

## Conversations on Jesuit Higher Education

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Volume 32

Article 22

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10-1-2007

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### Recommended Citation

Pope, Stephen (2007) "Book Reviews: For Whom Do the Moral Theologians Speak?, Charles E. Curran, *Loyal Dissent: Memoir of a Catholic Theologian*, Orbis Press, 2006," *Conversations on Jesuit Higher Education*: Vol. 32, Article 22.  
Available at: <http://epublications.marquette.edu/conversations/vol32/iss1/22>

## *For Whom Do the Moral Theologians Speak?*

Charles E. Curran, *Loyal Dissent: Memoir of a Catholic Theologian*

Washington, D.C.: Orbis Press, 2006, xiii + 297 pp.

By Stephen Pope

Catholic moral theology has undergone a momentous change in the last fifty years. Anyone interested in tracking or explaining these changes could do worse than consulting Charles E. Curran's recent book, *Loyal Dissent: Memoir of A Catholic Theologian*. Born in 1934 into an Irish family in Rochester, New York, Curran attend Nazareth Hall elementary school run by the Sisters of St. Joseph and then at the age of 13 he matriculated at St. Andrew's Seminary—a decision to enter seminary at a young age that he never regretted but one that he would not advise the church today to support. After successful studies Curran went to live at the North American College in Rome, a base from which he pursued graduate studies. He was ordained in Rome in 1958 and went on to earn doctorates at both the Jesuit Gregorian University and the institution best known for moral theology, Alphonsiana Academy, where he studied under the most influential moral theologian of the 20<sup>th</sup> century, Bernard Häring.

Häring's *The Law of Christ* boldly moved beyond the neo-scholastic text-

books that dominated pre-Vatican II moral theology. He brought a new way of thinking about the Christian moral life centered in Scripture more than human reason, divine grace more than natural law, the imitation of Christ more than conformity to the Ten Commandments, and love more than duty. None of these pairings are mutually exclusive, of course, and Häring reflected a strong Catholic tendency to hold them in harmony while recovering the priority that the gospel gives to the former themes. Häring encouraged Curran to develop an approach to moral theology that is more sensitive to the importance of pastoral experience in the interpretation of moral norms (and not just in their application). This experience-sensitive approach to moral reflection also led Curran to appreciate the significance of particular historical contexts for moral reflection and to understand the church's moral teachings as the product of historical developments. This provided the intellectual ground from which controversies would later develop over Curran's own approach to sensitive issues in moral theology.

Curran's time as a student in Rome was followed by a teaching stint at St. Bernard's Seminary in New York State. He shifted from the traditional textbook and lecture based mode of instruction to one that demanded more outside reading and small group discussions. He was heartened by the openness of Pope John XXIII and by the theological

and social developments promoted by the Second Vatican Council. He focused on the importance of conscience for the Christian moral life and came to argue for a change in the church's complete prohibition of artificial birth control. After serious study he came to believe that the Catholic condemnation of all uses of artificial birth in any and every conceivable context was seriously flawed from the point of view of psychological, sociological, economic and other considerations.

The general principle that sexual intercourse ought to be open to procreation need not lead to an absolute rule against any and every use of means to delay it, e.g., in cases of newly married couples not yet able to afford to raise children or those who already have large families that are very difficult to support by their financial resources. Curran argued that since church teachings in the past have been modified, this teaching could be and should be changed to meet more adequately our greater knowledge of the human body and the social and emotional circumstances of sexuality. Curran did not advocate complete freedom of conscience in this or any other matter, but rather for the final primacy of the informed and responsible Christian conscience. This conscience ought to

*He focused on the importance of conscience.*

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be docile to the church's teaching office but at times may have the duty to disagree with a particular norm. This disagreement need not place the believer in "bad faith," in a state of sin, or outside of communion with the Catholic church.

These themes developed as Curran moved in 1965 from the staid St. Bernard's Seminary to the much larger and more intellectually engaged Catholic University of America. The CUA was (and is) governed through a board of trustees that included all the cardinals and residential archbishops of the United States, together with other elected bishops and a few laypeople. Curran came to love the faculty and students of the CUA and flourished there as professor, mentor and peer. He soon garnered a national reputation as one of the most creative and forward thinking young moral theologians, a reputation that grew as he became prominent at the Catholic Theological Society of America. Curran's work increasingly focused on the inadequacies of natural law thinking in the areas of sexual and medical ethics – its tendency to concentrate on isolated acts rather than on wider circumstances and its preoccupation with physical behavior (e.g., "the sexual faculty") rather than with the intentions, motives of their agents.

