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# Fidelity, Conscience, and Dissent: Engaging the LCWR and Charles Curran on the Issue of Dissent in a Roman Catholic Context

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Fidelity, Conscience, and Dissent:  
Engaging the LCWR and Charles Curran on the Issue of Dissent in a Roman Catholic Context

by

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Faculty of the Department of  
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## **Fidelity, Conscience, and Dissent: Engaging the LCWR and Charles Curran on the Issue of Dissent in a Roman Catholic Context**

This thesis critically examines the cases of Vatican intervention with the Leadership Conference for Women Religious (LCWR) and Charles Curran to explore the question of whether legitimate dissent is possible as an act of conscience. The Doctrinal Assessment of the Leadership Conference for Women Religious released by the Congregation for the Doctrine of Faith, as well as the exchange between Sr. Pat Farrell, then-president of the LCWR, and Bishop Blair, the one who conducted the investigation on the LCWR, on “Fresh Air,” a radio show on National Public Radio raise questions about how the Church is to understand truth, obedience, and conscience. This event also raises questions about why this controversy occurs at this point in history.

To critically examine the differing perspectives of dissent and conscience, I analyze the case of Charles Curran, a Catholic priest and former professor at Catholic University of America, to explore how dissent might be understood to be an act of a holistic conscience – one that takes seriously the subjective/ affective elements of human experience as well as the objective pole of morality. By applying the insights of the Curran case analogously to the LCWR case, with the help of Robert K. Vischer’s articulation of the relational dimension of conscience, this thesis articulates how the Church might understand its role in being a venue for consciences to thrive while preserving its claim of authentic teaching authority.

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## **Introduction**

On April 16, 2012, the Congregation for the Doctrine of Faith (CDF) released their Doctrinal Assessment of the Leadership Conference of Women Religious in which it reported the findings of the CDF-initiated doctrinal assessment of the Leadership Conference of Women Religious (LCWR) that began in 2008. In this assessment, the CDF posits three major areas of concern: 1) “Addresses given during LCWR annual Assemblies manifest problematic statements and serious theological, even doctrinal errors,” 2) “policies of corporate dissent,” and 3) “a prevalence of certain radical feminist themes incompatible with the Catholic faith.”<sup>1</sup> As a result, the CDF has mandated a series of reviews and reforms under the guidance of Archbishop J. Peter Sartain and his assistants, Bishop Thomas Paprocki and Bishop Leonard Blair, in the hope of “a renewal of [the LCWR’s] work through a concentrated reflection on the doctrinal foundations of that work.”<sup>2</sup> Since then the LCWR has attempted to dialogue with the Vatican leadership and the appointed delegates while refusing to accept the reforms mandated thus far by the CDF’s doctrinal assessment.

While these events have occurred relatively recently and may even be argued to be of an unprecedented scale, the basic themes that rest at the foundation of these events are by no means novel. These events throw into relief foundational questions of fidelity, dissent and conscience in the Roman Catholic Church. What is fidelity? Is dissent a morally authentic form of prophetic witness? Is dissent even possible? What authority does the Magisterium carry in exercising to moral truths? What role does conscience play in fidelity and/ or dissent? It is my hope that by

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<sup>1</sup> “Doctrinal Assessment of the Leadership Conference of Women Religious.” Congregation for the Doctrine of Faith (CDF), April 16, 2012.

<sup>2</sup> “Statement of Cardinal William Levada, Prefect of the Congregation for the Doctrine of the Faith, on the Doctrinal Assessment of the LCWR.” Cardinal William Levada, April 16, 2012.

analyzing the current events involving the LCWR in light of recent developments in the realm of moral theology, specifically the case of Charles Curran, I might provide new insights into 1) why dissent is a moral issue and not just a matter of ecclesial authority and 2) when dissent functions as not just a morally viable option but also a faithful act of good conscience. I approach these questions by applying the insights from the Curran case towards the LCWR's response to the Vatican. These questions, while not new, are important to be asked in every generation as tradition in every age struggles to come to terms with the reality in which it lives. I argue that taking seriously the implications of modernity's turn to the subject requires the Church and the faithful to acknowledge the possibility of dissent as a moral act of conscience. This acknowledgement, in turn, calls for an open dialogue on the way which objective truths and subjectivity coincide within the human person's life narrative.

#### **Voices to be Considered – Curran and Sr. Pat Farrell**

The primary voices around which this thesis is centered are those of Charles Curran and Sr. Pat Farrell, OSF, the president of the LCWR. Through these two figures, I engage the question of conscience in the hope of moving beyond an over-simplification of such cases that reduces the complexity of conscience-based tensions into a contest with only one winner and one loser. By analogously applying the thoughts of Robert K. Vischer on the relational dimension of conscience, I hope to move beyond a simplistic dichotomy and think critically about conscience as being at the center of a moral relationship between the two.<sup>3</sup> Lastly, Sr. Pat Farrell's

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<sup>3</sup> Vischer, Robert. *Conscience and the Common Good: Reclaiming the Space Between Person and State*. (Cambridge University Press: New York, 2010).

presidential address to the LCWR during their annual assembly on August 10, 2012 will provide a moral framework through which the insights of Charles Curran can be applied today.<sup>4</sup>

Charles Curran is a central figure because his narrative is a similar and relatively current case of dissent in the Church today. Curran had been deemed ineligible to be a professor of Catholic theology by the Congregation for the Doctrine of the Faith in 1986, headed at the time by Cardinal Josef Ratzinger (now Pope Emeritus Benedict XVI). This culminated after years of clashing with church authorities over issues like contraception, homosexuality, divorce, abortion, and the Church hierarchy's role in moral matters. As such, Curran has distinguished himself as one of the most prominent and controversial Roman Catholic moral theologians in the United States. What is most intriguing about his story is that despite the actions taken against him, Curran remains a committed Catholic priest who continues to work for authentic reform in the same Church that censured him. His narrative, and not so much the substance of his dissent on the various moral issues, will be one of the primary foci of this thesis as it provides insight into the moral possibilities of dissent itself.

Sr. Pat Farrell, OSF, is the former-president of the LCWR who delivered her last address to the LCWR at their annual assembly in August of 2012. In her address, titled "Navigating the Shifts," she directly responds to the CDF's doctrinal assessment of the LCWR and lays out a general framework for the organization's actions moving forward. The tenets of her speech provides a framework for a contemporary moral understanding of dissent as dialogue and prophetic witness.

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<sup>4</sup> Farrell, Pat. (2012, August). "Navigating the Shifts." Presidential Address at the 2012 Assembly of the Leadership Conference of Women Religious. St. Louis, Missouri.

## Method

While a historical approach to the development of moral theology might provide a deeper understanding of the depth with which dissent has marked and shaped the Church<sup>5</sup>, I also use the case of Charles Curran's clash with the Vatican in order to provide a theological analysis on the ethics of dissent so as to shed light on the LCWR's current situation. By identifying common themes between both the LCWR and the Curran cases, I argue that a contemporary understanding of conscience requires the acknowledgment of the moral legitimacy of dissent as a dialogical praxis.

The first question to be considered is how one might move beyond the usual discussions of conscience without slipping into the oversimplified dualism of Church hierarchy versus the consciences of the faithful (i.e. reducing conscience to authority). While the two elements do need to be seriously considered, it is possible to negotiate the tension between the two without vilifying one or the other. A rethinking of conscience by reflecting on its relational dimension provides new fertile ground for fruitful discussion on the role of the Magisterium and the consciences of the faithful in terms of relationality and mutual accountability. This is an attempt to move the discussion away from simply an ecclesiological question which lends itself to hierarchical functionality and authority towards an ethical discussion of right relationship with an anthropological starting point that might transform the ecclesial makeup of a contemporary Church. While the question of hierarchical authority will be engaged, this thesis will not be a full systematic analysis of ecclesial authority as the primary focus is on dissent as an act of holistic conscience.

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<sup>5</sup> Charles Curran's book, *Catholic Moral Theology in the United States: A History*, traces the development of moral theology in the United States in the past two centuries. This includes a various array of interconnected subjects such as the Second Vatican Council and its effects on fundamental moral theology, bioethics, sexual ethics, and social ethics in the United States.



Secondly, one must consider the connotations of the terms “fidelity” and “dissent” so as to move past the polarizing connotations they carry. While “fidelity” is traditionally understood to mean loyalty to the orthodoxy of the faith tradition, “dissent” is traditionally understood to mean the public and scandalous turning away from the orthodoxy of faith tradition. However, once the questions are asked – To whom or what is one’s fidelity towards? To whom or what is one dissenting against? – then the terms come to find more nuanced meanings and the complexities of dissent and fidelity are unpacked. Ultimately, these terms can grow and develop to be more similar than they are different. By reflecting on these terms in the context of a holistic conscience, fidelity and dissent are not competing attributes but could act as catalysts for rethinking how one engages in a moral relationship with the Magisterium.

The last question to be considered is how this ethical framework for dissent might play out in reality. An analogical analysis of Charles Curran’s case with the LCWR’s case may very well provide insight into how, as Sr. Pat Farrell put it, the LCWR can “navigate the shifts” moving forward. While there will not be a perfect symmetry between Curran’s dissent and the LCWR’s clash with the Vatican (i.e.- corporate versus individual dissent), their common themes indicate the importance of conscience and its relationship with authority on the discernment of truth in a post-Vatican II world.

### **Navigating a New Way Forward**

Through carefully discerning these questions, this thesis does not hope to encapsulate all the answers possible but rather seeks to open new avenues for discussion on the ethical implication of dissent in the Church. Both the LCWR and Curran cases illustrate how instances of controversy over dissent in the Church are not problems to be solved but are opportunities for dialogue on moral issues that contain potential for new insights for the Church. In the narrowest

sense, I seek to provide a renewed sense of hope in support of the LCWR as well as a renewed sense of fidelity to the Roman Catholic Church as it continually negotiates its place in a pluralistic moral landscape. By reframing the discussion of conscience not in the terms of static and individualized functionality, but rather as a relationally binding and complex element of self-transcendence of the human person, dissent might be understood as fidelity to good conscience. Thus, the actions of the LCWR and Charles Curran can be understood as exercises of their consciences in the hopes of charitable dialogue with the bishops.

Understanding that this thesis may very well have a modest effect, if at all, on the current situation regarding the LCWR, it is my deepest intention that this inquiry into the moral dimension of dissent provides yet another perspective on this difficult question. By starting with an empirical and anthropological perspective, as much of contemporary theology has already done, it would be significant to reflect on how the Magisterium might respond more fully with the same starting point in this new century. For the Church to meaningfully address contemporary moral matters it must address the current existence of a pluralism of consciences. In this regard, an anthropological starting point that gives weight to human experiences while addressing questions of fidelity and dissent might be a gateway for new possibilities for a new millennium. It is my hope to contribute to this theological endeavor in light of current events and in service of the common good of the people of God.

### **The Road Map**

Moving forward this thesis addresses the relational approach to conscience, fidelity and dissent as dialogue, and an ethic of dissent incrementally.

