Haubtmann and the Mixed Commission (Turbanti 2001, 64). Lebreton criticized that the prepared text did not take into consideration the dialogue with the whole world but stayed very Eurocentric (ibid). The proposed text of scheme XIII does not recognize the pluralism of cultures and the aspirations of India, Asia and Africa for a human life in dignity that assures economic and social development (ibid). Concerning the philosophical movements within Europe, Lebreton affirmed that scheme XIII does not analyze the values of the philosophies of socialism, of existentialism, and atheism (ibid.). Further, Lebreton demanded to recognize the efforts of Hinduism and Buddhism concerning the purification of the world (ibid, 65). Rahner repeated his fundamental critique of the text of scheme XIII and the German bishops' conference therefore suggested to confide scheme XIII to a post-conciliar commission (ibid). Progressive theologians in Bologna, Italy joined the critique and involuntarily got support by Italian conservative and traditional bishops and cardinals who from the beginning met the dialogue with the

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modern world with hostility and suspicion of weakening the traditional positions and authority of the Catholic Church (ibid).

September 1965 was a delicate phase for the redaction of scheme XIII. Guano was not able to attend the meetings of the Central Commission of the Mixed Commission. He was still sick and Paul VI decided to replace Guano by the archbishop of Toulouse, Gabriel-Marie Garrone (ibid, 66). This decision was not yet official. Still on September 9, 1965, Guano communicated to Felici that he wanted his vice-president bishop Ancel to present scheme XIII to the Council Fathers in the aula because he himself wanted to stay on as president of the Central Commission of the Mixed Commission (ibid). On September 14, Guano got the information that at the will of Paul VI, Garrone will present the scheme in the aula. Guano was not very happy but accepted the papal decision (ibid, 67). The Central Commission and all Sub-commissions of the Mixed Commission prepared the text of scheme XIII for the discussion in the aula by quickly integrating the amendments of the Council Fathers into the text and they were ready to receive the suggestions of the debate (ibid).

On September 21, 1965, the Council Fathers started discussing scheme XIII (Routhier 2001, 151). The reaction of the Council Fathers to the presented text was positive in general and many Fathers acclaimed the work of the Mixed Commission (ibid). From September 21 to September 23, 1965, there were 26 speeches by Council Fathers in the aula and at least 18 of them supported the presented text as basis for further discussions and amendments on scheme XIII. On September 23, 1965, the Council was ready for an orientation vote. 2,111 Council Fathers voted in favor of keeping the text and only 44 opposed the presented text (ibid, 159). Detailed discussions on the chapters of scheme XIII followed this vote. On September 24, 1965, the Introduction to scheme XIII was discussed (ibid, 160), and the discussion on the first four chapters of scheme XIII started (ibid, 162). Until September 28, 1965, 38 Council Fathers took the word in aula. The first chapter on the dignity of the human person again raised controversy on atheism and communism (ibid, 163). The discussions on chapters two, three and four of the first part of scheme XIII were less controversial. Controversy arose again on the question of birth control concerning the first chapter of part two of scheme XIII that is on marriage and family life. Since the papal commission had not yet concluded on birth control either, scheme XIII does not present a final conclusion on marriage and artificial birth control (ibid, 177). In order to shorten the discussion in the

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aula, 70 Council Fathers turned over written observations and amendments for the Mixed Commission and the debate continued with the second chapter of the second part of scheme XIII (*ibid*). The discussion on chapters two, three, four and five of the second part of scheme XIII was much easier and faster than on the first chapter. The discussion on culture ended on October 4, 1965 and the Council Fathers continued with the chapter on economic and social life (*ibid*, 180–81). On October 5, the discussion passed to the chapter on political life and on October 6 and 7, 1965, to the debate on war and peace and new controversies arose on the ethical legitimacy of nuclear arms and nuclear deterrence. The debate on scheme XIII finally ended on October 8, 1965, and the hard work in the commissions could start to prepare the text for the final votes in aula (*ibid*, 189).

On October 19, 1965, Philips participated in the meeting of the Mixed Commission (Philips 2006, 153). The Mixed Commission was supposed to discuss scheme XIII but half of the time they had to discuss the Pope's concerns for the document on revelation (*ibid*). On October 23, 1965, Philips finished the first part of scheme XIII, that is the first four chapters and he is exhausted from fatigue (*ibid*, 154). On October 25, 1965, the meeting of the Mixed Commission that discussed the second part of scheme XIII and especially the question of marriage and the family, was arduous. Since the morning of that day, Philips had been suffering from a chest pain. He was no longer capable of participating in the Mixed Commission and says "The Council is over for me" (*ibid*, 154). Hauptmann continues changing the text of scheme XIII and Philips feels powerless, he has to let Hauptmann do and retreats to assure not to get hurt by Hauptmann's offense. Philips remarks that Hauptmann remains completely indifferent on part two of scheme XIII (*ibid*, 155). Philips returns to Belgium and will not travel to Rome any more.

On October 25, Garrone took over from Philips the work of the editor of scheme XIII in the Mixed Commission (Hünemann 2004, 379). He closely cooperated with Paul VI who wanted scheme XIII to succeed (*ibid*). Sometimes Garrone bypassed the Mixed Commission and assured the legitimacy of changes on the text by his hand from Paul VI (*ibid*). From November 15 to November 17, 1965, there were 33 ballots on the amendments of scheme XIII (*ibid*, 372). On December 4, 1965 there were another 12 ballots on amendments for scheme XIII and on December 7, 1965, the entire scheme XIII passed the final vote with 2,3009 yes and only 75 no (*ibid*). On December 6, 1965,

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Hauptmann again corrected the text on his own and exchanged the expression “social doctrine of the Church” with the expression “doctrine on society”; 22 bishops, most of them from Brazil, protested and the embarrassed Hauptmann had difficulty excusing himself (ibid, 380).

6.2. The Pastoral Constitution on the Church in the Modern World *Gaudium et Spes* starts with a footnote.

The Pastoral Constitution on the Church in the Modern World Gaudium et Spes (Paul VI 1965) is the only document of the Second Vatican Council that shows an explaining footnote at the end of its title. The footnote explains that the Constitution consists of two parts. The first part “rests on doctrinal principles” concerning the teaching of the Church “on man” and “on the world”. In the second part, “the Church gives closer consideration to various aspects of modern life and human society”. “The constitution is called pastoral because, while resting on doctrinal principles, it seeks to express the relation of the Church to the world and modern mankind”. I understand that the relation of principles and the application of the principles founds the union of the two parts; I do not understand that the application of principles qualifies as “pastoral”.

Fifty-five years after the promulgation of *Gaudium et Spes* and interpretation of the text of the footnote needs to take into consideration the historical context of the footnote.

A first element of the historical context of the footnote is the text of the whole *Pastoral Constitution*. Studying the text of *Gaudium et Spes*, I observe the extensive use of Biblical pictures and the Scriptures as primary source for presenting the teaching of the Church. The text of *Gaudium et Spes* carefully avoids the use of doctrinal principles, only the footnote at the very beginning of *Gaudium et Spes* speaks of the principles of Christian faith without affirming that the teachings of Jesus Christ and his proclamation of the just world of Go'd are the foundation of the Christian message.

All documents of the Second Vatican Council together, constitute a second element of the historical context of the first footnote of *Gaudium et Spes*. The documents of the Second Vatican Council clearly advise the dogmatic theologian who wants to describe the term “pastoral”. “Dogmatic theology should be so arranged that these biblical themes are proposed first of all” (*Optatam Totius* 16, 3). In the text of *Gaudium et Spes* there are 45 recurrences of the name Christ, but the footnote defines the term pastoral

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without reference to the biblical narratives of Jesus Christ as the Good Shepherd, the Good Pastor who lives with the women, men and queer whom he heals and teaches the just world of Go'd. The Council Fathers and theologians who were responsible for the editing of the footnote were ignorant of *Optatam Totius* 16, 3 that had been promulgated on October 28, 1965, that is weeks before the final vote on *Gaudium et Spes*.

The Dogmatic Constitution on Divine Revelation Dei Verbum 17 affirms the faith sentence "Christ established the kingdom of God on earth, manifested His Father and Himself by deeds and words, and completed His work by His death, resurrection and glorious Ascension and by the sending of the Holy Spirit". "Christ established the kingdom of God on earth" that is the just world of Go'd as the feminist theologian rightly interprets (Schottroff 2007, 2313), "by deeds and words" that is by healings and blessings and preaching the Gospel. *Dei Verbum* 21 explicitly demands that "all the preaching of the Church", the sacred liturgy, and the sacred tradition of the Church "must be nourished and regulated by Sacred Scripture". The Sacred Scripture of the New Testament is the center of all preaching, of all catechesis, of all liturgy and of all theology. The New Testament, "the force and power in the word of God is so great that it stands as the support and energy of the Church, the strength of faith for her sons, the food of the soul, the pure and everlasting source of spiritual life" (*Dei Verbum* 21). Biblical scholars, Congar and the French Jesuit De Lubac welcomed the affirmations in *Dei Verbum* 21 that the Commission for revelation reached by June 1964 (Vilanova 1998, 450–51). De Lubac identifies as the principal merit of *Dei Verbum* the establishment of the unity of the Revealed and the Revelator, and the unity of Jesus Christ as producer and consumer of our faith as the last sentence of *Dei Verbum* affirms (De Lubac 1983, 174). *Dei Verbum* 26 affirms that the life of the Church and the life of the Spirit are strengthened by the celebration of the mystery of the Eucharist and by Scripture, the word of Go'd (Vilanova 1998, 451). De Lubac had studied the Church Fathers and their coping with the Hellenistic world, culture and philosophy with the help of Sacred Scripture.

Jesus Christ healed by teaching and taught by his deeds and life. I want to operate the logical rules for predicating, and explicitly agree to the use of the predication "healer" for Jesus Christ. Jesus Christ is a healer. Further, I agree explicitly to the use of the predication "teacher" for Jesus Christ. Jesus Christ is a teacher. Further, I explicitly

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agree to pass from the predication “healing” to the predication “teaching” and to pass from the predication “teaching” to the predication “healing”. Finally, I explicitly agree to the use of the mutual predication “healing is teaching” and “teaching is healing” as predication for Jesus Christ. Thus, I use the explicitly agreed mutual predication “teaching is healing” and “healing is teaching” as a term. The term “teaching is healing” and “healing is teaching” is synonymous with the expression “pastoral and dogmatic principle”.

Understanding the New Testament as expression of the unity of the revealed and the revelator allows the formulation of the mutual logic transition of the predicators pastoral and teaching for Jesus Christ. Jesus Christ teaches by healing and he heals by teaching. Healing and teaching are predications of Jesus Christ. *Dei Verbum* 17 defines the activity of Jesus Christ as teaching the just world of Go’d by healing, and defines his mission as healing women, men and queer by his teaching. Right before the beginning of the last session of the Council in September of 1965, Congar had already observed in his diary that only by parting from Christology, the theologians are able to affirm the Christian anthropological view of women, men and queer (Congar 2012, 772). The Good Shepherd represents the human face of Christian faith that is the hope of realizing the healing of women, men and queer on this earth with the Law of the Spirit that is love.

A third element of the historic context for the documents of the Second Vatican Council we find in the discussions of Council Fathers and their theologians, the work within the many commissions and sub-commissions, the collaboration of the commissions and the obstacles and difficulties as well as the successes of this collaboration that the history of the evolvement of the texts reconstructs. The relation of the theologians working on *Gaudium et Spes* with the scholars of the Bible is an important element of the historic context of *Gaudium et Spes*.

In the spring, summer and autumn of 1965, Hauptmann and his group were not systematically collaborating with biblical scholars and exegetes. There were a few biblical scholars members of sub-commissions working on *Gaudium et Spes*, and Hauptmann occasionally asked for advice from the experts of the Bible studies. Cardinal Bea and his biblical scholars of the Secretariat for Christian Unity were busy promoting the Bible studies. The Catholic biblical scholars and exegetes concentrated their work and all their energies on producing “editions of the Sacred Scriptures,

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provided with suitable footnotes” and the curricula at the Catholic Theological Faculties all over the world considerably enforced the Bible studies, fulfilling the demands of *Dei Verbum* (*Dei Verbum* 25). The Catholic exegetes and biblical scholars did not reach out to the theologians who tried to analyze the problems of the modern world. For decades, there was no systematic interaction between Catholic exegetes and Catholic theologians working on the tradition of the Christian faith. Exegetes studied the Bible but they did not reflect and did not work out the relevance of their studies for the life of the Christians. There are precious exceptions like the French Stanislas Lyonnet, professor at the Pontifical Biblical Institute at the Gregorian University in Rome (Lyonnet 1989). Lyonnet worked before, during and after the Second Vatican Council interpreting the *Letter to the Romans* and the theology of Paul. Lyonnet cultured an understanding of the Bible as word of Go'd that corresponded with many Catholic intellectuals who had learned to differentiate between empirical science and religious faith and who recognize and claim their dignity, freedom and rights. Lyonnet presents the Bible and teaches Christian faith, he masters exegesis and systematic theology on questions like redemption, creation, original sin, freedom of conscience, spiritual sacrifice and the Law of the Spirit that is love (*ibid*, 325). Cardinal Ottaviani, president of the Roman Congregation for the Doctrine, the Holy Office, on June 6, 1961 suspended Lyonnet and his colleague Maximilian Zerwick from teaching at the Biblical Institute of the Gregorian University in Rome (F. Holland 2005, 114). It seems that in 1963, Paul VI reinstated Lyonnet and Zerwick as professors at the Biblical Institute on the condition that they would not teach on the exegetic opinions that previously had been found unacceptable (Harrison 2012, 6). The results of modern critical biblical research were not allowed to touch on defined dogmas such as original sin or sacrificial redemption (*ibid*). The few scientists, exegetes and theologians who were experts in exegesis and interpreted the Christian faith with an understanding of the needs of their contemporary Catholic intellectuals were not at the center of the commissions of the Second Vatican Council, they stayed at the periphery of the redaction of the texts. On December 14, 1964, Hauptmann asked Lyonnet in a letter for advice on some biblical questions concerning scheme XIII, but Lyonnet was never asked to become an expert member of a commission (Burigana and Turbanti 1999, 554).

Exegetic publications during the Council and after the Second Vatican Council did not speak on ecclesiology, Christology, eschatology, on the questions of international cooperation, on war and peace on justice and the social life. Women feminist

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theologians and women feminist biblical scholars started studying and developing the liberating message of the New Testament, they demonstrated the Bible's protest against oppression, abuse of power and sexual abuse. Studying, meditating and praying with the Bible, they called for Church reforms and the recognition of the equal dignity, freedom and rights of all women, men and queer faithful. Women feminist exegetes and theologians realized the hopes of the last sentence of *Dei Verbum* "we may hope for a new stimulus for the life of the Spirit from a growing reverence for the word of God" (*Dei Verbum* 26). The white male celibate exegetes working for the Second Vatican Council succeeded in bringing the Bible back to the center of the Christian faith and their efforts were tremendous. Therefore, I am surprised that *Dei Verbum*, as *Lumen Gentium*, *Nostra Aetate* and eleven other documents of the *Second Vatican Council*, do not refer to the Law of the Spirit that is love and do not refer to the threefold commandment of love by Jesus Christ. The post-conciliar generation of Catholic exegetes tried to consolidate the acquired biblical foundation of the Christian faith. Women Catholic exegetes and theologians brought the new stimuli "for the life of the Spirit from a growing reverence for the word of God" (*Dei Verbum* 26). For the moment, the voices of these Catholic women scholars suffer the same fate as the prophets and Jesus Christ had to endure. Women theologians speaking up for equal dignity within the Church are ignored and silenced within the Pontifical Catholic Universities around the world.

The Council Fathers were tired and exhausted and had no energy left to study and discuss the problems of the world. From 1963 to 1964, the majority of the Council Fathers worked for reform of the Catholic Church. In the end, the Council Fathers were not able to build a consensus on the collegiality of the bishops and the reform of the government of the Church (Routhier 2001, 74). The promulgation of the Dogmatic Constitution on the Church *Lumen Gentium* on November 21, 1964 proclaimed an inspired chapter on the mystery of the Church. A chapter on the people of God that is founded in the Scriptures followed, before *Lumen Gentium* assured the primatial powers of the pope and the hierarchical government of the Church as a society. It is clear, the reform of Church government had failed. The Council Fathers failed to reform the government of the Catholic Church, because they lacked a coherent theological program. They failed to reform the teachings on marriage and family life for lack of a coherent theology, and a coherent theological program would be the possibility condition for building consensus (*ibid*).

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The diaries, notes and testimonies of theologians and Council Fathers who participated in the Second Vatican Council are a precious source for the reconstruction of the historical context of the documents. Charles Moeller (1912–1986) is one of these precious testimonies to the event of the Second Vatican Council, and additionally elaborated the first history of the text of *Gaudium et Spes* (Moeller 1968). He was a Belgian priest, professor at the Catholic University of Leuven, a theological expert at the Council and in 1966 became a leading theologian in the Congregation for the Doctrine of the Faith before serving as secretary for the Secretariat for Christian Unity from 1973 to 1981 (Philips 2006, 175). Moeller impresses me with his empathic attention to the qualities of the persons whose actions he describes. Moeller documents the sentences of Philips in two decisive situations during the development of *Gaudium et Spes*, where Philips succeeded to lead an already despairing group of pessimistic theologians and bishops from chaos and confusion to new clarity on the aim of their work.

During the reorganization of the redaction of scheme XIII, Hauptmann met in Brussels with Moeller, Houtart and Philips on December 28, 1964 (Moeller 1968, 265). In this meeting, Philips asked a series of questions in order to clear what they were working on (ibid). Philips asked if the document should be founded on theology, on natural law, on philosophy or on a description of facts. Philips asked further, who speaks in the document? It was clear that the Church speaks, but Philips insisted on a precise answer. Does the hierarchy of the Roman Catholic Church speak, do the Christians speak, does the people of God speak, or does the synod of the Second Vatican Council speak? Philips also asked who the addressee is and what the message is (ibid). Philips spoke of the importance to clarify that the Church does not speak in front of the world, but that the Church speaks from within the world (ibid). Philips was convinced that the Church had to present herself and explicate her self-understanding. Philips recognized that primarily the Christians would be interested in this presentation of their faith perspective, but he insisted that the Church had to present her message in a way that Non-Christians would take an interest because they are aware of a dimension that they share with the Christians (ibid). At the same time, Philips did not champion his personal theological convictions but insisted that the redaction of scheme XIII stays in continuity with the text that had been discussed in the aula and with the amendments of the Council Fathers (ibid).

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Moeller documents the second decisive intervention by Philips in his history of the development of the text of *Gaudium et Spes* (ibid, 272). This intervention took place in a big meeting on September 17, 1965 that treated the text of *Gaudium et Spes* for the upcoming presentation in the aula (ibid, 271). Bishop Elchinger from Straßburg had organized the meeting because there was so much critique for the prepared text that a positive vote in the aula seemed impossible. At the meeting were present the German bishops Volk, Reuß and Hengsbach, and the French bishops Ancel, Garrone, and Musty (ibid, 272). The German Jesuit and moral theologian Hirschmann expressed the critique of the German bishops' conference, which had heavily criticized the prepared text. According to Hirschmann's report, the text failed considering the Christian faith within history, and did not teach on sin, on the cross and on eschatological hope. The contribution of faith to history was not clear, the ecumenical aspect was not considered in the text and the mentality of the Non-believers was not sufficiently taken into account (ibid, 271). The French bishops and the French Jesuit theologian Daniélou defended the prepared text, although archbishop Garrone admitted deficiencies that have to be corrected. Hauptmann reported that the prepared text had received a very positive reception with the French laity. Hauptmann reported also that ninety percent of the received amendments from the Council Fathers demanded a biblical argumentation and a biblical foundation that leads to the truths of faith that is to the crucified and resurrected Christ (ibid, 272). Philips took the word and his proposal to collaborate on the amelioration of the prepared text found consensus. Philips argued that a refusal of the prepared text by the Council Fathers would mean that there is no text at all, and that writing a new text was not possible in the few months until the end of the Second Vatican Council. Philips described the central problem of his editorial work on the text as the difficulty to use the theological vocabulary of the Church in a way that the addressees could understand the text. Further, the addressees had to feel that the Church understands their concerns. Philips affirms there is unrest and the necessity for contact and dialogue. He had tried to establish contact and dialogue with the people, he had tried to overwork the text in order to clarify that the Church speaks to the women and men of the concrete world "in the light of Christ", respecting them as they are and recognizing their needs in the struggles of daily life. Finally, Philips suggested ameliorating the prepared text but pleaded to accept the prepared text as starting point for this revision (ibid). The revision that followed in ten sub-commissions in the following days produced compromise solutions consisting of the description of

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the world and the needs of modern women and men and of the proclamation of the Christian faith and the teachings of the Church. The compromise accepted the principal tension between a principally positive world-view and an ambivalent outlook on a world that is in constant need of redemption and salvation and the Church. The sub-commissions had supporters on both sides of the conflict. Nevertheless, the consensus on working out compromises carried the text of *Gaudium et Spes* through the discussion in the aula, through further work in the ten sub-commissions on five-hundred pages of amendments and comments from the debate until the final positive vote on *Gaudium et Spes* in the aula on December 7, 1965 (ibid, 272–73).

6.3. The Preface of *Gaudium et Spes*

All 92 numbers of the official Latin textⁱ of *Gaudium et Spes* and of all other official translations of the text of *Gaudium et Spes* have titles, only the official English text (Paul VI 1965) does not edit any titles. It is true; *Gaudium et Spes* is the only of the 16 documents from the Second Vatican Council that has titles for every number of the document. I do not know why the English text is published without these titles. It is true; all documents of the Second Vatican Council had titles for the numbers of the text. These titles were not part of the text that the Council Father voted in the aula and therefore the titles did not end up in the official texts. On December 21, 1965, the Secretary of the Second Vatican Council, bishop Felici, unsuccessfully tried to do away with the titles for the numbers of *Gaudium et Spes* in the official publication of the document by Paul VI. Cardinal Ottaviani and Cardinal Cento who were presidents of the Doctrinal Commission and the Commission for the Apostolate of the laity protested and argued that the titles were part of the text that the Church Fathers had approved of by their votes in the aula. With authorization of Paul VI, Cento communicated Felici that the titles are necessary for a full understanding of the text (Sander 2005, 690).

I use the titles for the numbers of *Gaudium et Spes* from the translation of Flannery (Flannery 1996). *Gaudium et Spes* 1 is entitled “Solidarity of the Church with the Whole Human Family”. I copy the copy the complete text of *Gaudium et Spes* 1.

“The joys and the hopes, the griefs and the anxieties of the men of this age, especially those who are poor or in any way afflicted, these are the joys and hopes, the griefs and anxieties of the followers of Christ. Indeed, nothing genuinely human fails to raise an echo in their hearts. For theirs is a community composed of men. United in Christ, they

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are led by the Holy Spirit in their journey to the Kingdom of their Father and they have welcomed the news of salvation which is meant for every man. That is why this community realizes that it is truly linked with mankind and its history by the deepest of bonds" (*Gaudium et Spes* 1).

Joy and hope, grief and anxiety

In January 1964, the sub-commission working on scheme XVII had created the famous beginning speaking of "Joys and griefs, hopes and anxieties" (Moeller 1968, 255). The sub-commission followed the inspiration of *Pope John XXIII* and his *Encyclical Pacem in Terris* and decided to start the text referring to feelings. The good Pope John XXIII had won the sympathy of the people by his charisma to reach out to the hearts of the faithful and women, men and queer of good will but without religious faith. The editors of scheme XVII intended to follow his example. The redaction group that at the end of April 1965 presented the text that from now on was called scheme XIII, had changed the word order of the beginning to "The joys and the hopes, the griefs and the anxieties" (Moeller 1968, 271).

The redaction group intended to use a couple of biblical expressions that is "joy and hope" and a couple of expressions that characterize the way of feeling of modern women and men, their spirit of sensitivity that is "grief and anxiety" (ibid). Indeed, the redaction group considered the expressions joy and hope as biblical, whereas within the cultural context of the redaction group the expressions grief and anxiety were exclusively associated with the worldly affairs of women and men (ibid, 285).

Fifty-five years after the Second Vatican Council, I am capable of reading all four expressions as emotions that the Hebrew and the New Testament obviously not only take for granted but use to express their most important messages. *Luke* uses the expression joy for his proclamation of the faith in Jesus Christ throughout his Gospel. In *Luke* 2, 10 an angel brings "news of joy, a joy to be shared by the whole people" to the shepherds out in the fields and *Luke* 2, 11 gives the reason for this joy "Today in the town of David a Saviour has been born to you; he is Christ the Lord" (*Luke* 2, 11).

Luke 19, 28–40 describes the imminent realization of the just world of Go'd with the picture of the entry of Jesus Christ into Jerusalem riding on a donkey. The people enthusiastically welcome their king referring to the prophet Zechariah who proclaims the royal savior riding on a colt according to the *Septuagint*.

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“Rejoice heart and soul, daughter of Zion! Shout for joy, daughter of Jerusalem! Look, your king is approaching, he is vindicated and victorious, humble and riding on a donkey, on a colt, the foal of a donkey. He will banish chariots from Ephraim and horses from Jerusalem; the bow of war will be banished. He will proclaim peace to the nations, his empire will stretch from sea to sea, from the river to the limits of the earth” (*Zechariah* 9, 9–10). Grief and anxiety are also central biblical expressions, and already in Luke 19, 41 Jesus “shed tears over” Jerusalem. In *Luke* 22, 37, Jesus cites from the fourth Song of the Servant of Go’d (*Isaiah* 53, 12) identifying himself with the Servant of Go’d that “is counted as one of the outlaws”. Grief and anxiety are followed by joy. Matthew narrates that the women “filled with awe and great joy” announced to the disciples the resurrection of Jesus (*Matthew* 28, 8). The Psalms are rich with pictures of joy and hope, of grief and anxiety. A whole gender of Psalms is called Psalms of lamentation. Matthew narrates the dying of Jesus “Jesus cried out in a loud voice ‘My God, my God, why have you forsaken me?’” (*Matthew* 27, 46). Matthew makes use Jesus *Psalms* 22, 1. There are Psalms expressing joy. Paul echoes in Galatians 5, 22 the joy of the righteous man of *Psalms* 34, 14 when he describes for the community of sisters and brothers the fruits of the Spirit: love, joy, peace, patience, kindness, goodness, and trustfulness.

The faith in Jesus Christ realizing the just world of God includes a hope in Go’d that is capable of transforming grief and anxiety (Schottruff 2007, 2313). Christians celebrate, commemorate and actualize the prayer for this transformation in the Eucharist. The Jews celebrate, commemorate and actualize the prayer for this transformation in the Passover-offering. Rabban Gamaliel refers in *Mishna Pesachim* 10 to *Exodus* 13, 8 “It is because of what the Lord did for me when I came forth out of Egypt”. Rabbi Gamaliel, the teacher of the later Christian apostle Paul admonishes, “Therefore it is our duty to thank, praise, laud, glorify, exalt, honor, bless, extol, and adore Him who performed all these miracles for our ancestors and us. He brought us forth from bondage into freedom, from sorrow into joy, from mourning into festivity, from darkness into great light, and from servitude into redemption. Therefore let us say before Him, Hallelujah!”ⁱⁱ

Fifty-five years after the Second Vatican Council, I use the expressions joy, hope, grief and anxiety univocally to for express my Christian faith according to the Hebrew Bible and the New Testament. Fifty-five years after the Second Vatican Council, I use the expression joy, hope, grief and anxiety univocally to express feelings and emotions.

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At the beginning of the third millennium CE, psychologists will classify the emotions joy, hope, grief and anxiety as so-called primary emotions. We find a parallelism of the positive emotions joy and hope and the negative emotions grief and anxiety. It makes sense to start dealing with primary emotions because structural affects as shame, guilt, pride, envy and jealousy develop after the establishment of the psychological structure that separates self-representation and object-representation (Aichhorn and Kronberger 2012, 520). It makes sense to address primary emotions when talking about solidarity with contemporary men, because “emotions regulate interactions between individuals and play an essential role in the development of a child’s personality” (ibid, 515). “Through laughing and crying we express proximity, sociality, and commonality” (ibid). Happiness is a state of emotion that everything is ok. At the same time, happiness serves as a positive reinforcement for the presence of the other person who interacts with the happy person. Disgust serves as a hint to the interacting person that “his or her behavior has triggered negative feelings” (ibid, 519). Sadness indicates that a person desires the end of an interruption of the interaction. Expressing emotions means expressing our interests in producing and safeguarding connections with persons we like and in ending connections we dislike. We learn to express excitement, happiness, sadness and disgust in the first six months of our lives and “in the second half of a child’s first year of life, additional affects appear such as anger, contempt, fear and shame” (ibid, 520). The primary emotion grief “is a response to abandonment” and “is an omnipresent emotion in life because separation, loss, and parting follow us during our entire life” (ibid, 522). The Latin text of *Gaudium et Spes* 1 speaks of *angor* which translates as psychical suffering but not really as anxiety. Anxiety is caused by disorganization of attachment (ibid). Anxiety is the expression of a state of loss of personal integrity because of the loss of securing relationships. Fear is the loss of a sense of security, the loss of experienced security in relationships. There is “fear of loss of self, fear of separation, fear of loss of love, fear of punishment and fear of shaming” (ibid). Anxiety threatens the integrity of the self, anxiety is the experience of loss of self and is panicking and pure conscious suffering from angst. *Gaudium et Spes* is the *Constitution on the Church in the Modern World* and it is good to affirm solidarity with the joys, hopes, griefs and anxieties of mankind. It is good to identify oneself and acknowledge emotions as fundamental human expressions. It is also necessary for the Church to accept and deal with emotions, because the

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regulation of “social behavior is mainly linked to affective regulations, and probably less associated with cognitive regulation” (ibid, 524).

Fifty years after the Second Vatican Council, there is no necessity for defining joy and hope as biblical and grief and anxiety as worldly, the split appears arbitrary. The historical context of the editing of *Gaudium et Spes* makes us understand the split as a consequence from the consensus program of September 17, 1965. Philips had wanted to address the needs of contemporary women and men with the “light of Christ” that is with Christian faith-sentences (Moeller 1968, 272). The mix of faith-sentences and empirical sentences characterizes much of the text of *Gaudium et Spes*.

Fifty years after the Second Vatican Council, we may say that emotions and feelings threaten and secure our physical, psychic, social, cultural and spiritual integrity. We may also assess that the science of behavioral psychology has established the thesis that we have to deal with emotions in a responsible way, if we want to realize a certain social behavior (Aichhorn and Kronberger 2012, 524). From this follows that Christians who want to realize the threefold commandment of love of Jesus Christ, and want to collaborate with all humankind to realize justice and peace, have to be aware of their emotions.

Those who are poor or in any way afflicted

“The joys and the hopes, the griefs and the anxieties of the men of this age, especially those who are poor or in any way afflicted, these are the joys and hopes, the griefs and anxieties of the followers of Christ” (*Gaudium et Spes* 1).

The above sentence apparently changes from the biblical picture of joy and hope to the psychological expression of feelings. This univocal psychological use concerns the followers of Christ as “those who are poor or in any way afflicted”. *Gaudium et Spes* 1 affirms solidarity with “those who are poor or in any way afflicted” but does not present social, economic, physical, political or spiritual criteria to describe “those who are poor or in any way afflicted”. Sociologically, economically and spiritually it is not clear who the women, men and queer are that are poor or in any way afflicted. Hünemann makes a very important observation concerning the method of the commissions working on *Gaudium et Spes*. *The Constitution on the Church in the Modern World Gaudium et Spes* wanted to treat many problems of the modern world (Hünemann 2004, 386). The Council Fathers wrote on many problems of the modern world, but they never

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asked for advice from scientific institutions and academic experts; there was no systematic counseling from specialized departments of universities for the Council Fathers and they did not theologize on the basis of empirical evidence of the problems of the world (ibid, 386). The Second Vatican Council never planned or realized a scientific empirical sociological investigation on the minds, preoccupations, opinions and priorities of the fellow lay Catholic women, men and queer (ibid).

In 1965, De Riedmatten was member of sub-commission X that worked on the problems of world peace (Moeller 1968, 274). The redaction group for *Gaudium et Spes* did not get empirical evidence on those who are the poor or in any way afflicted. Empirical evidence was available in 1965, the redaction group was not aware of the utility of this kind of evidence and the United Nations were not yet part of their intellectual curiosity. The Permanent Observer Mission of the Holy See to the United Nations in New York evolved in 1964, after relations had been established between the United Nations and the Holy See in October 1957ⁱⁱⁱ. In 1969, De Riedmatten became the first permanent observer of the Holy See mission to the UN in Geneva. Dominican father Henri de Riedmatten (1919–1979) came from a Swiss family of diplomats, was a patrolologist by training, and “felt at home in the diplomatic world” (Joblin 2012, 28). De Riedmatten successfully worked that the Holy See was considered as a partner in diplomatic life again. Reintegration of the Holy See into the international scene was crucial for promoting spiritual values, peace and justice (ibid). These aims of De Riedmatten sound quite noble; yet, we have to be clear that the work of women and men from International Catholic Organizations were at the beginning of a new relationship between the United Nations and the Vatican. With the help of these and other Catholic Nongovernmental Organizations (NGO) De Riedmatten was convincing the diplomatic world and the United Nations to view the Vatican as a partner in diplomatic life (ibid).

Before World War II, the Polish woman Miss Hedwige de Romer was a functionary of the League of Nations. In 1945, she took the initiative to create the International Catholic Center in Geneva in order to provide the International Catholic Organizations (ICOs), that took their origin from lay activity, “with documentation on UN agenda items, inform them about the political climate, and to allow them to participate effectively on the international scene” (ibid). De Riedmatten made himself ecclesiastical adviser of Miss de Romer and became ecclesiastical counsellor for the Center (ibid).The United

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Nations considered the ICOs as a Non Governmental Organization and had no problem cooperating with them. De Riedmatten used this opportunity to get the attention of the United Nations for the Vatican. In 1953, De Riedamttten had assured that a representative of the Vatican attended on a regular base the meetings of The International Catholic Committee of Nurses and Medico-Social Assistants (CICIAMS) that had already attained observer status, with the World Health Organization (WHO) (ibid, 29). In 1948, the Holy See had become observer at the Food and Agriculture Organization of the United Nations (FAO) and in 1952 at the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Vatican was not any more seen a political power seeking alliances in order to pursue worldly goals and the reintegration in the international scene succeeded after decades of isolation. The Vatican had been marginalized at the 1899 conference at The Hague, had been excluded from the second conference at The Hague in 1907; the two conferences produced one of the first formal statements of the laws of war and war crimes in international law. The Holy See decided not to be present at the peace conferences in 1919 and 1945 (ibid).

In 1990, the United Nations Development Program (UNDP) published its first annual *Human Development Report (HDR)* (Stanton 2007, 3). Following Amartya Sen's capabilities approach, the HDR developed a *Human Development Index* that includes variables "for three important ends of development: access to health, education, and goods. Empowered by these, and other, capabilities, individuals can achieve their desired state of being" (ibid). Elisabeth Stanton documents the pioneering work of Amartya Sen and Martha Nussbaum that "stands out from that of their predecessors because of inclusion of human beings' role as agents of their own well-being, and because of the centrality of human agency both as an end in itself, and as a means to other important capabilities or freedoms" (ibid, 10). Sen and Nussbaum distinguished means, such and money, from ends, such as well-being, freedom, dignity, rights and other capabilities; Sen insists that capabilities have to be determined through a democratic process, Nussbaum presents a list of capabilities (ibid, 9). There were important predecessors for the *HDR*. In 1966, the United Nations Research Institute for Social Development (*UNRISD*) "published a 20-country study of a level of living index that had categories for physical needs (nutrition, shelter, and health); cultural needs (education, leisure, and security); and higher needs (measured as income above a threshold)" (ibid, 13). In the following years "the *UNDP* has been exceptionally

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receptive to criticism regarding poor data, incorrect choice of indicators, and poor specification of *HDI* overall and of *HDI*'s income component in particular" (ibid, 27). The *HDI* has been changed significantly and new inequality-related measures were developed and included (ibid). The social investigations of the *UNDP* and in the annual *Human Development Reports* are a work in progress for contributing in the development of a just and peaceful world. In the meeting of September 17, 1965, the German bishops and theologians had asked to take the lived history of women and men seriously. Speaking of "those who are poor or in any way afflicted" clearly indicates the interest of *Gaudium et Spes* to address the most vulnerable women and men and to recognize their lives as a substantial part of the history of the world.

The liberation theologians called the solidarity of the Church with "those who are poor or in any way afflicted" that *Gaudium et Spes* 1 affirms in the first sentence, the "preferential option of the Church for the poor" (Sander 2005, 712). Liberation theologians often were white male celibate priests coming from the Spanish middle classes or from rich Latin American families, as the brothers Fernando and Ernesto Cardenal. The brothers Fernando and Ernesto fought within the Sandinista National Liberation Front that succeeded in 1979 in Nicaragua in overthrowing the brutal dictatorship of the US American proxy Anastasio Somoza. Fernando Cardenal (1934–2016) served as education minister in the Marxist Sandinista government of Nicaragua from 1984 to 1990 and worked to end mass illiteracy (Langer 2016). In 1995, he left the Sandinista National Liberation Front denouncing members and leaders of corruption (ibid). In January 1997, I visited Fernando Cardenal in the Jesuit noviciate in San Salvador. The Jesuit had turned the residence, where on November 16, 1989 the military brutally executed six Jesuit priests and two women into a house for the basic training of young Jesuits. Ignacio Ellacuría, Ignacio Martín-Baró, Segundo Montes, Juan Ramón Moreno, Joaquín López y López, and Amando López were murdered together with their housekeeper Elba Ramos and her 15 year-old daughter Celina Ramos^{iv}. Fernando was sitting in the garden before the rosebush, we looked at the blooming red roses, and he recounted how he collected millions of dollars from heads of states imploring him to overthrow the Somoza family. He told me that after Pope John Paul II demanded to expel him from the Jesuit order, the General Superior of the Jesuits Father Peter-Hans Kolvenbach wrote a long and personal letter to his mother affirming that her son Fernando was a good Jesuit and pious priest. Fernando's mother was relieved. The Sandinistas developed a public health care system, and

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promoted gender equality. Soon the Sandinistas exploited their public offices for private privileges, and human rights abuses such as mass execution and oppression of indigenous peoples provoked international criticism. There was a civil war in the country and the increasingly authoritarian and corrupt Daniel Ortega, the former president of the Sandinistas, won reelections in 2016 as president of Nicaragua, notwithstanding all his shortcomings and failures^v. Liberation theology did not liberate the people of Nicaragua from poverty.

In the 1980s, Pope John Paul II operated in the Vatican in quite the same way as Fernando Cardenal in Central America. John Paul II ordered US Archbishop Paul C. Marcinkus, president of the Vatican bank from 1971 to 1989, to organize the millions of dollars for the support of the Polish labor union Solidarnós (Solidarity). Marcinkus was linked to several banking scandals in Italy. In 1982 he was indicted in connection with the collapse of the largest Italian investment bank Banco Ambrosiano, but as Vatican employee he enjoyed diplomatic immunity from persecution (Fox 2006). In 1989, Solidarnós succeeded in peacefully overthrowing the Polish Communist dictatorship. Fernando Cardenal fought dictatorship, John Paul II fought dictatorship, Fernando was expelled from his religious order, John Paul II was sanctified under Benedict XVI.

The documents of the Episcopal Conferences of Latin America and the Caribbean in Medellin, Colombia in 1968 and in Puebla in Mexico in 1979, adopted the preferential option for the poor with enthusiasm as the new creed of the Church in Latin America and the Caribbean (Calder 2020). The documents of the Episcopal Conferences of Santo Domingo, Dominican Republic in 1992 and of Aparecida, Brazil in 2007 were prepared under the strict control of Rome (ibid). Pope John Paul II and Pope Benedict XVI, who disliked the social and political activities of liberation theology and silenced the liberation theologians (Ratzinger 1984). The liberation theologians spoke for the poor, they spoke for the people but they did not empower the poor to speak for themselves. This kind of theology followed the paternalistic and authoritarian patterns of traditional Catholic theology. The people realized that they were not taken seriously and distanced themselves from the Catholic Church. The liberation theologians opted for the poor, but the poor opted for the rich whom they think to find in the many Evangelical Churches that spread over the continent.

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The followers of Christ form a community.

“The joys and the hopes, the griefs and the anxieties of the men of this age ... are the joys and hopes, the griefs and anxieties of the followers of Christ” (Gaudium et Spes 1). “The followers of Christ” are the women, men and queer of the world who believe in Jesus Christ. The followers of Christ “are led by the Holy Spirit in their journey to the Kingdom of their Father” that is the just world of Go’d, and the followers of Christ believe and hope in salvation by Jesus Christ for all women, men and queer on this earth (*Gaudium et Spes* 1).

The text of *Gaudium et Spes* 1 is very clear and calls the followers of Christ a community (Latin: *communitas*) and not a society. The community of the followers of Christ, the people of Go’d, are one aspect of the Church. The societal aspect of the Church is the monarchic government of the Church by the hierarchy (Onclin 1967, 733). We have to remember this distinction of the terms community and society that is part of the self-understanding of the Council Fathers and their theologians and belongs to the historic context of *Gaudium et Spes* as to the current polity of the Roman Catholic Church that is Canon Law. The expert on Canon Law, Willy Onclin from Leuven, was an expert at the Second Vatican Council, he collaborated with the Doctrinal Commission, and he was member of the Commissions for the office of the Bishops, for the formation of priests and for education during the Second Vatican Council (Grootaers 1996, 489). In 1965, Paul VI appointed him assistant-secretary of the commission responsible for the redaction of the new Code of Canon Law that was in charge of putting the ecclesiology of the Council into paragraphs of law (De Fleurquin 1990, 17).

Onclin and the theologians working for a reform of the governmental structures of the Roman Catholic Church argued that the power (Latin: *potestas*) of the bishop sufficiently constitutes the necessary legitimacy for working in a counsel for the pope and many bishops had brought up this claim during the discussions in the aula in the second session of the Council. Onclin also proposed to give juridical power to the Episcopal conferences (Vilanova 1998, 404). The counsel of bishops for helping the pope in the government of the Catholic Church never became a reality and the Episcopal conferences never received autonomous juridical powers. It is no wonder that under the authoritarian reign of John Paul II, Onclin lost much of his influence on the redaction of the new Code of Canon Law (Quisinsky 2013a, 203).

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Onclin takes perfect notice of the fact that the Dogmatic Constitution *Lumen Gentium* of the Second Vatican Council that was promulgated on November 21, 1964, describes the Church under the twin aspects of society and community in continuity with Pope Pius XII's Encyclical *Mystici corporis Christi* from 1943 (Onclin 1967, 733). It is impossible to separate the Church as a society and the Church as communion, "the society structured with hierarchical organs and the Mystical Body of Christ are not to be considered as two realities (*Lumen Gentium* 8)" (ibid). Describing the Church as "the people of God", as "the messianic people" destined to bring together all human beings that is "established as a communion of life, charity and truth" (*Lumen Gentium* 9) is incomplete. We have to recognize that the Church at the same time is "the society of men who are incorporated in it and who, under the direction of the sovereign pontiff and the bishops, pursue in common the end to which they are called, communion in divine life" (ibid).

When interpreting *Gaudium et Spes*, we must not forget that the Second Vatican Council sticks to the definition of the Catholic Church as a hierarchical society and as the community of the followers of Christ, the people of God. *Gaudium et Spes* 1 uses the definition of the Church as society and as community. The Church as a hierarchical society under the direction of the sovereign pontiff and the bishops affirms the solidarity of the followers of Christ "with the whole human family" (*Gaudium et Spes* 1). *Gaudium et Spes* 1 is entitled "Solidarity of the Church with the Whole Human Family", it is not entitled "Solidarity of the disciples of Jesus Christ with the whole human family". The hierarchy of the Roman Catholic Church, the pope and the Council Fathers affirm that the community of the disciples and followers of Jesus Christ "is truly linked with mankind and its history by the deepest of bonds" (*Gaudium et Spes* 1). The pope and the Council Fathers make up their minds for the laity. Philips calls this method "pedagogical" (Moeller 1968, 272). In January 1964, Philips demanded a clear answer for the start of a revision of the text of scheme XVII (ibid, 265). Philips asked, does the hierarchy of the Roman Catholic Church speak, do the Christians speak, does the people of God speak, or does the synod of the Second Vatican Council speak? In 1965, Philips affirms that the Church speaks in *Gaudium et Spes*, that is the hierarchy speaks. In 1965, undisputed paternalism constituted the historic context of the editors of *Gaudium et Spes*.

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In 1965, the Council Fathers and their theologians did not recognize that millions of Catholics were capable of affirming their solidarity with the poor on their own; they were capable of affirming their solidarity and empathy with each other and with others. Catholics were capable of speaking for themselves; they did not and do not need a pope and a hierarchy to speak for them. The Council Fathers did not understand what was going on. On September 17, 1965, Philips told the bishops and the theologians that there is unrest and the necessity for contact and dialogue (ibid, 272). Philips was convinced that his pedagogical method that the hierarchical Church speaks in the name of Christians was a realization of a dialogue (ibid). The faithful were not convinced of this method. During the summer of 1965, Paul VI repeatedly spoke of “a crisis of obedience” and many Council Fathers thought the same way (Routhier 2001, 74). The urgent need for talking, discussing and dialoguing between the laity and the hierarchy was ignored. Paul VI announced in his opening speech for the last session of the Second Vatican Council that he did not give the Council freedom to discuss some specific questions (ibid, 193). A secretly appointed and working commission had been working in the name of the Pope John XXIII on the questions of world population. Paul VI asked the commission to continue its work; he enlarged the commission and made it work on the questions of marriage, divorce and birth control. De Riedmatten was the president of the commission from the days of John XXIII until the end of the commission in 1968.

