Humanae Vitae and the Spirit of Vatican II

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Notes & Comment

_Humanae Vitae and the Spirit of Vatican II_

H. PAUL LE MAIRE, S.J.

Pope Paul VI's encyclical, _Humanae Vitae_, condemning artificial means of birth control, appeared on July 29th of this year. The reaction to this document on the American East coast, where the author of this article was at the time, can only be described as overwhelming. By the following Sunday, some 200 Catholic theologians had signed an unprecedented statement asserting the right of individual Catholic couples to continue to follow their own consciences on the question of artificial birth control. Archbishop Terence J. Cooke of New York had hastened to cable the Pope to congratulate him and pledge his support. Jesuit-run Fordham University had sponsored a panel to discuss the canonical, sociological, ethical and pastoral implications of the encyclical. Archbishop John Bolan of Newark had come out with a statement that was read at all the Sunday Masses telling Catholics of his diocese of their grave moral obligation to obey the encyclical, while twenty-four of his priests that same Sunday night asserted the right of people to follow their own consciences. Numerous laymen spoke out in bold language against the encyclical.

Many, both among the ranks of the liberals and the conservatives, were simply astounded at this seeming defiance of papal authority among American Catholics who had previously been noted for their submissiveness to the words of Rome.

**TWO APPROACHES TO VATICAN II**

While there are few in the Church today who are right wingish as to challenge the reform efforts initiated by Vatican II, there still exists two rather diametrically opposed ways of evaluating the thrust of the Council. One group looks upon it as the final step in a very successful effort to bring the Church up to date with the modern world. All that needed to be said and done for modernizing the Church has been accomplished by the Council; it is simply up to the
Church now through its various institutional resources to set in motion the machinery of reform so that the Church may actually reform itself and keep pace with the world in which it lives. For this group, reform simply means implementing Vatican II. This, we may term, the static approach to the Council.

The other group in the Church has a more dynamic approach to the work of the Council. They are highly satisfied with the accomplishments of Vatican II, but they look upon it simply as an initial breakthrough on a broad front in the evolutionary process of bringing the Church into harmony with the modern world and at the same time of perfecting the Church, i.e., of bringing it more into conformity with the spirit of the Gospel. The key words are, of course, 'evolutionary process.' This group is quick to notice the absence of anathemas and canons branding as heretics those who should be so bold as to express disagreement with what is contained in the conciliar statements. They notice in the Council documents a humbler spirit shown by the effort to discuss and reflect on various aspects of the Christian life that allow of no neatly formulated, once for all solutions. They point out the heavy emphasis given by the Council Fathers to freedom, responsibility, and respect for the individual and his conscience. In a word, they realize that updating the Church must be a continuous process, since the world refuses to stand still, but continues to evolve in its fundamental drive to achieve perfection and union with Christ.¹

THEY SHOCKED THEMSELVES

When the encyclical hit the American newstands in the pages of The New York Times, many Catholics—both lay and clerical—shocked themselves more than they did those outside of the Church in their instinctive and intensive opposition to a continuing ban on artificial means of birth control. Even as shortly as two or three years ago, such a negative reaction to an authoritative papal statement on a wide scale would have been simply unthinkable in the United States. But the times had changed and the evolutionary process initiated by John XXIII and continued and sanctioned by Vatican II had merely kept on moving forward.

Now that a certain quantity of heat and passion has subsided, it is necessary for those of us who were instinctively "scandalized" by Humanae Vitae to do a certain amount of soul-searching and reflection on this opposition to the condemnation of artificial means of birth control. Opposition to authority is a narrow path to tread and one most strive to walk gently. On the other hand, an irrational acceptance

of authority is an act unworthy of a human being. We intend in this article to examine the encyclical in the light of the new spirit in the Church created by Vatican II. We do not intend to discuss in any detail the theological arguments for or against artificial birth control, but simply to see whether *Humanae Vitae* is in conformity or not with the new direction given the Church by Vatican II.

