

Teaching Notes

RELIGIOUS LIBERTY, VATICAN II, AND JOHN COURTNEY MURRAY

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In 1962, close to 3,000 Roman Catholic bishops gathered in Rome for the Second Vatican Council, or Vatican II. At these meetings, the Church reversed several long-standing, seemingly intransigent doctrines and policies, leading to use of vernacular languages in services rather than Latin, subtly renouncing its former aspirations for political power, and recognizing the religious liberty of all people. This case explores how an institution as large and diverse as the Catholic Church was able to reorient many of its formal policies in a relatively brief time-frame. In particular, through the lens of the case's protagonist, John Courtney Murray, it explores how both internal and external pressures led to a dramatic change in the Church, both symbolically and structurally.

An overview of the Kenan Institute for Ethics's Institutions in Crisis framework, in which this case was created to illustrate, accompanies these teaching notes.

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Target Audience

Courses in

- Organizational Studies
- Organizational Behavior
- Decision Science
- Ethics
- Church History
- Continuing Education for Clergy
- Sociology
- Sociology of Religion

Learning Objectives

1. To recognize how internal and external forces over time led to an apparently sudden, significant organizational change.
2. To explore the significance of symbolic changes for affecting structure.
3. To recognize that individuals' positions, often more than their personalities, and their identification with the organization significantly influence their scope of action and perceptions.

Case Brief

In 1962, close to 3,000 Roman Catholic bishops gathered in Rome for the Second Vatican Council, or Vatican II. At these meetings, the Church reversed several long-standing, seemingly intransigent doctrines and policies, leading to use of vernacular languages in services rather than Latin, subtly renouncing its former aspirations for political power, and recognizing the religious liberty of all people. This case explores how an institution as large and diverse as the Catholic Church was able to reorient many of its formal policies in a relatively brief timeframe. In particular, through the lens of the case's protagonist, John Courtney Murray, it explores how both internal and external pressures led to a dramatic change in the Church, both symbolically and structurally. Murray, a first-generation American born around the turn of the century, was censured for his progressive views and theological arguments promoting religious liberty in the early 1950s. A decade later he served as an expert at Vatican II and was one of the primary authors of *Dignitatis Humanae*, or the "Declaration on Religious Freedom."

Suggestions for Discussion Questions and Possible Responses:

1) *Do you see the Church's mission changing in the years between Vatican I and Vatican II? If so, how was that change expressed?*

After Vatican I, the Church was preoccupied with maintaining a particular type of authority, one that was centralized in the Vatican and focused on exercising itself through the hierarchy (seen most dramatically in the doctrine of papal infallibility) (p. 4). That authority was over the "faith and morals" of the Church. For example, in the face of textual criticism, the Church reasserted the authority of a particular translation of the Bible – the Latin Vulgate

edition (p. 4). This emphasis was a shift from pre-Vatican I when the Church argued that it was necessary to exert authority through political (temporal) as well as spiritual means.

The Church increasingly focused inward. We see this through “The Oath Against Modernism,” (p. 8) and the encyclical against Americanism (p. 6 ff), which was largely a reiteration of the Church’s anti-Modernist stance. The letter refuted an emphasis on active spirituality (that is, expressing spirituality in the political and worldly realms) over what was characterized as passive spirituality (with its emphasis on Mass attendance, prayer, and contemplation). It also decried what was becoming an increasingly universal stance in the West – that each human being had inalienable rights founded in the political, not religious sphere. Again, we see the Church asserting its spiritual authority and rebuffing or de-emphasizing other realms of the human experience.

So it seems that in some ways the Church’s mission grew narrower, focusing on hierarchy and concern with the “faith and morals” of the Church and excluding more worldly realms like politics and economics.

2) *Identify the symbolic and structural changes for the Church’s operations that occurred at Vatican II.*

There was a turn toward the laity. Mass in the vernacular may be the most obvious change here. In this way, the membership could access and create new meanings for the rituals they had been participating in. It seems appropriate that an organization that maintains, bounds, and creates symbols and rituals would first emphasize the laity in the primary expression of such symbols: the Mass (p. 17).