Chapter one, “A Zero-Sum Game? - The LCWR and the Vatican,” addresses the movement beyond vilifying either the Magisterium or the dissenters by throwing into relief the

deeper questions that arise out of the LCWR case. Much of this controversy has played out in the media, and I will analyze two interviews done on National Public Radio (NPR) with Sr. Pat Farrell and Bishop Blair to draw out the perspectives from which the LCWR and the Vatican draw their conclusions.

Chapter two, “Curran, Dissent, and the Holistic Conscience” examines the Curran controversy to draw renewed insight into the LCWR case for the third chapter. This chapter not only focuses on how Curran came to be in conflict with the Vatican, but I also draw upon Curran’s conception of a holistic conscience where the subjective and the objective meet in the human person. Curran’s approach to conscience is important to understand the framework with which Curran justifies his dissent yet still considers himself a faithful Catholic.

Chapter three, “Responsible Dissent in a Roman Catholic Context,” applies the insights from chapters one and two in an analysis of Sr. Pat Farrell’s address to the LCWR and their actions since. By articulating the context in which dissent creates a charitable – but not necessarily painless – dialogue in good conscience between the Magisterium and the faithful, I introduce Vischer’s articulation of a relational conscience as the key to understanding a practical framework for responsible dissent. By taking seriously the implications of modernity’s turn to the subject, Vischer’s approach to conscience as an act of a person’s life narrative implicates the Church with the responsibility to dialogue with dissenters with a hermeneutic of charity and not suspicion.

In the conclusion, I note that while this is not a systematic analysis on a new theory of conscience, it is a foundation for understanding the role of dissent in a Roman Catholic context as an act of conscience. In the service of the common good, the Church and the People of God have the responsibility towards each other to dialogue with openness and charity over the

conscientious issues that affect the heart of who human persons are and what the Church as the People of God is.

## **Chapter One: A Zero-Sum Game? - The LCWR and the Vatican**

Much of the LCWR controversy has taken place through the media and its various outlets. Before theological reflection on the controversy can begin, a contextual understanding of the way in which the LCWR controversy is presented to the public provides, in itself, a good starting point for inquiry. A critical understanding how each interested party, the LCWR and the Vatican, arrived at their particular views provides a unique insight into the possibility of a new moral understanding of dissent and an opportunity for a new ecclesial framework. While it might be profitable for the media and intriguing for public scrutiny, a zero-sum game approach to the LCWR controversy wherein either the LCWR or the Vatican must “lose” in order for the other to “win” does not contribute to the mission and Spirit of the Church. However, when one understands the different starting points from which the LCWR and the Vatican perceive, interpret, and act upon the present controversy, then an opportunity for moral dialogue and ecclesial maturity presents itself in the life of the Church raising questions about theology and public debate.

### **Sr. Pat Farrell’s Response to the Vatican’s Assessment**

As stated in the introduction, the CDF indicated three major areas of concern of what it perceives to be indicative of the LCWR’s erroneous ways in need of guidance and reform: 1) theological and doctrinal errors within LCWR’s annual assemblies, 2) policies of corporate dissent, and 3) “a prevalence of certain radical feminist themes incompatible with the Catholic faith.”<sup>6</sup> Examining Sr. Pat Farrell’s responses to the CDF’s charges provides insight into the LCWR’s point of departure with the Vatican.

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<sup>6</sup> “Doctrinal Assessment of the Leadership Conference of Women Religious.” Congregation for the Doctrine of Faith (CDF), April 16, 2012, II - The Doctrinal Assessment.

*Addresses given during annual LCWR general assemblies*

Regarding the annual addresses given at LCWR general assemblies, the doctrinal assessment cites Bishop Leonard Blair's example of an instance where Sr. Laurie Brink spoke of "some Religious 'moving beyond the Church' or even beyond Jesus."<sup>7</sup> The CDF interprets this as:

[a] challenge not only to core Catholic beliefs; such a rejection of faith is also a serious source of scandal and is incompatible with religious life [...] Some might see in Sr. Brink's analysis a phenomenological snapshot of religious life today. But Pastors of the Church should also see in it a cry for help.<sup>8</sup>

By using language such as "challenge", "rejection of faith", "serious source of scandal", and "cry for help", the CDF's Doctrinal Assessment seems to frame the LCWR's actions as moving from challenge to rejection and ultimately distress.

It is important to note that in Sr. Pat Farrell's interview with Terry Gross on "Fresh Air," a program broadcast on National Public Radio, she articulates the situation very differently. In regard to the specific quote of Sr. Laurie Brink, Farrell states:

it's quoted very much out of context from the presentation that was given, and in the context the person giving that was talking about how do we deal with conflicts within the church, with differences that we have with hierarchy. [...] And so she outlined several scenarios of possible ways to respond. And one of them was, well, we could move beyond Jesus, we could move beyond the church.

However, Farrell also went on to note that Sr. Laurie Brink's "preferred approach would be that we continually seek dialogue and reconciliation with the hierarchy."<sup>9</sup>

Just by looking at the first point of concern one can already spot the differing perspectives of the LCWR and the Vatican are viewing the present situation. The Vatican

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<sup>7</sup> Doctrinal Assessment of the Leadership Conference of Women Religious, II - The Doctrinal Assessment.

<sup>8</sup> Doctrinal Assessment of the Leadership Conference of Women Religious, II - The Doctrinal Assessment.

<sup>9</sup> Farrell, Pat. "An American Nun Responds to Vatican Criticism." *Fresh Air*. Interview by Terry Gross. NPR, July 17, 2012. Web.

appears to be viewing the LCWR with a hermeneutic of suspicion while the LCWR feels that it is merely providing an analysis of a present reality while still being faithful its core doctrines.

*Policies of Corporate Dissent*

The Doctrinal Assessment of the Leadership Conference of Women Religious states:

Leadership Teams of various Congregations, among them LCWR Officers, protesting the Vatican's actions regarding the question of women's ordination and of a correct pastoral approach to ministry to homosexual persons (e.g., letters about New Ways Ministry's conferences). The terms of the letters suggest that these sisters collectively take a position not in agreement with the Church's teaching on human sexuality. It is a serious matter when these Leadership Teams are not providing effective leadership and example to their communities, but place themselves outside the Church's teaching.<sup>10</sup>

In response to this allegation, Sr. Pat Farrell claims that an important distinction to make is that "individual congregations or leadership teams may have taken certain positions; the Leadership Conference of Women Religious has not."<sup>11</sup> Farrell distances the possible culpability of the LCWR from the letters being referred to because those letters come from "Leadership Teams" and not on behalf of the LCWR as an institution. For Farrell, the actions of the Leadership Teams – protesting the Vatican – do not speak to the integrity, intent, or actions taken by the LCWR. At best, the CDF assessment was able only to link the two by interpreting the letters as mere suggestion about "these sisters" (not necessarily the whole body of the LCWR as it remains vague as to what the CDF means by "these sisters"), that they collectively take a position opposite the Church.<sup>12</sup>

Despite distancing the LCWR from possible culpability, Farrell goes on to state:

[The LCWR has] been, in good faith, raising concerns about some of the church's teaching on sexuality, human sexuality, the problem being that the teaching and interpretation of the faith can't remain static and really needs to be reformulated,

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<sup>10</sup> Doctrinal Assessment of the Leadership Conference of Women Religious, II - The Doctrinal Assessment.

<sup>11</sup> Farrell, Pat. "An American Nun Responds to Vatican Criticism."

<sup>12</sup> Doctrinal Assessment of the Leadership Conference of Women Religious, II - The Doctrinal Assessment.

rethought, in the light of the world we live in and new questions, new realities as they arise. And if those issues become points of conflict, it's because women religious stand in very close proximity to people at the margins, to people with very painful, difficult situations in their lives. That is our gift to the church.<sup>13</sup>

Again, Farrell defends the LCWR's positions as being that of an inquiry and moral conviction shared by many in the Church. This inquiry and moral conviction is rooted in the reality that "people at the margins" live in and need a presentation of faith that is "less black and white because human realities are much less black and white."<sup>14</sup> In this way, Sr. Pat Farrell is calling for an understanding of living tradition that the Vatican has yet to embrace.

### *Radical Feminism*

The last area of concern in the doctrinal assessment is

[the] prevalence of certain radical feminist themes incompatible with the Catholic faith in some of the programs and presentations sponsored by the LCWR, including theological interpretations that risk distorting faith in Jesus and his loving Father who sent his Son for the salvation of the world. Moreover, some commentaries on "patriarchy" distort the way in which Jesus has structured sacramental life in the Church; others even undermine the revealed doctrines of the Holy Trinity, the divinity of Christ, and the inspiration of Sacred Scripture.<sup>15</sup>

Related, but not necessarily explicitly linked, to this Doctrinal Assessment of the LCWR are two instances of hierarchical intervention involving two feminist theologians in the United States: Sr. Elizabeth Johnson, C.S.J. and Sr. Margaret Farley, R.S.M. In March of 2011, Sr. Elizabeth Johnson, C.S.J. had her book, *Quest for the Living God*, critiqued by the Committee on Doctrine by the United States Conference of Catholic Bishops for not being in "accord with authentic Catholic teaching on essential points"<sup>16</sup> as a result of her feminist method. In June, after the CDF Doctrinal Assessment of the LCWR was released, the CDF also released a statement that

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<sup>13</sup> Farrell, Pat. "An American Nun Responds to Vatican Criticism."

<sup>14</sup> Farrell, Pat. "An American Nun Responds to Vatican Criticism."

<sup>15</sup> Doctrinal Assessment of the Leadership Conference of Women Religious, II - The Doctrinal Assessment.

<sup>16</sup> *Statement on Quest for the Living God: Mapping Frontiers in the Theology of God*, by Sister Elizabeth A. Johnson, Conclusion.



denounced the book, *Just Love*, by Sr. Margaret Farley, R.S.M., for not being in accord with Catholic teaching as well.

In response to this criticism of the LCWR, Farrell gives her own observation that there is a “fear of women’s position in the church.”<sup>17</sup> She claims that what the CDF is referring to as “radical feminism” is really an authentic attempt by Catholic women theologians to look seriously look at “the question of how have the church’s interpretations of how we talk about God, about how we interpret Scripture, about how we organize or life in the church, how have those formulations been tainted by a culture, a religious culture, a secular culture, that minimizes the value and the place of women?”<sup>18</sup> For the CDF to call that “radical feminism” is, according to Farrell, “a polarizing way of talking about it, which sounds a little fear-based.”<sup>19</sup> Again, there exists a present tension between a grassroots approach that starts from personal experience and a top-down approach to doctrinal matters. This tension is a symptom of deeper theological differences that reflect the plurality of intra-institutional theologies within the Roman Catholic Church. These differences are manifest in the differing approaches to moral questions of decisionality as it relates to the moral agent’s individual personhood in relationship to the world around him or her. In the LCWR’s instance, the sisters seem to be concerned with re-articulating women’s place in the present world in light of developing feminist theologies. Meanwhile, the CDF is concerned with the possibility of the LCWR communicating what the CDF deems to be erroneous theology, despite the good intentions of the LCWR’s pastoral approaches, as women religious in the Roman Catholic Church.

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<sup>17</sup> Farrell, Pat. “An American Nun Responds to Vatican Criticism.”

<sup>18</sup> Farrell, Pat. “An American Nun Responds to Vatican Criticism.”

