

PANEL DISCUSSION: ACADEMIC FREEDOM AND THE THEOLOGIAN

THE CATHOLIC AND ACADEMIC FREEDOM

In a Sunday Peanuts strip Lucy goes about asking Linus, Snoopy, and everyone else she can find to sign a statement absolving her from all blame. When she asks Charlie Brown for his signature he presses for an explanation. "No matter what happens any place or any time in the world, this absolves me from all blame," she tells him as he signs. In the last panel Charlie remarks, "That must be a nice document to have." Indeed it must be; an immense amount of human energy has been expended chasing unattainable objectives or in pretending to have achieved them. On the one hand there is always a generous supply of overzealous ecclesiastics who are certain of all kinds of things that aren't so, or at least aren't certain; sometimes they dominate the practical activity of Church authority at every level including the highest (e.g. the Galileo case). On the other hand there are the clever men of the world who consider their freedom to be boundless or at least on the verge of being boundless, as soon as the last restraint is removed and they are working on removing it right now.

The former group are in marked eclipse these days. The latter group, however, are busier than ever reenacting for us the drama of Genesis 3. There is always that one damned tree that is not within the limits of our freedom, and only self-destruction can follow the pretense that the limit is not there.

The freedom with which we are here concerned is the freedom necessary for the pursuit of truth. We are concerned with academic freedom. The principles of academic freedom worked out by the American Association of University Professors are well-known and can be taken as fairly standard. In summary the AAUP speaks of the freedom of a teacher to choose his field of research, to pursue it with no other hindrance than that of normal teaching duties, to publish its results to his professional colleagues, to communicate freely with other scholars, to freely teach his own ideas within his field of com-

petence, to live and speak out as he pleases just as any other citizen without repercussions as to his status in the academic community (though he should make clear that he does not speak for the institution to which he belongs), and to be protected in these freedoms by security of position known as tenure.

We must keep in mind that academic freedom belongs formally only to a member of the academic community. The theory of the thing is that if an academic's teachings, research and writings betoken irresponsibility and/or incompetence he will stand judged by his colleagues. Thus it is clear, for example, that there is no such thing as academic freedom in a high school. In fact, one of the reasons the matter is such a pot-boiler in this country is that it has never been very clear whether the American college pertains more to high school or to university. Furthermore, the name of university is easily conferred in this country on institutions which are overwhelmingly dominated by their undergraduate or college departments. Academic freedom is a rather unselfconscious sort of a thing in European universities because it is at home in a genuine university setting.

What can restrict the freedom of an academic? According to the "pure" doctrine of academic freedom the only proper restriction upon the academic is the judgment of his peers. (Of course, an academic plays other roles as well. He is a man, a citizen, a husband and father, a member of the country club and a Methodist. He is under the same restraints as other men in these regards; his freedom precisely as an academic is what we are concerned with.) The fact that he has other roles to play will take time from his activity as an academic. Moreover, as a man he is bound to submit his academic work to standards other than those of his own discipline. He may do this consciously or unconsciously, gladly or sadly, admitting it or not to himself and others.

In discussing the ethical sterility of contemporary science a writer in the *Bulletin of the Atomic Scientists* says, "Science still holds to it because *it is compelled to do so by outside forces.*"¹ On a more personal level, tenure is intended to provide the security necessary to resist pressures, but only personal integrity can resist

¹ May 1968, p. 54. Italics mine.

the temptations to financial preferment which can easily influence one's lines of research or even the conclusions of one's research.

The American Association of Theological Schools adopted a statement on *Academic Freedom and Tenure in the Theological School* which is quite reasonable. It adapts the principles of the AAUP to a specific situation and even acknowledges that there are certain assertions that are "fundamental to a *Christian view* of academic freedom." (Italics mine) It notes that: "A concept of freedom appropriate to theological schools will respect this confessional loyalty, both in the institutions and their individual members." It further spells out: "An institution which has a confessional or doctrinal standard may expect that its faculty subscribe to that standard and the requirement for such subscription should be mutually understood at the time of their affiliation with the institution." This principle is recognized in the 1940 statement of the AAUP. Where then the trouble?

The difficulty is both doctrinal and practical. It seems to me that the passion aroused by some rather ridiculous (but to the persons affected utterly frustrating) general situations and specific decisions in the practical order easily pushes people into theoretical positions that are doctrinally untenable and do not need to be assumed to accomplish the practical purpose desired.

When the University of Dayton was working out its arrangement with its local ordinary, Neil McCluskey made the widely quoted statement:

There is no more academic justification for the entry by a local bishop or provincial into the university discipline of theology than there is for the local mayor or governor to intrude into the field of political science. . . . Whatever the need that the bishop or provincial may have to exercise vigilance over the purity of Christian doctrine taught in secondary schools and parochial schools, the autonomy of the Catholic university precludes such treatment. Theology is not Christian doctrine.

(Evidence that the statement is rhetoric, quite indifferent to theology, is plain in the off-hand confusion of the doctrinal role of provincial and bishop.)

