

Foreboding aftermath for Curran case

By Father Richard C. McBrien
Syndicated columnist

Judge Frederick Weisberg, of the Superior Court of the District of Columbia, decided on Feb. 28 that Father Charles Curran's case against The Catholic University of America was without merit. He ruled for the defendant.

Father Curran had contended that his contract at CUA had been violated when, after a definitive declaration from the Vatican that he was no longer "suitable nor eligible" to teach Catholic theology, he was prevented from teaching in his area of competence anywhere in the university, even outside the so-called ecclesiastical faculty.

In order to support his complaint, Father Curran appealed to the often ambiguous history of the university's relationship with the Holy See, on the one hand, and its stated commitment to academic freedom, on the other.

Disagreeing with Father Curran's assessment of that historical record, Judge Weisberg ruled that the central question of the case came down "to what the contract says and what the parties to it intended."

He contended that neither party could have anticipated a judgment by the Holy See that was "both as broad and as definitive as the Ratzinger letter."

On the other hand, he said, "certain things were unmistakably known and understood by the parties."

They knew, for example, that the university had a papal charter — a point contested by Father Curran's lawyers; that the archbishop of Washington, D.C., served as university chancellor; that 20 of the 40 members of the board of trustees had to be clerics, 16 of whom also had to be bishops; and that the faculty handbook and other documents emphasized the university's "unique relationship to the Holy See."

"No one — least of all a Catholic priest and a professor of Catholic theology — could have contracted with CUA without understanding the University's special re-

lationship with the Roman Catholic Church, with all of the implications and obligations flowing from that relationship." Father Curran himself acknowledged this in his testimony.

In light of this special and explicit relationship, the judge concluded that the university did not, in fact, breach its contract with Father Curran by honoring the terms of that relationship.

The Catholic University of America has won the case, but its victory may prove to be a Pyrrhic one. There is a time-bomb set and ticking on page 34 of the 36-page opinion.

Having pointed out that the 1960s were "turbulent times, characterized by persistent testing of institutional limits on all forms of expression of individual freedom, including academic freedom," Judge Weisberg noted sympathetically that CUA "had to wrestle with its own ambivalence."

"On the one hand, it wanted to be recognized as a university — a Catholic university, to be sure — but a full-fledged American university nonetheless.

"On the other hand, it continued to place transcendent value on its unique and special

relationship with the Holy See.

"Perhaps it can fairly be said that the University wanted it both ways; but on most issues it can also be said that the University could have it both ways.

"On some issues — and this case certainly presents one of them — the conflict between the University's commitment to academic freedom and its unwavering fealty to the Holy See is direct and unavoidable."

And then comes the most significant sentence in the entire opinion: "On such issues, the University may choose for itself on which side of that conflict it wants to come down, and nothing in its contract with Professor Curran or any other faculty member promises that it will always come down on the side of that conflict it wants to come down, and nothing in its contract with Professor Curran or any other faculty member promised that it will always come down on the side of academic freedom."

In a similar crunch, therefore, no faculty member at CUA — inside or outside the department of theology — will have any legal basis on which to appeal a violation of his or her academic freedom if that violation is committed as a form of compliance

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with a definitive declaration from the Holy See.

That could apply to a biology professor who takes a "wrong" stand on fetal tissue experimentation, or a professor of film criticism who writes approvingly of "The Last Temptation of Christ," or a professor in religious education who reaches ethical conclusions similar to Father Curran's, or, indeed, a professor of any subject who presumes to criticize publicly current church policies in general or the pope in particular.

Does academic freedom exist any longer at CUA? Is it an academically autonomous institution? Those are the sorts of fundamental questions that the Middle States Association of Colleges and Universities will be asking as it conducts its decennial accreditation review.

And they are the sorts of questions that every present and potential faculty member and student at CUA will have to ask as well.

Thomas learns seeing shouldn't determine belief

By Cindy Bassett
Catholic Courier columnist

Several minutes passed before anyone responded to Thomas' repeated knocking at the door. The person who finally unbolted the door opened it only enough to peer out nervously.

"Thomas, welcome!" Andrew said warmly once he saw who was there. Then he pulled his friend quickly into the room where the other apostles had gathered. While everyone added their own greetings, Andrew locked the door once again.

"I see a bag and a walking stick, Thomas," Peter commented. "Are you going somewhere?"

Thomas hesitated, certain that his abrupt

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decision would surprise those to whom he had become so close during the past three years. "That's why I've come — to say goodbye," he said.

"Why now?" Matthew asked. "There's nothing really left to do here now with Jesus gone," answered Thomas.

"Why can't you believe that Jesus is alive and we have all seen him?" John asked.

"Jesus was supposed to die. It was all part of his Father's plan from the very beginning," Peter said. "And he has conquered sin and death forever by his dying and rising from the dead."

Thomas didn't answer directly. "Have you heard the story that's being told all over the region? People are saying that Jesus' own followers came and stole his body so that the lie would be believed about his resurrection," he said.

"That's ridiculous! Peter and I both saw Jesus three days after he was crucified," John said. "And he stood in this room with all of us only a week ago."

"Is that why you are all hiding here be-

hind locked doors, because you believe?" Thomas asked pointedly. "Unless I see for myself the wounds from the nails and place my finger on the scars of Jesus, then I will not believe."

It wasn't until Thomas said goodbye to each one of the apostles and turned to leave that he saw Jesus standing by the door. "But how? I saw Andrew bolt the door," Thomas cried. Then he fell on his knees before Jesus saying, "My Lord and my God!"

"Here, Thomas, do as you have said," Jesus offered. "Place your finger here on my hands. See the wound in my side and believe."

"Lord, I've been so foolish," Thomas said. "I'm sorry."

"We've all been foolish," Peter admitted.

"Don't you remember that I chose each one of you?" Jesus asked. "You have been my special friends from the start. And now it is up to you all to be my witnesses to the truth for everyone else in the world."

"But, Lord, it sounds like you are leaving us again," Andrew said.

"I must go back to my Father to prepare a place for each one of my followers," Jesus told them. "Someday I will return to take all of them back to live with me forever. Don't be afraid. For soon the Spirit will come to help you and remind you of everything that I have taught you."

Scripture reference: John, Chapters 14 and 20:19-29.

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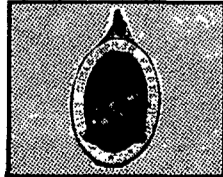
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