**DIALOGUE SITUATION**

The Second Vatican Council in the "Constitution on the Church in the Modern World" underscored the desire of the Church to enter into a dialogue situation with the world. This statement represented a first hesitant step on the part of the Church towards a more sympathetic understanding of the world of which it is an essential part. This step can be nothing more than a first one, since at the present moment in history the world cannot stand still long enough for the Church to consolidate its position; progress and change are occurring too rapidly. Therefore, the Church, to be true to itself and its mission, must continuously adapt itself to new situations as they appear on the human horizon: "...the human race has passed from a rather static concept of reality to a more dynamic evolutionary one...." The point that is essential is that as the world evolves, the Church's dialogue situation vis-a-vis the world must also continue to evolve. A hardening of position into static formulae on the part of the Church in the face of a changing world will effectively choke off all dialogue.

The Church has expressed its desire and its need for more dialogue with the world in general and with other Christian Churches. Vatican II has also called for more dialogue within the Church between pastors and laymen. After having read *Humanae Vitae*, the Catholic is left with a very uncomfortable feeling: has dialogue really taken place between his Church and the world, between the Catholic Church and other Christian Churches, between pastors and laymen on the important question of artificial birth control? And to what extent?

Undoubtedly, the encyclical gives evidence that some dialogue with the world has taken place. Reference is made to the work of the papal birth control commission which had among its members married couples and experts in various fields. The question, however, that is not satisfactorily answered is: *to what extent* did dialogue take place with...

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5 "Decree on Ecumenism," ##4, 9.
6 "Dogmatic Constitution on the Church," #37.
7 "Humanae Vitae," #5.
doctors, economists, sociologists, psychologists and other experts on this important question? Was it merely limited to the scope of the birth control commission or was an effort made to enter into dialogue with those who were not represented on the commission? No answer is given to this question and that is a disappointment.

The second question that naturally occurs to the concerned reader of the encyclical is whether dialogue took place with the other Christian Churches on this question or whether it was simply treated as a Catholic intramural affair. No evidence is given in the encyclical that dialogue did take place and this is another source of disappointment. To the extent, therefore, that the encyclical does not inform us whether or not a more broadly based dialogue took place, it runs contrary to the spirit of the “Constitution on the Church in the modern World” and the “Decree on Ecumenism.”

There is, moreover, in the encyclical some evidence supporting the contention that a sufficient amount of dialogue did not take place. In paragraph 17, mention is made of the fact that the practice of artificial birth control paves the way to marital infidelity, the general lowering of morality and the loss of respect for women. Obviously, this statement is not concerned with the interpretation of the natural law or the content of revelation; it is simply a matter fact. Do the above mentioned results follow or not when people practice artificial birth control? Father Robert McNamara, S.J., chairman of the Fordham University sociology department, declared during the forum on the encyclical that there is no sociological evidence to support this contention. We are, therefore, left with a nagging doubt as to whether dialogue did actually take place with the sociological world.

THE LAITY

Vatican II gave official sanction to a new concept of the layman in the Church. He is a member of the people of God with a share by baptism in the priesthood of Christ, including the prophetic aspect of that priesthood. The Holy Spirit manifests Himself also through the layman. He is to regard the bishop and the priest as his brother and realize that all members of the Church are called upon to cooperate with one another. The layman is to enjoy the dignity and freedom of the sons of God and is entitled to exercise responsibility in the apostolate that is proper to him—the sanctification of the world.

More to the point, Vatican II states that:

...an individual layman, by reason of the knowledge, competence, or outstanding ability which he may enjoy,

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8 “Dogmatic Constitution on the Church,” #31, 37.
9 Ibid., #32.
10 Ibid., #32.
is permitted and sometimes even obliged to express his opinion on things which concern the good of the Church...\textsuperscript{11}

Moreover, since the layman also shares in Christ's prophetic office and enjoys the presence of the Holy Spirit, the chapter on "The People of God" in the Dogmatic Constitution on the Church states: "The body of the faithful as a whole, anointed as they are by the Holy One (cf. Jn. 2:20, 27), cannot err in matters of belief...."\textsuperscript{12} It is in view of this competence of the layman and the spiritual gifts he has received that the Council calls upon married people to "...do their part in bringing about the needed cultural, psychological, and social reform on behalf of marriage and the family."\textsuperscript{13}

Anyone who has read the conciliar documents realizes that one could go on page after page citing passages which drive home the point that the Church, in Vatican II, called for a new and mature laity in the Church. If one, however, wishes to deal with a mature and responsible person, one must run the risk of running into disagreements now and then with that person—and not for immature reasons, but for solidly established ones. Quite frankly it must be said that the hierarchical Church has not yet learned how to deal with this new sociological situation. It seems to want a laity that is at one and the same time mature and responsible, yet always in agreement with the point of view of Church officials. A combination of these two qualities is simply impossible to attain and unrealistic to expect.