Twenty-six distinguished Catholic educators met in July, 1967 under the sponsorship of the North American region of the International Federation of Catholic Universities and signed a statement containing such assertions as these:

To perform its teaching and research functions effectively the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself.

Hence, the university should carry on a continual examination of *all* aspects and *all* activities of the Church and should objectively evaluate them. (italics mine)

This means that the intellectual campus of a Catholic university has *no boundaries and no barriers*. (italics mine)

And a certain Francis E. Kearns, who apparently professes to be a Catholic, writing on "Social Consciousness and Academic Freedom in Catholic Higher Education," states:

It is a sad commentary on the state of the church in America, however, that the AAUP has in the past generally concerned itself with denominational schools in terms of how normal concepts of academic freedom might be limited at these institutions in order not to conflict with their religious regulations.²

And again:

Indeed, the formerly Catholic nonsectarian schools might encourage religious culture by establishing chairs for representatives of Protestantism, Judaism, atheism, and a variety of other beliefs. In the end the formerly Catholic campus might even become a haven of tolerance—for communists, homosexuals, and other professorial refugees from academic middle-class respectability—demanding of its faculty only professional competence and respect for the rights of other members of the academic community.³

(Note the assumption, quite common today, that a Catholic uni-

² In R. Hassenger, (Ed.). *The Shape of Catholic Higher Education*. Chicago: Univ. of Chicago Press, 1967, pp. 223-249, at p. 244.

³ *Ibid.*, pp. 246-247.

versity is a contradiction in terms. Of course, it is to those who reject the idea of revealed truth. As I see it, however, since a university is dedicated to truth, one who accepts the reality of revealed truth would find the essential acceptance of revealed truth to be a perfection in a university that is Catholic which other universities must do without.) Kearns ends his article with this:

If only, in the end, some Fordham or Notre Dame would bring together John Cogley, Harvey Cox, David Riesman, Paul Goodman, and representatives from the AAUP and the AFL-CIO Teachers Union and ask them to work out plans for a university structure that would be a model of freedom, relevance, and intellectual stature to the world.

(It reminds me of Brendan Behan's observation on making tea. After noting that the pot must be warmed dry over a flame, and that one is likely to break quite a lot of pots that way, he commented, "Well, it comes down to this: you like tea or you like pots.")

A. Dondeyne quoted Jean Jaures as saying to the French Chamber of Deputies:

What must be preserved above all, what constitutes the inestimable conquest achieved by man through so much prejudice, suffering and strife, is this idea that there is no sacred truth, that is to say, no truth which men are forbidden to investigate fully. The greatest thing in the world is freedom of the mind. No interior or exterior compulsion, no dogma, must limit the unceasing search of the human race.⁴

This, of course, is precisely the question. Cardinal Heenan in the May 23, 1968 English edition of *L'Osservatore Romano*, put it humorously and tellingly in an article on "The Magisterium" this way:

Reading articles by some popular theologians I am reminded of Humpty Dumpty in Lewis Carroll's, *Through the Looking Glass*: "When I use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean—neither more nor less." "The question is," said Alice, "whether

⁴ *Contemporary European Thought and Christian Faith*. Pittsburgh: Duquesne Univ. Press, 1963, p. 176.

you can make words mean so many different things." "The question is," said Humpty Dumpty, "which is to be the master—that's all." Yes, that's all. That's the whole question. Who is to be the master? That's what we mean by magisterium.

That is exactly where our problem is. Is there anything taught in this world as truth which the university has—we should not say no right but—no possibility of validly questioning? We are perfectly well aware that the act of faith is in a Person, but it seems to me elementary that it extends to that Person's teaching, a fact often swept under the rug to achieve maneuverability. Those who look upon pre-Vatican II theology as one long amateur night often do not know (and, if they are told, often prefer to ignore—since it militates against their beloved prejudices) that St. Thomas Aquinas was well aware that "The act of the believer does not terminate with the proposition, but with the thing."⁵ At the same time the simple fact is that nothing can be *taught* unless it can be expressed. The principal precisely human mode of expression is words. And the Church is commissioned to teach. (Matt. 28, 20; Mark 16, 16)

Dondeyne says, "Dogmatic formulae do not constitute its (the Faith's) final object, but the intention of faith in some way animates these formulae."⁶ What the Church has taught as revealed by virtue of its divinely guaranteed magisterium is believed or it isn't. There is a valid question: What do the words mean? What does the proposition mean? If the question refers to the proclamation in itself it is valid to consider the words and proposition in the context of its historical position, but in doing so one must not forget the context of its magisterial position. To say that no human statement possesses any constant objective validity is to opt for irresponsibility and ultimately for idiocy. It is to reject being and settle for flux which is quite unintelligible.

The Rahner-Vorgrimler *Theological Dictionary* makes very well the point that there is only one magisterium. What it does not make as clear as it might is that what is extraordinary about the extraordinary magisterium is that in this case the magisterium is un-

⁵ *S.T.*, II-II, q.1, art 2, ad 2.

