

The Republicans and *Roe*

Gerard V. Bradley

Since shortly before George Bush's inauguration, the Republican party has been dancing a minuet around *Roe v. Wade*. Does the party mean to overturn it, or to treat it as settled law? Depends on who is doing the talking.

Attorney General John Ashcroft stated, at his confirmation hearing, that *he* would not challenge *Roe*. Curiously, First Lady Laura Bush chose that moment to voice her approval of *Roe*. No big deal there? Well, a president's spouse, it is true, has no formal authority. But no one should imagine that Mrs. Bush would speak so forcefully to a burning issue without her husband's approval. Especially after she stood by, silently, throughout the campaign, while he reassured pro-lifers that he was reliable on abortion. And the Cabinet's most prominent member—Colin Powell—is famously pro-choice. These folks have ratified *Roe*. For them the center of gravity of "Pro-life" politics no longer is abortion.

The President and the Vice-President, however, do not rule out, *a priori*, challenging *Roe*. On the other hand, they do not vow to seek to overturn it. And they cast no doubt upon the validity or bindingness of *Roe*, so long as the Supreme Court does not overrule it. This concedes a lot. Just a few years ago pro-life leaders, notably including the late Robert Casey, held that public officials could, and should, act on *their* view of the Constitution, that the Supreme Court did not settle the meaning of the Constitution. Governors and sheriffs and clerks who believe that the unborn are persons, should treat them as persons. And legally would do so, unless a specific positive law directed them to do otherwise. One wonders, now, whether any nominee for a federal judgeship may safely say: I am beyond John Ashcroft on abortion. I believe *Roe v. Wade* was and is an unconstitutional decision, which should be overruled.

George W. Bush is undoubtedly a better choice for President than the alternatives available last fall. And he will do a great deal of good for moral sanity, starting with the issue of same-sex "marriage." He has, moreover, effectively reached out to Catholic leadership, including a dinner with Catholic prelates at Cardinal McCarrick's residence. But, in all the good feelings, we should *never* lose sight of this: as a legal matter, we are not going to save a single baby until we overrule *Roe v. Wade*. ☩

O Timothee, depositum custodi, devitans profanas vocum novitates et oppositiones falsi nominis scientiae, quam quidam profitentes circa fidem aberraverunt. Gratia vobiscum. 1 ad Timotheum 6

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Forum: Implementing Canon 812

Editor's Note: At its November, 2000 meeting, the NCCB discussed concrete guidelines for implementing the *mandatum* requirement of Canon 812. The bishops are expected to vote at their June, 2001, meeting, if not on these precise guidelines, then on a modified version of them. No Vatican approval is required to give effect to the bishops' work, which would be expected to take effect as soon as practicable.

In this section of the Quarterly you will find, first, a copy of the bishop's proposal and, then, a verbatim transcript of their discussion of it. Third is an introduction and guide to the issue by Kenneth Whitehead, former official of the U.S. Department of Education and keen observer and commentator upon the *Ex Corde Ecclesiae* story. For the fourth part of the Forum, the editor asked members of the FCS Board to comment on the draft. Finally, there is an Afterword by Msgr. George Kelly, President Emeritus of the Fellowship of Catholic Scholars.

NCCB Draft – November 2000 Guidelines Concerning the Academic *Mandatum* in Catholic Universities (Canon 812)

Preface

On November 17, 1999, the Catholic Bishops of the United States approved *The Application of Ex Corde Ecclesiae for the United States*, implementing the Apostolic Constitution *Ex Corde Ecclesiae*. This action received the *recognitio* from the Congregation for Bishops on May 3, 2000. Bishop Joseph Fiorenza, President of the National Conference of Catholic Bishops, decreed that the application would have the force of particular law for the United States on May 3, 2001.

Guidelines

Pope John Paul II's Constitution *Ex Corde Ecclesiae* of 1990 fostered a productive dialogue between the Bishops of the United States and the leaders of our Catholic colleges and universities. It is anticipated that this recently approved Application of *Ex Corde Ecclesiae for the United States* would further that dialogue and build a community of trust and dialogue between bishops and theologians. Both bishops and theologians are engaged in a necessary though complementary service to the Church which requires ongoing and mutually respectful conversation.