Does \textit{Humanae Vitae} carry forward the thought of Vatican II on the layman? The encyclical calls upon the laity to incarnate in their lives the beauty of Christian marriage and to help sanctify the world in which they live. But has the voice of the layman been given a sufficient hearing on the subject of condemning artificial birth control? Surely they must have certain opinions on this delicate matter—opinions that have been formed from their own personal experience and from the dialogue that they have carried on with other married couples of equal sincerity and the priests who have been trying to help them live their married lives.\textsuperscript{14} Is there any reason to doubt that

\textsuperscript{11}Ibid., \#37.
\textsuperscript{12}Ibid., \#11.
\textsuperscript{13}"Pastoral Constitution on the Church in the Modern World." \#49.
\textsuperscript{14}The "Declaration on Religious Freedom" states: "Truth ... is to be sought after in a manner proper to the dignity of the human person and his social nature. The inquiry is to be free, carried on with the aid of teaching or instruction, communication, and dialogue. In the course of these, men explain to one another the truth they have discovered, in order thus to assist one another in the quest for truth...." \#3
these laymen, whose lives are marked by faith and charity coupled with a sincere desire to do the right thing, have not enjoyed the guidance of the Holy Spirit in their approach to something that is at the heart of their lives—namely their marriage? Surely these members of the laity must want to share their insights and experiences with their brothers in the hierarchy in a spirit of fraternal cooperation and dialogue; for after all, the Christian life is not lived in the vacuum of theological textbooks. One would think, therefore, that before issuing an encyclical of such momentous importance the Church would want to acquaint itself with, and profit from, the experience of the men and women who are, as it were, out in the field, i.e., those who are trying to live the Christian life in marriage.

Was this the atmosphere that pervaded the Church before the publication of the encyclical? We don’t know. All we can say is that outside of the sole example of the papal birth control commission, there is no evidence in the encyclical that any attempt was made throughout the dioceses of the world to “sound out” the layman on the question of artificial birth control. If we are expected to take Vatican II seriously when it speaks of the role of the laity in the Church this should have been done and the fact that it had been done should have been clearly indicated in the encyclical even if in the last analysis the magisterium had decided to go contrary to the opinion generally held by the laity.

We are obviously not saying that matters of faith and morals or the content of revelation should be decided by majority vote, but we are saying that if the Holy Spirit operates in and through all members of the Church, then all members of the Church should be taken seriously and their voice listened to. There is no evidence in *Humanae Vitae* that the encyclical took the opinion of the laity seriously. It is precisely this type of action that is breaking down faith in the Church as an institution and driving some Catholics into an underground expression of their Christianity.

Under the rubric of pastoral directives, the encyclical says that married couples must practice Christian asceticism so that they can live their married lives in such a way that reason and free will will control instinct and passion, especially in the area of observing periodic continence. The discipline demanded of married couples in observing the ban on artificial birth control, the encyclical goes on to say, bestows on married life “... a higher human value” and enriches the married couple with a goodly number of spiritual blessings: tranquility and peace, help in solving other marital problems, consideration for one another, unselfishness, a realization of their duties and a more efficacious influence on their children.15

15 *“Humanae Vitae,”* #21.
As in every Christian life, the need for asceticism and self-discipline for achieving the values of married life is undeniable. The point, however, at issue is whether the observance of the ban on artificial birth control is always the kind of discipline that results in a more Christian marriage or whether abstinence from sexual relations because of fear of having another child at times results in a marriage that is less Christian. Sexual relations are an essential means of expressing and deepening the love of two married people. Abstinence from sexual relations, far from bestowing peace and tranquility and the other blessings enumerated by the Encyclical, may at times tear apart the fabric of married life.

