

Curran

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have to investigate how each process would affect the other.

"This case has a number of different aspects," he said. "I talk to academics who don't understand the legal implications and lawyers who don't understand the academics. I have to understand both."

An official of the American Association of University Professors, Jordan E. Kurland, told the New York Times last week that challenging a dismissal by the university through its established grievance procedure could "take up to three years and involve tens of thousands of dollars."

While he conceded that the process "does involve time and money," Father Curran noted that he requested a similar hearing in 1969. "It began in September and ended in April," he said.

But he has other reservations regarding the procedure as defined in the "Statutes for the Ecclesiastical Faculties of the Catholic University." In the past, he has criticized the process, writing that "existing canonical statutes are themselves a violation of academic freedom."

Father Curran also wrote to the university in 1982, asserting that such statutes do not apply to him, since his tenured contract with the university predated them.

"I could ask for a faculty committee to review the decision," he explained. "But the ultimate decision would still be made by the board of trustees. Since half of the trustees are clerics, their position could be pretty generally assumed to coincide with that of the Congregation."

"Only after receiving academic and legal counsel on these points can I make a final decision about the process," he said.

Father Curran's August 20 statement took issue with Cardinal Joseph Ratzinger's most recent letter on several counts.

Father Curran first of all denied that the majority of his positions contradict official Catholic moral teaching. He argued that he has always followed his moral theology in the light of accepted Catholic principles. "My positions on the particular issues involved are always carefully nuanced and often in fundamental agreement with the existing hierarchical teaching," he wrote. "Yes, occasionally I have dissented from the official teaching on some aspects of specific issues, but this is within a more general and prevailing context of assent."

Father Curran reiterated that he does not dissent from teachings which are defined as infallible. "In all the correspondence before 1985, the Congregation . . . recognized that the issue was public dissent from the non-infallible hierarchical magisterium," he said. "In my writing and recent public statements I have not proposed the possibility and legitimacy of dissent from all non-infallible teaching. In moral matters, all Christians must recognize that the follower of Jesus should be loving, caring, just and faithful. My disagreements are on the level of complex, specific actions which involve many conflicting circumstances and situations. By their very nature, these specific concrete questions are far removed from the core of faith."

"The Congregation must still answer the questions I have been asking for six years. Does the Congregation agree with the teaching proposed on dissent by the U.S. bishops (in their 1968 pastoral letter *Human Life in Our Day*) or are they claiming that such teaching is wrong?" he asked.

In an August 19 press conference in Washington, Archbishop Hickey indicated just that. He said the Vatican decision means "that there is no right to public dissent."

He added that the decision shows that the norms on public theological dissent issued by the U.S. bishops "are simply not workable."

"I think we've seen that indeed dissent has led to the diminution of respect for ecclesiastical teaching authority. And I think we've seen that scandal — which means people are led to do what is not right — can indeed result," he said.

Father Curran also restated his opposition to the process by which the Congregation investigated his teaching and writings. "Most legal systems in the contemporary world recognize that the defendant has a right to the record of the trial, including the right to know who are the accusers. No such record has ever been made available to me," he wrote.

In his letter, dated July 25, 1986, Cardinal Ratzinger contended that the Congregation based its inquiry exclusively on Father Curran's

Theologians offer opinions on implications of Vatican verdict

While theologians harbor little doubt as to the Vatican's intent in its ruling on the case of Father Charles E. Curran, their predictions of the verdict's pastoral implications vary.

In an interview with National Catholic News Service, a Vatican official who declined to be further identified said the action is intended to reassure Catholics that Church teaching has not changed.

"To a certain extent, this message is being sent to ordinary people," he said.

The Vatican, he explained, is aware of alternative teachings in the whole area of sexuality by dissenting theologians and is concerned that when nuanced exceptions and qualifications of Catholic moral theology trickle down to local sex education or premarriage courses, these exceptions "become very much the rule."

Traditionally, the official said, one who differed with Church teaching for reasons of conscience could make "a provisional withdrawal of assent." This allowed one to recognize the value of the Church's teaching, while also remaining true to the demands of conscience. But it would not allow one to teach an alternative doctrine, he added.

Monika Hellwig, a Georgetown University theologian and president of the American Theological Society of America, said the decision "flows logically out of the understanding of the Holy See of what the Church is, what obedience is and what the task of theologians is."

While the Vatican's model of the Church is that of a "divinely founded institution in which structures are sacred and patterns of authority are established," she said, North American theologians "tend to look at the Church

as an assembly of disciples trying to discern what the Christian faith means and how to live it."

In the latter view, she added, theology is more than an explanation of conclusions the Church has already come to.