Article 4,4,e,iv of the *Application* states that "a detailed procedure will be developed outlining the process of requesting and granting (or withdrawing) the *mandatum*." These guidelines are intended to explain and serve as a resource for the conferral of the *mandatum*. Only those guidelines herein which repeat a norm of the *Application* have the force of particular law. They were approved for distribution to the members of NCCB on (date), by the Conference's general membership.

1. Nature of the *mandatum*.

a. The *mandatum* is fundamentally an acknowledgment by Church authority that a Catholic professor of a theological discipline is a teacher within the full communion of the Catholic Church (*Application*: Article 4,4,e,i).

b. The *mandatum*, therefore, recognizes the professor's commitment and responsibility to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the magisterium (cf. *Application*: Article 12 4,4,e, iii).

c. The *mandatum* should not be construed as an appointment, authorization, delegation or approbation of one's teaching by Church authorities. Those who have received a *mandatum* teach in their own name in virtue of their baptism and their academic

and professional competence, not in the name of the bishop or of the Church's magisterium (*Application*: Article 4,4,e,ii).

2. Who is required to have the *mandatum*?

a. All Catholics who teach theological disciplines in a Catholic university are required to have a *mandatum* (canon 812 and *Application*: Article 4,4,e).

b. "Teaching" in this context signifies regular presentation of academic material in an academic institution. Occasional lecturers as well as preaching and counseling are not within the meaning of the *Application* and these guidelines.

c. "Theological disciplines" in this context signifies Sacred Scripture, dogmatic theology, moral theology, pastoral theology, canon law, liturgy, and Church history (cf. canon 252).

d. "University" in this context signifies not only institutions that bear the title "university" but also Catholic colleges and other institutions of higher learning.

3. Who is to grant the *mandatum*?

a. The *mandatum* is to be granted by the diocesan bishop, of the diocese in which the Catholic university is located, generally understood to be where the President and central administration offices are located (cf. *Application*: Article 4,4,e,iv [I]).

b. The competent ecclesiastical authority may grant the *mandatum* personally or through a delegate (*Application*: Article 4,4,4,iv[I]).

4. How is the *mandatum* to be granted?

a. A request for a *mandatum* by a teacher of a theological discipline should be in writing and should include a declaration that the teacher will teach in full communion with the Church.

b. The ecclesiastical authority should respond in writing (*Application*: Article 4,4,e,iv,[3]).

c. An ecclesiastical authority has the right to confer the *mandatum* on his own initiative, provided that the commitment to teach in full communion with the Church is clear.

d. A teacher already hired by the effective date (May 3, 2001) of the *Application*, is required to obtain the *mandatum* by June 1, 2002.

A teacher hired after the effective date of the *Application* is required to obtain the *mandatum* within the academic year or within six months of the date of being hired, whichever is longer. If the teacher does not obtain the *mandatum* within the period given above, above, the competent ecclesiastical authority should notify the appropriate authority in the college or university.

e. Without prejudice to the rights of the diocesan bishop, a *mandatum*, once granted, remains in effect wherever and as long as the professor teaches unless and until it is withdrawn by the competent ecclesiastical authority (*Application*: Article 4,4,e, iv[2]). Although there is no need for the *mandatum*, once granted, to be granted again by another diocesan bishop, every diocesan bishop has the right to require otherwise in his own diocese (*Application*: footnote 43).

5. Grounds and process for withholding or withdrawing the *mandatum*.

a. If all the conditions for granting the *mandatum* are fulfilled, the teacher has a right to receive it and ecclesiastical authority has an obligation in justice to grant it.

b. Right intentions and right conduct are to be presumed until the contrary is proven. Hence the ecclesiastical authority should presume, until the contrary is proven, that those who attest that they teach in full communion with the Church actually do so.

a. Ecclesiastical authorities who withhold or withdraw the *mandatum* must state their reasons in writing and otherwise enable the person who believes that his or her rights have been violated to seek recourse (*Application*: Article 4,4,e,[3]; footnote 44). Such withholding or withdrawal should be based on specific and detailed evidence that the teacher does not fulfill the conditions of the *mandatum* (draft *Guidelines* 1, c; *Application*: Article 4,4,e,iii; "Doctrinal Responsibilities" III,C,4).