In calling upon the laity to help bring the needed cultural, psychological and social renewal in marriage, Vatican II recognized the contribution that the lived experience of Christian married couples and their prayerful reflections on this experience had to make to the institution of marriage; it recognized, more in particular, that an appeal to abstract formulations of law were not sufficient by themselves in achieving the reform in marriage envisaged by the Council Fathers. Therefore, in determining the morality or immorality of artificial means of birth control, the Christian experience of married couples is pivotal and should constitute the starting point of reflection on this question. The hierarchy, especially since it is a celibate one, must listen long and seriously to the genuine Christian voice of the church's married members to determine whether or not the discipline involved in not practicing artificial birth control is favorable to growth in married love. Perhaps by so doing, it will be recognized that this decision concerning artificial birth control is so personal and multidimensional a moment in married life that no absolute norms of conduct can be laid down allowing of no exceptions. Let us be careful, moreover, not to equate the personal with the purely subjective; objective norms we need, as the position paper drawn up by the majority on the papal birth control commission makes clear, but objective norms are not necessarily absolute ones.

No one wishes to deny the right of the magisterium after serious study to assert that artificial birth control is against the divine law and that, therefore, married couples must accept the weight of this cross in their lives. The cross, however, does not always preserve human values; it sometimes deprives a man of the greatest of all human values, namely, his life. Because the true cross of Christ can be such a decisive element in the life of a Christian, we must be careful that we do not assert too casually what sufferings in our lives are

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16 "Pastoral Constitution on the Church in the Modern World," #49.

truly part of the folly of the cross. We must recognize that the line between the folly and the stupidity of the cross is a very thin one. For this reason many Catholics today, both lay and clerical, insist that their conscience be allowed a strong voice in deciding what belongs to the folly of the cross of Christ and what is merely the folly of men.

...In all his activity a man is bound to follow his conscience faithfully, in order that he may come to God, for whom he was created. It follows that he is not to be forced to act in a manner that is contrary to his conscience...18

COLLEGIALITY

The beginning of a collegial theology is one of the most significant contributions of Vatican II to the Christian world. The bishops are the successors of the apostles, 19 entrusted with the office of sanctifying, teaching and governing the Church. 20 One of their most important duties is to preach the Gospel, a task they perform as teachers endowed with the authority of Christ.21

The college of bishops, in union with its head, the Roman Pontiff, enjoys full power over the Church, but the Pope in virtue of his office possesses this same supreme power which he can always freely exercise.22

One of the more obvious theological problems presented by collegiality is that of the relationship between the Roman Pontiff and the episcopal college. The Pope is at one and the same time a member of that college exercising his authority within the collegial context and yet as an individual because of his office, he possesses all the power and authority enjoyed by the whole. Thus, it might be construed that the Pope stands outside of the episcopal college, but this the Council is at pains to deny.23 The Pope is at one and the same time a member and the head of the episcopal college.

Much theological investigation remains to be done on this question of collegiality. The very important contribution, however, of Vatican II is that it recognized the place of the bishop within the

18 "Declaration on Religious Freedom," #3.
19 "Dogmatic Constitution on the Church," #18.
20 Ibid., #21.
21 Ibid., #25.
22 Ibid., #22.
23 Loc. cit.
structure of the Church and by so doing, bolstered up his prestige as pastor and teacher of a local church and cut some of the bonds between himself and the officials of the Roman Curia.

But what are we to think of collegiality as it shows up in *Humanae Vitae*? If we merely study the written text of the encyclical, we can draw only one conclusion: collegiality died a premature death. For in the doctrinal part of the encyclical, only one brief reference is made to the bishops.

The work of these experts [on the papal birth control commission], as well as the successive judgments and counsels spontaneously forwarded by or expressly requested from a good number of our brothers in the episcopacy, have permitted us to measure more exactly all the aspects of this complex matter....

Grouping together the commission's work and the episcopal judgment in the same paragraph, the encyclical risks giving the impression that there is no qualitative difference between the judgment of the birth control commission and that of the bishops. Yet, it is clear from Vatican II that the bishops are the authoritative interpreters of the Gospels, a prerogative not enjoyed, all would agree, by the birth control commission. Indeed, *Humanae Vitae* reads like a pre-Vatican II encyclical insofar as it places so little emphasis on the role of the bishops in the Church.