<sup>19</sup> Farrell, Pat. “An American Nun Responds to Vatican Criticism.”

## **Bishop Blair's Response and the Vatican's Point of Departure**

A week after Sr. Pat Farrell shared her thoughts about the LCWR controversy on “Fresh Air,” Bishop Leonard Blair – the one who was conducted the doctrinal assessment of the LCWR – was the guest on Terry Gross’ show and shared his perspective on the matter. It is clear the Bishop Blair’s understanding of the controversy is a manifestation of the Vatican’s position on three major questions: 1) What is truth? 2) What is obedience? And 3) What is their relationship in a human persons moral agency? This comes to light when Blair responds to Gross when asked about whether or not the assessment really indicated a spirit of conformity rather than dialogue. Bishop Blair responded by saying:

we have to give a nuance about dialogue because if by dialogue they mean that the doctrines of the church are negotiable, and that the bishops represent one position and the LCWR presents another position, and somehow we find a middle ground about basic church teaching on faith and morals, then no. [...] the fundamental faith of the Catholic Church is that there are objective truths; and there are teachings of the faith that really do come from revelation, and that are interpreted authentically through the teaching office of the church, by the guidance of the Holy Spirit; and that are expected to be believed with the obedience of faith. And those things are not negotiable.<sup>20</sup>

In this statement, Bishop Blair communicates clearly how he understands truth and obedience.

### *What is Truth?*

When Bishop Blair speaks of “objective truths” and “revelation” he indicates a deep tradition of Roman Catholic thinking found in various Church documents. For instance, in *Veritatis Splendor*, Pope John Paul II asserts:

“within Tradition, the authentic interpretation of the Lord’s law develops, with the help of the Holy Spirit. [...] Nevertheless, it can only confirm the permanent validity of Revelation and follow in the line of the interpretation given to it by the great tradition of the Church’s teaching and life, as witness by the teaching of the Fathers, the lives of the Saints, the Church’s Liturgy and the teaching of the Magisterium.”<sup>21</sup>

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<sup>20</sup> Blair, Leonard. Farrell, “Bishop Explains Vatican’s Criticism of U.S. Nuns.” *Fresh Air*. Interview by Terry Gross. NPR, July 25, 2012. Web.

<sup>21</sup> *Veritatis Splendor*, Pope John Paul II. (1993), 27.

By building upon the Second Vatican Council's works, Pope John Paul II admits that the "Lord's law develops" as human history advances and new realities come to light. However, the way in which the Lord's law develops is of importance. By preserving the line of interpretation to the Church's teaching, the witness of the Fathers, the lives of the Saints, the Church's liturgy and the teaching of the Magisterium, Pope John Paul II makes exclusive the role of developing the interpretation of the Lord's Law to the Magisterium – the teaching office of the Roman Curia and the bishops.

This understanding of how the Lord's law develops would even address the way in which the Vatican finds "radical feminism" troubling and incompatible with the Roman Catholic faith because it understands itself to be the sole valid and authentic interpreters of the Lord's law. In regards to the role of theologians, Cardinal Josef Ratzinger states:

This service to the ecclesial community brings the theologian and the Magisterium into a reciprocal relationship. [...] Theology, for its part, gains, by way of reflection, an ever deeper understanding of the Word of God found in the Scripture and handed on faithfully by the Church's living Tradition under the guidance of the Magisterium. Theology strives to clarify the teaching of Revelation with regard to reason and gives it finally an organic and systematic form.<sup>22</sup>

Thus, the Vatican takes the stance that even the overwhelming series of new theological movements (e.g. – feminist theology, liberation theology, historical-critical methodology, etc.) based upon the ever-changing realities of the faithful are subject to the interpretation of the Magisterium for authenticity. Given the Vatican's tradition of understanding the domain of truth as a received gift given to the Church by Jesus Christ, Blair considers these truths to be "non-negotiable."

#### *What is obedience?*

In her interview, Sr. Pat Farrell states her understanding of obedience:

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<sup>22</sup> *Donum Veritatis: On the Ecclesial Vocation of the Theologian*. Congregation of the Doctrine of Faith. (May 24, 1990), 21.

[listening] to what God is calling us to in the signs of our times. We listen to the voice of God in legitimate church authority, in the pain and the hopes and the aspirations of the people of our time. We listen to the voice of God in the depths of our own hearts, and in our consciences; and that all of that together is what we listen to in trying to discern, what is God really calling me to? And it's to that, that I must be obedient.<sup>23</sup>

This obedience that Sr. Pat Farrell speaks of could be understood to mean obedience to one's own conscience while also listening to "legitimate church authority." This inclusive vision of obedience does not necessarily disregard or openly reject the Vatican's authority to teach doctrine. Instead, her vision is inclusive of the imminent and personal voice of God that speaks to people in their consciences. However, Bishop Blair understands obedience much more narrowly.

In response to Sr. Pat's definition of obedience, Blair states:

it sounds very beautiful and appealing. And no one can argue that we have to be obedient to God, and that we have to follow conscience. But on the other hand, it flies in the face of 2,000 years of the notion of religious life; that obedience means obedience to lawful superiors within the community, and it certainly means the obedience of faith to what the church believes and teaches.<sup>24</sup>

This tension indicates that there is a different understanding between the Vatican and the LCWR of how the Church is fundamentally ordered. It seems that Sr. Pat Farrell's model orders the domain of truth to be interpreted and discerned somewhat equally through the elements of legitimate Church authority, personal experience, conscience, and direct interpretation of God's will. However, the Vatican's position as articulated by Blair is that "the church is a communion of faith, and it's part of our belief that it is hierarchically ordered"<sup>25</sup> with the Magisterium as having the primacy in terms of authentic authority on truth. As such, that authority must be obeyed and its teachings must be believed if one is to be considered a loyal and faithful Catholic – especially in the religious life.

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<sup>23</sup> Farrell, Pat. "An American Nun Responds to Vatican Criticism."

<sup>24</sup> Blair, Leonard. Farrell, "Bishop Explains Vatican's Criticism of U.S. Nuns."

<sup>25</sup> Blair, Leonard. Farrell, "Bishop Explains Vatican's Criticism of U.S. Nuns."

## Moving Beyond the Zero-Sum Game

In light of this framework it is easy to categorize the tension between the LCWR and the Vatican as that of inductive theology versus deductive theology, feminist versus patriarchal, liberal versus conservative, communal versus monarchical, and many other dichotomies. However, there is also another possibility when one frames the situation as an opportunity for a Church-wide examination of conscience and fidelity to truth. In the former framework, there exists a zero-sum game wherein there must be an obvious “loser” for the “winner” to be considered righteous or winning out. However, such a model runs contrary to the Church’s own teaching when it says:

Church, which the Spirit guides in way of all truth and which He unified in communion and in works of ministry, He both equips and directs with hierarchical and charismatic gifts and adorns with His fruits. By the power of the Gospel He makes the Church keep the freshness of youth. Uninterruptedly He renews it and leads it to perfect union with its Spouse. The Spirit and the Bride both say to Jesus, the Lord, ‘Come!’<sup>26</sup>

To discern that there is possibly an intra-Church loser is to deny the Church’s fundamental belief that both gifts and charisms are given to all of the Church. Thus, an appropriate way forward is to discern how the controversy itself is an intra-Church dialogue on truth, revelation, conscience and obedience - even if its own elements are currently in disagreement. By reflecting upon and respecting the starting points of both the LCWR and the Vatican, there exists the possibility of a transformative dialogue that might not only provide a moral understanding to the question of dissent, but also be an element of a new ecclesial framework.

If the discussion on the LCWR is to move beyond dichotomies, then the third question must be raised: What is the relationship between truth and obedience in a person’s moral agency? It is in this question that both Farrell and the Bishops might find a fruitful starting point to being a dialogue over conscience and its role in discerning how truth and obedience might

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<sup>26</sup> *Lumen Gentium*, 4.

direct a person's actions. While the Vatican approaches the topic of conscience as being submissive and referential to the objective truth as it is interpreted by the Magisterium, the LCWR has a more inclusive vision for the discernment over moral issues wherein the teachings of the Magisterium are brought into dialectical play with individual conscience as it is informed by human experience. The implications of the LCWR's vision might seem threatening to the Vatican because such a dialectic would inevitably result in shifts in the teaching tradition of the Church and grant greater authority to individual consciences on moral matters. However, the LCWR's vision is one that is shared by many within the Church, especially in the wake of the Second Vatican Council. While tensions and dissent are not new phenomena in the Church, they do manifest in a particular way within the LCWR case precisely because of the Church's ongoing process of discerning how to implement the Council's proclamation:

the Church has always had the duty of scrutinizing the signs of the times and of interpreting them in the light of the Gospel. Thus, in language intelligible to each generation, she can respond to the perennial questions which men ask about this present life and the life to come, and about the relationship of the one to the other. We must therefore recognize and understand the world in which we live, its explanations, its longings, and its often dramatic characteristics.<sup>27</sup>

For the LCWR, their situation arises out of the complex question that Richard Gaillardetz identifies in his book, *When the Magisterium Intervenes: The Magisterium and Theologians in Today's Church*: "How does a congregation of women religious discern the signs of the times and not disturb the status quo in society and the Church?"<sup>28</sup> The reality is that the LCWR cannot avoid disturbing the status quo and the next chapter teases out the lessons from the Charles Curran controversy to address how a contemporary reading of the signs of the times can justify dissent as a moral act of personal conscience.

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<sup>27</sup> *Gaudium et Spes*, 4.

<sup>28</sup> Gaillardetz, Richard. *When the Magisterium Intervenes: The Magisterium and Theologians in Today's Church*. (Minnesota: Liturgical Press, 2012), 69.

## **Chapter Two: Curran, Dissent, and the Holistic Conscience**

While the case of the LCWR is perhaps the latest case of public dissent and Vatican intervention, it is hardly the first case of public dissent in the history of the Catholic Church. Charles Curran's conflict with the Vatican in the 1980's provides an insightful example of what public dissent in the modern era looks like and the possible merits of it as a moral action. Again, there is a tendency is to view this issue as a conflict between the Church hierarchy and an individual Catholic, however, Curran's dialogue with then-Cardinal Ratzinger, prefect for the Congregation for the Doctrine of Faith at the time, illustrates something different – a dialogue on what exactly the relationship is between conscience, Church teaching, and fidelity.

The style and content of Curran's dissent gives a particular illustration as to what areas of doctrine he deems to be acceptable for dissent and how precisely dissent should be employed. His deference to personal conscience as the authorizing element for his dissent as well as his methodology of dissent point towards a style of dissent which is more concerned with engaging the Church in dialogue than just being a self-interested, scandal-inducing dissenter as a less critical observer might perceive.