⁶ Dondeyne, *op. cit.*, p. 177.

questionably fully engaged. To the extraordinary magisterium, the magisterium fully engaged, we respond with the full assent of divine faith. The chief reason the ordinary magisterium is such a problem, it seems to me, is the want of absolute certitude that the magisterium is here fully engaged. There is a greater or lesser presumption that it is—either that the teaching Church proclaims this as revealed with its full teaching authority, or that it proclaims it but not as fully or directly revealed. That is, as flowing from or pertaining to or a prerequisite of what is revealed. If the matter is less than formally proclaimed as revealed it demands varying degrees of assent, but it does not demand the assent of divine faith. In this area the theologian is free responsibly to question and investigate. However, since the religious truth with which he is either directly or indirectly concerned is given to men for the most serious of reasons, it seems obvious that the manner in which he publishes the results of his questioning and research pertains to the responsibility which goes with his academic freedom. This is especially true if the theologian is proposing a theory for the evaluation of his colleagues, or if what he proposes is notably open to misunderstanding by nonprofessional theologians.⁷

While the Catholic, academic or not, must give full assent to truth formally proclaimed by the Church as revealed, this does not curtail his freedom. The term "must" does not imply external compulsion unless we think of the grace of God as compelling us; we "must" because of a free decision to which we are sweetly moved by grace. Especially does it not curtail academic freedom since it is hard to find a proclamation of the extraordinary magisterium which is not of truth supernatural *quoad substantiam*, and as such it is in no way directly the property of academe. Moreover, the Catholic scholar should eagerly seek the guidance of the ordinary magisterium. This is the more true as his discipline is the more close to religious truth. But this can hardly be a restraint upon his freedom which is precisely to ensure that he may seek wisdom wherever it is to be found.

On June 5, 1968 Pope Paul VI, speaking to a general audience,

⁷ George Malone has treated this matter well in *Chicago Studies*, Spring, 1968, p. 3-13; see also his earlier article in the same journal, Summer, 1967, pp. 169-186.

noted that the truths of faith cannot be checked in the same way as the truths of the natural sciences. He said:

To the modern scientific mind Faith seems to be lacking entirely that strictness of thought which belongs to the exact sciences. The very nature of the knowledge it offers, founded on witness, seems to upset and to atrophy the autonomy of the intellect, confident as it is that it can discover for itself and check for itself the truth it possesses.

Later in the same talk he goes on to say:

It is not true, for example, that Faith means a paralysis of thought and that its dogmatic pronouncements interfere with the search for truth; *the very contrary is the case*. Dogma is not a prison-house of thought; it is an acquisition, a certitude which stimulates the mind to contemplation and research, whether it be into its own content, ordinarily so profound as to be unfathomable, *or into its development in concert with and in the derivation of other truths*. *Intellectus quaerens fidem*, the intellect pursuing its enquiries into Faith, in the words of St. Anselm, the medieval theologian who even now is well worthy to be our master; and he adds *fides quaerens intellectum*. Faith has need of the intellect. It gives confidence to the intelligence, respects it, requires it, defends it; and by the very fact that it involves the study of divine truth, it obliges the intelligence to an absolute honesty in thought and to an effort that, far from weakening it, *strengthens it in the natural as well as the supernatural order of enquiry*.⁸

I have emphasized certain phrases because they insist that truth known by faith does indeed have something to do with man's search for truth in the natural order. The Pope seems to be saying that academic freedom does not entitle a man to be irresponsible in physics or in sociology. He must be responsible to what is demonstrable. The same thing is true in theology, but the principles of theology are not humanly demonstrable. The theologian must turn for certitude as to his principles to the magisterium. The freedom of academe is limited by verifiable facts. This is true in physics; it is true in theology. How are facts verified? In physics in one way; in theology in another way.

⁸ In English edition of the *L'Osservatore Romano*, June 13, 1968. English italics mine.

(There are those who deny that facts can be verified at all. They would claim, therefore, that academic freedom knows no bounds. Like Hawthorne's "Birthmark" they may win their point but lose their case. They see themselves free but seem not to see that their freedom is to no purpose.)

It might also be noted that the argument about whether a formula is eternally valid or not does not directly challenge the Church's teaching authority. The point is that *right now* the belief of the Church can be articulated validly or invalidly. It is the prerogative of the magisterium to ensure that it is done validly.

Relying on the beginning of Chapter II of *Dei Verbum*, G. Morgan says, "The teaching authority of the present-day Church in interpreting the Scriptures extends into our world the same apostolic teaching authority that wrote the Scriptures."⁹ Further on he notes, "Without an interior word knowledge is not human; without an exterior word knowledge is not social."¹⁰ Thus the necessity of formulas guaranteed by the magisterium, yet which "while remaining valid, can in principle be improved upon through reformulation."¹¹ He makes the further good point that the magisterium rarely needs to be engaged, but when it is necessary it is "to protect the living faith of all."¹²

How may the ordinary magisterium seem to impinge upon academic freedom? Malone, referring to an article by Bishop Columbo says:

He asserts a twofold dependence of the theologian upon the magistry (a corruption favored by Malone of an already horrible word): not only does it judge the validity of the results of theological research and their compatibility with revealed teaching, but it also serves to place the theologian in touch with the historic patrimony of Christian reflection.