The paragraph quoted above, moreover, when read in conjunction with the one preceding it insinuates that the magisterium of the Church is something distinct from the considered judgment of the bishops, as if the teaching authority in the Church resided only in the office of the Roman Pontiff. The encyclical says that the magisterium of the Church sought the judgment of the papal birth control commission and a good number of bishops, so that it "...could give an adequate reply to the expectation not only of the faithful but also of the world opinion." The encyclical seems to forget that "The order of bishops is the successor to the college of apostles in teaching authority and pastoral rule..." and, therefore, the bishops of the world united with the Roman Pontiff are the magisterium in the Church, even though the Pope may exercise this office independently of the bishops.

Thus, the encyclical downgrades the office of the bishops in two ways: (1) by apparently putting the episcopal judgment on the same qualitative level as that of the papal birth control commission; and

25 Ibid., #5.
26 Loc. cit.
27 "Dogmatic Constitution on the Church," #22.
by apparently equating the magisterial office with that of the Roman Pontiff. These two paragraphs of the encyclical seem to disregard in practice the theology of the Church's magisterium developed by Vatican II.

We do not wish, however, to push this argument too far, since we recognize the need for theological clarification regarding the relationship between the head and the body of the episcopal college. If collegial theology, however, has not been violated, what has been ignored is the collegial spirit created by the pronouncements of Vatican II. Concerning this we feel that a number of questions must be asked:

1. Before the issuing of the encyclical were all the bishops of the world asked in a formal way for their opinions on artificial means of birth control?

2. If so, what were their opinions? Was there a consensus? If so, what was it?

4. Why did not the opinions or the consensus, if there was one, of the bishops, receive a more important place in the encyclical in the light of the teachings of Vatican II?

4. If the opinions of the bishops were not sought prior to the writing of the encyclical, was the encyclical sent to all the bishops for comment before publication? If so, what were their comments?

Collegiality, the emphasis put on freedom, responsibility and dialogue by Vatican II make no apology necessary for asking these uncomfortable questions. Authority—even ecclesiastical—is not exempt from the law of being asked to justify its action from time to time.

THEOLOGIANS

Although the Church has contributed much to the development of culture, experience shows that, because of circumstances, it is sometimes difficult to harmonize culture with Christian teaching.

These difficulties do not necessarily harm the life of faith. Indeed they can stimulate the mind to a

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28 An article that appeared in the August 11th, 1968 edition of The New York Times stated: "Copies of the draft [of the encyclical] were circulated early this year to perhaps a dozen senior churchmen, reportedly including Alfredo Cardinal Ottaviani and Franjo Cardinal Seper, the former and present heads of the Congregation for the Doctrine of the Faith, the Holy See's watchdog office for faith and morals; Almeto Cardinal Cicognani, Vatican Secretary of State, and other Curial Cardinals. It is not known whether these churchmen recommended changes and whether any such proposals were accepted."
more accurate and penetrating grasp of the faith. For recent studies and findings of science, history, and philosophy raise new questions which influence life and demand new theological investigations.

...Theological inquiry should seek a profound understanding of revealed truths without neglecting the close contact with its own time...29

For at least ten years moral theologians and other experts in various disciplines have been focusing their attention on the problem of the purpose of marriage and artificial birth control. They have tried to bring into harmony with Christian teaching, new cultural views on marriage and a growing conviction among people of every faith on the legitimacy of artificial birth control. They have emphasized the close harmonious relation that should exist between the two classical ends of marriage—mutual love and support and procreation. They have offered as a solution to the problem of birth control the principle of totality30 and the concept of responsible parenthood.

What one finds shocking—and even, we might say, scandalous— in *Humanae Vitae* is not the rejection of the views proposed by more modern thinking in the Church—after all, these experts realized all along that the ultimate judgment in this matter would rest with the teaching authority in the Church—but the fact that the encyclical does not give a single reason for rejecting these views beyond the unproven assertion that “...certain criteria of selection had emerged which departed from the moral teaching on marriage proposed with constant firmness by the teaching authority of the Church.”31

29 “Pastoral Constitution on the Church in the Modern World,” #62.

30 The principle of totality in the context of marriage and conception means a focusing upon marriage as a whole instead of upon individual marital acts. The judgment as to whether or not to practice contraception hinges on whether birth control would hinder or foster the welfare of the couple, the good of the children either already born or to be born and the needs of the community.