6. Appeals and resolution of disputes.

a. In the resolution of disputes about the withholding or withdrawal of the *mandatum*, it is important for both parties to have competent ca-

nonical counsel.

b. For the resolution of disputes about the withholding or withdrawal of the *mandatum*, there should be personal contact between the bishop and the teacher in accord with canon 1733§1. The process set forth in the NCCB document “Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstandings Between Bishops and Theologians” (June 1989, *Origins*, Vol. 19, pages 97, 99-110) should be followed.

c. Other means for conflict resolution on the diocesan, regional or provincial levels (not excluding local mediation procedures) can also be invoked (cf. canon 1733).

d. While the use of informal procedures is pref-

erable, the aggrieved party always has the right to formal recourse against the denial or withdrawal of a *mandatum* in accordance with the canonical norms for “Recourse Against Administrative Decrees” (canons 1732-1739).

7. The members of the USCC Bishops and Catholic Colleges and University Presidents Committee and its staff will serve as resource personnel for information and guidance on matters connected the *mandatum*.

8. These guidelines are to be reviewed after five years by a committee appointed by the Conference President. ☩

Transcript of Bishops’ Discussion on Mandatum Guidelines

*Wednesday, November 15, 2000
(Recorded by Women for Faith and Family;
transcribed by Helen Hull Hitchcock and Susan Benofy.
The FCS is grateful for permission to reprint.)*

Bishop Fiorenza: Thank you, Archbishop. Now is the time for questions and discussion and observations. Archbishop John Roach. Archbishop Roach.

Archbishop Roach: Thank you. Archbishop Pilarczyk, I would say in a preliminary way, I think what you've done in your committee, considering the difficulty of the problem, has been very helpful and very good. I'd like to make a couple of comments, however, almost by way of background. May be a little gratuitous, but I want to make them. We're talking about *Ex Corde Ecclesiae* which is now ten years old, and in this room there are many bishops who ten years ago did not have the responsibility of dealing with this issue. The climate upon the publication of *Ex Corde Ecclesiae* was difficult, in this country certainly. And I think what Dr. Dan Finn described

as the climate, was even more troubling then, though the *mandatum* was not being dealt with as rigorously at that time.

I'd like to make a kind of personal expression of gratitude to one of our members. Bishop John Leibrecht, right from the start, was carrying the ball on this issue, and he did it with grace, with patience, in a nonjudgmental way, and I really think that the tone that he established helped the rest of us in dealing with the issue on the local scene. And I want to pay my expression of gratitude to John, and I expect the expression of gratitude of all the rest of us. He did an extraordinary job of setting a kind of climate in which this discussion could take place without real rancor, and I think very civilly. So we're very grateful to him. [Applause]

Second, I don't mean to comment on Dr. Finn's comments, but I should say this. A part of me says that I wish that we were still involved in the dialog on *Ex Corde* itself; that was a marvelous dialog. We, in this country, had not had that kind of dialog with people in higher education, or at

least, if we did it was in a minimal fashion. And that document gave us a platform for a very meaningful kind of dialog, and I think that's been helpful.

Now we're at a different point; we're at the point of the *mandatum*. And that's going to be tougher. My plea really is this—and this is very gratuitous—but my plea is that we bring to that discussion, not just civility, but a real understanding of the kind of anxiety that Dr. Finn has expressed. We may not buy it, but we need to be conscious of it. And we need to be very sensitive to that fact. And I think if we can do that with the help that your committee is giving us, we can rise above the difficulties of this new stage, and accomplish what I think we're all hoping for, and that is a closer and closer kind of support between the Church and Catholic higher education. Thank you.

Bishop Fiorenza: Thank you, Archbishop. Next is Bishop Brucato.

Bishop Robert A Brucato (Aux. New York): Thank you, Archbishop. Possibly this would be called asking for a clarification, or a suggestion to move in the direction of addressing it in terms of the Catholic professor rather than the Catholic institution. I remember in previous meetings you referred to this as being a *mandatum* belonging to the individual, and not the institution. Yet some of the terminology refers to the profession in the Catholic University and Catholic College. I'm wondering if that's necessary phraseology from the parent documents or whether that is only your selection for the guidelines here. And if it is, I would suggest moving away from that because the authenticity of Catholic teaching shouldn't be confined to just the Catholic university. There are many areas in which we have a Catholic presence outside the Catholic University. At times voices that claim to be Catholic, that are really not authentically so; at other times, voices that claim to be Catholic, that are authentically so, and should have, at least, the right to have requested the *mandatum* to be able to say: I truly teach on Catholic teaching. There are many courses in our metropolitan area—or many universities in our metropolitan area—where there are courses in which Catholic belief surfaces, and there are many individuals who are simultaneously teaching in a

Catholic environment and in a non-Catholic environment. There are parents who are wondering: does this particular person, teaching in this secular college, my student, my son, my daughter, really presenting Catholic teaching or not?

