

The Second Vatican Council – a Dialogical Pastoral Approach to the Freedom of Religion, Conscience and Truth

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There can be little doubt that the Second Vatican Council (1962-1965) has been one of the seminal events of the twentieth century, both for the Catholic Church and beyond. The Church came out of Vatican II ready to embark on a new era of dialogue, cooperation, and fruitful engagement with the modern world.

One of the main factors that facilitated this openness were the convictions reaffirmed or for the first time clearly stated in the Council's Declaration on Religious Freedom, *Dignitatis Humanae*. Nevertheless, of all the documents issued by this Council none underwent more revisions and was more contested in controversial debate than its fifteen fully-packed paragraphs. Surely *Dignitatis Humanae* is the fruit of long and careful deliberation and conversation: No less than five drafts were presented to the Council fathers leading up to the final version.

Right in its first paragraph *Dignitatis Humanae* sets forth five principles: (1) The “one true religion subsists in the Catholic and Apostolic Church, to which the Lord Jesus committed the duty of spreading it abroad among all men.” (2) All “are bound to seek the truth, especially in what concerns God and His Church, and to embrace the truth they come to know, and to hold fast to it.” (3) “[I]t is upon the human conscience that these [aforementioned] obligations fall and exert their binding force.” (4) Religious freedom “has to do with immunity from coercion in civil society. Therefore it leaves untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ.” And (5) the Council “intends to develop the doctrine of recent popes on the inviolable rights of the human person and the constitutional order of society.”¹ All of these five principles will be addressed, albeit in a different order, in this present issue of *Louvain Studies*.

The five principles embody the core teaching of *Dignitatis Humanae*, that the right to religious freedom as grounded in the duty to pursue the truth, especially the Truth that is God, is the prerogative of every human person by her dignity.² The Council fathers understood this

¹ For these and all following quotations see Declaration on Religious Freedom *Dignitatis Humanae*, promulgated on 7th December 1965, *Acta Apostolicae Sedis* 58 (1966) 929-946; for the English translation see http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html (accessed 25/04/2017).

² See *DH* 2: “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

core teaching of *Dignitatis Humanae* not as breaking away from previous teaching,³ but rather as an obvious consequence of the gospel. In the words of the declaration, “the Church is following the way of Christ and the apostles when she recognizes and gives support to the principle of religious freedom as befitting the dignity of man and as being in accord with divine revelation” (DH 12). What applies to all other Vatican II documents also applies to *Dignitatis Humanae*: Viewing it from the perspective of *aggiornamento* and *ressourcement*, this document is not a repudiation of the past, but an enabling of the richness and beauty of the Christian tradition to shine forth anew. Nevertheless, both the drafting of *Dignitatis Humanae* and its reception since Vatican II have been accompanied by dire disputes about what its content means for the Church.

Therefore it comes as little surprise that also the tenth conference of the biannual Leuven Encounters in Systematic Theology (LEST X) on “*The Letter and the Spirit: On the Forgotten Documents of Vatican II*” extensively addressed the question of what the content of *Dignitatis Humanae* means concretely in our contemporary situation fifty years after the Council’s conclusion. For certainly, as *Dignitatis Humanae* 15 states, “[t]here is general recognition that people today want to be able to give free expression to their religion in public and in private, and that religious freedom is stated as a civil right in many constitutions and given solemn recognition in international documents.” In order to ascertain this claim experts like John Courtney Murray and Pietro Pavan tended to view the right to religious freedom as a formally juridical concept that abstracts from the question of truth and should be guaranteed as a civil right.

This is the topic which both, Melinda Thomas and Yvette Zeinstra-Kuijs, address in their contributions that involve revisiting John Courtney Murray’s focus on the juridical aspects and the influence of American constitutionalism. Melinda Thomas places John Courtney Murray’s drafting work for *Dignitatis Humanae* in the fuller context of his political analysis of democracy and the Catholic faith by comparing it with his earlier well-known book, *We Hold These Truths*, in which he demonstrates consistencies between American constitutional protections for religious liberty and Catholicism. The most basic question discussed at the Council was how to understand the nature and foundation of the right to religious freedom. As a result of the conciliar debate, the right to religious freedom is perceived as grounded in the obligation to seek the truth, which ultimately leads to immunity from religious coercion as a

human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.”