Perhaps the most important symbolic change was a preference for defining the Church as the People of God and de-emphasizing the image of the Church as the Mystical Body of Christ. (pp. 16, 18). *Sancrosanctum Concilium*, the “Constitution on the Sacred Liturgy,” seemed to pave the way for this new definition (see previous paragraph and p. 17). This new image was a fairly radical shift indicating the movement away from the spiritualization of the Church to recognizing the Church in the worldly plane.

There was an emphasis on the collegiality of the bishops and their collective authority. While the infallibility of the pope was maintained, *Lumen Gentium*, the “Dogmatic Constitution on the Church” reasserted the authority of bishops, especially in their priestly (rather than administrative or political) role. The mandates for the National Councils of Bishops also, at least symbolically, devolved some of the control away from the Vatican (p. 16).

By inviting theologians from outside the Roman Curia to serve on preparatory commission setting the agenda and drafting initial documents, Pope John XXIII also signaled that intellectual and theological developments from outside the Curia also had a “place at the table” (p. 15).

Gaudium et Spes, the “Pastoral Constitution on the Church in the Modern World,” was addressed to people both within and outside the Church (p. 18). Never before had a document emerging from an ecumenical council been addressed to people outside the bounds of the Church. This symbolized a recognition that the world outside the Church had value and was a worthy dialogue partner. The Church seemed to realize that it couldn’t flourish in forced isolation.

The thesis-hypothesis theory, which suggested that people not living in a Catholic state could tolerate the presence and people of other faiths only hypothetically, was dissolved. The Church acknowledged that a political system that encouraged active participation of its citizenry was ideal, again acknowledging the reality of rise of democratic states throughout the West (pp. 18, 23).

3) *The social contract of the Church varies according to its larger social and political context. Describe the changing social contract in the United States as the Church grew to be increasingly accepted in mainstream America.*

The Church in the United States served to welcome and provide social services for Catholic immigrants and refugees around the turn of the century. As Catholics became more integrated into mainstream American life, these social services for Catholic immigrants were not as necessary, and the Church became more influential as a mainstream religious voice in American public life. After WWII, the American Catholic Church was open to working with non-Catholic faith groups to mend Europe. There was a certain cultural expertise that say, German Catholics with extant ties to Germany, could offer other organizations, and even the United States government, in their efforts to rebuild Europe after the war (p. 9).

3a) *How did the declaration that the political sphere was not an area of competence for the Church affect its social contract?*

It depends on what the existing arrangement between the Church and state was prior to Vatican II to answer the question. If the context is the Church in relation to liberal democracies prominent in the West, then the social contract clarified the realms in which the Church could speak authoritatively (such that its words would have a binding effect on its members) and the realms in which the Church could speak only in an advisory capacity. In cases of other contexts in which the Church and state were more intertwined, as in some Latin American countries for example, one might predict that unweaving the intertwined nature of the state and church would be a much more arduous process, involving a fundamental renegotiation of the contract and relationships between the Church hierarchy and those holding political office.

The American Church was reluctant to speak out on social justice issues, especially because the Church was viewed by many Protestants (who dominated the political scene) as suspect. This suspicion is evidenced in rhetoric surrounding both Alfred Smith and John F. Kennedy's bids for the U.S. presidency. There were people in the Church that were more eager to speak out on social justice issues (think Dorothy Day and Catholic Worker Movement), but the hierarchy tended to distance itself from these efforts.

4) *Does the case point to concern about the level of involvement of the laity – the vast majority of the members – of the Church? How do we see that concern expressed through the writings of Vatican II?*

Clearly the Church was concerned about the level of involvement from the laity, as the documents *Sancrosanctum Concilium*, *Lumen Gentium*, and *Gaudium et Spes* indicate. We see this concern expressed through the Church's allowing of the vernacular to be used, its encouragement of scripture reading, and its recognition of the temporal sphere as being the "special domain" of the laity. But this handing over of the temporal domain may have limited the effectiveness of the Church acting in an official capacity in any domain other than the spiritual and moral one.

4a) *In 1979, a survey of English Catholic laity revealed that only half of them had heard of Vatican II. What, if anything, does this statistic show about the Council's efforts or about the Church?*

This statistic reinforces the idea that the official domain of the Church had little traction with the majority of its members. Perhaps lay members of the Church don't identify with the hierarchical structure as much as they identify with the rituals of the Church and the communities in which these rituals inform some aspects of the rhythm of life.