I don't think its true to imply that every Catholic professor is seeing this as a great and onerous thing; I think many are looking to this as a tool—as an authentication of their standing in the classroom.

Archbishop Pilarczyk: Bishop, its our understanding that *Ex Corde Ecclesiae* calls for the *mandatum* for Catholic teachers in Catholic institutions, and that was the task that our committee was given to deal with.

Bishop Fiorenza: Bishop Rosazza.

Bishop Peter Rosazza (Aux. Hartford): Thanks, Archbishop, for all your wonderful work. Would it be out of order to address the question to Dr. Finn? He raised the problem of due process, and I wonder how that coincides with #6, on page 4, where we do spell out, it seems to me, a process that could be used in case of difficulty.

Bishop Fiorenza: You wish Dr. Finn to respond?

Bishop Rosazza: If that's in order.

Bishop Fiorenza: Certainly.

Dr. Finn: Thank you, Your Excellency. Section 6 is about appeals. After a decision is made, it can be appealed. Our concern is, why would there not be due process in the original decision, not just after a mistake may have been made.

Bishop Fiorenza: Does that clarify it for you, Peter? Thank you. Bishop Banks.

Bishop Robert Banks (Green Bay): I have a lot of questions, really, but I'll bring them up in that meeting that you're suggesting we have at some time. The reason I get up now is this truly is a very serious matter, that if its handled the wrong way, it could result at least in one theologian, if not more, suffering the loss of a job or suffering loss of a reputation as a Catholic scholar, etc. So really this is a grievous matter that we're taking up at the present time.

Now, first of all, if I might ask a couple of

questions. Are we today saying that the basic requirement of the *mandatum* is stated by the Canon and not by our application or by *Ex Corde*? And, if so, why are we putting down a date for its going into effect?

Archbishop Pilarczyk: First of all, it seems to me that we are bound by the Code and by *Ex Corde*, which requires the issuance of a *mandatum*. The effective date of the applications was already established—voted on—by this body at our last meeting. What we are doing is trying to fill in the blanks between what was left to be determined by the Applications and the Code, and the time in which it becomes effective.

Bishop Banks: All I'm saying is that, if the requirement basically is the requirement in the Code, then it went into effect 20 years ago.

Archbishop Pilarczyk: No, it's the Applications, too, Bishop Banks.

Bishop Banks: I understand it is also the Application, but is that—which are we going to place most attention on? The fact that's its in the Application? In other words, prior to the Application, it did not apply in the United States?

Archbishop Pilarczyk: There was some controversy about that, and it seems that the common opinion is that the requirement for getting the *mandatum* becomes effective when the Applications go into effect.

Bishop Banks: OK. It makes all the difference in the world to me whether the requirement has been put in place by the Code of Canon Law, which was passed by our Holy Father some 27 years ago. I forgot the exact date; my math isn't too good. And—17 years ago? Or whether it's us that have decided that we will now require that this be done.

Archbishop Pilarczyk: Well, we have been required to require this. [Laughter]

Bishop Banks: OK. Because if we're the ones that are requiring it, then I think we take it with certain seriousness that we might not have taken if it's being required by the Code 17 years ago.

Archbishop Pilarczyk: Well, I think you've got *Ex*

Corde and the Applications in between. This undertaking of ours is not *sponte nostra*.

Bishop Banks: But if we're the ones that are, in effect, imposing it then I think we have to be more careful than if it was simply out there anyway, and the professors should have been doing this for the past 17 years.

Archbishop Pilarczyk: But it is not our option to decide whether to have this or not.

Bishop Banks: I know that. I'm not raising that question. I'm just saying there'd be a different attitude on our part. And so that the other question for me has to do with, first of all, being in full communion, and then teaching in full communion. If the "being in full communion" means that the person is not in a state of excommunication, then that would be very important to know, because if a person is excommunicated can they teach in full communion? I think that's an important question.

Then the other one, about "teaching in full communion." Is a person not teaching in full communion? How do we decide that? In other words, it would be clear if the person is a heretic. I think that would be clear. Probably a schismatic; I think that would be fair. But if we were to go back to those theological notes that you and I were familiar with once upon a time, if its offensive to pious ears, would that be adequate to say that a person is not teaching in full communion?