In 1965, the Council Fathers and their theologians did not realize that women, men and queer had irrevocably started realizing their dignity by speech-acts. The Council Fathers and their theologians were not aware that social scientists, economists and philosophers like Amartya Sen and Martha Nussbaum had been developing a social theory of social realizations by women as men as agents of their own well-being for years. The Council Fathers and their theologians were not prepared intellectually to adopt this expertise from the scientific community. Additionally, many Council Fathers, many theologians and even Paul VI lacked the soft skills to deal with the popular expressions of Christian faith of millions of women, men and queer Catholic faithful. Catholics, who had been passive consumers of the liturgy and the sacraments before the Second Vatican Council, demanded with the reforms of the Council an active part in the life of the Church.

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De Lubac, many theologians and bishops who had started at the beginning of the Second Vatican Council as reformers were not able to cope with the growing pluralism within the Church. In 1964, Catholic women, men and queer were definitely determined to express their Christian life and their faith sentences of the teachings of Jesus Christ within the hierarchical structures of the Catholic Church and they demanded freedom and rights to do so. Hauptmann had been consulting French theologians who had studied sociology, lay sociologists and some representatives from Catholic lay organizations. The laywomen and men in some commissions of the Council, especially the few lay in the Central Sub-commission for *Gaudium et Spes* were allowed to speak when a bishop gave them the word but they had no voting right (Hünemann 2004, 385). The *Second Vatican Council* was written by clerics and the influence of the lay was limited to the questions of family, marriage and the economy (ibid).

In 2020 CE, Catholic women, men and queer protested their discrimination by the Roman Catholic hierarchy stronger than ever. The Catholic women of the *Voices of Faith* “empower and advocate for a prophetic Catholic Church, where women’s voices count, participate and lead on equal footing with men”^{vi}. *Voices of Faith* is a women’s initiative “facing the crisis of the Catholic Church” and “questioning the Church hierarchy and its response to a changing world and emerging problems, such as sexual and power abuses” and tells Church leaders why gender equality in our Church is crucial to its future” (ibid). *Voices of Faith* is “an initiative that creates events, media outreach and international network groups to empower Catholic women into decision making roles at local and global levels of the Catholic Church”^{vii}. *Voices of Faith* “want to include and hear women’s diverse voices and bring them to the forefront”. The women “seek open and honest dialogue on an issue where varied opinions exist”, “are respectful of all people and seek constructive solutions”, “are unapologetic about our vision and mission”, “believe women are an innovative and bold solution to the many problems the Catholic Church is facing in a 21st century world” and “are women and men of faith” (ibid). This short description of values of *Voices of Faith* demonstrates that Catholic women and men affirm their Christian values for realizing the just world of Go’d by themselves and do not need the hierarchy of the Roman Catholic Church to speak for them.

In 1965, Roman Catholic paternalism was not only a concern of feminist philosophers and theologians. Roman Catholic paternalism was also a problem for the Orthodox

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Churches. In July 1964, Philips enjoys the summer without meetings, discussions and traveling at his home in Leuven (Philips 2006, 122). On August 1, 1964, he had a long conversation with Cardinal Suenens (ibid, 123). Suenens tells Philips that the harsh reaction of some Orthodox bishops concerning the subordination of the collegiality of the bishops under the authority of the pope in *De Ecclesia* had left him affected with sadness and consternation. The Orthodox bishops protested against the Roman juridical reinforcement of the papal powers over the bishops and the Church in *De Ecclesia* (ibid). In a first reaction, Philips speaks of the lack of understanding on the Orthodox side for the Catholic point of view; in his second reaction, Philips starts reflecting and assesses the juridical affirmations of the Church as a society under the direction of the pope in the text of *De Ecclesia*. In his diary, Philips tries to harmonize the societal and the communal aspects of the Church, admits the difference between the divine aspect of the Church as a communion and the worldly aspect of the Church as a hierarchical society, but does not see a necessary contradiction between the two aspects (ibid). Philips refuses to call his effort an artificial harmonization, he speaks of a deeper comprehension of the two aspects, and finally testifies that the Roman theologians are opposed to an ecclesiology of the communion anyways, only to uncritically surrender again to episcopal authority and powers (ibid). The Orthodox Churches had never forgotten the Christian tradition of the first centuries CE that asked for the consent of the people before appointing a bishop. It is useful that a bishop and a bishop of Rome speaks in the name of a community of Catholics, if the bishop has the authority to do so. The bishops receives the authorization to speak in the name of others by the consent of the others to do so. In the West European Middle Ages and the Renaissance, Rome suppressed this tradition. The patriarchates of Antioch, Alexandria and Constantinople are apostolic as the bishop of Rome. The patriarchates meet in synods with their bishops without a pope as supreme pontiff.

Gaudium et Spes 2 is titled "The Council addresses all of humanity". In *Gaudium et Spes* 2, 1 the Council Fathers take the word and affirm they address themselves to the sons and daughters of the Church, to all followers of Jesus Christ and "to the whole of humanity". What are they going to tell the world? In *Gaudium et Spes* 2, 2 the Council Fathers tell the world that they base their world-view on the faith in Jesus Christ as savior. The Council Fathers further assess that every Christian shares this faith in the salvation work of Christ that is sustained by God's love "so that the world might be fashioned anew according to God's design and reach its fulfillment" (*Gaudium et Spes*

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2, 2). *Gaudium et Spes* 2, 2 realizes the programmatic intention of Philips and of those whom he had convinced to share this intention to communicate to the world the message of Christ according to His instructions (Moeller 1968, 272). The message is the belief that God's love takes care of the world, the people, the women and men of this earth. We do not yet hear from the Council Fathers, what this new-fashioned world looks like or what it will look like.

Gaudium et Spes 3 is titled "An Offer of Service to Humankind". The speaker in *Gaudium et Spes* 3 is the Council, that is the Council Fathers. The programmatic intention of Philips was "to speak to the people as they are" (ibid) and *Gaudium et Spes* 3 affirms this intention. *Gaudium et Spes* 3, 1 deals with "mankind". Speaking abstractly about "mankind" and not about women, men and queer corresponds to the patriarchal mind-sets of the Council Fathers. The Council Fathers recognize the ambivalence of the human condition and the searching for sense and meaning in life. The Council Fathers pretend again to be able to speak for the faithful, they are not aware of their paternalism and declare, despite of the capability of the faithful to speak for themselves, "giving witness and voice to the faith of the whole people of God gathered together by Christ".

I want to make clear that my use of the expression paternalism serves to describe the historical context of *Gaudium et Spes* and nothing more. The intention of the Council Fathers is "solidarity with, as well as its respect and love for the entire human family". The validity-condition for this claim to loving solidarity with humankind consists in the engagement of the Council Fathers "in conversation about these various problems". I will have to investigate the fulfillment of this validity-condition throughout *Gaudium et Spes*.

The last sentence of *Gaudium et Spes* 3, 1 affirms "For the human person deserves to be preserved; human society deserves to be renewed. Hence the focal point of our total presentation will be man himself, whole and entire, body and soul, heart and conscience, mind and will". The Council's conception of "man" supports philosophical dualism of body and soul, but also recognizes "heart and conscience, mind and will" as being necessary for a "whole and entire" description of "man".

Gaudium et Spes 3,2 is indeed a most remarkable proposition. The Council Fathers realize the validity-condition for their claim to "solidarity with, as well as its respect and

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love for the entire human family” by assessing that a “Godlike seed” has been sown in every man and women of humankind. The Council affirms the basic Christian conviction and teaching since Paul’s *Letter to the Romans* that understands the conscience of all women, men and queer as a justifying witness to “the Law engraved in their hearts” (*Romans* 2, 12–16). By affirming that a “Godlike seed” has been sown in every man and women of humankind, the Council Fathers respect women and men because the assessment of a “Godlike seed” for all of humankind, for Christians and not-Christians, treats all women, men and queer as equals. For a moment the Council Fathers offer the collaboration of the Church in “fostering that brotherhood of all men which corresponds to this destiny of theirs” (*Gaudium et Spes* 3,2) respecting their equality as creatures.

Speaking in *Gaudium et Spes* 3, 1 about “heart and conscience, mind and will” the Council Fathers had already touched a central question of modern women, men and queer that is freedom and liberty. Connecting the Christian concept of conscience with the Christian concept of a “Godlike seed” that has been sown in every man, woman and queer of humankind opens Christians the way to proclaim the faith in Jesus Christ by respecting the equal dignity, freedom and rights of all women, men and queer. A teaching that Jesus Christ would have done away with Go’d’s seed of equality in women, men and queer qualifies as heretic for Christians, Jews and Muslims alike. It is true, there is no affirmation of the equal dignity, freedom and rights of all women, men and queer by the Second Vatican Council but *Gaudium et Spes* shows elements for developing such a theology of Human Rights.

In the 55 years that followed the Second Vatican Council, the Roman Catholic Church pursued quite a different direction. The Council Fathers not only spoke for the faithful, but they spoke also for the societal institution of the Church that is the Roman pontiff, his cardinals at the Roman Curia and their male celibate collaborators. It is not good to speak for the Roman Curia, the government of the Church and the hierarchy. When the Roman prelates were liberated from the Council Fathers, who had developed a common conscience for the Second Vatican Council as a special event for the Church’s history, the Roman central government again took control over the Church. Thus did not come true what *Gaudium et Spes* 3,2 had claimed: “The Church seeks but a solitary goal: to carry forward the work of Christ under the lead of the befriending Spirit”. The government of the Church, the Church as society, did not realize the

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example of Jesus Christ who entered this world “to serve and not to be served” (*Gaudium et Spes* 3, 2). In his Christmas address to his Roman Curia on December 21, 2017, Pope Francis found harsh words for the reigning clericalism (Francis 2017). He bitterly and at the same time helplessly demanded 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 faithful adopted the Second Vatican Council as a call to reform and progressed on their way of realizing their faith in Jesus Christ with the dignity of self-responsibility for their social choices. Both, the Roman Curia as the society of the Church, and the faithful as the people of God and the divine aspect of the Church, did not go the path the Council Fathers had proclaimed for them.

Empirical investigations of how women, men and queer think about life, family, work, religion, politics, and society.

The Council Fathers affirm in *Gaudium et Spes* 3, 1 “For the human person deserves to be preserved; human society deserves to be renewed”. In the years after the Second Vatican Council, Catholic social scientists and theologians recognized the need for social, empirical investigations concerning the state of affairs of individual women, men and queer. Before renewing society, I have to have a picture of what I am renewing, before suggesting therapies, a diagnosis is necessary.

The Belgian Jesuit Jan Kerkhofs^{viii} (1924–2015) from the Catholic University Leuven, initiated in the 1970s with the Dutch sociologist Ruud Alphons de Moor^{ix} (1928– 2001) from the University of Tilburg, a Catholic lay, the Foundation for the Study of European Values. In the post-conciliar years, Catholic social scientists in Western Europe were convinced of the necessity for empirical data and facts on the state of the values systems of the European Catholics and the European populations. In 2020, the homepage of the EVS does not document any more the start of the projecting of the EVS as an initiative of Catholic priests, scientists and theologians. The Roman and often the local Catholic authorities did not seek the dialogue and discourse with the Catholic social scientists. *The Roman Congregation for the Doctrine of the Faith* was rather suspicious of the Catholic social scientists because the empirical facts that showed an important change of values were not helpful for the Roman critique of liberal Western society as materialist and morally decadent. The European populations replaced the authoritarian values of obedience to the religious and public authority with

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the values of freedom, dignity and responsible social choice. The Catholic theologians and social scientists were not in need of any Roman support for their investigations. The ethics of the Catholic theologians and social scientists support artificial birth control and responsible parenthood, respect of sexual orientations and practices, and oppose the criminalization of women who had abortions, they demanded the integration of divorced couples in Church life, and they denounced discrimination, sexism and sexual abuse by celibate male clerics and demanded married priests, women and men. Catholic social scientists who followed an ethics of choice continued their scientific work at Universities that were free from the influence of religious authorities. Catholic theologians got jobs at independent State Universities investigating the philosophy of religion. The Catholic Universities suffered from this brain drain and their theological academic institutions became schools that uncritically teach official Roman Catholic teaching.

In 1981 the European Values Study (EVS) started. A thousand citizens in the European Member States of that time were interviewed using standardized questionnaires. The survey is repeated every nine years. In 2008, it covered 47 European countries and regions and about 70.000 people were interviewed (ibid). The European Values Study “provides insights into the ideas, beliefs, preferences, attitudes, values, and opinions of citizens all over Europe. It is a unique research project on how Europeans think about life, family, work, religion, politics, and society” (ibid).

When the EVS was started in the 1970s, the members of the study group asked the questions “Do Europeans share common values? Are values changing in Europe and, if so, in what directions? Do Christian values continue to permeate European life and culture? Is a coherent alternative meaning system replacing that of Christianity? What are the implications for European unity?”^x The World Value Survey (WVS) started in 1981 as a part of the European Values Study.^{xi} The WVS covers almost 100 societies and nearly 90% of the world’s population^{xii}.

The social scientist at University College London David Voas is member of the Executive Committee of the EVS. In October 2019, he affirmed in a panel on Religion, national identity and pro-choice values: “The undoubted power of religion can be deployed for good or ill, and there is a widespread belief that religion has done more harm than good. People are increasingly choosing to live without religion partly because they reject the exercise of its power over their own affairs”^{xiii}. In 2020, we

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sadly observe that the Roman Catholic Church is not perceived as collaborating in the renewal of human society but as quite an obstacle for renewal. At the end, *Gaudium et Spes* 3 affirms with John 3, 17 that Jesus Christ came into the world not to judge the world but to save the world and that Christ came “to serve and not to be served (*Matthew* 20, 28 and *Mark* 10, 45)”. Jesus Christ came into the world “to serve and not to be served” and he repeatedly denounced the mighty, religious and secular, for their power abuse over women, men and queer. Within the Narrative of the Passion of Jesus Christ, the oldest narratives that entered the New Testament, Luke narrates the institution of the Eucharist during the Last Supper (*Luke* 22, 14–20), the foretelling of the treachery of Judas (*Luke* 22, 21–23) and Jesus’ response to the question of the power of the apostles (*Luke* 22, 24–27). The eternal temptation for power capability over others inhabits the men who Jesus Christ had called first to follow him. Luke narrates “An argument also began between them about who should be reckoned the greatest; but he said to them, ‘Among the gentiles it is the kings who lord it over them, and those who have authority over them are given the title Benefactor. With you this must not happen. No; the greatest among you must behave as if he were the youngest, the leader as if he were the one who serves. For who is the greater: the one at the table or the one who serves? The one at table, surely? Yet here am I among you as one who serves’” (*Luke* 22, 24–27). John does not narrate the institution of the Eucharist. John narrates a supper before the festival of the Passover, and that Judas had decided to betray Jesus (*John* 13, 1–2). John insists on giving testimony to Jesus Christ realizing love by washing the disciples’ feet”, being aware “that the Father had put everything into his hands, and that he had come from God and was returning to God” (*John* 13, 3–5). After having served his disciples Jesus Christ asks them if they had understood and he teaches them “You call me Master and Lord, and rightly; so I am. If Lord then, the Master, and I have washed your feet, you must wash each other’s feet. I have given you an example so that you may copy what I have done to you” (*John*, 13, 13–15).

I am aware of being a white European Roman Catholic cleric. I try to fight my inner patterns of paternalism, sexism and racism and I try to fight paternalism, sexism and racism with the Roman Catholic Church. My contribution in this effort for establishing equal dignity, freedom and rights for all Christians within the Roman Catholic Church consists in elaborating a theology for the social realization of the threefold

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commandment of love within the Roman Catholic Church (*Matthew 22, 37–40; Mark 12, 29–31; Luke 10, 25–28*).

Too often I fall short of the Law of the Spirit that is love in the way of Jesus Christ “serving and not to be served”. I am thankful for the uncountable chances in my life to stand up again and try anew.

Applying social science for sustaining Roman Catholic paternalism.

The hierarchy of the Roman Catholic Church is not the enemy of empirical science and sociology. For over 100 years, the hierarchy of the Roman Catholic Church makes progressive and intelligent use of the technologies of the modern world, especially of the mass media and public relations policies, in order to preserve the absolute powers of the pope and the bishops within the Church. In the spring of 2010, Archbishop Alois Kothgasser from Salzburg, Austria told me that the Vatican’s nuncio in Vienna had commissioned an Institute for Social Research and Consulting to investigate the degree of hostility of the Catholics of the dioceses of Eisenstadt, Austria against the unloved Roman candidate. The conservative Croatian priest Ägidius J. Zsifkovics was the Roman favorite for the nomination of bishop of Eisenstadt, Austria. The results of the study indicated a low level of protest and resistance against the nomination, the archbishop was relieved. In July 2010, Rome nominated Zsifkovics bishop and indeed, there were no public protestations by the population.

The Decree on the Apostolate of the Laity Apostolicam Actuositatem announces “Furthermore, centers of documentation and study not only in theology but also in anthropology, psychology, sociology, and methodology should be established for all fields of the apostolate for the better development of the natural capacities of the laity-men and women, young persons and adults” (*Apostolicam Actuositatem* 32, 4).

In the 1970s and 1980s, many Bishops conferences around the world established social academies and training centers where clerics and laity worked together investigating and studying social questions, economic problems, worker’s rights, etc. The bishops and most Catholic theologians never interacted with their brothers and sisters who were experts, social scientists and economists. The theologians resisted the influence of the knowledge of social science and consequently could not react to the investigations of their colleagues. There was no mutual exchange and interpretation between theological, social and economic questions. The social

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academies and institutions for social education were under the control of the bishops. The directors of the institutions were clerics or laywomen and men who publicly submitted teachings on social and moral matters to the official Church. The publications, statements and standpoints of these Church institutions steadily lost the attention of the public and their relevance for political decision makers.

6.4. Introductory statement of *Gaudium et Spes*

Gaudium et Spes 4–10 is called “Introductory statement: The situation of men in the Modern World”. Philips dominated with his personality, his mastery of Latin, and his political soft skills the meeting of the Mixed Commission for scheme XIII that took place from March 9 to April 8, 1965 (Moeller 1968, 270). Thanks to the perseverance of Philips, the Mixed Commission adopted the description of the modern world in *Gaudium et Spes* 4–10, and thus preserved the text of the sub-commission on the signs of the time that had been working since September 1964 (Sander 2005, 715). Philips suggested calling *Gaudium et Spes* 4–10 “Introductory description” of the situation of man in the modern world (Moeller 1968, 270). The Mixed Commission got aware that a description describes the actual historic context and that the historic context changes over time; the title “Introductory description” expresses this awareness of the limitation of the description (ibid).

Gaudium et Spes 4 is entitled “Hope and grief”. *Gaudium et Spes* 4, 1 actually claims that the Church and the Council “respond to the perennial questions which men ask about this present life and the life to come, and about the relationship of the one to the other”. *Gaudium et Spes* 4, 2 acknowledges a tremendous acceleration and change of the modern world “we can already speak of a true cultural and social transformation” that “has repercussions on man’s religious life as well”. *Gaudium et Spes* 4, 3 says that this “crisis of growth” and rapid transformation of society left women, men and queer “to be paralyzed by uncertainty about the direction to give it”. *Gaudium et Spes* 4, 4 describes the growing split of the world into a large world of poor people and a small world of wealthy persons, and describes the paradox “Never before has man had so keen an understanding of freedom, yet at the same time new forms of social and psychological slavery make their appearance”. *Gaudium et Spes* 4, 5 concludes “many of our contemporaries are kept from accurately identifying permanent values and

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adjusting them properly to fresh discoveries” and remain as a result of this situation “buffeted between hope and anxiety”.

Gaudium et Spes 5 is titled “Deep-seated Changes” and affirms that man transforms the face of the earth with a technology “based on the mathematical and natural sciences and on those dealing with man himself”. *Gaudium et Spes* 6 is titled “Changes in the Social Order” and observes the transformation “of the traditional local communities such as families, clans, tribes, villages and other groups”, and that “the pursuit of city living has grown”. The “media of social communication” inform fast and universally about “styles of thought and feeling”, and “many men are being induced to migrate on various counts”. The people dissolve traditional forms of social life and develop a “more mature and personal exercise of liberty”.

Gaudium et Spes 7 is titled “Changes in Attitudes, Morals and Religion”, and observes “among young people” the desire to be allowed to actively participate in society, and the Council denounces “an upheaval in the manner and even the norms of behavior”. People practice “a more personal and explicit adherence to faith” and at the same time “growing numbers of people are abandoning religion in practice”. The Council actually claims “the denial of God or of religion, or the abandonment of them” are “presented as requirements of scientific progress or of a certain new humanism”. The Council Fathers are not arguing on the basis of empirical evidence, they just put out the thesis that people are abandoning religion in practice and that many philosophers teach atheism. The Council Fathers every now and then touch on the expressions freedom and liberty but they do not affirm that women, men and queer have started to claim their equal dignity, freedom and rights also in religious matters. The Council does not differentiate between “abandoning religion in practice” that is abandoning institutionalized religion and the individual development and practice of a personal spirituality.

Gaudium et Spes 8 is entitled “Imbalances in the World of Today”. *Gaudium et Spes* 8, 1 observes that the rapid changes are “combined with keener awareness of the inequalities in the world”. *Gaudium et Spes* 8, 2 observes that “an imbalance arises between a concern for practicality and efficiency, and the demands of moral conscience; also very often between the conditions of collective existence and the requisites of personal thought, and even of contemplation. At length there develops an imbalance between specialized human activity and a comprehensive view of reality”.

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Gaudium et Spes 8, 3 continues “As for the family, discord results from population, economic and social pressures, or from difficulties which arise between succeeding generations, or from new social relationships between men and women”. *Gaudium et Spes* 8, 4 turns to the ethnic conflicts and the conflicts nationalism. “Differences crop up too between races and between various kinds of social orders; between wealthy nations and those which are less influential or are needy; finally, between international institutions born of the popular desire for peace, and the ambition to propagate one’s own ideology, as well as collective greeds existing in nations or other groups”. *Gaudium et Spes* 8, 5 sums up the imbalances describing the human condition “What results is mutual distrust, enmities, conflicts and hardships. Of such is man at once the cause and the victim”.

Parts of *Gaudium et Spes* 8 sound like taken from the German Jewish woman philosopher Hannah Arendt (1906–1975) and her book “The Human Condition” (Arendt 1958). The modern human condition contrasts the enormous human powers that developed through technological and humanistic research and investigation with the underdeveloped agency for controlling the consequences of our actions.

Gaudium et Spes 9 is titled “Broader Aspirations of Humankind”, and welcomes the conviction of the modern world “to establish a political, social and economic order which will growingly serve man and help individuals as well as groups to affirm and develop the dignity proper to them”. Reading in 2020 *Gaudium et Spes* 9, 3 we face a valid description of what the case is and had been for the last fifty years. “People hounded by hunger call upon those better off. Where they have not yet won it, women claim for themselves an equity with men before the law and in fact. Laborers and farmers seek not only to provide for the necessities of life, but to develop the gifts of their personality by their labors and indeed to take part in regulating economic, social, political and cultural life. Now, for the first time in human history all people are convinced that the benefits of culture ought to be and actually can be extended to everyone.”

Gaudium et Spes 10 is titled “Humanity’s Deeper Questionings”, and claims describing “the basic imbalance which is rooted in the heart of man”. In fact, the French theologians and philosophers of culture who produced the text adopted the thoughts of one French philosopher who engaged in the existential analysis of white male European intellectuals living in the 20th century.

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“For in man himself many elements wrestle with one another. Thus, on the one hand, as a creature, he experiences his limitations in a multitude of ways; on the other he feels himself to be boundless in his desires and summoned to a higher life. Pulled by manifold attractions he is constantly forced to choose among them and renounce some. Indeed, as a weak and sinful being, he often does what he would not, and fails to do what he would (Romans 7, 14f.). Hence, he suffers from internal divisions, and from these flow so many and such great discords in society” (*Gaudium et Spes* 10, 1). The historic context of Paul and his Letter to the Romans considerably differs from the historic context of Europeans in the 20th century CE.

In 1965, these sentences may describe the inner state of affairs of some educated white European men. A plurality of cultures in the world corresponds to a plurality of descriptions. Despite all efforts to correct the Eurocentrism in the text of *Gaudium et Spes* during the last months of the Second Vatican Council, *Gaudium et Spes* 10 remains an example for the Eurocentric perspective of the Second Vatican Council.

No empiric evidence justifies the generalization of *Gaudium et Spes* 10, 2 that “the number constantly swells of the people who raise the most basic questions or recognize them with a new sharpness: what is man? What is this sense of sorrow, of evil, of death, which continues to exist despite so much progress? What purpose have these victories purchased at so high a cost? What can man offer to society, what can he expect from it? What follows this earthly life?” There are certainly women, men and queer who share moments of thinking about some aspects of the above questions, but the whole world does not inquire “with a new sharpness” into them.

Gaudium et Spes 10, 2 uses existential questions as a kind of pretext to confront the modern world with the abstract formulation of Christian dogmatic belief sentences in *Gaudium et Spes* 10, 3. Bishops and theologians from the Doctrinal Commission who collaborated in the Mixed Commission, in *Gaudium et Spes* 10, 3 got the opportunity to present faith sentences like Christ “is the same yesterday and today, yes and forever” as positive facts. Accepting this error of category was the price for getting the consensus of the Doctrinal Commission for scheme XIII. The Council Fathers take the citation “Christ is the same yesterday and today, yes and forever” from *the Letter to the Hebrews* 13, 8. The context of the letter to the Hebrews is a homily within a meeting of the Christian community, possible before the celebration of the Eucharist. *Gaudium et Spes* 10, 3 does not bother explaining the historic context of the citations from *The*

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Second Letter to the Corinthians 5, 15, of *Acts* 4, 12, of *Hebrews* 13, 8 and of *Kolossians* 1, 15. The Council Fathers do not adapt their use of the Sacred Scriptures for their modern listeners or readers, although they had demanded this adaptation in their document on the Sacred Scriptures. *Dei Verbum* 25, 3 had demanded that the Sacred Scriptures “should be prepared also for the use of non-Christians and adapted to their situation”, and *Nostra Aetate* 4, 8 accepts “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”. In *Gaudium et Spes* 10, 3 the Council Fathers preach as if they had never demanded from the bishops the example of charity, prayer, and preaching. *Lumen Gentium* 27, 3 demands from the bishop that “he takes care of the faithful by his prayer, preaching, and all the works of charity, and not only of them but also of those who are not yet of the one flock, who also are commended to him in the Lord”.

6.5. *Gaudium et Spes* Part I.

Part One of *Gaudium et Spes* is titled “The Church and the Human Vocation” and consists of four chapters that run from *Gaudium et Spes* 12 to *Gaudium et Spes* 45. *Gaudium et Spes* 11 is a kind of statement of aims and is titled “Responding to the Promptings of the Spirit”.

Archbishop Garrone had proposed the title “The Church and the Human condition” for the first part of scheme XIII during the redaction of the text for Arricia (Moeller 1968, 269). The first chapter of the first part of scheme XIII was titled “The Vocation of the Human Person”, but the redaction group changed the title to “The Dignity of the Human Person”. The other chapters of part one of scheme XIII kept their titles from Arricia until the final Constitution *Gaudium et Spes* (ibid). The second chapter is titled “The Human community”, the third chapter is titled “Humanity’s Activity in the Universe” and the fourth chapter is titled “Role of the Church in the Modern World”.

I do not know why Garrone had suggested the title “The Church and the Human Condition” for the first part of *Gaudium et Spes*. The Archbishop of Toulouse, France, was certainly acquainted with the thoughts of the French mathematician, philosopher and Catholic Blaise Pascal (1623–1662) and his famous description of the human condition. Pascal writes in number 397 of his *Pensées* “The greatness of man is great in that he knows himself to be miserable. A tree does not know itself to be miserable.

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It is then being miserable to know oneself to be miserable; but it is also being great to know that one is miserable” (Pascal 1958, 99–100). From the beginning of the 1930s, the expression *condition humaine* was frequently used in easy feature articles. The expression had gotten popular together with its author who was very talented for self-propaganda and public relations, unsuccessfully hid his social choice not to join the resistance movement against the Nazis, joined the side that emerged victorious in 1945 and eventually became adviser and minister for cultural affairs for President Charles DeGaulle. The existentialists Albert Camus and Jean Paul Sartre described the dark and empty sides of the human condition without mercy, fought Nazism and denounced injustice. We have to mention the Catholic educated woman existentialist and feminist philosopher Simone de Beauvoir. In the fall of 1965, the young US American theologian Mary Daly traveled to Rome to the Second Vatican Council, and found herself annoyed watching the celibate male rituals of power and pomp. Daly returned to the US, studied Simone de Beauvoir’s book *The Second Sex* (De Beauvoir 1949), a vigorous criticism of Catholic ideology and practice, and in 1968 published *The Church and the Second Sex*, “one of the first monographs in the field of Catholic feminist theology” (Coblentz and Jacobs 2018, 543, 546). Daly’s criticism of sexism in the Roman Catholic Church has persisted as a major concern in the US Catholic feminist theology for fifty years and continues to persist as a major concern (ibid, 557–58).

I am sure that Garrone had null understanding of *The Second Sex*. I am quite sure too, that Garrone did not follow the atheism of the existentialists or the philosophy of pluralism of Hannah Arendt, who respected the differences of women, men and queer. Arendt confronted the challenge of affirming that everyone is unique in his or her uniqueness, and of acting together in spite of our differences. Hannah Arendt was thinking of the process of peace as an inner dialogue with a particularly demanding dialogue partner. She was quite aware that “judging politically with respect to an ever-changing spectrum of possible standpoints are all challenging practices we confront in the common world” (Robaszkiewicz 2018). Did Garrone take the expression *condition humaine* from André Malraux? I do not know. I do not know either, who changed the title from human condition to human vocation and I do not know the arguments for this change. The expression human condition speaks of characteristic thinking, feeling and acting of women, men and queer. Philosophers, sociologists, and scientists of the cultural studies use the expression human condition. The expression vocation is of

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traditional Christian usage and describes, “A divine call to undertake a particular activity or embrace a particular stage of life on behalf of God or the community” (P. Holland 1987, 1087). The change of the title of the first part of *Gaudium et Spes* from “The Church and the Human Condition” to “The Church and the Human Vocation” illustrates the imbalance of the whole text of *Gaudium et Spes* that at times describes human nature, society and the world, and at times proclaims the Christian faith to the world.

Chapter One: *Gaudium et Spes* 12 – 22.

Gaudium et Spes 12 is titled “Women and Men in the Image of God”.

Gaudium et Spes 12, 2 affirms “Endowed with light from God”, the Church “can offer solutions” to the problems of man, “so that man’s true situation can be portrayed and his defects explained, while at the same time his dignity and destiny are justly acknowledged”. Remembering *Gaudium et Spes* 3,2, we are empowered to claim that the women, men and queer of this earth do not really need the acknowledgement of the Roman Catholic Church for their “dignity and destiny”. For *Gaudium et Spes* 3, 2 affirmed that a “Godlike seed” has been sown in every man and women of humankind and that their conscience testifies to “the Law engraved in their hearts” (*Romans* 2, 12–16). Theologically speaking, women, men and queer are therefore very well capable of portraying and explaining their defects and assessing their dignity and destiny. This is important, because *Gaudium et Spes* 12 does not affirm the equal dignity of women, men and queer.

Gaudium et Spes 12, 4 professes “But God did not create man as a solitary, for from the beginning ‘male and female he created them’ (Gen. 1:27). Their companionship produces the primary form of interpersonal communion. For by his innermost nature man is a social being, and unless he relates himself to others he can neither live nor develop his potential”. *Gaudium et Spes* 12, 5 professes with Genesis 1, 31 “that Go’d saw that all he had made was very good”. Since Go’d created women, men and queer and not only women and men, and believing in *Genesis* 1, 31, Catholics are allowed to profess that we are all created good, women, men and queer. This is not the teaching of *Gaudium et Spes* 12, but it follows from reading *Gaudium et Spes* at the light of *Gaudium et Spes* 3, 2 that professed a “Godlike seed” in each and every woman, man and queer. *Genesis* 1, 31 speaks of God as a male, “he saw that all he had made was very good”. Today we accept that there is no predicate for Go’d, and

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therefore no gender. There is a development in history concerning the way we speak of Go'd. Jews do not even pronounce the word God, they speak of Yahweh. This profession of Yahweh, Go'd, the One, the Only is also part of the history of speaking of Go'd.

In the Hebrew Bible, the concept Go'd develops with the history of Israel. Within the history of Israel the Hebrew Bible describes, describes and describes anew predications of Go'd showing what they mean. Monotheism developed in Israel and was not Israel's first choice. Until the exile, monotheism was a faith of a minority in Israel as we have learned from polytheistic archeological evidence (Crüsemann 2007, 28). Gradually monotheism advanced, as we learn from the prophets who accuse Israel of worshipping false idols and foreign gods, and until the exile in Babylon (597–539 BCE) the faith in the Queen of Heaven was of great importance to Israel as Jeremiah 44 documents (ibid). Only during exile, foreign gods and divinities we principally denied existence and Isaiah 43, 10 professes Yahweh alone is Go'd and Yahweh declares "No god was formed before me, nor will be after me" (ibid). The last redaction of Hebrew Bible gave the Hebrew Bible the final form, and most books of the Torah found their final form between the fourth and second century BCE and the earliest texts that were integrated into the Hebrew Bible have no date earlier than ninth or eighth century BCE (ibid).

Wittgenstein affirmed, "The way you use the word 'God' does not show whom you mean – but, rather, what you mean" (Wittgenstein 1980, 50e). 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 the sign "Go'd" to show with the help of the comma what I want to say. Since Jews, Christians and Muslims profess Yahweh Go'd as the One and Only, there is no difference in Yahweh and there is no difference between women, men and queer who are created with a "Godlike seed" concerning their dignity, freedom and rights.

Reading *Genesis*, we have to bear in mind the historical and socio-cultural circumstances of patriarchal traditions that heavily impacted the scriptural authors. *Dei Verbum* 12, 2 affirms "For the correct understanding of what the sacred author wanted to assert, due attention must be paid to the customary and characteristic styles of feeling, speaking and narrating which prevailed at the time of the sacred writer, and to the patterns men normally employed at that period in their everyday dealings with one

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another". Effective historical awareness has to assess that "the historical settings in which the Scriptures took shape were patriarchal" (Nussberger 2019, 837). Therefore, "we have to assess the absence of women's voices in the communication of God's word" (ibid), but we have also to assess that the scriptural authors pictured Yahweh Go'd as a male powerful patriarch in the image of patriarchy and not in the image of God. Unfortunately, it is true for "scriptural formations and reception" that "man's subordination of woman heavily impacted how women were portrayed in the Bible and how and why later women were uninvolved in the public, authoritative reception of biblical faith" (ibid). Discrimination of genders is still part of the documents of the Second Vatican Council that sadly document the "unfortunate absence of women's voices in the communication of Go'd's word" (ibid), and the unfortunate absence of queer's voices so that male supremacy and suppression of women appear as self-evident, unchangeable socio-cultural reality from Genesis to the Second Vatican Council. With some awareness *Gaudium et Spes* 9, 3 assesses "women claim for themselves an equity with men before the law and in fact". Yet, the Second Vatican Council has no interest in joining full heartedly the feminist movement against the discrimination of women, men and queer in order to do away with the socio-cultural oppression of women, men and queer within the Roman Catholic Church.

The Second Vatican Council was not aware of the possibility that the social organization of society with the suppression of women by men evolved in history, developed in history and therefore underlies the changes of history. In other words, patriarchy was not the first organizing principle of women, men and queer in the history of humanity. Evidently, the Council Fathers do not want to follow the threefold commandment of Jesus Christ (*Matthew 22, 37–40; Mark 12, 29–31; Luke 10, 25–28*) and do not want to realize love by stopping to discriminate women, men and queer within the Roman Catholic Church. In the age that fights for the end of gender discrimination, the hierarchy of the Roman Catholic Church might well follow the course of human history on gender equality and discover that its history of gender discrimination is part of the history of humankind. I am no archeologist and I cannot decide the discussions of the archeologists if the analysis of their colleague Dean Snow of Pennsylvania State University is right or wrong. Snow analyzed hand stencils found in eight cave sites in France and Spain and by comparing the relative lengths of certain fingers, "determined that three-quarters of the handprints were female" (Hughes 2013). The thesis of Snow is interesting for me because it suggests a male bias within

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anthropology. Not only Catholic bishops and popes suffer from the male bias that women cannot enjoy equal rights, freedoms and dignity within the Roman Catholic Church. Do we find the gender bias within the sciences of nature and humankind too and did patriarchal anthropology dominate the 19th century? Archeologists suggest that women were as strong and stronger than men and hunted animals together with men in the Stone Ages (ibid). In the Stone Ages, women and men lived in an egalitarian way; they treated each other as equals. “The Neolithic burial site showed no clear sign of gender inequality” (Kasulis 2017). Everything changed in the Bronze Age, “inequalities became obvious: Males were buried with more riches, and female skeletons became significantly shorter, likely because of childhood malnourishment” (ibid). At about 2,500 BCE, men started fighting other men and protected their weaker women who stayed home caring for the children. Men achieved dominance over women, patriarchal structures governed the societies and cities and religion became patriarchal. The Jewish religion is one expression of this change to patriarchal dominance and the Christians are heir to this tradition. The Christians did not preserve the egalitarian message of Jesus Christ and constructed a church with patriarchal structures. In 2000 CE, times are changing again and women and men fight for the equal dignity, freedom and rights of women, men and queer. If the Roman Catholic Church remains a patriarchal society of male celibates, she blocks the age of Human Rights.

Gaudium et Spes 13 is titled “Sin” and describes sin from the Christian perspective “Often refusing to acknowledge God as his beginning, man has disrupted also his proper relationship to his own ultimate goal as well as his whole relationship toward himself and others and all created things” (*Gaudium et Spes* 13, 2). *Gaudium et Spes* 13, 2 and 3 profess liberation from sin according to the faith in Lord Jesus Christ.

Gaudium et Spes 14 is titled “On the constitution of humanity”. *Gaudium et Spes* 14, 1 defends the fundamentally positive Christian view of the body-soul unit that constitutes woman and man “man is not allowed to despise his bodily life, rather he is obliged to regard his body as good and honorable since God has created it and will raise it up on the last day”. According to the Christian faith “the very dignity of man postulates that man glorify God in his body and forbid it to serve the evil inclinations of his heart” (*Gaudium et Spes* 14, 1). *Gaudium et Spes* 14, 2 professes the – Jewish, Christian and Muslim – faith that man “plunges into the depths of reality whenever he enters into

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his own heart; God, Who probes the heart (1 *Kings* 16, 7 and *Jeremiah* 17, 10), awaits him there; there he discerns his proper destiny beneath the eyes of God". I do not know what the Council Fathers intended to say when referring to 1 *Kings* 16, 7 that speaks of the wrongdoing of King Baasha before the eyes of Go'd. The sentence "The word of Yahweh was delivered through the prophet Jehu" (1 *Kings* 16, 7) refers to expression of "the word of Yahweh" by a speech-act of a prophet. That means, that the revelation of Go'd is a communication by the prophet Jehu. It is "in his own heart" that Jehu finds the word of Yahweh, just as every woman, man and queer finds Go'd in her or his heart, "God, Who probes the heart" (*Jeremiah* 17, 10). *Gaudium et Spes* affirms that Go'd is in our hearts and cites *Jeremiah*. We have to remember that the Hebrew expression *leb* describes not only heart as an organ, but includes the predications feelings, character, mind, morale, conscience, intention, understanding, interior, self, or life as a whole.

Gaudium et Spes 15 is titled "Dignity of the Intellect, of Truth, and of Wisdom". *Gaudium et Spes* 15, 1 affirms faith sentence that man "by his intellect surpasses the material universe, for he shares in the light of the divine mind". The statement is quite strong that women, men and queer "share in the light of the divine mind". This statement is a necessary complement to the faith sentence in *Gaudium et Spes* 3, 2 a "Godlike seed" has been sown in every man and women of humankind and that their conscience testifies to "the Law engraved in their hearts" (*Romans* 2, 12–16). Since speaking is an important capability of the intellect, women, men and queer are capable of speaking about what they perceive as a "Godlike seed" and what they think in the hearts of their conscience. The predicate intellect claims that women, men and queer are capable of responsibility for their social choices.

Gaudium et Spes 15, 2 describes the capability of wisdom as "a quest and a love for what is true and good", *Gaudium et Spes* 15, 3 confirms the necessity for human wisdom. *Gaudium et Spes* 15, 4 professes "It is, finally, through the gift of the Holy Spirit that man comes by faith to the contemplation and appreciation of the divine plan" and refers to *Ecclesiasticus (Sirach)* 17, 7–8 "the Lord filled human beings with knowledge and intelligence, and showed them what was good and what evil. He put his own light in their hearts to show them the magnificence of his works". These verses sound a bit different than *Gaudium et Spes* 15, 4, but they fit perfectly into the logical development of the whole of *Gaudium et Spes* 15.

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Gaudium et Spes 16 is titled “Dignity of Moral Conscience”. *Gaudium et Spes* 16 starts repeating and considerably varies *Gaudium et Spes* 3, 2 “In the depths of his conscience, man detects a law which he does not impose upon himself but which holds him to obedience”. *Romans* 2, 14 affirms that the Gentiles that is the non-Christians “are a law for themselves”. *Romans* 2, 14 does not affirm – as *Gaudium et Spes* 16 falsely claims – that the Gentiles are held to obedience by the Law. The Jews are held to “behave as the Law commands”. Why does *Gaudium et Spes* make Christians behave like Jews again, when Paul unequivocally makes the Christians follow conscience the way the Gentiles do? The Gentiles “can demonstrate the effect of the Law engraved on their hearts, to which their own conscience bears witness; since they are aware of various considerations, some of which accuse them, while others provide them with a defence ... on the day when, according to the gospel that I preach, God, through Jesus Christ, judges all human secrets” (*Romans* 2, 15–16).

Gaudium et Spes 16 claims “to obey it is the very dignity of man”. Women, men and queer sustain their dignity by obeying to themselves and to the Law of their consciences. They do not sustain their dignity by primarily obeying to Go’d as *Gaudium et Spes* 16 makes believe and they are not judged by the Law, “according to the Law he will be judged” (*Gaudium et Spes* 16) but by “their own conscience” and by their own “considerations” (*Romans* 2, 15).

The second part of *Gaudium et Spes* 16 turns away from the above ethics of obedience and conserves the precious Christian teaching from the time of the Church Fathers “Conscience is the most secret core and sanctuary of a man. There he is alone with God, Whose voice echoes in his depths” and preserves the old Christian principle that the “erring conscience is not losing its dignity” (Delhaye 1963, 75). The Church Fathers interpreted *Romans* 2, 14–16 with the help of the narrative of Cain and Abel (*Genesis* 4, 1–16) and argued that the law of conscience indicates man his duties and faults before all positive legislation and independent from all legislation (*ibid*, 77). Cain and Abel lived long before any revelation of the Law at the Sinai and long before known codes of laws.

The old narratives of the Hebrew Bible are more complicated than modern interpreters want to recognize. The fact that the narrative of Cain and Abel still attracts women, men and queer authors of the 21st century CE testifies to the condensed human energies that speak from *Genesis*. In 2012, Jeanne Safer publishes a book on the

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deadly relationship of Cain and Abel and the dark side of life (Safer 2012, 8). After thirty-eight years of work as a psychotherapist, author and lecturer she writes on a neglected problem. She documents, "At least one-third of the adult siblings in America suffer serious sibling strife like mine" and "these brothers and sisters feel secret shame, rage, guilt, resentment, alienation, contempt, or, worst of all, more cold indifference than a stranger could ever evoke" (ibid, 2). Safer starts the biblical investigation into sibling strife with Cain and Abel (ibid, 20). She blames God, because he "sets a terrible – and much imitated – example for all human parents". Safer claims that both siblings "needed and deserved recognition for their hard work" (ibid). Instead, God blames Abel "failing to acknowledge that Cain has any reason to be angry in the first place, and warning the son He rejected about the potential for sinning that His own unfair treatment has enflamed rather than assuaged. Instead of helping Cain manage his justified anger and avert disaster, He shows no empathy and offers nothing but threats and blame. God says: 'Why are you incensed, and why is your face fallen? For whether you offer well, or whether you do not, At the tent flap sin crouches'" (ibid, 21). Safer bases her biblical exegesis "on the translation the Torah by Robert Alter, *The five Books of Moses* (Norton: New York 2004)" (Safer 2012, 255).

Safer apparently cites from *Genesis* 4, 6–7a. Why does she not cite the whole verse *Genesis* 4, 7? Why does she not cite *Genesis* 4, 7b too, where God still addresses Cain before his murdering of Abel "You can still master the longing in you"? The author of *Genesis* 4, 1 – 16 makes Go'd affirm that Cain has the capability of mastering his anger. So why does Safer blame Go'd? Go'd very clearly acknowledges that Cain has anger, Go'd tells Cain that his anger comes from "not doing right", the Hebrew text does not speak of "offering" as the translation of Alter does, but of "doing right" (*Genesis* 4, 6) and "not doing right" (*Genesis* 4, 7). Go'd does not only warn Cain "about the potential for sinning" (Safer 2012, 21), He assesses that Cain has the capability of mastering his inner longing to kill Abel because of his anger. The author of *Genesis* 4, 7 documents that Cain is confronted with his liberty, his capability for social choices, his freedom to deal with his inner conflicts and angers, or not to master them. The author makes Go'd really look like a counselor who knows when to respect the freedom of the counseled for making their own social choices. The author of *Genesis* 4, 1 – 16 describes Go'd not only as a counselor who leaves the decisions and their consequences to the counseled. Go'd engages with fratricide Cain who "is permitted to marry, have a son, and found a city in the land of Nod, becoming a patriarch in his

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own right, whose descendants become the founders of music and toolmaking” (ibid, 22).

