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Gaudium et spes and the Call to Justice

The U.S. Experience

KRISTIN HEYER AND BRYAN MASSINGALE

As John O'Malley aptly puts it, the spirit of Vatican II was marked by "friendship, partnership, kinship, reciprocity, dialogue, collegiality"—a different way of being church. It is fair to say that *Gaudium et spes* (GS), the Council's Pastoral Constitution on the Church in the Modern World, exemplifies these broader shifts. Its tone, substance, and posture reflect this move from "commands to invitations, from laws to ideals, from threats to promises, from coercion to conscience, from monologue to dialogue, from ruling to serving, from exclusion to inclusion, from hostility to friendship, from fault-finding to appreciation, and from behavior-modification to inner appropriation of values."¹ The Council's articulation of its social mission in solidarity with all of humankind in this, its final and longest document, marks a dramatic departure from the church's traditionally defensive, reactionary stance toward the world. *Gaudium et spes* ushers in an open stance that takes seriously the struggles of those "in any way afflicted." In this chapter, some of the historical background and key themes of this landmark document, particularly as they have influenced social justice activism, ministry, and controversies in the United States context, are presented, raising the question of how these themes might play out in a new era for the church.

The Document's Historical Context

Among the Council's four constitutions, two focus on the church itself: *Lumen gentium* looks inward, to the renewal of the church's

1. John O'Malley, "The Council's Spirit: Vatican II: The Time for Reconciliation," *Conversations on Jesuit Higher Education* 42 (Fall 2012): 2-6, at 6.

self-understanding and structures, and *Gaudium et spes* addresses the relationship between church and contemporary world in all its pluralism and complexity. In the latter we encounter the Council's shift away from conceiving of church and world (or the sacred and secular realms) in opposition to each other, and toward engaging social questions as central to the church's very mission and identity. This dialogical style signaled a clear departure from the defensive siege mentality, which O'Malley has characterized as the "long nineteenth century," basic elements of which prevailed up to the evening of Vatican II.²

With the wealthy European elites seen to be the church's allies, the pre-Vatican II church denounced human rights, labor unions, religious toleration, and interreligious dialogue as dangerous. O'Malley notes that the Council

did not want to change the Church into a democracy, as its repeated affirmations of papal authority demonstrate beyond question. But it did want to redefine how authority was to function, for instance, with a respect for conscience that transformed the members of the Church from "subjects" into "participants." . . . Vatican II did not want the Church to abdicate its privileged role as teacher of the Gospel, but it insisted that the Church, like all good teachers, needed to learn as it taught.³

The initial lines of *Gaudium et spes* signal these major changes in posture, mission, and methodology:

The joys and hope, the grief and anguish of the people of our time, especially of those who are poor or afflicted, are the joys and hopes, the grief and anguish of the followers of Christ as well. Nothing that is genuinely human fails to find an echo in their hearts. For theirs is a community of people united in age towards the Father's kingdom, bearers of a message of salvation for all of humanity. That is why they cherish a feeling of deep solidarity with the human race and its history.⁴

2. John O'Malley, "The Style of Vatican II: The 'How' of the Church Changed during the Council," *America* (February 24, 2003): 12-15, at 14.

3. *Ibid.*, 15.

4. *Gaudium et spes*, in Austin Flannery, O.P., ed., *Vatican Council II: The*

Here we find a radical shift away from the "long nineteenth century." Rather than the church saying, "We have the answers, now by the way, what are your questions?" it is starting with the actual questions facing humanity in a given time and place, particularly those afflicted or suffering. *Gaudium et spes* exemplifies the conciliar shift away from conceiving of church and world in opposition to each other, calling instead for dialogue with the world and an examination of social, cultural, and political realities in the light of the gospel. No other Vatican decree is addressed so explicitly to the wider Christian community and people outside the church, noting in paragraph 3: "The Council can provide no more eloquent proof of its solidarity with the entire human family with which it is bound up, as well as its respect and love for that family, than by engaging with it in conversation about these various problems."

The Document's Content

Thus the church's social teaching becomes bolstered with ecclesiological grounding; in other words, no longer was its social teaching considered only as a narrow category within moral theology, or something "extra," that is speaking only to the outside world, but rather it came to be chiefly conceived of as a means of fulfilling the church's very mission.⁵ In *Gaudium et spes* the Council urges Christians, as "citizens of two cities," to attend to earthly duties in light of the spirit of the gospel. The document grants the ambivalent nature of worldly concerns, yet warns against total rejection of worldly activity as a substitute for discernment and selective engagement. It condemns an attitude of other-worldliness that deemphasizes earthly duties on the view that our only abiding city is that which is to come.⁶ The document calls the church to political engagement to protect human dignity, without conflating the Catholic faith with particular political systems. While this indirect

Basic Sixteen Documents (Northport, NY: Costello Publishing Company, 1996). This source is used throughout this chapter.

