

Wiggle Room

Gerard V. Bradley

At their November meeting the American bishops voted—overwhelmingly—to implement the canonical requirement that Catholics teaching theological disciplines in colleges and universities have a *mandatum* from Church authority, usually the local bishop. This was the most notable, and controversial, feature of a much larger scheme to implement *Ex Corde Ecclesiae*. The whole plan is expected to receive Vatican approval, and will go into effect one year after it does.

The bishops' resolve to go forward with mandates is a stunning defeat for the academic establishment (as expressed by the ACCU) and for the theological guild (as expressed by the CTSA). Those defeated will now have to try to live with their apocalyptic rhetoric. They stake the *existence* of (true) universities precisely upon freedom from *all* "external" authority, including the episcopacy. Mandates, in their dire predictions, were the intellectual equivalent of a death sentence. A few who believed so may accept martyrdom. Some have vowed continued resistance. Others are evaluating their options. Somehow, though, I doubt that the ACCU will change its name to the "Association of Catholic Schools which were formerly Colleges and Universities."

Their talking points after the vote centered on "wiggle room." Their hope is to find gaps and lacunas enough in the enacted norms, and in the interstices of episcopal-academic relations, to continue doing business as usual. In fact, the NCCB voted to develop, over the next year or so, concrete procedures for granting and revoking mandates and more certain criteria to govern those decisions. It is vital that this implementation of the Implementation be kept on course, and that it not be captured by those who resisted mandates all along.

The document is, to be sure, not *entirely* to anyone's liking. There is, I think, more "should" (as opposed to "shall") and "as far as possible" in it than is prudent. But this is certain: the American bishops have *reversed* the colleges' Land O'Lakes declaration of independence from the Church, and of theology from the Catholic faith. We now have a solid foundation upon which to carry forward the work of re-Catholicizing the colleges. And so, the bishops' vote is to be applauded, as is (especially) Anthony Cardinal Bevilacqua for guiding the document to passage. ☩

O Timothee, depositum custodi, devitans profanas voces et oppositiones falsi nominis scientiae, quam quidam perjurales circa fidem aberraverunt. Gratia vobiscum. 1 ad Timotheum

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Natural Law in the Moral Thought of Benedict Ashley, O.P.

by Mark S. Latkovic

When the history of Thomism in the second half of the 20th century is written, the convert and Dominican moral theologian Benedict Ashley (1915–) most surely should be included. Ashley is primarily known for his writings in bioethics, moral theology, and spirituality. Moreover, in such books as *Theologies of the Body: Humanist and Christian*,¹ he has done much to show how Christian theology and modern science can mutually interact for the benefit of each. However, overlooked in my estimation is his significant contribution to natural law theory.² Indeed, Ashley has written often and credibly on the subject of the *lex naturalis*. Unfortunately, his work in this area has not been given the attention it deserves—much of it passed over by those who think Ashley’s moral theology is rooted only in the Bible and not in the natural law.³ Although his theory of natural law is not as systematically developed as that of the “basic human goods school” (also known as the “new natural law theory”) of Germain Grisez, John Finnis, and Joseph Boyle,⁴ it is, nevertheless, an intelligent and rigorous presentation of the doctrine.

My goal in this brief article is to set forth as clearly as possible the main features of Ashley’s natural law theory. I will do so by occasionally contrasting his thought with that of Grisez, et al., since their theory is probably the most ambitious and important natural law ethic currently available.⁵ I will conclude

my paper by briefly noting some of the strengths and weaknesses of Ashley’s theory of natural law. Ashley’s theory can be summarized in the following six points.

First, Ashley has much in common with St. Thomas Aquinas and Grisez, et al., in that he begins his formal presentation of the natural law by looking to what fulfills us as human persons. St. Thomas and Grisez et al. refer to these fundamental aspects of our fulfillment as the “basic human goods.”⁶ Ashley, however, will usually call them “basic human needs.”⁷ Although Ashley is normally content to repeat what he calls Aquinas’ list of four basic needs, which he renders as “life, reproduction, truth, and society,” in other contexts he will expand the Common Doctor’s list by dividing Thomas’ good of life into the need for “food” and “security,” and by adding the need for “creativity.” Thus, Ashley arrives at *six basic needs*: *food* (i.e., appropriate nourishment, water, and air), *security* (i.e., protection against injury by natural forces, animals, and other humans; it includes the need for physical freedom), *sex* (i.e., our need to reproduce and to bond with a member of the opposite sex in marriage), *information* (including sense and intellectual knowledge and our need to communicate it), *society* (i.e., the need for community to meet our needs and to share goods in friendship), and *creativity* (i.e., our need to be creative in the arts and sciences in order to advance culture; it includes our need to seek the “Ultimate Totality”).⁸

Second, a central tenet of Ashley’s natural law theory is his account of how we come to knowledge of these basic human needs. This brings us to Ashley’s thought on the relationship between *ethics and anthropology*. According to Ashley, the following three conclusions of natural philosophy or natural science are necessary for ethical theory: “(1) Humans are animals, living, sentient, having biological drives to eat, rest, defend themselves, mate and reproduce; (2) Species-specific humans are intelligent, free, and social in a way that requires language and the inven-

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On page 13, “Fr.” David Meconi, S.J. ought to read “Mr.” David Meconi, S.J. Mr. Meconi is presently in his fourth year regency and has not been ordained a priest.

tion of culture and technology; (3) Human intelligence is dependent on the body to supply the instruments by which it is able to learn about the environment and the human person itself, but it is not identical with the activity of the body or of any bodily organ, not even the brain, nor is it subject to the mortality of the body."⁹ Hence, Ashley adds, "Aquinas lists *health, reproduction, society, and truth* as the basic goods of human nature."¹⁰ For Ashley, then, the findings of modern science can and need to inform our philosophical anthropology since ethics rests on some idea of what it means to be human.¹¹ This thesis, too, puts Ashley at odds with Grisez, et al., who argue that the first principles of natural law (including the basic human goods) are underived, i.e., they are self-evident (*per se nota*). Thus, according to Grisez, et al., they do not rest on the conclusions of anthropology or metaphysics.¹²

Third, Ashley has consistently maintained that these needs or inclinations, which correspond (as Ashley has recently admitted) to basic human goods, are arranged in a hierarchy and unified by one ultimate good, the latter sometimes designated as "contemplation."¹³ Our author has expressed this traditional Thomistic position by arguing that the "primary principles" or "precepts" (as Ashley calls them) of the natural law, such as "Do good and avoid evil" (or what Ashley renders in a Christian context as "Seek the true goal of life in all your actions," i.e., the love of God and neighbor), are hierarchically ordered.¹⁴ This is evident in his insistence that the first precept can be expressed more concretely by saying that the basic principles of the natural law direct us to: "Seek bodily health, the preservation of the human species, the common good of society, and truth as the highest element of the common good, *in ascending order of importance*, and avoid whatever is contrary to these goods."¹⁵ Thus, unlike Grisez et al., Ashley understands the goods of human nature to be in some sense *commensurable*.¹⁶ Nevertheless, despite this "commensurability," Ashley is a firm supporter of the Church's received moral teaching—reaffirmed in chapter 2 of Pope John Paul II's *Veritatis Splendor*—that there exist intrinsically evil acts and corresponding moral absolutes. Hence, he rejects proportionalism as a basic method of moral decision making.¹⁷

Fourth, Ashley (and O'Rourke) call their natural law theory "prudential personalism," or what I have elsewhere called a "teleological ethic of ordered needs."¹⁸ Ashley's moral methodology is *teleological* because it understands the rightness or wrongness of a free act as rooted not in "the will of any authority, but [in] some *intelligence* ... that is able to see the alternative means to the end and select the most effective."¹⁹ However, as I have already indicated, prudential personalism's teleology will avoid consequentialism and proportionalism by accepting moral absolutes, while at the same time, arguing that objective moral criteria must include the consequences of actions, yet not be reduced to them. As Ashley has noted, in a teleological way of judging, "the consequences of an act (insofar as they can be prudently determined) are important, but good consequences which are circumstantial (that is, which do not necessarily follow from the nature of the act) cannot make an intrinsically evil act good."²⁰

Fifth, Ashley argues that the virtue of *prudence* enables the acting person to move from the most general or primary principles of the natural law to apply specific moral norms such as "Do not commit adultery," that is, to make good moral decisions in concrete situations.²¹ This moral and intellectual virtue is defined as "facility in taking into consideration all the factors that enter into any particular moral decision, making as objective a judgment of conscience as one can, and then courageously and consistently acting according to that judgment."²² Indeed, Ashley (and O'Rourke) call their teleological natural law methodology of moral decision making "'prudential' to indicate its practical, goal-seeking, situational, contextual character."²³ Here again, we find a great contrast with Grisez, et al. For these authors, while prudence is absolutely necessary in the moral life, it does not enable us to derive *specific moral norms* from the primary principles of the natural law.²⁴ In their theory, what they call the *modes of responsibility* or intermediate moral principles,²⁵ enable us to show how these norms follow as *conclusions* from the first principle of morality.

Sixth, Ashley (and O'Rourke) formulate a "first principle of morality" in their natural law ethic which they express as follows: "*Do those acts, and only those acts, which are appropriate means to the supreme good of true*

knowledge and love of God, oneself, and the human community in time and eternity."²⁶ On the basis of this most basic moral principle, the authors conclude that prudential personalism is "'personal' because it grounds norms in the dignity and basic goods of the human person ... and it is 'prudential' because as far as practicable it takes into account the circumstances of an action and the proportionality of its consequences."²⁷ In doing so, the authors claim, their theory incorporates the strengths and avoids the weaknesses of proportionalism, consequentialism, etc.²⁸

There are many worthy features of Ashley's natural law theory. I would list among them much as we have seen: (1) his realist and objective method of ethics; (2) his effort to show how ethics is grounded in philosophical anthropology, i.e., in (a universal and non-dualistic) human nature; (3) his sensitivity to the particularity of moral judgment; (4) his emphasis on the teleological character of morality, i.e. its means-ends structure; (5) his incorporation of the virtues into natural law theory; (6) his defense of moral absolutes; and (7) his effort to root natural law in a Christologically informed theological anthropology.²⁹

My criticisms of Ashley's theory include (1) his questionable affirmation of a hierarchy of goods which all too often leads to proportionalism in the hands of someone not faithful to the Church's received moral teaching; (2) his weak first principle of morality which, I would argue, needs to include reference (as it does in Grisez, et al.'s theory) "to the many basic human goods which generate the need for choice and moral guidance";³⁰ and (3) the inadequacy of prudence (however necessary for choosing well) as a premise for moving from the general first principles of the natural law down to specific moral norms. With respect to this last criticism, I should note, however, that the real concern of "prudential personalism" is not, after all, with the process of deriving (specific) moral norms (as it is for Grisez et al.), but rather, with guiding moral decision making in concrete circumstances—hence, the importance of prudence.³¹ ✠

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NOTES

¹ (Braintree, MA: Pope John Center, 1985, 1995 2nd ed.) Cf. "The River Forest School and the Philosophy of Nature Today," in *Philosophy and the God of Abraham: Essays in Memory of James A. Weisheipl, O.P.* Papers in Medieval Studies 12 (ed.) R. James Long (Toronto: Pontifical Institute of Medieval Studies, 1991), pp. 1-16.

² The following works contain Ashley's most extensive discussions of the natural law: *Theologies of the Body*, pp. 360-372, 386-482; *Living the Truth in Love: A Biblical Introduction to Moral Theology* (Staten Island, NY: Alba House, 1996), especially Part 1; *Health Care Ethics: A Theological Analysis*, 4th ed., co-authored with Kevin O'Rourke, O.P. (Washington, DC: Georgetown University Press, 1997), chapters 1 and 7; *Justice and the Church: Gender and Participation* (Washington, DC: The Catholic University of America Press, 1996), pp. 7-9, 35-43; "What is the Natural Law?" in *Ethics and Medics* 12 (June 1987): 1-2; "Scriptural Grounds for Concrete Moral Norms," in *The Thomist* 52 (1988): pp. 1-22 (esp. pp. 13-22); "Dominion or Stewardship?: Theological Reflections" in *Birth, Suffering, and Death: Catholic Perspectives at the Edges of Life*, Eds. Kevin M. Wildes, S.J., et al. (Dordrecht/Boston/London: Kluwer Academic Pub., 1992), pp. 85-106 (esp. pp. 90-92); and "What is the End of the Human Person?: The Vision of God and Integral Human Fulfillment," in *Moral Truth and Moral Tradition: Essays in Honor of Peter Geach and Elizabeth Anscombe*, Ed. Luke Gormally (Dublin: Four Courts Press, 1994), pp. 68-96. This last article is Ashley's most sustained and penetrating critique of Grisez, et al.'s moral theory. I believe, however, because Ashley misinterprets several aspects of their theory, his analysis, although insightful in many respects, ultimately fails to seriously damage the natural law theory of Grisez, et al.

³ Another reason why Ashley's thought on natural law has been overlooked is that in many of his writings he often does not explicitly refer to his ethical theory as a "natural law" theory. For example, he will, as in chapter 10 of *Theologies of the Body*, refer to his ethical theory as an ethic of "co-creative stewardship." But it is most evident that what Ashley is doing in this chapter is articulating a theory of natural law.

⁴ See especially the following important works of these authors on natural law: Grisez, *The Way of the Lord Jesus*, Vol. 1: *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983), esp. chapter 7; and two works jointly authored by Grisez, Finnis, and Boyle: *Nuclear Deterrence, Morality, and Realism* (Oxford and New York: Oxford University Press, 1987), chapter 10, and "Practical Principles, Moral Truth, and Ultimate Ends," in *American Journal of Jurisprudence* 32 (1987), pp. 99-151. See also Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980) and *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998), chapters 3-5; Grisez, *The Way of the Lord Jesus*, Vol. 2: *Living a Christian Life* (Chicago: Franciscan Press, 1993). Much of these authors' thinking on natural law has been ably summarized by William E. May, *An Introduction to Moral Theology* (Huntington, IN: Our Sunday Visitor, 1994 2nd ed.), chapter 2 (esp. pp. 68-90).

⁵ Ashley himself has said this; see his "Christian Moral Principles: A Review Discussion," in *The Thomist* 48 (1984): 450-460.

⁶ Cf. St. Thomas, *Summa Theologiae*, I-II, Q. 94, a. 2; Grisez, Boyle and Finnis identify seven such basic goods in "Practical Principles, Moral Truth, and Ultimate Ends," pp. 106-108. Grisez adds an eighth good, "marriage," in *The Way of the Lord Jesus*, Vol. 2.

⁷ William E. May has criticized this substitution of the term "need"

for "good" as a departure from St. Thomas' usage. May notes that St. Thomas would have called these needs "natural inclinations." For St. Thomas, these needs or inclinations orient us to the basic human goods (Cf. *Summa Theologiae*, I-II, Q. 94, a. 2). The latter, "when intelligently understood," May comments, "serve as the starting points or indemonstrable first principles of practical thinking." May, Book Review of *Theologies of the Body*, in *The Thomist* 54 (1990): 168-172, at p. 172. I respond to May's concern (in his otherwise very favorable review) in my doctoral dissertation, *The Fundamental Moral Theology of Benedict Ashley, O.P.: A Critical Study. Toward a Response to the Second Vatican Council's Call for Renewal in Moral Theology* (Ann Arbor, MI: UMI, 1998), pp. 266-271. Here I argue that Ashley is largely influenced by his former teachers Mortimer Adler and Yves Simon.

⁸ Ashley, *Theologies of the Body*, p. 396. These needs correspond to the four dimensions of the human person: the biological, psychological, social, and spiritual or creative (Ashley and O'Rourke, *Health Care Ethics*, p. 18). I treat all of these needs in more detail in *The Fundamental Moral Theology of Benedict Ashley*, pp. 262-288.

⁹ Ashley, "What is the End of the Human Person?" p. 73.

¹⁰ *Ibid.*

¹¹ Ashley's position is that while ethics cannot be *formally* reduced to metaphysical biology, it *materially* presupposes certain conclusions (or material conditions) of a philosophical anthropology which is part of natural philosophy. He comments: Ethics presupposes natural philosophy which, "beginning with the generic study of human beings as natural objects, and then as animals, proceeds to show that animals of this sort are intelligent, free persons who understand their own activities both theoretically and practically. The human nature (natural moral law) to which we must conform to be morally good human persons is a nature that requires us to make decisions about the unconditionally is-to-be [i.e., the purpose (end) of a human act]" Ashley, "What is the End of the Human Person?" p. 76.

¹² Cf. Grisez and Finnis, "The Basic Principles of the Natural Law: Reply to Ralph McInerney," *American Journal of Jurisprudence* 26 (1981): 21-31. See also Robert P. George, "Natural Law and Human Nature," in *Natural Law Theory: Contemporary Essays* (Oxford: Clarendon Press, 1992), pp. 31-41. This essay is reprinted in George, *In Defense of Natural Law* (Oxford: Clarendon Press, 1999), pp. 83-91. As George makes clear, these authors, while maintaining that ethics is not *epistemologically* dependent on human nature, nonetheless affirm that it is *ontologically* grounded in human nature.

¹³ The supreme (and supernatural) good is the "beatific vision." In this life, however, we have a natural end which is "contemplation" or the "contemplation of truth" (Ashley, "What is the End of the Human Person?" pp. 86-88).

¹⁴ Ashley, *Living the Truth in Love*, p. 108.

¹⁵ *Ibid.*, emphasis added.

¹⁶ For a convincing defense of Grisez, et al.'s incommensurability thesis against the claim that there is an objective ranking of the basic goods, see George, "Recent Criticism of Natural Law Theory," in George, *In Defense of Natural Law*, pp. 31-82, at pp. 69-75.

¹⁷ Cf. Ashley, *Living the Truth in Love*, pp. 134-138; Ashley and O'Rourke, *Health Care Ethics*, pp. 159-166.

¹⁸ Latkovic, *The Fundamental Moral Theology of Benedict Ashley*, chapter 4.

¹⁹ Ashley and O'Rourke, *Health Care Ethics*, p. 145.

²⁰ Ashley, *Living the Truth in Love*, p. 133; Cf. Ashley and O'Rourke, *Health Care Ethics*, pp. 146-148.

²¹ It is the task of prudence, or, as Ashley likes to call it by its biblical designation, *practical wisdom*, to apply the first principles of the natural law "to particular problems of life which constitute the means" to our goal (in this life) of integral human fulfillment (Ashley, *Living the Truth in Love*, p. 93).

²² Ashley and O'Rourke, *Health Care Ethics*, p. 58. One judges the morality of a human act by first asking some *general* questions: (a) How does this action in its context contribute to the growth of persons in the community? (b) Will this act make me more truly human as Jesus was, or less so? and (c) Is one clear about the ultimate goal of human life? (*Ibid.*, pp. 170-171). *Specific* questions then follow. In making an actual moral decision, three things must be determined: First, "Is my end the right end?" Second, "Is my proposed act an 'effective means' in attaining my end? Or, is the act an intrinsic evil, i.e., contradictory to a basic goal?" Third, "In the circumstances, is my act an appropriate means, here and now, or is its 'normal effectiveness' destroyed?" (*Ibid.*, p. 171).

²³ *Ibid.*, p. 169.

²⁴ For an interesting discussion of the relationship between prudence and specific moral norms in the thought of Aquinas, see Finnis, *Aquinas*, pp. 163-170.

²⁵ These modes, such as the Golden Rule, are "more specific than the first principle of morality [= "In voluntary acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will those and only those possibilities whose willing is compatible with integral human fulfillment"], but they are more general than specific moral norms identifying kinds of human choices as morally good or morally evil" (May, *An Introduction to Moral Theology*, p. 79).

²⁶ Ashley and O'Rourke, *Health Care Ethics*, p. 171. I have compared their articulation of the first moral principle with the one offered by Grisez, et al., in *The Fundamental Moral Theology of Benedict Ashley*, pp. 319-320; 330-332. I argue here that Ashley's first principle is too general to be of any real value in helping one to distinguish morally good from morally evil choices.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ Much as Pope John Paul II has done in chapter 1 of *Veritatis Splendor*, Ashley argues that the ethics of Jesus "and his historical exemplification of ethics *cannot be separated from the natural law*, but instead becomes for the Christian *a way to recover the natural law in its authentic sense*" (Ashley, *Theologies of the Body*, p. 386, emphasis added. For the full discussion see pp. 386-397.).

³⁰ Cf. Grisez, *Christian Moral Principles*, p. 184, emphasis added.

³¹ It also explains why Ashley does not show the *process of moral reasoning* from the first principle of morality to specific moral norms by anything closely resembling the "modes of responsibility." For a fuller treatment of this criticism as well as the others mentioned, see *The Fundamental Moral Theology of Benedict Ashley*, pp. 314-321; and pp. 330-332 where I compare the strengths and weaknesses of Ashley's moral theory with Grisez, et al.'s moral theory.

Edith Stein on the Interplay of Nature and Grace in the Formation of Women

by Sister Joan Gormley

During the final years of her professional life, Edith Stein was frequently in demand as a lecturer on women's role in society and the Church. She often discussed the vocation of woman as wife and mother and the education which would best fit her to accomplish it. Special interests of hers were the part played by the emotions in woman's coming to knowledge and the need for faith in order to bring her potential to its fulfillment. Edith Stein's thought on these subjects was far from the radical feminism which she had embraced as a university student and far from the atheism she had consciously chosen when she was fifteen years of age. As far as feminism was concerned, she had lost interest, not in the topic of the role of woman, but in a cause so often pursued in a one-sided, belligerent, and ineffective fashion.¹ This change was not just the result of greater insight and human maturity, but greatly influenced by Edith's conversion to Catholic faith, which afforded her new perspective on every dimension of life and thought. By the time she was lecturing on the various aspects of the question of women's role in the modern world, Edith Stein, no longer an atheist, was ardently convinced of the necessity of grace for all authentic Christian maturity.

We shall in the present study pursue the question of the role of emotions and faith in the education of woman by considering what Edith Stein had to say about them in her lectures. But we shall also consider material available in other writings more revelatory of her person. For example, we have the story of the lecturer's life in her autobiography, *Life in a Jewish Family*.² Though never finished, it affords access to Edith's early life at home and at school, up to the completion of her doctorate in 1916. In addition, what is lost to us by the untimely interruption of the autobiography is at least partially compensated for by

letters which enable us to follow Edith Stein through the years of her professional life and into the cloister of Carmel. From her own pen, we hear her thoughts on various questions and her accounts of events in her life which greatly influenced her thought. A number of shorter pieces—essays, meditations, and poems—give us a glimpse of Edith Stein as the Carmelite nun, Sister Teresa Benedicta of the Cross.

The approach we are taking seems eminently justifiable since the message of Edith Stein was communicated both in her words and in her person. In fact, in her book, *Scholar and the Cross*, Hilda Graef maintains that Edith Stein's descriptions of the ideal woman, abstract as they are, mirror her own features. For Graef, this is a limitation of the lectures: they appear, she thinks, somewhat one-sided and un-mindful of the variety of the types of women.