Malone adds innocently, "up to this point there is nothing astonish-

⁹ G. Moran. *Theology of Revelation*. New York: Herder & Herder, 1966, p. 141.

¹⁰ *Ibid.*, p. 141.

¹¹ *Ibid.*, p. 145.

¹² *Ibid.*, p. 144.

ing or exciting."¹³ Of course, there should not be, but there is. The Rahner-Vorgrimler article says:

The governing authority re-presenting the universal Church (instituted by divine right, not by delegation from below), the Pope and episcopate, may function as the "ordinary magisterium" (their doctrine binding in various degrees) in their day-to-day preaching of the Kerygma, by their government and their *supervision over theology*.¹⁴

Historically universities have frequently claimed autonomy, to be a third force independent of Church and state. Sometimes for long periods such claims have been for all practical purposes unchallenged, but they were never conceded in principle by the Church. The Holy See at various times exempted the University of Paris from episcopal and Metropolitan control but never from papal control over doctrine and discipline. *De Facto* when the University was strong and the papacy weak the University got away with a great deal. A good example is the pressure of the University (through the king) on John XXII to backtrack on his personal teaching that the beatific vision must await the general resurrection. The Avignon papacy depended upon the king of France and was very weak in theological advisors. For both reasons the University prevailed, even to the point of John XXII apologizing for his theological deficiencies, "*Quod nos non sumus in theologia magister*."¹⁵

Substantial theological freedom existed, especially until the fourth quarter of the 13th century, as is evident from the creative theology of Albert the Great and Thomas Aquinas which existed along side of and found its own level relative to the older so-called Augustinian theologies. The Bishop of Paris and the Archbishop of Canterbury who condemned propositions from the teachings of Thomas Aquinas after he was conveniently dead were acting within their rights since they thought they were protecting orthodoxy. They thought errone-

¹³ *Chicago Studies*, Spring, 1968, pp. 3-4.

¹⁴ P. 269; italics mine.

¹⁵ H. Rashdall. *The Universities of Europe in the Middle Ages*, (Edited by Powicke and Emden). Oxford: 1936, vol. I, p. 553n.

ously, but of course appeal is always possible. In our day it can be much easier and quicker than it was then. It was not papal or regal interference which broke down freedom in the world's greatest theological faculty. It was the theologians themselves, a process analogous to that described by Haskell in his Pelican Book on *Ballet*:

But in every art a period of great perfection gives way to a sterile academism. Raphael and Michelangelo arise, leaving behind both beauty and an impossible path to follow. Their genuine discoveries become laws, the form of their work is followed but not its spirit, and they must await fresh discovery at a later period when criticism allows them to be valued afresh. The formula of their work is followed when its meaning is no more.¹⁶

As theological "schools" hardened, the papacy, when it cared, sought to strengthen the best of them more often than not.

While the desire of the professional scholar for the freedom to follow his creative mind and his research wherever they might lead is not something new, the vision of the possibilities as well as the conditions of our times make the notion of academic freedom quite a different thing to the modern Catholic scholar than it was to his predecessors.

The question seems, however, to be essentially the same: Does the magisterium have any place in the Catholic university? And if so what is its place? The direction of the answer I propose is already clear. Now I wish to state it as briefly as I can. By university I do not mean just anything that calls itself by the name. The *Herder Correspondence* (May, 1968) article on the conference which produced the statement quoted early in this paper says:

Inasmuch as the discussions were . . . concerned chiefly with university-level problems, the nature and role of the Catholic liberal arts college or of the smaller university were not considered.

As to the magisterium extraordinarily exercised by the pope or general council, since its proposal of divine revelation is infallible

¹⁶ P. 75.

as well as authentic, it fully belongs wherever the learning Church is. One of the signers of the statement just referred to, John E. Walsh, C.S.C. is quoted as saying:

The relationship between the Church and the Catholic university can best be described by saying that the Catholic university is one of the manifestations—perhaps the highest formal, explicit and systematic manifestation—of the Church *learning*.

Can this possibly be true that it is the Church *learning* if it does not listen with docility and the assent of faith to the Church *teaching*?

Fr. Walsh goes on to say:

The Catholic university makes it possible for theologians, scientists and lawyers to learn together, to confront each other with vital and real problems, and hopefully to find the objective and subjective base for a unifying view of man and of the universe and the relationship of both to God."

Again I ask, how could anyone claim to do this sort of thing after shutting the door in the face of the magisterium?