Archbishop Pilarczyk: No.

Bishop Banks: What I'm thinking of right now is I believe that Professor Jacques Dupuis—I'm not sure of this, you can correct me. But I think Fr. Jacques Dupuis at the Gregorian University is in conversation with the Congregation for the Doctrine of the Faith about some of his teaching. I believe, however, he's still on the faculty of the Greg, and I believe he's still teaching, but I do not know that. But that at least indicates that a person can be teaching something, or have written something, that is so questionable that conversation is being had with Cardinal Ratzinger at the Congregation of the Doctrine of the Faith, and yet, the person can still continue to teach.

Archbishop Pilarczyk: I think that we have to

make these judgments in a very strict-constructionist way. That you don't say that somebody is not in full communion because some of his or her teachings are offensive to pious ears. It seems to me that some theologians raise questions about: "Is this what the Church teaches?" That, to me, does not break full communion. It seems to me that you have to give everybody the benefit of every doubt before you lower the boom.

Bishop Banks: It's just that I think Dr. Finn raised a good point when he said we don't have clear criteria concerning when one is not teaching in full communion. I think that is a serious issue.

Archbishop Pilarczyk: Bishop Banks, if you would like to draw up a schedule of those criteria, the Committee would be very happy to receive it.

Bishop Banks: All I'll say is that as soon as a bishop turns down or requires that someone be fired because the person is not teaching in full communion, then we will have to have a criterion in place.

Archbishop Pilarczyk: May I observe, however, that the *mandatum* or lack thereof has nothing to do with hiring or firing of tenured professors. This is a university matter. What we are dealing with is an ecclesiological matter.

Bishop Banks: So there's no requirement by the Church that a university fire someone who does not have a *mandatum*?

Archbishop Pilarczyk: That is correct.

Bishop Banks: Would a bishop be out of order if he were to say to a president or the board of a Catholic college: you must fire the person from whom I have taken the *mandatum*?

Archbishop Pilarczyk: Yes.

Bishop Banks: Thank you

Bishop Fiorenza: Archbishop Schulte.

Archbishop Francis Schulte (New Orleans): Archbishop, I think I know the answer, but I'd like to hear you give me the answer yourself. This is not particular law that we're taking about, this is a process. After we've gone through these stages that you mention is there to be any, since its not particular law, any sort of *recognitio*.

Archbishop Pilarczyk: No, this is not subject to *recognitio* by any agency of the Holy See.

Archbishop Schulte: And then to go back, I share some of the concerns that Bishop Banks mentioned. Do we hear correctly, too, that there are no canonical—results or something—as a result of the person, professor, teacher, not asking for or not accepting a *mandatum*.

Archbishop Pilarczyk: That is the understanding of our committee.

Bishop Fiorenza: Bishop Wcela.

Bishop Emil Wcela (Aux. Rockville Centre): I understand that this is not legislation, that these are guidelines, and that the people involved are the bishop and the theologian. But still we're obviously talking some kind of responsibility. Where does the responsibility to find out about someone teaching theology at a Catholic university? If someone is teaching, and has not asked for the *mandatum*, does the bishop have some kind of responsibility to go and find out who is teaching, and then to ask questions about the *mandatum*?

Archbishop Pilarczyk: It seems to me that the bishop has the responsibility to inform the university or college people that his person seems to be teaching and has not requested, or have not accepted, the *mandatum*.

Bishop Wcela: Thank you.

Bishop Fiorenza: Archbishop Weakland.

Archbishop Weakland: Thank you very much. I think that we all understand that these are guidelines, and they're guidelines between the theologians and the bishops. On the other hand, that we're all a little nervous that somehow the universities and the presidents are outside the loop. It's just us two. But wouldn't it be wise, since these are guidelines, to put in there somewhere that if the university intends to hire somebody where the president knows this could pose a problem, that that be worked out with the bishop ahead of time? I'm just—if these are guidelines, surely the presidents have some responsibilities, and not just the bishops, especially in the hiring process.

Archbishop Pilarczyk: Archbishop, it would be

my opinion that such direction, or recommendation, should have been in the Applications and not here. Because this document is concerned exclusively with the *mandatum*. We don't want to work any harder than we have to.

Bishop Fiorenza: Bishop Goedert.