Perhaps this picture of the perfect woman may be a trifle academic, and at the same time a little too much the reflection of her own very quiet, disciplined nature. After all, there are women of a very vivacious temperament who do things in a different and not always unobtrusive and quiet way—who may even be great saints, as were St. Catherine of Siena, St. Joan of Arc, or St. Teresa of Avila. There is always a danger for the philosopher of taking too little account of the varieties of the real world; and here it seems Edith Stein has not altogether escaped the danger.³

What Graef sees as a limitation, namely that the features of the lecturer are too visible in the lecture, can be for our purposes an advantage. For it means that the speaker's person and life are in the background as an integral part of the message. One member of the audience of a lecture which Edith Stein gave in Salzburg in 1930, "The Ethos of Women's Professions," was moved not only by the message in the words but also by the person of the speaker. In an extensive summary review of the lecture, published in a Heidelberg newspaper, Prof. Viernseil spoke of the "unforgettable impression" left by Edith Stein. He found her lecture convincing for two reasons: that she

was utterly free from the *pathos* which often characterizes feminist speakers and "that the speaker herself markedly and vividly personified her own thoughts."⁴

Since Edith Stein's person and bearing spoke the same message as her words, and "spoke" it with convincing power, we do well to pursue the deeper roots of her words on the topic of the role of the emotions and the role of faith in woman's knowledge. We propose to consider three aspects of Edith Stein's treatment of this subject: woman's natural and supernatural vocation as mother; the education and formation appropriate to woman's vocation and particular way of knowing in which the emotions are involved; and finally, the necessity of God's grace and faith for fulfillment of the woman's vocation. At each point, we will summarize what Edith Stein presented in her lectures and then look at other sources of her life and thought as a way of gaining deeper understanding.

Woman's Spousal and Maternal Vocation

As educator and lecturer, Edith Stein dealt frequently with the topic of women's education. She was convinced that the system in which she learned, and in which she was now educating others, was created with the needs of men in mind, and with little or no concern for the needs of women. For her, there could be no "unisex" education because, while man and woman share a common human nature, they each represent a distinct species of that nature, created with a view to a specific vocation within the human family. Decisions about how to educate and form both men and women require that questions of nature and destiny be raised and answered. This is the task that Edith Stein set for herself in her lectures on woman.

"Woman's nature is determined by her original vocation of *spouse and mother*." Such is the principle which underlies all that Edith Stein has to say about the education of women. These two interdependent aspects of her vocation are visible in the body and etched into the soul and spirit of the woman: she is created for union with man and to bear and nurture human life within herself. In other words, she is created to be a companion and helper and to exercise

spiritual maternity to all whom she meets. From this it follows that the distinctive quality of the woman's being and destiny is the yearning for union in love and for the fruitfulness of that love in the nurturing and redemption of life.⁵ In no way does this imply that the woman's role is restricted to the home. One of the most consistent aspects of Edith Stein's thought on woman's role is that her vocation demands that her influence extend beyond the immediate circle of home, family, or in the case of spiritual maternity, beyond the convent. Since her special mission is to protect life and to keep the family together, the woman cannot remain indifferent to the effects of issues at various levels of the life of the society, even including the national and international levels.⁶

The soul of every woman, formed for the espousal and maternal relationships, has distinct characteristics which fit her for her vocation. She is *expansive* in the sense that she is receptive to others in their individuality and able to search out and carry the burdens of others. Related to this openness to others are *quiet* and *calm* which allow the smallest and most vulnerable to be heard and given refuge, *warmth* which fosters the least signs of life, and *clarity* which allows her to be free from corruption and darkness, full of light and a source of light to others. She is *self-contained*, possessing a deep inner life and resources strong enough to ward off hostile invasions and danger to the life within; she is *empty of self* so that she has freedom and space for the lives of others; she is *mistress of soul and body*, which is to say that her whole person is alert and ready to respond to the call of others.⁷

This listing of attributes of the woman's soul is somewhat vague, and the elaborating descriptions are too brief to dispel a lingering inexactness. However, in spite of the lack of clarity concerning the exact meaning of the terms, it is beyond doubt that the author regarded them as an interdependent nexus of qualities, all of which have to do with the woman's vocation to be spouse or companion and mother. To concretize and illuminate the description of the ideal woman, given in the lecture setting, it might help to consult some of Edith Stein's less academic and systematic considerations of the vocation of woman, especially as these are given in the book which serves as the autobiography of her early life, *Life in a Jewish Family*.

Edith Stein wrote the major part of this book in 1933, after she had lost her teaching position in Muenster because of Nazi measures against Jews, and before she entered the Carmel of Cologne in October of the same year. She was following the suggestion of a priest who had urged her to try to make non-Jews better understand the Jewish people. Given measures taken against the Jewish people by the Nazis and an orchestrated propaganda campaign aimed at all, including the young, she states her purpose: to give "a straightforward account of my own experience of Jewish life as one testimony to be placed alongside others."⁸ Her original plan, never fully achieved, was to present her mother's memories and then supplement them with an account of her mother's life. However, the fact of her intention is eloquent testimony to the decisive role her mother played in her life. It is not an exaggeration to say that the idealized portrait of the woman presented in the lectures corresponds on many points with the portrait of her own mother. It is true that Frau Stein was absolutely unable to understand many of her daughter's major decisions: to study philosophy, to nurse at the front during World War I, to become a Catholic, and finally, most puzzling of all, to become a Carmelite. Each of these decisions, in its own way, involved separation of mother and daughter, both physical and spiritual. But, in spite of deep wounds, nothing ever severed the bond between them.

The picture which Edith paints of her mother shows a capable and determined woman, able to provide for her family and to run a business. Frau Stein had eleven children, seven of whom survived to adulthood. Her husband, Siegfried, died suddenly one hot July afternoon when Edith, the youngest child, was two years old, leaving his wife to care for their large family. After the funeral, relatives held a council meeting and decided that the widow should sell her husband's lumber business, rent a large apartment and sublet rooms. Her brothers were willing to donate whatever she needed over and above. When all had spoken, Frau Stein made known her intention to keep her husband's business, to pay off his debts, and to support her children. By dint of hard work and dogged perseverance, she succeeded in accomplishing all these plans. She learned the lumber trade from top to bottom and immersed herself in all

the various aspects of it, even helping her employees to move and stack the planks of wood when a new shipment arrived in the lumber yard. Edith describes her establishment as "patriarchal" with Frau Stein watching out for her workers and caring for them and their families in times of special need.

But work outside the home did not prevent Frau Stein from carrying out her responsibilities as mother of a large family. The lumberyard was just over the back fence from their house so she could spend the day at work and still be close to her children. Often when they had holidays, they spent their time in the lumberyard where they were given maximum freedom and much attention from their mother and the workers. She watched over the children, learned from them their desires with regard to study, gave them the education which they needed to achieve them, supported them in their marriages and family lives. Her desire was for their happiness.

Even a sketch of Frau Stein serves to show the living example of the "woman" and the "mother" which taught Edith about her own identity and the vocation of every woman. One small observation which Edith notes in the *Life* may serve to summarize the role which Frau Stein played in her house.

Even on bitterly cold winter days she would come home with hands so warm that with them she could take the chill from mine. This always symbolized for me that all life and all warmth in our home came from her.⁹

It is obvious that the expansiveness, warmth, self-possession and self-giving which Edith spoke of in her lectures and attempted to personify in her own living owed much to the example of her mother. Later, in her own way, as student, teacher, and religious, Edith Stein would act in a maternal way in the lives of her family, friends, students, and religious sisters. The mark of her mother remained on her throughout her life.

Woman's Education: The Role of the Emotions

When, in her lectures, Edith Stein presented her insights into the being of woman and her maternal vocation, it was with the intention of seeking light on

the formative process which might bring feminine being to fulfillment. In other words, her interest was in how to educate and form the woman so that she might become what she was meant to be. The question was particularly alive in the thirties as a result of recent struggles for women's rights and of propaganda of the National Socialists which sought to restrict woman's role to the bearing of children for the Aryan cause. The audiences for her lectures were mainly women, many of whom were teachers of girls and young women.

The man and the woman, Edith Stein held, share a common humanity and have the same spiritual faculties of intellect, will and emotion. These faculties are interrelated and interdependent in every human being, but in different modes among individuals and between man and woman. The relation of soul to body is also distinct. For the man, the body is an instrument of work and therefore, he maintains a certain detachment from it. In the case of the woman, the soul is present and lives intensely throughout the body in all its parts because of the woman's orientation toward motherhood. There can be no question of detachment, however relative. The woman remains ever in direct and conscious relationship with her body in a way that the man does not.

The differences in relation of soul to body affect also the operation of the spiritual faculties. Thus the intellect of the man is disposed toward abstract knowledge and his will toward creative action and intervention. For the woman, on the other hand, emotional life stands at the center of her being, in accord with her orientation toward knowing the totality of an individual existent. The risk for the man in the use of his faculties is over-concentration on his cognitive powers, whereas for the woman, the danger is unbalanced emotional development.¹⁰

Absolutely necessary for mature development of the woman is then the development of the intellect which affords light and prevents emotions from causing erratic and fitful changes of direction or the distorted view of the world which comes when the emotions rule the intellect. The will, for its part, must be strengthened, not to rule out emotional reactions—which is impossible—but to regulate responses to goods, to develop its own faculties by opening to formative influences. Without intellect

and will, the emotions leave the woman at the mercy of compulsions to sensuality and subject to "equivocal enthusiasm" or fanaticism.¹¹

Education, the process of shaping what is given with existence, takes several different forms. There is ordinary contact with others and with one's surroundings in ordinary life. Then there is formal education where, more systematically, the intellect is developed as reality is placed before it. Correspondingly, the will is strengthened to accept the good set before it. In both cases, development of intellect and will is of paramount importance so that emotions, stirred by involvement with life, do not develop unchecked, and so that criteria for evaluation will be available. The intellect is the critical faculty for enabling the person to distinguish good from evil and reality from appearance. Without it, woman "lives on illusion," denying real obligations and surrendering to constantly fluctuating moods and feelings. The study of history, literature, biology, psychology, and pedagogy are especially helpful in bringing the woman to awareness of humanity.¹²

Edith Stein's recipe for woman's education may appear somewhat theoretical and academic. Without doubt, this element is present, for she was a scholar who, in her philosophical work, had studied the relationship of emotions to knowledge. In fact, her study of empathy included consideration of the role of the emotions in motivating the person, enlightened by the intellect about goods, to will this or that.¹³ In that work, completed for her doctorate, she had considered in general, without regard to gender, the same question which, in her lectures, she raises concerning the education of women. For women, precisely because of their feminine nature and their vocation to motherhood, the emotions play a central role in knowing.

But Edith Stein's insight into the dynamics of women's knowledge was not based totally on abstract knowledge. That she has reflected on her own experience is abundantly clear in the account of her early life. We single out a few key instances of her life where she is conscious of making progress in the work of becoming herself, events in which emotions act either positively, motivating the will to choose good, or negatively, threatening to overcome the intellect and the light of reason. One can see Edith

Stein reflecting on the interplay of emotions, intellect and will in the events of her own life.

When she was around seven years old, Edith experienced what she considered the first great transformation of her life. Previously, she had been given to sudden outbursts of rage when told to do something against her will. Then suddenly, she decided that her mother and older sister knew better what was good for her. She began to exercise control over herself and, through practice, achieved an equanimity that became habitual. The only reason she could give for this change was disgust at the sight of control in others and anxiety to avoid losing her own dignity. Thus, the emotions being vented in her violent rage yielded in the face of other stronger emotions, namely disgust and anxiety, which motivated her to will the path of reason and accept the formation offered by her mother and sister.¹⁴

Another example of the will's control over the emotions dated from approximately the same early period of her life, at which time, she habitually engaged in daydreaming and fantasies. Especially she entertained dreams of greatness, happiness, and transcendence of the circumstances of her birth.¹⁵ Her mature judgment was that such fantasies signaled the presence of emotions threatening to overpower reason and draw her as victim into the realm of the unreal. The remedy for such flights of fancy could not be eradication of the emotions, but their submission to reality. As a child, this came about for Edith in the normal course of her life as she began her studies at school. Her mature judgment was that the enticing and potentially dangerous fantasies which threatened to occupy her mind were overcome by confrontation with the reality which displaced them, namely the subjects she was learning in school. Such personal experience convinced Edith of the need for an education which saved the young person from being lost in the insubstantial world of dreams by insisting on the systematic and disciplined meeting with the real through learning and assiduous study.

Later in her life, Edith continued to regard engagement in the realities of everyday life as the antidote to overpowering emotion. For example, in the tense days before the outbreak of World War I, when most people were unable to continue with their daily tasks and spent much time in talking with others about the

situation, Edith took another course of action.

The excitement increased from day to day. I had already formed a habit by then, which later I practiced quite consciously in such times of crisis; calmly, I went about my ordinary duties but deep inside I was prepared to call a halt to them at any moment. It went against the grain for me to increase the common agitation by running around or by useless chatter.¹⁶

Another instance of invasion by emotions occurred when Edith was a university student, deeply engaged in her studies and taking great strides in intellectual development. She experienced within herself a deep commitment to the truth and at the same time a "furious contempt" for apathetic students whom she called "the Idiots." She associated with students she considered like-minded and avoided even looking at the others, as she walked in the streets or corridors of the university. Having read a novel about student life in universities, she was so deeply distressed at conditions, that for weeks after, she experienced profound aversion to her fellow students. In this particular case, she was "healed" of the powerful emotion by another yet stronger, when she attended a Bach concert and heard sung Luther's hymn, "A Mighty Fortress is our God." Her distress was replaced by a feeling of certainty of eventual victory over evil which she thought that she and those like her would ultimately have:

And tho' the world with devils filled
Should threaten to undo us
We will not fear
...truth will triumph through us.¹⁷

Another experience of overpowering emotion came to Edith Stein during the time when she was studying in preparation for writing her dissertation. For the first time in her life, she met something that her will power could not overcome. Struggling daily for an intellectual clarity, which eluded her, she fell into profound despair, and her life seemed a great burden. Dealing with her struggles alone, she was oppressed by fantasies of ending her life. Urged by a friend, she sought help from one of her professors. He brought her back to reality with the suggestion that she stop thinking and start writing.¹⁸ The advice was simple but wise, for the exercise of writing was a way of confronting reality—the reality of her thoughts and

the reality of the material she was studying. She was thus able to regain her emotional balance.

During her years of study, Edith Stein made great progress along the path she would later recommend for other women. She was firmly convinced of the need for the development of the intellect if the woman would be prepared for her vocation as spouse and mother. But Edith Stein had abundant personal experience and evidence that intellectual development, essential though it was, would never suffice to bring about the transformation of the woman essential to the fulfillment of her espousal and maternal vocation. She knew from personal experience that work at self-transformation in accord with reason was necessary but always incomplete and unsatisfying. Her conversion to the Catholic faith made her aware of the importance of God's grace working within the soul to transform it and bring it to its destiny to which he had called and prepared the person.

The Necessity of Faith for the Fulfillment of Vocation

In all her lecturing about the nature and destiny of woman and appropriate education for one whose nature orients her both physically and spiritually to motherhood, Edith Stein emphasized the absolute necessity of divine grace to perfect the gift given with feminine existence. In fact, when she was told of criticism directed against her lectures because of her "radical orientation to the supernatural,"¹⁹ she responded that it was to give that message that she went to the podium:

If I should not speak about that, I should hardly ascend a speaker's platform at all.... In fact it is always one small, simple truth about which I speak: what one can do to live close to the Lord. But if people want something quite different from me and give me high-brow subjects which are quite outside my scope, I can only take them as a point of departure from which to proceed to my *ceterum censeo*.²⁰

The ultimate goal of all education and formation was, in her view one and the same for all human beings, both male and female, namely, conformity to the person of Jesus Christ. Thus it was necessary that religious education should be the very core of woman's education. Students had to have placed

before them the Truth which God is in such wise that they would be drawn to the response of faith and surrender. Moreover, those charged with education and formation had to exemplify in their persons their own receptivity and surrender to God's grace.

In defining and describing the attributes of the mature woman, Edith Stein asserted repeatedly that one could not set out to achieve now one and now another attribute individually, either for oneself or for others. What she was describing was "a single total condition of the soul" available only through grace.²¹ Openness and surrender to grace through faith were, in her view, absolutely necessary prerequisites to fulfillment of the feminine form given with existence.

In response to her hearers' questions about how to achieve or bring forth in others the characteristics she described, the lecturer refused to recommend strategies or techniques. Instead she called for the living out of each day in which many obligations crowd in upon the soul from morning till evening. How does one maintain the attitudes of soul necessary for caring for life, one's own and others, amid persistent assaults and invasion of the soul by one thing after another? Edith Stein answers that one begins the day with quiet and the offering of all to God in union with Christ's sacrifice through the Mass. Such entry into divine life at the beginning of the day involves purification and self-renunciation so that one may become "great and expansive" with love burning within. The person can then move through the day step by step as light is given, refusing all turmoil and agitation, concentrating on the day's work and returning to recollection when the work is finished.²²

To attempt the education of women without the dimension of faith would be to set their high vocation before them and then leave them without the means of fulfilling it. Efforts can be made to regulate emotions and to dominate the will, but these will, in the end, yield only partial and fleeting results. The need for God's grace in bringing the woman to fulfillment of her feminine vocation was summarized in an essay on Elizabeth of Hungary, written several years after the lecturer had become a Carmelite. Edith describes the saint as having had a stormy temperament which led her to follow without reflection the impulses of her warm heart. On the other hand, she possessed a strong will with which she attempted to subdue her

nature by forcing conformity to an external pattern contrary to her own deep inclinations. At one time she would act on impulse, at another, she would attempt by sheer force of will to curb her impulses. Edith Stein comments on Elizabeth's situation.

People who abandon themselves to their nature soon find themselves driven to and fro by it and do not arrive at a clear formation or organization....Now people who take control of their own nature, curtailing rampant impulses, and seeking to give them the form that appears good to them, perhaps a ready made form from outside, can possibly now and again give the inner form room to develop freely. But it can also happen that they do violence to the inner form and that, instead of a nature freely unfolded, the unnatural and artificial appears.²³

The only answer to the dilemma is to find a surer light to guide and a stronger power to free the soul to realize its vocation. That light and power comes from God's grace, the one and only source of human perfection.

On these heights it is safe to follow the impulses of one's heart, because one's heart is united with the divine heart and beats with its pulse and rhythm.²⁴

There can be little doubt that Edith Stein once again speaks from personal experience of the indispensability of divine grace for arriving at one's destiny. By the time she arrived at the lecture podium, she had experienced life with and without faith and personally knew the difference. A glimpse at the story of her own faith adds new depth to her strong and insistent statements of its necessity for fulfillment of vocation and destiny.

Edith Stein grew up in an atmosphere of Jewish faith, maintained by ritual observance and family celebration of feasts, but most of all by her mother's fervor. Other members of the family were content with celebration of the feasts at home; Frau Stein went faithfully to the synagogue for all such celebrations. All members of the family kept the various fasts and feasts so that the rhythm of life was determined by the Jewish calendar. But as the children of the family began to grow up, they respected but did not share the deep faith of their mother. Edith was no exception. She vividly remembered the time when she gave up her faith. In 1906, having decided, with her mother's permission, not to go to

school for an indefinite period of time, she spent ten months living with an older sister and her husband in Hamburg, a couple without faith or any sign of religion in their home. Whether their lack of faith influenced Edith or not is unclear, but it was while living with them that she gave up any vestige of the faith transmitted to her in her childhood. She describes this abdication of faith as a conscious decision, made during her sojourn in Hamburg, and framed in terms of the abandonment of prayer: "Deliberately and consciously I gave up praying here."²⁵

Though not a believer, Edith Stein had, from early in her life, a strong sense of her own inner life and a commitment to personal integrity and purity. She mentions a game played at parties in childhood which made a strong impression on her, called "Three Questions on your Honor and Conscience." One child would leave the room while the others would decide three questions designed to uncover the secrets of the heart (e.g. which adult was most admired; which sibling was most loved, etc.) The child returned with "pounding heart" committed to tell the truth. What left an indelible impression on Edith was the experience of descent into the depths of her person and the awareness which she had there of the truth, accessible to her in the depths of her person and demanding a personal commitment and adherence from her.²⁶

A similar experience of the depths of her person and the inner light of truth she found there, was especially keen in times when she was attempting to make important decisions. She would be in a situation where she did not know what step to take and without any clear inner prompting. At such times, she found herself completely unable to act upon suggestions from others. But then light would come, sometimes unexpectedly, and she would move forward decisively and with full determination.

My decisions arose out of a depth that was unknown even to myself. Once a matter was bathed in the full light of consciousness and had acquired a definite form in my thoughts, I was no longer to be deterred by anything...²⁷

One such decision, made from the depths of her being and with fullness of light was to study philosophy under Husserl. This was a decision fraught with consequences for her life of faith, as it had been for

others before her. Many of Husserl's students had gone on to become Christians and Catholics. For Edith Stein, it was the opening of a world of religious faith, and specifically of Catholicism, which had to this point been closed to her. It was several years before she "found the way back to God," but the orientation away from the knowing subject to objective reality, which characterized phenomenology, was like the planting of a seed which would mature within a few years as the reality of faith became more visible to her.

During her years of philosophical study, Edith Stein experienced much success in her various academic endeavors. She was early on accepted and respected both by professors and fellow students; with relative ease she moved from stage to stage in her course of studies. From a moral point of view, she could be basically satisfied with her life, finding stability and security in her strong commitment to truth and to the service of humanity, which she had formulated for herself as the purpose of human existence. But at points where she expected fulfillment, such as in academic achievement, she found instead a surprising interior emptiness. She also had before her eyes the phenomenon of the faith of others, a factor of the greatest importance in her eventual conversion.

The phenomenon of religion, and specifically of Catholicism, had been introduced to her by one of her professors, Max Scheler. But more decisive for her own development were direct encounters with believing Christians. Edith Stein tells of visiting the Cathedral in Heidelberg as a tourist and being struck by the visit and prayer of a woman before the Blessed Sacrament.