5) *Compare and contrast the internal and external forces enabling the radical about face that officially occurred at Vatican II. How do we see these forces interacting? How permeable was the wall between the external and internal?*

The internal / external dichotomy is hard to maintain once one gets some distance from the Vatican. It may be helpful to imagine the Church as a structure with permeable walls – the further away from the center (the Vatican or the hierarchy) the greater the permeability. The more progressive theologians that influenced much of Vatican II came from Northern Europe and a few from the United States. More conservative theologians tended to be from Spain, Italy, and France – all countries with closer proximity to Rome and whose theological tradition was dominantly Catholic. The more progressive theologians came from areas where there was a significant Protestant presence.

In several different spheres, Catholics could not maintain the separate society their forefathers from Vatican I seemed to want. For example, after WWII, it was important that religious groups in the United States could work together to provide relief. Similarly, in the educational sphere, American nuns were granted the ability to seek licenses and education in secular settings, enabling them to serve in both secular and religious institutions.

Purely external forces that undoubtedly had a significant influence include the media – both its presence and the speed with which it could communicate – and the political environments in which the Church was able to flourish. The Church gradually recognized that more and more states were becoming democratic and were legally tolerant of a variety of religious traditions. It seemed impractical to continue holding out for the conversion of states to state-sanctioned Catholicism.

Rapid decolonialization, the rise of the recognition of poverty in the Third World, and the Church's rise in membership in the Third World may have led to its willingness to comment on social justice and economic development issues.

Papal statements had new authority with the doctrine of papal infallibility. Encyclicals were no longer points for debate and conversation among theologians. This increased control may have led to debate about controversial points being pushed to the margin of the institutions or being conducted quietly and unofficially. For example, Murray was encouraged to do his work on the church-state relations privately but could not get public support from the bishops. Even his Jesuit superior encouraged him to continue but later advised him not to publicly share his work. Murray was able to find others within the Church that supported his work, like Ellis at Catholic University.

6) *How do Ottaviani's and Murray's positions with the Catholic Church influence their actions? Do you find their positions predictable?*

Ottaviani had spent relatively little time outside the bounds of the Vatican. It seems predictable that his identification with the institution as he had known it, in a context where it faced little local opposition or tension, would be strong.

Murray, on the other hand, he was exposed to much greater diversity – both theologically and culturally. He didn't have the same level of authority or access as Ottaviani and was able to find supporters (at least quietly) throughout the hierarchy. As conflict between the two became more open, members of the hierarchy asked Murray to be quiet, in deference to the Church's organizational structure. (See Murray and Ottaviani's rift about interpreting the Pope's remarks, p. 11.)

7) At Vatican II, the Church made it clear in several documents that it did not have competence to deal with political (temporal) matters. This represents quite a contrast to arguments made less than 100 years ago, suggesting that it was essential for the pope to have temporal authority in order to exercise fully spiritual authority. The Church did assert itself as being the authority on issues of faith and (individual) morals, however. What advantages did the Church gain by dividing spheres of control? What disadvantages?

One advantage is that the Church could focus its organizational structures on faith and individual morality issues. Individuals could clearly be held accountable for abiding by these doctrines. It is a sign that the Church realized and accepted that its social contract with the state had changed.

However, the line between moral and political issues is often not very clear. For example, think about Catholic politicians in the United States who support abortion rights. Some bishops hope that these politicians will voluntarily not seek to participate in the sacrament of Holy Communion. A few bishops in the United States would withhold the sacrament; others would not.¹ With issues like abortion that are inherently moral *and* political, it is unclear how the Church can function in only the moral sphere. For when the Church exerts its spiritual authority, such as denying a pro-choice politician participation in the Eucharist, its actions are popularly interpreted as political. Perhaps it is impossible to effectively and functionally divide the moral and the political spheres.

Another significant disadvantage is that while the Church emphasizes that part of its mission is rectifying social injustice by claiming separate spheres of competence, it can't make specific policy recommendations or advocate, as an institution, for particular stances. Therefore, the Church's voice is less effective because it doesn't speak for or against particular policies implemented by particular governments. (The laity can do this, but the laity are relatively unimportant when it comes to authority and power in the Church.)