³ Like, for example, Gregory XVI in *Mirari Vos* (1832), Pius IX in *Quanta Cura* (1868) or Leo XIII in *Immortale Dei* (1885).

civil right. Thomas shows how John Courtney Murray unravels the political and legal implications of the principle that immunity from religious coercion is a civil right because only such immunity can lead to free, committed, personal assent to God's plan of salvation.

Taking her departure from the question whether religious freedom in *Dignitatis Humanae* can be seen as civil right as well as responsibility in the image of God, Yvette Zeinstra-Kuijs studies the process of “*aggiornamento*” and the hermeneutical theologies of the signs of the times in the works of John Courtney Murray and Christoph Theobald. She brings the positions of these two theologians into a dialogue with the insights stated by Yves Congar regarding a proper methodology to interpret the contemporary relevance of *Dignitatis Humanae* as a conciliar document that so far has had and will go on to have significant influence on juridical, social and religious debates regarding the importance of religious freedom.

Yet beyond the juridical perspective, there emerges another important aspect, which results from connecting the right to religious freedom to the duty to seek truth. The Portuguese Jesuit Hermínio Rico frames this aspect as follows:

“The basic issue at [the] level of the foundation of the right to religious freedom has to do with the kind of definitive answer to the following question: Where does human dignity ultimately rest in the person? [... Does it rest in] the freedom inherent in every person? [...] Or is it the person's relationship with transcendent truth?”⁴

Especially a group of Council fathers consisting of bishops from France, Italy, and Poland⁵ considered the link between freedom and truth as foundational for human dignity and as informing the right to religious freedom. In a crucial intervention during the fourth and final session of the Council, the French Bishop Alfred Ancel argued that “the obligation to seek the truth is itself the ontological foundation of religious freedom.”⁶ Yet how is the truth to be found and what would be the human ‘antennae’ to detect it?

For centuries theologians have held that the human conscience is the way how God addresses each and every human being directly. Michael Lawler and Todd Salzman revisit the Council's position and focus on the inviolability of conscience. They widen the perspective by taking not only *Dignitatis Humanae* but also *Gaudium et Spes* into account. They identify the consensus as well as the tensions between these two conciliar documents. They point out that

⁴ Hermínio Rico SJ, *John Paul II and the Legacy of Dignitatis Humanae*, Washington D.C.: Georgetown University Press 2002, 142.

⁵ Comprising the Bishops Ancel, Columbo, and Wojtyła.

⁶ See *Acta Synodalia Sacrosancti Concilii Vaticani II*, vol. IV: periodus quarta: pars II: congregationes generales CXXXIII-CXXXVII, Vatican: Libreria Editrice Vaticana 1977, 16-20; 17: “fundamentum ontologicum libertatis religiosae [...] est ipsa obligatio quaerendi veritatem.”

the failure to distinguish between the two levels, *synderesis* and conscience, and the ambiguity on what a well-informed conscience is, are central questions that divide interpreters of *Gaudium et Spes* and *Dignitatis Humanae*. Josef Fuchs, moral theologian at the Gregorian, formulates the issue at stake concisely: Does truth exist “in itself” or “in myself”?⁷ In the first case, conscience is about obedience to church teaching and its objective norms. In the second case one has to always follow one’s conscience, even if it were to err. Lawler and Salzman show that this second option has been part of the Church’s teaching ever since the days of Thomas Aquinas and his *Quaestiones de Veritate*. In the wake of this tradition *Dignitatis Humanae* clearly affirms

“On his part, man perceives and acknowledges the imperatives of the divine law through the mediation of conscience. In all his activity a man is bound to follow his conscience in order that he may come to God, the end and purpose of life. It follows that he is not to be forced to act in a manner contrary to his conscience.” (*DH* 3)

Thus regarding their teaching on conscience, Lawler and Salzman show that both, *Dignitatis Humanae* and *Gaudium et Spes*, may be counted among the ‘forgotten documents’, because certain papal texts since Vatican II were not really explicit on this, due to their perception of the relationship between the conscience and the objective norm. In documents like, for example, Pope John Paul II’s Apostolic Exhortation, *Familiaris Consortio*, conscience is clearly subject to obedience to church teaching and its objective norms. However, the Church’s intentional engagement in the formation of consciences should be fully respectful of the principle of freedom. The fact that church representatives might be hesitant to do so Lawler and Salzman relate to them frequently mistaking ‘perspectivism’ for relativism.