But what of the ordinary magisterium? As I have noted George Malone handles this well.¹⁷ After noting that a professor of theology who arrives at a position which does not conform to the authentic, non-infallible magisterium is bound by academic standards of intellectual honesty to fairly present both positions, he says:

What then of academic freedom for the Roman Catholic theologian? With regard to the authentic non-infallible teaching of the ordinary magistry, we contend that it subsists in all its entirety, as long as it is done according to commonly accepted academic standards: 1) that it be the result of scholarly research. . . . 2) that the results be published in a responsible way.

He thinks that publication should be in professional journals rather than sensationalized in popular media, though he recognized that the popular magazines sometimes pick up and sensationalize statements made in scholarly journals. This, I venture, is a pastoral

¹⁷ Cf. *art. cit.* in *Chicago Studies*, Spring, 1968, pp. 3-13.

problem. The faithful are sufficiently sophisticated to discover that *Time's* religion page should be read with a salt shaker in hand. Malone notes also that the dissenting theologian should present his position as tentative.

A few concluding remarks:

1) I do not think the professor in a diocesan seminary has a clear title to academic freedom. I am not sure the diocesan seminary as it now exists has much of a future, and I am not sure it should have. But as it now is, it is established by the ordinary for a purpose, and the purpose is obviously not the pursuit of learning. The seminary is a far cry from a university. Perhaps her future is with the university, but not because she is like a university. A woman makes a pleasant and fruitful bed-companion to a man because of her differences, not because of her similarities.

2) When in a minor university or a college a Lutheran pastor or a Jewish rabbi teaches religion the student may like very well what he says and it may be very chic to do this sort of thing, but the student knows (for whatever good it does him) that the teacher is Lutheran or Jewish in belief. When a professed Catholic, especially a priest, teaches religion (or even theology) the local ordinary has the right and the duty to be concerned if the teacher is proposing anything contrary to the infallible magisterium or even consistently making light of the ordinary magisterium. What form his concern should prudently take depends on many things.

3) In a major university the local ordinary may well be relieved by the Holy See of doctrinal concern, or he himself may prudently prefer to state the facts as he knows them to the Holy See for its intervention, if he deems it necessary, for the protection of orthodoxy. No place on earth is exempt from the rightful concern and the mission to teach of the Vicar of Christ. Unfortunately in practice the Vicar of Christ may not recognize a departure from orthodoxy when he sees it as in the case of Leo X in the time of Luther. But that is his responsibility.

While all kinds of ideas and opinions must be able to be freely tested in a truly university-level environment, and this is as true in the field of theology as in any other discipline, at the same time

theology is in one way at least unique. It depends upon a religious commitment. Paul Tillich saw this when he observed, "Participation in a religious community is presupposition of all theology. You have to be within the circle of a concrete religion in order to interpret it existentially."¹⁸ Thus to be a Christian theologian one must have a Christian religious commitment. Since theology does not embrace the whole of one's religious commitment but is involved with the human intellectual examination of it, it is possible to be in error about certain truths of Christian revelation and still be a more strongly committed Christian than one who does not share such error. But such error, all other things being equal, will detract from the capacity to be a fruitful Christian theologian. (St. Thomas' rejection of the Immaculate Conception made him less perfect as a Christian theologian than he would otherwise have been, but all his other advantages were such that he was a far better theologian than many who accepted the Immaculate Conception as divinely revealed.)

To be a Christian theologian one must receive the Christian revelation which provides the principles of Christian theology. One turns to the magisterium for assurance that one has these principles. To the extent that they are supernatural *quoad substantiam* they cannot be tested by human means.

4) Which leads us afield to our final conclusion that there is today a notable reluctance on the part of the successors of the Apostles to exercise the doctrinal role undoubtedly committed to them. Cardinal Heenan notes that:

The Pope does regularly draw attention to the dangers of theological innovations. Nobody else in authority follows his example. During the Synod of Bishops a cardinal drew attention to the fact that the Pope's is becoming a solitary voice. . . . Magisterium, like hierarchy, has become a dirty word. That may be why so few bishops are willing to risk unpopularity by exercising it. . . . The Council is used as the excuse for every new flouting of the magisterium. "The word of Christ," said Pope Paul on the 3rd April 1968, "is no longer the truth which never changes, ever living, radiant and fruit-

¹⁸ P. Tillich's essay, "The Significance of the History of Religions for the Systematic Theologian" in Kitagawa (ed.), *The History of Religions*. Chicago: Univ. of Chicago Press, 1967 is enlightening in this matter.

ful even though at times beyond our understanding. It becomes a partial truth . . . and is thus deprived of all objective validity and transcendent authority. It will be said that the Council authorised such treatment of traditional teaching. Nothing is more false.