This was something entirely new to me. To the synagogues or to the Protestant churches which I had visited, one went only for services. But here was someone interrupting her everyday shopping errands to come into this church, although no other person was in it, as though she were here for an intimate conversation. I could never forget that.²⁸

Still more decisive was her experience of the Christian faith of Anna Reinach, wife of one of Edith's teachers, killed in the war. Edith had gone to comfort this widow and to help her gather her husband's philosophical papers. She expected to find the woman devastated and disconsolate in the face of her husband's death. Instead she found her full of

faith and hope, able to console others who mourned her husband. This was Edith's first experience of a lively Christian faith in the resurrection from the dead and an important motivating force in her conversion to Christianity. She found herself "face to face with the power of Christ's cross working in those who have faith in him."²⁹ Edith Stein's long journey to Christianity was finally completed with the reading of the *Life of St. Teresa of Avila* which Edith found on the shelf in the house of a friend she was visiting in the summer of 1921. Once again, she encountered an authentic Christian faith and life. Upon completing the testimony of the great Spanish Carmelite, Edith Stein expressed the strong conviction: "this is the truth." She was baptized on New Year's Day, 1922.³⁰

Edith Stein's conversion to Catholicism was not, of course, the end of the story of her faith. The lectures on the education and vocation of women were all given several years after her baptism and after several years experience of teaching young women. They reflect her efforts to live the fullness of faith through a contemplative life. They also manifest her deeply Christian insights into the power of God's grace to enable the Christian to respond to the various dimensions of God's call. Applied to the vocation of woman, this means that the grace of God enables the woman to develop all the natural gifts she has received and to fulfill her vocation of spouse and mother in whatever state of life she has been called.

there arises from a sound and inwardly sustained conviction of faith a yearning conformable to nature to live *completely* in the faith; and that means to place oneself completely in the services of the Lord.³¹

When she spoke these words before a lecture audience, Edith Stein stressed that such dedicated life had to be a characteristic of the vocations of all Christian women, those living some form of consecrated life and those carrying out their solidarity with Christ in the home or in the workplace. The account of Edith Stein's life as a teacher and lecturer and later as Carmelite and martyr indicate that she arrived at the fullness of spousal and maternal vocation which she proposed in her lectures as the perfect realization of the feminine vocation. ✠

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NOTES

¹ Edith Stein, *Self-Portrait in Letters 1916-1942*, ed. by L. Gelber and Romaeus Leuven, O.C.D. (Washington, DC: ICS Publications, 1933), pp. 98-99. In a letter to a Dominican friend, Sister Callista Kopf, Edith criticizes a priest friend of the feminist movement whom she finds too one-sided and therefore ineffective regarding the problems concerning the role of women. She also comments critically on a dissertation in progress which instead of letting facts speak for themselves is cast in a tone which is at once subjective and belligerent.

² Edith Stein, *Life in a Jewish Family: An Autobiography* (Washington, DC: ICS Publications, 1986).

³ Hilda Graef, *The Scholar and the Cross: The Life and Work of Edith Stein* (Westminster, MD: Newman Press, 1955), p. 79.

⁴ Edith Stein, *Essays on Woman*, ed. by L. Gelber and Romaeus Leuven, O.C.D., tr. by Freda Marie Oben (Washington, DC: ICS Publications, 1987), pp. 18-21.

⁵ *Ibid.*, pp. 93-94, 118-19.

⁶ *Ibid.*, pp. 141-42.

⁷ *Ibid.*, pp. 118ff.

⁸ Stein, *Life*, p. 24.

⁹ *Ibid.*, pp. 58-59.

¹⁰ *Essays on Woman*, pp. 73-74.

¹¹ *Ibid.*, pp. 102-04.

¹² *Ibid.*, pp. 171-81.

¹³ Edith Stein, *On the Problem of Empathy*, tr. by Waltraut Stein, Ph.D. (Washington, DC: ICS Publications, 1989).

¹⁴ Stein, *Life*, p. 75.

¹⁵ *Ibid.*, p. 77.

¹⁶ *Ibid.*, p. 294.

¹⁷ *Ibid.*, pp. 216-17.

¹⁸ *Ibid.*, pp. 282-83.

¹⁹ Stein, *Letters*, p. 74.

²⁰ Graef, *Scholar and Cross*, p. 88.

²¹ Stein, *Woman*, p. 130.

²² *Ibid.*, pp. 130-33.

²³ Edith Stein, *The Hidden Life: Hagiographic Essays, Meditations, Spiritual Texts*, tr. by Waltraut Stein (Washington, DC: ICS Publications, 1992), pp. 27-28.

²⁴ *Ibid.*, p. 28.

²⁵ *Life*, pp. 147-48.

²⁶ *Ibid.*, p. 67.

²⁷ *Ibid.*, p. 152.

²⁸ *Ibid.*, p. 401.

²⁹ *Ibid.*, pp. 419-20.

³⁰ *Ibid.*, p. 420.

³¹ *Woman*, p. 143.

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Does Nothing Think Like a Dame?

by Marie George

*There are no books like a dame.
Nothing looks like a dame.
There are no drinks like a dame.
And nothing thinks like a dame.*

—“*There is Nothing Like a Dame*,” from *South Pacific*

It is recently in vogue to speak of there being feminine and masculine forms of logic. While everyday experience testifies to differences in what things women and men think about most often, and as to how they look at the same thing or situation, one might still wonder whether the way in which they reason is itself different.

To fully answer the question of whether there is such a thing as feminine logic would require a long and difficult consideration of human psychology, as well as of the nature and foundations of logic. My more modest goal here is to refute one of the arguments commonly offered on behalf of feminine logic. I have come across basically two approaches among those who conclude that men and women have different modes of reasoning. One line of argument looks to differences in male and female senses and brains as providing grounds for concluding that their thought processes could not possibly be the same. The other approach, which I intend to examine here, looks rather to certain feminine cognitive gifts, namely to women's comparative facility for figuring out how to deal with individual things, people and situations, and to women's ability to coordinate many diverse and unrelated activities.

Why exactly does woman's talent for dealing with everyday matters lead people to believe that there is a separate sort of logic? One way of seeing how this comes about is by considering one of the forms of reasoning most often used in regard to contingent matters, namely, reasoning from signs. We reason from signs all the time: smoke is a sign of fire; wet grass is a sign that it has rained. Reasoning from signs often, although not always, takes a hypothetical form, in keeping with the “if-y” nature of contingent

things. For the sake of brevity I will consider it in this form. Recall the following fact about hypothetical reasoning: From the proposition, “If A then B,” we cannot conclude that “B, therefore A.” For example: if it rains the grass is wet. But the fact that the grass is wet does not allow us to conclude for sure that it rained. It makes no difference whether one is male or female. Arguing “If A then B,” “B therefore A” is illogical, because it violates the relations of universality between the terms.

Consider now a case like this: One comes home and sees that the door has been forced open. Instead of going right in, one goes and consults with the neighbor just in case someone is still inside. One legitimately reasons: “If a criminal has broken in through the door, the door will be forced open. The door has been forced open, therefore a criminal *may* have broken in.” Whereas it would be bad logic to conclude that this is necessarily the case. In this situation, as in many others, one may have reasonable suspicions where there is a lack of information sufficient to have certitude. And thus, when some action must be taken, it is reasonable to act on the basis of such suspicions. To give another example, if one's daughter returns wearing sunglasses at night, it's a sign of something, and one acts reasonably in questioning her or trying to find out in some other way whether her wearing sunglasses is connected to drug usage. It would be bad logic, however, to assume that she is necessarily taking drugs.

Women are generally more successful in arriving at correct answers concerning contingent matters, for they are on the whole more sensitive to circumstantial evidence. They are generally more perceptive of details, both consciously (they notice things such as when someone has gotten their hair cut), and unconsciously, as is born out by woman's generally superior intuition (eyes in the back of the head are more often attributed to mothers than to fathers). Other things which witness to women's superior attentiveness to signs is the fact that they are superior matchmakers, more capable of discerning who will fit with whom. And as Aristotle observed centuries ago, “in matters of parentage women always discern the truth” (*Rhetoric* 1398b).

The very reliability of intuition, however, makes

it apt to be misidentified with the certitude of one's reasoning process. It is not unusual to have or to hear the sort of argument that I once had with a person who insisted that Mr. X was definitely a drinker because he had bags under his eyes. In response to my explanation of the defect in such reasoning, I was told: "I don't care about your logic, I know that I'm right." And he probably was right. Intuition can compensate in large part for faulty logic, and thus when people get by quite nicely using defective rules for reasoning, they sometimes believe that they have reason to regard these rules as acceptable alternatives to traditional logic.

Another similar scenario most of us have probably witnessed runs like this. Husband: "You're jumping to conclusions, dear." Wife: "I'm sure that I'm right." Later in the day: Wife: "I was right, so there." The husband never claimed that his wife was wrong, but only that she was being illogical. However, as far as some people are concerned, reasoning is a matter of the proof of the pudding recipe being in the eating: when something works out as predicted, the reasoning by which one predicted it must also be correct.

Of course, I do not mean to imply that all women often make errors of this sort, or that no man ever does so. When discussing things which are due to nature, one is to expect many things to be true only for the most part, as is the case, for example, of the relative heights of men and women.

Women's success in practical matters is not only due to being more attentive to detail, but also to the fact that when faced with a new kind of task they are more likely to plunge in and use trial and error, i.e., act upon their intuition, and if it doesn't work, to try something else. Lack of evidence does not faze them, and thank goodness it doesn't, for this is the common state of affairs in the practical order. Men are more likely to hesitate and ponder what is the theoretically most justifiable course of action (and while they are pondering the supper burns, and Junior falls down the stairs). Trial and error is generally more successful in matters where some action must be taken within a limited amount of time to prevent an undesirable outcome.

Women, then, being quite successful in coping with daily practical problems by relying on signs and trial and error are liable to regard rules such as those regarding hypothetical reasoning as so much useless logic chopping. Or alternately they claim to have their own form of logic, overlooking the fact that philoso-

phers long ago recognized that different logical rules apply to areas where there is a possibility of arriving at necessary truths as opposed to areas where such cannot be obtained—the ancient art of rhetoric treats the latter.

Why do women do so well at reasoning about practical matters when few make any formal study of logic? First, as for studying rhetoric, it can but take one a limited ways towards making correct practical judgments. Rhetoric argues from things which are extrinsic to the case at hand, e.g., from what happened in the past, and from what is generally probable, and not from what is proper to this specific case. Secondly, and more importantly, reasoning in the practical order for the most part takes one of two forms: the practical syllogism, and arguments leading up to a practical syllogism, such as arguments from signs. Ignorance of the latter can be gotten around for the most part, as will be explained more thoroughly below. As for the practical syllogism, it is hardly an argument, since one of the premises is singular, rather than universal, and so little logic is required. It amounts to an application of a general rule to a particular fact, where the most important thing in the application is to correctly ascertain the fact. For example, once one recognizes that *this* would be stealing, the conclusion that it should not be done follows automatically. The principle "one should not steal" is self-evident (granted knowledge of it is sometimes obscured by bad custom), and everyone is naturally capable of reasoning: "Every A is B, Every B is C, therefore every A is C." But that *this* would be stealing is sometimes hard to discern.

What facilitates identifying a particular thing or action as good or bad, useful or harmful, are good internal senses. I am referring to memory, intuition (a function of unconscious memory), imagination, and a sense faculty somewhat like instinct that allows one to notice that a particular concrete thing or aspect thereof is significant (the medieval philosophers called this ability "particular reason"). To understand how these faculties come into play, consider some examples of how women better than men determine what is to be done or avoided: A woman more readily than a man will realize that paper sacks into which rice has just been portioned should be taped rather than stapled, because she more readily imagines what might happen if they were stapled: "I can just see someone letting the staple fall into the sack, and

then someone swallowing it." Or consider this incident (which actually took place): Grown-ups are chatting while watching the children play when the mother (sarcastically) asks the father: "Don't you see our son doing something dangerous?" The father finally realized that she was referring to the stick which their youngest son was holding, and took it away from him. The mother, due to superior "particular reason," had immediately identified the stick as something with which the young child might poke himself or others, or might damage some object. Thus she concluded right away that it needed to be taken away, while her husband was not able to do so. The father failed to complete the syllogism not because he was lacking in logical ability, and not because he did not see the child with the stick, but because he did not notice the significant facts, i.e., the danger the stick posed to a child of that age. (To spell out the syllogism: Things which are dangerous to children should be taken from them. This stick is dangerous to this child. This stick should be taken from this child.) The mother completed the practical syllogism not because she was especially good at logic, but because she did perceive the salient facts. In this respect, women on the whole are more reasonable than men.

Reasonable does not however mean logical. Again, the reasoning here does not require any special expertise to put the terms in their proper order, but only the knowledge that a normal human being ordinarily picks up in the natural course of things. What it does require, which not everybody has an equal talent for, is the ability to recognize the significant facts, and this depends on the quality of one's internal senses (memory, imagination, etc.).

Apart from the practical syllogism, the other kinds of reasoning most often used in practical matters have the technical names "example" and "enthymeme," the latter of which are drawn from signs and probabilities. For the sake of brevity we will focus on arguments from signs as they have already been spoken about earlier (it could be shown that what is said about them applies to the others as well).

Once again, women are good at reasoning from signs to the extent that this depends on first being perceptive of them. As Robert Poole recounts in *Eve's Rib* (33, 34):

...one night shortly after the beginning of school she [my wife] came home and told me what she had fig-

ured out about some of the other students. She hadn't met or talked to these people, only watched them in class. "This guy is wondering whether he really belongs in the program," she said. "Whenever he answers a question he tries to sound very intellectual, but he's trying to convince himself more than the rest of the class. There's a man and woman who sit next to each other— they're trying to decide whether to have an affair." And so on. From past experience, I know she's probably right about all of them, and that amazes me. I could be sitting right next to somebody who had just won the lottery and I probably wouldn't even notice he looked a little excited.

It is not that Robert Poole could not infer that a person may have won the lottery from the fact that he looks a little excited. It is that he would not even notice that the person looks a little excited. It is not that his wife sees things he does not see, but she recognizes these things as having a certain significance.

Children's health is another area where one can see that it is the superiority of women's internal senses which allows them to reason better. For example, a mother more often than a father will be the one who notices that Junior seems unusually drowsy of late. And thus it will be she who will conclude that something needs to be done now about Junior's health, e.g., see if he has a temperature. It is the good functioning of her internal senses which greatly aids her in figuring out that something needs to be done: She remembers more accurately how active Junior usually is throughout the day, and she is more aware of the significance of his various activity levels.

I think it is worth noting in passing that women's talent for reasoning from signs is at least partly why of all the areas recently opened up to women, medicine is one of the ones in which women have been the most successful. For doctors generally arrive at a diagnosis by cross-checking the different signs or symptoms. Moreover, although sometimes they can directly verify a diagnosis through blood tests and the like, other times they can do no more than go by the signs.

Women are at an advantage in regard to reasoning from signs again because of the good disposition of their internal senses, and not because they are particularly good when it comes to respecting the correct form of reasoning. And ultimately, theoretical knowledge of how to reason from signs is not all that necessary for thinking about practical matters. What we have seen about hypothetical reasoning attests to this: Not

only do intuition and trial and error often compensate for poor hypothetical reasoning, but sometimes experience renders theoretical knowledge about hypothetical reasoning unnecessary; for instance, the simple fact that one knows from experience that A can be caused by X as well as by Y will generally prevent one from jumping from the presence of A immediately to X or to Y, regardless of what one knows or does not know about hypothetical reasoning. Moreover, in some cases the accumulation of experience may naturally result in a merely probable line of reasoning from sign becoming a certain one. For example, a swollen abdomen may be due to a temporary stomach ailment, to excessive beer drinking, to pregnancy, etc. But if the abdomen's distension is accompanied by certain other signs, e.g., coinciding with the cessation of the person's menstrual cycle, and getting gradually bigger as the month goes on, one can be virtually certain what the swollen abdomen's cause is.

People, then, get by without an art when it comes to drawing conclusions about practical matters. They are not in need of instruction for making applications, since how this is correctly done is self-evident. And people manage to get along without any formal instruction in logic when it comes to reasoning from signs.

I do not mean to say that people cannot derive any profit at all for thinking about practical matters from instruction in logic. Good disposition of the internal senses, good intuition, does not always make up for "jumping to conclusions." There are, in fact, quite a few ways of jumping to conclusions, in addition to those that happen in hypothetical reasoning, and logic can teach one to avoid them too. Rhetoric teaches one how to use specific forms of argument adapted to dealing with contingent matters. But logic can only take one so far. To identify the pertinent facts in any given case cannot be done by following logical rules.

There remains another factor which should be mentioned with regard to correct moral reasoning, and that is good will. In the moral order, people reason badly regarding signs not only because of bad logic or because of unperceptiveness, but oftentimes because of moral imperfections. For example, it was Othello's jealousy, rather than his logic, that led him to misinterpret the signs he took as indicative of his wife's infidelity. The importance of the appetitive

factor in moral reasoning is why people often spontaneously tend to censure someone for failing to do something, even though the person's native lack of imagination and particular reason may have been responsible for his failure to so much as notice what was to be done. There is an unperceptiveness which is due to selfishness, and there is an unperceptiveness due to lack of aptitude for noticing details. Whether women tend to be morally superior is another essay, but as to natural ability to notice details, women doubtless have the edge.

There is another thing about the way women "think" that leads certain people to believe that there is such a thing as feminine logic, namely, their ability to oversee several activities almost simultaneously. I have often noted that men marvel at this ability, confessing to their own inability to think of more than one thing at a time. Men generally prefer to deal with one subject at a time, endeavoring to link one idea about it to another in a sequence, whence comes the expression "male linear logic." On the other hand, women are able to deal with a variety of unrelated things at the same time. This is not to say that every woman has this ability and every man lacks it, any more than every woman is weaker than every man. I agree with the advocates of feminine logic when they maintain that women have certain cognitive gifts that men generally lack. However, I disagree with their calling these particular gifts a form of logic, different but equal to so-called "linear" logic. The ability to coordinate many different activities is not the same as the ability to recognize whether anything follows (either with necessity or with probability) from statements about the same thing. The ability to coordinate many different things is more a gift of imagination and memory, than of intelligence.

The purpose of this paper is not to argue about whether or not women are logical, but rather to examine some of the grounds offered as justification for the development of a feminine form of logic. However, much of what we have said above sheds considerable light on the allegations that women are illogical, whence comes the following brief aside.

Woman's practicality depends on her ability to deal with the vicissitudes of everyday life by recognizing peculiarities of individuals, by organizing diverse particulars, by deciphering signs and by forging ahead without having absolute certitude. And this accounts

for the dispersal of thought that she is often accused of. She looks to many signs which not only are non-necessary taken individually, but which may often not be necessarily connected, rather than seeking one proof. She is attentive to things that are accidental and not only those which are essential: The mole on Jill's arm strikes her more than Jill's risibility. She organizes things which have no causal connection: wash, supper, Jack's homework, Jill's piano lessons. Men complain that women cannot stick to the point: that they jump from one story to another without finishing the first, or that they introduce all kinds of irrelevancies. While rejecting derogatory exaggeration, one can concede that women have some tendency to do so. And when they get hung up on irrelevancies it definitely affects their ability to arrive at appropriate decisions. However, the tendency to take note of apparently unrelated things is not devoid of purpose or goodness. What Charles DeKoninck says below is helpful here:

We [here] will rather reserve the term [history] for what can only be narrated, for what cannot be rationalized, for what is not communicable in a doctrinal way. Events—such as Socrates took the streetcar today and he had sausage for supper...—all point out what Socrates did during the day or what happened to Socrates during the day. They are very true, but note, do not despise these contingent events because that is what you are mostly—pure contingency. If you do not realize this—if you think your life has a clear logical line, then you may be certain that you have a wholly disorderly being.... Take the following as an example of the contingency of our behaviour due to the contingency of our life. Socrates is the son of Sophroniscus. He is waiting at this moment for a streetcar. There are children in the street and they are exploding fire crackers. He is thirsty.... While waiting for the streetcar, he notices that the sky is clear. He may be thinking of what he is doing or thinking of what he should be doing. The streetcar finally arrives, but Socrates just in time slips by a truck, rushing, God knows why. What is it doing there while he is waiting? Well, anyhow it is there. There is no rational connection. (Charles DeKoninck, "Existentialism," unpublished work, April 30, 1950, p. 2).

The purpose of women's more dispersed manner of thinking is to allow them to keep up with, and adapt to, life's precarities. As G.K. Chesterton puts it:

Much of what is called her subservience, and even

her pliability, is merely the subservience and pliability of a universal remedy; she varies as medicines vary, with the disease. She has to be an optimist to the morbid husband, a salutary pessimist to the happy-go-lucky husband. She has to prevent the Quixote from being put upon, and the bully from putting upon others. The French Kind wrote—*"Toujours femme varie/ Bien fol qui s'y fie,"* but the truth is that woman always varies, and that is exactly why we always trust her. ("The Emancipation of Domesticity," p. 149).

The male "linear" mind tends to brush aside the accidental in its search for proper and necessary causes, causes which always or almost always produce the same effect. The things that only usually give their result can often be interfered with in an indeterminate number of ways. Recognizing these incidental causes may be crucial to understanding someone's feelings or behavior, without which one cannot give an appropriate response. As Thomas Aquinas puts it:

Because prudence is about singular operables in which many things coincide, it happens that something considered in itself is good and suitable for an end, which nevertheless turns out to be bad or not favorable to an end due to some of the things coinciding with it. Such as, to show a sign of love to someone, considered in itself, seems to be suitable for attracting his soul to love; but if it happens that in his soul there is pride or suspicion of flattery this will not be suitable to this end. And therefore circumspection is necessary for prudence, namely, so that a man may compare what he orders to an end to the circumstances as well. (*Summa Theologiae* I-II, 49.7).

Women are good at this kind of circumspection. For example, usually a child would be happy to get a gift from an aunt, but this child isn't—a mother will more readily identify what the problem is. Women have a less firmly fixed preconceived idea of "what is supposed to happen," and this allows them to be more attentive to things as they actually happen. Yet as tremendously helpful as this is to practical success, this attention does not constitute an alternate form of logic.

Women's success at practical reasoning misleads people into thinking that women have their own form of logic. I have tried to show that this success is due to favorable dispositions of their internal sense powers, and not to mastery of a peculiarly feminine form of logic. "Thinking" in the case of practical matters is not

the same as "thinking" in the case of theoretical matters, and the former does not share the latter's need for logic. Thinking about practical matters ultimately requires a singular premise as well as a universal one, and its conclusion is about a singular. Thinking about theoretical matters requires universal premises. What thinking about practical matters most of all depends on is knowledge of the singular. Since the singular is the object of sense knowledge, and logic concerns relations of universality, the internal senses play a large role in practical reasoning, and there is relatively little need for logic. What little need for logic there is, is insured

largely by native ability, or was discovered long ago by authors who wrote treatises on rhetoric. For these reasons, women's excellence in practical reasoning does not supply adequate justification for the claim that there exists specifically feminine tools of thought. However, lest I be accused of thinking like a dame, I should remind the reader that this is not to say that such justification may not be found elsewhere. ✕

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PACS, Marriage and France: Déjà Vu

by John Grondelski

In establishing “civil solidarity pacts” (les paces civils de solidarite, “PACS”) on October 13, 1999, the French National Assembly defined them as “a contract, concluded by two adults, of the same or different sexes, in order to organize their common life.” These ersatz “marriages,” which now give public institutional form to homosexual unions as well as heterosexual couples living together, represent the culmination of an intense lobbying effort over the past year in which the Catholic Church was often portrayed as a force of “reaction” against “modernity.” The paradox is that, in trying to ape the institution of marriage, PACS supporters also chose to purloin a notion of marriage that Vatican II gave up thirty-five years ago: treating the basic unit of human society primarily under the rubric of a “contract.”