5. Richard McBrien, "Catholic Social Action," *National Catholic Reporter* 14 (March 3, 1978): 7-8, as cited in Timothy G. McCarthy, *The Catholic Tradition: The Church in the Twentieth Century*, 2d ed. (Chicago: Loyola Press, 1998), 260.

6. *Gaudium et spes*, 43.

role for the church's engagement in the political order entails endless distinctions and decisions, the effort must be made precisely because the alternatives to an indirect engagement are equally unacceptable: a politicized church or a church in retreat from human affairs. The first erodes the transcendence of the gospel; the second betrays the incarnational dimension of Christian faith.

The Council's shift away from suspicion of worldly engagement rests on its understanding the human person as the bond between the church and the world. The Council affirms the church's duty to safeguard human dignity and promote human rights, and cultivate the unity of the human family.⁷ The first Council to do so, *Gaudium et spes* cites Gen 1:26-27 (humans' creation in the image and likeness of God) to develop its teaching on human dignity and rights, spelling out at length the universal rights and duties that flow from the dignity of having been created in the divine image. Whereas Pope John XXIII in his 1963 encyclical *Pacem in terris* had moved the church from "opposition to modern rights and freedoms to active engagement in the global struggle for human rights," the Council develops the church's approach to human rights further, situating its treatment of rights within the context of human interdependence.⁸

The church's public engagement should be characterized by a spirit of respectful dialogue, exemplified in the opening lines of the document cited above. Pope John XXIII used the phrase "analyzing the signs of times" (in a largely empirical sense) rather than exploring abstract ideas of church and common good. This emphasis recurs throughout the Pastoral Constitution, reflecting a methodological change from a classicist to a historically conscious approach.⁹ Scrutinizing the "signs of the times" and seeking to detect the meaning of emerging history, while at the same time sharing the aspirations and questionings of

7. *Gaudium et spes*, 40-42.

8. David Hollenbach, S.J., "Commentary on *Gaudium et spes*," in Kenneth Himes, OFM, et al., eds., *Modern Catholic Social Teaching: Commentaries and Interpretations* (Washington, DC: Georgetown University Press, 2005), 266-91, at 280-81.

9. Lois Lorentzen, "Gaudium et spes," in *The New Dictionary of Catholic Social Thought*, ed. Judith Dwyer (Collegeville, MN: Liturgical Press, 1994), 406-16, at 407.

all those who want to build a more human world, are the dialogical charges issued in *Gaudium et spes*. Catholic engagement with the world and its transformation by the penetration of gospel values should be marked by a spirit of dialogue and service and by what some have called a "confident modesty," mindful that the church both teaches and learns from the world.¹⁰ It is not insignificant, then, that theologians who had been previously banned were invited to the Council; bishops and theologians were learning from each other there, exemplifying to some degree this spirit of reciprocity and humility.

By the later sessions of the Council, concern had shifted to justice throughout the world and the social questions taken up became global in scope. This marked a significant move beyond the European-dominated concerns of the pre-Vatican II church. In *Gaudium et spes*, the Council makes clear the interrelated nature of questions of international economics and peace.¹¹ With the proliferation of new kinds of weapons the Council recommends a fresh scrutiny of long-standing just war teachings given new threats to civilians and the harms posed by the arms race. It emphasizes the detrimental impact of persons being ruled by economics rather than vice versa, insisting that human labor is not a commodity. Its affirmation of the common purpose of all created things forms a backdrop to its teaching on private property, insisting the right to private property must yield to the cry of the poor.¹² *Gaudium et spes* insists that the obligation to help the poor is central to Christian life, not just a consideration once one's own needs are met or normal class status symbols acquired. Finally, the document presents a more personalist approach to marriage that emphasizes conjugal love, yet leaves contraception unaddressed, given that Pope Paul VI removed it from the Council's competence in 1964.

10. William J. Gould, "Fr. J. Bryan Hehir: Priest, Policy Analyst, and Theologian of Dialogue," in *Religious Leaders and Faith-Based Politics: Ten Profiles*, ed. Jo Renee Formicola and Hubert Morken (Lanham, MD: Rowman & Littlefield, 2001), 197-223, at 201.

11. Judith A. Merkle, SNDdeN, *From the Heart of the Church: The Catholic Social Tradition* (Collegeville, MN: Liturgical Press, 2004), 120.

12. *Ibid.*, 121.

Impact and Reception in the U.S. Context

The dialogical engagement with wider society central to *Gaudium et spes* is evident in theological, pastoral, and social movements in subsequent decades across the globe—from liberation and feminist theologies to renewed commitments to justice on the part of Catholic educational institutions and Catholic involvement in the civil rights movement.