Where does the anger of Cain come from? It is true, that Safer stands in the line of many exegetes who interpret that Cain is angered because Go'd did not “regard” the offering of Cain. Safer cites Alter's translation of Genesis 4, 4b and 5a “The Lord regarded Abel and his offering but He did not regard Cain” (ibid, 20). It is true, the author of Genesis 4, 1 – 16 tells us that Yahweh did not regard the offering of Cain. Safer's question is legitimate “Why couldn't He, as a benevolent father, notice, accept and appreciate Cain as well as Abel?” (ibid). A benevolent father should appreciate and love all his children equally. Did the author of Genesis 4, 1–16 and the authors of Genesis in general describe Go'd as a benevolent father? We use ABBA, father for Go'd in the Old-Aramaic, Midrash and Haggadic literature (Schattner-Rieser 2013). There are 20 recurrences of the use of the expression father for Go'd in the Old Testament (2 Amos 7,14; *Isaiah* 63, 16; *Psalms* 68,6; 89,27; 103,13; etc.). During the Hellenistic period in Jewish literature, the use of the name Father for Go'd enjoys growing popularity. In the time between the Testaments, we find in the literature 50 times Abba used for God. See especially *The book of Tobit* and *The Wisdom of Jesus son of Sirach*. In the New Testament there are 261 recurrences of the name Father for Go'd (ibid).

If the authors of Genesis and the Pentateuch did not describe Go'd as a father, it is logical if Go'd does not behave like a good father. Has anybody in Genesis or in the Torah or in the New Testament ever seen Go'd, ever regarded Go'd? If nobody ever has seen Go'd, how can Cain see that Go'd does not regard? Cain is “very angry and downcast” (*The New Jerusalem Bible*), he is “incensed and his face is fallen” (Robert Alter). Does the author of Genesis 4, 1–16 make us believe that Go'd has not regarded the offering of Cain or does the author tell that Cain was tortured by his thoughts that the Lord does not regard his offering? Does the wrongdoing of Cain consist in the fact that he is going about Go'd concerning his self-esteem and integrity and that he is not talking to his own inner consciousness to procure for his integrity and feelings of happiness? Did Cain offer not because he was thankful, but because he wanted to be rewarded? Did Cain prefer the satisfaction of being rewarded by Go'd to the satisfaction of being happy without any reason and expressing thankfulness for this gift?

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Antiquity considered conscience as participation in cosmic reason or in the divine mind, which governs the universe. The Roman statesman and lawyer Cicero and the philosopher Seneca, a contemporary of Paul, considered conscience as divine. Following philosophical terminology, the Church Fathers called conscience a natural law or eternal law, an incorruptible law and the law of the heart (ibid). According to the Aquinas the first principle of practical reason of natural law or eternal law is “do good and avoid evil” (Aquinas I-II, q. 94, ad 2 Latin: *Bonum est faciendum et prosequendum et malum vitandum*) (ibid, 78). Aristotle and the Aquinas deduced concrete moral norms from the first principle of practical reason but they did not call these positive norms and rules natural law or eternal law. Later Church authorities did not respect the distinction between the divine law of conscience and the positive laws of legislation and used to prescribe rules and norms to the Christians for their moral behavior. Luther protested this disrespect of the liberty of faith and fought against the religion of justification by works. Due to the protest of protestant theologians, the Council Fathers decided not to use the terms “natural law” or “eternal law” in *Gaudium et Spes* and this ecumenical dialogue affirms the freedom and dignity of the human person referring to the biblical picture of “the image of Go’d” (Moeller 1968, 274). Saint Ignatius, a contemporary of Luther, did not dare to protest against the moral norms of the Roman Catholic Church in his *Spiritual Exercices* (Loyola 1987). In 1956, Karl Rahner defended his interpretation of Saint Ignatius’s “doctrine of individual guidance by the Holy Spirit and of individual ethics” as a method of empowering the individual’s freedom and as encouragement to make use of one’s liberty and freedom of conscience and religious experience (Rahner 1964, 10, 12).

Gaudium et Spes 16 develops the Law of the Spirit that is love “In a wonderful manner conscience reveals that law which is fulfilled by love of God and neighbor”, but the Council Fathers do not dare to include self-love in the Law of the Spirit. *Gaudium et Spes* 16 legitimizes only a twofold commandment of love by referring to *Matthew* 22, 37–40 and to *Galatians* 5, 14. Matthew clearly testifies to Jesus Christ speaking of the threefold commandment of love and Paul demands from the Galatians to fulfill the commandment from *Leviticus* 19, 18 “You must love your neighbor as yourself”. *Gaudium et Spes* and the Second Vatican Council has a problem with self-love.

Linda Hogan, who teaches ecumenical theology at Trinity College, Dublin, clearly tells the difference between the two parts of *Gaudium et Spes* 16. The first part of *Gaudium*

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et Spes describes conscience as obeying the objective moral law that the teaching authority of the Roman Catholic Church defines (Hogan 2004, 84). The second part of *Gaudium et Spes* 16 considers conscience as the voice of Go'd in the inners of women, men and queer that encourages them to realize the good (ibid). In *Galatians* 5, 13–14, Paul links liberty to love “After all, brothers, you were called to be free; do not use your freedom as an opening for self-indulgence, but be servants to one another in love, and the whole of the Law is summarized in the one commandment: You must love your neighbor as yourself (Leviticus 19, 18)”. Sanders comments that the first part of *Gaudium et Spes* 16 stems from the first text of scheme XVII and mirrors the traditional teaching, whereas the second part of *Gaudium et Spes* 16 had been proposed by Bernard Häring (Sander 2005, 732).

Gaudium et Spes 17 is titled “The Excellence of Freedom” and affirms “Only in freedom can man direct himself toward goodness”. This affirmation of freedom corresponds with the description of freedom as a choice and the realization of freedom as a social choice. This affirmation corresponds to the philosophy of freedom. *Gaudium et Spes* 17 further assesses freedom as a possibility-condition of dignity “man’s dignity demands that he act according to a knowing and free choice”. According to the method of Philips to turn from philosophy to faith-sentences and to speak “in the light of Christ”, *Gaudium et Spes* 17 speaks of an “authentic freedom” that is freedom as “an exceptional sign of the divine image within man” and of the faith-conviction that “authentic freedom” is a gift from Go'd. Theologians call this gift grace. The use of the predications gift and grace by theologians does not really correspond with the use of the predication gift in ordinary language. When we speak of a gift, we are usually capable of identifying a giver and a taker of the gift. In the case of faith-sentences, there is no way of identifying an individual giver as Go'd as we identify a person who makes a gift. If we would try to say how Go'd is, and would for example asses that Go'd is a giver, we would express the inexpressible. Wittgenstein says in *Tractatus* 6.522 “There is indeed the inexpressible. This shows itself; it is the mystical” (Wittgenstein 1922; translation by Ogden/Ramsey). The gift shows, I receive the gift of the faith, and I am able to react to this gift and express my thankfulness. We have to be clear that receiving the gift, realizes a social choice. A social choice presupposes the freedom to choose, my dignity, and my rights that is my integrity. The Aquinas and Christian tradition formulated that speaking of grace presupposes having spoken of nature. First, there is awareness of my integrity then there is my awareness of the

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mystical. First, there is self-consciousness, and then there is the experience of the mystical. Wittgenstein says in *Tractatus* 6. 44: “Not how the world is, is the mystical, but that it is” (ibid). Wittgenstein talks about the fact that the world exists and his reaction to this fact.

Gaudium et Spes 17 concludes “Before the judgement seat of God each man must render an account of his own life, whether he has done good or evil” and refers to 2 *Corinthians* 5, 10. Reading 2 *Corinthians* 5, 10 we see that the text does not speak of Go’d at the judgement seat. 2 *Corinthians* 5, 10 speaks of Jesus Christ “For at the judgment seat of Christ we are all to be seen for what we are, so that each of us may receive what he has deserved in the body, matched to whatever he has done, good or bad”. The justice of Jesus Christ is mercy and forgiveness of sin, as the Gospel testifies telling from his encounters with sinners and his teaching of forgiveness. In *Gaudium et Spes* 18, 2 the Council will affirm the “Christian faith” that after death man “is restored to wholeness by an almighty and merciful Savior”, Christ is our Savior who “restores” and does not condemn. Reading *Gaudium et Spes* 17 together with *Gaudium et Spes* 18 we observe another incoherence of theological arguments, that is typical for the compromised text of *Gaudium et Spes* as a whole.

The faith in Jesus Christ as savior is my faith in Jesus Christ as original forgiver. The Swiss philosopher and protestant theologian Lytta Basset wrote on the capability of forgiveness and the empowerment for forgiving (Basset 1995). She does not consider Adam and Eve, that is humankind as narrated in *Genesis* 2–3, as victim of the satanic serpent (ibid, 173). I like the picture that women, men and queer are victims of evil that they encounter right at birth (ibid). “Yahweh God planted a garden in Eden, which is in the east, and there he put the man he had fashioned” (*Genesis* 2, 8). First, Go’d gives a garden (Hebrew: *gan*) that is protection for women, men and queer. The Hebrew verb *ganan* translates as to protect (ibid, 104). The garden that protects and gives security is no paradise (Greek: *paradeisos*) as the Septuagint translates (ibid, 204). The garden serves to produce food and not as a projection for fantasies of undisturbed well-being and happiness (ibid). In the garden, there are trees and in the middle of the garden there are two trees. One is “the tree of the knowledge of good and evil” (*Genesis* 2, 9) and this means that good and evil exist in the garden well before Adam and Eve (ibid). The other tree in the middle of the garden is the tree of life (*Genesis* 3, 9 and 22). The mystery of life and the mystery of evil and good exist contemporarily

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(ibid). In Genesis 2, 15 we read, "Yahweh God took the man and settled him in the garden of Eden to cultivate and take care of it". There is not the slightest hint in Genesis 2, 15 that man actually was realizing his task (ibid, 225).

The origin of suffering, of life and of death remains a mystery of Go'd (ibid 173). I agree: To separate from the other because of my suffering, to encapsulate myself in guilt or to isolate the other in her or his guilt does not heal my pain and agony (ibid). Basset professes the healing conviction that Go'd never succumbs to the temptation of separating from women, men and queer (ibid). Basset defines Go'd's omnipotence as forgiveness, as indelible capability to embrace all women, men and queer, be they good or bad, as the indelible capability to exclude nobody, to leave nobody outside and to never lock away sense (ibid, 467). Basset is right that women, men and queer despair because they cannot experience all including forgiveness (ibid). My faith that Christ is our Savior who restores by forgiveness is a gift of Go'd. I want to be absolutely clear about being conscious to experience forgiveness as that which is given, as mystical following *Tractatus* 6. 44 "Not how the world is, is the mystical, but that it is" (Wittgenstein 1922; translation by Ogden/Ramsey). Having the experience of forgiveness is an experience I can testify to from my personal experience of meditating and prayer. Speaking of my experience makes sense and shows what I mean. It is nonsense to use the predication omnipotence for Go'd for saying something how the world is. Speakers who assess predications about Go'd, do not say anything concerning how Go'd is. Therefore, I call these predications how Go'd is nonsense. The sentences of the speakers who say how Go'd is, do make sense, they are not senseless, because I can understand them according to the rules of language. According to the rules of logic, I cannot predicate something that is not part of the world. Therefore I call a predication how Go'd is, nonsense. Professing the faith that with Go'd there is indelible forgiveness and peace is a testimony to an experience. Speaking of omnipotence as predication for Go'd makes sense and is logically ok, if I profess my faith experiences as that it is. It is logically ok too, to call that, that is, the mystical. Calling that, that is mystical, shows what I mean; it does not say how the mystical is but what I mean. I am not able to judge if Lytta Basset speaks of personal experiences of indelible forgiveness or claims a predication on how Go'd is. Basset does not reflect on the difference between a personal experience and a predication on how Go'd is (Basset 1995). *Tractatus* 6, 45 "The contemplation of the world *sub specie aeterni* is its limitation as a limited world". The predication of omnipotence for Go'd in

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the sense of a capability that had never begun and never ends would be nonsense. A predication of a cause that is outside the world is not possible for women, men and queer, and would be nonsensical. "What we cannot think, that we cannot think: We cannot therefore say what we cannot think" (*Tractatus* 5. 61). The mystical shows itself and it is indeed inexpressible because we cannot think beyond the limits of the world. Saying Go'd is the first cause that caused the world, claims something that is outside the world. The Second Vatican Council does not claim something that is outside the world; the Second Vatican Council affirms that Go'd is invisible (*Dei Verbum* 2), Go'd is unthinkable, Go'd is unspeakable. Using the word "Go'd" we cannot show whom we mean, because *Dei Verbum* rightly affirms that Go'd is invisible. The *Dogmatic Constitution on Divine Revelation Dei Verbum* professes Jesus Christ as the revelation "of the invisible God". "Through this revelation, therefore, the invisible God (Colossians 1:15, 1 Timothy 1:17) out of the abundance of His love speaks to men as friends (Exodus 33:11; John 15:14–15) and lives among them (see Baruch 3:38), so that He may invite and take them into fellowship with Himself" (*Dei Verbum* 2). Revelation cannot be separated from history; revelation takes place within a history of men and women. *Dei Verbum* 11 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 "At many moments in the past and by many means, God spoke to our ancestors in the prophets" and 4:7 God "saying in David so long a time afterward". The references that Go'd speaks "through" man are 2 Samuel 23:2 "The spirit of Yahweh speaks through me, his word is on my tongue" and Matthew 1:22 "the Lord had spoken through the prophet". 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". Papal encyclicals speak until 1920 CE of the authors of the Scripture as "instruments" or "secretaries" of Go'd, and Go'd was called author of the Scripture (Hoping 2005, 766). The claim that Go'd is the "principal author" of the Scripture is no longer made in *Dei Verbum* (ibid, 767). Thanks to Go'd there has been an evolution of Catholic

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teaching on inspiration. Inspiration describes the faith that the authors of the Sacred Scriptures got help from the Holy Spirit when writing the Gospel.

Gaudium et Spes 18 is titled “The Mystery of Death”. The Council Fathers present the “desire for higher life which is inescapably lodged in his breast”, that is in the breast of man, as an empirical fact (*Gaudium et Spes* 18, 1). In reality “the desire for higher life is not inescapably lodged” in the breast of women, men and queer. I doubt that all women, men and queer desire a never-ending life on earth and I doubt even more that all women, men and queer on this earth desire “a higher life” that is a life beyond the body. If women, men and queer rebel against death, as *Gaudium et Spes* 18, 1 claims, it is not because they bear in themselves “an eternal seed which cannot be reduced to sheer matter”. Hardly *Gaudium et Spes* 17 defends the excellence of freedom as “an exceptional sign of the divine image within man”, when *Gaudium et Spes* 18, 1 takes away that freedom and claims that women, men and queer do not have the choice of accepting death or rebelling against death with faith in eternal life.

The affirmation from *Gaudium et Spes* 18, 2 “Hence to every thoughtful man a solidly established faith provides the answer to his anxiety about what the future holds for him” contradicts the Christian conviction that faith is a gift of Go’d. Immediately before, *Gaudium et Spes* 17 has affirmed “only by the aid of God’s grace can he bring such a relationship with God into full flower”. Further, we have to notice that a woman, man or queer who does not have faith in Go’d cannot simply be qualified as unthoughtful. *Gaudium et Spes* 19–21 try dealing with atheism in a less discriminating manner.

Gaudium et Spes 19 is titled “Kinds of Atheism and its Causes”. The first sentence of *Gaudium et Spes* 19, 1 “The root reason for human dignity lies in man’s call to communion with God” does not respect the dignity of atheists”. *Gaudium et Spes* 19, 2 describes as atheist the denial of Go’d, the denial of the possibility of speaking about Go’d, the ignorance of Go’d and some more. As causes of atheism *Gaudium et Spes* 19, 2 affirms “a violent protest against the evil in this world”, and undue demands to obey divinized commandments. *Gaudium et Spes* 19, 3 affirms that “believers can have more than a little to do with the birth of atheism”; all of a sudden the Christian women, men and queer get again the attention of the Council Fathers, because they “are deficient in their religious, moral or social life” and therefore cause atheism. The Council Fathers do not prove the courage for self-criticism; all of a sudden, they hide within the mass of Christians.

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Gaudium et Spes 20 is titled “Systematic Atheism” and identifies the protest against “any kind of dependence on God” and the realization of personal freedom as causes for this systematic atheism. Atheism “anticipates the liberation of man especially through his economic and social emancipation” that religion would impede. The Council describes a state-atheism that oppresses the “religious education of the youth” but does not name the Communist regimes as these suppressors of religious liberty.

Gaudium et Spes 21 is titled “The Attitude of the Church Towards Atheism”. *Gaudium et Spes* 21, 1 confirms that the Church “has already repudiated and cannot cease repudiating” atheism. *Gaudium et Spes* 21, 2 assesses that the Church is “conscious of how weighty are the questions which atheism raises” and *Gaudium et Spes* 21, 3 repeats the teachings of the Council on conscience, death and the eternal life. *Gaudium et Spes* 21, 4 remembers the human condition and *Gaudium et Spes* 21, 5 proposes “The remedy which must be applied to atheism, however, is to be sought in a proper presentation of the Church’s teaching as well as in the integral life of the Church and her members”. *Gaudium et Spes* 21, 6 encourages the collaboration with atheists “for the rightful betterment of this world”. *Gaudium et Spes* 21, 7 proclaims that the Church speaks to the world with the light of the Christian faith. Moeller notes that the Council Fathers understood the whole *Constitution Gaudium et Spes* as their answer to contemporary atheism (Moeller 1968, 273).

Gaudium et Spes 22 is titled “Christ the New Man” and proclaims the Gospel of Jesus Christ insisting on the faith that Jesus Christ is one of us, celebrating with us, dying with us and rising through the power of Go’d. The Paschal mystery of Jesus Christ is the mystery of Easter for us all. Similar elements of Christological, prophetic and Paschal aspects of the Christian faith will conclude every single chapter of part one of *Gaudium et Spes* (ibid).

All of a sudden, *Gaudium et Spes* 22, 5 affirms Go’d’s universal will for salvation of everybody including atheists, that is “for all men of good will in whose hearts grace works in an unseen way” and refers to *Lumen Gentium* 16.

Chapter Two: *Gaudium et Spes* 23–32.

Gaudium et Spes 23–32 is titled “The Community of Mankind”.

Gaudium et Spes 23 is titled “The Council’s Intention”. *Gaudium et Spes* 23, 1 claims that “the growing interdependence of men one on the other” that characterizes the

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modern world, “demand a mutual respect for the full spiritual dignity of the person”. *Gaudium et Spes* 23, 2 announces that the Council Fathers will deal with human society according to the *Encyclicals Mater et Magister* and *Pacem in terris* of Pope John XXIII and according to the *Encyclical Ecclesiam suam* of Pope Paul VI.

Gaudium et Spes 24 is titled “Communitarian Nature of the Human Vocation: God’s Design”. The first sentence of *Gaudium et Spes* 24, 1 claims “God, Who has fatherly concern for everyone, has willed that all men should constitute one family and treat one another in a spirit of brotherhood”. I doubt that the Council Fathers were aware of the second sentence of Article 1 of the Universal Declaration of Human Rights (UDHR) of 1948 that proclaims, all human beings “are endowed by nature with reason and conscience and should act towards one another in a spirit of brotherhood”. Article 1 of the UDHR and *Gaudium et Spes* 24, 1 claim the same “spirit of brotherhood”, they differ in the reason given for this claim. The UDHR speaks of reason and conscience justifying the claim for treating each other in a spirit of brotherhood, *Gaudium et Spes* 24, 1 speaks of the faith in God as reason to do so. The UDHR proclaims Human Rights believing in “the nature” of all human beings, *Gaudium et Spes* 24,1 claims that all human beings treat each other in a spirit of brotherhood believing in God. There are different beliefs at work in the UDHR and in the documents of the Second Vatican Council, yet they share the claim of the first sentence of Article 1 of the UDHR. Unfortunately, the “spirit of brotherhood” of *Gaudium et Spes* 24, 1 does not include the proclamation of the equal dignity, freedom and rights of all women, men and queer.

Gaudium et Spes 24, 2 affirms “love for God and neighbor is the first and greatest commandment”, cites the threefold commandment of love from Scripture “If there is any other commandment, it is summed up in this saying: Thou shalt love thy neighbor as thyself.... Love therefore is the fulfillment of the Law (Rom. 13:9–10; cf. 1 John 4:20)”. The Council Fathers are not aware of the incoherence between the affirmation of the twofold commandment and the testimony of Paul and the profession of John of the threefold commandment of love. The greatest commandment of Jesus Christ, the Lord and savior is threefold and not twofold.

Gaudium et Spes 24, 3 refers to *Luke* 17, 33 without explaining the context of *Luke* 17, 33 in the Gospel of *Luke* or in the Synoptic authors. Yet, this context is of importance. *Luke* 17: 23–24; 26–27; 33; 34–35; 37 we find again in *Luke* 21, 5–38 (Bovon 2009, 165). We find in the so-called Synoptic Apocalypse (*Luke* 21, *Matthew* 24, *Mark* 13)

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an eschatological discourse of Jesus Christ and the discussion of the biblical scholars on the relation between *Luke* and *Mark* is fascinating (ibid). In *Luke* 21, 5–38 the people listen with sympathy to Jesus but soon they will turn away from him. In *Luke* 17, 22–37 and in the following parable *Luke* 18, 1–8, Jesus speaks to the disciples. In *Luke* 17, 22–37 Jesus speaks of the Day of the Son of man, or the Day of the Daughter of man, he speaks of recognizing with faith Jesus Christ as the sign of Jonah within the history of everyday life. *Luke* 18, 1–8 narrates a parable to understand prayer and assess one's integrity as the way for the individual woman, man and queer to get empowered to realize the just world of Go'd by doing justice. "Then he told them a parable about the need to pray continually and never lose heart" (*Luke* 18, 1). Jesus encourages to sustain one's integrity – never losing one's heart and not to despair – by praying and meditating. The Greek verb *egkakein* literally means not to enclose oneself with negative and bad experiences. Luke shows Jesus insisting on the necessity of the conjunction of prayer and integrity for the individual woman, man and queer disciple. The experience of integrity and the experience of faith in Jesus Christ as the Lord and savior are given, we are becoming aware of them in our consciousness. *Gaudium et Spes* 24, 3 ignores professing the giver of integrity and faith and exchanges the giver with the receiver "Man cannot fully find himself except through a sincere gift of himself".

Gaudium et Spes 25 is titled "Person and Society: Interdependence". *Gaudium et Spes* 25, 1 speaks about the connectedness of individual and social life. *Gaudium et Spes* 25, 2 uses the term socialization but struggles with its description. *Gaudium et Spes* 25, 3 acknowledges the influence of social, economic, cultural, etc. circumstances on the decision making of the individual, but does not speak of structural sin. Instead, sin is understood as a matter of the individual that may resist sinning by "strenuous efforts and the assistance of grace".

Gaudium et Spes 26 is titled "The Common Good". *Gaudium et Spes* 26, 1 pleads for accepting the imperative for global mutuality "Every social group must take account of the needs and legitimate aspirations of other groups, and even of the general welfare of the entire human family".

Gaudium et Spes 26, 2 assesses that human dignity rightfully claims human rights. Many rights of the UDHR are addressed, even "the right to choose a state of life freely

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and to found a family". The Council Fathers are not aware of discriminating the Catholic faithful who want to found a family and to work as apostles of Jesus Christ.

Gaudium et Spes 26, 3 claims a social order that enables the realization of human rights and duties and "requires constant improvement".

Gaudium et Spes 26, 4 professes "God's Spirit is not absent from this development. The ferment of the Gospel too has aroused and continues to arouse in man's heart the irresistible requirements of his dignity".

Gaudium et Spes 27 is titled "Respect for the Human Person". *Gaudium et Spes* 27, 1 claims "everyone must consider his every neighbor without exception as another self" without presenting a validity-condition for this claim, the claim is not credible and the universal range of validity of the claim is unreal. The claim as unreal and not biblical. There is no neighbor, there are women, men and queer and by relating to them in mutual interactions of social realizations of dignity, I will be capable of answering the question of Jesus "whom did you make your neighbor" (Luke 10, 36). *Gaudium et Spes* 27, 2 repeats the unreal claim "to make ourselves the neighbor of every person". How do we qualify claims that I cannot comply with a priori? Jesus is more realistic and at the same time salvific by identifying "one of the least" with himself "As long as you did it for one of these the least of my brethren, you did it for me" (Matthew 25:40). The Council Fathers cite Matthew 25, 40 but do not understand that the individual woman, man and queer is the validity-condition of the claim of Jesus and not the whole of humanity.

Gaudium et Spes 27, 3 denounces "whatever violates the integrity of the human person" and "whatever insults human dignity" giving many examples but does not denounce the violation of the equal dignity, freedom and rights of all women, men and queer. Not only murder, hunger and "selling of women and children are supreme dishonor to the Creator" but all discrimination of women, men and queer.

Gaudium et Spes 28 is titled "Respect and Love for Enemies". *Gaudium et Spes* 28, 1 claims respect and love, understanding and dialogue as principles for dealing with persons "who think or act differently than we do in social, political and even religious matters". *Gaudium et Spes* 28, 2 refers to Luke 6, 37–38, Matthew 7, 1–2 and Romans 2: 1–11; 14: 10–12 "God alone is the judge and searcher of hearts, for that reason He

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forbids us to make judgments about the internal guilt of anyone". *Gaudium et Spes* 28, 2 claims the love of the enemy and refers to *Matthew* 5:43–44.

Gaudium et Spes 29 is titled "Essential Equality of All> Social Justice". *Gaudium et Spes* 29, 1 claims in the name of Go'd the creator of all, of Jesus Christ the redeemer of all, and "because of the divine call and destiny" of all "the basic equality of all must receive increasingly greater recognition". The Council Fathers do not claim the complete equality of dignity, freedom and rights for all women, men and queer; instead, they still reserve legitimation for some discrimination.

Gaudium et Spes 29, 2 claims "respect to the fundamental rights of the person", condemns "every type of discrimination". The second direct mentioning of women in the whole document describe some forms of discrimination "Such is the case of a woman who is denied the right to choose a husband freely, to embrace a state of life or to acquire an education or cultural benefits equal to those recognized for men". The right to divorce, the right to artificial birth control, the right to abort on her social choice are not mentioned and discrimination continues within the Roman Catholic Church where women are not allowed to the offices of the hierarchy of the Church.

Gaudium et Spes 29, 3 affirms some rights of the person, not all. Only the violation of these rights threaten social and international peace and human dignity. The Council prescribes the world a limited range of human rights, and continues ignoring the UDHR.

Gaudium et Spes 29, 4 demand from the institutions of the world that they realize the rights of the persons and even "spiritual aims", but again the Council speaks only of the rights that the Council is willed to grant and does not include all rights and liberties of the UDHR.

Gaudium et Spes 30 is titled "Need to Transcend an Individualistic Morality". *Gaudium et Spes* 30, 1 argues for a social ethics for the needs of society that "a merely individualistic morality" does not recognize. *Gaudium et Spes* 30, 2 speaks of modern man and "a new humanity".

Gaudium et Spes 31 is titled "Responsibility and Participation". *Gaudium et Spes* 31, 1 claims "Above all the education of youth from every social background has to be undertaken, so that there can be produced not only men and women of refined talents, but those great-souled persons who are so desperately required by our times".

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Gaudium et Spes 31, 2 affirms that “the service of the human community” and “human freedom” are crippled by hunger, poverty and by the self-satisfied rich.

Gaudium et Spes 31, 3 claims conditions that “allow the largest possible number of citizens to participate in public affairs with genuine freedom” in order to work for the well-being of “coming generations”. Democracy is not mentioned, and is not defended. Sander thinks that the Council had to recognize that the Roman Catholic Church has to deal with many forms of governments that are not democratic and out of consideration for the Christians who live in dictatorships does not insist on democracy as a human right (Sander 2005, 750).

Gaudium et Spes 32 is titled “The Word made Flesh and Human Solidarity”. *Gaudium et Spes* 32, 1 starts with references to the people of Go'd in *Lumen Gentium* 9 and to “His People” in *Exodus* 24, 1–8. *Gaudium et Spes* 32, 2 speaks of Jesus living a normal social life with his people. There is no reference to *Lumen Gentium* 12, 2 “the Holy Spirit sanctifies and leads the people of God”

Gaudium et Spes 32, 3 professes that Jesus Christ in his public life preached and realized love. The Council refers to the Gospel of John “Greater love than this no one has, that one lay down his life for his friends (John 15:13)” and testifies that the Apostles preach that “the human race was to become the Family of God, in which the fullness of the Law would be love”. The Council Fathers do not dare to speak of the Law of love that is the Law of the Spirit.

Gaudium et Spes 32, 4 claims that only after death and resurrection Jesus Christ by the gift of the Holy Spirit founded the Church of faith and love as “His body”, the mystical body of Christ. *Gaudium et Spes* 32, 4 ignores that the Hebrew Bible and the Gospels “make the voice of the Holy Spirit resound in the words of the prophets and Apostles” as *Dei Verbum* 21 professes. Only *Lumen Gentium* 52 and 62 remember that the Holy Spirit was with the Virgin Mary that is before there was death and resurrection of Jesus. Throughout *Lumen Gentium* there are 47 recurrences of the Holy Spirit and all of them refer to baptized Christians.

The prayer of *Psalms* 51 implores “God, create in me a clean heart, renew within me a resolute spirit, do not thrust me away from your presence, do not take away from me your Holy Spirit” (*Psalms* 51, 10–11). *Wisdom* 1, 5 affirms “for the Holy Spirit of instruction flees deceitfulness, recoils from unintelligent thoughts, is thwarted by the

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onset of vice". *Wisdom 7, 22* professes that within wisdom "is Spirit, intelligent and holy" that is participating in God and working in the world. *Isaiah* meditates on the history of Israel with Yahweh who praises the House of Israel saying "my people will not betray me" (*Isaiah 63, 7*). A few verses later, *Isaiah* documents that the people had rebelled against Yahweh "and vexed his holy Spirit" (*Isaiah 63, 10*), only to remember once more God's forgiveness and *Isaiah* rhetorically asks "Where was he who put his holy Spirit among them, whose glorious arm led the way by Moses's right hand?" (*Isaiah 63, 11–12*). The Septuagint assesses in *Daniel 4: 8, 9, 18; Daniel 5:12* and *Daniel 6:4* that the Holy Spirit was in Daniel. The Council Fathers were not ready to assess full heartedly that the Holy Spirit resounds in the Hebrew Bible.

Chapter Three: *Gaudium et Spes 33–39*.

Gaudium et Spes 33–39 is titled "Humanity's Activity in the Universe".

Gaudium et Spes 33 is titled "The Problem". The first sentence of *Gaudium et Spes 33, 1* affirms "Through his labors and his native endowments man has ceaselessly striven to better his life". The Council Fathers do not present any empirical evidence for man's endowment, temper or nature working for a better life. *Gaudium et Spes 33, 2* affirms that the Church guards the Holy Scriptures "to add the light of revealed truth to mankind's store of experience, so that the path which humanity has taken in recent times will not be a dark one".

Gaudium et Spes 34 is titled "Value of Human Activity".

Gaudium et Spes 34, 1 naively affirms that the globalized activities of the world community correspond to God's will, for "by the subjection of all things to man, the name of God would be wonderful in all the earth". I doubt that subjection of anything would laud God, least the subjection of creation to man. A few years after the Second Vatican Council, in 1968 "the Club of Rome was created to address the multiple crises facing humanity and the planet"^{xiv}. In 2020 the Club of Rome counts 100 members, notable scientists, economists, business leaders and former politicians who react to the world's situation that "decades of exponential consumption and population growth have come to imperil the earth's climate and life-supporting systems, while reinforcing social and economic inequalities and impoverishing billions globally" (ibid).

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Gaudium et Spes 34, 2 naively affirms with the usual lack of empirical evidence “men and women are performing their activities in a way which appropriately benefits society”.

Gaudium et Spes 34, 3 affirms “Christians are convinced that the triumphs of the human race are a sign of God’s grace and the flowering of His own mysterious design”. Writing in the midst of the COVID-19 pandemic, I am ashamed of the naïve and wrong assessments of *Gaudium et Spes*. The patriarchal narrator of Genesis testified with a more intelligent and realistic judgement about human life than the Council Fathers of the 20th century CE “By the sweat of your face will you earn your food, until you return to the ground, as you were taken from it. For dust you are and to dust you shall return” (*Genesis* 3, 19).

Gaudium et Spes 35 is titled “Regulation of Human Activity”.

Gaudium et Spes 35, 1 platitudinizes to please pope Paul VI “A man is more precious for what he is than for what he has” without describing what man is. The correspondence theory of *Gaudium et Spes* 35, 2 between “the divine plan and will” and “the genuine good of the human race” remains empty because there are no descriptions of validity-conditions and the range of the validity of the claim to correspondence.

Gaudium et Spes 36 is titled “Rightful Autonomy of Earthly Affairs”.

Gaudium et Spes 36, 1 affirms that there is no necessary contradiction between “human activity” and faith.

Gaudium et Spes 36, 2 seems to affirm a real autonomy of worldly affairs “If by the autonomy of earthly affairs we mean that created things and societies themselves enjoy their own laws and values which must be gradually deciphered, put to use, and regulated by men, then it is entirely right to demand that autonomy”. There is no contradiction between science and faith “a genuinely scientific manner and in accord with moral norms, it never truly conflicts with faith”. From the point of view of the faith it is coherent to claim that the created and the creator cannot contradict each other.

Gaudium et Spes 36, 3 turns to intolerance again and claims that the negation of the world’s dependence on God is false.

Gaudium et Spes 37 is titled “Human Activity Infected by Sin”.

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Gaudium et Spes 37, 1 affirms the banality that the Sacred Scripture speaks of temptations in connection with human capabilities and progress. Yet, it is true “the magnified power of humanity threatens to destroy the race itself”.

In *Gaudium et Spes* 24, 3 we had an allusion to the Synoptic Apocalypse (*Luke* 21, *Mark* 13, *Matthew* 24). In *Gaudium et Spes* 37, 2 there is a direct reference to *Matthew* 24, 13; “For a monumental struggle against the powers of darkness pervades the whole history of man. The battle was joined from the very origins of the world and will continue until the last day, as the Lord has attested” (*Matthew* 24, 13; 13, 24–30 and 36–43). From my perspective in 2020 CE, the reference to *Matthew* 24, 13 “we will have to stand firm to the end” presents a salutary correction of the optimistic phantasies of the Council Fathers on the world.

Gaudium et Spes 37, 3 announces a shift from considering “human progress” to considering “sin”, without any explanation for this new interest.

Gaudium et Spes 37, 4 refers two times to *The First Letter to the Corinthians*. Paul addressed the Christians of the community in Corinth. The Council addresses women, men and queer who are not necessarily Christians. Why telling them about a necessity to get redeemed by the cross of Jesus Christ and why not simply assuring them the solidarity of the Christians?

Gaudium et Spes 38 is titled “Human Activity: Its Fulfillment in the Paschal Mystery”.

Gaudium et Spes 38, 1–4 is a catechesis on Jesus Christ nobody had asked for.

Gaudium et Spes 39 is titled “A New Earth and A New Heaven”.

Gaudium et Spes 39 speaks to the world as Jesus speaks to the disciples assembled in Jerusalem after his death and resurrection at the beginning of Acts. The Council Fathers proclaim the world the just world of Go’d that is already present in the paschal mystery of Jesus Christ.

Chapter Four *Gaudium et Spes* 40–45.

Gaudium et Spes 40–45 is titled “Role of the Church in the Modern World”.

Gaudium et Spes 40 is titled “Mutual Relationship of Church and World”. *Gaudium et Spes* 40, 1 announces “we must now consider this same Church inasmuch as she exists in the world, living and acting with it”. Everything the Council said about the dignity of the human person provides “the foundation for the relationship between the

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Church and the world, and provides the basis for dialogue between them". The Council affirmed a limited definition of human dignity, and the dialogue between the Church and the world follows this limited definition that does not fight against any form of discrimination. Some discrimination will persist with the self-understanding of the Roman Catholic Church's hierarchy, the hierarchy by definition discriminates women, men and queer.

Gaudium et Spes 40, 2 does not reach awareness about the discrimination of women, men and queer within the Roman Catholic Church. The Council claims that the faithful "have a call to form the family of God's children during the present history of the human race, and to keep increasing it until the Lord returns" without thinking about abolishing discrimination "during the present history" of the Church. On the contrary, *Gaudium et Spes* 40, 2 affirms with *Lumen Gentium* 8 and 9 the hierarchical structure of the Church and the absolutist government of the pope and his Roman Curia; the Church "has been constituted and structured as a society in this world by Christ" and "is equipped 'by appropriate means for visible and social union'". The Council Fathers do not realize the just world of God that started with the healing and preaching of Jesus Christ, the Council Fathers do not dialogue with the world on the basis of the love they had claimed in *Gaudium et Spes* 27. In *Gaudium et Spes* 27, 1 for example, the Council Fathers wanted to treat everybody as "another self", in *Gaudium et Spes* 40, 2 they ignore once more the dignity of the women, men and queer in the world.

Gaudium et Spes 40, 3 speaks of the "healing and elevating impact on the dignity of the person" of the Roman Catholic Church, without giving a validity-condition or a range of validity for the claim that the Church "can contribute greatly toward making the family of man and its history more human". The educational system of the Roman Catholic Church around the world is a validity-condition for the above claim, but the Council Fathers do not bother to validate their claims with the work of hundreds of thousands of educators and teachers in Catholic institutions.

Gaudium et Spes 40, 4 affirms the respect "of Christian Churches and ecclesial communities" that work for the same humanization of the world and assesses the help "of individuals and from human society as a whole" for the humanizing labor.

Gaudium et Spes 41 is titled "What the Church offers to Individuals". *Gaudium et Spes* 41, 1 assesses that modern man – the Council does not speak of modern women, men

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and queer – claims human rights. The faith reaction of the Council Fathers to the above claim to human rights does not address human rights as the social realization of the threefold commandment of love of Jesus Christ.

Gaudium et Spes 41, 2 affirms that every man thinks about the sense of his life and death and that “God’s spirit” works in man and continues with an instruction of Jesus Christ.

Gaudium et Spes 41, 3 claims “By no human law can the personal dignity and liberty of man be so aptly safeguarded as by the Gospel of Christ which has been entrusted to the Church”. The Council Fathers do not realize that the Gospel of Christ proclaims the threefold commandment of love, love of Go’d, love of one’s neighbor, and love of oneself (*Matthew* 22, 37–40). The Council “commends all to the charity of all”, and even refers to *Matthew* 22, 39, but does not recognize the law of the Spirit that is love, the law of Jesus Christ, and the law of the Gospel as a safeguard of Human Rights “which has been entrusted to the Church”. The Council Fathers cite from the threefold commandment of love of Jesus Christ but do not proclaim the human laws of the UDHR that proclaim equal personal dignity and liberty and rights. The Council Fathers do not accept the invitation of the UDHR to safeguard and further develop Human Rights. Instead, the Council Fathers limit their affirmation of human rights to “a sacred reverence for the dignity of conscience and its freedom of choice”.

Gaudium et Spes 41, 4 affirms as fundamental Christian faith and conviction “the rightful autonomy of the creature, and particularly of man is not withdrawn, but is rather re-established in its own dignity and strengthened in it” by God the Creator. Go’d creates women, men and queer with autonomy and calls her creation good, but the Council Fathers limit this autonomy because they think that not all that Go’d had created was good. Queer persons evidently are not good, according to the teachings of the Roman Catholic Church they are created with some defects.

Gaudium et Spes 41, 5 affirms again the ambivalence of the Roman Catholic Church that affirms human rights and personal autonomy and affirms also a divine law that limits this dignity and rights without saying where this divine law comes from.

Gaudium et Spes 42 is titled “What the Church Offers to Society”. *Gaudium et Spes* 42, 1 claims that Jesus Christ fortifies “the union of the human family” and *Gaudium et Spes* 42, 2 affirms “Christ, to be sure, gave His Church no proper mission in the

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political, economic or social order". My question is how the human family will come together if not with the help of political, economic and social activities. *Gaudium et Spes* 42, 3 recognizes "social movements" that work for the unity of modern society and keeps praising "a union of minds and hearts" within the Catholic Church that roots in the work of the Holy Spirit as a model for the world. The state of affairs of the Roman Catholic Church, an honest assessment of light and shadow, virtue and sin is not on the mind of the Council Fathers.

In *Gaudium et Spes* 42, 4 "the Church admonishes her own sons, but also humanity as a whole, to overcome all strife between nations and race" but does not examine, admit and correct racism, sexism and abuse of power within the Church itself.

Gaudium et Spes 42, 5 affirms "With great respect, therefore, this council regards all the true, good and just elements inherent in the very wide variety of institutions which the human race has established for itself and constantly continues to establish". At the same time, the Council makes clear to cooperate with worldly institutions on the condition that they comply with "the mission of the Church".

Gaudium et Spes 43 is titled "What the Church Offers to Human Activity through its Members".

Gaudium et Spes 43, 1 turns to a pedagogy of fear affirming "The Christian who neglects his temporal duties, neglects his duties toward his neighbor and even God, and jeopardizes his eternal salvation". *Gaudium et Spes* 28, 2 referred to Luke 6, 37–38, Matthew 7, 1–2 and Romans 2: 1–11; 14: 10–12 "God alone is the judge and searcher of hearts, for that reason He forbids us to make judgments about the internal guilt of anyone". *Gaudium et Spes* 43, 1 forgets about God's hidden ways to bring about salvation and certainly forgets about forgiveness and love. *Gaudium et Spes* 43, 1 affirms that Christ "worked as an artisan" but does not affirm that he was a healer by preaching and preached by healing. Christ came to save and not to destroy.

Gaudium et Spes 43, 2 encourages "let the layman take on his own distinctive role" solving the complicated problems of their professions in society. The fear of the Council Fathers is justified that they lose their authority by assessing their inability to solve the complicated problems of modern society. Therefore, they eagerly remind the lay that they work in the world "enlightened by Christian wisdom and giving close attention to the teaching authority of the Church". The authoritarian organization of the Roman

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Catholic Church as society really impedes any dialogue between bishops and laity as a mutual interaction of equals.

Gaudium et Spes 43, 3 suggests that lay in conflict situations with each other “should always try to enlighten one another through honest discussion, preserving mutual charity and caring above all for the common good”. There is no such claim for the members of the Church’s hierarchy.

Gaudium et Spes 43, 4 encourages the laity to give witness to Jesus Christ. *Gaudium et Spes* 43, 5 claims that the bishops who govern the Church, the priests and the Religious should teach and live a model Christian life for the faithful. *Gaudium et Spes* 43, 6 claims that the pastors prepare for their task by studies. *Gaudium et Spes* 43, 7 confesses that in the past centuries and “in the present age, too, it does not escape the Church how great a distance lies between the message she offers and the human failings of those to whom the Gospel is entrusted”.

Gaudium et Spes 44 is titled “What the Church Receives from the Modern World”.

Gaudium et Spes 44, 1 repeats the title. *Gaudium et Spes* 44, 2 acknowledges the Church profits from “the progress of the sciences, and the treasures hidden in the various forms of human culture” and explains the function of culture for faith. “With the help of the Holy Spirit, it is the task of the entire People of God, especially pastors and theologians, to hear, distinguish and interpret the many voices of our age, and to judge them in the light of the divine word, so that revealed truth can always be more deeply penetrated, better understood and set forth to greater advantage”.

Gaudium et Spes 44, 3 affirms again that the Church defends with modern science the societal character that she has received from Christ that is the hierarchy; the Council affirms also the families as constructive element of the Church and affirms that her enemies contribute to her fortification and flourishing.

Gaudium et Spes 45 is titled “Christ: Alpha and Omega”.

Gaudium et Spes 45, 1 affirms “the Church has a single intention: that God’s kingdom may come, and that the salvation of the whole human race may come to pass”. Since we do not hear from the Council Fathers what they mean by God’s kingdom and salvation, the affirmation remains empty. *Gaudium et Spes* 45, 2 affirms “The Lord is the goal of human history”, but does not explain what that means. *Gaudium et Spes*

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45, 3 simply cites *Revelation* 22, 12–13 but does not explain the context, the meaning and the sense and how can those who do not know Jesus Christ put their trust in him (*Psalms* 9, 10).

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Gaudium et Spes 46–93 is titled “Some more urgent Problems”.

Gaudium et Spes 46 is titled “Preface”.

The first sentence of *Gaudium et Spes* 46, 1 takes up a central theme of *Gaudium et Spes* 1–45, the first part of the Constitution. “This council has set forth the dignity of the human person, and the work which men have been destined to undertake throughout the world both as individuals and as members of society.”

It is important to notice that the term “the dignity of the human person” constitutes the beginning of the second part of *Gaudium et Spes*. Bernhard Häring does not even mention the term “dignity of the human person” in his commentary of *Gaudium et Spes* 46 (Häring 1968, 425). The commentary of Hans-Joachim Sander holds the term “dignity of the human person” to be a relic from the very early redaction of the *adnexa* of scheme XVII, a mere abstract principle (Sander 2005, 770). The first chapter of the second part of *Gaudium et Spes* is titled “The Dignity of Marriage and the Family”. The historic setting of marriage and family constitutes an exemplary pastoral setting for *Gaudium et Spes*, and within this context Sander accepts the use of the term “dignity” without comment. (ibid). Sander does not acknowledge the importance of the use of the term “dignity” from the beginning of the second part of *Gaudium et Spes* and therefore does not recognize the coherent use of the term “dignity” in part one and part two of *Gaudium et Spes*.

Yves Congar asks in his commentary on chapter four of the first part of *Gaudium et Spes* that is titled “Role of the Church in the Modern World”: What is the foundation of the relation between the Church and the World (Congar 1968, 399)? He answered, the foundation of the relation between the Church and the World is the human person and assesses his answer with references to *Gaudium et Spes*. *Gaudium et Spes* 1, 1 affirms the Church “is a community composed of men”. Therefore, the Church is inserted in the history of mankind (Congar 1968, 399). The “world which is the theater of man’s history, and the heir of his energies, his tragedies and his triumphs” (*Gaudium et Spes* 2, 2) is the world of Go’d’s plan for salvation (ibid). Congar affirms that for the

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above reasons *Gaudium et Spes* considers man to be the hinge for all of its considerations and refers to *Gaudium et Spes* 3, 1 “Hence the focal point of our total presentation will be man himself, whole and entire, body and soul, heart and conscience, mind and will”.