The French PACS, like its “registered partnership” counterparts in other European countries like Denmark, Sweden, and the Netherlands, is indeed rife with paradoxes. In the name of “authenticity” the sexual revolution of the 1960s proclaimed an aversion to all things institutional. Traditional structures like marriage were opposed in the name of “love” and— in the words of the contemporary song— “love [was] all you need” to justify sexual relations. The institution of marriage was regarded as an imposition by authority, a redundant external that added nothing to a “love” already present and which could not substitute for its absence.

The paradox, of course, is that the “sexual revolution’s” war on structures has taken a new turn: instead of abolishing them, proponents of its ethic have turned instead to co-opting those structures, using traditional forms to advance its agenda and give it legal permanence. Thus, after railing against marriage traditionally understood, the proponents of PACS have chosen to keep the form while gutting the contents, creating a parallel institution to marriage in the form of “registered partnerships.”

In the new French legislation, PACS are “con-

tracts” registered before a local Registrar. They create a duty for the partners to provide each other with “mutual and material help,” the content of which is defined in the PACS contract. The contract itself is breakable by either party dying or marrying, by joint agreement, or by one party giving the other three months’ notice.

While proponents of PACS have seized on the fig leaf that these contracts are dissoluble by marriage, for all practical purposes PACS represent State-created quasi-marriages. Prescinding from the obvious point that sexual differentiation is not an irrelevant or accidental aspect of marriage, the fact that PACS supporters have selected contract law as their model for basic human relationality betrays how bound up with some of the worst aspects of contemporary family life and law these pactes civils are.

American family law is a good illustration of the baneful influence of contractual models. In the late 1960s and early 1970s, as advocates of legalized abortion in the United States took their case from individual state legislatures to the courts, seeking to have abortion restrictions declared unconstitutional, they needed to find some constitutional provision on which to hang their hopes. The U.S. Supreme Court’s invention of a “right to privacy” in two earlier cases dealing with state laws prohibiting the sale of contraceptives proved promising. In *Griswald v. Connecticut*, the Supreme Court invalidated a state statute—the only one still on the books in the 50 states—prohibiting the sale of contraceptives to married couples. In striking down the law, the Court opined that a “right to privacy” inhered in the marital relationship with which Connecticut’s law interfered.

Two years later, however, the Court radically expanded that right. In *Eisenstadt v. Baird*, the Court has to address a Massachusetts law prohibiting distribution of contraceptives to unmarried minors. Massachusetts maintained that the case was qualitatively different from *Griswald*, wherein the Court asserted that the right to privacy “inhered in the marital relationship,” because, ex definitione, unmarried minors had no marital relationship. At that point, the Court

found it necessary to rewrite its jurisprudence to reach its preferred conclusion: the right to privacy now inhered in the individual person. In banning the distribution of contraceptives to unmarried minors, Massachusetts was interfering with their rights to privacy.

The problem with such thinking, of course, is that—except for masturbation—sexual activity inherently involves more than one individual. (As Chesterton waggishly observed, just having sex “on the mind” is probably the worst place to have it.) A sexual ethic that conceives of partners as bearers of individual interests that sometimes cohere and sometimes collide is an ethic of war with reality. To conceive of marriage as merely a partnership of individuals who surrender a measure of their autonomy for a greater self-interest is ultimately destructive of the Judeo-Christian notion of marriage as a qualitatively unique covenantal relationship. It represents the worst extreme of the Hobbesian world of conflicted individuals bonding together merely through a “social contract.” In real life, it also probably means a short-lived marriage.

The projection of contractual individualism into American family law is well exemplified by the radicalism of that country’s abortion jurisprudence. In the wake of *Roe v. Wade*, the 1973 U.S. Supreme Court decision legalizing abortion-on-demand practically throughout pregnancy, individual states struggled to fill the vacuum created by the Court’s ruling. During 1973–74, in an effort to take cognizance of the biological fact that fertilization requires two persons, both of whom could conceivably have an interest in the resultant child, several states enacted laws requiring parental consent before an abortion was performed. The Court subsequently invalidated those laws, maintaining that a mother is directly affected by pregnancy and, therefore, her interests prevail. In today’s America, a father has effectively no voice in the fate of his child until it is born.

In her landmark study, *Abortion and Divorce in Western Law*, Harvard law professor Mary Ann Glendon has documented how the same contractual individualism, insinuating itself into divorce law, has undermined marriage. Prior to the late 1960s, most jurisdictions discouraged divorce by requiring grounds (such as adultery) for the dissolution of mar-

riage. Since that time, many Western societies have been seduced by the idea of “no fault divorce,” which theoretically allows an “amicable” end of marriage upon mutual agreement or “irreconcilable” differences “proven” by separation from bed and board. What this has de facto meant, Glendon notes, is that one party can effectively end a marriage even over the other’s opposition. The parties must still “fight it out” over dividing the property and children but one party can, to all intents and purposes, end a marriage. As various authors have noted, this gives marriage even less protection than contract law: a unilateral attempt to break a business agreement, without reasons or extenuating circumstances, is a punishable “breach of contract.”

Admittedly, Catholic canon law did once emphasize the “contractual” nature of the sacrament of marriage. As problematic as an exaggerated canonical contractualism might have been, however, it was qualitatively different from the contractualism operative in much of modern Western law. Canon law, after all, regarded marriage as having its own inherent structure rooted in natural law (another concept increasingly foreign in the West). No canonist pretended that a couple could make a valid matrimonial contract contrary to the essence of marriage. However debilitating canonical contractualism might have been to the theology of marriage, it could never have arrived at the extremes that the social contractarianism (officially agnostic about the nature of marriage) which informs Western family law has reached. And regardless of past emphasis on the “contract of marriage,” Catholic theology since Vatican II has rightly conceptualized marriage primarily under the richer interpersonal rubric of “covenant.”

Despite the social scientific data pointing to the human wreckage in large part attributable to the sexual revolution—exploding levels of illegitimate births, problems of teenage pregnancies, and the inherent fragility of marriage in a culture of divorce—the French proponents of PACS have chosen to further ensconce the contract model of human relation in law. The new French “solidarity pacts” are essentially terminable at will (on 3 months notice by either party). They speak of obligations but have no inherent ones: imposed subsequent to amendment of the contract by both sides. PACS provides the illusion of

responsibility while making its contents negotiable. PACS simulates the permanence of marriage (itself imperiled) while giving either partner a way out at will. PACS represents the codification of the pleasure principle of arrested adolescent sexuality in civil law.

To which, obviously, PACS supporters reply: everyone has a choice! If one wants to marry, one can do so. If one prefers to choose this route, why should society interfere in the bedrooms of consenting adults?

The obvious answer is, of course, contained in the law itself. PACS is not just about unmarried "couples"—heterosexual or homosexual—living together. It is about giving them a social imprimatur. What is at issue is not just two persons living together but the larger society affirming that arrangement, with the full weight of the law available to use against dissenters. Thus, the new French PACS statute requires local registrars to record these unions. The law envisions tax benefits for "partners." Entry into a PACS arrangement now enables a foreign partner to claim "ties" to France prerequisite to residence rights (in a country where anti-immigrant sentiments have been rabid). Businesses must take "partners'" schedules into account when dealing with requests for vacation or leave. In the "live and let live" vision of PACS proponents, there is no tolerance for dissenting individual or institutional consciences: firms that do not want to promote homosexual (or unmarried heterosexual) liaisons, registrars who morally oppose their unions, taxpayers who do not want to subsidize "partnerships" will just have to acquiesce.

One is left to wonder where "partnership" legislation might go next. Will "partners" acquire the right to adopt children (or produce them by artificial means)? And, in the end, why not just declare marriage open to homosexuals? Given the inherent fragility of marriage itself today, there is practically no difference between a partnership and a marriage. If a homosexual "partnership" can be dissolved by a heterosexual marriage, why can't it work the other way: why can't a homosexual "partnership" nullify a heterosexual marriage? If there are no palpable dif-

ferences between marriage and "partnership," should not the controlling issue be time: which arrangement followed the other? Absent any compelling reason for the distinction, can one really doubt that this question will not eventually be a matter of European human rights? (The European Social Charter, after all, guarantees that all qualified persons have the right to benefit from social services. Since PACS are a legal creature of the French Parliament, it might also presumably be a "social service." Furthermore, given the tendency to "harmonize" social legislation within the European Union, is it conceivable that partnerships in France, Holland and Scandinavia not be given recognition in the rest of Europe? Finally, will future EU members be expected to adopt this measure of "modernity" since, presumably, States with "retrograde" social policies—like the right to life guaranteed in the Irish Constitution—presumably would need exemption from the Maastricht Treaty to keep their laws?)

France's track record of undermining the Judeo-Christian notion of marriage is not new. It was France, after all, which during the days of the Bourbons insisted that marriage was subject to the State, not the Church. The claims of Gallicanism were taken over by the Revolution in introducing civil marriage, a legal creature subsequently disseminated through much of the world by legal systems rooted in the Napoleonic Code. Its success in using legal mechanisms to advance the State's version of marriage is attested to by the fact that, even in many Catholic countries, an ecclesiastical marriage is of no effect: even practicing Catholics must submit to marriage at a Registrar's office. In marrying assertions of State omnicompetence to radical individualism, the National Assembly was hardly breaking untrod ground in France. But regardless of where it leads, the October 13 vote represents a decisive break with marriage as it has been understood for most of the dying millennium. ☒

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Legal Beagle: ECE's Best Friend May Be The Civil Law

by Gerard V. Bradley

Delivered at the Catholic University of America
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A little more than fifty years ago the Supreme Court amended the constitutional law of church and state. The cases were *Everson*¹ and *McCollum*.² The American bishops understood exactly what was happening, and publicly challenged the Justices. On November 21, 1948, the Administrative Board of the NCWC published, in the name of all the bishops, "The Christian in Action." They criticized the two Court decisions for adopting an "entirely novel... interpretation" of the First Amendment, one which would endanger our "original American tradition" of "free cooperation between government and religious bodies—cooperation involving no special privileges to any group and no restriction on the religious liberty of any citizen"³ [Emphasis added].

This was indeed the tradition. The constitutional guarantee of "free exercise" of religion included, so long as all churches were treated equally and no one was coerced, public encouragement and assistance. The state could, and regularly did, promote the religious life of the people by assisting them to live out their freely chosen religious commitments. And within that tradition, there would be no legal impediment to full juridical implementation of ECE. *Everson* and *McCollum* modified that tradition in one important way: public authority could no longer aid religion, even where it would do so without discrimination or coercion, for fear of seeming to prefer religion over what the Court called "non-religion." The Justices subordinated, that is, the free exercise of religion to the appearance, or any evidence, of its establishment. As John Courtney Murray aptly wrote after the *McCollum* decision, "The First Amendment has been stood on its head. And in that position it

cannot but gurgle juridical nonsense."⁴

The *Everson* no-aid principle is still the law, though barely so. We are within sight, meaning that we are within a single vote on the Supreme Court, of return to the tradition described by the bishops. Consummation of this development must loom large in any plan for legal action in light of ECE. Short of the tradition's second coming, the *only* potential civil law cost of implementing ECE is this: if a Catholic college is deemed to be "pervasively sectarian" then, but only then, "direct" public aid to the institution will be constitutionally suspect. But no court is likely to deem a Catholic college "pervasively sectarian." My judgment, then, is that the expense of litigation necessary to retain eligibility for "direct" public aid is the *only* adverse legal effect of implementing ECE. Later, I shall offer—not sell, but offer—some insurance against that expense.

Student Aid

First, let us consider the up-side of Eversonian neutrality about religion. The law now is that government action must *neither* advance *nor* inhibit religion. As *Everson* stated it, "general state law benefits" must be made neutrally available to all so that no "members of any... faith, because of their faith, or lack of it," are excluded "from receiving the benefits of public welfare legislation."⁵ This bedrock principle secures the availability of the one government benefit necessary to the survival of any college, including our Catholic colleges: the ability of students to borrow money to pay tuition.

Approximately seventy percent of Catholic colleges' income comes from student tuition and fees. Seventy percent of the students at those colleges benefit from various state and federal tuition loans and loan guarantee programs, like Pell grants, work study, and the G.I. Bill. There are now in front of the Congress bills which would grant tax relief for the cost of

college tuition. The bill with the most chance of passage – and I think it probably will pass – would do two things: give a tax credit for interest paid on student loans for the first five years of repayment, and give a tax deduction for up to (in one version) 12,000 dollars for tuition paid. There is no question that this legislation is constitutional. There will certainly be no lawsuit challenging the inclusion of students attending Catholic colleges in the program.

This certainty is not grounded in confident projections about how the bedrock principle of neutrality would, or should, be applied to students borrowing to go to religious colleges. The matter is settled. The Supreme Court in 1986 held without dissent in *Washington v. Witters*⁶ that the religiosity of the school has no relevance to student eligibility. The rule of that case, as stated by Justice O'Connor in her concurrence: "state programs that are wholly neutral in offering educational assistance to a class defined without reference to religion do not violate [the rule against aiding religion] because the aid to religion results from the *private* decisions of beneficiaries"⁷ [*Emphasis added*]. The idea is that government does not aid the school at all. Government aids individuals, and some of the individuals helped decide to go to religious schools.

Note well: the aid in *Witters* did not pass muster due to the tepid religious commitments of the institution, as if a school (according to the Supreme Court) had to serve up "religion lite" to be eligible. The institution in *Witters* was presumed, with ample reason, to be vigorously sectarian. As described by the Court, Mr. Witters attended "Inland Empire School of The Bible, a private Christian college in Spokane, [where he studied] the Bible, ethics, speech, and church administration in order to equip himself for a career as a pastor, missionary, or youth director."⁸ In plain terms, the Supreme Court unanimously upheld student aid in *Witters*, where the institution involved was obviously tantamount to a seminary. Inland Empire was far more "sectarian" than any Catholic college is going to be, even after ECE is implemented.

Now, most of the programs helping students get loans are, unlike the one in *Witters*, federal (not state) programs.⁹ Student financial aid accounts for over 93% of the fifteen billion or so dollars Uncle

Sam spends each year on higher education. Essentially, all that the relevant legislation requires is that the school attended be "accredited." The federal government accredits no schools. So, the law stipulates that a school be accredited by some association "recognized" by the Secretary of Education. Most state programs of student assistance do the same: they require accreditation by a "recognized" private association. There is perhaps reason to wonder whether, at some point in the future, one or more of the "big six" regional accrediting agencies, to which the Catholic colleges belong, might balk at a practice required by the faith. A plausible example might be a Catholic college's refusal to hire openly gay professors. Should that day come, will student loans be cut off, at least if the regional bodies go beyond balking, and withhold accreditation? Could a group of exclusively Catholic colleges form their own accrediting association, and be "recognized" by the U. S. Secretary of Education?

Yes. There is no reason in law or in the history of federal aid to education to doubt the feasibility of a Catholic college accrediting association. The religious affiliation of a college or group of associated colleges has never entered into the "recognition" decision, under Republican presidents or Democratic. And the Secretary of Education already recognizes for accrediting purposes an Association of Bible Colleges, a Transnational Association of Christian Schools (which accredits schools organized around belief in Biblical authority and inerrancy), and an Association of Advanced Rabbinical and Talmudic Schools. Already on the Secretary's list of Nationally Recognized Accrediting Agencies and Associations is the United States Catholic Conference's on Commission Certification and Accreditation, which accredits programs in clinical pastoral education.

II: Faculty Hiring

A couple of weeks ago a professor friend at a Midwestern Catholic university e-mailed to me the sobering news that his president, earlier that day, related the opinion of his legal counsel that it was unlawful to ask faculty candidates their religion.

My answer was and is this. Over the last seven years at Notre Dame the thirty lawyers on the law faculty, myself included, have interviewed seventy or so faculty candidates. All of them were lawyers, too. We asked every one of them not only to state his or her religion, but also how, in light of those faith commitments, he or she would further the mission of our Catholic law school. Everyone we asked responded. None appeared perturbed, though some probably were. None sued us. None expressed the slightest qualm about its lawfulness.

I think that Midwestern president got bad advice.

Here is a more accurate view of employment law, especially with regard to recruiting a majority of faithful Catholic faculty, so as not to “endanger,” in the Holy Father’s words from ECE, “the Catholic identity of the University.”

The base line or default position in American law is that employers have the right to employ whom they please. Employment anti-discrimination laws, which are now common in our country, alter that base line. They ban employment decisions on certain bases, including race, ethnicity, and religion. The prototype is the nationally applicable law, Title VII of the Civil Rights Act of 1964. But it contains three exemptions, at least from the stricture against religious discrimination: where religion is a bona fide occupational qualification; for religious educational institutions, in connection with individuals employed to carry out its activities; and for a college or university if it is wholly or substantially owned, managed or controlled by a particular religion.

These exemptions are not exclusive of each other; two or three may apply to the same employment decision. Together they provide all the room needed to recruit a faculty up to the standards of ECE and Canon 810, teachers “outstanding” for their “integrity of doctrine and probity of life.”

Some illustrations from decided cases may help clarify the broad reach of the exemptions. Loyola University of Chicago defeated a Title VII suit by a lay philosophy professor, saying that its reservation of three positions for Jesuits – to maintain “a Jesuit presence on campus” – was a BFOQ.¹⁰ Bishop Wuerl defeated a lawsuit by a discharged Protestant school teacher who entered into a second marriage not recognized as valid by the Church. Discharge for

public behavior inconsistent with Catholic moral principles came within the exception for religious corporations.¹¹

These exemptions and the broad autonomy they constitute do not correspond to an inalienable right. Unlike contracts of enslavement, which are never binding in law, Catholic institutions may contract away or otherwise squander their freedom to determine who carries out their mission. So, the terms and conditions of employment at Catholic colleges must put prospective employees on notice that their employment is conditioned, in specified ways, upon their continuing contribution to the school’s mission. Even tenure will not insulate a misbehaving or heterodox professor, so long as (again) contracts and by-laws give fair notice of what is expected. Contracts like those at Notre Dame, which state that termination may be the consequence of acts which show a disregard for the Catholic character of the place, are enforceable in court. Catholic schools should not, finally, say that they do not discriminate on the basis of religion in hiring. They should discriminate, and must not suggest that they do not.

In one important regard, this freedom approaches the level of inalienability: employment of theologians. No court is going to force a college to keep a theologian in the curriculum where the school does not want him. A good statement of this reluctance is found in the court decision denying Fr. Charles Curran relief against the Catholic University of America. Ordering reinstatement was, according to Judge Weisberg, “virtually unthinkable,” a “singularly inappropriate remedy,” “extremely ill-advised.”¹² The reasoning is simple: to do so would be to make civil authority the ventriloquist, and the Church the dummy, on matters at the heart of the Church. No court is permitted by the Constitution to do that.

This is not to say that a college has no obligation whatsoever to a tenured theologian unable or unwilling to get a mandate. The college will likely be obliged to offer courses elsewhere, in the neighborhood of the discipline in which he may no longer teach. That professor may have a right to be paid if no suitable substitute course is found. Perhaps his practical unemployability – where the mandate and the professor’s expertise combine to eliminate

teaching possibilities — amounts to “exigent circumstances,” which all schools may cite to terminate employment, even of tenured professors.

In general, the more integrated the college is around Catholicity, the more sure it can be of its freedom in hiring. *EEOC v. Kamehameha Schools/Bishop Estate*,¹³ indicates this by negative illustration. A benefactor’s will required that “the teachers of said schools shall forever be persons of the Protestant religion.”¹⁴ A prospective teacher sued, after being denied a job because she was not Protestant. The school sought protection under all three Title VII exemptions. The court rejected the entire defense, because the school no longer acted as if Protestantism and its propagation really mattered. The court was right; Protestantism at Kamehameha was ceremonial, vestigial.

Note well: these commodious exemptions are expressly stated in Title VII. Many states have similar—i.e. religion inclusive—anti-bias laws. Not all contain explicit relief for religious employers. Is there a constitutional argument *requiring* exemptions?

Yes, and it goes back to *Everson*. It said that government cannot “openly or secretly, participate in the affairs of any religious organizations or groups and vice versa.”¹⁵ The central aspiration of the constitutional order is something like a mutual abstention of the civil and religious realms. This has been read, all too often to our collective detriment, to keep religious influences out of public life. But the converse has been steadily observed: the state may not speak, nor even seem to speak, for the churches. Courts are absolutely forbidden not only to declare the truth or falsity of a doctrinal proposition; they must not second guess or question a church’s rulings or pronouncements on such matters. Courts are allergic to what they regard as the intricacies of a foreign language — the doctrines of churches. When it comes to the specifically religious character of an outfit, to what distinguishes it as the particular religious operation that it is, the rule is simple: freedom. This principle guarantees the civil law freedom of Catholic colleges to order their internal governance as they see fit, to adapt their by-laws, in procedurally regular ways, to meet the demands of true Catholicity.

III: “Direct Aid” and “Pervasively Sectarian” Schools

What then was so bad about the early cases? Why did the bishops decry them so? Because they blocked, and still do, almost all “direct” financial aid to a certain class of religious institutions — those deemed by courts to be “pervasively sectarian.” But no college has *ever* been deemed “pervasively sectarian” by the Supreme Court. Several Catholic colleges have been expressly cleared of the charge. The condemned class, in reality, is populated exclusively by K-12 schools. The term was invented in 1971 (in the *Lemon* case)¹⁶ precisely to forestall all significant aid to Catholic grade schools. Still, since it is the only plausible legal disincentive to juridical implementation of ECE, the possible scenarios at the college level deserves a close look.

Make no mistake about it: any movement toward juridical implementation of ECE will be toward greater or more integrated Catholic identity. That movement is necessarily movement toward “pervasively sectarian.” But that is not very interesting, and it is not ominous. That means only that schools which become more Catholic become more Catholic. The question is, how close will schools which juridically implement ECE come to *being* “pervasively sectarian”?

Not very.

The most recent Supreme Court college cases are *Tilton* and *Roemer*. These cases are from the 1970s, and had to do with public grants not to students but to religious colleges themselves. The challenged programs made public money available to all colleges for construction of buildings dedicated to non-religious uses— a library, a science lab, a music building.

