Review: Struggle, Condemnation, Vindication: John Courtney Murray's Journey toward Vatican II

by Michael Sean Winters

Distinctly Catholic

Barry Hudock has a new book out Struggle, Condemnation, Vindication: John Courtney Murray's Journey toward Vatican II. As Hudock points out in his introduction, it has been nearly forty years since the last book length treatment of the imbroglio into which Murray plunged in the years before the Council, new archival material is available, and the tale is a kind of "theological adventure story."

Before Murray began writing on the subject of Church-State relations, the accepted or "received" opinion of the Church's theologians was nearly unanimous. Hudock quotes from a 1948 article in Civiltà Cattolica that stated:

The Roman Catholic Church, convinced, through its divine prerogatives, of being the only true Church, must demand the right to freedom for herself alone, because such a right can only be possessed by truth, never by error. As to other religions, the Church will certainly never draw the sword, but she will require that by legitimate means they shall not be allowed to propagate false doctrine. Consequently, in a State where the majority of the people are Catholic, the Church will require that legal existence be denied to error, and that if religious minorities actually exist, they shall have only a de facto existence, without opportunity to spread their beliefs. If, however, actual circumstances make the complete application of this principle impossible, then the Church will require for herself all possible concessions."

This is a decent emblematic statement of the received position. The preferred arrangement, known in theological jargon as the "thesis," was legal unification of Church and State wherever Catholics were in the majority. In countries like Murray's United States, the "hypothesis" of Church-State separation could be accepted given the circumstances. The double standard was obvious to all, but trapped inside a closed theological circle, the authorities in Rome, with plenty of assistance from conservative Catholic
theologians in the U.S., simply persisted in saying the double standard was appropriate, because truth had rights that could never be extended, in principle, to error.

That same year, 1948, Murray gave a paper at the Catholic Theological Society of America meeting in which he criticized the thesis-hypothesis approach. He noted, correctly, the rights inhere in persons, not in propositions, and so the claim that error has not rights was meaningless, that if it means anything, it means that error is error; but it is hardly a principle from which to draw any conclusions with regard to the powers of the state. Murray also introduced an historical analysis of the issue, arguing that the current teaching was rooted in the experience of the Middle Ages, in which Church and State were coextensive and united, membership in the one was essential to membership in the other, and in this context, deviation from Church doctrine really was understood as a threat to the common good of society.

Prior to the Middle Ages, however, Murray discerned the roots of a different way of approaching the issue. In the fifth century, Pope Gelasius I wrote a letter to the Eastern emperor about the distinction between the temporal and spiritual powers. Two there are, august Emperor, by which the world is ruled on title of original and sovereign right? the consecrated authority of the priests and the royal power? Murray would have recourse time and again to that phrase, Two there are? and he found this dualism between the temporal and spiritual realms in other theological writings up unto the present time. Murray argued that the received opinion did not properly take account of these different realms and, in the years ahead, he elaborated his ideas, culminating in the idea that the Church could, and should, endorse the concept of religious freedom as understood in the Anglo-Saxon constitutional system.

Attacking a received opinion? made Murray enemies on both sides of the Atlantic and Hudock relishes telling the cloak-and-dagger, better to say ferriola and quill, struggle that ensued. The reader is introduced to Francis Connell and Joseph Fenton who would not only oppose Murray in theological journals, but use their extensive contacts with Roman authorities to place Murray under a cloud of suspicion. Hudock ably recapitulates Murray?s ideas as they developed, which may be the best contribution the book makes. But, despite Hudock?s comments in the introduction to the effect that this is a story both contemporary conservatives and liberals can celebrate, on nearly every page of the tale, Murray is the good guy pitted against the various bad guys. To be clear, some of Fenton?s shenanigans really strike the modern reader as underhanded, although it is clear that Murray was also pushing the less powerful levers of ecclesiastical power to which he had access as well. The author might have delved more deeply into what motivated Connell and Fenton. Was it mere competitiveness? Old-fashioned theological commitments? A generic hostility to change?

Hoduck also does a fine job of explaining the contemporary context in which this theological struggle was playing out. Catholics in America were entering the mainstream of civic life and, yet, this particular teaching of the Church raised concern among many of their compatriots. Understandably enough. Murray clearly wanted to pave the way for the full inclusion of Catholics in American political life, and to vindicate our constitutional system which, whatever its other faults, had resisted the temptation to tyranny that had so recently engulfed Europe. Even at the Vatican, astute observers like Archbishop Giovanni Batista Montini, later Pope Paul VI, recognized the transformative, and largely beneficial, nature of the modern commitment to basic human rights. But, in 1954, the same year Murray was silenced on the issue of Church-State relations by his Jesuit superiors, and told he should consider writing poetry, Montini was sent into exile from Rome and made the Archbishop of Milan, without receiving the traditional red hat that went with the appointment. Indeed, in the latter years of the pontificate of Pius XII, there were no more consistories, but one example of a curial culture that was atrophying at an alarming rate.

Tomorrow, I will conclude this review.