In 1967 Curran was fired by the board of trustees of CUA for holding ethical positions not in conformity with the teachings of the Catholic church. Many students and faculty responded by going on a strike that forced the board to reverse its decision. Curran was reinstated and promoted, but the real issue was not resolved: what is the proper relation between the moral theologian, the hierarchical magisterium, and the laity? The issue came to a head after Curran spoke out publicly in the



Fr. Robert Lawton, S.J., president of Loyola Marymount, greets students after Mass.

media against Pope Paul VI's *Humanae Vitae*, the 1968 encyclical condemning artificial contraception. Curran was convinced that the teaching was harmful to many Christian married couples. Whereas the conservative view held that the task of moral theology is to provide reasons justifying the teachings of the church to the laity or the wider public, Curran believed that moral theologians have a responsibility to evaluate the teachings of the church and to criticize them when necessary for the good of the church.

Some conservatives allow internal dissent from church teachings by individual believers reflecting in good conscience, but they refuse to see the legitimacy of public dissent—organized public opposition to a clear teaching of the church—and this is what Curran engaged in when he and others protested *Humanae Vitae*. He appealed to the US bishops' 1968 pastoral letter "Human Life in Our Day" allowed for theological dissent under three conditions: serious and well-found-

ed reasons, maintenance of respect for the magisterium, and avoidance of scandal. The authorities at the CUA, however, did not believe these criteria justified Curran's dissent, and he was fired on the grounds that the Holy See had determined that he was "neither suitable nor eligible" to teach Catholic theology.

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Curran proposed a number of compromises, including an offer to teach only social ethics rather than medical and sexual ethics, but to no avail. His legal effort to defend of his right to teach as a tenured professor



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was turned down. Judge Weisberg of the Superior Court of the District of Columbia argued that CUA's special relation to the Vatican gave it right to determine who is fit to teach theology on its faculty. CUA came to be known as a university that chose to compromise academic freedom rather than what it perceived to be Catholic identity. Curran continues to function as a priest in good standing and now holds a prestigious endowed chair in Christian ethics at Southern Methodist University.

The "Curran affair" revealed a growing cultural gap within the church that has grown since in 1980s. The recent Vatican "Notification" regarding the Christology of Jon Sobrino, S.J. has not helped to narrow the divide. Professors presume that universities will respect academic freedom and promote the quest for knowledge wherever it leads (within the limits of what counts as ethically responsible research). Some laypeople believe that universities founded to promote Catholic faith would violate "truth in advertising" should their faculty depart from orthodox belief. At the other end of the spectrum, they see no valid reason for compromising intellectual freedom in any genuine university. Theologians tend to believe—and Curran is not unusual in this regard—that while theology as "faith seeking understanding" serves the ecclesial community and ordinarily functions within its doctrinal parameters, at times the emergence of

new insights pushes us to ask critical questions about current norms (particularly when they are not definitive of Catholic faith, or as Curran likes to say, when they are "non-infallible").

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hese concern not only artificial birth control but also divorce and remarriage, same sex relationships, in vitro fertilization, and other sensitive issues. Rather than disloyal, moral theologians like Curran believe they are actually helping the church be true to her own identity by promoting the development of doctrine, as happened, for instance, in the church's eventual condemnation of slavery. Theologians raise critical questions that sometimes assist the church's movement from a less to a more adequate understanding of Christian morality. Jon Sobrino's work on the preferential option for the poor can be understood in just this way. Critical questions, however, are not always appreciated.

This critical and constructive theological agenda leads some bishops to suspect that renegade theologians attempt to function as an alternative magisterium, but this accusation rests on a confusion about the role of the theologian within the church. Most theologians in the United States do not think they are teaching "in the name of" the church, nor do they want to be given this task. A priest preaches on behalf of the church, the bishop teaches in the name of the church when he issues a statement intending to do so, and seminary professors or other ecclesiasti-

cal faculties are understood to teach in the name of the church when they are granted a canonical mission and a *nihil obstat* from the proper authorities. (Curran offered to teach courses outside those covered by the ecclesiastical faculty at CUA.)

Theologians like Curran believe that they teach *for* the church—i.e., they offer insights into what they believe will promote the spiritual and moral well-being of believers—but they do so as scholars speaking only in their own names. Theologians have more intellectual freedom and less responsibility than bishops. If the church is a community of moral conversation and not just of commands and obedience, then moral theologians within that community bear a responsibility to promote ethical responsibility and intellectual honesty, including a respect for complexity. The magisterium has an obligation to make definitive judgments about what accords or does not accord with Christian faith. Theologians have a duty to pursue deeper understanding as the church seeks to make these determinations and tries to live out their implications.

Curran continues to exercise his responsibility as a Catholic moral theologian in a Protestant university. He recognizes that we are a "pilgrim church" with a long way to go, but his book communicates every confidence that the Holy Spirit will continue to inspire and encourage those who seek Christ. His insistence that love for the church is expressed not only in obedience but also, at times, in "loyal dissent" is suited for a community that is aware of the fact that changing contexts sometimes require us collectively to rethink the old moral norms. Until we can learn to engage in constructive and inclusive moral dialogue as a Christian community, the church will probably continue to have similar cases. ■

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