The rule of law articulated by those cases is, for the moment, good law, and it is twofold: public funds may not go to “pervasively sectarian” institutions, and public funds may go only to support secular activities at religiously affiliated (but not “pervasively sectarian”) institutions. What makes a school “pervasively sectarian”? A recent opinion by the Fourth Circuit Court of Appeals provides a superb summary of this part of the law:

A careful reading of *Roemer*, *Tilton* and *Hunt* leads to the inescapable conclusion that even colleges obviously and firmly devoted to the ideals and teaching of a given religion are not necessarily "so permeated by religion that the secular side cannot be separated from the sectarian." (*Roemer*, 426 U.S. at 759, 96 S. Ct. 2337 (quoting *Roemer v. Board of Pub. Works of Md.*, 387 F. Supp. 1282, 1293 (D.Md. 1974)). Indeed, the Supreme Court has set the bar to finding an institution of higher learning pervasively sectarian quite high. We believe that to find religion *pervades* a college to such a degree that religious indoctrination thoroughly dominates secular instruction, the college must in fact possess a great many of the following characteristics: mandatory student worship services; an express preference in hiring and admissions for members of affiliated church for the purpose of deepening the religious experience or furthering religious indoctrination; academic courses implemented with the primary goal of religious indoctrination; and church dominance over college affairs as illustrated by its control over the board of trustees and financial expenditures.¹⁷

Notice two things about "pervasively sectarian": there are a number of specific indicia of it, but the thing itself — "pervasively sectarian" — is this: "indoctrination" "dominates" not theology (which is implicitly conceded to be "indoctrinating"), but "secular instruction." Shortly we will explore what the courts mean by "indoctrination." Any college, you will then appreciate, that gets itself deemed "pervasively sectarian" is either not a college at all, or has awful lawyers, or both. A Catholic grade school could escape the obloquy of this designation.

Here are some practices, which I take to be current at Catholic colleges, which will protect against being labeled "pervasively sectarian." Attendance at worship should be optional. Campus codes of conduct should be distinguishable from enforcement of Christian morality. The aim of a college's policies should be to prohibit or otherwise regulate immorality only insofar as the common good of the institution — chiefly, teaching and learning in an atmosphere of justice and charity — requires. The aim should not be simply to make kids better.

Continue to hire non-Catholic faculty members, so long as they contribute to the college's mission. They should be people who live morally upright lives, and who share at least some of the intellectual

assumptions of the faith — there is such a thing as objective morality, people do have free choice, etc. Even with these qualifications, however, non-Catholics will be incapable of "indoctrination," for that refers to the doctrines peculiar to Catholicism, not to what is obvious to reason or written on the hearts of the Gentiles. Apart from theology, there may be a majority of non-Catholic faculty at a Catholic college. If so, "indoctrination" *cannot* "predominate" over secular instruction.

Nothing in ECE sacrifices "institutional autonomy," as the term is used in the law. The schools in *Tilton* and *Roemer* were governed, as the Court saw them, by religious organizations. They had mostly Catholic faculties and student bodies. Yet they were not "pervasively sectarian." ECE does not, in any event, impose the Church upon the colleges. ECE is the current articulation of the free and charitable collaboration in the Catholic apostolate of higher education, between the Magisterium and those Catholics who, by vocation, have freely chosen to undertake that apostolate. It involves voluntary cooperation, not Church control.

All these elements — hiring, worship, moral standards, governance — are not, as I suggested, constitutive of "pervasively sectarian." They are indicia of it. The thing itself is "indoctrination." What makes a school "pervasively sectarian" is its "predominant" commitment to "indoctrinate" students. "Indoctrination" is a term much more often used in the cases than explained in them. The Supreme Court has often treated "inculcation" as a synonym. "Indoctrination" might therefore mean "teaching," the transmission of a particular body thought — Catholicism — though lengthy instruction. If this simple meaning is the intended one, Catholic colleges do not come close to pervasively "indoctrinating" students. No one asserts that Catholic colleges teach religion most of the time — save in an extended, less wholesome, meaning of "indoctrination," to which I now turn.

In deciding that Catholic colleges were not "pervasively sectarian," Chief Justice Burger said in *Tilton* that college students were "less impressionable" and "less susceptible to indoctrination" than younger pupils. College students' "skepticism" equipped them to resist indoctrination. The "internal

discipline” and “academic freedom” of higher education courses limited the opportunity for “sectarian influence.” Finally, the Chief Justice observed that church colleges sought “to evoke free and critical response from the students.”¹⁸

The Chief Justice clearly sought to unfavorably compare, along all these lines, Catholic K-12 schools to Catholic colleges. He made explicit in *Tilton* what was often implicit, or evidently presupposed, in the K-12 cases: religious “indoctrination” was not the simple teaching of Catholicism. The “indoctrination” characteristic of the lower schools traded upon pupils’ lack of freedom and critical reflection. It did so in two ways. Either the students were commanded to believe—and that was that—or they were manipulated into believing, through a kind of brainwashing rather than through free assent. “Indoctrination” was heavy-handed, or insidiously subliminal.

The many judicial observations of Catholic grade and high schools that have been offered to show “indoctrination” have appealed to popular stereotypes of Catholics (generally, not just children) as regimented followers, being commanded by their hierarchical masters. Caricatures so gross, and so harmful to another ethnic, racial, or religious minority, are not easily located in the U.S. Reports.

The cases are suffused with the specter of “indoctrination.” Yet—and it does not go too far to term this omission shocking—in no case has this Court noticed the authoritative teaching of the Church on the most relevant subject: religious freedom. The Vatican Council in 1965 published *Dignitatis Humanae* (Declaration on Religious Freedom) [Hereafter DH]. There, in solemn form, the Council Fathers speaking in union with Pope Paul VI, said that every human person has the right to religious freedom. Everyone is entitled to be free from coercion in religious matters, by divine ordination. For God so created people and the rest of the world that “the truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power” (DH § 1). “In all his activity a man is bound to follow his conscience in order that he may come to God, the end and purpose of life. It follows that he is not to be forced to act in a manner contrary to his conscience” (DH § 3). DH says all that needs to be said in re-

sponse to the “pervasively sectarian” argument.

It is difficult to say how much money is on the table in the form of “direct aid.” Efforts to secure reliable data from the Department of Education, through the good offices of Pennsylvania Senator Rick Santorum, have so far borne no fruit. We know that not every state makes such money available; Maryland and New York are among states that do. We are probably talking about a non-negligible but still modest form of public support for some colleges, more often than not for capital projects, and not for operating expenses. It is also important to keep in mind that the category of “direct aid” is not fixed or definite. Sympathetic courts will find room, if they try, to locate a lot, rather than a little, outside its borders. So may sympathetic legislators. Some grant programs, like Maryland’s Sellinger grants, award amounts based upon the number of enrolled students. That same amount of money might well be turned into direct grants to students, thus making “sectarianism” irrelevant.

In light of the potential lawyers’ fees to be paid to establish a legal right to direct aid, I make the following offer to Catholic colleges on behalf of a growing consortium of experienced attorneys. That consortium includes: Professor Richard Garnett of the Notre Dame Law School, former clerk to Chief Justice William Rehnquist; Kevin Hasson, President and General Counsel of the Becket Fund; Richard Thompson, Chief Counsel for the Thomas More Center for Law & Justice; the Charleston, W. Va. law firm of Robinson & McElwee, particularly partner William Porth and counsel to the firm; Professor Robert George of Princeton University; William Donohue’s Catholic League for Religious and Civil Rights. Here is the insurance policy, no premiums solicited: one of these lawyers will represent you free of charge in any lawsuit which results from a cutoff, threatened or accomplished, of direct aid due to your observance of ECE norms approved by the Holy See.

IV: Conclusion

Justice Clarence Thomas said earlier this summer that the characterization of schools receiving governmental assistance as “pervasively sectarian” should be “scrapped.” He noted that distinguishing between institutions on the basis of this standard—i.e., placing schools in a constitutionally suspect category if they “consider their religious and educational missions indivisible and therefore require religion to permeate all activities” was tantamount to invidious religious discrimination.¹⁹ A few years earlier, Justices Scalia and Kennedy expressed skepticism about the category.²⁰ It is clear that Chief Justice Rehnquist shares their view.

There are, then, four votes to eliminate entirely the only possible legal problem with implementing ECE. We are within sight of a counterrevolution in our constitutional law. This is precisely the moment to push forward to that end. It could scarcely be less justified than it is now to muffle our Catholicism for fear of Caesar. Now is time to pull back the throttle.

There would be a certain justice to it. Catholicism derailed the tradition; more exactly, anti-Catholicism caused the Court fifty years ago to abandon our heritage. Following the Court’s conference on the *Everson* case, Justice Wiley Rutledge, a devout Baptist who embraced that sect’s notion of complete separation of the Garden from the Wilderness, wrote in a memo to the brethren: “We all know that this is really a fight by the Catholic schools to secure this money from the public treasury. It is aggressive and on a wide scale.”²¹ Capable historians including Michael Smith²² and John McGreevey²³ have shown how anti-Catholicism—in its common American form, fear of Catholic political and culture-forming power—infected the Court through the 1970s. All the while they quoted James Madison, the Justices worried about Cardinal Spellman. ❧

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NOTES

¹ 330 U.S. 1 (1947).

² 333 U.S. 203 (1948).

³ H. Nolan, ed., II *Pastoral Letters of the United States Catholic Bishops*, 82, 89. The bishops succinctly explained the analytical mistake in the cases, too. “Logic would demand that what is less clear be defined by what is more clear. In the present instance we find just the reverse. The carefully chiseled phrases of the First Amendment are defined by the misleading metaphor ‘the wall of separation between church and state.’ This metaphor of Jefferson specifies nothing except that there shall be no ‘established church’, no state religion. [It can] imply anything from the impartial cooperation between government and free religious bodies all the way down to bitter persecution of religion.” Id. at 87.

⁴ J. Murray, “Law or Prepossessions,” 14 *Law and Contemporary Problems*, 23, 33 (1948).

⁵ 330 U.S. at 16 (emphasis in original).

⁶ 474 U.S. 481 (1986).

⁷ 474 U.S. at 493 (1986).

⁸ 474 U.S. at 483 (1986).

⁹ I am deeply indebted for this portion of my remarks to Hon. Kenneth Whitehead, former Deputy Secretary of Education, in the Reagan Administration, in charge of “recognizing” accrediting associations.

¹⁰ *Pine v. Loyola University of Chicago*, 803 F. 2d 351 (7th Cir. 1986).

¹¹ *Little v. Wuerl*, 929 F. 2d 944 (3rd Cir 1991).

¹² Excerpts from opinion may be found in G. Bradley, “Curran v. Catholic University of America,” 2 *Ius Ecclesiae* 193–209 (1990).

¹³ 990 F.2d 458 (9th Cir. 1993).

¹⁴ Id. at 459.

¹⁵ 330 U.S. at 16.

¹⁶ *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

¹⁷ *Columbia Union College v. Clarke*, 159 F.3rd 151, 163 (1998).

¹⁸ 403 U.S. 672 (1971).

¹⁹ 119 S.Ct. 2357 (1999).

²⁰ *Bowen v. Kendrick*, 487 U.S. 589, 624 (1988)(Kennedy J., concurring).

²¹ S. Fine, *Frank Murphy: The Washington Years*, 568–9 (1984).

²² M. Smith, “The Special Place of Religion in the Constitution”, 1983 *Sup. Ct. Rev.* 83.

²³ J. McGreevey, “Thinking on One’s Own: Catholicism in The American Intellectual Imagination”, 84 *J. Am. Hist* 97 (1997).

Faith and Reason: *A Bright Future Together in the New Millennium*

by *The Very Reverend Bernard F. O'Connor, O.S.F.S.*

*Public address on the occasion of his
Inauguration as the 3rd President of
Allentown College of Saint Francis de Sales
October 16, 1999*

Your excellency, Bishop Edward Cullen, bishop of the Diocese of Allentown; Mr. Gerald White, Chairman of the Board of Trustees of Allentown College; Fr. Lewis Fiorelli, Superior General of the Oblates of Saint Francis de Sales; Fr. Joseph Morrissey, Provincial Superior of the Wilmington-Philadelphia Province of the Oblates of Saint Francis de Sales; Fr. Martin Lucas, official representative of the Provincial Superior of the Toledo-Detroit Province of the Oblates of Saint Francis de Sales; Bishop Thomas Welsh, our retired bishop of Allentown; Fr. J. Stuart Dooling and Fr. Daniel Gambet, former presidents of Allentown College; members of the Board of Trustees; fellow presidents; official greeters; delegates from sister institutions across our great land; representatives of the civil and business community; faculty, staff, and administration of Allentown College; student representatives of the college; relatives and friends ... I want you all to say hello to my mother!

This past summer I was sitting on the beach in Ocean City, New Jersey, reading a book. It was a perfect summer day. Children were splashing water on each other. The waves were kissing the shoreline. Young lovers were strolling hand in hand. Grandparents were arranging the umbrellas and the chairs as the sun slowly strode across the sky. Life seemed just right.

Many beach goers were enjoying the latest romance novel. Action thrillers were also in great demand. John Grisham had just published *The Testament*. Many copies of Tom Wolfe's *Man in Full* were still around. So what was I reading? A book entitled *God's Funeral*, by A.N. Wilson. (We philosophers tend to be a bit strange!) This is a very serious book exploring the arguments of some of the greatest intellectuals of our age who have "buried" God. Some

might argue that the intellectual life in the twentieth century is a saga of the mind's attempt to nail that coffin shut, to place God securely in the tomb. Surely, in many of the finest centers of learning in the Western world this project has been declared complete. God is dead. The funeral is over.

On Sunday morning, I walked down the street to one of the three Catholic churches on the island. At 8:45 the doors flew open and hundreds of people poured out of the building. They all seemed happy. Dads were throwing their children on their shoulders. Mothers were visiting with friends. Cars and people were everywhere in one chaotic frenzy of folks. The little old priest was greeting visitors. Papers were being sold. Lines were forming across the street at the bakery. As soon as space became available in the building, an entire group of new people poured in – different sizes, shapes, shades. They seemed supremely happy.

The next day on the beach I started wondering about all this. (We philosophers tend to do this often.) Could it be that the churchgoers did not know about God's funeral? Maybe they had been so busy with the routine chores of making a living and raising their families, that they just did not know that God had died. Ordinary life can be pretty hectic and consuming. Or, maybe the learned scholars in the universities failed to attend properly to the lives of the common folk during the last century. Could it be that the ordinary human experience of so many people throughout the world had escaped the view of these serious intellectuals? But this seems very strange. They pride themselves on fashioning adequate methods of study, appropriate modes of inquiry. Surely the intellectual life of the finest universities in the land and the ordinary life of the common people must be related in some fundamental way. We share the same world. We seem to be made of the same stuff. We breathe the same air. *How could the religious faith of these happy churchgoers and sophisticated reason of these wise university people seem so contradictory?*

In our Western culture, this story has a long

history. About five hundred years ago, not too long before Saint Francis de Sales was born, human reason began a serious quest for what it called "emancipation." It wanted to be free. It wanted to stand on its own, to determine its own rules, to establish its own criteria. It did not want to rely upon anything other than itself to chart its new course.

There was great excitement in the early years of this experiment. A grand revolution was underway. Daring, adventure, challenge, bravery were the order of the day. Reason claimed that it could fashion a new science, one that would rely exclusively upon an experimental method. This new science would free the human person from many superstitions and myths of the past and create a brave new world. Reason would also acknowledge its human character and limit its investigations to the things that it could know with certitude of this world. It would no longer claim to have the truth in the areas of the moral life, the artistic life, the political life.

The revolution, however, was not a peaceful one. From the vantage point of human history, many of the battles were not monuments to human greatness. To some degree, reason did gain a type of respectability by developing the natural sciences. While there were always various versions of the Frankenstein story around, science commanded a type of legitimacy, a sense of primacy, an air of superiority for many years. The wars between science and religion, however, were often as bloody as the religious wars of the political arena. Neither side can claim purity of intention or nobility of cause.

The same story can be told in the arenas of morality, art, and politics. Religion continued to insist that human reason had a valid and legitimate role to play in these vital areas of human existence. The new "emancipated reason," however, said "No." It demanded a total withdrawal. These battles also were long and arduous. Many artists, moralists, and politicians resisted. Voices were raised to insist that one could make valid claims to truth in these areas of human conduct, but they were gradually silenced by a powerful new majority.

Just as reason was redefining itself and separating itself profoundly from religious faith, so one variety of religious faith responded with its own reinterpretation. Maybe religion could be grounded in faith alone. It might be possible to define religion on its

own terms without the influence of human reason. Surely, religion deals with God. God is superior to the human domain. If God were placed in heaven and accessed by faith alone and the natural world were placed on earth and accessed by reason alone, maybe we could have peace at last.

Saint Francis de Sales, who lived in the later part of the sixteenth century and the early seventeenth century, was one of the strongest opponents of this solution to the cultural dilemma of his day. He was an intellectual with a firm conviction that human reason and religious faith are made for each other and that their greatest glory is found only in their embrace of each other. Unfortunately, in the seventeenth century, he lost his battle. The grand experiment simply gained momentum and moved triumphantly into the eighteenth, nineteenth and twentieth centuries.

We are now five hundred years later. Some would say that human reason has completed its emancipation; it is free from religious faith. It now defines things on its own terms. Frank Sinatra captures its fortunes well. "I Did It My Way." *But it has a gnawing ache within its very being. It senses that it is lost.*

Human reason has also completed its task of withdrawal from the artistic, political, and moral spheres of life. You can hear this everyday in the phrase "Who are you to tell me what is beautiful or good." "This is good for me." Notice here the complete absence of reason! There is nothing to debate, nothing to argue about, nothing to discover, no need to work hard to figure out what is good. It is whatever I want it to be. *But it is embarrassed. It senses that it is much less than it is called to be.*

Finally, many religious people today define their relationship with God on the basis of faith alone. There are no requirements that religion explain itself. There are no attempts to understand the faith. Faith does not contain intellectual content. We do not argue over religious propositions any more. We simply tell our story and then politely listen to the other person's story. We are respectful and open. But we are not very excited, not very lively. *Religious faith is bored. It senses that it is failing to offer redemption and salvation to its people, things that really matter.*

We are indeed at the end of the twentieth century. But we are also at the beginning of the new millennium. I sense a profound change afoot in our

world. In my judgment, reason is beginning to rediscover real value in a relationship with religious faith. And religious faith senses that it can approach its God more assuredly if reason helps. I offer a few glimpses of events that give me hope:

Science and religion are beginning to value each other as partners in the quest for understanding. Creation and evolution are seen as complementary explanations for the origin of the cosmos. Medicine seeks assistance from religion in the healing art. Religion is open to dialogue with scientists.

Modern American culture is beginning to see that reason and religion are essential partners if we wish to create a human society. Television occasionally presents religion in a positive light. The hero in John Grisham's *The Testament* is a religious person. Self-help groups are proclaiming their religious character more vocally. Even the United States Supreme Court has stopped its attacks upon religion and is seeking an accommodation for the betterment of society.

Great religious institutions of America are beginning to see that reason is a powerful resource against the corrosive effects of nihilism, relativism, and violence. As cults proliferate, authentic religions are relying upon reason as a major safeguard of their religious character. Many faiths throughout the land are beginning to see what Saint Thomas Aquinas discovered centuries ago, namely, that reason allows religions to communicate with people of other faiths in profound ways. It provides a bridge between authentically religious people in the quest for understanding and respect.

Pope John Paul II, in his encyclical letter of November 1998, *Fides et Ratio* (on "Faith and Reason"), says: "The Church remains profoundly convinced that faith and reason 'mutually support each other'; each influences the other, as they offer to each other a purifying critique and a stimulus to pursue the search for deeper understanding." Our Pope has brilliantly delineated the complex and profound interrelationships between reason and faith. He has marked out for us the very character of a true Catholic university. Human reason is at its best, not when it is alone, but when it is married to its bride, religious faith. And religious faith delights in its spouse, human reason. Alone, each is incomplete. Together they produce incomparable fruit. Science asks greater questions and reaches greater heights

when it is challenged by a religious impulse. Our moral natures are refined and strengthened by our belief in the transcendence. Art flourishes when inspired by the richness and depth of religious experience. Political life — our ability to live and work together as a human family — is safeguarded and blessed by the great religious stories of the ages.

My dear friends, Saint Francis de Sales may yet win the war. He has been described by several recent popes as a "saint for our times." His profound insight into Christian humanism is as true today as it was in the sixteenth century. The human spirit is made by God for union with God. Francis says: "Our reason, or to state it better, our soul insofar as it is reasonable, is the true temple of the great God, and he dwells there in a special manner" (*Treatise on the Love of God*, book 1, chapter 12).

In my view, as the new millennium develops, there will be two types of universities: the religious and the secular. The religious ones will present the greatest challenges to the culture. They will require society to respect the human person above all else. They will force serious thought about the origin and ultimate destiny of the human species. They will insist upon thoughtful attention to the tough decisions. They will not acquiesce in pragmatic compromise. They will accept the mysteries of evil and suffering and try to fashion appropriate human responses. They will demand the greatest reach by their students. They will strive for beauty, truth, and goodness. They will worship an absolute. They will insist upon this marriage between faith and reason.

I pledge to you that Allentown College of Saint Francis de Sales will clearly and firmly lead the way to this type of religious university. This is our mission. This is why we are here. The Oblate motto, the one embossed upon the seal of this College, will be our standard: *Tenui nec dimitam* ("We have taken hold, we will not let go.") With the guidance of Saint Francis de Sales, the prayers of all of you gathered here today, and the grace of God, we will be what the sacred writers describe in the Gospel used by the Church on the feast of Saint Francis de Sales: We will be a Lamp, not hidden away but set on a stand for all to see; we will be Salt for the earth. "We will not let go."

Thank you, my friends. ✠

Hiring and Firing for Mission: The Need for a New Campus Culture

by Rev. Thomas F. Dailey, O.S.F.S., S.T.D.

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Executive Secretary—Fellowship of Catholic Scholars

[Note: The following remarks were given as a formal response to a paper presented by Fr. John Piderit, S.J., the president of Loyola University of Chicago, at a conference on *Renewing the Idea of the Catholic University*, sponsored by the Cardinal Newman Society. He addressed the topic of "Enhancing Catholicity at Catholic Institutions of Higher Education."]

The task you have given me is a comparatively easy one. For unlike a presidential position, the remarks that follow do not put my own or my institution's neck on the line ... where many people these days seem poised to release the guillotine's blade.

Not that Fr. Piderit's talk was in any way inflammatory; no one will rise up in arms as a result of his speech. The words he shares with regard to people, programs, and infrastructure at a Catholic university may at times raise the eyebrow of curiosity. For example, his reference to institutions "not directly under ecclesiastical control" may be misconstrued to imply that the bond between the Catholic university and the Church is only or merely nominal. Or, his suggestion that "the mandatum appears to be a reasonable innovation" seems to forget that it was promulgated as law in the Roman Catholic Church over fifteen years ago. For the most part, however, we can all agree with what he said and should be pleased that there is sociological data to support his suggestions.