Congar insists on the importance of the affirmation of *Gaudium et Spes* 40, 1 for understanding the intention of the whole document:

“Everything we have said about the dignity of the human person, and about the human community and the profound meaning of human activity, lays the foundation for the relationship between the Church and the world, and provides the basis for dialogue between them.”

We have to remember this first sentence of chapter four of the first part of *Gaudium et Spes* that deals with the mutual relationship of Church and World when we read at the beginning of the second part of *Gaudium et Spes* about the “dignity of the human person”.

Congar relates “the dignity of the human person” to a common desire of the faithful, the People of God and of “other men of our age” and refers to *Gaudium et Spes* 11, 1 (Congar 1968, 399). *Gaudium et Spes* 11, 1 affirms indeed the People of God “labors to decipher authentic signs of God’s presence and purpose in the happenings, needs and desires in which this People has a part along with other men of our age”.

It is clear, Congar speaks as a Christian and he speaks from his point of view of faith “to decipher authentic signs of God’s presence” in history. In 1968, Congar relates “the dignity of the human person” and “the happenings, needs and desires” of Christians and non-Christians. In 1963, Pope John XXIII writes the *Encyclical Pacem in Terris*. He assesses the needs and desires for world peace and is conscious of the historic context of two world wars and the threat of atomic war. At this moment of history, John XXIII introduces the use of the term “dignity of the human person” into the teachings of the Roman Catholic Church.

Pacem in Terris 112:

Justice, then, right reason and consideration for human dignity and life urgently demand that the arms race should cease; that the stockpiles which exist in various countries should be reduced equally and simultaneously by the parties concerned; that

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nuclear weapons should be banned; and finally that all come to an agreement on a fitting program of disarmament, employing mutual and effective controls. In the words of Pius XII, our Predecessor of happy memory: "The calamity of a world war, with the economic and social ruin and the moral excesses and dissolution that accompany it, must not be permitted to envelop the human race for a third time" (Pius XII, 1941).

On Christmas Eve 1941, the disputed Pope Pius XII announces in his radio message the challenge for humanity to avoid a third world war. In 1948, the Preamble of the UDHR proclaims, "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 ... 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."^{xv}

At the end of World War II, in the middle of the Cold War and facing atomic extinction, it was clear to Pope John XXIII that world peace and justice is the need and desire of the women, men and queer in the world, Christians or non-Christians alike. It is also clear for Pope John XXIII that world peace and justice are inseparably linked "to the inherent dignity and of the equal and inalienable rights of all members of the human family" (UDHR).

Pacem in Terris 144 affirms about the UDHR "There is no doubt, however, that the document represents an important step on the path towards the juridical-political organization of all the peoples of the world. For in it, in most solemn form, the dignity of a human person is acknowledged to all human beings. And as a consequence there is proclaimed, as a fundamental right, the right of every man freely to investigate the truth and to follow the norms of moral good and justice, and also the right to a life worthy of man's dignity, while other rights connected with those mentioned are likewise proclaimed". It is also true that John XXIII affirms that rightly "some objections and reservations were raised regarding certain points in the Declaration" (John XXIII 1963, 144).

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Gaudium et Spes and the whole *Second Vatican Council* do not dare affirming that in the UDHR “in most solemn form, the dignity of a human person is acknowledged to all human beings” (John XXIII 1963, 144). The Council Fathers want to treat in part two of *Gaudium et Spes* “Some more urgent Problems” of the modern world “in the light of the Gospel and of human experience” (*Gaudium et Spes* 46, 1). John XXIII rightly identified world peace and justice as the urgent problem of our times. The 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. Therefore, I want to know if *Gaudium et Spes* recognizes the inherent dignity of women, men and queer in this world and within the Roman Catholic Church.

Chapter One *Gaudium et Spes* 47–52.

Gaudium et Spes 47 is titled “Marriage and the Family in the Modern World”.

Gaudium et Spes 47 affirms “The well-being of the individual person and of human and Christian society is intimately linked with the healthy condition of that community produced by marriage and family”. Marriage and family form a community of love and of perfecting life. We hear the intriguing voices of the Council’s minority in the text that speaks of the destruction of the institution of marriage by the many vices of modern life such as “Polygamy, the plague of divorce, so-called free love”, “excessive self-love, the worship of pleasure and illicit practices against human generation”. Fifty years after the editing of this text, we have to explain that the Council Fathers understand polygamy not as the marriage of a man with two or more wives at the same time. Polygamy is a description for divorced women and men who marry a second time and then have their second husband or wife. One of my African doctoral students once shocked me in a seminary suggesting the above description of European decadent polygamy and defending his native cultural tradition of polygamy as an effective form of protection and care for women who cannot make a living on their own. My African brother confronted me with his culture and tradition and I have not yet figured out how to communicate to him my conviction that men, women and queer enjoy equal dignity, freedoms and rights. I am sure that African women, men and queer will realize their dignity and claim their integrity. The more moderate Council Fathers of the majority, who had become tired during the years of the Council’s reform work, unassumingly affirm that “modern economic conditions”, “demands of society” and “population

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growth” exercise negative influences on “the good health” of marriage and the family (*Gaudium et Spes* 47, 2).

Gaudium et Spes 47, 3 claims that there is an “anxiety of consciences” about these negative influences and *Gaudium et Spes* 47, 4 affirms that the Church “wishes to support Christians and others” who want “to preserve the holiness and to foster the natural dignity of the married state and its superlative value”.

Gaudium et Spes 48 is titled “Holiness of the Marriage and the Family”.

Gaudium et Spes 48, 1 affirms “The intimate partnership of married life and love has been established by the Creator and qualified by His laws, and is rooted in the conjugal covenant of irrevocable personal consent”.

Article 16 of the UDHR proclaims:

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. (UDHR 16)

UDHR 16, 1 clearly proclaims the equal rights of men and women “to marriage, during marriage and at its dissolution”. The Council Fathers refuse the human right to dissolving marriage by divorce. Some Council Fathers had evoked the right to divorce, but there was no way of getting the consensus of the Council for that right (Håring 1968, 424). Even in 2020 CE, the Roman Catholic Church does not realize the human right to divorce from marriage. *Gaudium et Spes* 48, 1 is one of the longest articles of the whole Constitution. Nevertheless, there is no biblical reference for sustaining the impossibility of divorce, there is no reference to the tradition of the Roman Catholic Church in the first millennium CE that allowed divorce as still do the Orthodox Churches and the Churches of the Reform and there is only reference to the 1930 *Encyclical Casti Connubi* from Pius XI. It is important to acknowledge that Paul VI will stick to the teaching of this encyclical of Pius XI. His own *Encyclical Humane Vitae* follows in 1968 the teachings of *Casti Connubi*. Paul VI made his trusted theologian Carlo Colombo (1909–1991) from Milan prepare the draft for this encyclical. From the beginning of

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1964 until the last days of its work in November 1965, Colombo was member of the sub-commission working on marriage and the family. Philippe Delhaye (1912–1990), French priest from the dioceses of Namur and expert on the history of the Christian concept of conscience was also theological expert on that sub-commission treating marriage and family. Delhaye defended the right to the social realization of free choices of conscience. He represents the contraposition to theologians like Colombo, who subjected the dignity of conscience to the obedience of the teachings of the hierarchy of the Church, and especially to *Casti Connubi*. The chapter on the dignity of marriage and the family is characterized by efforts of the two opposing positions to assure their influence in the text of *Gaudium et Spes* 47–52.

Gaudium et Spes 48, 2 constructs an unfortunate similarity between the union of Jesus Christ with his Church and the union of man and woman in marriage. This similarity is unfortunate because it compares the faith in the new covenant of Jesus Christ with the Church to the covenant of man and woman in marriage and founds the sacramentality of marriage on that comparison. Doing this, divorce looks like an impossibility within the logic of faith and forgets about the law of the Holy Spirit that is love and love is forgiveness and the beginning of hope.

Gaudium et Spes 48, 3 speaks of the necessary “education and especially religious education” of the children by their father and mother.

Gaudium et Spes 48, 4 affirms that children “will respond to the kindness of their parents with sentiments of gratitude, with love and trust” and speaks of the blessings of having children with the certitude of somebody who never passed two hours with children who left her or him exhausted and in despair. Millions of adult children respond to their old and sick parents by sticking them into nursing homes, and a whole generation of adults leaves to their children a climate crisis that is destroying the resources for the children’s lives.

Gaudium et Spes 49 is titled “Married Love”.

Hans-Joachim Sander, born 1959 in a miner’s family in the Saarland, Germany, married since 1988 and teaching dogmatic theology at Salzburg University, Austria (Sander 2016), qualifies the celestial praise of love in *Gaudium et Spes* 49 as super elevated, abstract and as not in touch with real marriage life (Sander 2005, 775).

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Gaudium et Spes 49, 1 recognizes of the expression of true love between men and women according to customs and traditions throughout history. There are formal references to *Genesis*, to *The Proverbs*, *Tobit*, *The Song of Songs* without explaining the cultural and historic context of the patriarchal customs and traditions that rule marriage and family organization of the authors and their texts. Why referring to customs and traditions that submit women to men, treat women as property of men and consider the possession of women together with the possession of cattle as we read in *The Decalogue of Exodus* 20, 17. References to Paul and to the late *Letter to the Ephesians* are not really changing the norms of patriarchal traditions and customs that ruled the Antiquity.

Gaudium et Spes 49, 2 turns to love “from one person to another through an affection of the will” that is personal love and “This love God has judged worthy of special gifts, healing, perfecting and exalting gifts of grace and of charity”.

The Council Fathers really speak of sex and praise conjugal sex and sexuality as a good gift from Go'd the Creator. This positive recognition and appraisal of conjugal sex and love finally overcomes centuries of viewing sex in marriage as a deficient expression of Christians that needs a special justification. Augustine invented this perverted view on sexuality pretending a connection between original sin and sex as sinful (Häring 1968, 435). Both assumptions, original sin and sex as sinful realization of life find no foundation in the Bible. Nevertheless, male white European celibate theologians condemned sex as sinful and insisted on the healing of dishonest lust in marriage life through generating children, the first and primary end of marriage (ibid). In 2020, we recognize the healing powers of sexuality and sex and judge undeveloped sexuality as perverse and harmful for the person's integrity. Times are changing.

Gaudium et Spes 49, 3 continues describing the Christian dream of love in marriage “Firmly established by the Lord, the unity of marriage will radiate from the equal personal dignity of wife and husband, a dignity acknowledged by mutual and total love”.

The Council Fathers actually proclaim the equal dignity, freedom and rights of women and men making love. There is mutual dignity with women and men having sex in marriage. Bernhard Häring, member of the Redemptorist Order of Alphonsus Maria de Liguori (1696–1787), remembers the merits of Alphonsus de Liguori bringing about a positive evaluation of sex in marriage (ibid, 435). Alphonsus de Liguori opposed

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Augustine's pessimistic view on sexual lust. De Liguori considers sex in marriage as good by nature, describes sex as a "mutual giving" of the spouses and accepts lust as good and as a dignified expression of conjugal love that empowers the spouses' love, and strengthens their marriage. He disapproves of the norm that the spouses have to be conscious of generating children when having sex and defends the good reasons of spouses for not wishing to generate children as being legitimate (ibid).

Members of the conservative minority at the Second Vatican Council like the Irish Dominican Michael Cardinal Browne, who had been General Master of his Order, kept sticking to Augustine's condemnation of sex and lust as principally sinful. The Church had sanctified De Liguori in 1839 and declared him Doctor of the Church in 1871 but did not adopt his liberating pastoral views on conscience and moral life. De Liguori was born to a noble and mighty family in Naples, Italy. He received the best juridical formation of that time. In the 17th century, the juridical faculty of the University of Naples was leading in the development of the philosophy of law. Francesco d'Andrea claimed that Civil and Canon Law have to adapt to the social, economic and cultural needs and find solutions for the changing problems of society that means law is part of history (Vereeke 1993, 272).

De Liguori was an excellent lawyer by formation, he prayed and meditated on the Bible, but he was not a theologian who systematically developed his convictions of the liberty of conscience and of the validity-condition of moral certitude for moral decisions (ibid, 280). For more than a century, moral theologians of the Roman Catholic Church developed their teaching of practical morality along the list of the Decalogue. De Liguori had pioneered this procedure of presenting Christian moral life insisting on an analogy. If the law-maker does not promulgate a law, then I am not obliged to comply with that law, because I have no knowledge of that law. De Liguori supposed that what is true for the order of civil society is true for moral life too. If Go'd does not give me moral certitude on a moral law then I am not obliged to comply with that law (ibid). The Roman Catholic Church and her moral theologians often forgot and forget about the necessity to evolve moral policy according to the needs of women, men and queer.

Gaudium et Spes 49, 4 expresses the Christian hope that "Especially in the heart of their own families, young people should be aptly and seasonably instructed in the dignity, duty and work of married love" in order "to enter a marriage of their own" one day.

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Gaudium et Spes 50 is titled “The fruitfulness of Marriage”.

Gaudium et Spes 50, 1 affirms “Marriage and conjugal love are by their nature ordained toward the begetting and educating of children. Children are really the supreme gift of marriage and contribute very substantially to the welfare of their parents”. We recognize the teaching of *Casti Connubi* that does not affirm conjugal love as personal love of man and woman but establishes children as validity-condition of conjugal love.

Within *Gaudium et Spes* 50, 2 we find two contrasting and incoherent models of conscience (Hogan 2004, 86).

The first model encourages parents “Let them thoughtfully take into account both their own welfare and that of their children, those already born and those which the future may bring. For this accounting they need to reckon with both the material and the spiritual conditions of the times as well as of their state in life. Finally, they should consult the interests of the family group, of temporal society, and of the Church herself. The parents themselves and no one else should ultimately make this judgment in the sight of God”.

The second model follows immediately and subjects conscience of the parents to the teaching of the hierarchy of the Roman Catholic Church. The Council Fathers demand from the parents “But in their manner of acting, spouses should be aware that they cannot proceed arbitrarily, but must always be governed according to a conscience dutifully conformed to the divine law itself, and should be submissive toward the Church’s teaching office, which authentically interprets that law in the light of the Gospel.”

The first model underscores the capability and agency of conscience to find and realize the right choice and judgement within complex situations by deliberating in order to do the good that sustains the objective moral order (Hogan 2004, 86). This model defends the autonomy of conscience for taking moral decisions and assessing the decisions with responsibility and arguments (ibid). The other conscience model of the Second Vatican Council underscores the relation of conscience with the objective moral order that the individual Christian receives from authority of the teaching Church (ibid).

Gaudium et Spes 50, 3 suddenly becomes aware of the validity problem for infertile marriages without children and quickly affirms “marriage persists as a whole manner

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and communion of life, and maintains its value and indissolubility, even when despite the often intense desire of the couple, offspring are lacking”.

Gaudium et Spes 51 is titled “Married Love and Respect for Human Life”.

Gaudium et Spes 51, 1 signals some understanding for parents who practice birth control methods “in circumstances where at least temporarily the size of their families should not be increased”. *Gaudium et Spes* 51, 2 speaks of people who “offer dishonorable solutions” to the problem. *Gaudium et Spes* 51, 3 affirms “Therefore from the moment of its conception life must be guarded with the greatest care while abortion and infanticide are unspeakable crimes”. The Council Fathers prohibit artificial birth control with a reference to *Casti Connubi* of 1930. Hormonal contraception is of a much later date, but the Council does not worry and was not allowed to worry. The Council Fathers knew that Paul VI had withdrawn the question of birth control from the Council and had constituted a secret commission to study the problem of birth control. The sub-commission on marriage and family left the matter of birth control to the secret papal commission (Moeller 1968, 274).

Gaudium et Spes 52 is titled “Fostering Marriage and the Family: A Duty for All”.

Gaudium et Spes 52, 1 encourages the fathers to cooperate in the education of their children. The mothers should stay at home with the children “though the legitimate social progress of women should not be underrated on that account”. There is no further suggestion that women would earn their own money and independence or that man takes an equal share of the household and of education.

Gaudium et Spes 52, 2 affirms a kind of the right to marry and to found a family, but without referring to UDHR 16.

Gaudium et Spes 52, 3 encourages society and public institutions to protect the family and children.

Gaudium et Spes 52, 4 affirms that Christians “should actively promote the values of marriage and the family”.

Gaudium et Spes 52, 5 all of a sudden expresses the hope that the empirical sciences “notably the medical, biological, social and psychological” sciences, “can considerably advance the welfare of marriage and the family along with peace of conscience if by

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pooling their efforts they labor to explain more thoroughly the various conditions favoring a proper regulation of births”.

Gaudium et Spes 52, 6 encourages priests to sustain and support families.

Gaudium et Spes 52, 7 encourages family associations to train and educate young people “for family, social and apostolic life”.

Gaudium et Spes 52, 8 invites the spouses to “become witnesses of the mystery of love which the Lord revealed to the world by His dying and His rising up to life again” and points at *Ephesians* 5, 25-27 as reference. *Gaudium et Spes* 52, 8 does not mention *Ephesians* 5, 24 that subordinates the wife to the husband, and speaks instead of reciprocal love, of “equal affection” and of “mutual sanctification” of the spouses.

Chapter Two *Gaudium et Spes* 53–60 is titled “Proper Development of Culture”.

Gaudium et Spes 53 is titled “Introduction”.

Gaudium et Spes 53, 1 affirms the connection of human nature and culture.

Gaudium et Spes 53, 2 describes the expression culture by listing man’s social agencies for organizing societies and institutions, economic agencies like labor and knowledge, and communicative and spiritual agencies.

Gaudium et Spes 53, 3 takes note of cultural pluralism “Different styles of life and multiple scales of values arise from the diverse manner of using things, of laboring, of expressing oneself, of practicing religion, of forming customs, of establishing laws and juridic institutions, of cultivating the sciences, the arts and beauty”. *Gaudium et Spes* views culture as principally progressing, developing the whole human family and promoting civilization. Genders are not visible in this description of culture within the historical context of the Council Fathers, who consent to a text whose authors are predominantly white, male celibate European Catholic theologians and bishops.

Gaudium et Spes 54–56 is entitled “Section 1: The circumstances of Culture in the World of Today”.

Gaudium et Spes 54 is titled “New Forms of Living” and tries to explicate the changes of culture that *Gaudium et Spes* 4–10 had evoked. Advances of social sciences, technical progress, new forms of production due to new forms of communication, industrialization and urbanization, a new mass culture, and increasing international

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commerce promote the unity of the human race and preserves the different civilizations. The Second Vatican Council describes elements of what we call globalization. The Council's perspective is from a Western civilization that dominated the world with brutal colonialism that destroyed cultures and economies. Religious imperialism from the Christian religions legitimated the submission of continents to European empires. Within the historic context of colonialism, Western civilization shows itself not as peaceful but as belligerent, greedy, abusive and destructive. Western civilization covered the world with two World Wars. The German Nazis and their European accomplices used their civilization of modern science and technologies for the industrial extinction of 6 million Jews, of Sinti and Roma, of political enemies and Slavic ethnics. Why did the Roman Catholic hierarchy not encourage the faithful in Germany and Austria to resist Nazism? Why did the Catholic faithful women, men and queer not collectively organize and fight the Nazis? They were not empowered to follow their conscience and realize their protest. They were empowered to obey their bishops and the authorities; they were not empowered to realize their dignity. Communism in China and the Soviet Union terrorized with their civilization of oppression and dictatorship half of the world. Women, men and queer from the United States, South America and Europe pioneered the international movement for Human Rights. A few decades later, US governments supported dictators in South America and forcefully imposed on the whole world their rules for trade and commerce.

The Council Fathers do not speak of a plurality of cultures any more, they are not aware of the perishing of traditional cultures of many ethnics groups and people, of international trade wars and wars for dominance. There is no word on the culture of exploitation and greed, of the culture of poverty and misery and of deprivation within inhumane living conditions that exposes oppressed women and children to misery and death. The critique of the unilaterally positive outlook on the cultural development of the West and the critique of Eurocentrism of *Gaudium et Spes* are part of the redaction process of the document itself. A few theologians expressed this critique in the commissions or communicated it to the editors (Turbanti 2001, 64).

Gaudium et Spes 55 is titled "Humanity, Author of Culture" and affirms "an increase in the number of men and women who are conscious that they themselves are the authors and the artisans of the culture of their community. Throughout the whole world

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there is a mounting increase in the sense of autonomy as well as of responsibility". All this gives birth to a "new humanism".

Gaudium et Spes 56 is titled "Difficulties and Duties". *Gaudium et Spes* 56, 1 speaks of hopes and of anxieties of modern man. *Gaudium et Spes* 56, 2 finally acknowledges that the encounter of cultures destroys the cultures of peoples who are not offered dialogue and respect. *Gaudium et Spes* 56, 3–6 ask how scientific progress and technological development may contribute to a new humanism. *Gaudium et Spes* 56, 7 all of a sudden presents the "fraternally united Christians" as partners in the construction of this new humanism. The post-conciliar development will show quite the contrary, the Roman Catholic Church will develop a growing split between the hierarchy and the faithful, institutional religion constantly loses cultural competence and religiosity turns subjective and individual.

There is no awareness of the necessity to study the influence of the described changes and anxieties, of the growing autonomy and self-responsibility of the Catholic faithful on the hierarchical society of the Roman Catholic Church. There is no awareness of the great exodus of priests, lay women and men and queer from the culture of dominance of the religious institution Roman Catholic Church that had started in the last years of the Council and grew to a mass phenomenon in the decades that followed the Council.

Gaudium et Spes 57–59 are titled "Section 2: Some Principles for the Proper Development of Culture".

Gaudium et Spes 57 is titled "Faith and Culture". *Gaudium et Spes* 57, 1 demands that the Catholic faithful "work with all men in the building of a more human world". Many Catholic women, men and queer actually realize the social choice working for the equal dignity, liberty and rights of all women, men and queer, but they chose to do so independently from the institution of the Roman Catholic Church.

Gaudium et Spes 57, 2–4 issue a naïve Christian catechesis.

Gaudium et Spes 57, 2 affirms Go'd's call to man "that he should subdue the earth, perfect creation and develop himself" and that man "obeys the commandment of Christ that he place himself at the service of his brethren". *Gaudium et Spes* 57, 3 links the development of modern science to "that marvelous Wisdom which was with God from all eternity" without explaining this link. *Gaudium et Spes* 57, 4 affirms that "the human

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spirit” – whatever the Council means with this expression – by grace is disposed “to acknowledge the Word of God”.

Gaudium et Spes 57, 5 discovers the reality of agnosticism. *Gaudium et Spes* 57, 6 acknowledges the positive values of modern science as “preparation for the acceptance of the message of the Gospel”. Science is valued as pre-school for preaching the Gospel.

Gaudium et Spes 58 is titled “Relations Between Culture and the Good News of Christ”. *Gaudium et Spes* 58, 1 affirms that God “has spoken according to the culture proper to each epoch”, that God speaks to women, men and queer of every culture and in every epoch is not considered by the Council that keeps an exclusively Christian perspective.

Gaudium et Spes 58, 2 tries to make the reader believe that the Catholic Church always had respected and respects the different cultures of the people and nations where she preached the Gospel.

Gaudium et Spes 58, 3 claims that the Church is able of staying “faithful to her own tradition” and at the same time “she can enter into communion with the various civilizations, to their enrichment”. I fear the “own tradition” of the Roman Catholic Church is the tradition of the Latin West and communion with various civilizations remains a goal to achieve.

Gaudium et Spes 58, 4 professes that “the Gospel of Jesus Christ” makes fruitful “the spiritual qualities and traditions of every people of every age” and pledges that preaching and living the Gospel constitutes the function of the Roman Catholic Church. There is no way of holding the Council Fathers accountable for their claims of contributing to “civic culture”. How does the Roman liturgy bring about “inner liberty”?

Gaudium et Spes 59 is titled “Proper Harmony Between Forms of Culture”.

Gaudium et Spes 59, 1 demands “to develop the human faculties in such a way that there results a growth of the faculty of admiration, of intuition, of contemplation, of making personal judgment, of developing a religious, moral and social sense”. These capabilities are necessary for realizing “the integral perfection of the human person, to the good of the community and of the whole society”. All the above sounds very beautiful, even fifty years after the promulgation of the text. Nevertheless, the text does

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not answer the question of how the Council Fathers want to bring about this development of character in history.

Gaudium et Spes 59, 2 affirms the liberty of the human arts, of science and of the autonomy of culture. *Gaudium et Spes* 59, 3 continues affirming the liberty of expression before again oppressing all the above liberties by “the limits of morality and the common utility” that are imposed by the teachings of the hierarchy of the Roman Catholic Church. *Gaudium et Spes* 59, 4 speaks on “public authority” as guarantee of the necessary conditions for cultural development.

The Second Vatican Council is not capable of proclaiming, “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood” (UDHR 1). The Council cannot affirm the conjunctive claim “Everyone has the right to freedom of thought, conscience and religion” (UDHR 18). The Roman Catholic Church does not affirm “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” (UDHR 19). *Gaudium et Spes* claims the autonomy of culture but ignores Human Rights as validity-condition for the claim.

Gaudium et Spes 60–62 is titled “Section 3: Some more urgent Duties of Christians in Regard to Culture”.

Gaudium et Spes 60 is titled “Recognition of Everyone’s Right to Culture and its Implementation”.

Gaudium et Spes 60, 1 actually affirms the duty of Christians to realize “the right of all to a human and social culture in conformity with the dignity of the human person without any discrimination of race, sex, nation, religion or social condition” and is aware that illiteracy and ignorance prevent the realization of that right. Consequently, *Gaudium et Spes* 60, 2 demands from Christians to enable effective access to higher education for young “men”. Women and queer are not mentioned.

Gaudium et Spes 60, 3 claims access of “farmers and workers” to cultural development. The Council takes notice that “Women now work in almost all spheres”. At the same time the Council anxiously binds women to household and upbringing of

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children as “their proper role in accordance with their own nature” without recognizing the contradiction of this sexist determination of a “nature” with the claim of cultural participation without “any discrimination of sex” in *Gaudium et Spes* 60, 1.

Gaudium et Spes 61 is titled “Cultural Education”.

Gaudium et Spes 61, 1 suffers from adapting to cultural pluralism and from not knowing how to deal with plurality within culture. *Gaudium et Spes* 61, 2 recognizes the family as primary educator. *Gaudium et Spes* 61, 3 speaks of social communication, of leisure time and sports, of reading books, of tourism and of reduced working time as opportunities for the cultural development of the individual. The Council is not aware that it addresses itself to the Western way of life of capitalism and forgets about the real living conditions of most women, men and queer. “A profound inquiry into the meaning of culture and science for the human person” as claimed in *Gaudium et Spes* 61, 4 has to consider the living conditions of all women, men and queer and not only the leisure time of rich Westerners living in the Northern hemisphere.

Gaudium et Spes 62 is titled “Proper Harmony between Culture and Christian Formation”.

Gaudium et Spes 62, 1 affirms that the confrontation with culture enables a “more accurate understanding of the faith”. The Council Fathers treat “The Deposit of the faith” and the “truths of faith” as timeless and out of reach of the evolution of cultures in history. At the same time, the Council speaks of the communication of the Christian faith within culture. Why is it so difficult for the Roman Catholic Church to admit to constantly changing the expressions and descriptions of the Deposit of the faith during the course of history?

Gaudium et Spes 62, 3 recognizes “the arts and literature” as important elements of culture. *Gaudium et Spes* 62, 4 recognizes the artists and welcomes works of arts in the sanctuaries according to the prescriptions of *Sacrosanctum Concilium* 123. *Gaudium et Spes* 62, 5 even claims “a better knowledge of God” through the experience of art. *Gaudium et Spes* 62, 6 encourages the faithful Catholics to communicate with contemporary art and exchange as long as “the teaching of Christian doctrine” is guaranteed. *Gaudium et Spes* 62, 7 encourages theologians culturing “close contact with its own time” in order to “attain to a better understanding of the faith”. This helps the education of priests and Christians as *Optatam Totius* and

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Gravissimum educationis have affirmed. The laity is encouraged to engage in theological studies. Roberto Tucci, chief editor of *La Civiltà Cattolica*, that is the Jesuits' semi-official journal of the Vatican, testifies as senior member of the sub-commission working on the appendix on culture that overcoming the hierarchy's "horror of a laity teaching theology" was a big success and in interest of the Council Fathers (Tucci 1968, 483). There is reference to *Lumen Gentium* 4 and 37 in order to legitimate that the laity teaches theology. *Lumen Gentium* 4 and 37 generally pay attention to the laity, but do not speak of the laity teaching theology. The Archbishop Michele Pellegrino from Turin, had demanded in the aula of the Council to affirm the freedom for research in theology for priests and the laity (ibid, 484). The text speaking of "the Christian freedom" was changed to "lawful freedom" in the last days of the redaction, due to the intervention of a Council Father who feared for the orthodox signification of the term freedom (ibid).

Hans-Joachim Sander explains the one-sidedly positive presentation of contemporary culture by the Council Fathers as an expression of effusive joy and relief that a century of Roman papal condemnation of all modern culture has ended with Pope John XXIII (Sander 2005, 780). The exuberance of positive descriptions of contemporary culture in this second chapter of the second part of *Gaudium et Spes* corresponds to the exuberant qualification as heretic and Antichrist that was accompanied by a complete censorship for theologians to constructively deal with modernity. *Gaudium et Spes* does not fight any more for a proper "Christian culture" that does not touch the corrupted and sinful cultural spheres of the modern world but constitutes a "Christian society" and counter culture (ibid). *Gaudium et Spes* accepts that the Roman Catholic Church is part of the world and lives within the world. Only at the very end of the Second Vatican Council, the Roman Catholic Church develops some elements for a concept of the relationship of the faithful in this world with the world and promulgates the Decree on the Mission activity of the Church *Ad Gentes* on December 7, 1965. Most of the Catholic faithful women, men and queer do not experience difficulties living as Christians in the world or living with their faith in the world. The hierarchy of the Roman Catholic Church has not yet developed a concept for living as faithful in the world. The hierarchy is not aware of constituting a closed society that is principally separated from the world by refusing to accept and proclaim the equal dignity, freedom and rights of all women, men and queer in this world. At the same time, the Council Fathers are aware of the necessity to adapt the teachings of the society of the Church to the needs

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of world. A clear analysis has to affirm that a monarchical society cannot adapt to an egalitarian community of the People of God without converting from the monarchic principle of government to the government of the Law of the Spirit with the social, institutional and structural realization of the threefold commandment of love of the Lord Jesus Christ.

The whole chapter on culture counts three references to the Bible. One reference is to the New Testament (*Colossians* 3, 1–2), a very late writing and really used without paying attention to the context of *Colossians*. Two references are to the Hebrew Bible (*Genesis* 1, 28 and *Proverbs* 8, 30–31), and again, the reference is not caused by an interest in biblical theology. There is no biblical theology of culture in the whole chapter on culture of *Gaudium et Spes*. There are references to the First Vatican Council, there are references to popes of the 20th century CE, and there is a reference to the Church Father Irenaeus, who cites *John* 1, 9–10. What does a culture of the realization of the just world of God look like? We need an answer to this question.

Chapter Three *Gaudium et Spes* 63 – 72.

Gaudium et Spes 63 – 72 is titled “Economic and Social Life”.

Gaudium et Spes 63 is titled “Some Characteristics of Economic Life Today”.

Gaudium et Spes 63, 1 affirms “In the economic and social realms, too, the dignity and complete vocation of the human person and the welfare of society as a whole are to be respected and promoted”. *Gaudium et Spes* 63, 2 assesses “man’s increasing domination over nature” and elements of a globalized economy. *Gaudium et Spes* 63, 3 deplores the “exclusive economic thinking” in “collective economies and others”. The Council does not use the expression capitalist. No social encyclical has so far used the expression capitalist. There are “reasons for anxiety”. “While a few enjoy very great power of choice, the majority are deprived of almost all possibility of acting on their own initiative and responsibility, and often subsist in living and working conditions unworthy of the human person”.

Gaudium et Spes 63, 4 describes the imbalance between a minority of rich and the majority of poor countries, between the poor and the rich within a country and between agriculture and industrial production and other services.

Gaudium et Spes 63, 5 assesses “Our contemporaries are coming to feel these inequalities with an ever sharper awareness”. The Church has reacted and the Council

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reacts “and in the light of the Gospel has worked out the principles of justice and equity demanded by right reason both for individual and social life and for international life”.

Gaudium et Spes 64 is titled “Economic Development in the Service of Humanity”. It affirms, “The fundamental finality of this production is not the mere increase of products nor profit or control but rather the service of man, and indeed of the whole man with regard for the full range of his material needs and the demands of his intellectual, moral, spiritual, and religious life”. A reference to *Luke* 16, the teaching of Jesus on the use of money, and the parable of the rich man and Lazarus underscore the dangers of material wealth.

Gaudium et Spes 65 is titled “Economic Development Under Man’s Direction”.

Gaudium et Spes 65, 1 claims the capability of economic development for every individual and every state. *Gaudium et Spes* 65, 2 criticizes the uncontrolled freedom of individuals and “the collective organization of production” that “subordinate the basic rights of individual persons”. *Gaudium et Spes* 65, 3 encourages citizens “to contribute to the true progress of their own community according to their ability”.

Gaudium et Spes 66 is titled “An End to Excessive Economic and Social Differences”.

Gaudium et Spes 66, 1 demands “removing economic inequalities”, and “a fair income for country people working in agriculture”. *Gaudium et Spes* 66, 2 claims “When workers come from another country or district and contribute to the economic advancement of a nation or region by their labor, all discrimination as regards wages and working conditions must be carefully avoided”. *Gaudium et Spes* 66, 3 claims for working individuals “the appropriate technical and professional formation” and “The livelihood and the human dignity especially of those who are in very difficult conditions because of illness or old age must be guaranteed”.

Gaudium et Spes 67–72 is titled “Certain Principles Governing Socio-Economic Life as a Whole”.

Gaudium et Spes 67 is titled “Work, Working Conditions, Leisure”>

Gaudium et Spes 67, 1 claims that human labor is superior to the production of goods or services. *Gaudium et Spes* 67, 2 affirms that by labor “a man ordinarily supports himself and his family” and claims “the right to work”. There is no word on the women and queer supporting themselves and their families. We find attention to men and

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women in *Gaudium et Spes* 67, 3 “Since economic activity for the most part implies the associated work of human beings, any way of organizing and directing it which may be detrimental to any working men and women would be wrong and inhuman”. Workers and employed “should also all enjoy sufficient rest and leisure to cultivate their familial, cultural, social and religious life”.

Gaudium et Spes 68 is titled “Co-Responsibility in Enterprise and in the Economic System as a Whole; Labor Disputes”.

Gaudium et Spes 68, 1 claims in coherence with the social teachings of the Church. “Therefore, with attention to the functions of each—owners or employers, management or labor—and without doing harm to the necessary unity of management, the active sharing of all in the administration and profits of these enterprises in ways to be properly determined is to be promoted”. The right of the employees to elect representatives for defending their interests is affirmed.

Gaudium et Spes 68, 2 affirms “Among the basic rights of the human person is to be numbered the right of freely founding unions for working people”.

Gaudium et Spes 68, 3 legitimates the instrument of strikes for settling peacefully arising “socio-economic disputes”.

Gaudium et Spes 69 is titled “Earthly Goods Destined for All”.

Gaudium et Spes 69, 1 claims with the social teaching of the Church “under the leadership of justice and in the company of charity, created goods should be in abundance for all in like manner”. The Council dares affirming “If one is in extreme necessity, he has the right to procure for himself what he needs out of the riches of others”, but immediately takes precautions against any form of revolution.

Gaudium et Spes 69, 2 describes that “absolutely necessary things are furnished to each member” of a traditional community by their respectful customs and by social institutions to the members of an advanced society.

Gaudium et Spes 70 is titled “Investment and Money” and claims “Investments, for their part, must be directed toward procuring employment and sufficient income for the people both now and in the future”.

Gaudium et Spes 71 is titled “Ownership, Private Property, Large Estates”.

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Gaudium et Spes 71, 1 claims “that the access of both individuals and communities to some ownership of external goods be fostered”. *Gaudium et Spes* 71, 2 affirms “Private property” is necessary for “the autonomy of the person and the family”, for “human freedom”, and for “civil liberties”. *Gaudium et Spes* 71, 3 assesses the increased diversification of property and “professional capacities”. *Gaudium et Spes* 71, 4 affirms that private ownerships and public property have to work for the common good. *Gaudium et Spes* 71, 5 insists on the “social quality” of private property. *Gaudium et Spes* 71, 6 protests that in “underdeveloped regions there are large or even extensive rural estates” and masses of poor people who receive from the rich landowners an “income unworthy of a human being”.

Gaudium et Spes 72 is titled “Economic and Social Activity and the Kingdom of Christ” and affirms “Christians who take an active part in present-day socio-economic development and fight for justice and charity should be convinced that they can make a great contribution to the prosperity of mankind and to the peace of the world”. There is no mentioning of Human Rights and the fight for the realization of the rule of Human Rights law. There is a lot of reference to the New Testament, but the love of justice must not disturb the “right order” of the Gospel. We are not told more about that right order. I suspect that the “right order” consists in submission to the Church authorities who lobby the authorities of the nation state according to the principles of the social teaching of the Church. The social teaching of the Church does not only defend the employed and their right to strike, but defends also the employees and the right of the management to threaten unjustified striking workers with a lockout (Nell-Breuning 1968a, 504). Nell-Breuning criticizes the text for not mentioning the employees and their proper functions. He empathizes with the employees who insist that they are workers too and at times have considerably more responsibility than the employed, especially when they need to finance their investments (ibid, 505). This concept corresponds to the outdated balancing efforts of the German Catholic bishops. The bishops have lost their influence on the German parliament because the Catholic Church has lost her influence on society considerably (Sander 2005, 789). According to Sander, the social model of the French worker priests that guided the French authors of the text, is equally outdated (ibid, 790). The French fought for the empowerment of the employed to defend their dignity, freedom and rights and claimed that lockouts should be made illegal. Sander is right; there were only about 80 active worker priests living in France in 2005.

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Amid the 10 references to the New Testament at the end of the last sentence of *Gaudium et Spes* 72, there are two references to the threefold commandment of love of Jesus Christ. There is a reference to *Mark* 12, 29–31 and a reference to *Luke* 10, 30 – 37 that is the Parable of the good Samaritan. Jesus exemplifies with the parable the threefold commandment of love of *Luke* 10, 25–28 for the insisting lawyer. There is no reference to *Matthew* 22, 37–40 and none of the 10 references to the New Testament of the footnote at the end of *Gaudium et Spes* 72 gets further attention from the Council Fathers. They did not bother to relate the verses of the New Testament to the theme of *Gaudium et Spes* that is titled “Economic and Social Activity and the Kingdom of Christ”. Jesus Christ tells in the parable of the good Samaritan that he relates to the woman, man and queer whom he encounters on his way of life with love, with mutual respect and empathy, with the capability to relate in a way that “proves to be a neighbor” to the woman, man or queer. The Council Fathers do not invite to accept the offer of Jesus Christ for a mutual loving relationship; instead, they claim that we have to obey before being able to love. “Whoever in obedience to Christ seeks first the Kingdom of God, takes therefrom a stronger and purer love for helping all his brethren and for perfecting the work of justice under the inspiration of charity” (*Gaudium et Spes* 72). The parable of the good Samaritan and the whole life of Jesus Christ prove that the economy of salvation of Jesus Christ functions the other way around: First there is the love of Go’d, then we are invited to join the way of the just world of Go’d.

The ascetic aristocrat Nell-Breuning (1890 – 1991), native of Treves as Karl Marx, whom he had studied carefully, developed his crystal-clear intellect with disciplined work, a shy and eremitic life style and a sense of serving combined with a persistent self-confidence in his superior analytic capabilities. From 1984 to 1987, I was member of the Jesuit community with Nell-Breuning in Frankfurt and witnessed how his academic colleagues feared him for his acid critiques and that his students highly respected his mastery of socioeconomic ethics. Unassumingly and insistingly, he deconstructs the Council Fathers’ preaching of works righteousness. He cites the French draft of the paragraph *Gaudium et Spes* 72, 2. “Quiconque, à l’exemple du Christ, cherche d’abord le Royaume de Dieu, y trouvera un amour plus fort et plus pur pour aider ses frères et pour accomplir ainsi une oeuvre de justice, sous l’impulsion de l’amour” (Nell-Breuning 1968a, 515). Nell-Breuning observes that *Gaudium et Spes* 72, 2 speaks two times of love, whereas the Latin translation of the French draft speaks of love of Christ and then of justice as a work of charity (ibid). The French draft is clear,

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“Whoever seeks first the Kingdom of God, there finds a stronger and purer love for helping his brothers and thereby fulfils a work of justice, under the impulse of love”. The French draft identifies the solidarity with ones’ brothers that is with all fellow neighbors, as fulfillment of a work of justice out of love. The Latin text and all translations speak of two different acts, an act of solidarity and an act of virtue (ibid). Nell-Breuning corrects, the help for the brothers is a work of justice fulfilled under the impulse of love and dryly proposes an economy of salvation using the terms of the Aquinas (ibid). The socioeconomic agency of the loyal followers of Jesus Christ, who first seek the Kingdom of God, has to be considered contemporarily as the realization of two acts. There is an act as a social choice for realizing justice (*actus elicitus virtutis iustitiae*) that is also an act under the influence of the special inner motivation that is love (*actus imperatus virtutis caritatis*) (ibid). Nell-Breuning succeeds in expressing with medieval terms the modern cooperation of religious faith (love motivates solidarity) with the secular liberal Democracy (social realization of justice). Nell-Breuning does not speak of discourse-theory but I am sure that Habermas preferred the discussion with Nell-Breuning to the discussions with confused followers and hollow Catholic critics of discourse-theory. Habermas discussed 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)

Nell-Breuning affirms that developing a theology of economy is a difficult task (Nell-Breuning 1968a, 516). He suggests reflecting on a theology of the economic and social life in connection with the following numbers of *Gaudium et Spes*. *Gaudium et Spes* 6, 8 and 9. *Gaudium et Spes* 52 on the family, *Gaudium et Spes* 56, 57 and 60 on culture, *Gaudium et Spes* 73 and 75 from chapter IV on the Political Community, and *Gaudium et Spes* 83, 85–88 from chapter V on Peace and Establishment of a Community of Nations (ibid). *Gaudium et Spes* 9, 1 claimed “that it devolves on humanity to establish a political, social and economic order which will growingly serve man and help individuals as well as groups to affirm and develop the dignity proper to them”.

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The Council Fathers cite from the threefold commandment of love of Jesus Christ but do not proclaim the human laws of the UDHR that proclaim equal personal dignity and liberty and rights. The Council Fathers do not accept the invitation of the UDHR to safeguard and further develop Human Rights. The drafting process of the UDHR achieved an immense work of concentration. Finally, the UDHR counts 30 articles. Civil, legal, and political rights preceded in the late eighteenth-century economic, social, and cultural rights that emerged in the nineteenth and twentieth centuries (Gibson 1996, 7). So far the text of *Gaudium et Spes* touches some social and cultural rights, but does not really proclaim them as rights. The Council Fathers did not want to collaborate with the United Nations and did not proclaim the UDHR.

UDHR 15, 1 proclaims, “Everyone has the right to a nationality”. I do not see any difficulty for the Council Fathers affirming this right. UDHR 16 proclaims the right to a family, UDHR 17 proclaims “(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.” This compromise on property between the capitalist and the communist way of organizing an economy of the UDHR is very similar to the affirmations of *Gaudium et Spes* 71. There is no equivalent in *Gaudium et Spes* to UDHR 19 that proclaims the right to freedom of speech and a free press “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. UDHR 22 proclaims the right to social security. UDHR 23 proclaims the right to work, to equal pay for equal work, the right to an existence worthy of human dignity, and the right to form and to join trade unions. UDHR 24 proclaims the right to leisure, limitation of working hours, periodic holidays with pay. UDHR 25, 1 proclaims the right to health and food “Everyone has the right to a standard of living adequate for health and well-being of himself and his family, including food, clothing, housing and medical care and social services”. UDHR 25, 2 proclaims the right that motherhood and childhood are entitled to special care and assistance. UDHR 26 proclaims the right to education. UDHR 27 proclaims the cultural rights “(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.” UDHR 28 proclaims “Everyone is entitled to a social and international order in which the rights

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and freedoms set forth in this Declaration can be fully realized.” UDHR 29 states the equation of individual rights within the context of rights of others and the public order of the state. UDHR 30 proclaims “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.” The Council Fathers seek the context of the modern world, they claim, “The joys and the hopes, the griefs and the anxieties of the men of this age” are “the joys and hopes, the griefs and anxieties of the followers of Christ” (*Gaudium et Spes* 1). However, to this day, just as the Council Fathers the whole hierarchy of the Roman Catholic Church is incapable of recognizing the UDHR as a fundamental element of the joys and the hopes, the griefs and the anxieties of the women, men and queer of this age.

Chapter Four *Gaudium et Spes* 73 – 76.

Gaudium et Spes 73 – 76 is titled “The Life of the Political Community”.

Gaudium et Spes 73 is titled “Modern Public Life”. *Gaudium et Spes* 74 is titled “Nature and Purpose of the Political Community”. *Gaudium et Spes* 75 is titled “Participation by All in Public Life” and *Gaudium et Spes* 76 is titled “The Political Community and the Church”.

Both the fourth and fifth chapter of the second part of *Gaudium et Spes* deal with “the political space” (Nell-Breuning 1968b, 517).

