

University wins case against Father Curran

WASHINGTON (NC) — The Catholic University of America acted within its rights when it barred moral theologian Father Charles E. Curran from teaching theology there, a District of Columbia Superior Court judge ruled Feb. 28.

Judge Frederick H. Weisberg ruled that in a conflict between academic freedom and obedience to religious authority in the Catholic Church, "the university may choose for itself on which side of that conflict it wants to come down."

Father Curran said he would not appeal the decision.

The theologian has been barred from teaching Catholic theology at the university since January, 1987, after the Vatican ruled that he was ineligible to be a teacher of Catholic theology because of his dissent from certain church teachings.

Father Curran filed the civil lawsuit against the university seeking reinstatement on grounds that the ban on teaching classes violated his contractual guarantees of academic freedom. The case went to trial in December, and attorneys on both sides submitted closing arguments in writing in late January.

The case has been seen as a possible judicial landmark for questions of the respective rights of professors and administrators in church-run institutions of higher education in the United States. And although the case has been decided, many of the issues it entailed remain unsettled, involved parties say.

In his decision, Judge Weisberg said, "It is apparent that this dispute is merely a piece of a larger struggle that has been raging in Catholic higher education for many years."

The judge ruled that Catholic University acted within its rights when it barred Father Curran, a moral theologian, from teaching theology.

Father Curran, who taught at Catholic University for more than 20 years, filed the

civil suit against the university claiming that it violated his contractual guarantees of academic freedom when the board of trustees removed his canonical mission and refused him a position teaching Catholic theology.

Father Curran said that "I have fought for academic freedom at Catholic University for more than 20 years. I have lost. As far as I am concerned, this was the last battle."

However, Father Curran said he believes the tensions surrounding academic freedom and dissent will continue. "In the future we're going to have to learn to live with greater differences, and we have to do it with respect for one another."

Jesuit Father William J. Byron, president of Catholic University, insisted that academic freedom does exist at the university, but that "intrinsic to the discipline of Catholic theology is respect for the teaching of the church."

He said the court ruling recognizes Catholic University's "uniqueness in its relationship to the Holy See and its self-chosen Catholic character."

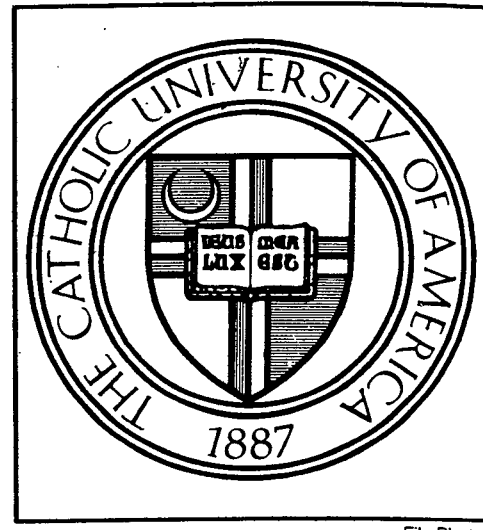
Catholic University is the only pontifically chartered university in the United States. The theology department is accredited by the Vatican.

"The tension between personal freedom and the authority of the church is not resolved" by Weisberg's ruling, Father Byron said. "That will always be with us."

The key points in Weisberg's decision were:

- No matter whether Father Curran needed a canonical mission to teach on the university's theology faculty before 1981, he needed it after new university statutes, adopted in 1981, made it a requirement for all such faculty members.

- Given that requirement, Cardinal James A. Hickey of Washington, university chancellor, acted properly when he suspended Father Curran from teaching in



File Photo

Father Charles Curran's long legal battle ended last week.

1987 while procedures to withdraw his canonical mission were still in process. The suspension was not a contract violation.

- The university also acted within its rights when the board of trustees withdrew Father Curran's canonical mission, and that decision properly barred Father Curran from teaching on the university's faculty.