And so, rather than quibble with anything specific in his talk, my remarks will explore the locus of its real import, namely the notion of "culture" with which Fr. Piderit introduces and concludes his presentation. He warns us that "a religious culture which is unable to hand on its shared meanings

to a younger generation will not survive," and he reminds us that the source of influence and success in Catholic schooling is its moral authority and leadership. Taking this one step further, my thesis is that *it is only by our personal and institutional appropriation of a renewed sense of "culture" that we in Catholic higher education can make sense of, and properly respond to, the concerns associated with hiring and firing.*

By way of example, and in view of the limits of time, let me explain this thesis with regard to one issue which Fr. Piderit did not specifically address, namely, the proposed norm that there be a majority presence — on governing boards and among faculty — of persons deemed to be "faithful Catholics" or Catholics "committed to the church" or "committed to the witness of the faith."¹ This proposition is one of the sparks that has caused the incendiary reaction to implementing *Ex Corde Ecclesiae*. What fuels the fire are two big questions. What criteria will be used to evaluate these persons as being faithful or committed? And who will be their judge? These issues are not only legitimate; they are also intimate, pertaining, as it were, to one's personal life and, as such, to the realm of the confessional.

Now, without suggesting, in any way, that someone's faith is only a private matter, to which unswerving respect would be due on all fronts, I am proposing that how we deal with this character issue can be problematic or fruitful — and which it is depends on the "culture" that dominates on our campus and in our thinking.

The problematic response arises when we operate solely within what I will call a *contractual culture*. In this realm, "faithfulness" or "commitment" is all too readily posed as a sort of Catholic litmus test — either you pass or you do not, and thus you will be hired or fired. In such a contractual culture, employment at a Catholic university is seen primarily, if not exclusively, as a matter of law, and implementation is to be regulated by judiciously crafted measures that protect the employees' freedom and preclude arbitrary control.

As long as the contractual culture is the operative one, there will, indeed, be problems with the proposed norm. On the theoretical level, the problem is one of possible discrimination, which could become apparent in attempts to exclude applicants or dismiss tenured faculty. On the practical level, it is an issue of social justice, particularly if this were adopted to terminate the service of long-standing and otherwise good employees. In both cases, talk of firing people raises an ugly specter and occasions a level of fear that is now paralyzing broader discussion and action.

But the real problem is not one of litigation; legal scholars have argued reasonably as to the lack of foundation for sustaining lawsuits against a Catholic university that may result from implementing this norm.² The more pervasive difficulty is the problem of perception. In a contractual culture, judgments about employment that are based on "personal" characteristics lead, in general, to a lack of trust and, in the extreme, to a real polarization. An obvious example of this is the faculty member who feels threatened by, and therefore distrusts, administrators and their application of policies. But the fear is no less evident on the other side, when bishops avoid a genuinely pastoral involvement in the university by ingenuously appealing to an absolutized notion of academic freedom.³ And even more egregious is the Catholic leader who publicly claims that we should sweepingly "get rid of" administrators who do not subscribe to Church directives. Voices like these sound off from within the same limited and flawed culture; such a cacophony will not lead to worthwhile resolution. Here Fr. Piderit is absolutely correct when he claims that, "Insisting on uniformity to achieve unity is doomed to failure."

I surmise that this is why the proposal in the implementation document drafted by Cardinal Bevilacqua and his committee made reference simply to "faithful Catholics." Is this vague? Yes ... and, I believe, intentionally so, because the experienced jurist that Cardinal Bevilacqua is knows that Roman law and American law do not operate, necessarily, on the same plane. Roman jurisprudence can be applied favorably and personally to such a broad notion; but in our American contractual culture we are fearful that something so indeterminate can too easily be abused or that it is so unspecific as to be weak and useless.

Fun though it can be, delving into Roman law theory takes us too far afield in this forum. Instead, let me now contrast the problem of the contractual culture with the potential of what I will call the "evangelical" culture.⁴ These cultures are not mutually exclusive, but between them there is a significant difference of vision. The former sees the university as Catholic because its employees are; the latter sees the Catholicity of the university as pertaining to its very existence. In the contractual culture, people work in a Catholic institution; in the evangelical culture, employees share in a Catholic mission.

For a college or university, the "evangelical" culture of which I speak is properly Catholic, but it is neither overtly apologetic or defensively polemical. It is, instead, an educational ethos maintained by, with, and for the people of the university on the basis of a shared religious faith. (Again, Fr. Piderit is on the mark when he speaks about the need for persuasion rather than obligation with regard to engendering faculty action.) This evangelical culture has a more pervasive influence, for it affects all employees, not just faculty or board members. And in it non-Catholic personnel can work and do make a significant contribution. As Fr. Piderit notes: "People of many different religious backgrounds may be eager to participate in this venture" of Catholic higher education. What he does not say is why. My answer would be that they, as much and sometimes more than the Catholics, relish the opportunity to be part of a living and vibrant culture that is essential to the world of education.

What is essential about this evangelical culture is that the realm of the spiritual is neither privatized nor compartmentalized.⁵ Rather, the Catholic university recognizes and intentionally promotes a fundamental truth about human life, one repeatedly affirmed by Pope John Paul II, who reminds us that:

At the heart of every culture lies the attitude man takes to the greatest mystery: the mystery of God. Different cultures are basically different ways of facing the question of the meaning of personal existence. When this question is eliminated, the culture and moral life of nations are corrupted.⁶

The Pope also discloses how this anthropological principle is related to the work of the university when he writes that:

All people are part of a culture, depend upon it and shape it. ... To everything they do, they bring something which sets them apart from the rest of creation: their unfailing openness to mystery and their boundless desire for knowledge. Lying deep in every culture, there appears this impulse toward a fulfillment. We may say, then, that culture itself has an intrinsic capacity to receive divine Revelation.⁷

It is the primary task of the university, I believe, to respond to this inherent "openness to mystery" and "desire for knowledge." And the culture within which that task is realized is the apostolic mission of the Church, "from the heart" of which comes the specific programs and activities of the university.

Two characteristics of this evangelical or apostolic culture deserve attention by those involved in Catholic higher education. One is its religious freedom, as this has been espoused in the teachings of the Second Vatican Council, where we read that:

... organizing the apostolate differently according to circumstances, the hierarchy brings into closer conjunction with its own apostolic functions such-and-such a form of apostolate, without, however, changing the specific nature of either or the distinction between the two, and *consequently without depriving the laity of their rightful freedom to act on their own initiative.*⁸

While this teaching refers specifically to the conferral of the *mandatum*, it offers us a vision that is applicable to the apostolate of the Catholic university as a whole. Like all universities, the Catholic one is a composite entity. Its "unity" comes from its Catholic mission; its "diversity" is constituted by the make-up of its various schools or departments ... and of the grand variety of people who work therein. Provided their actions are not contrary to the work of the Church and the truth of its teachings, their religious freedom, and by extension their academic freedom, are to be respected.⁹

A second characteristic of this evangelical or apostolic culture is its notion of holiness. Championed centuries ago by St. Francis de Sales, and taught by Vatican II as a "universal call," holiness is to be achieved with the help of God's grace in and through one's particular state in life, no matter what vocation one lives. What this means for the university is that its Catholicity is not and cannot be relegated solely to

matters of philosophy and theology. Rather, in our quest to educate the person and not just provide training in skills, the university is to reflect its Catholic identity and character in all its programs, regardless of particular academic discipline. Here resonates Fr. Piderit's call for introducing Catholic themes in courses on secular subjects and for instituting certain policies and directives related to student life.

But the specific question is: how does this evangelical or apostolic culture affect matters of employment? The answer is not overly complicated, though how it is put into practice will require some adjustments. For, if the culture of the Catholic university is evangelical, in the sense that it brings gospel values to bear upon all matters of human life, and if its institutional distinctiveness is apostolic in nature, in the sense that, unlike the secular university, it exists to aid in the building up of the kingdom of God which Jesus Christ has inaugurated, then the Catholic mission of the university must necessarily play a key role. Commitment to this mission, or at least wholehearted respect for it, should be a contingent qualification for being hired as an employee. So, too, positive contribution to the furtherance of this mission should be an explicit part of the evaluation of all employees of a Catholic university. We routinely incorporate other elements in our hiring and firing processes (e.g., research for faculty). Should we not also include what is at the very "heart" of this product line (to use Fr. Piderit's image for institutions of higher education) and what makes it distinctive in today's educational market?¹⁰

But matters of hiring and firing do not exhaust the concerns of this new culture in Catholic higher education. What is needed to bring about and sustain this evangelical culture, particularly in view of its contrast with secularism, is continued dialogue. Administrators — most notably university presidents — faculty, staff, and students should all be engaged in open and frank exploration of the impact of Catholicism in all the areas of education. The heritage of Catholic higher education is robust and its contributions singularly important in the development of civilization. Fr. Piderit's presentation has advanced this dialogue. Now it is time for others to continue it. ✠

NOTES

¹ "An Application to the United States of *Ex Corde Ecclesiae*," *Origins* 29/16 (September 30, 1999): 250-251.

² As presented by Prof. Gerard Bradley (Notre Dame Law School) and Dean Bernard Dobranski (Ave Maria Law School) at a recent national conference on *Ex Corde Ecclesiae* held at The Catholic University of America.

³ See, for example, Bishop John D'Arcy, "Achieving *Ex Corde Ecclesiae*'s Goals," *Origins* 29/15 (September 23, 1999): 236-242. Summarizing the situation to-date, the bishop concludes: "My experience leads me to fear a stalemate rather than fruitful progress if all the solutions now under discussion are made a requirement" (p. 241). Unfortunately, this side-stepping exposé concerning the *mandatum* limps feebly on two broken legs: the first is the assumption that the "juridical" and the "pastoral" are antithetical processes; the second is the belief that the *mandatum* is opposed to "dialogue."

⁴ I have explored this notion in some detail in "Toward a Culture of Truth: Higher Education and the Thought of John Paul II," the Newman Foundation lecture at Lehigh University (PA) on April 14, 1999.

⁵ In 1994, three dicasteries of the Holy See collaborated to produce a document on "The Presence of the Church in the University and in University Culture." The urgent need expressed at the outset of this unusual document is this: "The Church's presence in the University is not, in fact, a task that would remain, as it were, external to the mission of proclaiming the faith. ... The Church's presence cannot, therefore, be limited to a cultural and scientific contribution: it must offer a real opportunity for encountering Christ."

⁶ *Centesimus Annus*, no. 24. Cf. *Redemptoris Missio*, no. 39 and *Veritatis Splendor*, no. 98.

⁷ *Fides et Ratio*, no. 71. Applied to the world of higher education, this notion of receptivity to divine Revelation obviates any unnecessary reliance on a "bottom up" culture that supposedly prevails in American academe (see D'Arcy, note 4, on page 242).

⁸ *Apostolicam actuositatem*, no. 24 (emphasis added).

⁹ Cf. Mark 9:38-41; Luke 12:49.

¹⁰ In another presentation at this same conference, Richard Williams, of Brigham Young University, explained how the evangelical aspect of an institution's mission can be incorporated in the procedures for hiring and firing.

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Remarks on the Unveiling of a Bust of Pius X Commissioned by Lorenzo Marcolin and Sculpted by H. Reed Armstrong

by Jude P. Dougherty

When Giuseppe Melchior Sartò was born June 2, 1835, in Riese, a few kilometers north of Padua, who in his native village could have imagined the impact that Giuseppe would eventually wield over the entire Catholic world. Ordained in 1858, he served as a parish priest in the area of Vicenza until Leo XIII consecrated him Bishop of Mantua. At that time he was 49 years of age; the year was 1884. Within ten years he was named the Cardinal Patriarch of Venice and before another decade had passed, he was elected Pope, taking the name of Pius X. This successor of Leo XIII was warm and approachable in a way Leo was not. He was nevertheless tough-minded as pope, introducing major reforms that have affected us all.

If I may introduce a personal note, I made my First Communion at age 7, not at age 12 or 14 as had been the custom before Pius X reduced the age of first reception. When I completed my studies for the Ph.D. in philosophy, I took the oath against modernism, an oath promulgated by Pius X in an effort to get Catholic scholarship back on track. Much later I was the guest of more than one curial office. There are not many such offices today; Pius X had reduced their number from 37 to 11. I have more than one CD of Gregorian chant, among them one from the Abbey of Solesmes. It was that abbey to which Pius X turned when in his liturgical reform he sought to replace operatic performance with plain chant in the celebration of the Mass.

If Leo was confronted with the challenge of Marx and the so-called "social question" created by the Industrial Revolution, Pius devoted his energies to the advancement of the Church's spiritual work. He revised the Breviary, started the reform of canon law (which bore fruit in 1917), and worked to

improve seminary education. He encouraged the movement which became known as "Catholic Action," but he was wary of certain elements of the social activist temperament, warning it to "never encourage class animosity by speaking of rights and justice when it is a question of charity."

His confrontation with modernism in the Church divides his biographers, some of whom see him as a good guy, some as the bad guy. When I took the oath against modernism, I did so, as did many of my classmates, with gusto. We read the situation the same way as Pius X, and still do. The conflict remains.

Substitute the likes of our current dissenters for Loisy, and you have the picture. "Modernism," wrote Pius, "is not a heresy but the summation and essence of every heresy." A strong judgment, but true.

Already venerated in his lifetime, Pius X was beatified in 1951 and canonized in 1954.

Although some of the methods of his Curia may have been heavy handed, clearly the history of the past 100 years has vindicated his position. The October 25th issue of *U.S. News & World Report* addresses the topic of biblical interpretation under its cover story, "Is the Bible True?" How one interprets the Scriptures is determined by the intellectual outlook one brings to them. An intellect formed by the Enlightenment, Anglo/French or German, will inevitably seek a purely secular or naturalistic interpretation; one formed by classical learning will interpret the Scriptures as did the Fathers and their Medieval commentators. There is no philosophical warrant for Enlightenment skepticism and every reason to respect a confident intellect which has given us the Catholic Faith, a faith rooted in the Gospels and in the teaching of the Fathers, and formulated in the perennial language of Greece and Rome. ✠

Jude P. Dougherty is Dean Emeritus of the School of Philosophy at The Catholic University of America.

Leading Catholic Social Scientist Defends Pope Pius XII in Holocaust Debate

The author of *Yours Is a Precious Witness*, defending Pope Pius XII's role in dealing with the Holocaust, encouraged Catholic social scientists from all over the country to "fight the good fight" for truth about the Church's history.

Sr. Margarita Marchione, Ph.D. addressed Pius XII's involvement in World War II during the Society for Catholic Social Scientists' Seventh Annual Conference held recently at Franciscan University of Steubenville. Sr. Marchione said that the accusations, brought into the spotlight by a new book calling Pius XII "Hitler's Pope," are an "injustice" not only to the papacy but to the entire Catholic Church.

Far from being the "Silent Pope," Pius XII saved over 860,000 Jews by some estimates, said Sr. Marchione. She cited several instances in which even before his papacy Pius XII spoke out against anti-Semitism. Contrary to what his critics have claimed, Pius XII was actually involved in a plot with German generals to overthrow Hitler, and he continued to speak out using telegrams to political leaders, encyclicals, and Vatican radio, despite threats and even a plan by Hitler to kidnap the Pope.

Sr. Marchione spoke of the widely recognized role Pope Pius XII played in the war. The Soviet Union called him a "relentless opponent of Hitler," while German propaganda labeled him "the mouthpiece of war criminals."

During the war, *The New York Times* praised the efforts of the Vatican, particularly Pius XII. Today the opinion of many historians was that Pope Pius XII did little to help the suffering of the Jews, and many publications have changed their opinions accordingly. "The one who did the most is now the scapegoat of others' failures," said Sr. Marchione.

Sr. Marchione told of how her religious order, the Religious Teachers Filipini, housed Jewish refugees in their convents in Rome. They were able to aid the Jews because Pius XII opened the convents and monasteries in Rome, including the cloistered orders. During a question and answer period, Sr. Marchione also told how the Vatican's Palatine Guards swelled from a mere 300 to 400 to over 4,000 during the war, masking the number of Jewish men and boys hidden within the Vatican.

Sr. Marchione exhorted the members of the SCSS to take action in defending the truth of the Catholic Church's history. "The present indictment is an injustice," she said, pointing out that the accusations against Pius XII are attacks against the papacy and the Roman Catholic Church. The attacks also insult the Jews saved by the Vatican who are speaking out in the Pope's defense, testimonies which she has compiled in *Yours is a Precious Witness*. Sr. Marchione asked for a statement of the truth to be made by the bishops and proclaimed to the world, for "we have nothing to be ashamed of, nothing to be afraid of."

The lecture opened the SCSS Seventh Annual Conference at Franciscan University of Steubenville. Founded in 1992 by Dr. Stephen Krason, SCSS president

and professor of political science at Franciscan University, and Dr. Joseph Varacelli, editor of *The Catholic Social Science Review*, the society exists to produce objective knowledge about the political, social and economic orders that can assist the Catholic Church in fulfilling various apostolic efforts. Currently the SCSS has over 300 members.

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Executive Secretary

The great jubilee of 2000 signals a momentous time in world history. It will also be a time for some new events (on a lesser scale!) in our membership routines. With the membership renewal for next year will come a few changes, marked on your dues invoice:

- **Dues** for regular members have been increased to \$40 in order to allow us to continue to provide the FCS publications and convention services to the membership. Dues for associate members will remain at \$35. Any member (regular or associate) can achieve "perpetual" status (i.e., no longer paying annual dues) with a one-time contribution of \$500.
- The categories of "student" and "retired" members no longer exist, as of the revision to the by-laws approved by the Board of Directors in September 1998.
- Back issues of **FCS publications** (the annual *Proceedings*, the *FCS Reader*, and the *Membership Directory*) will be made available for purchase on the same form as the payment of dues.

As just mentioned, the long-awaited *Membership Directory* will be ready for shipment during the year 2000 membership renewal period. Because this universal listing needs continual updating and revision, and because it is a rather large and detailed work, the Board of Directors decided to make it available to members at a very low cost (i.e., the expense of producing and mailing it). Members only can purchase the *Directory* in print form or on

computer diskette (a Word document readable in PC format). Because this information is being published, it is imperative that current data on our members be accurate, so *please send news of any changes in occupation, address (postal or email), and phone/fax numbers to the office of the Executive Secretary. Only members whose payment of dues is up-to-date will be listed in the Directory!*

As we move into the year 2000, our FCS members have been quite active in their scholarly work, which includes the following recent notices:

Fr. Robert J. Batule mentions three recent publications: "Religion as a Basis for Family Restoration," in *Defending the Family: A Sourcebook*, edited by **Paul Vitz** and **Stephen Krason** (Catholic Social Science Press, 1988); "From Ethnicity to Ideology: The Shifting Battle Over the Devotion to the Saints" in *The Saints in the Lives of Italian-Americans: An Interdisciplinary Investigation*, edited by **Joseph Varacalli**, et al. (SUNY Press, 1999); and "The Priest as Counselor" in *The Priest* (May 1999).

From Ireland comes notice of two books by **Brendan Purcell**: *The Drama of Humanity: Towards a Philosophy of Humanity in History* (Peter Lang, 1996), which he wrote; and *Eric Voegelin, Hitler and the Germans* (Univ. of Missouri Press, 1999), which he translated, edited and introduced along with Detlev Clemens.

A new web page dealing with "The Catholic Pastoral Crisis" has appeared (<http://world.std.com/~pastoral>) thanks to **John C. Cahalan**, who invites your feed-

back on this Internet site.

David L. Gregory is one of the editors of the second edition of *Labor Management Relations and the Law* (Foundation Press, August 1999). He also published an article on "The Bishop's Role in the Catholic Law School" in volume 11 of the *Regent Law Review* (pp. 23-29).

The Summer/Fall 1999 issue of *Chicago Studies* contains an article by **John F. Kobler, C.P.** entitled "Toward a History of Vatican II" (volume 38/2, pp. 177-191). Fr. Kobler also published an article on "The New Evangelization for America" in the *Social Justice Review* 90/9-10 (Sept-Oct 1999): 138-140.

Donald Richmond has written a book entitled *Mending Mind and Soul* (available from Transcontinental Publishing).

From Canada comes notice of the on-going work of **Joseph Pope, F.I.C.B.**, who is curator of the Bergendal Collection of Mediaeval Manuscripts: the publication of the collection's catalogue under the title *One Hundred and Twenty-Five Manuscripts—Bergendal Collection* (Brabant Holdings) and a series of articles on "The Power and the Glory" to appear in *Challenge* magazine from February 1999 to January 2000.

From Japan comes notice of an article by **Paul A. Sawada** entitled "Some Notes on Utopia's 'Playful Atrocity' and More's 'Communism,'" which is published in *Moreana* 36 (June 1999): 39-41.

Joseph A Varacalli has published a tribute to the founding president of the Fellowship. "Catholicism, American Culture, and **Monsignor George A. Kelly**: Reflections of and on a True Catholic Sociologist" can be found in a

1999 issue of *The Catholic Social Science Review* (volume 4, pp. 119-138). The same issue, which marks the close of his term as editor-in-chief of the *Review*, contains an article of his on "Sharing or Secularizing Catholic Social Teaching? A Reflection on the USCC Statement, *Sharing Catholic Social Teaching: Challenges and Directions*" (pp. 303-313). In 1999 he also co-edited two works on culture: *The Saints in the Lives of Italian-Americans* (Forum Italicum) and *The*

Italian-American Experience: An Encyclopedia (Garland Publishers). His book entitled *Bright Promise, Failed Community: Catholics and the American Public Order* will be published in early 2000 by Lexington Books.

Anthony Zimmerman has recently published *The Primeval Revelation in Myths and in Genesis: A Dynamic Subject Much Neglected by Theologians* (University Press of America, 1999).

Please continue to send notice

of your work to the Executive Secretary for announcement in this column. (Information already submitted but not appearing here will be published in a subsequent issue of the *Quarterly*.)

For more information on "membership matters," including news on the election of new Board members, see the minutes of the recent Business Meeting, which are published elsewhere in this issue of the *Quarterly*.

AROUND THE CHURCH

by James Hitchcock

The post-conciliar concept of the Church as the "people of God" is often "almost banal, reducing it to an a-theological and purely sociological view," according to Cardinal Joseph Ratzinger in a new book *Dilexit Ecclesiam*. The Church is viewed as "a human invention.... which could easily be reorganized according to the needs of the historical and cultural variables of the time," and this is accompanied by an impoverished Christology, according to the cardinal.

* * *

Archbishop Michael J. Sheehan of Santa Fe has issued a pastoral letter reminding Catholics that cohabitation outside marriage is a sin and is not justified as a prelude to marriage. The letter has attracted more attention than any other statement he has ever issued, according to Archbishop Sheehan. The bishops of Pennsylvania have issued a similar statement.

* * *

The Holy See has denied a claim by Nafis Sadik of the United Nations Population Fund that the Church has abandoned its attempt to include references to natural family planning in U.N. documents. Joaquin Navarro-Valls, Vatican press secretary, said the Holy See's endorsement of "consensus documents" emanating from the U.N. should not be interpreted as acceptance of each specific point in the documents.