Chapter V is titled “The Fostering of Peace and the Promotion of a Community of Nations” and deals with the life between nations and their unity. From this follows that chapter four of the second part of *Gaudium et Spes* deals with the nation state (ibid). *Gaudium et Spes* uses the expression “political community” (Latin: *communitas politica*) as synonymous with the nation state. This use is not only outdated, it is also a “deplorable” step backwards to the 1963 *Encyclical Pacem in Terris* from Pope John XXIII (ibid). *Gaudium et Spes* was not able to grasp the concept of John XXIII who considered the nation states as elements of an evolving unity of all of humanity and not any more as self-sufficient political, civil, and social organization. *Gaudium et Spes* uses the expressions “*communitas politica*”, “*communitas civilis*”, “*res publica*” (*Gaudium et Spes* 73, 2) and “*civitas terrena*” (*Gaudium et Spes* 76, 4) synonymously and calls the inhabitants of that community citizens (Latin: *cives*) (ibid). *Gaudium et Spes* strikingly ignores the new horizon of international relations and rarely cites

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Pacem in Terris. There are two references to *Pacem in Terris* in *Gaudium et Spes* 76, two references in *Gaudium et Spes* 80 and one reference in *Gaudium et Spes* 82 (ibid). There are three references to *Pacem in Terris* in the second chapter of the first part of *Gaudium et spes* (concerning freedom in society and the dignity of the erroneous conscience), and one reference in chapter three (concerning the personal contribution to history). In chapter two of the second part of *Gaudium et Spes* there are three references to *Pacem in Terris* (concerning freedom of information and speech, minorities and realization of cultural capabilities).

Gaudium et Spes is not capable of viewing public life (Latin: *vita publica*) as a world community of nation states that are all possible member states of the United Nations (ibid). *Gaudium et Spes* considers public life within the boundaries of the nation state and ignores developing a theology for the evolving globalized world community. *Gaudium et Spes* does not recognize the supranational authority of the United Nations, and recognizes only the authority of the nation state as public authority (ibid).

Who was responsible for the fact that *Pacem in Terris* was ignored on the important point of affirming a supranational authority? Pavan, an important collaborator on *Pacem in Terris*, had been member of the sub-commission on the socioeconomic life (Moeller 1968, 274). Pietro Pavan (1903–1994) taught moral theology and socio-economic ethics at the Diocesan Seminary at Treviso, Italy and in 1948 became professor at the Lateran University in Rome. His theological interests were the national and international apostolate of the laity, and the relation of Catholic social ethics and democracy (Quisinsky 2013b, 210). He was the most important collaborator of John XXIII on *Pacem in Terris* and *Mater et Magistra* and expert of the Second Vatican Council. He was member of the commission for the apostolate of the laity and in the commission on human dignity (ibid, 211). Did he not realize what was happening in *Gaudium et Spes* 73? De Riedmatten was member of the sub-commission working on peace for *Gaudium et Spes* (Moeller 1968, 274). Did the Dominican diplomat of Pius XII, John XXIII and Paul VI, who succeeded in integrating the Vatican into the international diplomatic life again, not think about the theological development of a supranational authority for world peace? De Riedmatten was a diplomat and the mentality of a diplomat concentrates on the realization of chances and not on thinking about what is very well in theory. He was very well aware of the fact that the Vatican lacked the professional staff to realize an international diplomatic policy. On November

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9, 1963, Congar noted in his diary about a “long and interesting visit from Father de Riedmatten” (Congar 2012, 418). The visitor expressed his doubts as to the Roman Curia “Will there be men, will there be men prepared for internationalization? At the moment, the Curia is pretty well at a standstill”, there is no longer money coming in from the bishops who are discussing at the Council in Rome and not any more present in their dioceses (ibid, 418–19). From Congar’s notes on the visit, we learn that De Riedmatten did not want to proclaim equal dignity, freedom and rights of all women, men and queer as foundation of religious liberty “Everything should not be based on the individual right of the person” (Congar 2012, 419).

Analyzing *Gaudium et Spes* 73, 2, we have to be clear that the Second Vatican Council affirms the right of freedom to assembly and association, the right of freedom of speech and the right of freedom of religion within the context of the nation state (Nell-Breuning 1968b, 517). UDHR 20, 1 proclaims for the whole world “Everyone has the right to freedom of peaceful assembly and association”. *Gaudium et Spes* 73, 3 affirms “a growing desire among many people to play a greater part in organizing the life of the political community”. Nell-Breuning qualifies as disconcerting the ignorance of women concerning the agency of organizing the life (*Gaudium et Spes* 73, 3) of the political community and to participate in political life (*Gaudium et Spes* 75). Concerning the equal treatment of women and men *Gaudium et Spes* again falls behind *Pacem in Terris* (ibid, 519). *Pacem in Terris* 41 affirms, “Since women are becoming ever more conscious of their human dignity, they will not tolerate being treated as mere material instruments, but demand rights befitting a human person both in domestic and in public life”. There is no such affirmation in *Gaudium et Spes*.

Gaudium et Spes 74, 1 follows the concept of the state according to Aristotle and assesses “Men, families and the various groups which make up the civil community” set up “a political community for the sake of the common good” (ibid, 520). We use the expression common good (Latin: *bonum commune*) in two ways; common good as self-worth and common good as a means (ibid). *Gaudium et Spes* 63, 1 uses the expression common good as self-worth speaking of “the welfare of society as a whole” (Latin: *bonum societatis*) that is the realization of all capabilities that are possible for women, men and queer. We use the expression common good as a means speaking of the necessary possibility conditions that a society or community has to procure for the self-realization of the individual person (ibid). The common good is something like

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the polity of a state and politics that empower the policies of the individual woman, man or queer. Documents of the Roman Catholic Church usually use the expression common good as the service of the nation state for the welfare of society as a whole that is for the full realization of the human qualities of individuals within a nation state (ibid).

The merit of John XXIII consists in widening Aristotle's horizon on the individual state as the conclusive and perfect fulfillment of humanity to a political theory that views the world as a whole, that speaks of a necessary world authority of the United Nations that guarantees peace, justice and freedom (ibid, 521). The Second Vatican Council speaks of the common good of the individual nation state. *Gaudium et Spes* 83 – 93 is titled "Setting Up An International Community", and speaks of this international community as a building that needs to be constructed in the future. This international community does not yet exist and remains for the time being an ideal, not an existing quantity and the Council does not talk about a possible future common good (ibid). In *Gaudium et Spes* 83 – 93 there is no single recurrence of the expression common good. *Gaudium et Spes* 26 speaks of the common good of the entire human family. *Gaudium et Spes* 26, 1 speaks of "an extension of the role of the common good, that is, the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment". Moreover, "Every social group must take account of the needs and legitimate aspirations of other groups, and even of the general welfare of the entire human family". *Gaudium et Spes* 26, 1 assess the necessity of "conditions of social life" for the whole of humanity, that is Human Rights. Yet, the *Second Vatican Council* did not think in the categories of the UDHR. The reference of *Gaudium et Spes* 26, 1 goes to *Mater et Magistra*, but not to *Pacem in Terris* 143 that praises the proclamation of the UDHR as "An act of the highest importance". *Mater et Magistra* 40 speaks with Pope Pius XI of an international juridical order. *Mater et Magistra* 60 speaks of international movements. *Mater et Magistra* 80 speaks of "The demands of the common good on the international level", there is talk of international aid (*Mater et Magistra* 161–165), and of international relations and world peace (*Mater et Magistra* 171), but there is no affirmation of an international community in *Mater et Magistra*.

Gaudium et Spes 75 speaks of the "Participation by All in Public Life" that is of democracy (Nell-Breuning 1968b, 523). The School of Salamanca had established the

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principle of the sovereignty of the people in the 16th century CE by theologians like Vitoria and Suárez. The people still lacked education and information to exercise this sovereignty by themselves; they had to delegate the realization of the sovereignty of the people to representatives of the upper classes (ibid). De las Casas wrote in the 16th century on the inherent freedom of the individual that must not be taken away by anybody (Pérez Luño 1990). The official Roman Catholic Church fought against the principle democracy, Pope Pius XII tolerated the democratic state order of the victorious US power for practical reasons but did not embrace democracy as his preferred form of government (ibid, 524). Nell-Breuning dryly comments on *Gaudium et Spes* 75 that the whole *Pastoral Constitution Gaudium et Spes* did not make her own democracy, democratic structures and the doctrine of the sovereignty of the people for the government of a nation state (ibid). Silently the Council accepts democracy as a reality of modern life, not more (ibid). *Gaudium et Spes* 76 makes clear that the Roman Catholic Church talks to the individual nation state as her interlocutor in the world. Concerning the international community the Roman Catholic Church contents herself with “active presence” as *Gaudium et Spes* 89 assesses (ibid, 517).

A footnote absorbs the great pains of Nell-Breuning for controlling his calm and manners, when he rejects the majestic claim of the last sentence of *Gaudium et Spes* 76. The mission and duty of the Church is not to foster all that is good, beautiful and “strengthens peace among men for the glory of God” (*Gaudium et Spes* 76, 6). Nell-Breuning remembers the historic failure of the Roman Catholic Church of the 19th century. The Church ignored the existential need for human working and living conditions of the millions of women and men of the emerging working class (ibid, 532).

Bishop Wilhelm Emmanuel von Ketteler (1811–1877) of Mainz encouraged the German Catholics to organize politically and take active part in political life, and developed the theological teaching of social justice of the *Encyclical Rerum Novarum*. In 1848, he was elected member of the Frankfurt National Assembly, he defended the freedom of the Church from state interventions and criticized piously preaching Church authorities who did not care for the social deprivation and precarious economic conditions of the proletariat^{xvi}. Concerning *Gaudium et Spes* 76, Nell-Breuning claims with bishop Ketteler that it is the duty of the Church to empower and capacitate the

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people to live a human life that is worth that name; promoting the Christian faith is secondary, and follows when all enjoy a life in dignity (ibid, 532).

Chapter Five *Gaudium et Spes* 77–93.

Gaudium et Spes 77–93 is titled “The Fostering of Peace and the Promotion of a Community of Nations”.

Gaudium et Spes 77 is titled “Introduction” and claims “the Council wishes passionately to summon Christians to cooperate, under the help of Christ the author of peace, with all men in securing among themselves a peace based on justice and love and in setting up the instruments of peace”. The Council encourages the Christians and all men – 50 years after the promulgation of *Gaudium et Spes* the Catholic Church still refuses gendering and to recognize the equal dignity, freedom and rights of women, men and queer – to collaborate for peace. The Council does not empower the Christians for realizing this peace. There is a pastoral claim; there is a teaching but no prophetic agency. The pastoral is prophetic, and the prophetic is pastoral and *Gaudium et Spes* often forgets about this conjunction (Coste 1968, 544). Coste is right, Jesus was healing and thereby realized the proclamation of the just world of Go’d and Jesus taught the just world of Go’d and thereby healed.

Gaudium et Spes 78 is titled “Nature of Peace” and affirms that peace is the result of justice, that “is a structured order of human society”. There is no word on how this structure looks like. Facing the possible threat of humanity’s destruction by her own hands, it is not enough to remember Augustine’s reflection on peace from the Antiquity (ibid, 545). There is no hint at a polity for this world order, there is only the hollow demand for the individual “to do in love what the truth requires” (*Gaudium et Spes* 78, 4). *Gaudium et Spes* 78, 5 “praises those who renounce the use of violence in the vindication of their rights” but refrains from proclaiming the principle of non-violence as fundamental to the teaching of Jesus Christ (ibid, 547). Coste affirms that the Roman Catholic Church during centuries has ignored the non-violent way of Jesus Christ and defended the concept of a just war; Cost calls this ignorance of Jesus’ will and realization of non-violence as a fundamental Christian norm, a scandal (ibid).

Gaudium et Spes 79–82 is titled “Section 1: The Avoidance of War”.

Gaudium et Spes 79 is titled “Curbing the Savagery of War” and proposes to reduce the violence of wars and violence from wars, but does not proclaim Christ’s Gospel of

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non-violence and does not explicitly and principally condemn starting a war of aggression (Coste 1968, 555). *Gaudium et Spes* 80, 3 and 4 finally condemn total war “Any act of war aimed indiscriminately at the destruction of entire cities of extensive areas along with their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation” (*Gaudium et Spes* 80, 4). *Gaudium et Spes* 81 is titled “The Arms Race”. There is a tolerance of atomic deterrence “to possible enemy attack” (*Gaudium et Spes* 81, 1). There are many negative attributes for the arms race but there is no outright condemnation of the arms race in *Gaudium et Spes* 81 (Coste 1968, 557).

Gaudium et Spes 81, 4 affirms that for “outlawing war” there is necessity “of some universal public authority acknowledged as such by all and endowed with the power to safeguard on the behalf of all, security, regard for justice, and respect for rights”. The Council assesses that this “universal public authority” does not yet exist and refrains from claiming the establishment of such an authority. Again, *Gaudium et Spes* takes a step back from *Pacem in Terris*. This encyclical of John XXIII serves at the end of *Gaudium et Spes* 81, 4 as legitimation for the claim to an end of the nuclear arms race through treaties of mutual disarmament.

Gaudium et Spes 82 is titled “Total Outlawing of War: International Action to Prevent War”. *Gaudium et Spes* 82, 1 morally appeals to “the good will of the very many leaders who work hard to do away with war” but does not claim an international authority, government and legislation that prohibit war and have the power for sanctioning offenders of the law.

Gaudium et Spes 83–93 is titled “Section 2: Setting up an International Community”. The Latin title does not speak of a setup but of a task of building such an international community. The Second Vatican Council does not participate in the building of an international community, as Pope John XXIII had demanded in *Pacem in Terris*. The Second Vatican Council and *Gaudium et Spes* did not develop a political theory that considers the nation states as elements of an evolving unity of all of humanity and did not adopt the demand of John XXIII to actively engage in building this international community:

“It is therefore our ardent desire that the United Nations Organization — in its structure and in its means — may become ever more equal to the magnitude and nobility of its

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tasks. And may the time come as quickly as possible when every human being will find therein an effective safeguard for the rights which derive directly from his dignity as a person, and which are therefore universal, inviolable and inalienable rights" (*Pacem in Terris* 145).

The Second Vatican Council continued viewing the nation state as a self-sufficient political, civil, and social organization, refused any thought on a supranational authority and simply ignored the United Nations. *Gaudium et Spes* is not capable of viewing public life (Latin: *vita publica*) as a world community of nation states that are all possible member states of the United Nations (Nell-Breuning 1968b, 517).

Gaudium et Spes 83 lists "human envy, distrust, pride, and other egotistical passions" as individual causes of discord and as causes of discord "in the relations between various nations" and demands to "work tirelessly for the creation of organizations which will foster peace". There is no reference to the United Nations; there are many vague references to international organizations in general. The Council forgets about the historic cause of the foundation of the United Nations that was the end of World War II and the end of the Nazi terror on the world. *Gaudium et Spes* 84 calls on the international community to promote for developing countries "food supplies, health, education, and labor". *Gaudium et Spes* 85 speaks again of the necessity for economic international cooperation. *Gaudium et Spes* 86 sets out some norms for helping developing nations, but does not develop a policy strategy for this development and does not address the United Nations. *Gaudium et Spes* 87 points at the problem of population growth in developing countries and rightly analysis that a policy of distribution is not able to solve the problem and that the developing countries are in need of production capabilities. *Gaudium et Spes* 88 calls the Christians of the rich countries to go helping the people in the developing countries. *Gaudium et Spes* 89 encourages the faithful, "the men and Christians" to "collaborate with the international community" without naming the members of this community. *Gaudium et Spes* 90 is titled "Role of Christians in International Organizations" and continues with an ethic for individuals. The Council does not demand any action from the government of the Roman Catholic Church or taking any initiative in relationship to the United Nations. The Roman Catholic Church as a society of absolutist monarchic rule contents herself with an "active presence" in the international community but does not join in the construction of the United Nations, as Nell-Breuning acidly remarks (Nell-Breuning

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1968b, 517). Nell-Breuning deplores that *Gaudium et Spes* 84–90 deal with the situation of the developing countries exclusively from an economic perspective. Although poverty justifies this focus, Nell-Breuning points at *Pacem in Terris* 98 and 140 that deal with development in a holistic perspective that includes economic, social, political, and cultural aspects, as health and sport (Nell-Breuning 1968c, 562).

Since 1964, the Holy See has permanent observer status at the United Nations, and “The Holy See Mission at the United Nations in New York follows attentively and with interest the work of the United Nations Organization”^{xvii}. In 2020, the Vatican still affirms, “the Holy See Mission works to advance freedom of religion and respect for the sanctity of all human life – from conception to natural death – and thus all aspects of authentic human development” (ibid). “Authentic human development” means for the Vatican development without a social choice in artificial birth control, abortion and divorce (ibid) This is one reason why in 2020, the Vatican is still unable to join the United Nations.

Gaudium et Spes 91–93 are titled “Conclusion. Role of Individual Christians and of Local Churches”.

Gaudium et Spes 91 affirms that the teachings of the Council Fathers will help “every man to meet the urgencies of our ages”, and although “with matters in a constant state of development”, “we have relied on the word of God and the spirit of the Gospel”. *Gaudium et Spes* 92 affirms “we foster within the Church herself mutual esteem, reverence and harmony, through the full recognition of lawful diversity” and pleads for dialogue between the hierarchy and the faithful. The expression “lawful diversity” refers to Canon Law that insists on the discrimination of women, queer and men faithful in order to foster the power privilege of the hierarchy.

Gaudium et Spes 93 affirms that one may call oneself a Christian “if you have love for one another” (John 13:35), affirms further “Not everyone who cries, ‘Lord, Lord,’ will enter into the kingdom of heaven” but the Council is not ready to affirm the equal dignity, freedom and rights of all women, men and queer faithful or not faithful. For this reason I join the Council Fathers in their prayer to Go’d that concludes *Gaudium et Spes* praying to Go’d “who is able to accomplish all things in a measure far beyond what we ask or conceive” (*Gaudium et Spes* 93, 3).

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7. Decree *Ad Gentes* on the Mission Activity of the Church

7.1. The context of the Catholic mission activity in 2020: The COVID-19 Pandemic

Today, April 27, 2020, I celebrate with my fellow Austrian citizens the institution of the Second Republic of Austria in my apartment due to the exit restrictions imposed by the Federal Government on March 15, 2020 because of the coronavirus disease of 2019 (COVID-19) pandemic. 75 years ago, the head of the provisional government, the Social Democrat Karl Renner proclaimed independence for Austria. The Nazi regime had officially ended, although the killing of Jews still continued in the concentration camp Mauthausen, in the county of Upper Austria; although Nazis were still committing atrocities and war crimes in the country, and the Second World War had not yet ended.

The exit restrictions and protective measures for Austria allow a few reasons to leave the house. These include going to work if necessary but wherever possible, people should work from home by telework. Excluded from exit restrictions are all those who work in areas that ensure supplies in our country and urgent errands, like grocery shopping or to go to the drug store. It is possible to leave the house to help other people who are dependent on help for health reasons. It is also possible to leave the house to get fresh air. Until April 13, 2020, we were not allowed in Innsbruck, Tirol to leave the house for outdoor sports and we were not allowed to travel out of town. The Federal Government further announced that to prevent imminent danger for body, life and property, events will not take place until further notice; restaurants are closed for the consumption of meals and drinks, delivery and self-pickup is allowed. As from April 14, 2020, smaller shops as well as construction markets and garden centers are permitted to open, and the federal gardens reopened. Lessons in schools are interrupted since March 16, 2020. Schools will gradually reopen classes with limited numbers of pupils. Primary and lower secondary schools are only open to those pupils whose parents have to work outside the house and whose children are not supervised at home, or to those pupils whose parents cannot provide care at home for other personal reasons. Universities work from home-office and will stay closed until October 2020. Social distancing, hygienic measures and facemasks are obligatory in the public spaceⁱ.

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To be honest, the lockdown of university and public life enabled me to work on *Gaudium et Spes* with uninterrupted concentration. The internet permitted me to stay in contact with my students and the lack of administrative work at the faculty enhanced my writing capacities. I do not like the social life at the faculty anyways. For years, I was constantly forced to make up excuses for not attending meetings and public conferences. I am living the life of a quarantine writer who needs to be alone for writing. I was not any more able to go to the fitness studio, and had to do my workout at home. I never liked skiing, I never liked parties in bars and discos and I never liked crowds of tourists. Very rarely, I went to restaurants. Therefore, I was not really affected by the shutdown of public life in the Alps. Once a week, I went to my office at the faculty. Not meeting in the streets but some masked persons and slowly patrolling police cars was unusual, a little bit scary and quite quickly became normal. Five weeks of intensive work followed without much disturbance by fears of getting sick or needing an intensive care unit. Once a week, I met with ten colleagues from the ethical commission of the Innsbruck Medical University and the Tirol hospitals and clinics. We met in the big auditorium of the surgical clinics and sat at two to three meters' distance from each other. These weekly meetings of the ethical commission exclusively treated research projects and clinical studies on COVID-19 patients and epidemiological studies of patients and citizens. I felt informed and enjoyed knowing what was going on in the clinics and what the research projects are. I observed how my colleagues at the Medical University reacted to the corona crisis, some coped well with the stress, some did not and some proved admirable resilience to getting exhausted in their working routine. Most of the studies showed a very careless design and essential conditions for a valid study design lacked, like for example a description of statistical methods for evaluation. The restriction of the freedom of movement because of a pandemic made many researchers assume that other basic human rights were restricted too. Researchers thought that the informed consent of patients for participating in the studies was not necessary any more.

For five weeks, I had been able to live happily and work without difficulties. Then I got tired, I was drinking four to five glasses of wine a day and did not care. Then I stopped drinking and felt a kind of depression. I was not able to connect my writing on *Gaudium et Spes* and the Roman Catholic Church with what I was experiencing by the threat of the corona virus pandemic. All of a sudden, the pandemic affected me mentally and socially. Every morning, I construct my integrity and overcome my mental angst talking

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to my body to restore integrity. After a few minutes of meditation, I felt happy and free of troubling thoughts. After five weeks of quarantine, I suddenly had difficulties coping with the loss of the cultural and social aspect of my integrity. I was economically safe, I was spiritually save, I was physically save but I was shaken mentally by something unknown and I was completely lost about the sense of my writing and the importance of the social realizations of dignity that I had been defending since years. My identity was shaken, I felt vulnerable and my self-distress made me capable of listening, watching and viewing the distress of the miserable women, men and children in the desolate refugee camps on the Greek islands. I was capable of empathy with the suffering women, men and queer forced to stay out in inhumane living conditions, left without help from the rich countries of Europe, left to drowning in the Mediterranean, left to torture and enslavement in the refugee prisons of Libya. Suddenly I felt empathy with all women, men and children who wanted to flee inhumane social, economic, political, spiritual, educational, etc. living conditions in their home countries. All of a sudden, I had the feeling that Austria and Europe was rich (?) enough to harbor all those millions of desperate and miserable women, men and children. Somehow, I felt the same threat of perishing by the corona virus that threatened the millions of women, men and queer who wanted to come to Austria and Europe and participate in a better life. Somehow, I had the feeling that I have millions of sisters, brothers, and children that experience the same deadly menace as me and I am convinced that we are able to make a living sharing our resources and lives and building a European community. All of a sudden, the rich states in Europe like Austria and Germany dispose over billions of Euros to save the economy. The shutdown of the tourism industry all over the world and the end of the race for the best vacations on nice beaches and all-inclusive wellness resorts, winter sports resorts, holiday resorts, and health resorts brings to an end a culture reigned by the high art of low living. The cultural shutdown of events, festivals, concerts and opera houses brings to an end not only cultural expression and performance but also stops an industry for cultural consumers. The shutdown of airports, fabrics, production industries, consumer habits and world trade and commerce, the shutdown of capitalism and the fall of oil prices and stock values left my horizon free for the women, men and children living in misery right before the doors of Europe. Seeing that the rich European nation states all of a sudden invest so much money for the recovery of the economy and consumer capabilities makes it very clear to me that there is enough money and resources for ending the misery at the frontiers

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between the rich and the poor. All of a sudden there are millions of unemployed European citizens and the economic existence of millions of families is threatened. The European nation states organize liquidity and funds to help and overcome the consumer deadlock. Yet, no empathy with the miserable ended my depression and questioning for sense. After six weeks, the shock of the extreme quarantine was over and the country was slowly opening again to economic and social life with social distancing, masks and regular hand washing. Travel restrictions are lifted within the country. I was already sated watching television programs on the COVID-19 pandemic, when I heard of a report of the World Health Organization from 2018 warning of a possible pandemic and demanding detailed planning for such a possible catastrophe. I read the checklist for pandemic influenza risk and impact management: building capacity for pandemic response (World Health Organization 2018a) and everything changed for me. Almost instantaneously, the reading of the WHO document brought relief to my distress. It was not only a relief to find the document, I was happy again. I realized that I had been completely unprepared for the possibility having to cope with a pandemic. I was not aware that the possibility of a pandemic was real, although I know about the principle that what is possible is also real. In the past five decades of my learning, studying and reading I never gave attention to pandemics. I did not ignore that large parts of the world population was still suffering from bacterial infections, but I was not concerned with pandemics. I did not learn about pandemics in my medical studies and my friends who are highly specialized medical professionals were caught by surprise by this COVID-19 pandemic and unprepared like me. It was an enormous relief to recognize that the WHO had been working on a global influenza program, and had elaborated the essential steps in the pandemic influenza preparedness planning process for developing or updating a national pandemic influenza preparedness plan (World Health Organization 2018b). In the spring of 2009, a novel influenza A (H1N1) virus emerged and was detected first in the United Statesⁱⁱ. The virus spread quickly across the United States and the world. The virus infected 1.4 billion people across the world, killing about 0,015% to 0,057%. The Swine Flu pandemic primarily affected children and young adults. Older people seemed to have already built up enough immunity (Jarus 2020). The WHO took the lessons learned from the 2009 influenza pandemic into consideration and presented in December 2017 in Accra, Ghana a draft for the pandemic influenza preparedness planning (World Health Organization 2018b, 3). It is a shame that I had not been aware of the WHO work on preparing to cope with

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pandemics. Recognizing my total ignorance on pandemics brings relief to my sudden disturbing paralysis on facing the COVID-19 pandemic in my town and country and the world. I am aware of the fact that COVID-19 is not SARS and it is not influenza, it is a new virus with its own characteristics (World Health Organization 2020b, 18).

I did not know: “Influenza pandemics are unpredictable but recurring events that can have serious consequences for human health and economic well-being worldwide” (ibid). At the end of January 2020, the Austrian ministry of health declared to journalists of the Austrian Press Agency that there is no published version of a national pandemic influenza preparedness plan, because the pandemic influenza plan from 2006 is getting an update by the federal counties and all relevant authorities (Kleine Zeitung 2020). This means that the Federal Government of Austria had no updated pandemic plan at hand when the WHO announced COVID-19 outbreak a pandemic on March 12, 2020 (World Health Organization. Regional Office for Europe 2020). The measures proposed in the announcement to prevent or slow down viral transmission seem to have served as the blueprint for the measures announced by the Austrian Federal Government’s on March 16, 2020. WHO/Europe considers implementation of social distancing and quarantine measures, closure of schools and universities, implementation of remote working policies, minimizing the use of public transport and deferment of nonessential travel. WHO/Europe informed “COVID-19 impacts the elderly and those with pre-existing health conditions most severely” (ibid). Health-care workers “who are on the front line, seeking to prevent, contain and mitigate the effects of this pandemic and caring for those who are seriously ill” all of a sudden get attention, praise and thanks for their outstanding achievements (ibid). Once more, WHO recommends that all countries increase their level of preparedness and strengthen alert and response systems, all in line with WHO global guidance (ibid). WHO demands advising and creating awareness of the risks in the public. The individuals have to be encouraged “to take care of their own health and protect others by washing hands frequently”. To “maintaining social distancing”, “avoiding touching eyes, nose and mouth”, “following respiratory hygiene” by covering mouth and nose, seeking medical care early if you have a fever, cough and difficulty breathing, and “staying informed and following advice given by your health-care provider” and national authority (ibid). For four weeks, the officials of the Austrian Federal Government kept repeating this mantra in their almost daily press conferences.

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In January 2020, Austria had no prepared and updated national pandemic influenza plan. In January 2018, the WHO had published a detailed and comprehensive 35 pages checklist for pandemic influenza risk and impact management as part of the WHO global influenza program (World Health Organization 2018a). The WHO suspected that the documents of her global influenza program were not taken seriously by the governments of the WHO Member States and feared that the Member States did not develop and communicate a national pandemic influenza preparedness plans. To be sure, the WHO initiated a survey (World Health Organization 2019). The report of this Member States survey introduced diplomatically:

“In late 2018, the WHO Global Influenza Programme consulted its Member States through a survey to better understand the current level of pandemic preparedness among Member States and to identify the capacity areas in which WHO and its partners should focus their technical assistance in the coming years. This report summarizes the findings of this Member States survey” (ibid).

The survey was realized by a questionnaire that included 55 questions concerning the status of national pandemic influenza preparedness plans and key capacity areas in pandemic preparedness and response. These capacities are outlined in WHO pandemic preparedness checklist (ibid, 7). The key capacities in pandemic preparedness and response are preparing for an emergency (planning, coordination and resources), surveillance (laboratory, epidemiology or event), investigation and assessment (risk and severity), health services and clinical management, preventing illness in the community (pharmaceutical and nonpharmaceutical interventions) and maintaining essential services and recovery (ibid).

WHO received completed survey questionnaires from 104 of 194 WHO Member States that is 54% (ibid). 51% of Member States from the African Region responded, 46% from the Americas Region, 33% from the Eastern Mediterranean Region, 68% from the European Region, South-East Asian Region 64%, and 53% from the Western Pacific Region. Low-income countries show the lowest percentage and high-income countries the highest percentage (ibid, 52). My hypothesis is that civil wars explain the extremely low percentage of responders from the Eastern Mediterranean Region. Why do about half of the WHO Member States not bother to respond to a WHO survey on the state of their preparedness for an influenza pandemic? Why did the Republic of Ireland, Germany, and the Netherlands not participate (ibid, 39)? We do not know.

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WHO is clear “the results of the survey cannot be seen as representative of all Member States, particularly in regions with low response rates” (ibid, 12).

Is the world prepared for a pandemic? 88% of the responder countries indicate that they have a national pandemic influenza preparedness plan, but half of them “were developed before the 2009 influenza pandemic and have not been updated since then” (ibid, 7). Half of the national pandemic influenza preparedness plans are not publicly available and only “42 of 104 (40%) countries tested their national pandemic influenza preparedness plans through simulation exercises in the past five years” (ibid). Personally, I really doubt that all these 42 countries had simulation exercises. “More than half of the countries were either not aware or aware but not yet consulted the WHO pandemic influenza preparedness guidance and tools outlining planning strategies, essential capacities, and steps” (ibid).

The WHO report is clear “The survey revealed major gaps in pandemic influenza preparedness among Member States” (ibid, 8). “The data from each country have been kept confidential” and I cannot identify an individual country, the statistical analysis aggregates regions and income groups (ibid, 11). The United States of America completed the survey (ibid, 39). During a 2014 speech, then President Barack Obama warned about the need for the US to cast aside partisan differences to prepare for an upcoming pandemicⁱⁱⁱ. As early indications of China’s coronavirus outbreak emerged in late December 2019, the Trump administration continued following through with its plan to shutter a US Agency for International Development surveillance program tasked with detecting new, potentially dangerous infectious diseases and helping foreign labs stop emerging pandemic threats around the world (Cohen 2020). Leon Panetta, who was appointed CIA director by President Obama in January 2009 and from 2011 to 2013 served as Defense Secretary confirmed that the US had worked out pandemic preparedness plans for all kinds of contagions but unfortunately, they were never put into place; therefore the US was not prepared to adequately deal with this COVID-19 pandemic (Blitzer 2020).

Confidentiality may help honesty and assures that individual Member States do not lose their face. WHO does not know if the persons from the ministry of health who completed the survey “have consulted with all relevant government agencies when deciding on each answer” (World Health Organization 2019, 12). The self-reported responses cannot be interpreted as objective and all limitations of the survey “should

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be kept in mind when considering the results and conclusions” (ibid). What are the results and conclusions of the WHO survey? I fear that the WHO’s statement is a profound understatement and a diplomatic warning to the world for better preparing because “The survey revealed major gaps in pandemic influenza preparedness among Member States” (ibid, 8).

On April 28, 2020, the day of Leon Panetta’s interview with Wolf Blitzer on CNN, US deaths from COVID-19 had reached 58,365 and sadly surpassed total American deaths in Vietnam; the Vietnam War began in 1955 and ended in 1975 (ibid). On April 28, 2020, there were over three million persons infected by COVID-19 worldwide, and 216,808 had died from the disease; the US counted about one third of COVID-19 infections worldwide (Blitzer 2020). It is clear that only tested persons are identified as infected with COVID-19 and unfortunately, four months after the outbreak of the COVID-19 pandemic testing capacities are still not sufficient in the US, in Europe and worldwide.

Reading of the twenty worst epidemics and pandemics in history (Jarus 2020), I became aware that I never had really reflected on pandemics and history. I vaguely was aware that disease outbreaks have ravaged humanity. I was not aware that and how pandemics had been changing the course of history. Thanks to the development of vaccines, the threat from bacterial or viral pandemics was absent from my consciousness. I was aware that I have perfect access to antibiotic and antiviral therapies in Europe. I was aware that low-income countries could not pay for therapies and international pharmaceutical companies were reluctant to develop vaccines against malaria. The COVID-19 pandemic makes me thankful and proud again for the successful scientific, social and political fight against infectious diseases over the last 200 years. At the same time, I am ashamed again that millions of women, men and children do not have sufficient access to health care and affordable medication. I was not aware that already about 5,000 years ago “an epidemic wiped out a prehistoric village in China” (ibid). I did not know that around 430 BC, an epidemic ravaged the people of Athens for five years, while they were fighting off the attacks of the army from Sparta from within the overcrowded walls of Athens (ibid). I knew that the Byzantine Empire reached its greatest extent under the Emperor Justinian who reigned from 527 to 565 CE. I did not know that Justinian got sick with the plague and survived. I did not know that the Byzantine Empire was ravaged by the bubonic plague, and I was not

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aware of the coincidence between the plague and the beginning decline of the empire in the time after the plague struck. I am not surprised that a death toll of 25 million people that is a quarter of the population of the Eastern Mediterranean and the devastation of city of Constantinople considerably weakens the resilience of an empire (ibid). The narrative on the decline of the Byzantine Empire is rich. I always wondered how a corrupt and declining empire, rich on plots, murder, luxury and decadence could survive for another 900 years till May 29, 1453 CE, when the Ottoman Empire finally captured Constantinople. I wonder if the Roman Christian crusader armies that sacked, looted and murdered Constantinople in 1204 CE caused more destruction in the city than the plague. The Byzantine civilization was certainly part of Western civilization, but it was very different from Western Europe and America (Treadgold 1998). In the West, for example, secular rule and papal authority had never been joined, and the Byzantine Empire was governed with the help of a vast centralized administration and an army of bureaucrats (ibid). The West consisted of a pluralism of kingdoms and countries and an emperor who all had constantly to assure their crowns and alliances. At the end of the second millennium, Treadgold affirms, "Such differences continue to give rise to misconceptions about the Byzantine world" (ibid).

I was aware of the Black Death that wiped out over half of Europe's population but I was completely unaware of the social, economic and political consequences of the plague that ravaged Europe from 1346 to 1353 CE. The lack of cheap labor brought about better pay for workers, better access to meat, higher-quality bread, and the disruption of Europe's system of serfdom (ibid). I was not aware of the interaction of war and pandemic diseases. The cramped conditions of soldiers and poor wartime nutrition that millions of people were experiencing during World War I, helped spread and enhanced lethality of the Spanish Flu between 1918 and 1920 (ibid). The pandemic was caused by an H1N1 virus with genes of avian origin and infected over a third of the world's population that is about 500 million people and killed at least an estimated 50 million^{iv}. The Spanish Flu teaches me already the interaction between a free press and freely published early accounts of the illness in Spain that was neutral during the war and the awareness of the population of the deadly disease that followed this information. Ironically, the pandemic received the name of the country that described the illness, although the pandemic did not originate in Spain (Jarus 2020). The AIDS pandemic started in 1976 in the Democratic Republic of the Congo and since 1981 killed more than 36 million people. In 2020, about 64% of the estimated 40 million

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living with human immunodeficiency virus (HIV) live in sub-Saharan Africa. Growing awareness and new treatments make HIV far more manageable and “allows people to experience a normal life span with regular treatment” (ibid). The West African Ebola epidemic from 2014 to 2016 ravaged with 28,600 reported cases and 11,325 deaths (ibid). The COVID-19 pandemic teaches me that pandemics hit the whole world and makes me question the interactions between the virus and a globalized economy, the West’s dependence and exploitation of cheap labor from the Communist China dictatorship and low-income countries in Asia, South-East Asia and in India for the profit of international corporations and consumers around the world.

What does the COVID-19 pandemic teach me on the high art of modern rich consumers’ life-style of low living? According to the Ministry of Health of the Federal Republic of Austria, on April 29, 2020, there are 15,349 persons who were tested COVID-19 positive, and 247,754 tests had been realized in Austria so far. 2,043 persons are sick of COVID-19, thereof 368 are hospitalized and 131 are treated in intensive care units. So far 554 COVID-19 patients have died^v.

Ischgl, Austria’s corona hot-spot 2020, is a village in the Alps of Austria, close to the Swiss border with 1230 inhabitants^{vi}. The distance to the capital of Tyrol, Innsbruck, is 100 kilometers. Ischgl’s tourism industry has over 10,000 beds for guests and counts 2.7 million over-night stays per year^{vii}. It is clear that the small village needs hundreds of seasonal workers to cope with all the tourists. These workers are coming from all over Europe, especially from Germany and Eastern Europe. In the winter, Ischgl presents 239 kilometers of ski slopes, and the 45 cable cars and ski lifts have a capacity to move 94,000 persons an hour^{viii}. The official website of Tyrol joins in the effort to help enhance tourism. Ischgl is advertised for having more fun, getting more action and being faster than anywhere is, including more luxury^{ix}. Ischgl is rightly praised internationally as Tyrol’s party-center in the winter tourist season. 100 years ago, the small mountain village could not even feed its children, who were forced to go to the rich regions in Southern Germany for work and food. Today Ischgl presents the tourist luxury restaurants, perfect services and international events like a pop-concert at the end of the skiing season (ibid).

The new label of Ischgl as the corona hotspot from where infected tourists and seasonal workers spread thousands of infections with COVID-19 all over Austria, Germany, and many other European countries, is a disaster for the village and its

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tourism industry. Therefore, the citizens from Ischgl released in April 2020 on their web site a press briefing and reconstructed the events in order to answer the question why Ischgl was not placed under quarantine earlier. In the following paragraph, I give a summary of this press briefing:

On February 25, 2020, two persons were tested COVID-19 positive in Innsbruck; Tirol records the first COVID-19 cases. The next day, representatives of the municipality, of the Tourism Association Paznaun-Ischgl, of the mighty Silvretta funicular company, local police meet and the village doctor met for the first time. These informal meetings continued the following days on a regular basis with the aim of synchronizing information and preparing in the best possible way for any possible suspected cases in Ischgl. All managers of the cable cars were informed, and the tourism association asks its businesses to record guests' phone numbers in addition to the registration details, so they can be reached quickly in case of infections in the surroundings. On March 4, 2020, shortly before midnight, Iceland informs the Austrian health authorities in Vienna that eight persons have tested positive for Covid 19, who had recently spent their holidays in Ischgl. The tourism association hears of this through a posting by an Icelandic guest on Facebook on the morning of March 5, 2020. The Austrian health authorities inform the Tyrolean authorities. In Ischgl, a tourism association manager immediately contacts the health authority in Reykjavík asking for further information to allow him to retrace the whereabouts of the infected. At 16:00, the names of the hotels arrive via the health ministry. At 17:30, the state of Tirol reports in a press release that the Icelandic guests probably caught the virus on their return trip in the airplane. Meanwhile, patients with flu-like symptoms visited the doctor and are subjected to swabs. One of these patients is the bartender from "Kitzloch", a German with a Norwegian name. He tests positive on March 7, 2020. Health authorities from Tirol close down the "Kitzloch" on March 9, 2020. On the evening of March 10, 2020, après-ski venues in the municipal area are closed down. On March 11, 2020, Tirol's Governor Günther Platter announces the end of season for Ischgl in an evening press conference with March 13, 2020 as the last day for skiing. On March 13, 2020, at 14:00 Chancellor Sebastian Kurz finally announces that Paznaun and St. Anton am Arlberg are being placed under quarantine (Ischgl 2020). The quarantine was lifted on April 23, 2020.

It is not my competence to answer the questions why it took from March 5, 2020, when the first patient coming from skiing in Ischgl was tested positive in Iceland, until March

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13 to place Ischgl under quarantine. I am not either commenting on the above COVID-19 chronology given by the press briefing of the Ischgl tourist agency. I wanted to take the chronology from Ischgl because the people from Ischgl should have the opportunity to explain themselves. The public prosecutor's office in Innsbruck is investigating the case. What seems evident to me is the fact that there was no surveillance, investigation and assessment plan in place to guide health and public authorities according to the WHO pandemic influenza preparedness plan (World Health Organization 2018a). The WHO rationale for outbreak investigation is clear "the timely investigation of unusual cases or clusters of respiratory illness is key to the early detection of a novel influenza virus. Investigations identify cases, the source of infection and the clinical impact of the disease" (ibid, 14). As first essential WHO claims, "Ensure that outbreak investigation and rapid response personnel have appropriate capacities and training (e.g. field epidemiology, data collection and analysis, risk assessment, use of personal protective equipment), and are familiar with their terms of reference and expected tasks" (ibid). When the first COVID-19 patients arrived at Innsbruck University clinics, there was not the necessary protective equipment for doctors, nurses and health care workers available for weeks.

On March 12 and 13, hundreds of tourists chaotically left Ischgl in order to escape the quarantine. Hotels in Ischgl insisted also that their guests leave the hotel. What could the tourists do? They left Ischgl and looked for other hotels in the Tirol to stay overnight. They had no flight reservation anyways and therefore had to find a hotel. Apparently, police and government officials helped them to find hotels in Tyrol without thinking about possible transmission of COVID-19. Tyrolean and Austrian tourists who were infected, returned from Ischgl and St. Anton to Innsbruck and their homes all over Austria and transmitted the virus to other Austrians (Arora, Lorenz, and Somnavilla 2020). The evacuation of the tourists and seasonal workers from Ischgl and St. Anton was not guided by any pandemic preparedness plan but was a chaotic event. Introducing a wholesale quarantine "is something which harkens back to plague measures and that has been repeated over and over, including in the Ebola epidemic", says the historian of epidemics Snowden (Chotiner 2020). Ischgl and St. Anton repeated on a much smaller scale, what had happened in Wuhan after the lockdown on January 23, 2020 (ibid). This lockdown "arrives too late and it breaks down that fundamental element of public health, which is information" (ibid). The people threatened with the lockdown do not cooperate with authorities, "authorities therefore

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no longer know what is going on and people take flight, which spreads the epidemic” (ibid). “The norms of public health, which have developed since the plague years, which stress case findings of individuals, then tracing and isolation are different from what happened in China” (ibid) and in Ischgl and St. Anton.

In December 2019, a new coronavirus began appearing in human beings in the region of Wuhan, China. The virus had been named COVID-19, no one on earth has an immunity to it, and the new virus spread worldwide within months^x. On December 31, 2019, Wuhan Municipal Health Commission, China, reported to the WHO a cluster of cases of pneumonia in Wuhan, Hubei Province. A novel coronavirus was eventually identified. On January 1, 2020, WHO had set up a team “across the three levels of the organization, headquarters, regional headquarters and country level, putting the organization on an emergency footing for dealing with the outbreak” (World Health Organization 2020a). On January 12, 2020, China publicly shared the genetic sequence of COVID-19 (ibid). From January 20 to 21, 2020, WHO experts from its China and Western Pacific regional offices conducted a brief field visit to Wuhan. WHO worked with Chinese government leaders to get permission for an international team of leading scientists to travel to China on a mission to better understand the context, the overall response, and exchange information and experience (ibid). A month later, from February 16 to 24, 2020, the WHO-China Joint mission, which included 25 experts from Canada, Germany, Japan, Nigeria, Republic of Korea, Russia, Singapore and the US spent time in Beijing and also travelled to Wuhan and two other cities (ibid). Dr Bruce Aylward of WHO and Dr Wannian Liang of the People’s Republic of China headed the Joint Mission (World Health Organization 2020b, 3). As of 20 February 2020, a cumulative total of 75,465 COVID-19 cases were reported in China (ibid, 5) and 2114 of the 55,924 laboratory confirmed cases have died (ibid, 12). Concerning the origin of the virus the report affirms “COVID-19 is a zoonotic virus. From phylogenetic analyses undertaken with available full genome sequences, bats appear to be the reservoir of COVID-19 virus, but the intermediate host(s) has not yet been identified” (ibid, 8).

Report of the WHO-China Joint Mission is full of praise of China’s response to the detection of a cluster of pneumonia cases of unknown etiology in Wuhan: “The prevention and control measures have been implemented rapidly, from the early stages in Wuhan and other key areas of Hubei, to the current overall national epidemic” (ibid, 14). Vanderklippe assesses in his article “Chinese officials initially waited weeks

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to respond to the outbreak of COVID-19, with police even arresting doctors for discussing the appearance of a dangerous new virus” (Vanderklippe 2020). The Canadian WHO official Dr Bruce Aylward spoke to *The Globe and Mail* after his return from the WHO-China mission that he headed. He does not contradict the above affirmation from the Asian correspondent of the Canadian newspaper. Actually, Aylward confirms by saying “Since then, however, China has responded with a speed unmatched anywhere else” (ibid).

Chinese dissident artist Ai Weiwei says the virus has only strengthened China’s police state (Chung 2020). Weiwei said, the ruling Communist Party’s containment tactics have proven the effectiveness of authoritarian rules, while other countries’ inability to control the pandemic has exposed the disadvantages and malpractices of free and democratic societies (ibid). On social media in Western democracies, dark sources are able to spread fake news on the pandemic creating confusion that disturbs a quick and effective response to the pandemic. It is true, dictatorships do not need to ask parliaments to pass laws with measures for social distancing, quarantine prescriptions and economic lockdowns and have exclusive control of the press and the state media. Democracies need to take more time to discuss and convince the people and precious time is wasted until actions take place. Weiwei criticizes the West as being superficial for not asking why China is not releasing information. China would not function as a state without the control and manipulation of information.