Bishop Raymond Goedert (Aux. Chicago): Archbishop, I have the feeling that between the last meeting and today's another meeting must have taken place and I fell asleep. Because it seems to me to be quite different, what we're talking about today and what we were talking about after the last time we discussed this. I was given the impression—I'm not saying by you or the Committee, but in our conversations—I was given the impression that it was up to the individual teacher to seek the *mandatum*, and that if he chose not to seek it, that's OK, that's his decision. It's sort of like if he wanted a brownie point he could seek it and get a certificate that he is now in full communion in his teaching. But that it was strictly up to him, and that there be no repercussions if he didn't choose to seek it.

When I read this, this is more than guidelines. This is saying by such and such a date you will apply for it and you will get it, because if you don't we will then tell the university. And we're not going to tell the university just because we're—We're going to expect that university to do something about it. It just seems as though there's been a real leap between the last time we talked about it. Again, I might be the only one that's feeling this, but it just seemed to me to be more benign a year or so ago, and quite strict. It just seems as though we're lowering the boom, and if I were a teacher of theology, I'd probably be very nervous.

Archbishop Pilarczyk: First of all, Bishop Goedert, it is the law of the Church—either in the Code or in *Ex Corde*—that says that theologians are expected to request the *mandatum*. This was never an option, if you want to or not. This is a requirement of law. The issue is enforcement. The local bishop does not have any mechanism to enforce non-compliance with this provision of the law. He may inform the university. I'm not sure that every bishop who informs, or any bishop who informs the university, is going to expect the university to

take some kind of disciplinary action. This is not envisioned as part of the *mandatum*. It may be the difference of tonality between the abstract and the concrete. Our job is to make it all concrete, and that, as it were, is where the rubber hits the road. I do not believe that this is any more severe or demanding than what we've had before. It's more concrete.

Bishop Fiorenza: Thank you. Archbishop Curtiss.

Archbishop Elden Curtiss (Omaha): I think from a practical point of view bishops are concerned about undergraduates at universities, and the quality of the theology that they're receiving there. I think at the graduate level, there has to be an understanding of the difference between exposure to a lot of speculative ideas and the kind of undergraduate base that needs to be provided for students. And the expectation of Catholics, if they send their children to a Catholic college or a Catholic university, that that grounding is going to take place.

Now that's my concern for the university and the college that I have at Omaha, that that would happen. It seems to me that, from my perspective, that I would expect those who are teaching undergraduates at the university to seek the *mandatum*. To say, "yes, I am teaching, I'm in sync with the Church and can be trusted to—with these young people who are being sent to a Catholic university—to be in sync with the Church." It seems to me that would be my obligation to have them seek that and to dialog with them if they didn't, for some reason, and want to know why. And to make that public. I would probably make that public in some way, that there were teachers who said they were professors of Catholic theology who would not seek the *mandatum*, and therefore, I would want that to be known.

I don't think it's just a matter of take it or leave it. I don't think that's the intention of Pope John Paul, I don't think that the intention of *Ex Corde Ecclesiae*. I think there was concern expressed around the world that if people send their kids to a Catholic college or a Catholic university that they are going to be grounded in the Faith, and not be lead in directions that call into question the teach-

ings of the Church.

So I suppose what it comes down to is that the committee offers us some guidelines, but all of us in our own situation are going to have to follow those guidelines. I have to follow them according to my conscience as the chief catechist in the archdiocese. And I don't think there is a division between catechetics and theology at the undergraduate level; I think that's been part of our problem. I think we're responding to a problem that has taken place. I think the Church is responding to that; I think the Holy Father's responding to that. And he expects us to do that. So I don't think we're playing games.

If we're playing games, if it doesn't make any difference whether somebody asks for it or not, or whether the bishop's going to grant it or not, well, then, this is an exercise in futility. It seems to me that in conscience I have to try to implement this. Anybody, who wants to say, "I'm teaching Catholic theology" in my archdiocese ought to seek the *mandatum* and I ought to be in dialog with them about that. Otherwise I don't think I'm fulfilling my obligation as teacher.

Archbishop Pilarczyk: Fine. The issue, however, is how do you force somebody to do something? The issue is enforcing conformity to the law. We do not have the mechanism to do that. Either in law or in fact or in civil law. This is not say it doesn't make any difference

Archbishop Curtiss: When I'm talking about enforcement, I'm just saying that if I declare that this person doesn't have a mandate to teach Catholic theology in this university, it's going to have some impact. That's not using any force. That's not saying to the college president—and I would be in dialog. We've had a great dialog about this matter at the university. And I certainly would be in contact with the president of the university and the head of the department, but at least in Omaha, if I say this person does not have the mandate to teach Catholic theology, that's going to have an impact. Just perforce of the constituents, the public that's out there, the parents who think their kids are getting the kind of base that

they're sending them for to a Catholic university. I mean you know you can't force anybody, but you can certainly have an impact if you say, "this teacher does not have a *mandatum* from me".