The letters between Curran and Ratzinger reveal a dispute over the understanding of conscience, the Church's teaching authority and the context wherein one who considers himself faithful could publicly dissent from Roman Catholic teaching. Although the Church does not agree with him, I argue that Curran's insights in particular opens the possibility for a new moral framework that allows for dissent as an act of conscience in accord with core Roman Catholic teaching and its understanding of living tradition. The very fact that the Church does not recognize Curran's position and refuses to maintain active dialogue on the matter is the reason why Curran's approach is exceptionally practical for those who find themselves at unable to

assent to Magisterial teachings. In the same respect, those who assent to the Church's teaching might, in the service of ecclesial unity, adopt the Church's recommendation to dissenters: to remain open and maintain a spirit of discernment over the questions raised. Ultimately, Curran's approach to conscience and dissent is an answer to the question that arises when a faithful Christian cannot assent to the Magisterium: How can dissenters respond to a Church that either refuses, or lacks the capacity, to dialogue with them? Curran's response provides the foundation for a new framework that is drawn out in the next chapter which is developed particularly from the works of Robert Vischer in light of the documents of the Church documents, especially *Lumen Gentium*, *Veritatis Splendor* and *Donum Veritatis*.

### **Curran's Dissent**

Charles Curran was born into a Catholic family in Rochester, New York in 1934. By the age of thirteen he had discerned that he was called to be a Catholic priest. Curran studied at the North American College in Rome and took classes at the Jesuit Gregorian University, where he was schooled in theology under the likes of Bernard Häring and Josef Fuchs, SJ. He continued onto his doctoral studies and was ordained a diocesan priest.

In 1965, Curran gave a paper calling for the renewal of moral theology at the Theological Institute of the National Liturgical Conference. This paper called for a renewal in four areas of moral theology: 1) a more biblical approach centered around Jesus' teachings from the Sermon on the Mount; 2) an emphasis on liturgy as a great "source and school for Christian morality" wherein "Christians become conscious of who they are and what they are called to be in their lives;"<sup>29</sup> 3) a greater focus on how Christians should live their vocation to holiness and perfection in all aspects of their daily life, and 4) the recognition that "human nature is more

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<sup>29</sup> Curran, Charles. *Catholic Moral Theology in the United States: A History*. (Georgetown University Press: Washington, D.C., 2008), 96.



personal, more historical, and more relational than manualistic natural law theory allows.”<sup>30</sup> These four areas of renewal which Curran calls for would be the foundation for what the Vatican would later deem dissent on Curran’s part. In a series of publications, Curran argued for change in the approach to natural law and Church teaching on issues such as sterilization, divorce, masturbation, homosexuality, and justifying dissent itself from noninfallible moral teachings.<sup>31</sup> As a result, in April, 1967, the Catholic University of America decided not to renew Curran’s teaching contract because of his stances; however, a strike on behalf of Curran led by the faculty and students of CUA resulted in the trustees reinstating and promoting Curran. In 1968, Curran was the face of a statement signed by over six hundred Catholic academics that disagreed with the condemnation of artificial contraception in Pope Paul VI’s encyclical, *Humanae vitae*.<sup>32</sup> As Curran became more prolific, the Congregation for the Doctrine of Faith launched a seven-year investigation which, in July, 1986, declared Curran to be neither “considered suitable nor eligible to exercise the function of a Professor of Catholic Theology.”<sup>33</sup>

### **Letters Between Curran and Cardinal Ratzinger**

The Vatican’s disciplinary action against Curran took part in two steps: first, a letter from Cardinal Ratzinger asking Curran to retract the positions he takes in opposition to Church teachings and second, a letter which deemed Curran unsuitable to teach Catholic theology almost a year later. In the first letter, Cardinal Ratzinger both identifies the areas of Curran’s dissent and

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<sup>30</sup> Curran, Charles. *Catholic Moral Theology in the United States: A History*. (Georgetown University Press: Washington, D.C., 2008), 96.

<sup>31</sup> Curran, Charles. *Catholic Moral Theology in the United States: A History*, 97.

<sup>32</sup> Curran. *Catholic Moral Theology in the United States: A History*, 97.

<sup>33</sup> Ratzinger, Joseph. “Letter to Father Charles Curran.” Congregation for the Propagation of Faith – July 25, 1986. *Moral Theology No. 6: Dissent in the Church*. (ed. By Charles Curran and Richard McCormick, S.J.), 363.

gives a response which is indicative of the Church's stance on dissent in the Roman Catholic ecclesial context.

Cardinal Ratzinger claims:

Catholic theologians [...] do not teach on their own authority but by virtue of the mission they have received from the Church. In order to guarantee this teaching, the Church claims the freedom to maintain her own academic institutions in which her doctrine is reflected upon, taught and interpreted in complete fidelity. This freedom of the Church to teach her doctrine is in full accord with the students' corresponding right to know what that teaching is and have it properly explained to them. This freedom of the Church likewise implies the right to choose for her theological faculties those and only those professors who, in complete intellectual honesty and integrity, recognize themselves to be capable of meeting these requirements.<sup>34</sup>

Through this logic, Ratzinger establishes the framework which he believes authorizes him to discipline Curran as defending the freedom of the institution of the Roman Catholic Church to communicate authentically its identity as understood in the Vatican's teachings. It follows that if the Church maintains its freedom to teach its doctrine, then the Church also maintains its right to choose only those who can communicate the Church's teaching with "intellectual honesty and integrity." Thus, Ratzinger authorizes this disciplinary action against Curran as an exercise of institutional freedom of conscience – that is, authentically communicating the very identity of the Church in the Church's academic institutions.

Secondly, Cardinal Ratzinger identifies three areas of dissent from the Church's teachings on: 1) on the principle of the Church's teaching on contraception, 2) abortion/ euthanasia, and 3) masturbation, pre-marital intercourse and homosexual acts. After explaining briefly the Church's justification for its teachings, Ratzinger states that "all the faithful are bound to follow the Magisterium according to which these acts are intrinsically immoral."<sup>35</sup> Not only

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<sup>34</sup> Ratzinger, Joseph. "Letter to Father Charles Curran." Congregation for the Propagation of Faith – September 17, 1985. *Moral Theology No. 6: Dissent in the Church*. (ed. By Charles Curran and Richard McCormick, S.J.), 358.

<sup>35</sup> Ratzinger. "Letter to Father Charles Curran." September 17, 1985, 359.

does Ratzinger claim the authority of the “living tradition of the Church, made evident in the teaching of recent Popes, [and] the documents of the Vatican Council II,” but he binds all the “faithful” to the Magisterium’s moral teachings found in this “living tradition.”<sup>36</sup> While this letter is primarily directed towards Curran, it is also meant to be an aggregate statement to all the faithful who might wish to dissent with the Church’s teachings. Ratzinger closed his letter with an appeal for Curran to retract his positions on these teachings in order for Curran to continue teaching as a Catholic theologian – a request which Curran refused to accommodate.

Curran replied to Cardinal Ratzinger with a proposed compromise because he remained “convinced of the truthfulness of [his] positions at the present time.”<sup>37</sup> Ratzinger flatly declined this compromise and declared Curran ineligible to teach Catholic theology. In his final letter to Curran, Ratzinger addresses one last concern of his – one which Curran brought up regarding the teaching authority of the church and “responsible dissent.”<sup>38</sup> Curran had claimed that since his dissenting positions “diverge only from the ‘non-infallible’ teaching of the Church, they constitute ‘responsible’ dissent and should therefore be allowed by the Church.”<sup>39</sup> In response to this, Ratzinger claims that

one must remember the teaching of the Second Vatican Council which clearly does not confine the infallible Magisterium purely to matters of faith nor to solemn definitions. [...] Besides this, the Church does not build its life upon its infallible magisterium alone but on the teaching of its authentic, ordinary magisterium as well. [...] In any case, the faithful must accept not only the infallible magisterium. They are to give the religious submission of intellect and will to the teaching which the Supreme Pontiff or the college of bishops enuntiate on faith or morals when they exercise the authentic magisterium, even if they do not intend to proclaim it with a definitive act.<sup>40</sup>

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<sup>36</sup> Ratzinger. “Letter to Father Charles Curran.” September 17, 1985, 358.

<sup>37</sup> Ratzinger. “Letter to Father Charles Curran.” July 25, 1986, 360.

<sup>38</sup> Ratzinger. “Letter to Father Charles Curran.” July 25, 1986, 360.

<sup>39</sup> Ratzinger. “Letter to Father Charles Curran.” July 25, 1986, 361.

<sup>40</sup> Ratzinger. “Letter to Father Charles Curran.” July 25, 1986, 361-362.

The letters from Cardinal Ratzinger suggest two main areas for analysis in the Curran case on the topic of dissent: conscience and the teaching authority of the Magisterium. In Ratzinger's arguments, it is clear that he takes the traditional stance of defending the Magisterium's ultimate authority on doctrinal and moral matters – an authority that resides in both the infallible teachings of the Church and in the living Tradition of the Church as embodied by the College of Bishops. It is from this authority that Ratzinger calls for all the faithful to bind their intellect and will to the Magisterium and its teachings. However, through critically examining the relational dimension of conscience through the work of Robert Vischer and the evolution of the Church's self-understanding as seen in the documents of the Second Vatican Council, I argue in the next chapter that the relational dimension of conscience calls for an inversion of Ratzinger's framework. This argument follows that the faithful are not bound to submit their intellect and will to the narrowly defined living Tradition of the Church as understood by Ratzinger, but rather, the teaching authority of the Magisterium is called to serve and dialogue with the relationally connected consciences of the People of God as the Church continues to strive towards the perfection it will not attain until “there will come the time of the restoration of all things. At that time the human race as well as the entire world, which is intimately related to man and attains to its ends through him, will be perfectly reestablished in Christ.”<sup>41</sup> But first, it will be useful to identify Curran's position on the issues of conscience and magisterial authority as it pertains to dissent.

### **Curran's Holistic Understanding of Conscience**

In response to Cardinal Ratzinger's letter in which the CDF officially declared Curran ineligible to teach Catholic theology, Curran wrote back the following:

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<sup>41</sup> *Lumen Gentium*, 48.

I have always developed my moral theology in the light of accepted Catholic principles. My positions on the particular issues involved are always carefully nuanced and often in fundamental agreement with the existing hierarchical teaching. Yes, occasionally I have dissented from the official teaching on some aspects of specific issues, but this is within a more general and prevailing context of assent.<sup>42</sup>

By placing his act of dissent within the larger context of assent to core teaching, Curran explains his dissent as a form of authentic fidelity. Through understanding Curran's holistic approach to conscience with a "relationality-responsibility model" that "sees this call to holiness in light of the multiple relationships in which we live – with God, our neighbor, the world, and ourselves,"<sup>43</sup> we can understand how his dissent is actually an exercise of Curran's holistic conscience which remains open and disposed to the Word of God.

Curran's approach to understanding conscience as the coming together of the subject pole and the object pole of morality is comprised of four major aspects: reason, grace, emotions and intuitions.<sup>44</sup> While Curran notes that the Catholic moral tradition in both the Thomistic and manualist traditions understands the objective reality of acts to embrace the moral object, the end, and the circumstances, he also recognizes that the "affective aspects and the emotions are important parts of Christian and human existence and also play a significant role in the judgment of conscience."<sup>45</sup> These affective aspects are the four mentioned earlier and are shaped by the "community relationships [that] affect the person as subject."<sup>46</sup> This signals that while Curran acknowledges that there is an objective moral truth to be discerned with conscience, there is also the subjective element that must be seriously considered as the Church embraces modernity's

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<sup>42</sup> Curran, Charles. "Response of Charles E. Curran, August 20, 1986." *Moral Theology No. 6: Dissent in the Church*. (ed. By Charles Curran and Richard McCormick, S.J.), 365.