“China will never learn. It doesn’t matter what kind of disaster they’re facing. The only thing they learn is how well they use this authoritarian power to manipulate the story. That kind of arrogance and success will lead them to another crisis. It’s a pity. It’s obvious they have to change their behavior and to learn to be more scientific and trust their own people, but simply, there is no trust in China between the leaders and their own people, between people themselves, and between individuals’ understanding of the current situation and (their) own future.” Individuals and their history are not important for the Communist party, often the real names of the dead of the pandemic are not given; the state wants to stay in control and preserve its own image. In the pandemic, China’s authorities developed a system using mobile technology and big data to track people’s movements, and unique digital Quick Response codes were assigned to hundreds of millions of citizens that are necessary for having access to public transportation, restaurants and shopping malls (ibid). This harvesting of data

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will go on after the pandemic and strengthens further the power of the police state by knowing everything about everybody. Weiwei testifies there is no trust in China between the leaders and their own people, between people themselves, and between individuals' understanding of the current situation; in the future, there will be further crisis because of the arrogance of the authorities and their distrust of their own people (ibid). Weiwei feels lost as a persona and as an artist, "Even in terms of good writing, philosophical thinking, or a good image cannot really compare or cope with the deep sorrow, the sadness and the disappointment of our current situation, or even our understanding about the future" (ibid).

Frank M. Snowden, an academic historian of epidemics affirms, microbes selectively expand and diffuse themselves to explore ecological niches that human beings have created. Epidemics in the industrial revolution have shown, that we actually did not care what happened to workers and the poor and the condition that the most vulnerable people lived in (Chotiner 2020). After his return from his WHO mission to China, Dr Bruce Aylward affirmed, "there has to be a fundamental change in our mind-set" (ibid). "We have to think that we have to work together as a human species to be organized to care for one another" and "we have to realize that the health of the most vulnerable people among us is a determining factor for the health of all of us" (ibid). Snowden does not justify that Aylward and his Report of the WHO-China Joint Mission on COVID-19 from February 16 to 20, 2020, documented and praised that "The prevention and control measures have been implemented rapidly, from the early stages in Wuhan and other key areas of Hubei, to the current overall national epidemic". Snowden understands the diplomatic practice," because it would be terrible to alienate the largest member of the World Health Assembly and to alienate a country that's in the midst of this extraordinary crisis" (ibid). Nevertheless, "at the same time, there's been a great deal of stress on total honesty, producing evidence, communication, data-based, factual, scientific approaches to public health, and that is not what happened at the early stages of the Chinese response" (ibid).

The historian of epidemics and pandemics in world history, Frank M. Snowden insists that women, men and queer have learned to cope with pandemics in a way that is fundamentally different from the times of the Bubonic Plague in the middle of the fourteenth century CE. In those times of the Black Death, the strategy of coping with the plague was quarantine. Modern scientific approaches to public health recognize

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information as a fundamental element of public health. Information presupposes the Human Right of free speech. Snowden further affirms that modern norms of public health “stress case findings of individuals, then tracing and isolation” (ibid). Snowden identifies the individual woman, man and queer as the center and as the basic element for fighting pandemics in the 21st century CE. It is clear, in order to fight a pandemic successfully, humanity needs to recognize, proclaim and respect the equal dignity, freedom and rights of all women, men and queer, because the pandemic threatens the physical, psychic, social, economic, cultural, and spiritual integrity of the individual woman, man and queer. In a pandemic, every individual woman, man and queer is realizing her or his dignity by protecting the integrity of other women, men and queer.

The documents of the WHO on preparing for pandemics address the member states of the WHO (World Health Organization 2018a; 2018b). National pandemic influenza preparedness plans include guidance on preparing, responding and recovering from pandemics as an emergency risk management for health that “emphasizes prevention and mitigation of health risks before they develop into health emergencies” (World Health Organization 2018a, 2). WHO is conscientious of the necessity that nation states and countries “determine national pandemic response actions in the context of their own experience, resources and vulnerability” (ibid, 3). WHO has learned to abandon global direction on managing pandemics and to rely on the responsible agencies of countries and states (ibid). Concerning the individual countries and nations, the WHO underscores multi-sectoral and multidisciplinary approaches to pandemic preparedness planning, because the contributions “from all segments of the health-care sector, government, business and civil society” are needed as the capacities “at community level (e.g. communication, community engagement and community care)” for effectively planning for pandemics and for managing pandemics (ibid).

It is clear, that the citizens are the basic element of civil society and that the individual woman, man, and queer is the basic element of communication, community engagement and community care. The 2018 WHO preparedness plan does not directly identify the individual woman, man, and queer as the basic agent of her pandemic preparedness plan. The WHO does not repeat proclaiming the equal dignity, freedom and rights of all women, men, and queer as basis for public health. Without the integrity of the individual woman, man, and queer there is no realization of the health of the individual person and there is no realization of public health. The

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document describes this interaction between public health and individual health, but still speaks of “cases” and not of infected women, men and queer (ibid, 14). I know that medical doctors, virologists and epidemiologists like to speak of cases and clusters, but there is no need to forget that the case is an infected woman, man and queer who needs respect, protection, and dignity.

I am not criticizing the WHO for speaking of cases and of the necessity to “identify cases”, on the contrary. The scientific experts of the WHO rightly describe the rationale of outbreak investigation “Timely investigation of unusual cases or clusters of respiratory illness is key to the early detection of a novel influenza virus. Investigations identify cases, the source of infection and the clinical impact of the disease; they also help to provide early characterization of the new virus” (ibid, 14). The aim of my investigation is to make the possible individual woman, man and queer of whom the text speaks visible. Speaking of “detecting the first cases of this virus in other countries”, of establishing “protocols for active case finding (e.g. contact tracing and chart review)” (ibid, 15) is speaking about individual women, men and queer who have a name, a history and an existence. Protecting the individual woman, man, and queer is realized by protecting the integrity and the equal dignity, freedom and rights of the individual woman, man and queer. Describing the rationale of health services the WHO speaks of “patients” that is of individual women, men, and queer and identifies groups of vulnerable persons “Health services must be kept functioning for as long as possible to minimize stress, illness and deaths caused by a pandemic. In addition to services to treat patients with pandemic influenza, health services for other types of critical and essential care must be maintained – particularly for vulnerable groups such as children, pregnant women, the elderly and people with chronic conditions. Planning should be done in advance to prioritize health services and to optimize the use of available facilities, medicines and supplies” (ibid, 18).

There is no doubt that health services are important institutions and that without facilities, medicines and supplies there is no chance for the restitution of the integrity of infected women, men and queer. Yet, this COVID-19 pandemic taught and teaches the citizens of our nations and countries about the necessity of the solidarity of the health professionals, the doctors, nurses, and the managers with the patients that is solidarity with our communities and society. There is thankfulness for the hard work of the nurses and doctors in these months of the COVID-19 pandemic; there is

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recognition and thankfulness for the women and men working in retirement homes. There is new social recognition for their work, and for the work of all women, men and queer who keep the country going during the lockdown and aftermath of the lockdown. All of a sudden, there is awareness of the contribution of the cashiers and supermarket workers who keep up our food supplies, for the female and male police officers who keep up public security, for the volunteers, women, men and queer of the fire departments, for the women, men and queer of the military who help with securing public security. I do not know if coping with the COVID-19 pandemic will change the mind-set of women, men, queer, and make them claim the social realization of their dignity and the social realization of the dignity of all women, men and queer in society. Changing my mind-set is my social choice, as it is my social choice not to change my mind-set for claiming and contributing to realize the equal dignity of all women, men and queer on this earth. Remembering the Universal Declaration of Human Rights (UDHR) in this COVID-19 pandemic makes me remember that the UDHR evolved 72 years ago from a disaster for humanity that is not comparable in its impact on women, men and queer with the actual COVID-19 pandemic. I wrote the last couple of paragraphs today, April 5, 2020. I commemorate the liberation of the Austrian Nazi concentration camp Mauthausen, I listen to a woman who survived the Holocaust and tells her story to make her traumas part of history. I am thankful for her testimony; I am thankful that for centuries Austrian Jews are living in my native country and that Austrian Jews today give testimony to the hope for justice and peace for the world that had allowed the Shoah to happen.

In April 1945, the SS began to destroy the traces of its crimes. "It had the installations for mass killing dismantled, ordered incriminating documents to be burned and murdered concentration camp prisoners who, due to having witnessed systematic mass murder first hand, would have been able to testify against the perpetrators in court" (Mauthausen Memorial 2020a). "Liberation". On May 5, 1945, a reconnaissance unit of the US Army arrived at the concentration camps in Gusen and Mauthausen. On May 6, 1945, "units of the 3rd US Army finally liberated around 40,000 prisoners in these camps. In both camps they found the bodies of hundreds of concentration camp prisoners who had died in the days before liberation" (ibid). "Between 1938 and 1945, around 190,000 people from over 40 different nations were imprisoned at the Mauthausen/Gusen concentration camp. At least 90,000 of them died in these camps" (Mauthausen Memorial 2020b). Thousands more died in the weeks and months

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following liberation, because of weakness and frail health and despite the medical care provided by the US Army medical units” (Mauthausen Memorial 2020a). Together with US troops a *War Crimes Investigating Team* arrived in Mauthausen. “It collected evidence of SS war crimes – including key SS documents, which the prisoners had rescued from destruction at risk to their own lives – and in doing so created the basis for the legal prosecution of the perpetrators” (ibid).

The victorious powers over Nazi Germany, the allied forces of the Soviet Union, the United States, Great Britain and France, realized the historic opportunity for international cooperation on establishing justice and instituted the International Military Tribunal at Nuremberg (Leher 2018, 11). For the first time in human history, the rule of law was instituted on a global level. On November 21, 1945, US prosecutor Robert H. Jackson claimed in his opening statement that the wrongs being brought to justice were such as to threaten the existence of civilization itself; the first trial in history for crimes against the peace of the world had started (ibid, 12). The aggressive warfare of the German Nazis was a menace for the women, men and queer of the whole world, “no home in the world was left untouched, as the whole world was terrified” (ibid). Hundreds of tons of official German documents had been collected and examined. Jackson assures that documents, photographs and films will prove the indictment “by books and records” (ibid, 13). Jackson claimed that after the defeat of the Nazis, the world needed immediate action for justice and the law for the process of the International Military Tribunal had been codified. Jackson prosecuted the Nazi leaders in the name of the law, proving that Germany’s aggressive war was in violation of treaties by which the peace of the world was sought to be safeguarded (ibid).

Jackson was conscious of the fact that there was no continuing international legislative authority that would have had developed international law by the normal process of legislation (ibid, 16). In order to avoid future wars, Jackson made statesmen responsible to law (ibid, 17). Jackson introduced the principle of individual leaders being responsible to law for their individual criminal responsibility and brought to justice the Nazi leaders for the crimes committed against humanity (ibid). For the first time in human history, the principle of personal responsibility had been introduced and realized by the International Military Tribunal at Nuremberg at a global level for a global crime.

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In 1948, the Universal Declaration of Human Rights (UDHR) proclaimed the individual to be the subject of international law. The principal of personal responsibility of every individual for contributing to peace and justice was agreed. Not only individual states are called to protect Human Rights, every individual is empowered to claim Human Rights by the UDHR (ibid, 18). In 1948, the limited support by international consensus for the UDHR was evident. In 1948, the UN counted 56 member states (ibid, 32). Universal validity of the UDHR was attained later. A number of international instruments, especially the International Covenant on Civil and Political Rights 1966 and the International Covenant on Economic, Social and Cultural Rights that were both adopted by the UN General Assembly in 1966 and entered into force in 1976, marked the further development of the UDHR. The UDHR effectively is agreed to be the foundation of international human rights law. A major step towards universal recognition of the UDHR was the UN Vienna Declaration and Programme of Action (United Nations Human Rights Office of the High Commissioner 1993) that was adopted by the World Conference on Human Rights in Vienna on 25 June 1993, when the UN already counted 184 member states (ibid).

The World Conference on Human Rights reaffirms the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.

In this framework, enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations.

Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments (United Nations Human Rights Office of the High Commissioner 1993, art. 1).

In 2020 the UN proudly affirms:

The Universal Declaration of Human Rights is generally agreed to be the foundation of international human rights law. Adopted in 1948, the UDHR has inspired a rich body of legally binding international human rights treaties. It

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continues to be an inspiration to us all whether in addressing injustices, in times of conflicts, in societies suffering repression, and in our efforts towards achieving universal enjoyment of human rights (United Nations 2020).

Over the years, the commitment has been translated into law, whether in the forms of treaties, customary international law, general principles, regional agreements and domestic law, through which human rights are expressed and guaranteed. Indeed, the UDHR has inspired more than 80 international human rights treaties and declarations, a great number of regional human rights conventions, domestic human rights bills, and constitutional provisions, which together constitute a comprehensive legally binding system for the promotion and protection of human rights (United Nations 2020).

The UDHR proclaimed the individual to be the subject of international law. The proclamation of the equal dignity, freedom and rights of all women, men and queer by the United Nations is a milestone of human history. Yet, there remains lot of Human Rights work to be realized to empower women, men and queer of this world to effectively claim their Human Rights. The UN has no political instrument, such as a parliament whose members are elected by the citizens of the member states and is capable of forming a government with legislative and juridical powers on a supra-national level. The UN does not have political powers to generate and juridical powers to enforce Human Rights legislation in the member states. The Report of the WHO-China Joint Mission on COVID-19 from February 16 to 20, 2020, praised the prevention and control measures that “have been implemented rapidly, from the early stages in Wuhan and other key areas of Hubei” (Chotiner 2020). Bruce Aylward, who as WHO official leads the Joint Mission with Chinese government officials had to wait for an interview with a journalist from a Western democracy to indirectly affirm that “Chinese officials initially waited weeks to respond to the outbreak of COVID-19, with police even arresting doctors for discussing the appearance of a dangerous new virus” (Vanderklippe 2020). It is not because of the diplomatic necessity not to alienate China as the largest member state of the WHO, as the historian suggests (Chotiner 2020). The UN is not empowered and capacitated by its founding Charter to interfere with the so-called inner affairs of a political system and government of a member state. The Charter of the UN affirms.

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Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII (UN Charter art. 2, n.7).

Chapter VII concerns action with respect to threats to the peace, breaches of peace, and acts of aggression. It does not concern the violation of the realization of the rule of Human Rights law within the member states. The Security Council may take very modest measures, if peace is threatened, "These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations" (UN Charter art. 41).

"The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945"^{xi}. At the beginning, the Charter affirms "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women" and further aims like peace, justice by international law and social progress (United Nations 1945). Chapter 1 speaks on the purposes and principles of the UN and in Article 1 states as principle purpose "To maintain international peace and security" (ibid). Maintaining international peace and security is a fundamental principle for the global living together of women, men and queer. The member states of the UN affirmed the principle of peace and security as a reaction to the global disaster of World War II. Article 7 of chapter 3 of the Charter Taking lists as the principal organs of the UN "a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice and a Secretariat" (ibid).

The General Assembly consists of all the Members of the United Nations (UN Charter art. 9). The actual powers of the General Assembly are very limited. "The General Assembly may discuss any questions or any matters within the scope of the present Charter", and "may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters" (UN Charter art. 10). "The General Assembly shall initiate studies and make recommendations for the purpose of promoting international co-operation in the political field and encouraging

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the progressive development of international law and its codification” and shall promote further aims but her functions concern making recommendations (UN Charter art. 13), initiate studies and write or receive reports (UN Charter art. 15). The General Assembly appoints the Secretary General who “shall be the chief administrative officer of the Organization” (UN Charter art. 97). The General Assembly also approves the budget of the Organization (UN Charter art. 17), and is responsible for “the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council” (UN Charter art. 18). The real power of the UN stays with the Security Council.

The power of the Security Council is primarily a function of its permanent members:

The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution (UN Charter art. 23. n. 1).

In 2020 CE, the Allied Forces that were victorious in 1945 in World War II, constitute the permanent members of the Security Council who determine the policies of the UN together with the non-permanent members.

In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf (UN Charter art. 23, n.1).

Decisions of the Security Council need “an affirmative vote of nine members including the concurring votes of the permanent members” (UN Charter art. 27, n.3a). From this article follows that every permanent member of the Security Council actually possesses veto power for decisions that are not in the interest of the permanent

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member. During the 1994 Rwandan genocide, the U.S. and France threatened to veto any resolution using the word “genocide” or deploying forces to try to halt the genocide and more recently, China used of the veto to condemn the worst human rights abuses, including those in Sudan, Sri Lanka, Syria, and Myanmar (Trahan 2019). The WHO did a good job producing a pandemic preparedness plan for the nations of the world (World Health Organization 2018a). The UN Security Council did not yet meet to discuss a supranational emergency plan to organize economic and social recovery for the billions of unemployed and millions of failed small businesses. The UN Security Council has no mandate and does not think about rules to ensure that the biggest companies of the world comply with the rule of Human Rights law. Supranational thinking and planning policies that empower realizing the physical, psychic, social, economic, cultural, political and spiritual integrity of individuals, is not yet on the agenda of the women, men and queer sitting in the Security Council and the women, men and queer who make them represent their countries in the UN. The Security Council is not ready to operate as supranational authority that deals with the physical, psychic, social, economic, cultural, political and spiritual integrity of the billions of women, men and queer of the world population. The UN is not yet capable and empowered to work, feel, and think on a supranational level. There is a need to develop plans for supranational social and political structures that aim at securing peace and security, justice and integrity for all women, men and queer on this earth on the basis that all women, men and queer are equal in dignity, freedom and rights. Not preparing such a plan ignores the possibilities of women, men and queer who do not empower themselves to think and feel the world on a supranational level. Realizing such a plan calls for the social choices of billions of women, men and queer and we do not have the power to organize such a supranational process. Yet, we have the power to make plans for a legal, political and cultural framework, to create possibility conditions for the integrity of the women, men and queer of this earth. When will the Security Council take action and recognize, respect and preserve the integrity of women, men and queer artists in the cultures of the world? When will the Security Council recognize the creation of art as one of the most precious resources for sustaining the physical, psychic, social, economic, cultural and spiritual integrity of the women, men and queer of the world? When will the Security Council start educating for a world culture of music, painting, literature and all possible artistic expressions based on Human Rights law rule? We do not know. We know that there was a Paleolithic sculptress or sculptor, who

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produced the small figure of Fanny in the Old Stone Age. Art is as necessary to serve peace and security as weapons. Will there be a political time when Security Council members are capable of facing human life of earth as interactions of individual women, men and queer? Women, men and queer sustain their integrity with the help of music, literature, paintings and sculptures. Art is a very elementary resource for the integrity of women, men and queer, art helps to cope with life and creates resilience to threats of life. Who thinks in the times of the COVID-19 pandemic about the necessity of art in the Security Council? This question is not absurd, this question indicates the necessity for developing all expressions of individual existence. When the individual is recognized, international and supranational institutions will arise. The individual is inseparable from the individual in a speech-act. The speech-act is a mutual interaction of at least one person who speaks and of another person who listens. Speech-acts who realize social choices of dignity, freedom and equal rights are the basic elements of individual policies, the policies of local communities, regions, states and supranational organizations.

The powers of the Security Council serve to maintain international peace and security. The powers do not serve to empower the individual woman, man and queer world citizen to claim the effective rule of Human Rights law in the member states of the UN.

The Social and Economic Council consists of 54 members of the UN that are elected by the General Assembly (UN Charter art. 61). The Social and Economic Council initiates studies, reports on "international economic, social, cultural, educational, health, and related matters", and recommends to members and the General Assembly (UN Charter art. 62). The Social and Economic Council may furnish information to the Security Council (UN Charter art. 65) but does not dispose over governmental, legislative or juridical enforcement powers. In 2005, on the sixtieth birthday of the United Nations, Antonio Papisca, professor of Human Rights law rule at the UN, joined the voices calling for necessary UN reform to strengthen democratic institutional multilateralism in the world system (Papisca 2005). Papisca proposes giving the Economic and Social Council equal status with the Security Council; enforcement power would capacitate the Economic and Social Council to guide and assess the policies for realizing the right to development that the UN Declaration of 1986 proclaimed (ibid, 25). The United Nations Development Programme helps "countries develop strong policies, skills, partnerships and institutions so they can sustain their

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progress^{xii} without independent and effective enforcement power for guiding and assessing its policies.

In 1945, „the peoples of the United Nations” reaffirm in the UN Charter “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small” (United Nations 1945).

Three years later, the Preamble of the UDHR assesses again:

The peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom (United Nations 1948).

The Preamble of the UDHR not only calls on individual states to protect Human Rights, but also calls on every individual to promote Human Rights. Universal Declaration of Human Rights (UDHR) proclaimed the individual to be the subject of international law. The principal of personal responsibility of every individual for contributing to peace and justice was agreed.

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 (United Nations 1948).

The Constitution of the WHO was adopted by the International Health Conference held in New York from June 19 to July 22, 1946, was signed on July 22, 1946 by the representatives of 61 States, and entered into force on April 7, 1948. The last of four Amendments came into force September 15, 2005 (World Health Organization. Regional Office for Africa 2006, 1). Article two (a) and (b) of the Constitution of the WHO clearly show the international function of the agency.

(a) to act as the directing and co-ordinating authority on international health work;

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(b) to establish and maintain effective collaboration with the United Nations, specialized agencies, governmental health administrations, professional groups and such other organizations as may be deemed appropriate (World Health Organization. Regional Office for Africa 2006, 2).

More than 7000 people from more than 150 countries working in 150 country offices, in 6 regional offices and at headquarters in Geneva^{xiii} cooperated on a global level to learn the lessons from the 2009 influenza A(H1N1) pandemic and elaborated a checklist for pandemic influenza risk and impact management (World Health Organization 2018a, 2). Dawood et al. estimate that globally there were 201,200 respiratory deaths (Dawood et al. 2012, 687). 51% of the deaths occurred in southeast Asia and Africa (ibid). The estimated mortality rate in the African region was about two to four times that in countries elsewhere (ibid, 691). In Europe, articles and reports on the Swine Flu pandemic disappeared within a year. In Austria, the press and the population smiled at the three millions of protective facemasks that the health ministry had stored during the pandemic. Protective devices were not necessary because of the mild development of the pandemic. Until the COVID-19 pandemic, the Austrian population considered the stored masses of unused masks as a typical example for the waste of the taxpayers' money by the government and not as a necessary preparation for a future pandemic. WHO has as a specialized United Nations agency the professional resources to investigate a pandemic on a global level, the capability to learn the lessons, and to update its checklist for influenza pandemic preparedness planning (World Health Organization 2018a, 2).

Fulfilling its international function according to its constitution, WHO publishes "A checklist for pandemic influenza risk and impact management: building capacity for pandemic response" (World Health Organization 2018a). The checklist is an instrument for UN member nations to prepare a national pandemic preparedness plan. The checklist rarely and indirectly affirms the individual woman, man and queer citizen as the basic subject agent of a pandemic preparedness plan, the checklist does not take into account the individual woman, man and queer as being a subject of international law. The checklist is not in contact with the proclamation of the UDHR "that every individual and every organ of society" should work securing the universal and effective recognition and observance" of Human Rights (United Nations 1948). The checklist does not regard the necessity to empower the individual woman, man and queer being

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an active and responsible agent in realizing WHO health guidance and assessments. I suppose that many of the 7000 women, men and queer who collaborate at the WHO silently often complain about lacking respect for their own voices and a lack of effectiveness of their work because of the mechanisms and organizational structures of the WHO. The WHO is a specialized agency of the UN according to the UN Charter (United Nations 1945, art. 57) and the Economic and Social Council assures the cooperation with the UN (United Nations 1945, art. 63)^{xiv}. One could say the WHO and the Economic and Social Council do not have enforcement powers for their guidance and assessment of human development, health and Human Rights and therefore there is no use insisting on the basic agent of the individual woman, man and queer to realize the aims of the organization. It is not that easy.

It is critical to managing a pandemic situation “knowing who will do what, when, and with what resources”, and “all stakeholders need to be involved in the planning process” (World Health Organization 2018a, 4). In order to achieve these objectives a concept of operations is essential that “establishes roles, responsibilities and how organizations will work together and coordinate at national, subnational and local levels of pandemic response. This includes government agencies and departments, and other public, private and nongovernmental partners” (ibid, 5). The document touches at the individual level and at Human Rights, when “relevant legislation and policy frameworks” have to be taken into consideration (ibid). The checklist speaks of the necessity for a legal framework to deal with the conflict of interests between “existing laws or individual human rights” and measures “that are in the best interests of community health” (ibid, 7). The checklist does not insist that legislation that restricts personal freedoms and other basic Human Rights has to be agreed on by the institutions of a democracy that are based on the rule of Human Rights law. “Isolation or quarantine of infected individuals, people suspected of being infected, or people from areas where pandemic influenza infection is established, travel or movement restrictions, closure of educational institutions and prohibition of mass gatherings” (ibid, 7) have to be legitimized by parliament according to the rule of Human Rights law. Preparing the structures and procedures for risk communication and community engagement is “an essential part of the public health response” to any disease outbreak (ibid, 9). The document insists that the structures and procedures are agreed, but does not insist on a democratic legitimation for the necessary legal and policy framework. I do not want to criticize the thousands of health professionals working at

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the WHO for neglecting essential Human Rights in their documents. I rather want to point at the UDHR that claims, "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized" (United Nations 1948, Art. 28).

We have to consider the proclamation of the UDHR by the UN together with the individual woman, man and queer claiming their equal dignity, freedom and rights. The individual is inseparable from the individual. Individual women, men and queer realize social choices for their equal dignity, freedom and rights by interacting in speech-acts where a speaker meets a listener and the listener turns to becoming a speaker, respecting both the equal dignity, freedom and rights of each other. Today, May 8, 2020, we celebrate the 75th anniversary of the end of World War II in Europe. Already two months after the unconditional capitulation of Nazi Germany, delegates from 50 states signed the Charter of the United Nations, which came into force on October 24, 1945, so that the UN was born. The end of World War II was also a stimulus for the integration of the European nation states. The central ideal that made the US Marshall Plan of 1947 work in Europe was not the money of 13 billion dollars, but the requirement of the US that the Western European states elaborate a concrete economic reconstruction plan together and for all Western European countries. Already before World War II, there were political movements in Europe that planned for a European transnational integration and they contributed after 1945 to the pressure by the US government that Europe would integrate in order to prevent any further wars between its nations. The US was tired of bringing peace to Europe at the price of millions of lives of US soldiers.

In May 2020, Europe faces the necessity of an economic reconstruction plan after the shutdown of its economy due to efforts for ending the COVID-19 pandemic produced a disastrous unemployment rate. The European Union has to realize the liberation from unemployment and economic recession on its own and does not really have a preparedness plan for this situation. Will the democratic structures of the liberal democracies in the European Union succeed in organizing an economic reconstruction plan together and for all? I do not know. I really do hope that the EU will succeed by following the rule of Human Rights law. I hope that the institutions of the EU develop and realize economic and social reconstruction respecting the equal dignity, freedom and rights of all women, men and queer at a supranational level, at the national level,

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and at the subnational level, that is at the regional and local levels, including public and private organizations. Democratic procedures start with speech-acts of persons who speak and listen to each other respecting their equal dignity, freedom and rights. One does not lose one's dignity because of the social choice to help realize the dignity, freedom and rights of others by relinquishing one's right to freedom. On the contrary, democracy functions on the mutual condition that the citizens interact by helping each other to realize social choices of dignity. If the individual woman, man and queer effectively realizes social choices of dignity, Human Rights will flourish in communities and constitutional settings. The UN was founded because the equal dignity, freedom and rights of all women, men and queer of the world was proclaimed respected and protected. WHO and the other agencies and organs of the UN must insist that women, men and queer all over the world effectively are empowered to claim their Human Rights.

7.2. History of the evolvement of the text for *Ad Gentes*

The history of *The Decree On the mission activity of the Church Ad Gentes* mirrors the emancipation process of the so-called mission territories in the European colonies from the central Roman power of *The Congregation for the Propagation of the Faith* or *Propaganda Fide*. The missionary bishops fought at the Second Vatican Council for the recognition of these territories as local Churches with an indigenous local bishop who possesses jurisdiction over an indigenous clergy. *Propaganda Fide* is a foundation of Pope Gregory XV in 1622 (Holy See 2020). For 500 years, Propaganda Fide and the mission activity of the Catholic Church are inextricably linked with the brutal establishment of European colonial empires (Hünemann 2005, 227). The Vatican claims that in 1622, Gregory XV established *The Congregation for the Evangelization of Peoples*; well, Gregory XV established the Congregation Propaganda Fide, which had acquired a bad image over the centuries. Only in 1982, the name changed to *The Congregation for the Evangelization of Peoples* (Holy See 2020). In 2020, this Congregation insists that its mission has not changed. As always, the Congregation “coordinates and guides” the missionary activities of the Roman Catholic Church that is the Congregation organizes and controls the mission activity of the Church.

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“The task of the Congregation has always been the transmission and dissemination of the faith throughout the whole world. It was given the specific responsibility of coordinating and guiding all the Church’s diverse missionary efforts and initiatives. These include: the promotion and the formation of the clergy and of local hierarchies, encouraging new missionary institutes, and providing material assistance for the missionary activity of the Church. Thus, the newly established Congregation became the ordinary and exclusive instrument of the Holy Father and of the Holy See in its exercise of jurisdiction over all of the Church’s missions and over missionary cooperation” (Holy See 2020).

In 2020, *The Congregation for the Evangelization of Peoples* makes clear the two pillars of the mission activity of the Church that are a theology of the mission and the organization of the mission activity of the Church. Again, we have to consider together the theology of the Christian faith that is the people of Go’d that gives testimony to her faith and the institutional aspect of the Church as a hierarchical society that holds the power of jurisdiction. We have to watch the development of both aspects, the aspect of the Church as a communion and the aspect of the Church as a hierarchical society, in the history of the decree on the mission activity of the Church at the Second Vatican Council (Hünemann 2001, 438).

In 1960, the Armenian Cardinal Agagianian (1895–1971) was appointed prefect of Propaganda Fide. In 1960, he was also named president of the Vatican commission that prepared the decree on the mission activity of the Church (Hünemann 2005, 243). The commission counted 23 European members and three non-Europeans. Most of the 32 advisers worked and lived in Rome and the few members from the mission countries were not able to influence the work of the commission in Rome effectively (ibid). In November 1962, the Council Fathers rejected most of the schemes that the Curia had prepared. The Council Fathers successfully claimed the election of the commission members for the work on better and new texts. They elected 16 new members for the commission for the mission activity of the Church; Paul VI appointed nine additional members and the Cardinal President of the commission Agagianian. Europeans no more have the majority in that commission, and almost all members have personal experiences as missionaries in Africa and Asia or other mission countries. Agagianian kept control over the commission’s work with the help of trusted confidants at the key positions of the secretariat of the commission (ibid, 244). Yet,

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Father Saverio Paventi, secretary of the commission, was not able to convoke the commission during the Council's session in 1962. The attacks of the Council Fathers in the aula of Saint Peters against the Roman Curia and against the congregation Propaganda Fide had been heavy and emotions needed time to calm down (Grootaers 1996, 553). A group of African bishops had published a manifesto, protesting the omnipotence of Propaganda Fide in their countries. The bishops demanded the ending of the colonialist discrimination by Rome and the reduction or even better, the dissolution of the Congregation Propaganda Fide. The bishops wanted to refer directly to the Roman Congregations and not depend any more on Propaganda Fide for any affair concerning their territories (ibid). Agagianian was deeply hurt that his scheme had been rejected and he never adjusted to the reform ideas of the Council Fathers concerning Propaganda Fide in the following years.

The new commission on the mission of the Church starts working on March 1963 and prepares a new text (Hünemann 2005, 244). The coordinating commission asks to rework the text under consideration of the mission treated in the documents on the Church and the education of the clergy. The reworked text has an introduction, a first chapter on the principles of mission, a second chapter on the apostolate for the mission, a third chapter on education for the mission activity, and a fourth chapter on collaboration for the mission in the Church (ibid, 245). The coordinating commission allowed for this text to be sent to the Council Fathers who should send their comments until March 1964. Surprisingly, the coordinating commission did not wait that the work of the mission commission deals with the comments of the bishops. On April 23, 1964, the secretary general of the Council, bishops Felici, instructed the mission commission to present a short text of a few pages with consideration for the comments of the bishops (ibid). The new text counted six pages and proposed thirteen short thesis on the mission of the Church. The first thesis concerns the necessity of the mission of the Church, the second concerns the preaching of the Gospel, the third missionary work. The fourth is titled the principle of the missions, the fifth the duty of the bishops concerning the mission of the Church, the sixth the duty of the priests, the seventh the duty of the religious orders, and the eighth the duty of the laity. The ninth thesis concerns ecumenism and the collaboration with Non-Christians, the tenth the education of the Christians, the eleventh the scientific education for the mission, the twelfth the catechists, and the thirteenth the foundation of academic institutions dealing

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with the mission of the Church (Brechtler 1968, 13). The Council Fathers received the text in July 1964.

From November 6 to November 9, 1964, the scheme on the mission activity of the church was debated. To the surprise of all, Paul VI was present in the aula at the beginning of the debate on November 6, 1964. From the table of the presidency he gave a short speech on the importance of the scheme on the mission of the Church and affirmed that salvation of the world is dependent on the realization of the missionary command of Jesus Christ (ibid, 14). The Pope suggested that the Council Fathers approve the scheme, and make the corrections they feel necessary. Then Paul VI left the aula of Saint Peter (ibid). John XXIII never assisted at a session of the Council and it was the first time since the Middle Ages that a pope was present at a conciliar debate (Hünemann 2001, 360). He was conscious of the deep rift within the commission for the mission of the Church, he was conscious of the opposition of the bishops of the mission territories, whose young churches wanted to be churches like all the other local churches within the Roman Catholic Church, and the pope wanted to give support to Cardinal Agagianian (Hünemann 2005, 246). Paul VI defended the scheme on the mission of the Church; he wanted to overcome Eurocentrism and open the Roman Catholic Church to the whole world; on October 18, 1964, he canonized 22 Ugandan martyrs and announced during his homily that he would assist the Eucharistic Congress in Mumbai, India (Hünemann 2001, 361). During this final phase of the Second Vatican Council, Paul VI attentively followed the activities of the commissions. He watched carefully over the work of the commissions and intervened to assure the Church's orthodoxy, but he also empowered the commissions with authority concerning the edition of the documents they were preparing (ibid, 380). Without the insistence of Paul VI, some conciliar documents would not have been realized (ibid, 381). The Council Fathers were very hostile as regards the document on the mission activity of the Church. The intervention of Paul VI in the aula of the Council and his insistence on a comprehensive document on the mission activity of the Church were decisive for the organization of a new sub-commission with new experts who realized a comprehensive document during the first months of 1965 (ibid). Hünemann views the close contact of Paul VI with Gabriel-Marie Garrone, bishop of Toulouse, as decisive for the success of *Gaudium et Spes* during the final redaction of the document (ibid, 181).

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Twenty-eight Council Fathers took the word during the debate. The reaction to the scheme was all in all very negative, because the Council Fathers wanted an elaborated scheme and not a simple series of short propositions (ibid, 366). The Council was ready to reject the whole scheme. Cardinal Agagianian mastered this moment of crisis with tactical cleverness (Brechtler 1968, 15). He made his relator of the scheme, bishop Lo Kuang, the first bishop of the dioceses of Tainan, Taiwan, announce that the commission is very pleased with the great importance that the Council attributes to the mission of the Church and therefore suggests that the scheme be worked over fundamentally and would incorporate the suggestions of the Council Fathers. The aula responded with enthusiastic applause. The following vote was not on accepting or rejecting the scheme as a whole, but on the question if the Council Fathers would approve a revision of the scheme on the mission of the Church by the competent commission. The vote received an overwhelming majority (ibid).

Already on November 16, 1964, the commission for the mission of the Church elected five of its members for the redaction of a new scheme. Father Johannes Schütte, General Superior of the Society of the Divine Word, was elected president of the sub-commission (Hünemann 2001, 372). Agagianian stuck to the traditional description of mission as expansion of the Christian territory under the jurisdiction of Propaganda Fide into regions that are not yet Christianized. He accepted Neuner and Ratzinger as new experts for the new sub-commission; he resisted the French bishops who proposed Congar as an expert until the second meeting of the sub-commission on November 20, 1964 (Burigana and Turbanti 1999, 607–8). Congar and Ratzinger were to work on the theological foundation of the scheme in relation with important schemes of the Second Vatican Council, like *Lumen Gentium*. The sub-commission then concentrated on elaborating an adequate description of the concept mission (ibid, 610). Congar worked on a Trinitarian theology of the mission and his idea helped with the practical difficulties of the mission bishops concerning the parallel existence of territories under the jurisdiction of Propaganda Fide and of independent dioceses within the same countries. The sub-commission was not able to agree on a text by March 1965 and Felici was impatient. Paul VI intervened and observed that the text so far did not sufficiently speak of the people of God and the mission of the Church but still concentrated on the bishops as successors of the Apostles and administrators of the mission in their jurisdiction (ibid, 613). In the beginning of April 1965, the commission accepted an inclusive definition of mission that was based on theology

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and did not exclude the territorial aspect of the question. The new scheme passed the coordinating commission and Felici sent the scheme on the mission activity of the Church to the Council Fathers on June 12, 1965 (ibid, 616).

The preface of the scheme conceives with *Lumen Gentium* 48 “the Church as the universal sacrament of salvation” (Hünemann 2001, 438). *Lumen Gentium* 48 indeed affirms the risen Lord Jesus Christ “sent His life-giving Spirit upon His disciples and through Him has established His Body which is the Church as the universal sacrament of salvation”. However, scheme *Ad Gentes* attributes the mission to proclaim the Gospel not to the people of Go’d and the disciples of Jesus Christ, but to the successors of the Apostles, that is the hierarchical Church (ibid). The laity is encouraged to collaborate with that mission, not more.

The first chapter affirms the mission of the Son and of the Holy Spirit as realization of Go’d’s salvific will for all of humanity in Jesus Christ, who sent the Holy Spirit on his Apostles. The scheme does not mention the disciples of Jesus Christ as receivers of the Holy Spirit (ibid, 439). The predication of the Church and the sacraments of salvation give rise to the faith that causes salvation according to the will of Go’d. At the same time the scheme affirms, that Go’d is causing faith in people according to Her own design (ibid, 440). The problem of dialoguing with the people of other religions, and the status of these religions within the history of salvation is not clear (ibid, 441).

The second chapter of the scheme is on the works of the mission. First there is a pre-evangelization that prepares confidence by living with the people, sharing their culture and by listening to them with a spirit of love. Then follows the direct testimony to the Gospel of Christ and the celebration of the reunion of the people of Go’d (ibid). Both, catechesis and liturgical service need religious freedom. At last the scheme assesses the reality of many new dioceses and autonomous local churches in the so-called mission countries or territories (ibid, 442).

The third chapter deals with the vocation of missionaries within the Christianized countries, with the spiritual and moral education of the missionary priests, their theological studies and missionary academic institutions (ibid). There is no word of lay women, men and queer catechists, missionary schools and their lay teachers, as missionary hospitals and their doctors and nurses (ibid).

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The fourth chapter deals with the necessary Church discipline for the lay Christians who are called to collaborate in the missionary work. The announcement of the Gospel is the duty of the college of the bishops and the pope gives the central guidance of the missionary activities (ibid). At the local level of the dioceses, the bishop moderates and governs the missionary activity and the episcopal conferences coordinate the missionary activities of the bishops (ibid, 443). The missionary institutions of religious orders are called to cooperate with the local bishops and the episcopal conferences and the Holy See authorizes contracts of cooperation between the religious and diocesan authority (ibid).

The fifth chapter speaks of the collaboration of the whole people of God with the mission work of the Church (ibid). The local bishops are called to send missionary priests to the missions to help the new autonomous dioceses in the newly Christianized countries. The scheme prudently speaks of the reform of the institution of Propaganda Fide, but does not describe new structures for the institution (ibid, 444).

On October 7, 1965, the discussion on the scheme started in the aula; on October 12, the first votes on parts of the scheme began (ibid, 451). There was no description of the actual situation in the mission countries in the scheme and some Council Fathers characterized the situation of the new churches in the discussion. Cardinal König from Vienna, Austria, spoke of the pluralism of religions in the modern world (ibid, 445). Archbishop Basil Salvadore D'Souza from Mangalore, India, told the aula that the Church did not develop like an enculturated seed of the Gospel of Jesus Christ in Asia; the mission activity of the Roman Catholic Church in Asia operated as a transplantation of the prefabricated European model of the Church (ibid, 446). The Dutch primate Cardinal Bernard Alfrink, referred in his speech to the scheme on the apostolate of the laity, that considers the work of evangelization a fundamental duty of the whole people of God (ibid, 447). Many Council Fathers spoke of the importance of the testimony of the lay Christians and their families for the mission. Bishop Mark McGrath from Panama spoke of the necessary development of the responsibility for the mission activity of the Church by the collegiality of all bishops and the pope (ibid). The economic dependence of the new churches in the mission countries on the rich churches in Europe and North America was not discussed openly, but was present in the aula. Bishop Joseph Martin, who had been promoted from Apostolic Vicar of Ngozi, Burundi, to bishop of the diocese of Ngozi in 1961, claimed the full rights for a bishop from a

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new diocese in a mission country and the jurisdictional equality within the college of bishops (ibid, 450). He wanted representatives of the bishops in the mission countries to become members of a fundamentally reformed Congregation for the propagation of the Faith (ibid). Ecumenism and the collaboration of all the Churches in the mission countries was an important theme in the discussions. Already in 1965, Council Fathers from the mission countries pointed at the growing number of very successful missions by the Free Churches (ibid, 451). The small Christian communities that Catholic liberation theologians founded in the 1990s in South America, Africa and India, soon suffered the exodus of Christians to the Free Churches whose preachers were laymen with a blue collar background who spoke the simple language of the uneducated people to whom they were proclaiming the Gospel. On October 15, 1965, the sub-commission of Father Schütte started the work on the 500 pages of the 190 modifications for the scheme that the Council Fathers brought forward in the discussion (ibid, 452). Many modifications concerned the description of the reform for Propaganda Fide and the wish of the new dioceses in the mission countries to be treated equally with all the other dioceses of the Roman Catholic Church and to be considered as subjects of the mission activity of the Church and not as objects (ibid). From November 10 to November 12, 1965, there were 20 votes on parts of the text of the scheme (ibid, 453). The Council Fathers wanted to make sure that the bishops from the mission countries were actively taking part in the government of the reformed Propaganda Fide. Propaganda Fide had rejected that the missionary bishops become ordinary members of the congregation and a compromise had to be found. On December 7, 1965, the scheme passed the vote with overwhelming majority (ibid, 454).

About 10 per cent of the Council Fathers were bishops coming from missionary countries. These bishops wanted to be treated equally to all ordinary bishops of the Roman Catholic Church. They demanded from the pope the jurisdictional powers to govern their dioceses with the powers that a monarch enjoys in her or his kingdom. They demanded the powers to teach the Christian faith and control teaching, and the power to sanctify the Christians living in their dioceses by guiding the liturgy. Even as Apostolic administrators under the authority of Propaganda Fide, the missionary bishops already occupied a privileged status within the hierarchy of the Roman Catholic Church. Equality of jurisdictional powers as members of the world episcopate gives the missionary bishops still more authority as the unchallenged governing, teaching and liturgical authority within their dioceses. *The Decree on the Mission*

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Activity of the Church Ad Gentes does not speak unilaterally of the divine aspect of the Church as the people of God living in a communion of love with each other. *Ad Gentes* repeatedly and insistently affirms the social aspect of the Roman Catholic Church as a hierarchical society of bishops who are the successors of the Apostles and who are therefore responsible for the mission activity of the Church. The laity participates in this mission activity, but the effective and real agents of the proclamation of the Gospel are the bishops. It is important to recognize that the missionary bishops wanted their place within the episcopal college, within the world episcopate; they wanted equal privileges with the other episcopal members of the hierarchy, they did not fight for equal rights, freedoms and dignity of all Catholic women, men and queer.

The Second Vatican Council completed the institution of the hierarchy of bishops all over the world. The national bishops' conferences constitute smaller organizations of the world episcopate. It is important to recognize that the Second Vatican Council does not organize the world episcopate under the government of the pope as a supranational society. The divine aspect of the Church as the people of God would allow for such a supranational organization. The societal aspect of the Roman Catholic Church as an absolute monarchy does not allow for a supranational organization. Pope John XXIII proposed in his Encyclical *Pacem in Terris* such a supranational government for all nation states of the world that is the United Nations for the sake of realizing peace and justice in the world. The Second Vatican Council does not imagine the political community of the world as a supranational community, but keeps speaking of the political community as the nation state. The Second Vatican Council was not able to grasp the concept of John XXIII, who considered the nation states as elements of an evolving unity of all of humanity and not any more as self-sufficient political, civil, and social organizations. The Second Vatican Council deals with the political space in the fourth and fifth chapter of the second part of *Gaudium et Spes* (Nell-Breuning 1968, 517). The fourth chapter deals with the nation state and chapter five is titled "The Fostering of Peace and the Promotion of a Community of Nations" and deals with the life between nations and their unity, ignoring the new horizon of international relations and the supranational organization of the United Nations. The pope assures his absolute power and founds the relationship of the Roman Catholic Church on treaties of the Holy See with individual nation states. No political world authority holds the pope of the Roman Catholic Church accountable for realizing the rule of Human Rights law. Discrimination of women, men and queer continuous within the Roman Catholic

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Church. The pope and the male celibate hierarchy of the Roman Catholic Church has no interest in joining the United Nations and working for the realization of the rule of Human Rights law within the Roman Catholic Church, although the faith in Jesus Christ recognizes the equal dignity, freedom and rights of all women, men and queer. Not recognizing and not proclaiming the equal dignity, freedom and rights of all women, men and queer Catholics falls short of the proclamation of the Gospel of Jesus Christ who healed and through healing taught the end of all discrimination and healed by teaching peace, justice and the threefold commandment of love. A Decree on the Mission Activity of the Church that does not comply with the rule of Human Rights law does not comply with the Gospel.