The very grounding of the right to religious freedom in the obligation to seek truth highlights a further aspect, which also is important for the interpretation of *Dignitatis Humanae*. The French Dominican and lawyer Philippe-Ignace André-Vincent formulates it as follows, pointing out that the declaration has overcome the antinomy of truth, law and freedom,

“Its major intuition surpasses the conflict of freedom and law as it discovers in the truth the source of freedom as well as of the first obligation of man. To reassess this intuition of the natural order in the light of the gospel, that is the task for a theology of religious freedom today.”⁸

⁷ Josef Fuchs SJ, *Christian Morality: The Word Becomes Flesh*, trans. Brian McNeil, Washington, DC: Georgetown University Press, 1987, 125.

⁸ Philippe-Ignace André-Vincent O.P., *La Liberté religieuse, droit fondamental*, Paris: Téqui, 1976, 232-233.

This reading by André-Vincent suggests an ontological grounding in the order of truth and entails a greater role of revelation. In this reading, certainly freedom is not simply the capacity to choose between alternatives; it is a sign of the ontological dignity of the human person. Since there is no freedom without truth, and no truth without freedom, “Truth [...] is to be sought after in a manner proper to the dignity of the human person”, as *Dignitatis Humanae* 3 affirms. After all, the declaration opts for the framing of the question of rights mainly in terms of the dignity of the person, hence *Dignitatis Humanae* has been chosen as the title or “*incipit*” of the final document.

All this shows how well the topic of ‘truth’ fits into the context of *Dignitatis Humanae*. Marilou Ibita focuses in her contribution on the aspect of truth in Jesus’ claim “I am the way and the truth and the life” in John 14:6a. She looks more closely into the hermeneutics of the use of biblical reference texts in the Council, more concretely into the use of biblical warrants in *Nostra Aetate* and *Ad Gentes*, since John 14:6 is not employed in other Vatican II documents. Her paper asks if the use of the phrase “*via et veritas et vita*” in these documents is justified in view of the Johannine literary and historical contexts. Jesus’ claim of being ‘the truth’ underscores his exclusive role in the Johannine community and affirms group identity while it also potentially provides an opening for inclusivity by means of the recognition of otherness. Thus this article also explores the implications of citing John 14:6 in the context of inter-religious dialogue and mission.

In the context of all this, Marie Baird’s contribution on the Church’s theological approach to the fact that Judaism exists and that God’s covenant with His Chosen People has never been revoked, functions as a test case regarding the principles set out in *Dignitatis Humanae*. If they are taken seriously, they serve to encourage the truth in free dialogue. Yet this is tantamount to the end of supersessionism, even of a ‘soft’ one! This makes it necessary to fully acknowledge Christianity’s continued dependence on Judaism, while the independence of Judaism from Christianity goes on. For Baird this culminates in the full legitimacy for both traditions in frank acknowledgment of the irreconcilability of their differences.

Before the Second Vatican Council, the perception by many people was that whenever the Catholic Church found herself in the minority, she would cry for religious freedom to establish her claims. However, whenever the Catholic Church herself was in the majority, she would try to influence the state to suppress other faiths. If that perception were not addressed, argued the Secretariat for Promoting Christian Unity, the intention of Pope John XXIII to make progress regarding dialogue with non-Catholic Christians, with non-Christians and with the

modern world in general would be impossible. More than fifty years after *Dignitatis Humanae*, journalists and theologians explain in their contributions in the *Forum* of this issue how they perceive the contemporary dialogue between Church and world by answering the question ‘Do the media make the magisterium?’ They point out where sometimes the same problems are still to be encountered as during the times of the Council. On the other hand, they analyse how the conditions of interaction have changed due to the development of the modern mass media. Is Pope Francis a modern ‘media pope’ in a series with previous ‘medialized popes’ or is he rather the Pope who deliberately tries to shield his pontificate from a pure medialization and places vulnerability and mercy at the centre of his considerations, asks Kurt Appel. Is he rather the ‘Teflon pope’, as Philippa Hitchen reports? She explains that the Pope’s focus on the poor, Curial reforms, anti-clericalism and efforts at collegiality are very attractive, not just because they make an easy media narrative, but because they genuinely reflect what so many people regard as the essence of the Christian message. Ulrich Ruh builds on this basis and not only speaks about the media’s (sometimes quite tense) relationship with official church representatives, above all from bishops upwards, but stipulates that the Church has a debt to the media, ultimately for its own religious and social message. He appeals to church leaders to develop a strong interest in the existence of independent, serious and substantial media.