- University rules did not require it to offer Father Curran a teaching post in another department.

- It would be "virtually unthinkable" for a court to require the university to allow Father Curran to teach Catholic theology there "in open defiance of the Holy See."

Father Curran is currently a visiting professor at the University of Southern California in Los Angeles and has accepted a

tentative offer to continue there for another year.

"The refusal of the court to enter into the substance of a dispute over issues of doctrine and governance" can be seen as a reaffirmation of the separation of church and state, said a March 2 statement from the 1,300-member Catholic Theological Society of America.

"But that refusal also puts upon the church itself full responsibility for preserving and nurturing that 'lawful freedom of inquiry' for scholars" recognized by the Second Vatican Council, said the statement by Father John P. Boyle, society president.

The court ruling leaves "unanswered urgent questions about the authority of doctrinal statements by official teachers which are not definitive," said Father Boyle, chairman of the School of Religion at the University of Iowa.

Priest will wait and see about future prospects

By Jerry Filteau
NC News

WASHINGTON — After losing his lawsuit against The Catholic University of America, Father Charles E. Curran said he will not take the compromise teaching job offered to him by the university.

In separate telephone interviews March 1, the university president, Jesuit Father William J. Byron, said the offer was still on the table, but Father Curran said he cannot accept the conditions the university linked with the job.

The theologian, currently a visiting professor at the University of Southern California in Los Angeles, said he refused the proposed ethics post at Catholic University before the court trial because the promise not to teach as a Catholic theologian which the university demanded would violate his academic freedom.

"As a matter of principle I could not accept it then, and I certainly can't accept it now," he said. "If my only concern was a job and a salary, I would have settled this long ago."

He said in his view academic freedom no longer exists at the university, "and I certainly don't want to be associated with that. If I didn't think I had academic freedom at Catholic University in the 1970s, I would have left then."

Father Byron said academic freedom exists at the university. "If you ask our 400 faculty members if they think they have academic freedom at this university, I think you'll find that they say they do," he said.

The president said the court's decision in favor of the university recognizes "its uniqueness in its relationship to the Holy See and its self-chosen Catholic character. It also says there's merit to our understanding that intrinsic to the discipline of Catholic theology is respect for the teaching of the church."

Father Curran, who is 55, said he expects to wait a while and see what offers he receives before he makes long-term plans. For the more immediate future, he said, he is teaching two courses this semester in the religion department of USC and has accepted a tentative offer to continue there for another year as a visiting professor.

He said that in the past he has received a number of job offers from other Catholic universities and "a number of people want" him to continue teaching in a Catholic institution.

But in light of the Vatican decision against him he does not think any Catholic institution will be able to offer him a professorship now. "I think it's safe to say that for all practical purposes that is ruled out," he said.

Although he acknowledged that the controversy, which he once described as "a teaching moment" has "... turned out to be a longer moment than I thought it would be," Father Curran said he did not regret the effort. "We were dealing, at the church level and at the academic level, with very important issues" of dissent in the church and academic freedom in Catholic colleges and universities.

In the church, he said, "in the future we're going to have to learn to live with greater differences, and we have to do it with respect for one another. ... I think I've showed how that can be done."

He said that "I lost in the short run" on the academic freedom issue, and "I'm more fearful today than I was in the past about the future of academic freedom in Catholic higher education."

But his case "raised the issue to center stage," he said.

Father Byron said he did not see the court decision as having great impact on U.S. Catholic higher education in general because the whole case was so closely tied to the "unique character" of Catholic University's ecclesiastical schools and the special church license needed to teach in them.

When asked for his own general reaction to the three years of controversy and the university's victory in court, Father Byron said, "I regret that this whole thing happened. I regret that something was not worked out" without going to court.

School to mark centennial

ROCHESTER — Holy Cross School will be celebrating its centennial with a special program Friday, March 10, at 7 p.m. in the school gym.

Everyone is welcome to attend.



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