<sup>43</sup> Curran, Charles. "Conscience in the Light of the Catholic Moral Tradition." *Conscience: Readings in Moral Theology No. 14*. (Paulist Press: New York, 2004. Edited by Charles Curran), 14.

<sup>44</sup> Curran. "Conscience in the Light of the Catholic Moral Tradition," 14.

<sup>45</sup> Curran. "Conscience in the Light of the Catholic Moral Tradition," 14.

<sup>46</sup> Curran. "Conscience in the Light of the Catholic Moral Tradition," 14.

turn to the subject. Each of the four aspects reflects the implications of acknowledging this turn to the subject.

The first two aspects, reason and grace, are employed by conscience in at least three different ways: a discursive deductive way, a connatural way, and a discerning and prudential way.<sup>47</sup> The common factor in each of the three methods is the mediation of reason and grace. Simultaneously, as the discourse between grace and reason is mediated in the person, Curran acknowledges “the role of the Holy Spirit in guiding Christian choices. Liturgical and private prayer are ways to ask the Holy Spirit to enlighten our hearts and minds.”<sup>48</sup> Thus, spirituality has a very important part in the mediation of grace and reason as well.

The third and fourth elements of Curran’s holistic understanding of conscience are emotions and intuition. The emotions that are usually associated with human experiences are not impurities that are to be sifted out in the discernment of conscience, but rather Curran “recognizes the affective dimension and opposes any simplistic reduction of conscience only to the cognitive.”<sup>49</sup> Human aversion to visual depictions of grotesque violence, the appeal of dramatic narratives, and sentimental movements to beautiful art are all examples of affective responses of the human person to his/ her experiences which shape his/ her existence. Lastly, intuition is understood as the “dimension of the person and even a part of the mind that is unavailable to our reflect consciousness.”<sup>50</sup> Almost analogous to John Henry Cardinal Newman’s illative sense, intuition is that feeling or hunch that is often difficult to articulate or rationalize. Curran states that “intuitions can come from many different sources, including grace,

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<sup>47</sup> Curran. “Conscience in the Light of the Catholic Moral Tradition,” 16.

<sup>48</sup> Curran. “Conscience in the Light of the Catholic Moral Tradition,” 16.

<sup>49</sup> Curran. “Conscience in the Light of the Catholic Moral Tradition,” 16.

<sup>50</sup> Curran. “Conscience in the Light of the Catholic Moral Tradition,” 17.

human nature, and our affective selves.”<sup>51</sup> Nonetheless, these hunches often bear great weight in the discernment of conscience and cannot be strictly translated into cognitive terms.

With this holistic understanding of conscience, one can surmise how Curran dissents with Catholic teaching on several issues as the human dimensions of each issue are infinitely varied. The balance between the subjective and objective poles of moral discernment that Curran seeks is the ground on which Curran justifies his own dissent against the Magisterium. While he does not explicitly frame his controversy with the Vatican as such, I argue that the tension between Curran and the Magisterium is a result of the affective and subjective elements of human experience meeting the objective pole of the Magisterium’s proclaimed doctrines and tradition. Should the Church develop a holistic conscience as one Body, then the Magisterium has the relational responsibility to discern openly the affective elements of the faithful’s lived experiences and the faithful have the relational responsibility of being the agents of mediation where reason, grace, emotions and intuition are guided by the Holy Spirit in discourse with the objective pole of the Magisterium.

By seriously considering Curran’s holistic approach to conscience, the way one might understand the objective moral order shifts such that intrinsic moral values traditionally assigned to moral actions them are either brought into question or subject to greater nuance. Chapter three deals with this implication as Robert Vischer provides the key for applying Curran’s insights in a Roman Catholic context.

### **Curran on Dissent in the Church**

As far as dissent itself, Curran lists three sets of justifications for dissent and also cites three norms of licit dissent noted by the United States’ Bishops laid out in their 1968 pastoral

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<sup>51</sup> Curran. “Conscience in the Light of the Catholic Moral Tradition,” 17.

letter, *Human Life in Our Day*. It is in the context of these justifications and norms of licit dissent that Curran understands his own case of dissent as an act that remains faithful to the Roman Catholic Church and its living tradition.

The three sets of reasons for justifying dissent that Curran describes are historical reasons, ecclesiological reasons, and reasons from moral theology. The historical reasons pertain to the Second Vatican Council's teaching on the "religious *obsequium* of intellect and will, which is owed to authoritative noninfallible teaching."<sup>52</sup> On this matter, Curran states that *obsequium* was originally limited to describing the response to definitive Church teaching of revelation, but has been expanded to issues that are not definitive nor based on revelation.<sup>53</sup> Thus, *obsequium* is meant to be understood as granting a presumption in favor of the Church's teaching and calling for an honest attempt to assent to the proposed teaching. However, should the honest attempt result in the inability of the individual to assent, then Curran argues for the possible legitimacy of dissent from noninfallible teaching.

Secondly, the ecclesiological reasons for justifying dissent rests mainly in the "recognition that the teaching function of the Church is broader than the hierarchical teaching function. The primary teacher in the Church is the Holy Spirit."<sup>54</sup> This ecclesiological reason points to the notion of the *sensum fidelium* in Catholic theology. Curran argues that an "ecclesiology of communion now recognizes the important role of reception of Church teaching by the whole Church. Such communion ecclesiology sees a two-way street between the hierarchical teaching office and all the people of God."<sup>55</sup>

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<sup>52</sup> Curran, *Catholic Moral Theology in the United States*, 112.

<sup>53</sup> Curran, *Catholic Moral Theology in the United States*, 114.

<sup>54</sup> Curran, *Catholic Moral Theology in the United States*, 115.

<sup>55</sup> Curran, *Catholic Moral Theology in the United States*, 115.



Lastly, Curran appeals to the very nature of moral theology to justify the possibility of dissent. He states that in moral theology, “the greater the specificity and complexity, the less certitude one can have about a specific norm. [...] Conflict situations, by their very nature, are very complex, and it is hard to imagine that one proposed solution can claim absolute certitude.”<sup>56</sup> Therefore, as moral issues become more complex and specific, Curran argues that a blanket approach to all doctrinal and moral matters becomes less legitimate. This is because in Catholic moral theology there is a notion of an “intrinsic morality – something is commanded because it is good. The will of the legislator or teacher does not make something good. Rather the teacher or legislator has to conform to the good as discovered through human reason.”<sup>57</sup> Through the holistic model of conscience and the incorporation of its affective aspects, Curran believes that one can dissent from noninfallible teachings if one discovers “the good” in a specific situation outside the bounds of a blanket moral teaching of the Church.

In regards to public dissent, Curran cited the letter from the U.S. Bishops in 1968 that explicitly stated:

the expression of theological dissent from the magisterium is in order only if the reasons are serious and well-founded, if the manner of the dissent does not question or impugn the teaching authority of the Church and is such as not to give scandal.<sup>58</sup>

It is Curran’s belief that his public dissent in response to the encyclical, *Humanae Vitae*, fits that description aptly. Should these conditions given by the US Bishops be met, Curran lists the many forms of public dissent an individual theologian can take: writing in a theological journal, publications, being quoted in the media, etc. Organized public dissent involving groups of theologians, such as the case of Curran’s letter which garnered over six-hundred signatures, is also a valid form of dissent according to Curran.

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<sup>56</sup> Curran, *Catholic Moral Theology in the United States*, 116.

<sup>57</sup> Curran, *Catholic Moral Theology in the United States*, 116.

<sup>58</sup> United States Bishops Conference. *Human Life in Our Day*. November 15, 1968, 51.

## **Conclusion**

By looking at the Curran case and understanding the theological foundations with which Curran understands conscience and dissent, one can see how Curran views dissent as a positive force in the Church and a valid exercise of a holistic conscience. While he understands the Vatican's formal denunciation of his specific case of dissent, Curran argues that his dissent is theologically grounded in the living tradition of the Church, especially in the Church's acceptance of modernity's turn to the subject. He believes that if the Church is to take the subjective approach to theological anthropology, then it must move away from a strictly objective approach to moral theology and take into account the affective aspects of the subjective pole. Nevertheless, should the Church not make that move, Curran asserts the legitimacy of dissent for those who cannot honestly and authentically assent to noninfallible Church teachings. It is precisely these insights that can shed light unto today's current tension between the LCWR and the Vatican so as to not repeat the painful circumstances of Curran's case, but rather bring the Church into a more full communion with respect for the subjective pole of the faithful's consciences.

### **Chapter Three: Responsible Dissent in a Roman Catholic Context**

In the first chapter, I explored the issues being raised by the current controversy between the LCWR and the Vatican. A look at the current dispute raised questions about how to approach a conflict between the hierarchy of the Church and its members. Too often these situations are viewed with a binary lens with a clear person who is right and another who is wrong. However, I called for a new understanding that moves past that and reaches for a more constructive approach to the issue of dissent.

In the second chapter, I deconstructed the case of Charles Curran, a Catholic priest who was deemed unfit by the Vatican to teach Catholic theology because of his dissenting views of several moral issues. Curran, however, refuses to stop teaching theology: he teaches at a Methodist university, but still considers himself to be a faithful Catholic. He believes that his dissent is justified and will one day be redeemed as an act which improved the Church's understanding of moral theology.

By bringing the insights from the Curran case into the present issue with the LCWR, a renewed understanding of dissent can be developed which assists not just the LCWR as dissenters, but also helps the Church as it strives to overcome the tension between defending its doctrinal integrity and maintaining a sense of communion with those on the margins of the Church's moral scope. The key to such a synthesis is the relational dimension of conscience as articulated by Robert Vischer in his book, *Conscience and the Common Good*. Understood in the context of a post-Vatican II ecclesiology, Vischer's work sheds new light on how understanding the relational dimension of conscience can allow for a plurality of consciences without falling into the pitfalls of a zero-sum game which determines one conscience to be correct and the other invalid.

### **Common Themes: The LCWR and Curran**

Before addressing Vischer's approach to conscience, it is worth noting the common themes between the LCWR case and Curran's case. Given the analyses of the previous two chapters, there are five common elements between the LCWR and Curran cases: 1) the dispute occurs over divergent perspectives on the moral landscape as a result of differing approaches to deep theological questions, 2) the dissenting parties appeal to the weight of human experience, 3) rather than rupture their relationship with the hierarchical Church, the dissenting parties consider themselves faithful Catholics, and 4) as faithful Catholics, the dissenting parties call for an open dialogue with the hopes of a renewed understanding of the disputed moral issue(s).

#### *Morality on the Margins*

The first commonality between the LCWR and the Curran cases deal with the nature of dissent. Both the LCWR and Curran understand their conflicts as being clashes over differences with the hierarchical Church over systematic understanding of Catholic teaching that manifests itself in instances of moral crises. Often times these crises are unique cases outside of the norm of Catholic doctrinal teachings. For instance, Farrell's statement that "women religious stand in very close proximity to people at the margins, to people with very painful, difficult situations in their lives"<sup>59</sup> as the justification for the LCWR calling for "the teaching and interpretation of the faith [...] to be reformulated, rethought, in the light of the world we live in and new questions, new realities as they arise"<sup>60</sup> is an indicator of the weight with which the LCWR measures the element of human experience in moral decision-making. Their dispute does not seem to be an attempt to completely deconstruct dogmatic claims which remain at the core of Catholic teaching, but rather the LCWR finds room for renewed understanding of deep theological

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<sup>59</sup> Farrell, Pat. "An American Nun Responds to Vatican Criticism."

