

The Censuring of John Courtney Murray Part Two

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*The following is a continuation a two-part **Catholic World** article. The first part began in the January-February 2008 issue and may be accessed in the Previous Issue section of The Catholic World online.*

The Crisis

On March 25, 1954 Murray lectured at the Catholic University of America on *Ce riesce*, a papal address that Fenton interpreted as supporting the traditional Catholic position that “error has no rights.” Murray’s talk recapitulated the papal document, but also included what he thought was advancement beyond traditional Catholic teachings. He reiterated Leiber’s assurances that the Ottaviani talk was only a personal opinion and the papal address a “public correction of impressions left by C. Ottaviani’s construction of Catholic doctrine.” Ottaviani’s speech, he said, had provoked public protests in diplomatic circles and that only the Pope was competent to speak as the ultimate authority on questions of international life.

Reactions from Murray’s opponents were swift and predictable. Fenton termed Murray’s claims “utterly baseless.” Connell and Fenton contacted Ottaviani asking for a condemnation: “I am certain that Father Murray will continue to teach his views as long as there is no *explicit* condemnation by the Holy See, mentioning him or his writings *by name* [emphasis in the original].” Ottaviani protested that, although the question did not affect him personally, he believed it was his duty to act for “the common good, for the protection of the truth and for the defense of Catholic thought.”

Ottaviani wrote to Cardinal Francis Spellman in April inquiring about Murray stating that he had said things that were not true and personally offensive. Spellman responded cautiously asking what Murray had actually said. Meanwhile, Fenton mounted his own attack on Murray in a May 1954 article in the

AER. Meanwhile Murray wrote an apology to Ottaviani that was not accepted, although no documentation for this exchange is available.

Fenton also reported to Ottaviani that the University of Notre Dame Press had recently published a book containing an article by Murray on church-state relations. Ottaviani pressured the Congregation of the Holy Cross to withdraw publication. This was later revised to a demand for prior consultation before any second printing. Ottaviani also asked a Vatican-employed Holy Cross priest to warn the Order that the Holy Office was about to take “drastic measures and stringent rulings” against Murray including a public condemnation. Theodore Hesburgh, President of Notre Dame was requested to provide assurance that “Murray would never be invited or permitted to preach, speak, or write article for any Holy Cross institution.”

The Censure

The forces allied against Murray were closing in. In May 1954 Fenton was commissioned by Ottaviani to prepare two reports on Murray. The first concluded that Murray’s article in the Notre Dame book [*The Catholic Church in World Affairs*] “be condemned *nomi natim* (by name).” The second stated that some prominent U. S. bishops sided with Murray against Ottaviani. [Fenton recommended the appointment of bishops who sided with Ottaviani.] Fenton was growing impatient, but was assured by a friend in the Holy Office that “action will be taken.” It was not long in coming.

On July 26th, Cardinal Giuseppe Pizzardo, Secretary of the Holy Office, informed Father Christopher O’Toole, the Holy Cross Superior General, O’Toole, that earlier in the month the Holy Office had concluded that Murray must correct errors contained in the Notre Dame Press book. Apparently a similar letter was sent to Jesuit authorities, but

unfortunately no copies are extant or not available from the Jesuit archives in Rome. According to some Murray was silenced on orders from the Holy Office, but there is no documentation to support this view. Various documents indicate that Murray was placed under prior Roman censorship for all his writings for publication. In his 1999 *Catholic Historian* article, Komonchak also identified specific Murray propositions censured by the Holy Office. Murray heard through the grapevine that of “some fifty odd propositions.... some twenty-odd were condemned” but that these rumors were false and calumnious.

Murray himself probably received the condemned propositions directly from the Holy Office. In comparing them with an article by Fenton in *AER*, Murray noticed striking similarities and concluded that Fenton was probably the author of the censured propositions. Fenton had indeed received the censured propositions from the Apostolic Delegate on October 28, 1954. Fenton and Connell were told that Murray must retract the propositions in writing and that Fenton and Connell were to monitor this, without, however, any “mention of higher authority.” None of the censured propositions appeared in the Notre Dame Press book. That was merely a pretext for the action of the Holy Office: “This may suggest,” says Komonchak, “that the action against Murray had been well underway before his speech at Catholic University and that this essay gave the Holy Office a pretext for action.” Murray, in turn, denied that any of the condemned propositions were either ambiguous or held by him.

In March 1955 Murray mused about traveling to Rome to defend himself, but McCormick threw cold water on the suggestion: “Some will say you have been summoned . . . I see no good to be gained by contacting his Em. O. He has been too badly hurt by this whole affair

by what happened there and here." Murray was denied permission to publish the third and final article on the teaching of Leo XIII that would have been a direct response to the Roman censure. He was also advised that it would be a mistake to continue writing on this topic. Murray interpreted this as being told he was through and, for him, this was a "defeat and failure of the first order."

McCormick responded that Murray was far from through but he ought to let the State-Church question "rest for the present...but I suppose you may write poetry...we'll try to keep out of controversy for the present." Murray, depressed by the outcome, returned all his books on church and state to the library.

Murray began writing on other topics without abandoning totally his keen interest in the issue of religious freedom. Like Thomas Merton and Teilhard de Chardin and other silenced theologians, Murray found other ways to propagate his views. Murray sent galley proofs of an article that he had been refused permission to publish to a Fr. Murphy in March 1957 with the advice to "use any of the substance of the article for any purpose" while prohibiting any "direct quotations, much less any reference to this article which, as it were, does not exist." Murray was not forbidden to make a "friendly gesture" which this was although, "no way to carry on theological argument...However, that's the way it is.... And this letter, and the MS, is in the nature of a friendly gesture."