7.3 Commentary on *Ad Gentes* during the COVID-19 pandemic of 2020 CE

For 500 years, the mission activity of the Roman Catholic Church accompanied and often justified the brutal establishment of European colonial empires (Hünemann 2005, 227). Proclaiming the Gospel also served the proper economic interests of the kings, the popes, and of powerful religious orders. The results of the physical, psychic, social, and economic exploitation of the colonized peoples, and the consequences of the destruction of the cultural, political and spiritual integrity of the communities in the suppressed continents did not vanish with the end of this kind of colonialism in the days of the Second Vatican Council. The liberation from colonialism was not the restitution of the status before the suppression. Colonialism left broken societies, arbitrary boundaries of autocratically erected nation states by strategically separating ethnicities and peoples. Even in 2020, CE Africa does not get paid fair prices for its mineral resources, and does not get conditions for a fair trade. Subsidized European food exports ruin agriculture and food markets in African countries with dumping prices. In the time of the first wave of the COVID-19 pandemic in the spring of 2020 CE, I want to remember the influence of epidemics in the history of the European colonization and Christianization of South and North America and the Caribbean. The colonizers brought not only the Gospel, suppression and misery, but also sicknesses and epidemics “in the Americas, the arrival of Europeans brought disease, war, and slavery to many indigenous peoples” (Pringle 2015). It is impossible to give an exact count of the population of the empires in the Americas at the arrival of the Europeans in 1492 CE because of the lack of records. Estimates speak of 60 million people living in North,

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Central and South America at that time, Europe's population at the time was about 75 million spread over less than half the area (Koch et al. 2019).

When Europeans first set foot on the island of Hispaniola – now Haiti and the Dominican Republic – in 1497 CE and the mainland in 1517, they brought measles, smallpox, influenza and the bubonic plague across the Atlantic (ibid). Those who did not die from the consecutive waves of epidemics, suffered death from warfare, famine and colonial atrocities. Is it a realistic estimate that the “Great Dying” took the lives of 90 per cent of the pre-Colombian Indigenous population? In World War II, 80 million people died. The “Great Dying” would have resulted in the second largest mortality of modern history (ibid). In 1513 CE, Bartolomé de Las Casas (1493 – 1566) landed in Santo Domingo for the second time and lived as an agricultural colonist on the *Hispaniola*, the first Spanish colony in the New World. Eventually Las Casas was appalled by the suppression of the Indians and in 1515; he went to Spain to fight for the rights of the Indians (Huerga 1998, 75–95). In 1522, Las Casas took the habit of the Dominicans and became famous as the defender of the Indians. In order to stop the extinction of the Indians, Las Casas, Pedro de Cordoba and his Dominican brothers already in 1516 and 1518 proposed and asked the Spanish King to substitute the Indian with African slaves (Clayton 2009, 1529). We cannot talk about the genocide of the Indian population in the New World without also remembering the crime of the establishment of African slavery in Latin America in the sixteenth Century. The colonization of America with the forced labor of African slaves marks the beginning of modern slavery as a system of global organization (ibid). Back in Spain in the early 1550s, he repented and judged himself culpable because he had suggested substituting the Indians with Africans. He had thought that the Africans would not die of sickness if they were treated well; but he had to realize that many of them died because of the inhumane conditions of slavery (Pérez Luño 1990).

I am writing on the colonial history of the Hispaniola, in order to remember that an epidemic was important for the success of the Haitian rebellion in 1793 (Chotiner 2020). Napoleon's army was destroyed by yellow fever when he sent the great armada to restore slavery in Haiti. The slave rebellion succeeded because the slaves from Africa had immunity that white Europeans who were in Napoleon's army didn't have. Haiti became independent. Epidemics have tremendous effects on social and political stability, they determine the outcomes of wars, and are part of the start of wars

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sometimes (ibid). In 1803, the yellow fever led Napoleon to agree to the Louisiana Purchase, which doubled the size of the United States of America, and ended French power expansion in the New World (ibid). The historian affirms there is not a major area of human life that epidemic diseases have not touched profoundly (ibid). Epidemic diseases are still a major scourge for African, Asian and South American populations at the time of the Second Vatican Council.

The Decree on the Mission Activity of the Church does not start with an assessment of the physical, psychic, social, economic, cultural, spiritual etc. situation of the women, men and queer of this world. *The Pastoral Constitution on the Church in the Modern World Gaudium et Spes* had realized first steps for an awareness of “The joys and the hopes, the griefs and the anxieties of the men of this age, especially those who are poor or in any way afflicted” in the Roman Catholic Church (*Gaudium et Spes* 1). *Ad Gentes* 1 claims, “In the present state of affairs, out of which there is arising a new situation for mankind”, but does not bother describing the new situation. “Mankind” is not perceived as a global society, but as a series of nation states, and salvation is for the nations of the world “Divinely sent to the nations of the world to be unto them a universal sacrament of salvation” (*Ad Gentes* 1). How is it possible to realize the universal within the particular? The sum of particular states does not make up a universal society. *Ad Gentes* 1 borrows from *Lumen Gentium* 48 affirming Christ has established “the Church as the universal sacrament of salvation” but forgets about the eschatological context of the seventh chapter of *Lumen Gentium* 48 – 51. The mission activity of the Church does not bring about salvation to the nations of the world. Faith and love help the Church to hope for the second coming of Christ. “The promised restoration which we are awaiting has already begun in Christ, is carried forward in the mission of the Holy Spirit and through Him continues in the Church” (*Lumen Gentium* 48). Christians hope that the world “will attain its full perfection only in the glory of heaven, when there will come the time of the restoration of all things” (*Lumen Gentium* 48).

Pope Francis is conscious of the need to include in the mission of the Church the healing example of Jesus Christ who realized the just world of Go'd by healing and healed by proclaiming the Gospel. On March 20, 2020, Pope Francis asked the *Dicastery for Promoting Integral Human Development* (DPIHD) to create a *Commission* “to express the Church’s solicitude and care for the whole human family

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facing the COVID-19 pandemic, including analysis, reflection on the new socio-economic-cultural future, and the proposal of relevant approaches”^{xv}. Since the societal structure of the Roman Catholic Church is not established as a supranational level of cooperating episcopal conferences, but as an absolute monarchy that governs from Vatican State local churches, Pope Francis has no choice but to allow his commission to be “listening and supporting local churches” (ibid).

The fact that Pope Francis has to create a new commission to deal with a global pandemic proves that the governmental structure of the Holy See that governs with the help of Dicasteries or Congregations does not provide by itself the necessary cooperation on a global problem. The pope has to command the cooperation of his Dicasteries and Congregations (ibid). The new commission needs the cooperation of other Dicasteries and organizations of the Papal Curia, but these Dicasteries and Congregations are not willed to cede influence, independence and power to other Dicasteries and Congregations. Pope Francis had no choice but to make one Dicastery responsible for the organization of the commission. The Cardinal Prefect of the *Congregation for the Evangelization of Peoples* will hardly accept collaboration in a commission under the presidency of the Cardinal Prefect of the *Dicastery for Promoting Integral Human Development*. The intensity of his collaboration depends on his interest in ensuring the power of his own Congregation. Inter-congregational and interdicasterial communication and coordination is poor, drafts of documents usually do not circulate. Talking to anyone outside the office is normally restricted to the prefect, secretary or undersecretary. A lower official would usually check with his superiors before sharing information with an official from another office (Reese 1996, 132). Working on a global problem needs organizational structures working from a global perspective. Competing interests that work against each other weaken the effectivity of the Roman Curia. The structures of the Vatican do not realize the collegial character of the church (ibid, 172).

7.3.1. *Ad Gentes* Preface

Ad Gentes does not start with an analysis of the historic context of the mission of the Church in the modern world as *Gaudium et Spes* had regularly tried to do. Instead, *Ad Gentes* 1,1 starts affirming that Go'd had sent the Church to the nations as a “universal sacrament of salvation” (*Lumen Gentium* 48). The Apostles and their successors realized the divine mission. The successors of the Apostles are the bishops. There is

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no word on the Christian women, men and queer proclaiming the Gospel of Jesus Christ.

Ad Gentes 1,2 affirms that the Church is called “to renew every creature” and restore all things, but does not describe what that means. *Ad Gentes* 1, 3 speaks of the great results of the Church’s mission in history without describing these results and “rallies the forces of all the faithful” to prepare the “second coming” of Jesus Christ.

7.3.2. *Ad Gentes* Chapter I Principles of Doctrine

Ad Gentes 2, 1 affirms the origin of the missionary activity for the “pilgrim Church” from Jesus Christ and the Holy Spirit as commandment of Go’d and refers to two verses of the Sermon on the Mount (*Matthew* 5, 13–14). The official Latin version of *Ad Gentes* speaks coherently of mission activity throughout the document. The official English translation of *Ad Gentes* uses the title *Mission Activity of the Church* and uses the translation “missionary activity” throughout the document. I continue using the translation “mission activity” in order to stay coherent with the title of *Ad Gentes*. From *Matthew* 7, 28, we learn that Jesus had proclaimed the Sermon on the Mount to the whole people and not only to his Apostles or disciples. *Ad Gentes* does not acknowledge the text of the Gospel but prefers to stick with the century old interpretation that Jesus addresses the Sermon on the Mount to an exclusive and small group of privileged men. *Ad Gentes* 2, 2 continues with faith sentences about the Trinitarian economy of salvation that sound very abstract and empty for Christian women, men and queer.

Ad Gentes 3,1 speaks about Jesus Christ and his mission for salvation from sin and for reconciliation and the preparation of this saving message within religions. *Ad Gentes* forgets about Israel’s part in the history of salvation, about the Muslims and other religions and the realization of the divine vocation by women, men and queer who follow their conscience, seek to realize the good and do not know Go’d’s Gospel. *Lumen Gentium* 16 spoke about all this and *Nostra Aetate* affirmed salvation for those who do not know Jesus Christ (Hünemann 2005, 257). *Ad Gentes* 3, 2 presents a Christological catechesis on an abstract level of eurocentrism that attracts theologians of the Western tradition but forgets about women, men and queer believers who meditate on Jesus Christ and the threefold commandment of love to empower their lives with grace according their cultures. *Ad Gentes* 3, 3 exhorts the Christians to proclaim the Gospel of Christ but does not care about how Africa, Asian, or Latin

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American Christians would receive, meditate and interpret Christ's message for the just world of Go'd.

Ad Gentes 4, 1 affirms, "The Holy Spirit was at work in the world before Jesus Christ was glorified" and refers to the Creed of Constantinople (Symbolum Constantinopolitanum) and Leo the Great who assess that the prophets spoke of the Holy Spirit. *Ad Gentes* 4, 2 affirms with *Lumen Gentium* 4 that the Holy Spirit equips the Church "with various gifts of a hierarchical and charismatic nature". Neither *Ephesians*, nor *the first Letter to the Corinthians*, nor *Galatians* speak of a hierarchical church or of any Church institutions that the Holy Spirit vivifies as claims *Lumen Gentium* 4. *Ad Gentes* 4, 2 does not even any more bother referring to the Scripture to legitimize the societal aspect of the Roman Catholic Church as a hierarchical monarchy of male celibates. *Ad Gentes* does not speak about what the gifts of the Holy Spirit realize within the world. There is no word on realizing world peace, justice, dialogue of cultures and respect of other peoples (Hünemann 2005, 260).

Ad Gentes 5,1 affirms again that the Apostles were "the beginning of the sacred hierarchy" and that Jesus Christ "sent His Apostles into all the world" referring to *Matthew* 28, 19–20 and to *John* 20, 21. From *Matthew* 28, 16 follows that Jesus speaks in *Matthew* 28, 19–20 to the eleven disciples. In *John* 20, 21 Jesus speaks to all disciples who were present in the room and not only to the Apostles. Nevertheless, *Ad Gentes* 5, 1 affirms the "the order of bishops, assisted by the priests, together with the successor of Peter and supreme shepherd of the Church" inherited from the Apostles the mission from Christ but the text does not present any reference to the Gospel to justify this claim to absolute power by the hierarchy. The text mentions the people of Go'd with a reference to *Ephesians* 4, 16 remembering the life of the Holy Spirit that flows from Jesus Christ to "members of his body" that is all women, men and queer faithful. *Ad Gentes* 5, 1 praises the testimony of the Apostles to the service of Jesus Christ. Congar is the main author of this text and he was convinced that only the hierarchical Church was empowered to preach the Gospel (Hünemann 2005, 262). Only after the Second Vatican Council Congar affirmed that the whole Church, the mystical body of Christ, the communion of the faithful is subject of the mission activity of the Church (ibid).

Ad Gentes 6,1 affirms that the mission activity is a duty "to be fulfilled by the order of bishops, under the successor of Peter and with the prayers and help of the whole

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Church". *Ad Gentes* 6, 2 explains that the circumstances of the mission activity of the Church are responsible for the quality of the mission activity. There are happy beginnings, setbacks, and insufficiencies until all peoples reach catholicity. *Ad Gentes* 6, 3 affirms that the mission activity of preaching evangelizes people who are not yet in contact with the Gospel, and empowers the building of autochthonous hierarchies and churches. *Ad Gentes* 6, 3 reflects the conflicts in the commission for the scheme concerning the jurisdiction over mission territories that assures the powers of the Congregation Propaganda Fide and the interests of the young churches and their hierarchies to receive the recognition of independent churches with independent jurisdiction for their autochthone bishops (Hünemann 2005, 265). *Ad Gentes* 6, 4 tries to express a compromise about the conflicting interests and speaks of development stages of new churches. *Ad Gentes* 6, 5 speaks of "charity and works of mercy" as mission activity where preaching is not possible. *Ad Gentes* 6, 6 assesses the ordained hierarchy as primary agent of any mission activity; the hierarchy exercises the mission activity. *Ad Gentes* forgets that *Lumen Gentium* affirms the mission activity for the whole people of Go'd (ibid, 267). *Ad Gentes* 6, 6 also assures the interests of Propaganda Fide claiming that mission activity is directed at nations that do not know the Gospel. The distinction of mission activity and pastoral work reflects the ignorance of the Council Fathers who do not recognize that mission activity always includes the care and the service for the perseverance of the faithful and that pastoral work always includes the openness and care for those who do not believe in Jesus Christ (ibid). The last sentences of *Ad Gentes* 6, 6 recognize splits and divisions among Christian Churches that "block the way to the faith for many" and call for the ecumenical effort of the mission activity since "all baptized are called to give testimony to Jesus Christ before the nations" in unity or at least "by mutual love and esteem".

Ad Gentes 7, 1 affirms that mission activity "derives its reason from the will of Go'd" and that there is no salvation from another than Jesus Christ and men knowing Jesus Christ and the Gospel and rejecting both cannot be saved although "Go'd in ways known to Himself" can lead people who are ignorant of Jesus Christ to faith. *Ad Gentes* 7, 2 speaks of the necessity of "all members of the Church" to join in the mission activity. *Ad Gentes* 7, 3 affirms that mission activity fully glorifies Go'd. There is no word any more on Go'd's universal will for salvation of all women, men and queer as the commission for the scheme had proposed referring to *Lumen Gentium* 16 and *Nostra Aetate* 2–4 (Hünemann 2005, 268–269).

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Ad Gentes 8 claims that mission activity corresponds with “the nature of man”, overcoming particularities of nations, races and cultures, contributes to liberty and to progress in human history, to unity and peace. The Council Fathers are not conscious of the necessary respect and social realization of the dignity of cultures, identities of peoples and dialoguing on the basis of equal freedom and rights in a world that had overcome European colonialism (ibid, 270).

Ad Gentes 9, 1 affirms that mission activity extends between the first and the second coming of Christ. *Ad Gentes* 9, 2 affirms “missionary activity works out the history of salvation” and heals “whatever good is found to be sown in the hearts and minds of men, or in the rites and cultures peculiar to various peoples”. In 2020 CE, these affirmations sound prepotent and disrespectful of Go’d’s creation and Her way with the women, men and queer on this earth. There is no word on the need of conversion and healing within the Roman Catholic Church and their sinning members (ibid, 271).

7.3.3. *Ad Gentes* Chapter II Mission work itself

Ad Gentes 10 justifies the mission activity of the Church as “a gigantic missionary task” because “two billion human beings” have not yet or hardly heard of the Gospel of Jesus Christ. At the beginning of the 21st century, there are about four billion non-Christians on earth and about one third of humanity is Christian (ibid, 272). The Council Fathers turn their attention to Asia and Africa, but do not really take notice of the plurality of cultures, peoples, traditions and religions (ibid, 273). There is no analysis of the social, economic and political conditions of the people of Asia and Africa. *Ad Gentes* simply speaks of “groups” and the use of the term group for a billion of Hindus and a billion of Muslims really misses the point that Hinduism and Islam constitute world religions.

Ad Gentes 11 and 12 are titled “Christian witness” and deal with the mission activity of all Christians; the hierarchy is not mentioned at all. Christians give witness “wherever they live” (*Ad Gentes* 11, 1). *Ad Gentes* 11, 2 affirms the Christians have to join those groups “by esteem and love” and “let them acknowledge themselves to be members of the group of men among whom they live; let them share in cultural and social life by the various undertakings and enterprises of human living; let them be familiar with their national and religious traditions; let them gladly and reverently lay bare the seeds of the Word which lie hidden among their fellows”. The Christians should tell those “groups” about the changes of the modern world and ultimately “bring them under the dominion of God their Savior” (*Ad Gentes* 11, 2). *Ad Gentes* 12, 1 motivates the

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Christians that their presence in “those groups” is inspired by charity, “charity truly extends to all, without distinction of race, creed, or social condition: it looks for neither gain nor gratitude. For as God loved us with an unselfish love, so also the faithful should in their charity care for the human person himself, loving him with the same affection with which God sought out man” and charity follows the example of Jesus Christ. *Ad Gentes* 12, 2 affirms “Let Christians labor and collaborate with others in rightly regulating the affairs of social and economic life”, affirms collaboration for education “especially in the developing nations, working toward the uplifting of human dignity, and toward better living conditions”. *Ad Gentes* 12, 3 affirms the principle of separation of state and church (ibid, 276). *Ad Gentes* 12, 4 affirms that Christians, who give witness “where they are not able to announce Christ fully”, work for “the salvation of man by love for God and neighbor” and not for “mere material progress and prosperity”.

Ad Gentes 13 and 14 are titled “Preaching the Gospel and Gathering together the People of God”. *Ad Gentes* 13, 1 affirms the living Go’d is announced “Wherever God opens a door of speech for proclaiming the mystery of Christ” and remembers the starting mission activity of the Apostles with a multitude of references to Acts, to the Gospels and to the letters of Paul. *Ad Gentes* 13, 2 speaks of the process of conversion, starting with the catechumenate and continuing throughout the new life as existential spiritual journey under the grace of Go’d. *Ad Gentes* 13, 3 affirms religious liberty and free choice as validity-conditions for conversion. *Ad Gentes* 13, 4 insists on the necessity to examine the legitimate motivation for conversion.

Ad Gentes 14, 1 refers to *Sacrosanctum Concilium* 64–65 and insists on the admission rite to the catechumenate and the education of the convert “catechumens should be properly instructed in the mystery of salvation and in the practice of Gospel morality, and by sacred rites which are to be held at successive intervals, they should be introduced into the life of faith, of liturgy, and of love, which is led by the People of God”. *Ad Gentes* 14, 2 and 14, 3 remember the fruits of baptism with biblical references and propose Easter for baptizing converts and celebrating the first Eucharist with the people of Go’d. *Ad Gentes* 14, 4 makes it clear that the responsibility for the preparation of the converts during catechumenate concerns the whole community and not only the catechists and the priests. *Ad Gentes* 14, 5 call for a juridical appreciation

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of the status of the catechumenate in the new Code of Canon Law, the catechumens “are already of the household of Christ”.

Ad Gentes 15 – 18 are titled “Forming a Christian Community”. *Ad Gentes* 15, 1 affirms the Holy Spirit gathers the baptized “into the one People of God”. *Ad Gentes* 15, 2 calls “the missionaries, God’s coworkers” to form congregations of faithful, so “they may exercise the priestly, prophetic, and royal office which God has entrusted to them”. I do not believe my eyes reading of the threefold office of the lay women, men and queer faithful, when this threefold office usually and by Canon Law is a privilege of exclusively male celibates. A short sentence in *Ad Gentes* 15, 3 is of great importance for the real independence of the young Churches “The Christian community should from the very start be so formed that it can provide for its necessities insofar as this is possible”. Without financial, cultural and spiritual independence from Europe there is no real independence of the young Churches in the mission countries (ibid, 281). Only in the second decade of the third millennium CE, I observed a growing interest of African priests doing doctoral studies at Innsbruck for the necessary legal and economic conditions of African dioceses to assure their financial autonomy.

Ad Gentes 15, 3 turns to the cultural and spiritual independence and encourages the formations of associations and organized groups so that the lay apostolate “will be able to permeate the whole of society with the spirit of the Gospel”. Catholics of different rites should work together with charity according to the *Decree on the Catholic Eastern Churches Orientalium Ecclesiarum*, and ecumenical activities should be furthered in “a brotherly spirit”.

Ad Gentes 15, 4 affirms the Christian faithful “should foster a universal love for man”, and be good citizens and patriots abstaining from “racism” and “hypernationalism”. Unfortunately, the Council Fathers did not remember and express their regret for the unholy alliance of the missionaries with the colonial powers and their striving for cultural and political domination and exploitation of the colonies (ibid, 283). *Ad Gentes* 15, 5 starts praising “the Christian laity” and refers to *Lumen Gentium* 32 and *Apostolicam actuositatem* 5–7 “For it is up to them, imbued with the spirit of Christ, to be a leaven working on the temporal order from within, to dispose it always in accordance with Christ”. I have the impression that I am reading a different document because of the perspective on the laity and the reception of their fundamental importance for the Church.

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Ad Gentes 15, 6 encourages the laity to announce Christ to the “non-Christian fellow citizens”. *Ad Gentes* 15, 7 sets the record straight again by assessing the necessity of ordained offices and offices by divine will, “the offices of priests, of deacons, and of catechists, and Catholic action” and the importance of religious men and women.

Ad Gentes 16, 1 cheers the priestly vocations in the mission countries “so that the young churches gradually acquire a diocesan structure with their own clergy”. *Ad Gentes* 16, 2 says the priestly formation in the recently converted nations has to follow the *Decree on the training of Priests Optatam Totius* and *Ad Gentes* 16, 3 demands that their liturgical training should help realize in their liturgical service and live the mystery of Christ according to *Sacrosanctum Concilium* 17.

Ad Gentes 16, 4 assesses the importance of *Optatam Totius* 1 for the pastoral training of the priests, the study of the philosophy and religious traditions of their native cultures, and refers to *Unitatis redintegratio* 4 to point at the necessity of ecumenical dialogue and spirit. *Ad Gentes* 16, 5 proposes for some students higher studies of theology, especially in Rome, and *Ad Gentes* 16, 6 affirms that according to *Lumen Gentium* 29 “the order of the diaconate should be restored as a permanent state of life”.

Ad Gentes 17, 1 praises “the ranks of men and women catechists”. *Ad Gentes* 17, 2 justifies this praise not by the worth of the catechists’ work per se, but because of the lack of priestly vocations. *Ad Gentes* 17, 3 speaks of the necessity of schools for catechists, *Ad Gentes* 17, 4 asks Propaganda Fide to finance such schools. *Ad Gentes* 17, 5 speaks of the auxiliary catechist who “preside over the prayers in their communities and teach sacred doctrine” and need adequate training. *Ad Gentes* 17, 5 additionally affirms “Trained [catechists] should receive a ‘missio canonica’ in a publicly celebrated liturgical ceremony,” without realizing that such an official liturgical act equals an ordination to the office of catechist and thus makes the women and men catechists part of the hierarchy of the Church. All of a sudden, women and married men receive some official status that formerly had been reserved to male celibates only.

Ad Gentes 18, 1 turns to religious vocations and refers to *Lumen Gentium* 31 and 44. *Ad Gentes* 18, 2 speaks of religious institutions that work in the mission territories, *Ad Gentes* 18, 3 admonishes the bishops to see that there are not too many religious

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institutions in their territory and *Ad Gentes* 18, 4 encourages the implantation of contemplative monastic life by “looking for a genuine adaptation to local conditions”.

7.3.4. *Ad Gentes* Chapter III Particular Churches

Ad Gentes 19, 1 confirms the realization of a first development goal for a new young Church if “it is already equipped with its own supply (perhaps still insufficient) of local priests, Religious, and lay men, and is endowed with” institutions and ministries which allow the bishop to guide the people of God. *Ad Gentes* 19, 2 demands from these young Churches to reform community life according to the norms of the Second Vatican Council that empower faith, liturgical service and love of the laity. The Council appreciates the growing civic and apostolic activity of the laity, the use of the means of social communication, and the families “as seedbeds of the lay apostolate and of vocations to the priesthood and the Religious life” (*Ad Gentes* 19, 2). *Ad Gentes* 19, 3 encourages the bishops of the young Churches “to feel and live along with the universal Church”. *Ad Gentes* 19, 4 calls for continuing support for these Churches “very often located in the poorer portions of the globe”. *Ad Gentes* 19, 5 wants the young Churches to care for their priestly vocations and for their training institutions.

Ad Gentes 20, 1 affirms, “The particular church is bound to represent the universal Church”. *Ad Gentes* 20, 2 demands from the bishops to care for the ministry of the word in order to reach those who suffer from “urbanization, migrations, and religious indifferentism”. *Ad Gentes* 20, 3 calls for the cooperation of “local priests” and “foreign missionaries” and encourages “religious men and women, and the laity” to care for their countrymen, especially for the poor. *Ad Gentes* 20, 4 insists that the priests regularly refresh their training. *Ad Gentes* 20, 5 points at the importance of the *Decree on the Training of Priests Optatum Totius*. *Ad Gentes* 20, 6 encourages the episcopal conferences of the young Churches to accept missionaries from the Holy See and to adapt the training of priests according local necessities. *Ad Gentes* 20, 7 calls the young Churches to participate in the mission activity of the universal Church.

After having assured the establishment of a functioning hierarchy and Church institutions, *Ad Gentes* 21, 1 turns to the importance of the laity for the foundation of a new Church. Organically, I would expect that the mission activity addresses women, men and queer and forms a new community with these lay people. Yet, the Council starts with the hierarchy, second comes “a laity worthy of the name working along with the hierarchy”. *Ad Gentes* 21, 2 says the laity belongs at the same time to Christ and

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to civil society. Do the priests and bishops not belong to Christ and the civil society at the same time? The hierarchy lives in the same world as the women, men and queer of this world, but the Council does not acknowledge this fact. *Ad Gentes* 21, 3 encourages the laity to give witness to Christ with their life and to spread the faith in Christ adapting their activity to their particular culture. *Ad Gentes* 21, 4 calls the clergy to esteem and train the laity. *Ad Gentes* 21, 5 affirms the witness to Christ is realized by the clergy and by the laity.

Ad Gentes 22, 1 deals with the respect for the different cultures, the Christians in the new Churches “borrow from the customs and traditions of their people, from their wisdom and their learning, from their arts and disciplines, all those things which can contribute to the glory of their Creator”. *Ad Gentes* 22, 2 demands from the theologians to harmonize the theological tradition of the Church with the social and cultural realities in the young Churches. In 2020 CE, theologians in Europe receive a very superficial training in Latin, mastering of Greek and Hebrew is no longer a condition for a Catholic theological academic degree, and these languages concern primarily the specialists for Biblical studies. Doctoral students from Africa and Asia come to Europe if Latin, Greek or Hebrew does not bother them. English is the universal language of the Roman Catholic Church and students of theology from Asia and Africa prefer English-speaking countries for specialized studies. *Ad Gentes* 22, 3 continues describing this enrichment of the understanding of the Christian faith “with due regard for the philosophy and wisdom of these peoples; it will be seen in what ways their customs, views on life, and social order, can be reconciled with the manner of living taught by divine revelation”. In the end, the new Churches are autonomous local Churches having their own place “in the ecclesiastical communion, saving always the primacy of Peter’s See”. There is no word any more on the juridical dependence of the young Churches from Propaganda Fide. The Holy See presides also over the episcopal conferences in the young Churches and their way of living and organizing the people of God’s (*Ad Gentes* 22, 4). *The Episcopal Conference of Latin America* pioneered the elaboration of pastoral programs and documents based on the needs of the local Churches, on the preferential option for the poor, justice and peace; the Federation of Asian Bishop Conferences also produces documents that express the Christian response to local and regional social, economic, cultural and political problems (Hünemann 2005, 299).

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7.3.5. *Ad Gentes* Chapter IV Missionaries

Ad Gentes 23, 1 affirms that the Holy Spirit “inspires the missionary vocation in the hearts of individuals”. *Ad Gentes* 23, 2 describes missionaries as “priests, Religious, or laymen, sent by legitimate authority” and having the necessary qualities. *Ad Gentes* 24, 1 determines the missionary “must be ready to stay at his vocation for an entire lifetime”. *Ad Gentes* 24, 2 tells of the many burdens the missionary bears following his master Jesus Christ. *Ad Gentes* 24, 3 encourages the bishops and superiors to assemble the missionaries from time to time to strengthen them and “regenerate their ministry”.

Ad Gentes 25, 1 speaks of the necessary preparation and training for the future missionary. *Ad Gentes* 25, 2 describes an abstract, idealistic and superhuman training-aim for the missionary “Let him learn to be self-sufficing in whatever circumstances (Philippians 4:11); always bearing about in himself the dying of Jesus, so that the life of Jesus may work in those to whom he is sent (2 Corinthians 4:10ff.), out of zeal of souls, let him gladly spend all and be spent himself for souls (cf. 2 Cor. 12:15ff.), so that ‘by the daily practice of his duty he may grow in the love of God and neighbor.’ (Philippians 4:11)”.

Ad Gentes 26, 1 tells that the missionaries have to study the Sacred Scriptures. *Ad Gentes* 26, 2 demands from the missionaries to study the doctrine and to have a great esteem for the patrimony, the language and the customs of the people to whom they are sent and to master the methods of the missionary activity. An apostolic training practice is needed (*Ad Gentes* 26, 3), also a training in the catechetical art (*Ad Gentes* 26, 5) and the training should be completed “in the land to which they are sent”. *Ad Gentes* 26, 7 proposes that some missionaries should “be more thoroughly prepared in missiological institutes or in other faculties or universities”.

Ad Gentes 27 insists that the individual missionary is not capable of fulfilling all the necessary tasks of the mission activity. The individual needs the “fraternal cooperation” and the common call into institutes. There “they are properly trained and might carry out this work in the name of the Church and under the direction of the hierarchy”.

7.3.6. *Ad Gentes* Chapter V Planning Missionary Activity

The official Latin title speaks of mission activity (*missionalis activitas*) and not of missionary activity. Speaking of missionary activity immediately leads to the

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association missionary. In the understanding of the Catholic Church, the missionary is usually a male celibate Catholic priest who preaches the Gospel to people who have not yet heard of Jesus Christ in order to convert them to the faith in Jesus Christ. In *Ad Gentes* there is rarely a mentioning of female missionary activity and the laity takes part in this activity but is not really an agent of preaching the Gospel and celebrating the sacraments with the new Christian community. *Ad Gentes* 6, 3 demands autochthonous priests and the building of an autochthonous hierarchy but the whole chapter four is on missionaries coming from abroad and points at the necessity of foreign missionaries coming to the mission countries. I have the impression that *Ad Gentes* documents the transition from missionary activities by foreign missionaries, to autochthonous priests, religious and lay catechists who engage in mission activity as natural Christian activity.

Chapter five of *Ad Gentes* deals with the order and the government of the mission institutes and the new dioceses and their collaboration. *Ad Gentes* 28, 1 invites all Christians to cooperate in the Gospel “in a free and orderly fashion cooperating toward the same end (*Lumen Gentium* 18)”. *Ad Gentes* 28, 2 again insists on the hierarchical order “in all fields of missionary activity and cooperation”. Consequently, *Ad Gentes* 29, 1 stresses the primary responsibility of the bishops for the mission activity of the Church. *Ad Gentes* 29, 2 makes it clear that “missionary work itself and missionary cooperation” have one “competent office, namely that of the Propagation of the Faith”, Propaganda Fide. The Oriental Churches are not touched by the power of Propaganda Fide. The distribution of powers between bishops (*Ad Gentes* 29, 1) and Propaganda Fide (*Ad Gentes* 29, 2) never becomes clear. *Ad Gentes* 29, 3 stresses again the competence of Propaganda Fide for the mission activity. *Ad Gentes* 29, 4 demands from Propaganda Fide the collaboration with the Secretariat for Promoting Christian Unity. *Ad Gentes* 29, 5 attributes administrative and directive agency to Propaganda Fide and *Ad Gentes* 29, 6 speaks of the formation of a special counsel for Propaganda Fide that consists of bishops, moderators of pontifical institutes and experts. *Ad Gentes* 29, 7 additionally calls for lay representatives and for the presence of women religious in that counsel.

Ad Gentes 30, 1 admonishes all missionary workers to work with one heart and one soul. *Ad Gentes* 30, 2 affirms again the “bishop’s role, as the ruler and center of unity in the diocesan apostolate, to promote missionary activity”. *Ad Gentes* 32, 1 gives

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again power and jurisdiction over the collaboration of all missionary institutes and associations to the local bishop. *Ad Gentes* 32, 2 demands from all missionary institutes that govern over mission territories to eventually turn over authority to the local ordinary bishops and clergy. *Ad Gentes* 32, 3 clearly says that the commission of a local institute for a local territory may expire and power then turns to the local bishop. *Ad Gentes* 32, 4 encourages missionary institutes to stay in the dioceses when the local bishops and clergy had taken over power and prepare for special services under the bishop.

Ad Gentes 33, 1 proposes that “conferences of Religious men and unions of Religious women, in which institutes of the same country or region should take part” in order to coordinate cooperation. *Ad Gentes* 33, 2 tells the same missionary institutes to cooperate with the missionary institutes in the home lands.

Ad Gentes 34 initiates the foundation “of scientific institutes which specialize in missiology and in other arts and disciplines useful for the missions, such as ethnology and linguistics, the history and science of religions, sociology, pastoral skills and the like” so that the missionaries are scientifically prepared and capacitated “for dialogue with non-Christian religions and cultures”.

7.3.7. *Ad Gentes* Chapter VI Cooperation. Conclusion

Ad Gentes 35 points at the “responsibility for spreading the Gospel” for the whole people of God. *Ad Gentes* 36, 1 restricts this responsibility for mission activity for all the faithful to a collaboration with the hierarchy. *Ad Gentes* 36, 2 describes this collaboration as testimony “to lead a profoundly Christian life”, to evoke priestly missionary vocations and procure “material subsidies” for the missionary work. *Ad Gentes* 36, 3 affirms “social communication should be used to furnish such mission information” to the faithful that their collaboration with the missionary work is motivated. *Ad Gentes* 36, 4 speaks of the necessity to “coordinate the information, and to cooperate with national and international agencies”.

Ad Gentes 38, 1 concentrates on the societal aspect of the Roman Catholic Church as a hierarchy claiming the cooperation of the bishops for mission activity “since the extension of the Body of Christ is the duty of the whole College of Bishops (*Lumen Gentium* 23–24)” and forgetting about the mission activity of all Christians. In *Ad Gentes* 38, 2 the faithful, the people of God disappears because the bishops

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represents them and their presence is not any more mentioned. *Ad Gentes* 38, 3 calls for the bishop to ask the faithful to pray for the mission activity, to raise priestly vocations in their families for the missions, and to promote mission institutes. *Ad Gentes* 38, 4–5 exhort the episcopal conferences to coordinate all the necessary mission activity among the dioceses of the region. *Ad Gentes* 38, 6 gives an answer to the needs of modern migration demanding from the episcopal conferences “works for the brotherly reception and due pastoral care of those who immigrate from mission lands for the sake of studying or finding work”. I wonder if any episcopal conference in any of the immigration crisis of the last fifty years ever remembered or cited *Ad Gentes* 38, 6. I never heard a word from the Austrian episcopal conference on the necessary support for immigrants who ended up in the miserable conditions of refugee camps at the borders of the European Union.

Ad Gentes 39, 1 affirms that priests have to collaborate with their bishop in the mission activity of the Church. *Ad Gentes* 39, 2 assesses that the priests have to teach their faithful about the importance of mission activity as part of their pastoral work, that they have to encourage the faithful to pray for the missions and that they ask the faithful for “alms” for the missions. *Ad Gentes* 39, 3 insists “Professors in seminaries and universities will teach young people the true state of the world and of the Church” in order that the future priests become aware of the necessity of missionary work.

Ad Gentes 40, 1 acknowledges, “Religious institutes of the contemplative and of the active life have so far played, and still do play, the main role in the evangelization of the world”. *Ad Gentes* 40, 2 assesses “Institutes of the contemplative life, by their prayers, sufferings, and works of penance have a very great importance in the conversion of souls” and asks them “to found houses in mission areas”. *Ad Gentes* 40, 3 asks the institutes of active life to “leave certain ministries to others so that they themselves could expend their forces for the missions”. *Ad Gentes* 40, 4 assesses that secular institutes “could be fruitful in the missions” if realized “under the authority of the bishop”.

Ad Gentes 41, 1 finally turns to the contribution of the laity to the mission activity if they “have been accepted by the bishop for this work”. *Ad Gentes* 41, 2 timidly describes their assistance in the mission activity as “stimulating vocations in their own family, in Catholic associations, and in the schools; and by offering subsidies of every kind”. *Ad Gentes* 41, 3 assesses with a kind of recognition of the lay apostolate “But in mission

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lands, let laymen, whether foreigners or autochthonous, teach in schools, administer temporal goods cooperate in parish and diocesan activities, and organize and promote various forms of the lay apostolate". According to *Ad Gentes* 41, 4 laymen "gladly offer socio-economic cooperation to peoples on the way of development", and *Ad Gentes* 41, 5 praises the "historical and scientific religious research" of laymen "in universities or in scientific institutes". In *Ad Gentes* 41, 6 "laymen" should collaborate "with other Christians, with non-Christians, and with members of international organizations". *Ad Gentes* 41, 7 speaks of "the necessary technical and spiritual preparation" of the "laymen" for their mission activity.

Ad Gentes 42 concludes the *Decree on the mission activity of the Church*. In *Ad Gentes* 42, 1 "The council Fathers together with the Roman Pontiff" greet all active in mission, and "especially those who suffer persecution for the name of Christ". *Ad Gentes* 42, 2 affirms that all the Christian faithful in mission activity "are afire with that same love with which Christ burned toward men" and prays the intercession of the Virgin Mary for that the nations may soon glorify God in Jesus Christ.

Ad Gentes 19, 2 advises the young Churches in the mission countries "The means of social communication are put to wise use at the opportune time". *Ad Gentes* 26, 7 advises all missionaries using "the means of social communication, the importance of which should be highly appreciated by all". *Ad Gentes* 31, is aware of the "insufficient supply of men and means" in the mission countries and therefore encourages the episcopal conferences to "pool their resources and found projects". The list for such projects includes "seminaries; technical schools and schools of higher learning; pastoral, catechetical, and liturgical centers; as well as the means of social communication". *Ad Gentes* 36, 3 affirms, "Modern means of social communication should be used to furnish" information for all faithful working in mission activity on "the present condition of the Church in the world". No other document of the Second Vatican Council recognizes and appreciates the extraordinary importance of the means of social communication that are at the time of the Council the mass media, and especially radio and television.

Gaudium et Spes 6, 4 assesses the importance of the modern means of social communication as "efficient media to contribute to the knowledge of events" as a typical element of "the situation of men in the modern world". *Gaudium et Spes* 61, 3 recognizes that in the contemporary societies "the new means of cultural and social

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communication can foster a universal culture” but *Gaudium et Spes* never suggests to the Roman Catholic Church the use of the new means of social communication as an efficient pastoral, governing or teaching instrument.

The Decree on the Apostolate of the Laity does not use the term “means of social communication”, nor do *Dei Verbum*, *Lumen Gentium*, *Nostra Aetate*, *Orientalium Ecclesiarum*, *Sacrosanctum Concilium*, *Gravissimum Educationis*, *Christus Dominus*, *Perfectae Caritatis*, *Presbyterorum Ordinis*, *Dignitatis Humanae*, and *Unitatis Redintegratum*.

Only *Optatam Totius* 2, 5 suggests a “more intensive training of the faithful by preaching, by catechetical instructions or by the many media of social communication” in order to foster new priestly vocations. Pope John XXIII called in *Pacem in Terris* 90 for fact checks and disapproved of fake news for “Truth further demands that the various media of social communications made available by modern progress, which enable the nations to know each other better, be used with serene objectivity”. The Second Vatican Council did not adopt this prophetic warning from John XXIII and without *Inter Mirifica* would have remained completely ignorant of the growing influence of the modern means of social communication in the modern world.

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8. Decree on the Media of Social Communication *Inter Mirifica*

8.1 The pope governs with modern means of communication and absolute powers

In 2019 CE, the official home page of the Vatican remembers the foundation and recognition of the Vatican State as an independent state under the sovereignty of the Holy See in 1929 together with the official inauguration of Vatican Radio by Pope Pius XI in 1931.ⁱ Vatican Radio and the government of the Holy See by “the Supreme Pontiff” are inseparable “Just four days after the creation of Vatican City, Pope Pius XI officially commissioned the famous Italian-born radio pioneer, Guglielmo Marconi to build the radio station inside the new state”.ⁱⁱ The signing of the Lateran Pact by Italy and the Holy See ended sixty years of hostile relations between the Papacy and the Italian government after the loss of the Papal States to Italy. The Lateran Pact facilitated the reentry of the Holy See into international diplomacy as an independent state. At that moment, Vatican Radio enabled the pope, absolute monarch of the Roman Catholic Church, to address millions of Catholic faithful and to broadcast the Gospel and information all over the world. Pope Pius XI recognized the effectiveness of “the Pope’s radio” as a precious instrument for his governing, teaching and sanctifying office for the Roman Catholic Church (ibid). In 2019, the Vatican calls Radio Vatican still “the radio of the pope” and “With nearly 40 editorial offices and languages spoken by colleagues from 60 nationalities, the words of the Pope and the activities of the Holy See are diffused to every latitude of the planet” (ibid).

Radio was not the first mass media used by the popes to spread the Gospel and to govern the Roman Catholic Church.

In the middle of the 15th century, Johannes Gutenberg invented the printing press that permitted the circulation of information and new ideas across borders and regions. With the help of the printing press, Martin Luther was able to reach the masses. Widely circulating pamphlets and the effective production of affordable books provided information and knowledge that threatened the power of political and religious authorities. The popes adopted the use of modern means of communication very rapidly. In 1587, Pope Sixtus V established the Vatican Printing Press and in 1908, Pope Pius X established the Vatican Press within the walls of the Vatican City.ⁱⁱⁱ The

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Vatican Press prints the documents of the Holy See that is the official gazette *Acta Apostolicae Sedis* and prints the daily newspaper *L'Osservatore Romano*, which was founded in 1861. The editorial activity for the offices of the Roman Curia, for Roman Pontifical Universities, and for Catholic publications around the world is tremendous and, already in 1926, the Vatican Publishing House became an independent institution (ibid). In 1948, Pope Pius XII instituted the Pontifical Commission for Social Communication with the purpose of "following and evaluating, from the perspective of the Papal Magisterium, all the problems related to the sectors of cinema, radio, television and the printed dailies and periodicals". The Pontifical Commission for Social Communication enjoyed growing importance. In 1958, Pope John XXIII elevated the Commission to an Office of the Holy See aggregated to the Secretariat of State, in 1964, Pope Paul VI constituted the Pontifical Commission for Social Communications that was elevated to become the Pontifical Council for Social Communications in 1989, always functioning as papal censorship and for preparing papal instructions (ibid).

In 2015, Pope Francis reorganized all pontifical institutions dealing with communication and created the Secretariat for Communication, as a Dicastery for Communication, "which is an integral part of the Roman Curia" (ibid). The Dicastery for Communication unites the Vatican Printing Press, Vatican Radio, the Holy See Press Office, the Pontifical Commission for Social Communications, the Vatican Television Center, the Vatican Internet Service and the Photo Service (ibid).

There are eleven superiors of the Dicastery for Communication, ten of them are lay people, one is a priest, and three of the lay superiors are women.^{iv} The members of the Dicastery for Communication are cardinals, archbishops and three lay experts, but the superiors are from the laity. This is an extraordinary fact. The prefects of the Secretariat of State, of nine Congregations and of the other Dicasteries of the Roman Curia are cardinals.^v

The case of Guglielmo Marconi, a pioneer of long-distance radio transmission, demonstrates that the popes did not hesitate to seek the collaboration of lay Catholics in order to organize their social communications. Journalists, technicians and other lay professionals were necessary to operate the social media of the popes. The social media helped the popes to preach the Gospel and transmit their personal messages to the faithful, reaching millions of Catholics all over the world. The consequences of this massive employment of the mass media had significant consequences.

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Professional Catholic lay women and men received a theological education and became aware of their existence as Christians and of their agency as autonomous members of the body of Christ. The efforts of the central government of the Roman Catholic Church to educate the laity and have them organized in religious, cultural and political movements following and realizing the instructions of the hierarchy finally led to an individualization and privatization of religious life. Millions of lay Catholic women, men and queer emancipated themselves from the absolute authority of the hierarchy on all matters of private and public life (Altermatt 1995, 48). From the middle of the 19th century to the middle of the 20th century, the Roman Catholic Church for the first time in its history succeeded to systematically organize and discipline the religious life of the faithful. The means of modern communication and transport were essential to achieve this goal and to create “the Catholic milieu” that is a unified form of popular Catholicism based on a shared world view and common norms for being a good Catholic man and woman in much of Europe and North America (ibid, 44). Already at the end of the 19th century the Catholic lay associations started to emancipate from clerical domination and influence (ibid, 45). Catholic lay associations, Catholic and Christian political parties and the press were modern means for the emancipation of the laity within the Roman Catholic Church (ibid). The Roman central government of the Church used the modern means of communication to sustain the antimodernist, antidemocratic and absolute power of the pope and his hierarchy, and thereby contributed to the development of a self-aware and self-responsible laity who promoted emancipation from their domination by the clergy (ibid, 46).