* * *

Archbishop Renato Martino, the Holy See's permanent observer at the U.N., has lamented the organization's growing aggressive promotion of abortion and contraception throughout the world.

* * *

Jesuit Father Robert Drinan, a former Congressman and professor at Georgetown University, has criticized "religious fundamentalists" in the United States for their expressed concerns about the state of religious freedom in the world and has raised the question whether an emphasis on religious freedom is "consistent with the hierarchy of

internationally recognized human rights." He praised a recent American State Department report on religious freedom.

* * *

Planners for an International Criminal Court have restored a provision exempting priests from having to testify in matters under the seal of the confessional. After having originally been included in the procedures, it was unaccountably dropped. France was the only nation explicitly opposing the guarantee, although it later withdrew its opposition.

* * *

Bishop John J. D'Arcy of Fort Wayne-South Bend (Ind.) has urged that the American bishops reject a proposal that bishops exercise supervisory authority over Catholic colleges and universities in their dioceses, a proposal contained in the Holy See's document on Catholic higher education, *Ex Corde Ecclesiae*. The Vatican document is officially opposed by most American Catholic educational institutions.

Bishop D'Arcy, whose diocese

includes the University of Notre Dame, stated that through "dialogue" bishops and educators are progressing towards identifying the authentic catholicity of their institutions.

* * *

Father Gustavo Gutierrez, 71-year-old Peruvian liberation theologian, has entered the Dominican order as a novice. He is reportedly under investigation by the Congregation for the Doctrine of the Faith.

* * *

In connection with the Year of Jubilee, the Holy See has published a book of indulgences available to the faithful. Included are acts of charity and of public witness to the faith, as well as traditional prayers and penance.

* * *

Following a decision by the Congregation of the Doctrine of the Faith that Salvatorian Father Robert Nugent and Sister Jeannine Gramick, a School Sister of Notre Dame, must desist from all pastoral activities among homosexuals, Father Nugent gave a talk at Northeastern University in which he criticized the Vatican action. The speech did not go contrary to the Holy See's order, according to Father Nugent.

Sister Jeannine, while stating that she will obey the decision, accused the Holy See of "violating my personal sanctuary" by inquiring into her views. She has claimed that the American bishops' statement on homosexuality, *Always Our Children*, teaches that homosexual activity may be morally right if chosen "in good conscience." Dominican Father Bruce Williams,

an advisor to Father Nugent and Sister Jeanine, said they have received numerous letters from bishops supporting their position and that Bishop John Snyder of St. Augustine (Fla.) offered the Holy See a favorable evaluation of their work.

* * *

At the convention of the National Association of Catholic Diocesan Gay and Lesbian Ministries, Cardinal Francis George of Chicago warned the group not to attack Church teaching about homosexuality and reaffirmed the teaching that God's grace is sufficient to overcome temptation.

On the eve of the NACDLGM meeting two priests of the archdiocese of Los Angeles—Auxiliary Bishop Gabino Zavala and Father Peter Liuzzi—resigned from the board of the group, of which Bishop Zavala had been episcopal moderator. Father Liuzzi said the organization is "sounding an uncertain trumpet."

* * *

In a symposium organized by the liberal journal *Commonweal*, Cardinal George repeated an earlier statement of his that liberal Catholicism is "parasitical" on the main body of the Church because it is locked into a stance of negative reaction.

* * *

Archbishop Charles Chaput of Denver has sent a letter to all priests of the archdiocese urging them not to support in any way the organization Dignity, which justifies homosexual activities by Catholics. At a Dignity convention in Denver, Auxiliary Bishop Thomas Gumbleton of Detroit stated in response to a question that he

hopes that eventually homosexuals will be allowed to marry.

Archbishop Chaput has also objected to a proposal that health insurance for federal employees include abortion and contraceptive services. Tax-payers and government employees should not be forced "to do what they find repugnant on moral or religious grounds," according to Archbishop Chaput.

* * *

Bishop Joseph A. Fiorenza of Houston, president of the American hierarchy, has urged the bishops to "speak with one voice" and to reject any suggestion that some bishops are more faithful to Church teaching than others.

* * *

Father William Odom-Green, chaplain of the San Francisco chapter of Dignity, has been sentenced to prison for sexual activities with a 14-year-old boy. Police reported that at the time of the activity Father Odom-Green was aware of the fact that he had contracted AIDS. Father Odom-Green is a priest of the diocese of Oakland (Ca.)

Bishop John S. Cummins of Oakland revealed to a public rally of homosexuals that the California Catholic Conference had quietly lobbied for a "consenting adults" law which in 1975 legalized homosexual activity in the state. At the time of the law's passage Bishop Cummins was executive director of the CCC.

* * *

Bishop Thomas J. Tobin of Youngstown (Ohio) has issued clarifications concerning the activities of extraordinary ministers of the Eucharist, expressing concern

that many Catholics no longer understand that the celebration of the Eucharist is primarily the function of ordained clergy. The bishop intends to review all applications to become extraordinary ministers and will require that such ministers live exemplary lives according to the teachings of the Church. He urged greater reverence in the reception of communion and recalled that extraordinary ministers are to be used only when an adequate number of priests are not available.

★ ★ ★

Vice-President Albert Gore, who is strongly pro-abortion, spoke from the pulpit of Sacred Heart Church in Detroit during Sunday Mass. Ned McGrath, director of communications for the Archdiocese of Detroit, defended Gore's talk in the face of criticism. The pastor of Sacred Heart, Father Norman Thomas, last year appeared in campaign commercials on behalf of Michigan gubernatorial candidate Geoffrey Fieger, who was fanatically pro-abortion and who ridiculed Cardinal Adam Maida of Detroit for opposing assisted suicide. Fieger was formerly the attorney for convicted "mercy killer" Dr. Jack Kevorkian. Cardinal Maida defended Gore's appearance, stating that no church law was violated.

★ ★ ★

The Detroit archdiocese's Office of Pastoral Services for the Clergy has recommended courses taught by Father Anthony Kosnik, a dissenting theologian whose edited book, *Human Sexuality*, was condemned by the Congregation for the Doctrine of the Faith in 1979, and by Sister Jane Schaberg, a feminist who argues that Jesus was born of a

rape perpetrated on Mary by a Roman soldier. Deacon Eugene Krzeminski, head of the archdiocesan office, said that neither teacher will deal with the subjects for which they have been censured. (Sister Jane's course is titled "Christian Gospels.")

★ ★ ★

Father Richard McBrien, a theologian teaching at the University of Notre Dame, accused African Catholics of "parroting the Vatican line" in statements about the erosion of faith in the United States. One "local church" should never criticize another, McBrien insisted.

★ ★ ★

A requirement by the Diocese of Fargo (N.D.) that employees of Catholic Family Services sign a pledge to live according to Catholic moral teaching was rescinded after strong criticism, including fourteen diocesan priests, and a threat by the state of North Dakota to cancel half a million dollars in government contracts with the agency. William Kurpius-Brock, the director of the agency who attempted to implement the pledge, was fired by the diocese. Former Governor George Winner of North Dakota has announced that he is forming a group to "monitor" the activities of the diocese. While in office Sinner was strongly pro-abortion.

★ ★ ★

Catholic Community Services of Stark County (Ohio) has been forbidden to use the name "Catholic." The prohibition was issued by Bishop Thomas J. Tobin of Youngstown, after the group, which has its own board, refused to become affiliated with the diocesan charities office.

★ ★ ★

In response to a query from members of the Priestly Fraternity of St. Peter, the Pontifical Commission for Ecclesia Dei has stated that members of the Fraternity, most of whom exclusively celebrate the Tridentine rite of the Mass, are permitted also to celebrate the Novus Ordo liturgy, currently forbidden by their rule. Many members of the Fraternity had previously been associated with the schismatic Society of St. Pius X, founded by the late Archbishop Marcel Lefebvre. The Commission for Ecclesia Dei was set up by the Holy See to oversee the continued use of the Tridentine rite.

★ ★ ★

At the Synod for Europe convened by the Holy See to discuss the state of European Catholicism, Archbishop Keith O'Brien of St. Andrews and Edinburgh was strongly critical of the Papal Curia, which he accused of not respecting the authority of diocesan bishops. He cited, among other curial officials, Cardinal J. Francis Stafford, head of the Pontifical Council for the Laity. Archbishop O'Brien also criticized Cardinal Adam Maida, an invited participant in the Synod, for upholding the positions of the Holy See.

Archbishop O'Brien urged full discussion of a married priesthood and called for a Third Vatican Council in which, he suggested, laity might be voting participants.

★ ★ ★

Speakers at the annual convention of the Federation of Married Catholic Priests urged members to refuse any offers of readmission to the priesthood unless women and homosexuals are also ordained.

Remarks at the 1999 Cardinal Wright Award Ceremony

by Robert P. George

Professor Bradley, Your Eminence Cardinal George— In the days before pugilists and movie producers invented the practice of accepting awards by proclaiming oneself “king of the world,” it was customary to thank those whose help and support made possible the work for which one was being honored. I hope you won’t object to my reviving this quaint custom this evening.

I thank my beloved parents for the greatest of gifts: faith in Jesus. I thank my esteemed teacher John Finnis and my great mentor Germain Grisez for being patient tutors to an often-distracted pupil. I thank my co-authors: Gerard Bradley, Patrick Lee, and Christopher Wolfe. I thank my godchildren (who are also my co-authors): William Porth, William Saunders, and Fr. Stuart Swetland.

Let me also say how deeply grateful I am for the tributes from Charles Colson, Rabbi David Novak, Judge Kenneth Starr, and Fr. Richard John Neuhaus. It has been a great blessing to work closely with Fr. Neuhaus and his Institute for Religion and Public Life in the pro-life struggle and in other areas of importance to the Church and the world. Under Fr. Neuhaus’ auspices, I have had the pleasure of engaging in ecumenical discussions with many of the greatest Protestant and Jewish scholars of our time. The generous sentiments expressed by Mr. Colson, Judge

Starr, and Rabbi Novak remind me of the timeliness and importance of the Pope’s admonition to work for Christian unity and for full reconciliation with all who share our faith in the God of Abraham, Isaac, Jacob, and Jesus. We must come to understand our relationship with evangelical Protestants and believing Jews as much more than a mere strategic alliance in pursuit of common goals in the culture war. Let us be joined to our evangelical friends in true Christian fellowship aiming for that perfect unity for which Christ himself so fervently prayed. And let us come to see the Jewish people neither as relics of pre-Christian times whose witness and covenant is of no relevance today, nor as mascots for our vaunted tolerance. (I don’t know which is more patronizing.) Let us relate to the Jewish faithful as our brothers—indeed, as the Holy Father says, our *elder brothers*, in faith.

I must confess that until this evening I assumed that there is something disingenuous about people who, upon receiving some award or recognition, say that they are “humbled” by the experience. In the past, when I have been fortunate enough to be honored in some way, I have—to be sure—felt *gratitude*, but, I must confess, gratitude mixed with something more like pride than humility. This time is very different. Now I know why honorees sometimes say they are humbled.

I am humbled to receive the Fellowship’s Cardinal Wright Award because it places me in the company of *heroes*—far greater men and women than myself—scholars who have defended the faith not only in season, but out of season—often, indeed, in typhoons and

hurricanes. When the crisis of faith among Catholic intellectuals struck the Church in the 1960s and 70s, these men and women stepped into the breach to defend the Magisterium and the principles of Christian faith and morals. Almost always, they undertook the defense of the faith at great personal and professional cost to themselves, and sometimes (candor requires me to say) with little support from those whose offices they defended. They suffered hostility and ridicule, intimidation and discrimination; but for the pure love of Christ and his Church, *they refused to yield, and they would not be broken.*

I am humbled because I, and (for the most part) my generation of Catholic scholars, have not been made to suffer for the faith as they were made to suffer. We have not been tested as they were tested. We have been spared the test, in part, because these heroes undertook the brunt of the assault when we were still children. For this I thank them; and for them, I thank God.

I am humbled because I am cognizant of my unworthiness to be listed in the company of George Kelly, Ronald Lawler, and William Smith; Germain Grisez, Ralph McInerny, and James Hitchcock; Michael Wrenn, Joseph Fessio, and Donald Keefe; John Harvey, William May, and the other past winners of the Cardinal Wright Award.

Still, with profound gratitude, I accept the Cardinal Wright Award and pledge to the Fellowship my rededication to its ideals and those of the heroes in whose company you have, I am humbled to say, seen fit this evening to place me.

September 26, 1999
Deerfield, IL

The meeting began with a prayer at 8:07 AM. Some 50 members were in attendance.

President's Report

Prof. Gerard Bradley commented on the following items of interest:

(1) *Finances*—the Fellowship remains in stable financial condition, with approximately \$79,000 on balance. Significant expenditures have yet to be made, including costs for major FCS publications.

(2) *Publications*—with regard to the *Proceedings* from the Annual Conventions, we have contracted with St. Augustine's Press to produce the annual volumes. The 1997 volume is in the mail to the members; the 1998 volume has just been given to the publisher; the 1999 volume is in the editing process. With regard to the *FCS Reader* (a collection of noteworthy presentations from previous conventions), the volume edited by Dr. William May and Mr. Kenneth Whitehead is now being printed.

(3) *Board of Directors*—results of the balloting in Summer 1999 were announced. Based on a 33% return, the following were elected: Dr. J. Brian Benestad (Assumption College), Dr. Stephen Krason (Society of Catholic Social Scientists), Rev. John Rock, SJ (Princeton University), and Rev. James Schall, SJ (Georgetown University). The next election will take place in Summer 2000.

Secretary's Report

Fr. Thomas Dailey, OSFS commented on significant happenings with regard to the membership.

(1) *Applications*—since the 1998 convention, 84 new members have been accepted into the Fellowship, bringing the total membership to approximately 925. To promote applications, new brochures have been created. Current members are encouraged to make personal contact with others and invite them into our Fellowship. For applications or other materials, contact Fr. Dailey.

(2) *Chapters*—at present, approximately 150 members of the Fellowship live in countries other than the USA. Formally constituted chapters exist in Canada and Ireland; the creation of new chapters in Australia and England is being pursued.

(3) *Membership Directory*—a draft edition of the new *Membership Directory* was exhibited to the members. The Board of Directors decided that, following necessary revisions, the *Directory* will be made available to all members at cost. Copies can be purchased in print or diskette forms. Announcement of this publication will be made along with solicitation for dues in 2000.

(4) *Public Relations*—the Fellowship has continued to issue press releases concerning significant topics of interest. These are available to all members on the FCS website, which also features a "news" column that provides information (e.g., job openings) not otherwise announced in the "Membership Matters" column of the *FCS Quarterly*. Members are encouraged to visit the website at: <http://www4.allencol.edu/~philtheo/FCS/>

New Business

Among the many items discussed, the following are noteworthy:

(1) Annual Conventions

- the 2000 convention will be held in Atlanta (GA), at a site to be determined, on September 22-24. The theme will be *John Paul II: Witness to the Truth*. The program is presently being arranged by Monsignor William Smith.

- the format for the convention will remain essentially the same, including both scholarly presentations and interaction among the audience. New opportunities for discussion (e.g., break-out sessions) are being explored so as to enhance the "fellowship" dimension while at the same time obviating the problem of long-winded interventions in the plenary assembly.

- greater attention will be paid to the celebration of the liturgy as an integral part of the proceedings.

(2) Episcopal Relations

- the members are reminded that the Fellowship serves the Church by providing scholarly counsel to the bishops in their role as teachers of the faith.

- the Fellowship, through its Board, will contribute to public discourse through its publications and public relations.

There being no further business, the meeting was adjourned at 9:08 a.m.

Following the business meeting, a **panel discussion** on the implementation of *Ex Corde Ecclesiae* was held. The panel members (Prof. BRADLEY, Dean DOBRANSKI, and Mr. WHITEHEAD) offered interventions on the current state of the question, to which the members responded with spirited questions and discussion.

CTSA Letter to Bishop Fiorenza

October 20, 1999

Most Reverend Joseph A. Fiorenza
Bishop of Houston
President, National Conference of
Catholic Bishops
3221 Fourth Street, N.E.
Washington, DC 20017-1194

Your Excellency:

The Catholic Theological Society of America, along with other Catholic learned societies, has followed with concern and deep interest the efforts of the United States bishops to implement Pope John Paul II's Apostolic Constitution, *Ex Corde Ecclesiae*. Many of our members have worked hard with college and university officials and with departments of theology in seeking to promote the genuine Catholic identity of the Catholic colleges and universities in the United States.

We have encouraged the American bishops to remain committed to the pastorally sensitive and appropriately articulated implementation document they adopted by an overwhelming majority in 1996, but to which the Congregation for Catholic Education requested that specific norms be appended.

The current draft of the document before the bishops seeks to respond to the concerns expressed by the Congregation. In several respects it is a welcome improvement over the draft circulated last year, a witness to the fruitfulness of the consultation and dialogue that has developed with Catholic colleges and universities.

We wish to share with you,

however, our deep concern that in some important respects the revised draft still fails to meet the expectations of *Ex Corde Ecclesiae* itself. For example, it fails to provide workable procedures to resolve disputes that may arise about the Catholic identity of an institution, and it does not provide effective norms on which bishops and theologians can rely if disputes arise between them. If "Doctrinal Responsibilities," which we were pleased as a Society to have some role in developing, is not to be the norm, we are willing as a community of theologians to work with the bishops in adopting procedures on which all can rely in such rare but difficult situations.

Moreover, the procedures and criteria for receiving, being denied, or losing a mandatum remain vague and without provision for consistency in application. Indeed, the very meaning of mandatum remains unclear. We continue to be convinced that juridicizing the role of theologians—most of whom do not exercise an ecclesiastical office—should be avoided. Insofar as this may be required, however, at the very least greater clarity is needed to safeguard the good name, ecclesial service, and livelihood of theologians. Yet we are faced with a dilemma here: the greater the clarity in these matters, the more juridical becomes the relationship between the bishops and theologians.

We have always urged greater dialogue between ourselves and our bishops, for theologians do have a deep sense of responsibility to the church and a deep sense of vocation within the church. We believe that in American colleges and universities, this vocation and

responsibility need not be compromised but rather supported by the rigorous procedures of scholarly peer review and overview at many levels of a college or university. The integrity of these processes within Catholic institutions that are faithful to their mission can as such serve the bishops' concerns while avoiding new juridical ecclesiastical structures. The challenge we now face is to affirm and nurture the authentic ecclesial communion we all share in ways that serve best the mission of the whole church.

Our past experience in dialogue with American bishops and the trust that it has engendered indicates that these issues can be worked out. It is our hope, therefore, that these matters can be addressed, so that when a document is adopted, it will be an effective one. We therefore urge you and all the bishops to consider supplementing the careful dialogues you have held with the presidents of Catholic colleges and universities with similar dialogues with theologians. The Catholic Theological Society of America stands ready to participate in and to help facilitate such dialogues. We have shared, and will always share, your concern for the genuineness of Catholic higher education in this country.

Most sincerely,

THE BOARD OF DIRECTORS,
CATHOLIC THEOLOGICAL SOCIETY
OF AMERICA

(SIGNED)

Margaret A. Farley, R.S.M.
(President)
Robert J. Schrieter, C.P.P.S.
(Past President)
Kenneth R. Himes, O.F.M.
(President-Elect)

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Susan K. Wood, S.C.L.,
St. John's School of Theology

cc: Members of the National Conference of Catholic Bishops Presidents, Catholic colleges and universities

Letter from Fr. Matthew Lamb to Bishop Fiorenza

Boston College
November 4, 1999

Most Reverend Joseph A. Fiorenza
Bishop of Houston
President, National Conference of
Catholic Bishops
3211 Fourth Street, N.E.
Washington, DC 20017-1194

Your Excellency:

You received a letter dated Oct. 20 from the Board of Directors of the Catholic Theological Society of America. The letter, while urging greater dialogue between bishops and theologians, seeks to warn the bishops against "juridicizing" the role of theologians. Yet the concerns about the mandatum expressed in the letter are not theological but juridical.

Indeed, there is no cogent theological argument against the imple-

mentation of Canon Law and the mandatum. The guidelines under consideration by the National Conference of Catholic Bishops are ones similar to those that have been in effect in some European countries for over a century. Theologically, no Catholic theologian can fulfill his or her intellectual and academic responsibilities except in the service of the church and with the direction of the Magisterium.

No serious theologian would claim that Catholic theological scholarship in Germany has been hampered by the mandatum (or *missio* as it is sometimes called). In a well-known essay on "Theology and the Church's Teaching Authority After the Council" the renowned German theologian, Fr. Karl Rahner, S.J., called attention to the responsibility of Catholic bishops in cooperating with the Vatican in matters of Catholic theological orthodoxy (cf. *Theological Investigations* Vol. 9, p. 94). He also warned Catholic theologians against a false courtesy and collegiality that would eschew arguments among theologians, thereby jeopardizing Catholic orthodoxy in theology (*Ibid.*, p. 95). One should recall Fr. Rahner's very public criticisms of Fr. Hans Kung for being Protestant in his ecclesiology.

There is no conflict between the pastoral practice of communion and dialogue, on the one hand, and juridical implementation of Canon Law, on the other hand. This false dichotomy between ecclesial communion and juridical norms has been justly criticized (cf. *Mystici Corporis* #65; *Lumen Gentium* # 20-29 and appendix). Referring to Vatican II, Pope John Paul II has remarked: "This communion, precisely because it extends

throughout the whole Church, forms the structure also of the college of bishops, and is an organic reality which demands a juridical form, and is at the same time animated by charity" (*Apostolos Suos* #8). Fr. J. Augustine DiNoia, O.P., has indicated the theological basis for the mandatum in "Ecclesiology of Communion and Catholic Higher Education" (*Origins* vol. 29, n. 17 (October 7, 1999) pp. 268-272).

The greater juridical specificity called for by the CTSA Board of Directors can only be adequately addressed if the bishops approve the general guidelines before them now. Appeals for endless dialogue are for many an effort to evade any decision for the mandatum. I have heard not a few Catholic theologians state that delay is the order of the day, in the hope that another Pope might overlook the implementation of Canons 810 and 812. Approving the mandatum will be the best test of the sincerity of the ongoing dialogue. It will also provide guidelines for the further dialogues that will specify in more detail the mandatum and other requirements of *Ex Corde Ecclesiae*.

While the letter of the CTSA Board of Directors worries about "the good name, ecclesial service, and livelihood of theologians" if the mandatum is approved, the letter makes no reference at all to the many cases in which believing, practicing Catholics, with outstanding scholarly and academic qualifications, have been discriminated against in hiring and tenure practices at Catholic colleges and universities because of their orthodoxy. As a long time member of the CTSA, the protestations of promoting genuine Catholic

identity in the letter ring somewhat hollow if one recalls the many times in which the leadership of the CTSA has supported dissenting theologians and shoddy theological publications (e.g. the study on human sexuality and the statement on ordaining women) over the past three decades.