One is reminded, and it is an encouraging reminder, of the observation of Jerome concerning Athanasius during the Arian crisis, "*Athanasius contra mundum!*" Of course, the spirit of the times makes thundering condemnations of heresy ridiculous and therefore quite useless. However, pastoral necessity seems to call for gentle but firm correctives from the local magisterial authority when articles are published locally, public lectures are given or by other means teachings are consistently proposed even in universities, Catholic or not, which are in opposition to the teaching of the magisterium. If these things are passed by in silence, as is often the case today, the faithful easily and quite naturally come to believe that the divinely sent authoritative teachers find no conflict with their own magisterial teaching, confusion develops as to what the teaching of the magisterium is, and there is a constant erosion of confidence in the teaching authority. This seems especially true when those who propose such teachings propose them to undergraduates in Catholic colleges and in Catholic universities which are little more than colleges. Students look to such teachers to teach according to the mind of the Church, especially if these teachers are priests. The local ordinary can hardly be expected to stand helplessly by watching the belief of youngsters undermined by wolves in sheep's clothing. That is the point: they are wearing sheep's clothing, and the youngsters see no reason to doubt that they are being taught acceptable Catholic teaching until it is too late. After all, they are being taught by a priest in a Catholic college, and no sign of disapproval comes from any Church authority. On the contrary, the priest who taught them that Paul VI is hopelessly out of date in his teaching concerning the real presence, that Christ is present in the Eucharist only as he is present in the sick, the suffering, the whole Christian people, often that priest is fully accepted in the ecclesiastical life of the diocese. Harsh measures are not necessary; rather they are counter-productive. But is it not for the ordinary to do as the magisterial authority in the Church

always did, namely, proclaim what is and has always been the belief of the Church?

Here is the area where, in the practical order, the greatest complaints of interference with academic freedom will arise. The ordinary may quietly insist that full academic freedom belongs only to a full academic community: where students are sufficiently mature to be able to assess the validity of what they are taught, where genuine scholarly research is carried out as a normal thing in many fields, and where the unusual teachings are subject to the judgment and criticism of competent academic professionals. Where these conditions are not truly present the bishop's pastoral obligation demands his concern for the purity of doctrine. If there is a crisis of faith especially among the young is it not perhaps because the proclamation seems to be left to ill-prepared teachers who seek popularity by "tickling ears," while those *who are sent* seem to have little or nothing to say since they have come to realize that quoting canons and hurling anathemas is not what they have been sent to say. What then have they been sent to say, since faith depends upon hearing and hearing upon preaching and preaching upon being sent? (Rom. 10) They may well ponder II Tim. 4, 1-5:

Before God and before Christ Jesus who is to be judge of the living and the dead, I put this duty to you, in the name of his appearing and of his kingdom: proclaim the message and, welcome or unwelcome, insist on it. Refute falsehood, correct error, call to obedience—but do all with patience and with the intention of teaching. The time is sure to come when, far from being content with sound teaching, people will be avid for the latest novelty and collect themselves a whole series of teachers according to their own tastes; and then, instead of listening to the truth, they will turn to myths. Be careful always to choose the right course; be brave under trials; make the preaching of the Good News your life's work, in thorough-going service.

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ACADEMIC FREEDOM AND THE THEOLOGIAN

We experience freedom today as a universal human aspiration and exigency. Vatican Council II reads *the* sign of the times as it begins the historic declaration *Dignitatis Humanae Personae* (*Declaration on Religious Freedom*):

A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man. And the demand is increasingly made that men should act on their own judgment, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty (n.1).

Freedom *from*, whether it be from political and economic oppression in the case of emerging nations, or from want and fear in the case of the poor and the black within our own nation, or from restriction on public profession of religious faith in areas where that abomination still exists, from restrictions on intellect and utterance in the very fora of mind and speech. . . Whatever it be freedom *from*, it is always freedom *for* being a person, realizing dreams, enjoying and developing human dignity. To be human is to be free. The dignity of the human person consists in his responsible use of freedom.

The burial-marker of a great American, a theologian (!), speaks this same sign of our times, simply, prophetically, beautifully:

Free at last, free at last, Great God A-mighty, We are free at last.

The universal desire and demand for freedom is specified in many ways. Some of the species are very familiar to us: Religious freedom, civil liberties, academic freedom. . . Often enough, these very terms have been shibboleths for concrete causes in which we have been involved, either to support or to resist.

"Freedom" is a funny word. If kept generic and universal, it arouses visions of progress; when specified, for some persons it conjures the specter of havoc.

The recent history of constitutional law attests, as does the recent record of revolution and its counter-forces, that the concrete specifi-

cation of freedom to "civil" is a delicate, often painful and uncertain, labor even for those who hold freedom as basic to human dignity.

Six successive conciliar drafts of the *Declaration on Religious Freedom* at Vatican II, and the emotional debate over them, attest that the concrete specification of freedom to "religious" is no less a delicate, often painful and uncertain, labor even for those who proclaim freedom as basic to Christian Mystique.