8. 2 History of the evolution of the text for *Inter Mirifica*

The Office of the Holy See for Social Communication that was aggregated to the Secretariat of State and that oversaw the moral evaluation of the printed press, radio, television and films, was in charge of preparing a scheme on social communication. The Secretariat of the State commissioned the Office for Social Communication to propose answers to the role of social communication for the Church. Could the modern means of social communication help the Church to observe the papal magisterium? How could the means of modern communication inform the conscience of the faithful according to Church norms, how would modern communication educate the moral conscience of the lay professionals working with the means of social communication and how would the means of modern communication contribute to the apostolate of

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the Church (Caprile 1968, 721)? In April 1962, the preparatory commission for a scheme on social communication sent a text to the central preparatory commission, received some suggestions for simplifying the text and finished the adaption in June 1962, so that the scheme was ready to reach the Council Fathers for the upcoming first session of the Second Vatican Council (ibid). The text started identifying “Among the wonderful technological discoveries” in the present era “the press, movies, radio, television and the like”. These first words of the prepared text – in Latin “*Inter mirifica technicae artis inventa*” – open the final Decree on the Media of Social Communications that therefore is titled *Inter mirifica* (ibid). The prepared text presented four chapters. The first chapter treats the doctrine of the Church concerning her responsibility for the observation of the moral law in the media, the right of information, public opinion, art and morality, and the duties of the consumers and the producers of the media. The second chapter treats the media and the apostolate of the Church, the importance and the necessary material support for the pastoral of the media. The third chapter treats the norms for the clergy, religious and the faithful concerning initiatives and projects with the media of social communications, and last but not least the norms for the professionals working in the media of social communications. The fourth chapter describes the institutions and different types of the press and the media, and the duties for the producers and consumers of films, radio emissions, discs, tapes, advertisements, and posters (ibid). Due to the suggestions of the central preparatory commission, the first chapter of the prepared text for *Inter Mirifica* did not refer any more to canons of the Code of Canon Law (ibid). The Vatican Press released the name of the archbishop presiding the preparatory commission for the modern media and the names of the twenty members who were all bishops or priests (Caprile 1968, 720). The Vatican Press praised the necessary expertise and important contribution from lay professionals working in the media for the elaboration of the text and at the same time affirms as natural that these lay people have to stay anonymous (ibid). In 1962, the status of a lay man or women collaborating with an institution of the clerical Roman Curia was unofficial, indirect and invisible for the public. The president of the preparing commission of a document on the mass media Cardinal Cento from the Curia, and the vice presidents Cardinal Silva Henriquez from Chile and Archbishop O’Connor from the Curia were not interested in informing the public about the state of preparation for the upcoming Council (Beozzo 1995, 382). Numerous Catholic journalists pressed the Vatican to change its policy of secrecy and to inform the public about what is going on

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concerning the Council. In July 1961, the International Association of the Catholic Press had published a document claiming information about the upcoming Council (*ibid*). Only Cardinal Bea regularly informed the public with press conferences on what was happening and in 1961 Cardinal König had an encounter with journalists in Vienna in order to inform them about the Council (*ibid*, 383). English speaking journalists were happy to get information from the U.S. Bishops' Press Panel that was supervised by the U.S. Bishops' Conference (Famerée 1998, 193). The international press got more and more impatient with the policy of secrecy of the Vatican, and the director of the Jesuits' magazine "La Civiltà Cattolica", Father Tucci proposed John XXIII a regular publication of the chronology of the events of the preparation of the Council (Beozzo 1995, 382). Only in October 1962 John XXIII instituted an official press office at the Vatican that would release information on the Council, a moment that is considered a milestone in the public relations policies of the popes and the Vatican (*ibid*, 386).

The scheme on the means of modern communication was discussed very early in the first session of the Council between November 23 and November 26, 1962 (Lamberigts 1996, 295). Only 54 Council Fathers intervened in the debate, and most of them were Europeans (*ibid*, 297). The Council Fathers and their theologians were not yet aware of the inestimable importance of the new media for social communication for the Council and the Church in the modern world, although a few influential cardinals – Ruffini, Spellman, Bea, Suenens, Godfrey and Léger underlined the importance of the new media in the debate (*ibid*, 298). The prepared scheme got the approval of most of the speakers in the debate and there were view critiques. The critiques concerned the exaggerated length of the document and the rare consideration of the laity (*ibid*, 300). On November 27, 1962, there was a vote on a proposition to approve the scheme in general, to consider the suggestions and amendments of the Council Fathers in the redaction of the final text, and that the Office for social communication would work out pastoral instruction with the necessary practical norms. The same day, the schema passed the vote with an overwhelming majority of 2138 votes in favor, 15 against and seven votes were not valid. During this first session of the Council, the relations with the press were still very superficial, disorganized and unprofessional. As a result of this lack of public relation, the document received very little attention from the mass media (*ibid*, 308).

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During the first session of the Council in 1962, the Council Fathers took the scheme on the means of social communication lightly. After the heavy discussions and energy consuming conflicts on the schemes on revelation and on unity with the Oriental Churches, the discussion of the scheme *Inter Mirifica* was calm and like a welcome opportunity for a refreshing pause (Famerée 1998, 193). During the first intersession, the commission for the means of social communication shortens the text from 40 pages to nine pages as the Council Fathers had requested. Only chapter one and two are still in the document and the conclusion proposes that a later instruction deals with the practical norms concerning the media. The commission did not change the substance of the document (ibid, 194–95). The final decree *Inter Mirifica* basically keeps chapters one and two from the prepared text and announces in the Appendices – that is *Inter Mirifica* 23, and 24 – that a future pastoral instruction will have to spell out the norms concerning the work of the clergy, religious, faithful and professionals in the media of social communications (Paul VI 1963).

On November 11, 1963, the Council Fathers receive the amended document, on November 14, 1963, the relator Stourm presented the text in the aula and on the same day, the chapters passed preliminary votes, still allowing for amendments (Famerée 1998, 196). Some Council Fathers approached the moderators of the Council and Döpfner, Suenens and Villot agreed that the document was still full with moralizing sentences of little substantial content and not really taking into consideration the laity (ibid, 197). Suddenly, in the aula emerged a resistance of the Council Fathers that wanted to block the final vote on the document in order for a fundamental revision (ibid, 198). Three catholic journalists warned the Council Fathers that the publication of the text will damage the credibility of the Council, and the experts Murray, Daniélou, Häring and Mejia judged the text as being authoritarian, out of touch with modern culture, and disregarding the freedom of the press (ibid, 199). More and more Council Fathers expressed their skepticism about the quality of the document, but it was too late to react and change the vote from November 27, 1962 that had approved the prepared scheme (ibid). All manoeuvres to block a final vote failed, the amended text reached the aula on November 23, 1963 and on November 25, 1963, the final vote on the declaration on the means of social communications passed the declaration with 1,960 votes in favor and 164 negative votes (ibid, 205).

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8.3 Commentary on *Inter Mirifica*

Inter Mirifica 1 and 2 form the Introduction of the *Decree on the media of Social Communications*. *Inter Mirifica* 1 welcomes the new media as “new avenues of communicating most readily news, views and teachings of every sort” and identifies the importance of these media with their reach of the masses and their influence on them. *Inter Mirifica* 2 welcomes the new media on condition that they do not work “contrary to the plan of the creator” and that they help proclaiming the Gospel.

Inter Mirifica 3–12 are titled “On the Teaching of the Church” and constitute the first chapter.

Inter Mirifica 3 affirms that the Church uses the mass media to preach the Gospel of Jesus Christ and wants “to instruct men in their proper use”. *Inter Mirifica* 4 describes the proper use of the media as the practice to “conscientiously” realize the norms of morality. *Inter Mirifica* 5 clarifies that in the context of the use of the mass media morality especially concerns the right use of “the right to information”. The right of information contributes to “the common good” and to “the welfare of the entire civil society”. “The proper exercise of the right to information” demands “the news itself that is communicated should always be true and complete, within the bounds of justice and charity”. *Inter Mirifica* 5 does not affirm the Human Right of the freedom of the press but in fact censures the right to information to news that obey “the laws of morality”, “For not all knowledge is helpful”. The laws of morality determine what knowledge is helpful and what knowledge is not helpful and the laws of morality are not established according to the rule of Human Rights but according to the teachings of the pope and the magisterium of the Church.

Inter Mirifica 6 submits art under the norms of morality of the Roman Catholic Church “the Council proclaims that all must hold to the absolute primacy of the objective moral order”. The Council actually thought that the Roman Catholic Church has to watch over all production of art and the mass media and encourages the laity to protest anything that goes against the moral norms of the Church in the civil society.

Inter Mirifica 7 cautiously greets the narrative of the media’s “description or portrayal of moral evil”, and that they “reveal and glorify the grand dimensions of truth and goodness”. In the end, “given the baneful effect of original sin in men” the media are not trustworthy.

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Inter Mirifica 8 shows that the Council is aware of the importance of the new media “Since public opinion exercises the greatest power and authority today in every sphere of life, both private and public”, and by moral control over the behavior of the individuals the Church wants to influence public opinion.

Inter Mirifica 9, 1 proposes the moral obligations of the faithful to avoid the consumption of media that contradict the moral teaching of the Church. *Inter Mirifica* 9, 2 tells the faithful that they receive the moral code for their judgments on the media from the Church authority. *Inter Mirifica* 10 exhorts the young to listen to their teachers and parents for instruction to avoid consumption of “morally harmful” media products.

Inter Mirifica 11, 1 exhorts “writers, actors, designers, producers, displays, distributors, operators and sellers, as well as critics and all others who play any part in the production and transmission of mass presentations” to “never oppose the moral good” (*Inter Mirifica* 11, 2), and that “fitting reference” has to reign the presentation of “religious matters” (*Inter Mirifica* 11, 3).

Inter Mirifica 12, 1 tries to commit “The public authority” to direct the media to contribute to “the common good”. *Inter Mirifica* 12, 2 reminds the public authority of the duty to watch over “public morals and the welfare of society” with the help of laws concerning the new media of social communications, and to especially protect the young (*Inter Mirifica* 12, 3).

Inter Mirifica 13 – 22 constitute chapter two and are titled “On the pastoral activity of the Church”.

Inter Mirifica 13, 1 invites all faithful of the Roman Catholic Church to participate in apostolic activity with the help of the new media of social communication. The faithful are not adult women, men and queer of equal dignity, freedom and rights, but they are addressed as “All the children of the Church”. *Inter Mirifica* 13, 2 makes it clear that these children need pastors who teach them. The contribution of the “children” to the apostolic work consists in helping the pastors with their “technical, economic, cultural and artistic talents”. In *Inter Mirifica* there is an apostolate of the laity where the faithful women, men and queer proclaim the Christian faith and teach their brothers and sisters.

Inter Mirifica 14, 1 suggests “ecclesiastical authorities or Catholic laymen” should direct and edit “a truly Catholic press”, that is a press “in accord with natural law and Catholic

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teaching and precepts” and the faithful should “be advised to read” this press that is censured by the Catholic magisterium. A special moral censorship is necessary in view of the films that the youth views. Radio and television programs have to be “suitable for families”, and bring the listeners “to share in the life of the Church and learn religious truths” (*Inter Mirifica* 14, 2). The art of drama “serves the cultural and moral betterment of audiences” (*Inter Mirifica* 14, 3), drama does not serve the empathy of the audience experiencing emotions that the actors inspire. *Inter Mirifica* 15, 1 calls for installing the proper “priests, religious and laymen” for the moral censorship of the media. “Laymen ought to be afforded technical, doctrinal and moral training” for their task as moral watchdogs, women and queer are not mentioned (*Inter Mirifica* 15, 2). Critics have to prepare for commenting the “moral issues in their proper light” (*Inter Mirifica* 15, 3).

Inter Mirifica 16 encourages “Catholic schools at every level, in seminaries and in lay apostolate groups” to “present and explain Catholic teaching and regulations” with the help of the new media. *Inter Mirifica* 17 exhorts “the Church’s children” that are adult women and men and not children, to consume only the media that “spread and defend the truth and foster Christian influence in human society”. *Inter Mirifica* 18 suggests that the bishops instruct the faithful on their responsibility as regards the use of the new media on a certain day of the year. *Inter Mirifica* 19 requests that the “Sovereign Pontiff” extends the office of the *Secretariat for the Supervision of Publications and Entertainment*. *Inter Mirifica* 20 encourages the bishops to direct the “public apostolate” in their dioceses. *Inter Mirifica* 21, 1 suggests the establishment of “national offices for affairs of the press, films, radio and television”. *Inter Mirifica* 21, 2 says bishops should direct the offices and they may appoint lay experts to help them. *Inter Mirifica* 22 affirms “national offices should co-operate among themselves on an international plane” and cooperate “with their own international Catholic associations” that “are legitimately approved by the Holy See alone and depend on it”.

Inter Mirifica 23 and 24 constitute the “Appendices” that announce a future pastoral instruction on the norms of the use of the new media and “all the Church’s children” will gladly accept them. The naïve wish of the Council Fathers to find obedient faithful followers for their paternalistic fantasies of a Roman Catholic construction of media content and use began collapsing already during the Second Vatican Council itself.

Theologians commented that *Inter Mirifica* 23 is the only important article in the weakest and most insignificant document of the Second Vatican Council, because

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article 23 demands a future pastoral instruction on the new media of social communications (Sander 2004, 235). In 1971, Paul VI published the Pastoral Instruction *Communio et Progressio* and the Catholic theologians and journalists adopted this document because it accepted the theology of the Church as a communion, as the people of Go'd according to *Lumen Gentium* and because the instruction used the analysis of the modern world of *Gaudium et Spes* (ibid). The Catholic Magisterium, the Catholic theologians and professionals of the new media did not speak about *Inter Mirifica*, they were embarrassed and excluded the Decree from their discourses as irreparable (ibid). It is true, *Inter Mirifica* does not speak about the divine aspect of the Roman Catholic Church as the people of Go'd and as the Body of Christ of the faithful living in communion with each other. At the same time, *Inter Mirifica* speaks in almost all articles of the societal aspect of the Roman Catholic Church as an absolute monarchy under the pontifical authority of the pope who possesses the highest and most independent governing, teaching and sanctifying authority. For fifty years, masses and generations of Catholic male theologians, clergy and lay, preferred to interpret the documents of the Second Vatican Council without reading the omnipresent affirmations concerning the hierarchical structure of the Roman Catholic Church and uncritically and unrealistically overestimated the affirmations of the divine aspect of the Church.

In the 1990s, lay Catholic women, men and queer began to organize and demand Church reform according to the theology of the people of Go'd and the communion of all faithful in Jesus Christ. In 1995, "*We are Church*" started in Austria after the pedophilia scandal around Vienna's Cardinal Groer. In the same year, *We are Church* collected 2.5 million signatures in Austria, Germany, and Southern Tyrol for a Church Referendum for Church reform. The Referendum called for "the creation of a Church of brothers and sisters, for full participation of women in all aspects of Church life". It demanded "removal of the obligation of clerical celibacy; for a positive attitude towards sexuality and recognition of the primacy of an informed moral conscience; and for a message of joy and not threat or discrimination" (We Are Church International 2019). In 1996, the *International movement We Are Church* was founded in Rome. In 2020, *We Are Church movement* has a presence or is co-operating with similar groups in 40 countries all over the world (ibid). Since the Catholic Austrian bishops ignored the signatures of the Referendum and continued with the institutional discrimination of women, men and queer in the Roman Catholic Church, *We Are Church* decided to

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publicly ask for a dialogue with the bishops addressing to them a “Herd letter” (Plankensteiner-Spiegel 1996). “For the first time in the history of the Roman Catholic Church”, the people of Go’d took the word. Lay Catholic women, men and queer speak on the two central fields of conflict: sexuality and authority (ibid, 5). The “Pastoral letters” of the bishops, the official teaching of the Church hierarchy, regularly expresses themselves, now the people of Go’d takes the word in a “Herd letter” (ibid).

The thousands of Catholic women, men and queer professional experts working in Church institutions and even leading institutions of the Roman Pontifical Curia of the Vatican like the *Dicastery for Communication* are not allowed to give their signature for a document calling for Church reform like the Herd letter of the movement *We Are Church*. The *Dicastery for Communication* unites the Vatican Printing Press, Vatican Radio, the Holy See Press Office, the Pontifical Commission for Social Communications, the Vatican Television Center, the Vatican Internet Service and the Photo Service and all these institutions serve the absolute monarch of the Roman Catholic Church that is the pope. There is no freedom of press, there is no possibility to live queer partnerships openly, and there is no way of speaking freely according to one’s Christian conscience if one wants to keep one’s job in the Vatican or an institution of the Roman Catholic Church in the world. Thousands of lay women, men and queer around the world decide to stay silent with their opinions and world view and to serve the discriminating policies of the Church authorities. In 2020, Katharina Klöcker, Catholic moral theologian, does not get the permission to take the chair of moral theology at the Theological Faculty of the University Graz, Austria, from the Congregation for Catholic Education at the Vatican because she is not in line with the official teaching of the Roman Catholic Church that is against artificial birth control. Women, men and queer who disagree with the Roman magisterium do not get the chance to discuss with the authorities; anonymous Roman reviewers and bishops simply eliminate them from the job list by refusing the *nihil obstat* that is the Roman teaching permission.

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Notes

- ⁱ “February 12, 1931, the day Vatican Radio was born,” Vatican News, <https://www.vaticannews.va/en/pope/news/2019-02/pope-pius-xi-vatican-radio-anniversary.html> (accessed June 3, 2020).
- ⁱⁱ “February 12, 1931, the day Vatican Radio was born,” Vatican News, <https://www.vaticannews.va/en/pope/news/2019-02/pope-pius-xi-vatican-radio-anniversary.html> (accessed June 3, 2020).
- ⁱⁱⁱ “History of the Dicastery for Communication,” Dicastery for Communication, <http://www.comunicazione.va/en/chi-siamo/storia.html> (accessed June 3, 2020).
- ^{iv} “Superiors of the Dicastery for Communication,” Dicastery for Communication, <http://www.comunicazione.va/en/chi-siamo/struttura/superiori-del-dicastero.html> (accessed June 3, 2020).
- ^v “The Roman Curia,” The Holy See, http://www.vatican.va/roman_curia/index.htm (accessed June 3, 2020).

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There is not a single historian collaborating in the fundamental work on the history of the Second Vatican Council (Alberigo, 1995–2001) who would recognize and discuss the hierarchical structure of the Roman Catholic Church. The event of the Second Vatican Council confirms in every document the hierarchical structure of the Roman Catholic Church and the supreme powers of the Roman pontiff and theological and liturgical reform realize within this hierarchical power structure of a monarchic society.

There is not a single theologian collaborating in the fundamental commentary on the texts of the Second Vatican Council (Hünemann and Hilberath, 2004-2006) who would criticize that the Second Vatican Council unequivocally affirms the societal structure of the Roman Catholic Church as an absolute monarchy and that the pope governs with absolute powers. There is no theologian working for a bishop or cardinal during the Second Vatican Council and thereafter, who would principally challenge the exercise of absolute power by the pope and the Church hierarchy. There is no Roman Catholic theologian at the Second Vatican Council who would insist on the equal dignity, freedom and rights of all faithful women, men and queer baptized with the Holy Spirit and called to realize the Gospel.

The Roman Catholic theologians who are collaborating with the texts of the Second Vatican Council and the mainstream of male celibate theologians and many male lay theologians do not want to take notice of the principal and inseparable reality of the Roman Catholic Church as a hierarchical society and as the communion of the faithful. The documents of the Second Vatican Council are clear on this point and there are a few theologians who clearly and soberly analyze the texts. One of the central documents of the Second Vatican Council that assesses and describes the essential elements of the Roman Catholic Church, is the Dogmatic Constitution *Lumen Gentium* that was promulgated on November 21, 1964. *Lumen Gentium* describes the Church under the twin aspects of society and community in continuity with Pope Pius XII's Encyclical *Mystici corporis Christi* from 1943 (Onclin 1967, 733). It is impossible to separate the Church as society and the Church as communion, “the society structured with hierarchical organs and the Mystical Body of Christ are not to be considered as two realities (*Lumen Gentium* 8)” (ibid.). Describing the Church as “the people of God”,

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as “the messianic people” destined to bring together all human beings that is “established as a communion of life, charity and truth” (*Lumen Gentium* 9) is incomplete. We have to recognize that the Church at the same time is “the society of men who are incorporated in it and who, under the direction of the sovereign pontiff and the bishops, pursue in common the end to which they are called, communion in divine life” (ibid.). Any analysis of the Roman Catholic Church has to take into account both aspects, the societal aspect as an absolute monarchy and the divine aspect as the Mystical Body of Christ. During the receptions of the Second Vatican Council in the last 50 years, the mainstream of male Roman Catholic theologians refused to recognize the hierarchical structure of the Roman Catholic Church. They did not analyze the abuse of power of the societal structure of the Roman Catholic Church as an absolute monarchy over the divine aspect of the Roman Catholic Church as the people of God. The theological refusal to legitimize the equal dignity, freedom and rights of the faithful contributed to the lack of interest in theology by the young women, men and queer Catholic faithful who cheer their freedom of conscience and reject discrimination.

Some cardinals, Council Fathers and theologians wanted to work for a reform of the governmental structures of the Roman Catholic Church. Their arguments, such as that the power (Latin: *potestas*) of the bishop sufficiently constitutes the necessary legitimacy for working in a counsel for the pope, tried to overcome the absolute power of the pope over the Church by the institution of an international college of bishops that would govern the Church together with the pope. In the fall of 1963, that is during the second session of the Council, bishops still argued in this direction in the aula of the Council, and theologians proposed to give juridical power to the Episcopal conferences (Vilanova 1998, 404). The counsel of bishops to help the pope in the government of the Catholic Church never became a reality and the Episcopal conferences never received autonomous juridical powers. Paul VI and the authoritarian and long reign of John Paul II suppressed all efforts that suggested a sharing of power at the top of the Roman Catholic Church.

With the *Dogmatic Constitution on Divine Revelation* the Second Vatican Council turned to the Scripture as the foundation of the Church and the basis of the Council. The aula of the Second Vatican Council was conscious of the essential relationship between the documents on revelation and on the Church since the fall of 1964, when

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Lumen Gentium and *Dei Verbum* had been discussed together (Theobald 2001, 289.). Due to the bitter resistance of a minority of Council Fathers and curial cardinals, the final text of the Preface to *Dei Verbum* no longer mentions the ecclesiological function of revelation. Pope Paul VI never spoke of *Dei 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 Roman Catholic Church (ibid. 359).

The transmission of faith and care for the authentic proclamation of the faith as the primary task of the bishops affirm *Lumen Gentium* 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 the Church Father Irenaeus but not with the Scripture (*ibid.*). Hoping recalls that there were times when the bishops did not use their office in the Church to serve the authentic handing on of the faith; by contrast, the Apostles did indeed serve the faithful with their *Magisterium* that is the teaching office, the transmission and proclamation of the faith (*ibid.*). 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) (*ibid.* 754). The Second Vatican Council assures that the societal structure of the Church as an absolute monarchy monopolizes with her hierarchy of bishops the proclamation of the faith and dominates any apostolic activity of the faithful of the people of God.

The Decree on Ecumenism Unitatis Redintegratio is a decisive point in establishing sisterly and brotherly relations with the Churches of the Reformation. Yet, the monarchical character of the Roman Catholic Church is an obstacle for the mutual recognition of all sacraments, the signs of salvation. The primacy of the bishops of Rome in the ecumenical dialogue 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 the celebration of this unity in the Eucharist. This kind of argument perverts the Christian religion. The absolute power of the pope perverts the service of proclaiming faith by making claims to jurisdictional, governmental and political authority.

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Reading, studying and praying the Sacred Scripture helps to convert our desires for power to desires for realizing love and peace. The Pauline greetings in *Romans* are an affirmation of “the mutuality of men and women in Christian ministry” that is very strong and quite exceptional (Mathew 2013, 1). The leadership roles of women mentioned in *Romans* 16, 1-16 and their ministry can be described in relation to Paul’s notion of “mutual interdependence” that we find also in other letters of his. In *Romans*, Paul understands “mutuality” as a “relationship of reciprocal care” as the expression “one another” shows. *Romans* 16,16 “to greet one another with a holy kiss ... can be interpreted as a summation of Rom. 16, 1-16 and as a practice intended to include the entire church community” (ibid.: 1-2). Why does the Roman Catholic Church not realize the equal dignity, freedom and rights of all faithful women, men and queer within the Church, if her foundational documents give testimony to a community structure that is characterized by mutual care and love?

The Declaration on the Relation of the Church to the Non-Christian Religions Nostra Aetate finally withdrew all theological arguments for the traditional legitimization of Catholic Anti-Semitism from the Roman Catholic Church and established Judaism as a positive fact for Christian theology (Plietzsch 2017, 254). At the same time, *Nostra Aetate* did not overcome all traditional theological perspectives of Christian superiority of the people of the New Covenant over “Abraham’s stock” (ibid). The Second Vatican Council was not able to use the terms “Israel”, “Holocaust” and “Shoah”. The Catholic Church gave in to the pressure of Arab countries who feared a recognition of the State of Israel by the Vatican (ibid.: 257). Israel gets recognition not as Israel but for “foreshadowing” the Christian religion (ibid.: 258). There is no respect for the autonomy and self-determination of Israel, and the goodness of the “roots” of that olive tree does not originate in Go’d’s plan of salvation for Israel but gets assured by the inclusion of Israel into Go’d’s plan of salvation by Christ (ibid.: 258-59).

The fight against the discrimination of women, men and queer as part of salvation and part of the word of Go’d is not considered in *Dei Verbum. Dignitatis Humanae* 11,2 assesses the cross of Jesus Christ as “the work of redemption whereby He achieved salvation and true freedom for men” without understanding “true freedom for men” as the realization of equal dignity, freedom and rights for all women, men and queer. Referring again to *Romans* 1, 16, *Dignitatis Humanae* 11, 3 proclaims the faith of the Apostles “the Gospel is indeed the power of God unto salvation for all who believe”

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and fails to insist on preaching salvation as a call to love for the believers, that is also the call to realize their equal dignity, freedom and rights. Instead, *Dignitatis Humanae* 13,1 puts the care for salvation exclusively into the hands of the society of the Roman Catholic Church. The Second Vatican Council actually claims that the celibate male bishops and cardinals under the absolute powers of the pope will care for the salvation of the women, men and queer believers. In reality, the hierarchy suppresses salvation as realization of equal dignity, freedom and rights and does not safeguard peace and justice. Roman Catholic women, men and queer claim a division of powers within their Church and the end of their discrimination.

The Declaration on Religious Freedom *Dignitatis Humanae* on the Right of the Person and of Communities to social and civil freedom in matter religious is an important affirmation of religious freedom by the Roman Catholic Church. Yet, neither *Dignitatis Humanae*, nor *Unitatis Redintegratio* or the Decree on the Catholic Churches of the Eastern Rite *Orientalium Ecclesiarum* bother about gender, ethnicity, and class in the context of the believers who hear, comprehend, speak and live their faith. Feminist theologians assert that gender, ethnicity, and class are part of those cultural, social and biographical variations that directly influence the understanding, practice and speaking of faith (Nussberger 2019, 833). African American, Hispanic, African, and Asian women confront their experience of suffering and oppression with “the biblical Jesus and see resonances between their quests for justice and liberation, and the salvation that Jesus has achieved through his life, death, and resurrection” (ibid.: 840). Women feminist theologians and women feminist biblical scholars started studying and developing the liberating message of the New Testament, they demonstrated the Bible’s protest against oppression, abuse of power and sexual abuse. Studying, meditating and praying with the Bible, they called for Church reforms and the recognition of the equal dignity, freedom and rights of all women, men and queer faithful. Women feminist exegetes and theologians realized the hopes of the last sentence of *Dei Verbum* “we may hope for a new stimulus for the life of the Spirit from a growing reverence for the word of God” (*Dei Verbum* 26).

In 2020 CE, Catholic women, men and queer protest their discrimination by the Roman Catholic hierarchy stronger than ever. The Catholic women of the *Voices of Faith* “empower and advocate for a prophetic Catholic Church, where women’s voices count, participate and lead on equal footing with men”ⁱⁱ. Feminist theologians insist on the

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"continuity between the covenantal theology of the Hebrew Scriptures and the soteriology of the New Testament" (Nussberger 2019, 833). Further, we must not forget that Jewish theologians treat much the same questions as Christians. The Rabbis studied and study the *Torah*. They prayed, meditated, discussed and wrote comments on the Torah, the constitution of Israel that was written under divine inspiration. Rabbis would discuss, comment and write on theological themes like reconciliation, forgiveness of sins and new life, redemption, atonement, justification, salvation and new creation (Segal 2015, 34). Taking the soteriological hopes of Exodus and the annual celebration of the Passover Festival seriously, we have to be clear as Christians that redemption and salvation is not yet finished. It is a central aspect of the rule of scriptural exegesis in Judaism that is of the Mekhilta, that the Passover Festival not only concerns the commemorating of the deliverance from the bondage in Egypt; instead, commemorating the salvation from Egypt inspires and prefigures the hopes for salvation at the end of times (Plietzsch 2005, 56).

Rabbinic literature insists on Go'd's faithful relation to Israel. *Jeremiah* already had spoken of "a new covenant" that Go'd will make (*Jeremiah* 31, 31), Jesus will take up the term at the Last Supper in 1 *Corinthians* 11, 25 and *Luke* 22, 20. *Hebrews* 8, 8 – 12 is the longest citation of the Hebrew Bible in the New Testament (Lyonnet 1989, 231). Yahweh will "write on the hearts" of the Israelites this law of the new covenant (*Jeremiah* 31, 33) and *Ezekiel* identifies this law as the law of the Spirit of Yahweh, the One and Only who provides the principle of life and the rule of law of the Spirit for realizing the just world of Go'd (*Ezekiel* 36, 27; 37, 24b). This allows Paul to speak in *Romans* 8, 2 of "the law of the Spirit of life in Jesus Christ" (Lyonnet 1989, 325). Is it allowed to read *Luke* 10, 25 – 28 that is about the connection of the Law and eternal life and *Mark* 12, 28 – 31 as *Mathew* 22, 35 – 40, that are about the greatest commandment, together with *Romans* 13, 8 that speaks about the law? "The only thing you should owe to anyone is love for one another, for to love the other person is to fulfil the law" (*Romans* 13, 8). Yes, as Christians we confess that the love of Christ that we are allowed to receive with faith will liberate and save us (Lyonnet 1989, 320).

Nostra Aetate did not view religious pluralism as an opportunity for humanity and the Christians to discover and understand that "the Spirit of Go'd blows where it will" (*John* 3, 8). There were a few exceptions to Roman Catholic blindness for a plurality of world views, spiritualities and convictions. Cardinal König voluntarily recognizes the search

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for truth in other religions (König 2006, 126). In the 1990s, Cardinal Ratzinger, prefect of the Vatican’s *Congregation for the proclamation of the faith* started to fight and suppress the theologians defending the equal dignity of religions. Ratzinger started questioning the faith in Christ of the Belgian Jesuit Jacques Dupuis (1923 – 2004), who had lived and taught for more than 40 years in India, constantly dialoguing with Buddhists, Christians, Confucians and Hindus and working on a Christian theology of religious pluralism (ibid.: 132). König wants to transcend the limits of the Christian world and to find out “what the non-Christian religions mean for us and how the good in all religions can be combined to serve global justice and peace” (König 1999, 77). König publicly defends Dupuis. The Cardinal clearly transcends the limits of the official Catholic teaching of *Nostra Aetate* on interreligious dialogue when he claims with Dupuis “the Holy Spirit’s activity also outside the visible Body of the Church” and uses Sacred Scripture as validity-condition for this claim: The Gospel of *John* 3, 8 says: “the wind blows where it will” (König 1999, 76). The monarchical character of the Roman Catholic Church and the primacy of the supreme pontiff of the Church are not compatible with the mutual recognition of religions, worldviews and with an egalitarian view on religious pluralism.

We find the ambiguity of respecting the faithful and at the same time not respecting them also in *the Decree on the Apostolate of the Laity Apostolicam Actuositatem*. In the end the authorities of the Roman Catholic Church do not respect the “sensus fidelium” that is the expressions of the faith convictions and beliefs of every single Catholic woman, man or queer on an equal basis (Grootaers 1996, 575). The legitimate interests of the lay women, men and queer in the Catholic Church and their spiritual potential was not recognized or taken into consideration by the Fathers of the Second Vatican Council (ibid.: 579). *Apostolicam Actuositatem* does not even bother defining the terms “lay” and “laity” (Velati 2001, 284). Why does the Council not simply speak of faithful instead of laity? The commission working on the text titled their document from the beginning of its work to the end “Apostolate of the faithful”; the bishops of the Council finally changed this name into “Apostolate of the laity” (Bausenhart 2005b, 38).

All disciples and male and female followers are part of the one people of Go’d and are called to preach the Gospel, tells the Scripture. “The Holy Spirit, who calls all men to Christ by the seeds of the Lord and by the preaching of the Gospel, stirs up in their hearts a submission to the faith. Who in the womb of the baptismal font He begets to

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a new life those who believe in Christ, He gathers them into the one People of God which is ‘a chosen race, a royal priesthood, a holy nation, a purchased people’ (1 Peter 2,9).” *Apostolicam Actuositatem* could have referred to the theology of *Lumen Gentium* 9 that clearly affirms the teaching, sanctifying and governing functions of the mission of the Church for the whole “purchased people” and not only for a privileged cast of bishops who cannot cope any more with their tasks. It is true; in the end, *Lumen Gentium* binds the faithful in submission to the authority of the hierarchy and suffocates the sources of the Holy Spirit of the faithful and the realization of the Law of the Spirit that is love.

The lay faithful in the Roman Catholic Church may love, but they may not proclaim the Gospel of love. *Apostolicam Actuositatem* 8 speaks of love as element of the apostolate of the lay and refers to *Matthew* 22, 37–40 affirming: “The greatest commandment in the law is to love God’ with one’s whole heart and one’s neighbor as oneself” (*Apostolicam Actuositatem* 8, 2). *The Pastoral Constitution on the Church in the Modern World Gaudium et Spes* also cites the threefold commandment of love of Jesus Christ (*Matthew* 22, 37-40; *Mark* 12, 29-31; *Luke* 10, 25-28), but no other document of the Second Vatican Council cites the commandment of love. The Second Vatican Council does not show much interest in the commandment of love of Jesus Christ. Further we have to observe, that *Gaudium et Spes* does not affirm the threefold commandment of love of Jesus Christ as threefold commandment; the reception of the threefold commandment is restricted to a twofold commandment of love of Go’d and of the neighbor. Self-love is also part of the threefold commandment of love of Jesus, but self-love is not on the agenda of the hierarchy of the Roman Catholic Church. Anthropologically it is clear, that women, men and queer who are not capable of self-love do not have the capability of loving others or of loving Go’d.

The Council Fathers every now and then touch on the expressions freedom and liberty but they do not affirm that women, men and queer have started to claim their equal dignity, freedom and rights also in religious matters.

Gaudium et Spes wants to assess the modern world and wants to dialogue with the modern world. *The Pastoral Constitution on the Church in the Modern World* tries hard to cope with the claims to equal dignity, freedom and rights of all women, men and queer. In the first part of *Gaudium et Spes* there is much talk of dignity and the first chapter titles “The dignity of the Human Person” (*Gaudium et Spes* 12-22).

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Nevertheless, the concept of dignity is never described without ambiguity. The second part of *Gaudium et Spes* 16, for example, describes the dignity of conscience by respecting freedom and the right of all women, men and queer to that freedom and dignity citing the Church Fathers and the threefold commandment of love *Matthew* 22, 37-40 and *Galatians* 5, 14: "Conscience is the most secret core and sanctuary of a man. There he is alone with God, Whose voice echoes in his depths. In a wonderful manner, conscience reveals that law which is fulfilled by love of God and neighbor. Christians are joined with the rest of men in the search for truth, and for the genuine solution to the numerous problems which arise in the life of individuals from social relationships". The first part of *Gaudium et Spes* 16 suppresses the freedom and free choice of conscience of "man" by a "law which holds him to obedience" and insists on an ethics of obedience to the objective moral law that the teaching authority of the Roman Catholic Church defines (Hogan 2004, 84). The ambiguities of obedience and free choice, of equal dignity of all women, men and queer and of the dignity of man who obeys "Since man's freedom has been damaged by sin" (*Gaudium et Spes* 17). Ambiguities create confusion and confusion in moral matters creates lack of direction, impossibility of perseverance and of development. Education and personal development need the mutual interaction of determined love. The capability of loving is the fundamental element of my anthropology.

The Second Vatican Council forgot about a systematic holistic anthropology that includes the physical, psychic, social, economic, cultural and spiritual aspects of the individual person, being a female, male and queer lay, or a male celibate member of the hierarchy. The Second Vatican Council has no concept for dealing with the integrity of the individual person, which is the integrity of her physical, psychic, social, economic, cultural and spiritual elements. There is no anthropological concept for a holistic human development of the celibate men of the hierarchy and there is no supervision of the integrity of the young men during priestly education. Neither *the Decree on Priestly Training: Optatum Totium*, nor *the Decree on the Adaptation and Renewal of Religious life: Perfectae Caritatis*, nor *the Decree on the Ministry and Life of Priests: Presbyterorum Ordinis*, nor *the Decree Concerning the Pastoral Office of Bishops in the Church: Christus Dominus* care about the necessary anthropological qualifications for a healthy male celibate personality. The last 50 years sadly demonstrated the consequences of neglecting to watch over the personal integrity of the clerics and of not listening to the complaints of the lay men, women and queer who had suffered at

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the hands of power abusing clerics. The lack of persons with integrity within the Roman Catholic clergy and the long and painful process to make the hierarchy accountable for the abuse of power and sexual abuse of young people has not yet ended in 2020 CE. People who do not work for and consequently enjoy their integrity on a daily base, and who do not respect the integrity of other persons, are not acceptable for a Church office. People, who do not read, pray and meditate on the Holy Scripture and experience inner peace, calm and comfort, and who do not assess their concepts of faith and convictions, must not teach others the service of Go'd. People who cannot or do not want to interact with other persons on a mutual base of equal respect and understanding, violate the equal dignity, freedom and rights for all women, men and queer. The realization of dignity is the validity-condition for any claim to validity, for any philosophical, theological, social, or religious claim. 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. Discourse within the Roman Catholic Church serves the realization of the dignity of the performing persons. Otherwise Jesus' threefold commandment of love is ignored.

A discourse needs at least two persons, a speaker and a listener who respect each other and realize that there are no privileged sentences in their dialogue or discourse. A first step of such a discourse consists in the process of getting clarity about what is claimed by the sentence or sentences of a speaker A. The listening person B in this speech-act agrees with person A to a series of further speech-acts that try to explicate the claim to validity that A has brought forward. A and B have to make sure that the claim to validity is clear.

The second step in this kind of discourse consists in the description of the validity-condition for the claim to validity. The validity-condition of my faith-sentences and of the faith-sentences of the Christian faith is the realization of the Human Right of the equal dignity, liberty, freedom and rights of all women, men and queer. The description of the social range for the realization of the claim to validity is an important element of validity-condition of the claim to validity. In a third step, speaker A must show that she meets the validity-condition for the claim to validity.

The third step of the discourse consists of the discussion that clarifies, if the validity-condition of the claim has been realized. This discussion will involve many speech-acts. Compliance of the claim with the validity-condition is a regulative principle. The

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discourse partners do not produce consensus, consensus is the consequence of the proof that the claim to validity is met.

We must not forget that the social realization of dignity with speech-acts not only realizes the psycho-social integrity and dignity of the persons participating in the speech-acts, but also contributes to the maintenance, that is to say to the integrity, of the social setting, the polity of Human Rights. To be able to assess in the speech-acts that investigate faith-sentences and worldviews, the fulfillment of the validity-condition "dignity of the participating persons" is a necessary element of the social realization of dignity. Therefore, the social realization of the way of life of a Christian is inseparably linked to the social realization of dignity.

Dignity, freedom, equality and rights are relatively new words in the practice of human languages. It does make sense to encourage women, men and queer to use these new words in their speech-acts, because the frequent use of these words contributes to a sustainable realization of their Human Rights. During the 1960s, the faithful of the Roman Catholic Church became self-conscious agents of their dignity, freedom and rights. During the Second Vatican Council the lay women, men and queer started participating in the liturgical reforms that their bishops had brought from Rome to their dioceses. They claimed their spirituality, and active participation in Church life with dignity and freedom. They claimed their right that the bishops listen and take them seriously. The lay women, men and queer were enthusiastic about their active participation in the liturgy as *the Constitution in the Sacred Liturgy Sacrosanctum Concilium* promised to them. Sadly, the bishops were not prepared and did not have the necessary soft skills to meet this offer of a mutual interaction of equal sisters and brothers in the Catholic Church. Most bishops panicked when observing chaos and disobedience. Some bishops in the aula protested against the discrimination of laywomen and men within the liturgy, especially in the discussions of the third session in the fall of 1964. In the end, the Second Vatican Council failed to assess the apostolate of the laity as central for the life of the Roman Catholic Church and refused to acknowledge the full mission of the baptized faithful (Grootaers 1996, 579). 2300 bishops and the pope preserved their power over one billion Catholic women, men and queer and were ready to ignore the mission all baptized had received from the Holy Spirit in the name of Jesus Christ. The same discrimination of the laity is true *in the Decree Ad Gentes on the Mission Activity of the Church*. The Second Vatican Council

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was not able to speak of the missionary activity of every faithful woman, man and queer as an essential activity of her and his Christian life.

At the end of World War II, in the middle of the Cold War and facing atomic extinction, it was clear to Pope John XXIII that world peace and justice is the need and desire of the women, men and queer in the world, Christians or non-Christians alike. It is also clear to Pope John XXIII that world peace and justice are inseparably linked “to the inherent dignity and of the equal and inalienable rights of all members of the human family” (Universal Declaration of Human Rights. UDHR)ⁱⁱ. *Pacem in Terris* 144 affirms about the UDHR “There is no doubt, however, that the document represents an important step on the path towards the juridical-political organization of all the peoples of the world. For in it, in most solemn form, the dignity of a human person is acknowledged to all human beings. And as a consequence there is proclaimed, as a fundamental right, the right of every man freely to investigate the truth and to follow the norms of moral good and justice, and also the right to a life worthy of man’s dignity, while other rights connected with those mentioned are likewise proclaimed”. It is also true that John XXIII affirms that rightly “some objections and reservations were raised regarding certain points in the Declaration” (John XXIII, 1963. *Pacem in Terris* 144).

In 1948, the Preamble of the UDHR proclaims, “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 ... 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.”ⁱⁱⁱ

The text of *Gaudium et Spes* touches some social and cultural rights of the UDHR, but does not really proclaim them as rights. The Council Fathers did not want to collaborate with the United Nations and did not proclaim the UDHR. *Gaudium et Spes* is not capable of viewing public life (Latin: *vita publica*) as a world community of nation states that are all possible member states of the United Nations (Nell-Breuning 1968, 517). *Gaudium et Spes* considers public life within the boundaries of the nation state and

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ignores developing a theology for the evolving globalized world community. *Gaudium et Spes* does not recognize the supranational authority of the United Nations, and recognizes only the authority of the nation state as public authority (ibid.). The fight against the COVID-19 pandemic and the fight against the ecological disasters of the worldwide climate change need supranational cooperation and affirming the UDHR would make the Roman Catholic Church a more effective partner in these fights for health and ecological use of the earth's resources and therefore for peace and justice.

Most of the Catholic faithful women, men and queer do not experience difficulties living as Christians in the world or living with their faith in the world. The Council Fathers of the Second Vatican Council were aware of the necessity to adapt the teachings of the Roman Catholic Church to the needs of world. Yet, a clear analysis of the Roman Catholic Church has to affirm, that a monarchical society cannot adapt without changing her social structure. The realization of the Law of the Spirit that is the threefold commandment of love of the Lord Jesus Christ, empowers the construction of an egalitarian community of the People of Go'd and empowers the conversion from the monarchic principle of government to the government of institutions that respect the equal dignity, liberty and rights of the faithful. The Law of the Spirit has the power for reform and change of Canonical Law. Yet, no pope so far, not even Pope Francis, had the courage and Spirit to do so.

The Codex of Canon Law of 1983 presents an order that is "far from the legal values characteristic for modern society" (Köck 2018, 126). We remember that the modern state under the rule of law - as designed for example by Rousseau in the 18th century - was gradually developed in the 19th century and that the State under the rule of Human Rights law is a very young practice of humanity (Leher 2018, 91-97). This is no excuse that the Roman Catholic Church does not accept the Human Rights of the UDHR and does not abide by the rule of Human Rights law (Köck 2018, 120). Concerning Church government the Roman Catholic Church violates the right of the faithful to freely take part in the decision-shaping and decision-making in the Church. We need Canon Law that would respect the equal dignity, freedom and rights of all Catholics choosing office-holders, and the participation in legislative and administrative responsibilities and offices (ibid.). The Roman Catholic Church is very much obsessed by the power question and misses the growing frustration and resignation of millions of Catholics who turn away from the institution of the Roman Catholic Church as an

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absolute monarchy that does not care to respect the Human Rights of their women, men and queer. Her autocratic structures of absolutist government are incapable of preserving the common good of her members who consequently challenge the legitimacy of this monarchic government and in growing numbers turn away in frustration, anger and growing disinterest from the Roman Catholic Church as an institution.

With hope, faith, and love, we still await the social realization of the prophecy of Jeremiah. "There will be no further need for everyone to teach neighbor or brother, saying, 'Learn to know Yahweh!' No, they will all know me, from the least to the greatest, Yahweh declares, since I shall forgive their guilt and never more call their sin to mind" (*Jeremiah* 31, 34). As a Christian, I believe in the words of Jesus: "In truth I tell you, till heaven and earth disappear, not one dot, not one little stroke, is to disappear from the Law until all its purpose is achieved" (*Matthew* 5, 18).

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Notes

ⁱ <https://voicesoffaith.org/> (accessed March 18, 2020).

ⁱⁱ <https://www.un.org/en/universal-declaration-human-rights/>

ⁱⁱⁱ <https://www.un.org/en/universal-declaration-human-rights/>

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