Catholic Presence in the Struggle for Racial Justice

One of the most immediate areas in which *Gaudium et spes* made its impact felt in the United States concerned Catholic participation in the struggle for racial justice and the civil rights movement. This movement was one of the largest and most sustained faith-based movements for social change in U.S. history.¹³ Sadly, however, Catholic participation in it was woefully inadequate, almost to the point of nonexistence. A telling anecdote reveals the Catholic absence by the observation that in August 1962, it was reported that “nine Catholic laypeople” journeyed from Chicago to Albany (Georgia) to support a local effort against racial segregation. A contemporary historian observes that when contemporaries reported that this group was “the largest group of American Catholics that has participated in the non-violent movement,” it emphatically underscores “how minuscule the Catholic presence in the civil rights movement had been until that point.”¹⁴

Among the many factors responsible for Catholic passivity and absence in the justice struggle, of particular note for this essay is the abstract character of official teaching on racial justice in the United States. To cite but one example, the 1958 statement of the U.S. bishops, “Discrimination and the Christian Conscience,” issued in the aftermath of the 1954 historic Supreme Court decision outlawing

13. For further discussion of the civil rights movement, see Charles Marsh, *God's Long Summer: Stories of Faith and Civil Rights* (Princeton, NJ: Princeton University Press, 2008).

14. John T. McGreevy, *Parish Boundaries: The Catholic Encounter with Race in the Twentieth-Century Urban North* (Chicago: University of Chicago Press, 1996), 142.

segregation in educational institutions, forthrightly concluded that enforced segregation could not be reconciled with the Christian view of the human person. However, unlike statements issued by other national religious bodies at the time, the bishops offered no concrete guidance or recommendations for implementing this teaching. Protestant statements tended to be more concrete, calling for support of the Supreme Court decision, the integration of church facilities, support for black voting rights, and condemnation of the Ku Klux Klan. None of this specificity was found in official Catholic teaching. Catholics thus were never summoned to be proactive agents pursuing racial justice. On the contrary, despite the clear moral conclusion they reached, the bishops also betrayed a deep suspicion of what they called "rash impetuosity"—which many took as a not thinly veiled critique of the tactics used by Martin Luther King, Jr. In other words, there was never a summons for Catholics to see themselves in solidarity with the victims of injustice, and no call to actively participate in dismantling an unjust social situation.¹⁵ As a result, the noted black Catholic historian, Cyprian Davis, concludes with characteristic understatement, "By and large Catholics, either black or white, were not in the forefront of the civil rights movement or among the leadership of the protest organizations."¹⁶ By 1965, there was a decisive, even dramatic shift in Catholic attitudes and presence in the struggle for racial justice. Davis reports that when King gave a summons for the nation's religious leaders to come to Selma, Alabama, for a show of support for the voting rights march then underway, the response from white Catholic

15. For an analysis of this 1958 document, see Bryan N. Massingale, *Racial Justice and the Catholic Church* (Maryknoll, NY: Orbis Books, 2010), 50-55. For an examination of how the stance of the bishops was reflected in the guidance of leading Catholic ethicists of the time who warned against "agitation" in the quest for racial justice, see "African American Experience and U.S. Roman Catholic Ethics: 'Strangers and Aliens No Longer?'" in *Black and Catholic: The Challenge and Gift of Black Folk: Contributions of African American Experience and World View to Catholic Theology*, ed. Jamie T. Phelps (Milwaukee, WI: Marquette University Press, 1997), 79-101.

16. Cyprian Davis, *The History of Black Catholics in the United States* (New York: Crossroad, 1990), 256.

priests and sisters was "enormous."¹⁷ Despite the opposition from the local bishop, "priests from fifty different dioceses, laypeople, and nuns flocked to Alabama," many with the support and blessing of their bishops and major superiors.¹⁸ Newspapers and TV news reports of the time showed the then startling images of nuns in full traditional habits marching in protest marches across the country. Justifying her participation in racial justice protests, one Mother Superior declared, "It is right that we should suffer and show our suffering when—in Selma or anywhere—any of God's children are oppressed."¹⁹

What accounts for such a dramatic turnaround? Historians and activists of the time attribute this decisive shift to the influence of the Second Vatican Council and, more specifically, to the impact of *Gaudium et spes*. As stated earlier, Vatican II ushered in a new understanding of the church's relationship with the modern world and contemporary society. It summoned Catholics to act to improve society, not simply reject it. But more importantly, it summoned Catholics to a stance of solidarity and identification with the plight of the poor and the marginalized. Indeed, the opening words of *Gaudium et spes*, of which we can hear echoes in the words of the woman religious cited above, became the most fervent exhortation uttered by U.S. Catholic social activists throughout the 1960s.²⁰