Likewise, the history of academe shows that the concrete specification of freedom to "academic" is no exception. (Recall the famous glass of hemlock that temporarily solved the problem in ancient Greece.) In this century, in this country, the American Association of University Professors (A.A.U.P.) has given and continues to give voice and specific content to the universal human aspiration and exigency of freedom as proper to its sphere of concern. From the 1915 original *Declaration of Principles* to the by-now classic *Statement* of 1940, through the 1958 and 1964 documents, and necessarily including the 1965 statement on the freedom of students and the presently pending *Joint Statement on Rights and Freedoms of Students*¹—all of which, I presume, are well-known to this assembly of academicians—the A.A.U.P. has undertaken this labor generously and, in my judgment, with enormous delicacy and wisdom and with verifiable results.

Our concern here, of course, is neither civil liberties nor religious freedom. My point is simply that the question before us as Catholic theologians viz., academic freedom and ourselves, is but one, very personally important and urgent, specification of a much more universal and generic aspiration and demand. The A.A.U.P. has not presumed to answer it for us in any detail; it has up to this point recognized that we have to answer it ourselves, even made due allowance for any peculiarities of specification that we may need to impose.

That the question needs answering is clear: since the *locus proprius* for doing theology is academe, abstractly, upon our answer depends the role and influence of Catholic theology and of us as Catholic theologians in American academmia; concretely, so many

¹ See *A.A.U.P. Bulletin* in the years cited for full texts.

of our day-to-day tensions will be either heightened or relieved by such an answer.

The question of academic freedom and the Catholic theologian, I suggest, involves the interaction of three realities: the theologian, the academe, and the so-called "Sacred Magisterium." Properly to identify the relationship of these three realities is to answer our question. In a word, does the reality called "academe" demand a freedom for the theologian that the reality called "magisterium" cannot allow? Can the interaction of the three realities be harmonized in theory and in practice?

The Vatican conciliar document *Gaudium et Spes* (*Pastoral Constitution on the Church in the Modern World*) cautiously, yet clearly, affirmed a general principle of academic freedom in our regard:

. . . let it be recognized that all the faithful, clerical and lay, possess a lawful freedom of inquiry and of thought, and the freedom to express their minds humbly and courageously about those matters in which they enjoy competence (n.62).

In *Gravissimum Educationis* (*Declaration on Christian Education*) Vatican II again insists that ". . . individual branches of knowledge (be) studied according to their own principles and methods with due freedom of scientific investigation" (n.10).

And in his talk to the International Congress on the Theology of Vatican II—a rather dramatic break with the "Pian monolith" of old²—Paul VI, among other things, suggested a distinction and stated a relationship which is also very helpful to our purposes. Theology and the magisterium, he states, have different functions (*officia*), are endowed with different gifts. The office of bishop and the office of theologian are *distinct*, but related, functions in the Church. (Immediately, we recall the *charismata* discussed at length by St. Paul—special gifts, ministries which are to serve the whole community. cf. I Cor. 12-14).

Theologians hold a sort of midway position between the faith of the Church and the teaching office of bishops. They seek to dis-

² The term used by Karl Rahner to describe a syndrome we are all familiar with. See *Theology Digest*, Special Sesquicentennial Issue, (February, 1968) p. 6.

cover how the Christian community might translate its faith into practice, and try to grasp the truths, opinions, questions, and trends which the Holy Spirit stirs up in the People of God ("... what the Spirit says to the Churches" Rev. 2:7). Using the methods and principles proper to their field, theologians must evaluate the faith of God's people as actually lived, and their aims, in order to bring them into harmony with the Word of God and the doctrinal heritage faithfully handed down by the Church, and in order to propose resolutions to questions which arise when this faith is compared with actual life, with history and with human inquiry.

Without the help of theology, Paul VI notes, the teaching office of bishops could certainly guard and teach the *faith*; but it would have great difficulty in reaching the deep and full understanding of faith which it needs for the adequate fulfillment of its own function. The teaching office of bishops knows that it does not have the charism of revelation and inspiration, only that of the assistance of the Holy Spirit. Deprived of the efforts of theologians, the teaching office of bishops would lack one of the "tools" whereby to achieve the purpose of its existence—which is directly pastoral, not academic.³ Theology is clearly *in* and *for* the Church.⁴

Taking the suggestion from the episcopal teaching office itself, therefore, and having to the best of my ability and judgment, researched and evaluated the key terms (theologians, academe and sacred magisterium) and their inter-relationship, I submit the following thesis for discussion:

The Catholic theologian who is truly such, in the academe which is truly such, *may (in theory) and must (in practice)* enjoy the exact same "academic freedom" that is the acknowledged and guaranteed right of his fellow academicians in other fields in this country today; the student of Catholic theology who is truly such may (in theory) and must (in practice) enjoy the same "academic freedom" that is the acknowledged right of his confreres in other fields in this

³ See *The Pope Speaks*. 11 (1966) 351-352. See also R. A. MacKenzie, "The Function of Scholars in Forming the Judgment of the Church" in L. K. Shook (ed.), *Theology of Renewal*. vol. 2, New York: Herder & Herder, 1968, pp. 118-132.