<sup>60</sup> Farrell. "An American Nun Responds to Vatican Criticism."

questions in light of contemporary human experience. This attempt at renewal places the LCWR at odds with the Vatican over how to approach the moral dilemmas that the faithful often find themselves in. While the hierarchical Church tends to lean towards a deontological method of moral decision-making,<sup>61</sup> the LCWR and Curran tend towards a responsibility model wherein “[m]oral persons are seen as ones who are acted upon and then must respond in accordance with their interpretation of what is happening to them. In this model, the right thing to do is properly harmonious with the full relational context.”<sup>62</sup>

Given this understanding of the conflict, Curran articulates what he calls a “relationality-responsibility model” that approaches the “call to holiness in light of the multiple relationships in which we live – with god, our neighbor, the world, and ourselves.”<sup>63</sup> By explicitly linking the role of relationships in a moral agent’s life with his/ her responsibility as a moral agent, a connection between a moral agent’s circumstances with his/ her moral responsibility in any given situation is more clearly demarcated in the relationality-responsibility model than the deontological approach of the Roman Catholic Church to moral matters. This becomes especially explicit in instances of developing moral ambiguities such as homosexuality and contraception as the sciences continue to gather ever-more current anthropological data. As such, both Curran and the LCWR are both pushing the Roman Catholic Church to acknowledge the individual uniqueness of varied moral crises which opens up the possibility for varied moral responses to these situations.

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<sup>61</sup> Gula, Richard. *Reason Informed by Faith: Foundations of Catholic Morality*. (Paulist Press: New Jersey. 1989), 21.

<sup>62</sup> Gula. *Reason Informed by Faith: Foundations of Catholic Morality*, 21.

<sup>63</sup> Curran. “Conscience in the Light of the Catholic Moral Tradition”, 14.

### *The Affective Element of Conscience*

Both Curran and the LCWR believe themselves to agree on the foundational dogmatic truths upon which the Roman Catholic Church is founded upon, and they view their dispute as not being over what is understood to be the objective good, but rather the disagreement is over the subjective pole (to use Curran's terms) which functions as the differing variable in moral assessments. Curran discussed this dimension of the holistic conscience as he emphasized emotions and intuition as being as important to the discerning conscience as reason and grace. In the same manner, the LCWR claims a unique insight into moral matters because of the women religious' "close proximity to people at the margins, to people with very painful, difficult situations in their lives."<sup>64</sup> Sr. Pat Farrell does not deem this to be coincidental, but rather, she claims that this unique proximity to these people is the women religious' "gift to the church."<sup>65</sup> By particularly highlight the "painful, difficult" elements of the marginalized peoples' situations, she especially appeals to what Curran calls the affective elements of a holistic conscience.

It is important to note that both the LCWR's proximity to those on the margins and Curran's articulation of a holistic conscience are placed within a larger historical and theological context in the Catholic Church. The Vatican II document, *Gaudium et Spes*, calls for the Church to read the signs of the times and "recognize and understand the world in which we live, its explanations, its longings, and its often dramatic characteristics."<sup>66</sup> This call from the Second Vatican Council, combined with the Church's breadth of Catholic Social Teaching and Pope Paul VI's decree, *Perfectae Caritatis*, calling for the adaptation and renewal of religious life, has

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<sup>64</sup> Farrell, Pat. "An American Nun Responds to Vatican Criticism."

<sup>65</sup> Farrell, Pat. "An American Nun Responds to Vatican Criticism."

<sup>66</sup> *Gaudium et Spes*, 4.

led the LCWR to understand their mission to be present among, and view with charity, the marginalized wherever they may be. Pope Paul VI stated:

Institutes should see to it that their members have a proper understanding of people, of the contemporary situation and of the needs of the church, this to the end that, evaluating the contemporary world wisely in the light of faith, and fired with apostolic zeal, they may be more helpful to people.<sup>67</sup>

Since the Second Vatican Council, the hierarchy and several intra-Church faithful have found themselves at odds over what this call to read the signs of the times means for moral praxis and ecclesial authority.

### *Dissent as Fidelity*

What is interesting about both the LCWR and Curran cases is that while the Church has very strictly criticized the perspectives and approaches which constitute the dissenting parties' self-understanding, the dissenters still claim to be loyal Catholics carrying out their Christian calling. The fact that Sr. Pat Farrell indicates her dissent as a form of obedience to both "the voice of God in legitimate church authority" as well as obedience to "the voice of God in the depths of our own hearts, and in our consciences"<sup>68</sup> signals that this perceived dissent is actually a form of fidelity. This echoes Curran's understanding of his own dissent as being "within a more general and prevailing context of assent."<sup>69</sup> It is important to note that neither dissenting party is seeking to appeal to an authority *around* the hierarchical Church but rather they are appealing to a higher authority both *within* and *through* the Church.

Placing this understanding of dissent as fidelity in context is important because Pope John Paul II states:

*Dissent, in the form of carefully orchestrated protests and polemics carried on in the media, is opposed to ecclesial communion and to a correct understanding of the*

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<sup>67</sup> *Perfectae Caritatis*, 2.

<sup>68</sup> Farrell, Pat. "An American Nun Responds to Vatican Criticism."

<sup>69</sup> Curran. "Response of Charles E. Curran, August 20, 1986", 365.

*hierarchical constitution of the People of God.* Opposition to the teaching of the Church's Pastors cannot be seen as a legitimate expression either of Christian freedom or of the diversity of the Spirit's gifts. When this happens, the Church's Pastors have the duty to act in conformity with their apostolic mission, insisting that *the right of the faithful* to receive Catholic doctrine in its purity and integrity must always be respected.<sup>70</sup>

This means that there remains a fundamental difference in the ecclesial understanding between the Vatican and the dissenters that needs to be reconciled. The Vatican illustrates dissent to be disruptive to the ecclesial communion of the Church while the dissenters view their actions as necessary for the renewal and strengthening of ecclesial subsidiarity and solidarity within the Church. Thus, the dissenters call for a venue for dialogue.

### *Call for Dialogue*

Both cases of Curran and the LCWR indicate that since they are appealing to fidelity towards a higher authority, God, both within and through the Church, then the ultimate goal is to renew or reform the Church while keeping intact the foundational dogmas it is founded upon. Both the LCWR and Curran have called for an ecclesial apparatus for dissenters to attempt such a transformation through open and honest dialogue. Curran specifically cited "the need for just structures to deal with the inevitable tensions that from time to time will exist between theologians and pastors"<sup>71</sup> and his message is echoed almost three decades later as Sr. Pat Farrell proclaims that the LCWR's "preferred approach would be that we continually seek dialogue and reconciliation with the hierarchy."<sup>72</sup> However, it seems that in both cases the attempt at dialogue is always preempted with an air of suspicion as it only occurs as a result of an "investigation" from the Congregation for the Doctrine of the Faith. Such circumstances inhibit such an open and honest level of communication due to the power differential in the hierarchical relationship as well as the hermeneutic of suspicion with which the hierarchy begins any dialogue on such

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<sup>70</sup> *Veritatis Splendor*, 113. Original emphasis.

<sup>71</sup> Curran, Charles. "Response of Charles E. Curran, August 20, 1986", 369.

<sup>72</sup> Farrell, Pat. "An American Nun Responds to Vatican Criticism."



matters. The Church's position is not surprising given Pope John Paul II's statement on dissent quoted above. In its hierarchy of priorities, the Church takes the stance that the "right of the people to receive Catholic doctrine in its purity and integrity" trumps any claim of legitimate dissent as an expression either of Christian freedom or diversity of the Spirit's gifts.<sup>73</sup> The Church understands this responsibility to be its primary concern as stated in *Lumen Gentium*:

And this infallibility with which the Divine Redeemer willed His Church to be endowed in defining doctrine of faith and morals, extends as far as the deposit of Revelation extends, which must be religiously guarded and faithfully expounded. [...]To these definitions the assent of the Church can never be wanting, on account of the activity of that same Holy Spirit, by which the whole flock of Christ is preserved and progresses in unity of faith [...]The Roman Pontiff and the bishops, in view of their office and the importance of the matter, by fitting means diligently strive to inquire properly into that revelation and to give apt expression to its contents; but a new public revelation they do not accept as pertaining to the divine deposit of faith.<sup>74</sup>

According to the Church, the Magisterium still bears the responsibility to properly inquire into revelation and "give apt expression to its contents," but it does not allow for new public revelation to be accepted as the divine deposit of faith since the Church has already received the fullness of God's revelation. Thus, even the diversity of the Spirit's gifts cannot provide *new* revelation but only contribute to giving "apt expression" to the revelation the Church has already received. This distinction excludes the possibility of dissent that, from the Church's perspective, ruptures or refutes revelation as interpreted by the Magisterium, the guardian of revelation by Christ's will.

Given the four common elements, the two prevailing themes of these elements are: 1) the relationship of truth and subjectivity in a moral agent's conscience and 2) the role of the Magisterium in mediating and engaging the plurality of consciences as the teaching office of a

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<sup>73</sup> *Veritatis Splendor*, 113.

<sup>74</sup> *Lumen Gentium*, 25.

pilgrim Church. It is within the context of these two themes that Vischer provides profound insight.

### **The Relational Dimension of Conscience**

Robert Vischer – the Dean of the University of St. Thomas School of Law in Minneapolis who explores the intersection of law, religion, and public policy – attempts to dissect the legal understandings of conscience in the United States and their practical implications. In his analysis, he is careful to avoid an over-individualization of conscience as well as a radically communitarian approach to conscience which conflates uniformity with community. Vischer intimately links conscience with a person’s very being by stating that a “fully integrated life is not possible unless the dictates of conscience are reflected in action.”<sup>75</sup> As such, conscience is understood to be the mode through which a person’s very being is expressed and actualized in a self-transcending action. However, it is not merely an individualized expression since “conscience *embodies* our social nature [...] Because conscience is rooted in sources external to the person, the dictates of conscience call the person outside of herself even while providing a moral center for her own deeply personal values and priorities.”<sup>76</sup> Therefore, for the hierarchical Church to demand full assent of its members and require dissenters to conform blindly to Catholic teaching, the Church is not just requesting obedience but rather demanding a denial of a person’s integral development in the exercise conscience. It also elevates a person’s relationship with a hierarchical order above what might be more proximate relationships central to the person’s very existence (sibling, lover, parent, etc.) and even the person’s direct relationship with God.

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<sup>75</sup> Vischer, Robert. *Conscience and the Common Good*. (Cambridge University Press: New York, 2010), 67.

<sup>76</sup> Vischer. *Conscience and the Common Good*, 71. Original emphasis.