It is vitally important, for the renewal and deepening of Catholic theological scholarship in the United States that the National Conference of Catholic Bishops approves the "Application to the United States of Ex Corde Ecclesiae."

Finally, I should point out that the entire Board of Directors of the CTSA are elected by less than 20% of the CTSA membership. They did not submit their letter to a vote of the whole society and speak neither for me nor for a number of other members with whom I have spoken.

Sincerely in Christ,

Fr. Matthew L. Lamb
Professor of Theology
Boston College

cc: Members of the National
Conference of Catholic Bishops

**Send Address
Changes to:**

**Fellowship of Catholic
Scholars Quarterly**
Box 495
Notre Dame, IN 56446

**Send address changes
by e-mail to:**

Alice.F.Osberger.1@nd.edu

Human Life International Withdraws Criticism of *Teen STAR*

*The following letter was submitted to us
for publication by Hanna Klaus, M.D.*

20 September 1999

Hanna Klaus, M.D.
(Sr. Miriam Paul, MMS)
NFP Center of Washington, D.C., Inc.
8514 Bradmoor Drive
Bethesda, MD 20817-3810

Dear Sr. Miriam Paul,

Greetings! Thank you for your letter of 23 August 1999.

As the year of grace, 2000 AD, approaches, we hope to establish, or re-establish, good working relationships with our allies in the pro-life movement.

Rereading past correspondence from Cardinals Trujillo and Hickey, we note that both of them, on several occasions, requested that Fr. Marx cease his criticisms of your program, TeenSTAR. We think that if these Cardinals are pleased with the contents and procedures of your program, that is a strong endorsement of its value. We defer to their judgment.

Like you, we hold ourselves accountable to the moral principles found in *Truth and Meaning of Human Sexuality*. Like you, we believe that there are a variety of means that can be used to accomplish the

same goal.

Our position is as follows. There is a difference between theology (principles) and pedagogy (methods of teaching). As regards the former, there must be agreement. As to the latter, there is room for variance and disagreement. Pope John Paul II, in *Familiaris consortio* #37, defines very clearly that for a Christian, sex education is fundamentally formation in the virtue of chastity, and that, consequently, the Church is firmly opposed to sex education as information dissociated from moral principles. Such programs should be based on God's plan for human sexuality, a formation in chastity and an education in human love as self-giving. We especially affirm chapter VII, PRACTICAL GUIDELINES of THMS.

Please know that we formally retract any erroneous and defamatory statements made in *Natural Family Not for Children: A Catholic Analysis of Teen STAR*, signed by Fr. Marx in 1993. This pamphlet has been pulled from our stock-room and future catalogs.

We commend you for your great dedication to advancing natural family planning throughout the world.

Cordially yours,

Fr. Matthew Habiger, OSB
Chairman

Fr. Richard Welch, C SSR
President

cc: Cardinals Hickey and Trujillo

Magnificat: The Life and Times of Timothy Cardinal Manning. Msgr. Francis J. Weber. Mission Hills, CA: St. Francis Historical Society, 1999. 729 pages.

Reviewed by Msgr. George A. Kelly

The most remarkable thing about this book is Msgr. Francis J. Weber. What other historian, within a period of two years, could have published two 700-page books on two of the most important West Coast personalities in American Catholic history? The other, of course, was *His Eminence of Los Angeles: James Francis Cardinal McIntyre*. Together they illustrate how the Holy See, on the death of a notable “doer,” tends to appoint as his successor a “conservator.” Msgr. Weber, who had catalogued McIntyre’s 500 churches, parishes and schools, informed us early in the book that Cardinal Manning will “be longer remembered for what he said and wrote than for what he did.”

Perhaps the best way to understand Manning is from the perspective of McIntyre. When Paul VI asked the Cardinal in 1967 to consider a Coadjutor Archbishop, the 83-year-old man said yes, but rejected Rome’s first three suggestions. He finally settled on Manning, provided the Pope would first test him as the Bishop of Fresno. Media critics called this “Manning’s exile,” but it was nothing of the kind. McIntyre, about to leave behind an ecclesial empire, was still not certain of Manning’s administrative ability. A strange uncertainty, to be sure, considering his 20 years of observing Manning. The press attributed this reluctance to Manning’s alleged “liberal” social views, and the old

Cardinal once chastised his V.G. publicly for jumping the gun on diocesan liturgical reforms. McIntyre was smarter than his critics, however, because he knew that many a good No. 2 man became a disaster in the No. 1 role. Manning’s performance in Fresno did please the Cardinal, who welcomed him back as Coadjutor in 1970, and as one “who has endeared himself to the hearts of clergy and people.”

Personalities aside, Manning had more in common with McIntyre than outsiders suspected. He was not partial to any “liberalities” which “throw overboard all of the inherited sanctions, especially in the area of sexual morality.” Paul VI was in his view the greatest pontiff of the century, and he wanted him succeeded by a conservative pontiff, since the Roman Church is not a club whose teachings “are subject to selective acceptance.” Manning took on Hans Kung, and closed out the Immaculate Heart of Mary (I.H.M.) nuns as teaching religious from his diocese. On this occasion he blamed the debacle in religious life on “Roman officials who allow open-ended experimentation but made little, if any, attempt to monitor or limit it.” When pushed to the wall, he stood up to his teachers in 1977, and against his Christian Brothers in 1984, these latter betraying him when for reasons of economy he tried to close down Cathedral High School. (In 1985, the new Archbishop Mahony kept that school open.) Manning was critical in private of national Church leaders (such as Joseph Bernardin and John Quinn), who hardly ever consulted him on Church strategies.

The best index of his mindset

was the re-appointment of McIntyre’s Vicar General, Msgr. Benjamin G. Hawkes, which was a surprise to many because they were not close friends. Hawkes was a first-class administrator, had power of attorney over the archdiocese since 1965, and under the Manning plan only “personnel” was excluded from his jurisdiction. This was a strange distinction, because in law the Vicar General is the *alter ego* of the bishop with full power over all diocesan affairs. (When Cardinal Spellman went off to war in 1942, he told his Vicar General McIntyre: “You can sell off everything in the Archdiocese, except St. Patrick’s Cathedral!”) Manning and Hawkes were an ecclesial replay of the good cop/ bad cop syndrome, in which Hawkes did not mind playing the heavy. Nor did he mind being restricted to finance, because he knew that the money man had wide power over personnel, too. Hawkes, a good priest and a good pastor of St. Basil’s, where the retired McIntyre served as a curate, annoyed some priests by his restrictive decisions, for example, denying suburban pastors any more access to the diocesan coffers than ghetto pastors—a trick he learned from McIntyre. In due course, the *Los Angeles Times* and the *National Catholic Reporter* would investigate him, asperse him, and virtually keep him from becoming a bishop, although Manning could have made him one if he tried hard enough. The Archbishop’s personal approval of Hawkes was manifest in having Rome make him a “Prothonotary Apostolic”—a sort of “little bishop” without portfolio.

Cardinal Manning himself was a pious priest with built-in brains,

eloquent voice, and natural modesty. He lived humbly—in St. Vibrona's Cathedral Rectory, which was contiguous to L.A.'s skid row. Being a "man of authority" was not his cup of tea. Once when asked what was the most noteworthy accomplishment of his tenure, he replied, "I've survived!" The biography capsulates his ruling style as follows:

Timothy Manning played his cards close to the chest. To all except his closest advisors, he was a model of diplomatic evasiveness, sharing only those plans, thoughts and projects which directly concerned the moment.

This Irishman, the only one of his native kind to participate in Vatican II, could be something of a dreamer, as when he told the Roman Synod of 1977 that catechetics was "superbly alive" in the United States. He did not seem to mind the slights paid him by the NCCB leadership, probably more pleased with himself when he gave weekend retreats to women religious. Manning described himself as "passive and phlegmatic," believing that "nothing is gained by confrontation." He saw his best role in servanthood, and was not threatened by the accomplishments of others.

The last line of Msgr. Weber's impressive biography reads:

However one cuts the cake, Timothy Manning emerges as a truly remarkable figure on the national and local scene of the American Church.

If Msgr. Weber's last words be

true, it is fair to ask: What kind of archbishops is Rome planning to give the American Church in the 21st century? Archbishops, within their metropolitan jurisdiction, are "watchmen" for the pope, although diocesan bishops ordinarily govern their Sees without interference from anyone save the pope. Under circumstances, and with papal permission, they can intervene in a neighboring diocese. American archbishops were once formidable personalities in their own right, and earlier exercised personal influence far beyond their juridical role.

In my young priesthood, the following Archbishops ran the American Church: William Cardinal O'Connell of Boston; Francis Cardinal Spellman of New York; Dennis Cardinal Dougherty of Philadelphia; Michael J. Curley of Baltimore; Patrick Cardinal O'Boyle of Washington, DC; Joseph Rummel of New Orleans; Robert Lucey of San Antonio; J. Francis Cardinal McIntyre of Los Angeles; John J. Mitty of San Francisco; Samuel Cardinal Stritch of Chicago; Edward Cardinal Mooney of Detroit; and John J. McNicholas of Cincinnati. Some of them could be gruff, and personal differences between them were rarely kept behind closed doors. Priests used to joke about Spellman's Church in New York against the Church of "the Axis," i.e. the three Midwesterners, Stritch, Mooney, and McNicholas, who dominated the national episcopal machinery in Washington, DC. These curmudgeons demon-

strated remarkable unity about the course of the American Church, and they were one with Rome as expected.

In those days bishops consulted widely, and were recognized as the Church's most prominent decision makers. Pundits today, however, claim their kind is gone forever; that laws can no longer be enacted without the permission of opinion-makers, usually elite minorities with power to disrupt public order if they are denied their freedom to do what they want. These same savants further assert that the very Catholic notion of hierarchy is *passee*, even if the word only means "holy rule." A live Cardinal Spellman might say in response: "Let them try me!" Once upon a time, Hans Kung and company encouraged disbelievers and the disobedient with this line: "Don't worry over what Rome says, only about what Rome does." But he never dealt with Spellman, Stritch or Mooney. Archbishops who were one with the pope mastered many a crisis then, and will master the contemporary difficulties created by today's naysayers, to whom "the obedience of faith" (Rom 1:5) is anathema. Rome will overcome these detractors only when decision making archbishops are in the front lines of controversy. As the Epistle of James advised Church leaders in the New Testament period: "Act!" "If all you do is listen, you are deceiving yourselves."

Msgr. George A. Kelly is President Emeritus of the Fellowship of Catholic Scholars.

John and Therese: Flames of Love. The Influence of St. John of the Cross in the Life and Writings of St. Therese of Lisieux.

Guy Gaucher, trans. by Alexandra Plettenberg-Serban
New York: Alba House, 1999.

Reviewed by Donald Jacob Uitvlugt

Students of the life and works of St. Therese should need no introduction to Guy Gaucher, Auxiliary Bishop of Bayeux-Lisieux. It is with great joy, then, that one sees yet another of his insightful works on the young Carmelite of Lisieux translated into English. As the foreward notes, Bishop Gaucher wrote this brief study in 1996 as a contribution to the discussion of whether to declare St. Therese of Lisieux a Doctor of the Church. The book demonstrates how Therese's life and teachings depend on and deepen the thought of another Doctor of the Church, St. John of the Cross.

Bishop Gaucher begins by citing a statement of Therese that is key to any discussion of the relationship between the Carmelite of Lisieux and John of the Cross: "Ah! How many lights have I not drawn from the works of our holy Father, St. John of the Cross! At the ages of seventeen and eighteen, I had no other spiritual nourishment. Later on, however, all books

left me in aridity and I'm still in that state." Gaucher goes on to note, "Usually people deduce from this passage that the influence of St. John of the Cross touched Therese only during those two years (1890-1891) and that afterwards she freed herself from it" (3). The majority of the book refutes this mistaken notion, first by showing the role John of the Cross played in Therese's life throughout her earliest years and life in Carmel, and second by demonstrating his influence on Therese's spiritual teaching.

The first chapter is an historical survey of Therese's life, showing when she first encountered the Carmelite father (at the latest, in her early adolescence) and how he accompanied her along the journey to her young death from tuberculosis (the *Works of John of the Cross* was one of her few bedside books in the infirmary). The next three chapters focus on Therese's teaching on the theological virtues, noting instances where she cites John of the Cross, and also where her words indicate a profound affinity to John of the Cross' doctrine. While not often using the specific joannocrucian terminology, Therese's writings, which are nothing more or less than a verbal expression of her life, show that she lived the truths her father in Carmel wrote about.

The last chapter of Gaucher's work is dedicated to showing this

in a particular way. Gaucher attempts to demonstrate that Therese's "death of love" corresponds (in her teaching on the subject, and above all in her lived experience) to the "spiritual marriage" that John of the Cross teaches is the summit of the spiritual life. He does so by stressing the central place of the Passion of Christ in both Carmelites' spiritualities: "He was John of the Cross, she was Therese of the Holy Face, brother and sister" (143).

Bishop Gaucher's book is just the beginning; he himself indicates the need for a deeper study of the relation between Therese and John of the Cross. But in the end, that is not the work's primary aim. The work was written to demonstrate that Therese met two of the classical criteria for a Doctor of the Church: eminent learning, seen in her use and adaptation of the teachings of John of the Cross; and a high degree of sanctity, evidenced by her having achieved the high mystical state of spiritual marriage. What remained at the time of the French edition of the work was the proclamation of the Church. Since Therese's 1997 "doctorate," Gaucher's book serves as a welcome reminder of how deep Therese's thought truly is.

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*St. Ignatius Loyola:
The Pilgrim Years, 1491-1538.*

James Brodrick, S.J.
San Francisco: Ignatius, 1998

Reviewed by Donald Jacob Uitvlugt

How does a saint get to be a saint? That is to say, how does any individual discover God's will for his life and then live that vocation heroically? That is the question that this work by the English Jesuit historian James Brodrick answers by showing the winding pilgrimage the Basque Inigo de Loyola took to become St. Ignatius.

Originally written in 1956, the biography follows Ignatius from his birth, his youth as a soldier, through his conversion and his quest to discover his vocation that eventually led to the founding of the Jesuit order in 1538. The greatest advantage of this biography lies in its depiction of Ignatius as a real person who struggles to find his path, often fails and is met with setbacks, but finally arrives at what God wants of him.

Brodrick's biography is scholarly while being a true delight to read. A great part of its charm lies in what might be called the antiphonal character of the work: Brodrick lets Ignatius and his earliest biographers speak in their own voices, and he then fills in the details of their often laconic accounts with his own superb storytelling, entertaining footnotes and personal opinions. This is not a work of hero-worship; it is true hagiography, demonstrating how a very human saint matured in holiness, and giving us hope that we can follow in his footsteps.

Various publishers are slowly reprinting Brodrick's classic works

on early Jesuit history, such as *Saint Ignatius Loyola*. One hopes that the greater availability of these works will allow a new generation of historians to study the example of this scholar who was able, while keeping to the canons of his science, to write works that are able to nourish the spirit as well as the mind.

Donald Jacob Uitvlugt is a doctoral student in theology at the University of Notre Dame.

Heretics and Scholars in the High Middle Ages 1000-1200

Heinrich Fichtenau
Trans. Denise A. Kaiser
Penn State University Press, 1998
ISBN 0-271-01765-1
403 pages. \$45.00

Reviewed by Timothy L. Smith

Fichtenau focuses on the traditional thesis that popular heresy or, more broadly, religious dissent, had its roots in the schools. The crux of the problem is the development of popular heresy from being isolated and infrequent in the early eleventh century to being rather well-developed and widespread in the late twelfth century. The intervening period of development was overshadowed by popular reform movements such as the Peace of God in which rules of conduct and the zeal for the apostolic life gained center stage.

The dearth of references to heresies through this interim period along with the rise of non-conformity in the schools led to the suspicion that dissent was everywhere related. Building upon and correcting the work of H. Grundmann, the author shows that the evidence precludes any causal link. In fact, the only real link he finds between

popular heresy and non-conformity in the schools is a similar pattern of argumentation. And for those who do not want scholasticism to be saddled with responsibility for popular heresies, this is music.

Fichtenau divides his study into three parts: one on popular heresies, including the various heresies of the eleventh and twelfth centuries; one on the schools and the new methods of theological work; and a middle section on the themes of myth and mystery in the activities of both groups. His is a phenomenological approach paying particular attention to the presence of a variety of late classical beliefs in these groups.

The author's aim is modest: "to provide a sketch of only the main lineaments of bygone points of view as a background against which the thought and actions of individuals living during that epoch will be thrown into relief." He succeeds notably in producing a detailed portrait of these two groups that is for the most part sympathetic and even-handed. With respect to the development of both popular heretical groups and non-conforming scholars, the author tends to give credence to Greek influences (Bogomil in one case and philosophic in the other) without, however, positing them as direct causes.

The major heretical group under consideration, the Cathars of southern France, is characterized by their belief that the world is evil and created by one who is evil. God has virtually no power in this world but has shown the way to the spiritual world through Christ (an angel). There are many facets of Catharism similar to Manichaeism, but it is not nearly as systematic or complete. In fact, it is rather "matter-of-fact" in its construction of myths. One can, for example, find

the myth of the two Christs: one of whom was evil, ate and drank and was crucified; the other, was an angel and had only the semblance of a body. Such beliefs are central to the author's argument that Catharism was not a product of biblical exegesis. Far from displaying a common-sense literal or contextual reading of texts, Cathars employed an erudite allegorical method of reading Scripture. Exegesis was then relegated to a secondary role behind one's personal experiences in life, e.g., of the evilness of this world.

With regard to the second group, the names of Plato and Aristotle, of course, appear frequently as a more or less sequential influences but not as causes of the shift toward non-conformity. Rather, the influence of Plato in the 11th and Aristotle in the 12th century (roughly) determined the character of non-conforming arguments. The Platonism of the school of Chartres, for example, was evident in the philosophical myths especially of the world, the Trinity and so forth. Of course, the abundance of the Platonic heritage could and did lead to rather disparate forms of philosophical development including the [pagan] cosmology of William of Conches and the grammatical idealism of Gilbert of Poitiers. Ultimately, however, the author argues, Plato could not be "Christianized" because his metaphorical expressions were misunderstood. At a time when biblical exegesis "reverted to the literal over the allegorical approach, it was difficult for a reader of Plato's works to bear in mind that he was the author of analogies" (p.185).

The Aristotelianism of Abelard and others found expression in the dialectical analysis of Scriptural and patristic texts. The author distinguishes the logic-driven work of

Abelard and Gilbert, i.e., "scholastic" theology, from the "monastic" theology of Bernard and Joachim. The author also wants to retain the Platonic influence for the monastics or the "churchmen" (and the later Franciscans), over against the Aristotelianism of the schools (and the later Dominicans), but this extension of his dichotomy is rather clumsy. For instance, he seems to have confused Francis' ideals with the realities of later Franciscan life which, in fact, did involve them to a great extent in the schools.

The author's argument against any causal connection between the heretics and scholars of this period is based on three factors: first, the Cathars lacked a command of even the most basic theological terminology; second, their skepticism toward religious objects such as crosses were *ad hoc* and not part of any systematic doctrine; third, they did not display gnostic attitudes as would be expected in the case of having connections with the schools. Heresy at this time then is not primarily defined in terms of direct doctrinal conflict but rather in terms of differences in belief and interpretation. Joachim of Fiore, for example, professed to have no conflict at all with orthodox belief, and yet he held positions on a number of issues that were no doubt unique.

Throughout the book, the author is refreshingly loathe to identify anything as an actual cause, but discusses factors primarily as "favorable circumstances." Increasing urbanization, the growth and movement of numbers of craftsmen, the abuses and ignorance of the lower clergy are not the fundamental causes they were assumed to be, but they remain factors nonetheless. Rejecting the theses of Russell and Morghen that all such evidence of dissent and reform are

founded on a critical attitude toward and even condemnation of the corrupt Church, the author notes that dissent and reform are not synonymous. Some reform monasteries, for instance, bore no trace of heresy. And in so far as the phenomena are different, so are their causes.

One other important aspect of the author's reappraisal is the overthrowing of theories that include the lowliness and poverty of heretics as the fundamental cause or even an identifying characteristic. These movements included members of every segment of society. The explanation for their appearance and growth cannot be a simple one. The author's reluctance to explain the causes for these remarkable developments is also the work's only real weakness. Having made the problem more complex and detailed, he leaves the reader with more questions. But then again, this irresolution may be precisely the point the author wished to convey.

One other point that the reader should note is that Abelard virtually dominates the author's portrait and reading of the schoolmen. And in so far as the author focuses primarily on Abelard and Gilbert, his analysis is correct. However, this portrait of the scholastics should not be overly generalized. It is one thing to argue *against* using authorities as Abelard did and another thing to seek other means of establishing one's point. In the second case, one is seeking the reasons for what one believes, the coherency of all things known and believed to be true. As in the case of Anselm, such work is based upon the unity of all truth (thus, the rationality of belief), not the near infinite power of human reason. It is then not without

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importance that Anselm first entitled his two most famous works, "An Example of Meditation on the Grounds of Faith" (*Monologion*), and "Faith Seeking Understanding" (*Proslogion*)?

Unfortunately, Fichtenau reads *rationalis necessitas* as the autonomous work of reason and seems perplexed that Anselm would pursue such work in a monastery. On the contrary, Anselm's context and work are interrelated. It is only within a contemplative community that one could so easily and fruitfully meditate (in writing) on the

reasonableness of Christian belief. And just as it was in the case of Augustine, the tenets of Christian belief provide the basis as well as the grist for the intellectual mill in this type of intellectual work. Surely, Anselm and other scholastics deserve the same kind of careful attention that the author extended to the non-Cathars in the first section of the book.

This study is also somewhat unbalanced regarding the method of reporting. The author cites, for instance, both the works of and major studies on Alan of Lille.

Regarding Rupert of Deutz, however, he cites Rupert's own work only once and relies instead on rather general and dated works such as Chenu's of 1957 and Ohly's of 1958.

Technically, the notes are generally extensive, and the translation is impeccable. Overall, this study provides the reader with a wealth of detail and stimulating insights into the vast panorama of this extremely dynamic period. ✠

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Several people have chided me for suggesting that the third millennium begins on January 1, 2000, insisting that it begins in 2001. This is interesting. By parity of reasoning one must conclude that the Christian era did not begin at Christmas but on Our Lord's first birthday. What any of us was doing during our first year on earth is equally mystifying. And why do we call the years beginning from 1900 the twentieth century?

A far more important problem is what is being

referred to by the third millennium, whenever one wants to welcome it in. For some time there has been a movement to substitute B.C.E. for B.C. and C.E. for A.D. I accept this as long as the C is taken to stand for Christian. The French Revolution calendar was more revolutionary, as was Mussolini's. Start numbering from now. It didn't catch on in either case. But then there is a sense, as Chesterton suggested, that Christianity hasn't caught on yet either. If so, the calendar constitutes a mute rebuke. ☩

Ralph McInerney

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