"It is a reflection on the Gospel, the human situation and the teachings of the Church. And the human situation is constantly changing," she said.

Father Carl Peter, a professor of theology at Catholic University, said Rome "deserves credit for signaling the danger" of "a theology of public dissent from non-infallible teaching," "which has led to unintended pastoral consequences."

Many Catholics, unconcerned about the subtle distinction between infallible and non-infallible teachings, speak of the right to dissent and erroneously think that they can pick and choose from among Church teachings, he said.

Father Richard McBrien, chairman of the University of Notre Dame theology department, said the Vatican's decision would have a "negative effect on Catholic higher education."

"No serious senior theologian would consider an offer to teach" at Catholic University now because the university has shown itself "so vulnerable to outside, non-academic interventions," Father McBrien said.

He predicts that younger theologians also will turn away from Catholic institutions since they will not wish to face both pressure in getting tenure as well as pressure from "the Catholic right wing, conservative bishops, and the Vatican."

Others say that the Vatican is sending a clear message to U.S. bishops that their 1968 pastoral letter on dissent,

"Human Life in Our Day," went too far in its allowance for dissent.

They point to the fact that few members of the American hierarchy supported Bishop Matthew H. Clark's March statement supporting Father Curran as evidence that the mood of the hierarchy has changed since 1969.

Still others believe that by discrediting Father Curran, whom some theologians consider moderate and even conservative, the Vatican will also discredit a whole range of theologians whose views are more extreme, but less widely read than his.

Historically, the Vatican has used a variety of punitive measures, including laicization and even excommunication, to ensure doctrinal orthodoxy. But since the Second Vatican Council, its methods have been more restrained.

Swiss-born theologian Father Hans Kung, who in 1979 was also told by the Sacred Congregation for the Doctrine of the Faith that he could no longer teach as a Catholic theologian, said that in several recent cases, Vatican authorities acted behind the scenes.

He predicted that the Vatican's action against Father Curran will not be the last, and said he hoped Father Curran would have the courage to fight in the courts for both his own academic freedom and that of all Catholic theologians in the U.S.

"If it is no longer possible to tell the truth about, for example, 'Humanae Vitae,' then we do not know what Catholic theology is being taught for," Father Kung said.

"I know these times are extremely hard for a man loyal to his own church," he added. "I only hope Father Curran has the strength not just to bend, but to go on and say the truth."

published works and his personal responses to its observations. "In effect, then, your own works have been your 'accusers' and they alone," he wrote.

Cardinal Ratzinger further argued that Father Curran was encouraged to seek any type of counsel he wished. While he admitted that he had sought counsel from friends and fellow theologians, Father Curran denied that such advice qualified as formal counsel. He pointed out that he has had no "official meetings" with Congregation officials — something to which he maintains he is entitled.

"Cardinal Ratzinger himself maintained that my meeting with the officials of the Congregation was a non-official meeting," Father Curran wrote. "(Cardinal) Ratzinger himself admitted in 1984 that the Congregation had decided to revise its present procedures, but workload and time constraints have not allowed this to take place."

Father Curran also claimed to have received a copy of a letter dated July 1, 1986, from a cardinal-member of the Congregation, in which the cardinal said he has never received any dossier on the case.

Apart from the specifics of Cardinal Ratzinger's letter, Father Curran asserted that his positions on the indissolubility of consummated sacramental marriage, abortion, euthanasia, masturbation, artificial contraception, premarital intercourse and homosexual acts are within the mainstream of Catholic theology.

"The evidence in the last few months has clearly supported my contention that I am a theological moderate and that a strong majority of Catholic theologians support the legitimacy of my position," he said.

Father Curran asked for a clearer definition of the right and consequences to other members of the faithful who dissent from the Church's non-infallible teachings.

"What action, if any, will be taken against people holding positions similar to mine?" he asked. "Are all those who maintain the possibility of legitimate theological dissent from some non-infallible teaching not suitable or eligible to exercise the function of a professor of Catholic theology?"

Finally, Father Curran argued that the ability of a church authority to intervene in the hiring, promotion and terminating of faculty is a violation of academic freedom and is not in accord with either the "Statutes for the Ecclesiastical Faculties of the Catholic University" or with legislation governing other Catholic universities of higher learning.

"I am convinced that the hierarchical teaching office in the Roman Catholic Church must allow dissent on these issues and ultimately

Catholic. I pray daily that I might continue to should change its teaching," he said.

From a personal perspective, Father Curran said he is "comforted and strengthened by the support of so many."

"I remain a loyal and committed Roman

love and serve the Church without bitterness and anger," he said.

As for his personal willingness to undertake the struggle to regain his teaching authority, Father Curran said: "I am tired, but still with it."

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