Another important aspect of Vischer's understanding of conscience is that it is not a static and internally isolated moral compass that solely dictates objective moral truths. Vischer argues that conscience "is a never-ending dialogue with the will, and conscience's dictates are in play before, during, and after the moment of choice."<sup>77</sup> This organic understanding of conscience is important for understanding Curran's contention that the convergence of the subjective and objective poles within conscience can result in different moral responses. Out of this organic model of conscience, and building off of Stanley Hauerwas' portrayal of "moral truth as a story to live out," Vischer claims that "we cannot separate our moral convictions from who we are, and we cannot separate who we are from our story."<sup>78</sup> However, if one's moral life is played out as a narrative, then one must acknowledge that one's moral life is intrinsically relational because "life narratives, no matter how unique, rarely unfold in isolation."<sup>79</sup> Therefore, as the Catholic comes to actualize his or her life narrative as a Roman Catholic, then he or she cannot deny the relational impact that the Church has had on his or her conscience. Consequently, this self-transcendence requires a dialogical relationship between the Church and the Catholic that grows in the process of discerning moral truths and ethical decision-making. This dialogue inevitably makes dissent an essential part of that organic relationship as the dictates of one's conscience enters a constant state of play during the development of one's life narrative.

While the Church acknowledges the judgment of conscience to be an "interior dialogue of man with himself," it also states that it is also a "dialogue of man with God" about what the objective moral obligation is in a particular instance.<sup>80</sup> In regards to this dialogical discernment, Pope John Paul II states that "in the case of the correct conscience, it is a question of the

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<sup>77</sup> Vischer. *Conscience and the Common Good*, 72.

<sup>78</sup> Vischer. *Conscience and the Common Good*, 83.

<sup>79</sup> Vischer. *Conscience and the Common Good*, 84.

<sup>80</sup> Pope John Paul II, *Veritatis Splendor*. August 6, 1993, II.

*objective truth* received by man; in the case of the erroneous conscience, it is a question of what man, mistakenly, *subjectively* considers to be true.”<sup>81</sup> Obviously, the Church places great weight upon the moral objectivity of a given act. However, how does one determine what that moral objectivity is? Pope John Paul II claims that “Christians have a great help for the formation of conscience *in the Church and her Magisterium*.”<sup>82</sup> He claims that the “authority of the Church [to teach the truth by the will of Christ], when she pronounces on moral questions, in no way undermines the freedom of conscience of Christians” because freedom of conscience is “always and only freedom ‘in’ the truth.”<sup>83</sup> By claiming the Church to be the teacher of the truth and defining the parameters for the freedom of conscience as residing only within the truth, Pope John Paul II creates a *de facto* model wherein to form properly one’s conscience in freedom, then the Christian must do so in and through the Church. In this manner, Pope John Paul II claims that the “Church puts herself always and only at the *service of conscience*, helping it to avoid being tossed to and fro by every wind of doctrine proposed by human deceit.”<sup>84</sup>

However, the problem with this absolutist argument arises when one seriously considers the Church’s self-understanding in *Lumen Gentium* when the Council affirms the Church’s pilgrim status which “will attain its full perfection only in the glory of heaven.”<sup>85</sup> Therefore, as a pilgrim Church, the Magisterium cannot uphold with certitude a completely static moral order that “transcends all particular narratives,”<sup>86</sup> as Vischer would put it. In light of its perpetual imperfection, the Church would do well to heed Vischer’s call to “acknowledge the diversity of

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<sup>81</sup> *Veritatis Splendor*, 63. Original emphasis.

<sup>82</sup> *Veritatis Splendor*, 64. Original emphasis.

<sup>83</sup> *Veritatis Splendor*, 64.

<sup>84</sup> *Veritatis Splendor*, 64. Original emphasis.

<sup>85</sup> *Lumen Gentium*, 48.

<sup>86</sup> Vischer. *Conscience and the Common Good*, 84.

moral truths without precluding the very possibility that moral truth can be discerned”<sup>87</sup> and not merely “received” as Pope John Paul II claims it to be.

The narrative of the pilgrim Church’s eschatological journey inevitably interacts and dialogues with the individual narratives of the people of God so intimately that Vischer can claim “the process of discernment is necessarily a context-specific one.”<sup>88</sup> This validates Curran’s holistic approach to conscience which does not undermine the objective pole of moral truth but takes into serious consideration the affective/ subjective pole of human experience as it unfolds in a person’s life narrative. This also validates the LCWR’s understanding of its unique position on the margins with people experiencing painful, difficult situations as its gift to the Church because it brings to light the unacknowledged narratives of Christians who have been living in the periphery of objective morality. In this light, dissent is not an immoral or unfaithful objection to a static moral truth, but it is a conscientious act of a discerning Christian hoping to dialogue with a pilgrim Church as it continues to strive towards perfection. The question remains then: if the Church is not to dictate “correct consciences” based solely on objective moral truths, then how can the Church be at the service of conscience?

### **The Church’s Role in the Service of Conscience**

In Vischer’s legal analysis, he claims that the best role the state can take on in order to allow for what he calls a “moral marketplace” to thrive for the common good is four-fold: 1) “state actors must appreciate that the human person is inherently social,” 2) “in light of the ‘bottom up’ nature of moral discourse underlying the common good, the state must permit individuals and the groups to which they belong broad discretion to pursue moral identities that are not favored by the majority or contemplated by the premises of liberalism. The marketplace

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<sup>87</sup> Vischer, *Conscience and the Common Good*, 87.

<sup>88</sup> Vischer, *Conscience and the Common Good*, 87.

of moral claims is essential to the common good,” 3) the state’s commitment to equality need not preclude the partiality that invariably arises in meaningful human relationships [...] the state should focus its equality initiatives on ensuring access to goods and services,” and 4) “embracing moral pluralism does not preclude the building of social consensus on issues of common importance.”<sup>89</sup> This model of state intervention can analogously inform the way in which the Church might understand its role in serving the consciences of the faithful.

There are, indeed, some limitations on applying Vischer’s approach of creating a moral marketplace onto the Church. First, Vischer’s state-as-market-actor approach relies on a presumption “about the dynamic and chronically incomplete character of understanding and the value of intellectual contest and innovation.”<sup>90</sup> For the Church to claim a “chronically incomplete character of understanding” would be counter to its conviction that it contains the fullness of the deposit of revelation. Taken to an extreme, this presumption compromises the moral authority of the Church as an institution the objective nature of the moral order becomes unreliable for discernment. Secondly, transposing Vischer’s model for the state onto the Church is problematized when Vischer claims the following about the state:

this intermediate space [between the individual and the state] is where the moral marketplace does its work, and much of that work is aimed at constructing bulwarks against the encroachments of the state. That this work may not result in a broader discernment of truth is immaterial because the state’s elevation of a single contested conception of individual autonomy also has little relation to truth.<sup>91</sup>

By describing the moral marketplace’s lack of a broader discernment of truth as immaterial not only runs contrary to the Church’s service of conscience but also defeats the purpose of the dissenters’ call for dialogue. An ecclesial moral marketplace does call for a broader discernment of truth so that the Church might more aptly express the revelation it has received according to

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<sup>89</sup> Vischer, *Conscience and the Common Good*, 120-121.

<sup>90</sup> Vischer, *Conscience and the Common Good*, 170.

<sup>91</sup> Vischer, *Conscience and the Common Good*, 169.

the signs of the times. Regulating these weaknesses of transposing Vischer's state-as-market-actor approach would mean making the primary goal of the Church/state analogy the goal Vischer states in his engagement on conscience and associations:

The association must be ensured access to the public forum on an equal basis with other speakers; the dissenting individual must be assured that the access is not exclusive to any particular association; and the *state must be permitted to identify and maintain the crucial distinction between access and promotion.*"<sup>92</sup>

By maintaining the distinction between access and promotion, the Church gives the flexibility for dissenters, and associations like the LCWR, to have access to formal discourse without necessarily promoting their views as official doctrinal teaching. This allows for the Church to still claim its teaching authority while creating the space for dissenters to dialogue in a moral marketplace and maintaining the ecclesial unity Pope John Paul II deemed in jeopardy with the presence of dissent.

While understanding that the Magisterium has a special interest in preserving the authentic teaching of the faith, it also bears the responsibility of serving authentically the holistic consciences of the people of God. Acknowledging both the relational dimension of conscience and the validity of the subjective pole in conscience formation would accomplish the first two elements respectively. In regards to the third aspect, engaging in dialogue with dissenters does not preclude the Church from exercising its teaching authority but prudential restraint on the part of the Magisterium would accomplish much towards ensuring an environment of open and honest dialogue. Giving theologians the space of academic freedom, as Curran encouraged, would help to accomplish this goal of guiding a fruitful discussion without being overly repressive of progressive thought. Lastly, acknowledging that the relational dimension of conscience does not reduce the judgment of conscience to "moral relativism" as the Church has

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<sup>92</sup> Vischer, *Conscience and the Common Good*, 152. Emphasis added.

long feared is the first step towards a communitarian approach to conscience mediation between the Church and the faithful.

Taking the step beyond fear of “moral relativism” is one which the Church has yet to take. The combination of consolidating authentic interpretation with the Magisterium alone and the strictly deontological approach to the development of conscience does not allow for, and is in denial of, the current reality of Catholics in the present time. While a manualistic approach may have served the faithful during the classical era, it does little to serve the consciences of those whose life narratives are also being shaped by developments in anthropological understandings of the post-modern era. Thus, an acknowledgment of a “moral marketplace” in a Roman Catholic context might best be understood as taking seriously the notion of *sensus fidelium* wherein the Holy Spirit is believed to distribute “his gifts to everyone according as He wills, He distributes special graces among the faithful of every rank. By these gifts He makes them fit and ready to undertake the various tasks and offices which contribute toward the renewal and building up of the Church.”<sup>93</sup> By sustaining an arena for open dialogue, the Church allows for the gifts allotted to all the faithful to be expressed as the testimony of their life narratives while bearing the fruit of a moral marketplace. Vischer claims that “the moral marketplace serves a ‘checking’ function on state efforts to instill conformity in matters governed by contested moral norms.”<sup>94</sup> Thus, an ecclesial apparatus that allows for dissent and academic freedom would be this “checking function” within the hierarchical Church and a venue for a dialogical convergence of a plurality of consciences among the people of God.

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<sup>93</sup> *Lumen Gentium*, 12.

<sup>94</sup> Vischer, *Conscience and the Common Good*, 114.



## **A Moral Framework for Dissent in the Roman Catholic Church**

Vischer's ultimate claim is that respect for the relational dimension of conscience and a thriving moral marketplace are necessary for the "common good." In order to understand how dissent as an act of conscience can contribute to this good, it is important to clarify how the "common good" is understood in the Roman Catholic ecclesial context. Pope John Paul II clearly addresses what the Church understands to be the common good when he states "to ask about the good, in fact, ultimately means to turn towards God, the fullness of goodness [...] God, who alone is goodness, fullness of life, the final end of human activity, and perfect happiness."<sup>95</sup> In light of this definition, the question becomes: How can dissent be a catalyst for turning towards God?