Bishop Fiorenza: OK. Bishop DiNardo.

Bishop Daniel DiNardo (Souix Falls): Archbishop Pilarczyk, I have a question about 5b, simply as a help to me as I would meet with the theologians in my own diocese. It says that right intentions and right conduct are to be presumed until the contrary is proven. "Hence the ecclesiastical authority should presume, until the contrary is proven, that those who attest that they teach in full communion actually do so".

My question would relate—it is basically left "until proven" in a relatively undeveloped state here. One would not necessarily have to do an intense amount of looking at a theologian if the theologian already wrote you and said they teach in full communion.

Archbishop Pilarczyk: That would be our understanding. I would call your attention, bishop, also to lines 20–25 on that page. If you withhold or withdraw the *mandatum* you have to state your reasons in writing, enable the person who believes his rights, or her rights, have been violated to seek recourse, and such withholding and/or withdrawal should be based on specific and detailed evidence that the teacher does not fulfill the requirements.

Bishop DiNardo: Just simply as a question that has come to my mind listening to the discussion. In the course of this happening—this is between a bishop and a theologian—it can happen in some places, let's say another group of interested laity may begin saying something to the bishop, relative to this particular theologian. I presume that can enter into the discussion, though it need not necessarily preclude that the person is teaching in full communion with the Church.

Archbishop Pilarczyk: And it may also not preclude the demand for specific and detailed evidence. Unsubstantiated complaints are not specific and detailed evidence.

Bishop DiNardo: Fine. Thank you. ☩

The Guide to the Guidelines

Kenneth D. Whitehead

I.

At their general meeting in November, 2000, the U.S. bishops discussed, but did not vote on, a set of proposed “Guidelines” for the granting of the “mandate from competent ecclesiastical authority” required by Canon 812 of the Code of Canon Law for all “those who teach theological disciplines in any institute of higher studies.” These draft Guidelines, which aim to set forth uniform procedures for how theologians would request and be granted the required mandate, constitute only the most recent step in what has proved to be the very long process of implementing Pope John Paul II’s Apostolic Constitution on Catholic Universities *Ex Corde Ecclesiae* in the United States.

As those who have followed the ECE question know, the bishops spent the better part of the decade of the 1990s trying to decide how this important papal document, which outlines the essential characteristics of a Catholic university, should be implemented in this country. Throughout the process, the bishops have encountered only grudging cooperation—if not outright opposition—from heads of Catholic institutions and theologians, as well as from the major Catholic professional groups concerned with higher education, including the Association of Catholic Colleges and Universities (ACCU) and the Catholic Theological Society of America (CTSA). These people have continued to question whether *Ex Corde Ecclesiae* should be implemented in this country at all; they have even questioned whether this papal document is even compatible with the American system of higher education.

And all along the question of the mandate for theologians—which in the process came to be labeled by its Latin name *mandatum* to distinguish

it from other kinds of “mandates”—has been one of the principal points at issue in the protracted discussions which have taken place between representative bishops and heads of Catholic colleges and universities. Strictly speaking, the Canon 812 requirement for theologians has been in force since the new Code of Canon Law was promulgated in 1983. But this particular canon has never been enforced; the same thing is true of the other university canons in the Code (Canons 807-814).

At first there was, apparently, little thought given to enforcing them. Prominent canon lawyers took the position that they could not possibly apply here. This situation obtained until *Ex Corde Ecclesiae* itself was issued in 1990, after which the Congregation for Catholic Education began to press harder on the whole university question. Pope John Paul II also made it clear that he expected the implementation of ECE in the United States.

After several unsuccessful efforts to produce implementing norms acceptable to the U.S. Catholic higher education establishment, the bishops, in effect, threw up their hands—and the towel: they voted overwhelmingly (224 to 6) in 1996 to send to Rome an ECE Application document which eschewed any real effort to enforce the provisions of ECE and the Code of Canon Law in this country. This document called instead for “continuing dialogue” based on “mutual trust” between the bishops and the heads of Catholic colleges and universities.