These words, and the pivotal shift they signaled, unleashed unprecedented Catholic initiatives focused on racial issues and urban poverty in the Catholic faith community. For example, in the Archdiocese of Detroit, then Cardinal Dearden convened a series of conferences in 1965 devoted to the subject of "Human Dignity" in that racially divided city. He explicitly connected this program with Vatican II and *Gaudium et spes*, as he informed the 1,500 participants that the Pastoral Constitution "begins by calling attention to the fact that we, the

17. Ibid., 256.

18. McGreevy, *Parish Boundaries*, 155-56.

19. Cited in McGreevy, *Parish Boundaries*, 156. Unfortunately, he does not name the woman religious he quotes.

20. McGreevy notes how these words became the most common declaration—almost a manifesto—for Catholic social activism during the decade of the sixties. See *Parish Boundaries*, 160. It is not too much to say that *Gaudium et spes* became a manifesto for Catholic social justice ministry in the United States.

People of God, are intimately bound up with all the concerns of those among whom we live."²¹ Later, he would use this same sentiment to justify mandatory sermons on racial justice to be delivered in every Catholic parish after the major urban riots in 1967.

Thus *Gaudium et spes* both caused and justified a surge of Catholic involvement in U.S. peace and justice movements, both within the church and those of ecumenical or interfaith sponsorship. It is not an overstatement that because of *Gaudium et spes*, human rights ministries and commissions became considered to be essential ecclesial activities and legitimate expressions of faith. In the words of the later synodal document *Justice in the World* (1971), action for justice became a "constitutive dimension" of Catholic faith.

Gaudium et spes, then, created the breakthrough that enabled Catholic participation in what is arguably one of the most enduring social justice challenges that faced our nation. It is certainly the case that without *Gaudium et spes*, Catholic involvement in racial justice would have remained minimal, inadequate, and "embarrassing"—a legacy that honesty compels one to admit has not been entirely overcome.

Recent Tensions in the Reception of Gaudium et spes

The U.S. bishops' conference also engaged political and economic concerns with two landmark pastoral letters in the 1980s, one on war and one on the economy. The resulting documents "offered a moral vision that reflected Catholic social teaching coupled with more specific policy judgments, while acknowledging that these specific policy analyses did not carry the same authority as the broader moral teaching."²² Women religious in the United States interpreted the "vision of solidarity central to *Gaudium et spes* as a mandate to serve disfranchised members of U.S. society and address pressing social needs of their day. In the 1970s and 1980s they began to work in a wide variety of social programs beyond those administered by Catholic institutions alone:

21. McGreevy, *Parish Boundaries*, 209-10.

22. Richard Gaillardetz, "Every Day the Church Should Give Birth to the Church," *National Catholic Reporter* (March 1, 2011), available at <http://ncronline.org/news/faith-parish/every-day-church-should-give-birth-Church> (accessed July 30, 2013).

in domestic violence shelters, educational programs for incarcerated women, addiction counseling centers, food banks and ecological justice programs. Beyond marching at Selma they witnessed in solidarity with striking farm workers and against nuclear proliferation. Tracing its roots to the Second Vatican Council, NETWORK social justice lobby's mission remains focused to this day upon closing the gap between rich and poor and dismantling policies rooted in racism, greed, and violence.

The year 2011 marked the twenty-fifth anniversary of "Economic Justice for All," but the U.S. bishops did not commemorate the event. In an op-ed in *The Baltimore Sun* that month, a former top staff official at the bishops' conference wrote: "I fear the Church's revered social justice witness is being crowded out by divisive culture-war battles at a time when Americans need a stronger moral message about the dignity of work and economic justice for all." Others insisted that the bishops' ongoing advocacy on economic issues—as founding members of the "Circle of Protection" movement to protect the poor and vulnerable in the federal budget, for example—are simply ignored by the media. Yet while a proposal was floated to raise domestic and international economic justice as a top conference priority at that November's meeting of the bishops, the suggestion was "tabled in favor of two other priorities: promoting a 'new evangelization' and defending religious freedom from the encroaching threats of same-sex marriage and insurance mandates to provide [contraception] to employees."²³

Different interpretations of Vatican II in part account for these shifts in recent decades. An honest commemoration of *Gaudium et spes* and engagement with its legacy must take note of its contentious reception in the recent life of the church. By this, we mean a candid acknowledgment of significant tensions between not only the text of the conciliar document and more recent ecclesial statements, especially beginning with the pontificate of John Paul II in 1978, but also in the divergent visions of church that they express. We

23. David Gibson, "Bishops Quiet on Economic Turmoil 25 Years after Landmark Statement" (November 15, 2011), available at http://www.huffingtonpost.com/2011/11/15/bishops-silent-on-economic-turmoil_n_1095747.html (accessed July 29, 2013).

highlight three such areas of significant difference in vision, tone, and practice:

1. *The view of magisterial competence.* *Gaudium et spes* stressed the limited competence of church leaders in the life of the church and society. There is a humility in the description of church leadership that leads to a recognition of the need for a greater role for the laity and a shared sense of responsibility for the development of ecclesial and social life: "Let the [laity] not imagine that [their] pastors are always such experts that to every problem which arises, however complicated, they can give him a concrete solution, or event that such is their mission. . . . Let the laity take their distinctive role" (GS 43). A strikingly different, even contrary, stance is revealed in *Veritatis splendor*. Here, John Paul posits a magisterium that is extremely confident in its ability—almost in abstraction from the rest of the faith community—to know and teach moral truths even in the most difficult matters: "In addressing this Encyclical to you, my Brother Bishops, it is my intention to state the principles . . . [so that we can give] a reply that possesses a light and power capable of answering even the most controversial and complex questions" (VS 30). Thus in the recent life of the church we see a marked difference concerning the role and competence of the magisterium and the proper contribution of the lay faithful.

2. *The need for dialogue.* In *Gaudium et spes*, one finds a description of the entire people of God—including but not limited to Catholics—united in a global search for truth with other people of goodwill. Truth, both religious and moral, is not regarded as something already possessed but as a matter of ongoing and shared discovery: In fidelity to conscience, Christians are joined with the rest of men and women in the search for truth, and for the genuine solution to the numerous problems that arise in the life of individuals and from social relationships (GS 16). The vision of truth posited by John Paul is dramatically different. In *Veritatis splendor*, moral and religious truth is seen as something already in the possession of the magisterium, which is solely responsible for and capable of making it known to the rest of the church and, by implication, to the rest of humankind: "[In her moral teaching] the Magisterium does not bring to the Christian conscience truths which are extraneous to it; rather it brings to light the truths which it ought already to possess. . . . [Thus this teaching enables

"men"] especially in more difficult questions to attain the truth with certainty and to abide in it" (VS 64). The tension between seeing truth as something arrived at through common discernment with all people, including nonbelievers, and as a matter possessed principally (if not solely) by the magisterium, could not be more starkly evident.

Freedom of Theological Discussion and Inquiry

In keeping with the limited competence of church leaders to know the truth solely through their own efforts and their injunction to join with all of good will in the search for it, *Gaudium et spes* specially states the need for open and courageous dialogue within the church itself. Indeed, after expressing the hope that the lay faithful would become experts in the theological sciences, the Council declared: "Let it be recognized that all of the faithful, clerical and lay, possess a lawful freedom of inquiry and thought, and the freedom to express their minds humbly and courageously about those matters in which they enjoy competence" (GS 62).

One can argue that this bold declaration, rooted in a confidence in communal discernment, has been significantly eroded in the recent life of the church. Such a view stems from the long list of contemporary theologians who have been censured, disciplined, investigated, and/or silenced since 1978. The list includes reputable scholars such as Hans Küng, Charles Curran, André Guidon, Jacques Dupuis, Roger Haight, Jeannine Gramick, Robert Nugent, Leonardo Boff, Jon Sobrino, Marciano Vidal, John McNeill, Todd Salzman, Michael Lawler, Elizabeth Johnson, and Margaret Farley. Many of these have been censured or investigated for their views concerning official teachings on sexuality and gender. On such issues, above all, one sees major tensions between the "lawful freedom of inquiry and thought" envisioned by the Council and recent official church practices.

By no means are we contending that the pontificates of John Paul II and Benedict XVI mark a wholesale repudiation of or retreat from the vision enunciated in *Gaudium et spes*. Yet the fact of significant tensions and differences remains. Such neuralgic tensions point to unresolved issues that require continuing ecclesial discernment and development. Such unfinished and ongoing work is also part of the legacy of *Gaudium et spes*.

These tensions have played out in the U.S. context, where a new generation of young clerics who share John Paul II's high theology of the priesthood see in *Gaudium et spes* "a misplaced optimism in the possibility of constructive dialogue with the world," whereas they perceive "a world ensnared in a culture of death" marked by what Pope Benedict XVI called "the dictatorship of relativism." Hence in contrast to Cardinal Bernardin's "seamless garment," which presupposed the interconnectedness of Catholic teaching across a broad range of issues from abortion to euthanasia, the death penalty, concern for the poor, and the ethics of war (in the 1980s), a more countercultural mode that champions a more select moral agenda and construal of Catholic identity has been evident in the practices of withholding communion to Catholic politicians deemed insufficiently "pro-life" over the past three presidential election seasons; reaction to Notre Dame's decision to confer an honorary degree on President Obama; and the 2010 actions of the bishop of Phoenix who declared that St. Joseph's Hospital was no longer Catholic after doctors terminated a pregnancy to save a young woman's life.²⁴