In the face of the new challenges and new threats to religious freedom, some of which are addressed in the contributions of this issue, it is of pivotal importance to revisit the Council’s teaching on the right to religious freedom as grounded in the relational dignity of the human person. As Hermínio Rico predicts,

“At stake is a fundamental strategic choice for the path the church will take in the near future in its relationships with the modern secular world. The consequences will be immediately visible in the effectiveness of the presence of the church in the public cultural debate. But the stance cultivated now will also have lasting consequences for the sustained long-term credibility and relevance of a church confronting the challenges set to its social mission by pluralistic societies in accelerated transformation.”⁹

The Church’s relevance in confronting the challenges to its mission by committing to the right to religious freedom is closely related to the Council’s being classified as pastoral. Already the contributions by Lawler and Salzman, Ibita, and Baird widened the scope by taking further conciliar documents into consideration, like *Gaudium et Spes*, *Ad Gentes* and *Nostra Aetate*. Luis Antonio Tagle reflects on the Second Vatican Council as a whole and what it means

⁹ Rico, *John Paul II and the Legacy of Dignitatis Humanae*, 15.

to be 'pastoral' in the footsteps of the letter and the spirit of Vatican II. He looks into various areas of being pastoral that were highlighted by the Council and that still matter in today's everyday church life for being pastoral. In all of these areas relationships are crucial, the relationship to revelation, the relationship to the world, the interior relationship within the Church that shapes the exterior relations. Tagle characterises the post-Vatican II period as a continuing search for an adequate pastoral identity and spirit for the Church's mission in the world. Thus the task for today is to continue seeking the pastoral spirit of love in what the Church and each one of us does every day.

In its pastoral thrive Vatican II continues to be a permanent point of reference. For generations of Catholics, laypeople and ordained alike, the constitutions and decrees of this Council, and the pastoral spirit which animates them, have been and continue to be the benchmark by which to judge developments in the Church at the levels of pastoral praxis, doctrinal discernment and ecclesial decision-making. This makes it all the more important to ask about the Council's reception in our time, to reflect on what scholars would call its 'Wirkungsgeschichte', the history of its effects. It is imperative to do this not only by looking to the past, but also by inquiring into how the Council can best be implemented in the future. To what degree have we realised, or failed to realise, the programme which the Council initiated? How might we go about realising it in the future?

The interpretation of the Council consists by no means in just stating the successes and dead-ends of the last 50 years' reception of Vatican II. With regard to a worldwide contemporary reception of Vatican II, it becomes clear today that the Catholic Church is entering a new phase, a new beginning, to speak with Karl Rahner.¹⁰ So far, one of the main questions was how to implement the ideas and statements of the Council. Today the main question to be asked by academic theologians and church leaders alike is: which are the inspirations from Vatican II that will help to address new challenges, like threats to religious freedom, above all on a global scale? The questions are different, because the problems have changed. Quite often we cannot look directly for their solution in the conciliar documents, instead we need to look there for principles that can be enacted in the spirit of the Council while facing the tension between its letter and its spirit. Consequently, our major question is: What can we learn from the Council? To give a practical example, the experience of Vatican II teaches that particular caution is required with regard to process, because all the schemata prepared by the Roman Curia had to be either repudiated completely or changed fundamentally. Basic

¹⁰ See Karl Rahner, "The Council: A New Beginning", in *id.*, *The Church after the Council*, New York: Herder & Herder 1966, 9-33.

decisions, thus, need synodal discernment and decision-making. With the Synod of Bishops on the Family in 2014 and 2015 we were living through one of these processes. Also among the dialogues and discernments during the sessions of this synodal process some diplomatic moves and certain less welcome interventions were made as showed for instance the episode of the letter of the 13 cardinals to Pope Francis.¹¹