Additional Readings and References

Burns, Gene. *The Frontiers of Catholicism: The Politics of Ideology in a Liberal World*. Berkeley: University of California Press, 1992.

Written from a sociological perspective, the argument uses the example of Catholic Church's changing ideology to build a larger argument about social structure, power, and change.

Pelotte, Donald E. *John Courtney Murray: Theologian in Conflict*. New York: Paulist Press, 1975.

Contains extensive correspondence from Murray from the time he entered the public eye in 1940 until his death in 1967.

Seidler, John and Katherine Meyer. *Conflict and Change in the Catholic Church*. New Brunswick: Rutgers University Press, 1989.

Examines change as a result of Vatican II utilizing demographic data, interviews, and other empirical studies. It draws on organizational change and social movement theories in particular.

¹ See *The New York Times* article online:
<http://query.nytimes.com/gst/fullpage.html?res=9904E0DB103FF933A15756C0A9629C8B63&sec=&spon=&pagewanted=2>

Overview of Institutions in Crisis Framework

In response to a series of notable public scandals – accounting fraud at Enron, plagiarism at *The New York Times*, torture at Abu Ghraib, sexual abuse in the Catholic Church, and steroid use in baseball – the Kenan Institute for Ethics organized an interdisciplinary group of two dozen faculty and graduate students from across Duke University and the United States to examine ethical crisis and change. Based on interdisciplinary scholarship, we have developed a set of hypotheses about what makes institutions more susceptible to crisis and amenable to redress. We've identified five key attributes of institutional ethos: accountability, organizational structure, social contract, identity, and mission.

Accountability refers to how explicitly or implicitly expectations are communicated and enforced within an institution's hierarchy. Militaries with their strict, clearly defined chains of command have explicit accountability regimes while universities, which foster considerable organizational autonomy among professional spheres, tend toward more implicit accountability regimes.

Organizational Structure ranges from hierarchical to horizontal. The Catholic Church, for example, is a hierarchical organization, while Islam often assumes a more horizontal or network form. Dissent – political or ideological – is more routine in network forms and may help diffuse crises before they reach a critical stage. In contrast, a crisis anywhere in a hierarchical organization represents a more systemic crisis. Hierarchical organizations, like organizations with explicit accountability regimes are, however, more amenable to speedy intervention following a crisis.

Social Contract refers to the formal or informal relationship an institution has with its stakeholders. Military and business institutions, for instance, have formal social contracts with their stakeholders while higher education institutions have more informal social contracts with their stakeholders. Ethical crises – understood in part as violations of the social contract – are more readily observed in military and business institutions, and there are formal (if difficult to negotiate) channels for efforts to address such violations. In higher education, the social contract is loosely held amongst a variety of constituencies – students, faculty, parents, alumni, government regulators, civil society – which makes swift identification and remediation of an ethical crisis more difficult.

Identity refers to an affective sense of belonging that institutions generate and perpetuate. Identity can be a more or less salient component of institutional culture and can span the spectrum from strong to weak. Business organizations typically have weaker affective identities than religious organizations. Islamic institutions in the United States, for example, represent a strong sense of communal belonging that is coupled with a decentralized and diffused organizational structure. This combination of strong identity and weak structure has enabled Islamic institutions to respond well to the tensions and strains of a post-9/11 America.

Mission refers to the implicit and diffuse or explicit and detailed statement of being and purpose. What does an institution actually *say* it does? Business organizations tend to have explicit and detailed mission statements and deviations from the mission are more quickly observed and addressed. Higher education institutions, by contrast, tend to have implicit and diffuse mission statements such that while crises may arise less frequently they may also be far more difficult to confront and remediate.

While moments of ethical crises offer opportunities for reflection, there is little consensus about the best strategies to create effective change in these moments. Indeed, organizations often do the very things that we know don't work in moments of crisis. So, *how do institutions learn to prepare for, respond to, or recover from ethical crises?* Our cases seek to answer this question by illuminating how structural conditions make institutions both more or less susceptible to ethical crisis and more or less able to respond once an ethical crisis occurs.