Conclusion

Murray wrote to McCormick in 1958 requesting permission to submit an article to *Civiltà Cattolica* on the Catholic constitutional problem raised by the candidacy of John F. Kennedy. Recalling the censure he was under, Murray said that, as for the counsel of prudence to keep silent, "I have observed the counsel, under assent to its prudence. Only now I wonder whether the time has come for counsels of prudence to cede to the claims of truth." McCormick's response was swift and frank advising Murray to be patient until the time was ripe when a statement could be made:

"I really think that you must wait for that, not expose yourself by trying to

hasten it. In the end what is correct in your stand will be justified. Meanwhile be content to stay on the sidelines... deepen and clarify your own position, and be ready with your solution approve, when the opportune times comes. That is not coming in the present Roman atmosphere."

Although the atmosphere was soon to change, the Holy Office was still preparing an official condemnation of Murray, Jacques Maritain and others Catholic thinkers. It was only the death of Pope Pius XII on October 8, 1958 that prevented this from happening.

His successor, Angelo Roncalli, John XXIII, was elected and the ecclesiastical mood changed radically when the new Pope called for an ecumenical council in 1959. After his years of faithful silence, Murray's opportune time had finally arrived although obstacles still came his way. Murray, along with other prominent scholars and theologians like John L. McKenzie, Henri DeLubac, M.D. Chenu, J. Danielou and Hugo Rahner were at first "dis-invited" to be members of the planning commissions for the Council's first session. Fenton, however, had been called to Rome as Ottaviani's theological expert. During the first session Murray advised Baltimore's Cardinal Lawrence Sheehan on drafts of Council documents.

In the spring of 1963, during a break in the Council, Murray was still *persona non grata* in some quarters. Murray, along with Godfrey Diekmann, Gustave Weigel and Hans Kung, was barred from speaking at the Catholic University of America at the urging of the Apostolic Delegate to the U. S. (1958-1967) Egidio Vagnozzi. In that same year Murray published the book most associated with his name, *We Hold These Truths: Catholic Reflections on the American Proposition*.

Finally, on April 4, 1963 at the insistence of Cardinal Francis Spellman, Murray received his official invitation to attend the Council as a *peritus* and later served as the chair of the commission drafting the document on religious liberty. At a meeting of the Commission on Faith and Morals, presided over by the nearly blind Cardinal Ottaviani, the Cardinal asked Canada's Cardinal Léger who was sitting nearby, who the speaker

was. It happened to be Murray whose voice Ottaviani did not recognize. Léger sensitively replied: "One of the experts."

In January 1964 Murray spent several weeks in the hospital recuperating from cardiac arrest. Soon thereafter his Provincial heard that the Apostolic Delegate, Vagnozzi was upset about a Murray article in *America* magazine because *periti* "are forbidden to organize currents of opinion or ideas, to hold interviews, or to defend publicly their personal ideas about the council." Murray, emboldened perhaps by his greatly improved ecclesial status responded: "What business is this of the Apostolic Delegate? He is in no sense an official of the Council. He has no jurisdiction whatever over the activities on the *periti*." The Delegate later told Murray he had written to the Jesuit superior "at the direction of the Holy See."

Murray played a major role in getting the document, *Declaration on Religious Liberty*, back on track after Paul VI, influenced by Curia conservatives, had decided, on what became known as "Black Thursday" and "Day of Wrath, to postpone discussion and voting to the fourth session. Murray's significant contributions to the final version are related in great detail in Alberigo and Komonchak's magisterial *History of Vatican II* and, more popularly, in Xavier Rynne's, *Vatican Council II*.

What Roman authorities feared from Murray's reasoning and approach to religious liberty was his belief "in the progress of doctrine that an affirmation of religious freedom necessarily entails," as Stephen Schloesser suggests in his analysis of Vatican II as both "memory" and -- forty years later -- "history." Murray's own statement that the development of doctrine is "the issue under the issues at Vatican II [emphasis in original]" proved prophetic. Today's often heard unnuanced claim that the Church "cannot change" certain teachings is invariably met with the name John Courtney Murray and the change in Church teaching on religious freedom in which he played such a major role.

As for freedom in the Church, Murray also proved prophetic in claiming that from the *Declaration on Religious Liberty*: a "great argument will be set

afoot--now on the theological meaning of Christian freedom: The children of God, who received this freedom as a gift from the Father...assert it within the Church as well as within the world, always for the sake of the world and the Church."

The life-long struggle took its toll on Murray. In the spring of 1964 he suffered another heart attack and, in mid-October, a collapsed lung. However, he was back in Rome on December 7th for the historic 2,308 vote in favor of the Declaration of which he has been the chief architect. His prayer "that God lets me live through the Council...just to see it to the end—win or lose, vindicated or not" was answered. He returned to the United States at the close of the Coun-

cil and, being "frankly tired of the whole subject," was appointed director of the John LaFarge Institute in New York City. He died on August 16, 1967 at the age of 62 in a taxicab on his way to his office at the Institute.

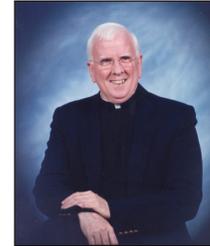
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