Case Study: The Affordable Care Act Controversy

Related questions of authority and conscience in public Catholicism came to the fore in the health care reform debate of 2010. Without delving into the details of the Affordable Care Act and its subsequent provisions, a brief overview of this question of the function of authority in today's church offers insights into these persistent tensions.²⁵ The later version of the Affordable Care Act was ultimately opposed by the U.S. bishops' conference and supported by the Catholic Health Association (CHA), NETWORK social justice lobby, and some congregations of women's religious. In the wake of their support of the health care reform bill, the motives and competencies of certain groups of women religious were impugned, with the USCCB issuing

24. See Gaillardetz, "Every Day the Church Should Give Birth," n. 23.

25. A fuller elaboration of different Catholic interpretations of the Affordable Care Act's passage appears in Kristin E. Heyer, "Reservoirs of Hope: Catholic Women's Witness," in *Women, Wisdom, Witness: Engaging Contexts in Conversation*, ed. Kathleen J. Dolphin and Rosemary P. Carbine (Collegeville, MN: Liturgical Press, 2012), 219-36.

an official statement charging "those who differed from the bishops' interpretation of the health care bill with causing confusion and a wound to Catholic unity."²⁶ Archbishop Charles Chaput accused the "self-described 'Catholic' groups" as committing "a serious disservice to justice, to the Church, and to the ethical needs of the American people by undercutting the leadership and witness of their own bishops."²⁷

The focus in this fallout centered around the nature and limits of the bishops' authority on matters of faith, morals, law, and policy.²⁸ Important distinctions were revisited, such as the application of universal moral teachings and specific moral principles to concrete policies. Particular strategic *applications* of principles are more fluid in character, and hence our grasp is "necessarily more tentative than [our] knowledge of principle[s]."²⁹ In the case of the divergence of some women religious from the bishops on health care reform, the debate occurred nearly entirely at the level of prudential judgments about technical legislative language, not over the morality or legality of abortion per se.³⁰ By contrast, Cardinal Francis George, then president

26. Chairmen of USCCB committees on Pro-Life Activities, Immigration and Domestic Justice, Peace and Human Development, "Setting the Record Straight," May 21, 2010, available at <http://www.usccb.org/comm/archives/2010/10-104.shtml> (accessed October 8, 2010).

27. Archbishop Chaput, "A Bad Bill and How We Got It," *Denver Catholic Register* (March 24, 2010), available at <http://www.archden.org/index.cfm/ID/3617/Archbishop's-Column/> (accessed March 2, 2014).

28. See Thomas Weinandy, OFM, Cap., "The Bishops and the Right Exercise of Authority," available at <http://www.usccb.org/healthcare/11-01-10-commonweal-response.shtml> (accessed April 27, 2011); John Allen, "Health Care: Transcript of Cardinal George June 16 NCR Interview," *National Catholic Reporter* (June 22, 2010), available at <http://ncronline.org/blogs/ncr-today/health-care-transcript-cardinal-george-june-16-ncr-interview> (accessed April 27, 2011); Daniel Finn, "Uncertainty Principle: The Bishops, Health Care & Prudence," *Commonweal* (March 25, 2011).

29. See Charles E. Curran, *Catholic Moral Tradition Today: A Synthesis* (Washington, DC: Georgetown University Press, 1999), 152n71.

30. Richard R. Gaillardetz, "The Limits of Authority: When Bishops Speak about Health Care Policy, Catholics Should Listen, But Don't Have to Agree," *Commonweal* (June 30, 2010): 9-11. The virtue of prudence is what helps guide the conscience in such practical moral judgments, including how citizens should

of the bishops' conference, cast the matter less in terms of prudential judgment than the very nature of the church and its legitimate spokes(men).

The understanding of conscience articulated in *Gaudium et spes* is especially illuminating here.³¹ Whereas an understanding of conscience as conformity to the teaching of the hierarchy remains in tension with the shift to a more personalist model at Vatican II, the discernment of Catholic groups at the health care reform moment demonstrates a response to the call to actively discern responsibility in light of the gift and challenge of God's law of love. As CHA President Sr. Carol Keehan put it, "This was a bill that, for the first time in the lives of 32 million Americans, gave them a chance to have decent health insurance. . . . That was a heavy burden on my conscience, and on our organizational conscience. . . . We did not differ on the moral question, or the teaching authority of the bishops."³² In *Gaudium et spes*, the Council fathers characterize conscience as that "secret core and sanctuary of a person, where they are alone with God whose voice echoes in their depths." This "encounter with the divine basis of moral obligation is mediated through [a person's] agency, and hence through the spirit, reason, affections and relationships that constitute human agency."³³

vote. Attending to means, not ends, prudence carefully considers human experience, others' counsel, anticipated consequences, and the discernment of God's invitation to reach a decision that best fits the complexities of a given situation. See Richard Gula, *Reason Informed by Faith: Foundations of Catholic Morality* (Mahwah, NJ: Paulist Press, 1989), 316. Many rightly warn that appeals to prudence or conscience may too readily offer Catholics an easy "entrance to the cafeteria," yet genuinely wrestling with the tradition and its demands seems more reflective of the conciliar invitation than are impositions of control via loyalty oaths. The Council explicitly calls the church "to be a sign of that kinship which makes genuine dialogue possible and vigorous" (GS 92).