⁴ See H. Kueng, *Freedom Today*. New York: Sheed & Ward, 1966, pp. 66-108.

country today; and this without use of any limitation clause allowed for in regard to a church-related academic institution. In a word, I see no cogent reason in theory why the Catholic theologian and the student of Catholic theology cannot live by the canons of "academic freedom" as developed, operative and normative in the United States today, largely as formulated by the various statements of the A.A.U.P. I see one all-embracing reason why they must live by these canons: otherwise, we are incapable of good Catholic theology and only good theology serves the Church and all mankind! I see many difficulties in practice, but none which the further development and strict observance of procedural safeguards cannot solve.⁵

Specifically, the academic freedom of which I speak is the freedom of professionally qualified persons responsibly to inquire into, discover, interpret, publish and teach the truth as they see it within the fields of their competence, and the freedom to do these things without being pressured, penalized, or otherwise molested by authorities or other persons within or without their institutions of learning;⁶ the right of students to be taught by thus unconstrained teachers and to have access to all the available data pertinent to their subjects of study at an appropriate educational level; the freedom of students to take reasoned exception to the data or views offered in any course of study, to reserve judgment about matters of opinion, without fear of prejudiced or capricious academic evaluations and with protection against improper disclosure; the right of teachers, researchers, and students to exercise responsibly the freedoms constitutionally guaranteed to all citizens of this land; and all the other specifications appearing in the continuing A.A.U.P. dossier I mentioned a moment ago.

Selected items which, randomly, are presupposed to, support, flow from, are implied by or corollary to my thesis are as follows:

⁵ See motion passed by the Catholic Theological Society membership at the 1967 convention: "The body empowers the Board of Directors of the Society to establish concrete plans for the handling of the problem of academic freedom, both on the short-term and the long-term basis" in *Proceedings* 22 (1967) 350.

⁶ See R. Hoffman, "A Note on Academic Freedom" in *Phi Delta Kappan* 44 (January, 1963) 185. I am indebted to Hoffman for much of this basic description of academic freedom.

1. There is such a thing as *Catholic* theology and the *Catholic* theologian.
2. Obviously, the problem of "professionally qualified persons" or "competent Catholic theologians" is one of the keys to the whole discussion of academic freedom and the Catholic theologian.
3. Today, some counterfeits use the name "theology" and some imposters pose as "Catholic theologians." The pretense and deception must cease.
4. The teachings of the Sacred Magisterium, in the conventionally received understanding of the term, are part of the total data which the Catholic theologian must integrate into his work. He must be aware of them, evaluate them, and give them their proper weight and place in his work. If he does not, the problem is professional qualification and competency and is duly provided for in the standard working norms accepted in the American academe.
5. The Sacred Magisterium, which serves a function different from that of theologians, can never, under any circumstances, directly enter or pre-empt the Catholic theological academe. The Sacred Magisterium as such and *per se* is simply incompetent in theology as such and *per se*. The relationship between magisterium and theology described earlier as drawn from the allocution of Paul VI, does not imply such direct entrance into or pre-emption of the theological academe.
6. *A fortiori*, an individual bishop or regional group of bishops, can never, under any circumstances, directly enter or pre-empt the Catholic theological academe. Thus, normally this academe should be canonically exempt from the *ecclesiastical jurisdiction* of all episcopal office holders.
7. Solely peer groups (other Catholic theologians) are competent to process, judge, and correct the professional competence of Catholic theologians who, at least apparently, are mal-practicing.
8. The "truth" which is the object of theological inquiry is not synonymous with the *fides* by which the theologian's intellect

is illumined to begin with—and this confusion should be eliminated at once.

9. The presently prescribed previous ecclesiastical censorship of writings should be abolished, since at best it is meaningless, and at most it is confusing, deceptive and harmful.
10. One of the greatest causes of confusion and abuse in the past and seemingly at present is the hyphenation “priest-theologian” (dual identity and confusion of roles, allegiances and obediences); the hyphenation seminary-academe (academe is only one part of ministerial formation); the hyphenation bishop-theologian (under what title is this particular man speaking or acting?). I hope that the clarification of identities and roles does not mean that no priest can be a theologian, no seminary can be a true academe, or that no theologian can be a bishop! But whatever it means, confusion and overlapping of roles has been and still is a practical problem.
11. The so-called “pastoral problem” arising from the instant communication and instant popularization characteristic of our time can be solved not by suppression or limitation of the Catholic theologian’s academic freedom but rather by a closer fidelity to the stated norms of the responsible public exercise of it.
12. The *collegium* of Catholic theologians in this country must assume at last and totally the responsibility for excellence and service that it bears, and finally come of age.
13. Establishing the desired clarification of roles and interrelatedness between the office of the theologian and the office of the bishop is the prime *desideratum* of my thesis.

Many other points, I am sure, can and will be raised in this panel and subsequent discussion.

Candidly, I am suggesting the inauguration of a new era in the Catholic theologian-academic freedom-magisterium correlation. But do not the signs of the times indicate a new era?

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