The Congregation for the Doctrine of the Faith makes its position very clear in its letter on the ecclesial vocation of theologians, *Donum Veritatis*, that dissent is a problem and cannot be justified by an appeal to conscience because "setting up a supreme magisterium of conscience in opposition to the magisterium of the Church means adopting a principle of free examination incompatible with the economy of Revelation and its transmission in the Church."<sup>96</sup> The problem with this articulation is two-fold. First, it disregards the relational dimension of conscience by making the theologian's relationship with the Magisterium the supreme relationship with primacy over more proximate relationships to the person. Secondly, it misunderstands dissent as being in opposition to the Church while a holistic conscience and communitarian approach to conscience sees this form of dissent as a dialogue with the Church.

In regards to doctrinal teachings, the CDF states that should a theologian not find himself or herself able, after an honest and sincere attempt, to assent to a certain doctrinal teaching, then

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<sup>95</sup> *Veritatis Splendor*, 9.

<sup>96</sup> *Donum Veritatis*, 38.

“the theologian has the duty to make known to the Magisterial authorities the problems raised by the teaching in itself, in the arguments proposed to justify it, or even in the manner in which it is presented. He [or she] should do this in an evangelical spirit and with a profound desire to resolve the difficulties.”<sup>97</sup> However, the theologian “should avoid turning to the ‘mass media’” and “nevertheless has the duty to remain open to a deeper examination of the question.”<sup>98</sup> This is precisely the spirit with which Curran and the LCWR appeal towards in legitimizing their dissenting actions. However, the problem arises when the magisterial authorities either enter the dialogue with a hermeneutic of suspicion or effectively limit the dialogue to a monologue wherein the magisterial authority does not recognize its own duty to “remain open to a deeper examination of the question.” In such an instance, the Curran case has given the theological insights to dissent responsibly and the LCWR has actually provided a legitimate framework that embodies lessons from the Curran case in Sr. Pat Farrell’s presidential address, “Navigating the Shifts.”

The Curran case not only provides the theological foundation for Sr. Pat Farrell’s address, but also provides key conditions for legitimate dissent. With Curran’s understanding of conscience understood to be “far from positing relativism or subjectivism, this approach affirms a radical identity between authentic subjectivity and objectivity.”<sup>99</sup> This communicates the self-transcendence of conscience as articulated by Vischer. Therefore, for dissent to be legitimately understood as a valid act of conscience, it must be a faithful call for dialogue over non-infallible teaching that strikes at the core of one’s personhood, namely freedom as fully expressed in that person’s intersubjective life narrative. Should that dialogue not take place, Curran justifies public

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<sup>97</sup> *Donum Veritatis*, 30.

<sup>98</sup> *Donum Veritatis*, 30-31.

<sup>99</sup> Curran. “Conscience in the Light of the Catholic Moral Tradition”, 19.

dissent as not just as a moral option, but as a duty of conscience for the greater good of the Church.

In her address, Sr. Pat Farrell lists six ways with which the LCWR might navigate the present times: contemplation, with a prophetic voice, in solidarity with the marginalized, in community, non-violently and with joyful hope. I argue that these six strategies compose an effective and moral framework for authentic dissent in the Church today.

### *Contemplation*

Sr. Pat Farrell asks: “How else can we go forward except from a place of deep prayer? Our vocations, our lives, begin and end in the desire for God. We have a lifetime of being lured into union with divine Mystery. That Presence is our truest home.”<sup>100</sup> This sincere contemplation acknowledges and ensures the guidance of the Spirit and the authentic strife for the common good that is a turning towards God who is the fullness of all goodness.

### *With a Prophetic Voice*

Farrell states that the call of Vatican II “urged us to respond to the signs of our times” and that “prophecy is both God’s gift as well as the product of rigorous asceticism. Our rootedness in God needs to be deep enough and our read on reality clear enough for us to be a voice of conscience.”<sup>101</sup> This call for a prophetic voice is one that must be tempered with informed reason. Thus, it becomes the responsibility of the prophetic dissenter to be masters in the schools of theology and the social sciences in order to properly read the “signs of our times.” Farrell is clear not to conflate prophecy with arrogance. She claims that a prophetic response “would be humble, but not submissive; rooted in a solid sense of ourselves, but not self-righteous; truthful,

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<sup>100</sup> Farrell, Pat. “Navigating the Shifts.”

<sup>101</sup> Farrell. “Navigating the Shifts.”

but gentle and absolutely fearless. It would ask probing questions.” In this manner a dissenter can fulfill his or her call to share “also in Christ’s prophetic office.”<sup>102</sup>

### *Solidarity with the Marginalized*

Farrell boldly claims that “we cannot live prophetically without proximity to those who are vulnerable and marginalized.”<sup>103</sup> Just by fulfilling the pre-condition of dissenting over non-infallible teaching is not alone for the authentic dissenter. He or she must also be willing to live in solidarity with the marginalized as an extension of conscience’s self-transcendence. This also takes seriously the implications of the *sensus fidelium* by living in solidarity with those on the margins of the hierarchy’s moral framework.

### *In Community*

Farrell declares of the LCWR that “we have learned a lot about creating community from diversity, and about celebrating differences. We have come to trust divergent opinions as powerful pathways to greater clarity. Our commitment to community compels us to do that, as together we seek the common good.”<sup>104</sup> This characteristic is essential to the common good of the Church because it is precisely this element that distinguishes a responsible dissenter from a disenfranchised Christian who turns unto himself. A characteristic of self-transcending conscience is that continual giving of self towards God and not a turning into oneself away from one’s relationships.

### *Non-violent*

Non-violence does not just refer to physical violence, but also to “resisting rather than colluding with abusive power [...] It refuses to shame, blame, threaten or demonize. In fact, non-

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<sup>102</sup> *Lumen Gentium*, 12.

<sup>103</sup> Farrell, Pat. (2012, August). “Navigating the Shifts.” Presidential Address at the 2012 Assembly of the Leadership Conference of Women Religious. St. Louis, Missouri.

<sup>104</sup> Farrell. “Navigating the Shifts.”

violence requires that we befriend our own darkness and brokenness rather than projecting it onto another. [...] It refuses to accept ultimatums and dead-end definitions without imaginative attempts to reframe them.”<sup>105</sup> It is this approach that marks the transformative power of dissent as dialogue. Curran exemplified this when he stated in his letter to Ratzinger that “I am conscious of my own limitations and my own failures. I am aware of the consequences of what is involved [...] I remain a loyal and committed Roman Catholic. I pray daily that I might continue to love and serve the Church without bitterness and anger. [...] I believe these are all for the good of the Roman Catholic Church – my Church.”<sup>106</sup>

### *Living in Joyful Hope*

Farrell concluded her remarks by stating “joyful hope is the hallmark of genuine discipleship [...] Hope makes us attentive to signs of the inbreaking of the Reign of God.”<sup>107</sup> This hope corresponds with the eschatological nature of the pilgrim Church. Recognizing the imperfection of the present Church, joyful hope allows the dissenter to move forward with charity and perseverance in the work of achieving the common good. It is in this spirit that the dissenter echoes the words of the CDF when it stated “that if the truth really is at stake, it will ultimately prevail.”<sup>108</sup> It is this common spirit of joyful hope that opens the possibility for the Spirit to transform such tension into a moment of grace for the Church and the people of God.

### **Conclusion**

Given the present conflict between the LCWR and the Vatican hierarchy, it serves the discerning faithful best to view this conflict in light of the relational dimension of conscience. Through this lens, one can observe how the LCWR’s dissent is not a form of malicious rebellion

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<sup>105</sup> Farrell. “Navigating the Shifts.”

<sup>106</sup> Curran. “Response of Charles E. Curran, August 20, 1986”, 368-369.

<sup>107</sup> Farrell. “Navigating the Shifts.”

<sup>108</sup> *Donum Veritatis*, 31.

against Church hierarchy. Instead, one observes how the LCWR is exercising responsible dissent as an act of conscience in relationship with the Church. The LCWR's actions are a call for open and honest dialogue. It would do well for the Magisterium to respond with the same openness and good-will as it expects of its theologians.

## **Conclusion**

In the first chapter I explored the deeper questions being raised from the present LCWR case. Although at surface level, the temptation is to view these types of conflicts with a binary lens of right and wrong, it neither serves the Church nor the people of God to diminish the richness of the present dynamic. What actually is occurring is a case of two divergent claims over how truth manifests itself in the practical dimensions of people's lives. The dispute is over the pragmatic application of truth in the discernment of conscience and what its implications are for the truth itself. Thus, the question became an investigation into methodology and theological anthropology: What exactly is the relationship between truth and reason in the discernment of conscience? The second question stems out of the first question: What exactly is the Church's role in mediating this discernment process?

The second chapter provided greater insight as to how one might answer such questions in the light of a holistic approach to conscience. Using the case study of Charles Curran's controversy with the Vatican, I formulated that dissent can be a positive force in the larger dynamic of one's assent to Church teachings. When one cannot assent to a non-infallible teaching but accepts the foundational dogmatic truths of the Roman Catholic Church, one can and must dialogue about the situation as a matter of conscience.

It was discovered in this chapter that the point of departure between Curran and the hierarchical Church is the formal understanding of conscience and its proper discernment. While the Church traditionally favors a deontological approach to conscience wherein objective truths of received Gospel teachings are interpreted solely by the Magisterium and require the assent of the faithful, more progressive thinkers who take seriously modernity's turn to the subject place greater weight on the subjective dimension of conscience. Curran claims that a holistic

conscience is a convergence of the subjective and objective poles within the human person. Under this model, the affective dimensions of the subjective pole – reason, grace, emotions, and intuition – signal an interdependent characteristic of conscience that is a composition of one’s human experiences.

The third chapter, after deconstructing both the LCWR case and the Curran case, attempted to construct a moral framework for understanding dissent as a legitimate act of conscience in a Roman Catholic context. This required the use of Vischer’s articulation of conscience’s relational dimension. Through Vischer’s hermeneutic, conscience is understood as an ever-dynamic faculty of the human person to discern how one might transcend oneself in light of one’s life narrative that is shaped through one’s relationships. The implications of such an understanding are broad and deep, but for the purpose of understanding dissent I focused on how a context-specific discernment of conscience justifies dissent as an authentic expression of one’s personhood in relationship with, not in opposition to, the Church.

In this light, the Church maintains a responsibility to acknowledge seriously the dissenting conscience out of respect for the dignity of the human person expressing her authentic self. Thus, in the service of conscience, the Church bears the responsibility of neither stifling conscience nor dictating it with a blanket objective truth without any regard for the circumstances which define a person’s life narrative. The hierarchical Church can best do this by modeling itself as a venue for what Vischer calls a “moral marketplace” wherein the *sensus fidelium* might have an inclusive invitation to dialogue with the Church. Fears of moral relativism or challenges to the Church’s teaching authority might be reduced if the Church is given an avenue to make a distinction between a dissenter’s access to theological discourse and promotion of doctrinal teaching. In this way, mutual acknowledgment and respect for the



Church's teaching authority and the dissenter's conscience are shared in a dialogical ecclesial communion.

Given this renewed understanding of conscience and dissent, the LCWR is found to be righteous in their stated approach found in Farrell's presidential address. The six-part framework is a model for all the faithful who, after a sincere attempt to assent to Church teaching, finds themselves being untrue to their life narratives. In contemplation, with a prophetic voice, through solidarity with the marginalized, in community, non-violently, and in joyful hope can all dissenters be true prophetic voices working towards the common good in a pilgrim Church ever-striving for that perfection in Christ.