31. See Linda Hogan, *Confronting the Truth: Conscience in the Catholic Tradition* (London: Darton, Longman & Todd, 2001).

32. John L. Allen, Jr., "Minding the Gap between the Bishops and Catholic Health Care" *National Catholic Reporter* (June 16, 2010), available at <http://ncronline.org/news/politics/minding-gap-between-bishops-and-catholic-health-care> (accessed October 8, 2010).

33. David E. DeCosse, "Conscience Issue Separates Catholic Moral Camps," *National Catholic Reporter* (November 10, 2009), available at <http://ncronline.org>.

The primacy of the human person is evident in the document's treatment of conscience, particularly in contrast to earlier emphases on moral norms as objective sources of morality. Moral manuals guided priests in the confessional where matters of conscience were assessed, resolved, and absolved from the sixteenth century to roughly the 1960s. The focus of concern was more often on conforming to rigors of church practices (fasting, abstinence) than facing challenges of living in the world, and confessors functioned as physicians of the soul who had the ability to discern right moral conduct for the penitent. But the Council shifted the focus to the role of conscience in discernment and execution of right moral action. For Bernard Häring (secretary of the editorial committee that drafted *Gaudium et spes*), conscience is rooted in freedom as the possibility of responding to God's call to do God's will, the power to do good.³⁴

This conciliar understanding of conscience entails the capacity and willingness to pursue the truth about doing the right thing in concrete, complicated circumstances, rather than having all the answers.³⁵ Understanding conscientious discernment as inclusive of multiple sources of moral wisdom—including the riches of Scripture, the wisdom of the Catholic community over the centuries, natural law, insights of church officials and theologians, moral exemplars, as well as the reflective experiences of those immersed in health care ministries and the details of legislative analysis as in the case at hand—calls for a more complex and proactive endeavor than assumptions that restrict such sources to the teaching authority of the hierarchy alone.³⁶

Thus, tensions between understanding freedom as the human person's most precious gift and the church as the only reliable interpreter of moral law persist amid fears not only that conscience becomes an excuse for doing whatever you want but, as in the health care case, fears that divergence from the conclusions of clearly established authorities

org/news/conscience-issue-separates-catholic-moral-camps (accessed March 2, 2014).

34. James F. Keenan, S.J., "Vatican II and Theological Ethics," *Theological Studies* 74 (2013): 162-90, at 165-66.

35. According to the Catholic tradition, conscience entails a three-part structure entailing conscience as innate capacity, process, and judgment.

36. DeCosse, "Conscience Issue."

confuses and gives "scandal." Taking to heart the conciliar recognition that "God's Spirit is given to all the faithful and not only to those in positions of hierarchical office" impacts one's understandings of conscience and authority.

In the aftermath of the health care act's passage, *New York Times* columnist Nicholas Kristof detailed accounts of the "two Catholic Churches" he encounters through his international travels: one the rigid, all-male, Vatican hierarchy obsessed with dogma and rules (that he deems "out of touch"), and the other, which supports life-saving aid organizations and operates "superb schools that provide needy children an escalator out of poverty." Kristof's bifurcated depiction may resonate with those who prefer to retreat to either the hierarchical or "grass-roots" versions.³⁷ Yet Richard Gaillardetz lifts up the unity of the faith that Catholics profess, concluding that there must arise a place where "the doctrinal teaching of the bishops and the dirt-stained testimony of those who experience God's grace on inner-city streets, in prisons and hospitals can meet."³⁸ In the spirit of *Gaudium et spes*, discerning the promptings of the Spirit in the church and the world demands that these different routes not only encounter but mutually inform each other.