31 “*Humanae Vitae*,” #66. The *New York Times* for August 11th reports that a group of twelve churchmen, predominantly conservative theologians, aided the Pope in preparing the encyclical. This second birth control commission, unlike the first, was composed almost entirely of moral theologians, only two of whom were regarded as progressives. This “... indicates that the Pope had already made up his mind to reject the liberal position when he called the twelve together. Had he still been considering modification of the ban, some observers believe, he probably would have included advisers on medical and sociological problems.”
If the teaching authority in the Church is to remain true to Vatican II and command the respect of the people of God, surely it must be asked to give a little bit more of a convincing explanation for the rejection of these criteria than it actually has done. The moral theologians and the other experts in the Church are free men, who have tried to do their work responsibly in a spirit of respectful loyalty to the Church and in a spirit of sympathetic consideration for the people of God as required by the good news of the Gospel. They have a right to demand that their work be taken more seriously; they have the right to demand that reasons be brought forward to justify and explain the rejection of their views. If this right is denied them, then we must ask precisely what freedom, human dignity and responsibility mean in the Church today. Obedience and submission to authority are important elements in the Church, but surely they do not stand higher in the Church's hierarchy of value than they do in the Gospel's where love and the freedom of the sons of God receive the first place. Where no attempt is made to spell out the reasons for rejecting certain opinions, now rather widely held, then we are asked to give a blind obedience to authority, an obedience that is unworthy of the free and responsible children of God.

CONCLUSION

The purpose of this article has been to point out how the spirit of Humanae Vitae differs from that of Vatican II. We have in the development of this article selected four areas in which we notice in the encyclical a departure from the direction of the Church indicated by Vatican II: the important question of dialogue, the role of a responsible laity, collegiality, and the task of the theologian in the Church. No attempt has been made to point out the positive value of the encyclical: its analysis of the problem of birth control in the modern world, its development of the ideal of conjugal love and responsible parenthood, and above all its recognition of the right of parents to determine the number and spacing of their children.

The nagging question now disturbing many in the Church is: what will happen next? Will the Church continue to move in the direction marked out by Humanae Vitae in regard to the four areas we have discussed in this article? Or will it return to the path laid out by the Council? If it follows Humanae Vitae, it will become the Church isolated from the world in which it lives; it will become a Church where authority speaks only to itself. More and more Catholics will go "underground" and look for Christ and the good news of

32 "Dogmatic Constitution on the Church." #9.
33 "Humanae Vitae," # # 2-3.
34 Ibid., ##7-10.
35 Ibid., #10.
salvation independent of the old institutions. Not many will leave
the Church, since this step makes no sense in view of the ecclesiology
of Vatican II, where it is clear that the Church is the People of God,
but an effort will be made simply to by-pass outmoded structures
and create new ones.

Before, however, we seek an "underground" expression of our
Christianity. we must first try—each one of us in his own way—to
impress upon ecclesiastical authority that we are going astray in not
following Vatican II and that it is imperative that we return to the
open Church of the Council. More in particular, we must ask for a
serious re-examination of the question of artificial birth control along
the lines outlined in this article.

More immediate, but not less crucial than the question of the
direction that the Church is following is: what is going to be the fate
of those Catholics, especially those priests—for the clergy is more
vulnerable than the laity to the punishments of the hierarchy—who
express views favoring freedom of conscience concerning the practice
of artificial birth control? Are they going to be given an ultimatum,
as has already happened to a group of priests in Washington, D.C., to
choose between their consciences and submission to the institutional
Church? We sincerely hope that this will not be the case and judg-
ing by the reaction of various national hierarchies throughout the
world, we have substantial encouragement that this will not happen.

Rather obviously, we give our loyalty to the Church, not because
in the course of twenty centuries of existence it has never made a mis-
take, but because the Church is the Body of Christ and, as such, is a
thrilling mixture of the human and the divine. The divine is con-
stant, but the human has shown itself capable of expressing itself and
the divine in a multiplicity of beautiful ways since the time of the
Apostles. It would be a travesty of the spirit of the Gospel, the spirit
of love and charity, to deny an intimate part in the life of the Church
to those who now seek more meaningful ways of expressing the divine
and human mystery that is the Church.