Similar attempts at influencing the process in the aula also happened during the Second Vatican Council. To give just one example related to *Dignitatis Humanae*, “In a letter dated November 20 addressed to Paul VI, Jozef Emiel De Smedt thanked the Pope for his encouragement; he also added some frank remarks: ‘I fear that, during the fourth session, the declaration on religious freedom will be the object of sabotage manoeuvres similar to those it has encountered during these three sessions. Like most of the bishops, I leave Rome profoundly saddened and disheartened by the barely tolerable methods that are constantly being employed by certain influential members of the minority and that have created an extremely serious prejudice to the honour and prestige of Holy Church.’ [This letter to Paul VI, probably undated, is in the De Smedt’s papers, Box 18]”¹²

This stands in an absolute contrast to the fact that already at the Council’s convocation Pope John XXIII had expressed clearly that he expected nothing less than a new Pentecost from it,¹³ and this he linked to the pastoral nature of this council. The famous, though difficult to translate and often abused word ‘*aggiornamento*’ summarizes this expectation. It does not simply mean adapting to today. ‘Renewal’ along the lines of *aggiornamento* is different from mere innovation. It means a renewal along the lines of *ressourcement*, going back to the sources, so that the old, original and lastingly valid *Tradition* does not appear old but newly asserts itself as the message of the gospel. This gospel is never just familiar, but is also eternally new. Exactly this new horizon in which the Second Vatican Council receives the Church’s Tradition is expressed in the opening speech by Pope John XXIII when he already defines the goal of Vatican II as pastoral: “The substance of the ancient doctrine of the deposit of faith is one thing, and the formulation in which it is clothed is another. And it is the latter that must be taken into

¹¹ On this letter see Gerard O’Connell, “Thirteen Cardinals, Including Dolan and Di Nardo, Challenged Pope Francis’ Decisions on the Synod”, in *America: The National Catholic Review*, 12th October 2015, <https://www.americamagazine.org/content/dispatches/thirteen-cardinals-including-di-nardo-and-dolan-challenged-popes-decisions-synod> (accessed 25/04/2017).

¹² Luis Antonio Tagle, “A November Storm. The Black Week”, in Giuseppe Alberigo/ Joseph A. Komonchak (eds.), *History of Vatican II*, vol. IV, Maryknoll/Leuven: Orbis/Peeters, 2004, 402.

¹³ See John XXIII, “Apostolic Constitution on the Convocation of the Council *Humanae salutis*” (December 25, 1961) in AAS 54 (1962) 5-13; 13: “Renova aetate hac nostra per novam veluti Pentecosten mirabilia tua, atque Ecclesiae Sanctae concede, ut cum Maria, Matre Iesu, unanimiter et instanter in oratione perseverans, itemque a Beato Petro ducta, divini Salvatoris regnum amplificet, regnum veritatis et iustitiae, regnum amoris et pacis. Amen”.

great account, with patience if necessary, measuring everything by the forms and proportions of a teaching authority primarily pastoral in character.”¹⁴ By the way, regarding this characterization as ‘primarily pastoral’, Wolfgang Beinert asked, ‘Nur pastoral oder dogmatisch verpflichtend?’¹⁵ – Is Vatican II only pastoral or is it dogmatically binding? – since this is often the wrong alternative which is proposed.

The history of the reception of Vatican II goes on in a constant interplay of ‘*aggiornamento*’ and ‘*ressourcement*’. I get the impression that we have only just begun to address some of the most pressing pastoral questions worldwide.

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¹⁴ John XXIII, “Speech at the solemn inauguration of the Second Vatican Council *Gaudet Mater Ecclesia*” (October 11, 1962), in *AAS* 54 (1962) 786-795; 792 trans. by Joseph A. Komonchak, <https://jakomonchak.files.wordpress.com/2012/10/john-xxiii-opening-speech.pdf> (accessed 25/04/17).

¹⁵ Wolfgang Beinert, „Nur pastoral oder dogmatisch verpflichtend?: zur Verbindlichkeit des Zweiten Vatikanischen Konzils“, in: *Stimmen der Zeit* 228 (2010/ 1), 3-15.