These tensions between doctrinal orthodoxy and engagement in the social justice works of the church (or consultative listening to felt concerns of ordinary laypeople) need not be incommensurate per se, but they threaten to distract when they recur in the headlines particularly in terms of guilt by association. In the U.S. context critics have charged that some affiliations of Catholic groups (e.g., the domestic anti-poverty grants of the Catholic Campaign for Human Development and the development work of Catholic Relief Services) undermine the teaching of the bishops (often related to family planning support as part of partner organizations' anti-poverty and gender justice

37. Nicholas Kristof, "A Church Mary Can Love," *New York Times* (April 18, 2010).

38. Thomas C. Fox, "Women Religious Experiences Have Implications for Entire Church" (August 12, 2010), available at <http://ncronline.org/news/women-religious/women-religious-experiences-have-implications-entire-church> (accessed September 1, 2010).

efforts). By contrast the scandal emphasized in *Gaudium et spes* concerns polarizing economic and social differences: "For excessive economic and social differences between the members of the one human family or population groups cause scandal, and militate against social justice, equity, the dignity of the human person, as well as social and international peace."³⁹

The Promise of *Gaudium et spes* Today and the Ministry of Pope Francis

Discerning the prospects for cultivating the promise of *Gaudium et spes* in our day requires learning from both challenges and signs of hope that have marked these past fifty years. Engaging complex social realities "on the ground" may help to redress the disconnect between top-down, centralized practices and the church's public advocacy of dialogue, grassroots engagement, and human rights. By way of one example, the binational Kino Border Initiative (KBI) operates in Ambos Nogales at the Mexico-Arizona border. During the KBI's painstakingly extensive needs-assessment phase, discussions with many individuals on both the Mexican and U.S. sides of the border alerted them to pressing needs: the vulnerability of women on the move and the intransigence of immigration attitudes close to the border. As a result, KBI focused its initial programming to meet these felt concerns (rather than simply sending a Jesuit in to staff a parish there as was initially requested). KBI explicitly understands itself as operating with one foot on either side of the border, as "a point of mutual transformation not only for the migrant community members who encounter one another in the context of [its] programs, but also for the [Jesuit] Provinces of California and Mexico, the Missionary Sisters of the Eucharist, and Jesuit Refugee Services."⁴⁰ This posture reflects a "two-way street" of social engagement, modeling partnership and reciprocal "evangelization" in the spirit of *Gaudium et spes*. In this vein Catholic social action can remain open to ongoing conversion by

39. GS 29.

40. Mark W. Potter, "Solidarity as Spiritual Exercise: Accompanying Migrants at the US/Mexico border," *Political Theology* 12.6 (2011): 830-42, at 842.

the suffering and resilience of those in need, rather than triumphalistic in its possession of truth or static in its formulations.

Moving forward, the continuing reception and impact of *Gaudium et spes* for social justice praxis in the United States will undoubtedly be decisively influenced by the ministry and teaching of Pope Francis. As we write this, Francis's pontificate is less than a year old. It is too soon to tell what his influence will be. However, we can see in his interventions thus far signs that signal a recovery of the major themes that mark this document.

For example, while not at all calling for changes in the church's doctrinal teachings on abortion and homosexuality, Francis has signaled that these should not be the leading issues that mark Catholic presence in the public square. Certainly, one cannot read Francis as supporting that these are "the Catholic issues" that constitute a kind of "litmus test," as some U.S. conservative activist groups—and a few bishops—maintain. Francis writes:

The message we preach runs a greater risk of being distorted or reduced to some of its secondary aspects. In this way certain issues which are part of the Church's moral teaching are taken out of the context which gives them their meaning. The biggest problem is when the message we preach then seems identified with those secondary aspects which, important as they are, do not in and of themselves convey the heart of Christ's message. (*Evangelii gaudium*, 34)

Rather, in continuity with *Gaudium et spes*, we see a constant refrain in many of Francis's interventions that the Catholic faith community is to be a poor church that acts decisively on behalf of the poor out of a life shared with the poor (*Evangelii gaudium*, 198). As *Evangelii gaudium* states:

The Gospel tells us constantly to run the risk of a face-to-face encounter with others, with their physical presence which challenges us, with their pain and their pleas, with their joy which infects us in our close and continuous interaction. True faith in the incarnate Son of God is inseparable from self-giving, from membership in the community, from service, from reconciliation

with others. The Son of God, by becoming flesh, summoned us to the revolution of tenderness (88).

Finally, one can point to his call for broader consultation of the faithful in preparation for the upcoming synod on the family to be held in the fall of 2014. In a move that is without precedent, episcopal conferences were mandated to inquire among their people concerning Catholic attitudes toward and reception of a range of church teachings and issues, including the neuralgic issues of birth control, the treatment of the divorced and remarried, and the pastoral care of same-sex parented families. Here we can discern a retrieval of Vatican II's insight that the church is the entire people of God, not simply the hierarchy. Indeed, in his landmark interview published in leading Jesuit global periodicals, Francis declares, "Thinking with the Church does not mean thinking only with the hierarchy of the Church."

In short, it is far too soon to tell how this pontificate will influence the future reception of *Gaudium et spes* in the United States. We can be confident, however, that Francis's ministry will undoubtedly rekindle new interest in this document—and be hopeful that it will mark a renewed commitment to being a church more and more in tune with the voices of joy and anguish present among the poor and afflicted in our nation.