The Congregation for Catholic Education, however, found this document to be quite inadequate, and decided to consider it merely a “draft,” (although it was unlikely that the American bishops who voted for it considered it that at the time). The Congregation sent it back to the bishops’ conference for a thorough reworking.

It was thoroughly reworked by a new subcommittee headed by Cardinal Anthony Bevilacqua, and, in November, 1999, a much

improved ECE Application document, which recognized the need to apply most of the provisions of ECE here regardless of the continuing opposition of the U.S. Catholic higher education community, was approved by the whole body of bishops and sent to Rome. This 1999 revised version received the required *recognitio*, or approval, from Rome, and is to become particular law in the United States on May 3, 2001, one year after its *recognitio* by the Congregation for Catholic Education.

In anticipation of the coming into effect of this approved ECE Application document, an *ad hoc* committee headed by Archbishop Daniel Pilarczyk of Cincinnati was named to produce Guidelines for the actual requesting, granting (or refusing), or withdrawing of a theological *mandatum*.

There is little that is new in these Guidelines; most of the language in them is lifted verbatim from the approved 1999 ECE Application document. The point of this extra step is simply to specify how the *mandatum* is to be administered in practice.

In presenting the Guidelines, Archbishop Pilarczyk urged his fellow bishops in dioceses where Catholic colleges and universities are located to discuss them with the theologians in these institutions. He indicated that his committee hoped to convene in the spring, in association with the ACCU, a meeting to discuss the results of all these hoped-for local dialogues with theologians. The archbishop hoped that final revisions could then be made and that the bishops could approve the Guidelines at their meeting in June, 2001.

Archbishop Pilarczyk stated that the Guidelines were only that—Guidelines. They are not binding legislation. They are intended to enable the bishops to act in a reasonably uniform way in applying what is required by ECE and by the Code of Canon Law as now incorporated into the bishops' own approved ECE Application document. In themselves the Guidelines do not require any further review or approval by Rome.

The Guidelines themselves are quite simple and straightforward; they are certainly not onerous. In fact, they are quite minimalistic. They define a *mandatum*, as the Bishops' ECE Application

document does, as “fundamentally an acknowledgement by Church authority that a Catholic professor of a theological discipline is a teacher within the full communion of the Catholic Church.” The *mandatum* “recognizes the professor’s commitment and responsibility to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church’s magisterium.”

Still, the *mandatum* does not mean that the theologians holding one teach in the name of the Church. Rather, they teach in their own name “in virtue of their baptism and their academic and professional competence.” The *mandatum* thus does not amount to an episcopal appointment or delegation; nor does it imply authorization or approval by the bishop of what a theologian is teaching.

Both *Ex Corde Ecclesiae* and the bishops' ECE Application document require “all Catholics who teach theological disciplines in a Catholic university” to have a *mandatum* in accordance with Canon 812. The Guidelines simply reiterate this requirement. Included among the “theological disciplines” are “sacred Scripture, dogmatic theology, moral theology, pastoral theology, canon law, liturgy and Church history.” The Guidelines do not envisage the award of a *mandatum* to Catholic theologians teaching in other than a Catholic institutions. This is surely a deficiency, especially since the *mandatum* is otherwise understood to be portable once a theologian has one.

The “competent ecclesiastical authority” mentioned in Canon 812 is to be the diocesan bishop or his delegate. A theologian is supposed to request a *mandatum* in writing, and the bishop is supposed to reply in writing. However, the proposed Guidelines include a provision that the bishop may “confer the *mandatum* on his own authority.” This appears to mean that a bishop can issue a *mandatum* for a theologian who has not asked for one; presumably, a bishop could issue one for every theologian currently teaching within his diocese as soon as the ECE Application document including these Guidelines takes effect.

The only recourse envisaged in the Guidelines

for the bishop in whose diocese a theologian goes on teaching without having applied for or received a *mandatum* is “to notify the appropriate authority in the college or university.” This is minimal, but it is consistent with the way the disciplinary question has been handled all along. The ECE Application document specifies, for example, that “if a particular professor lacks a *mandatum*, and continues to teach a theological discipline, the university must determine what further action may be taken in accordance with its own mission and statutes” (Note 41; emphasis added).

While this might seem a rather mild corrective mechanism, for a bishop who possesses ultimate authority over the teaching of theology, it nevertheless accords with the stipulation in *Ex Corde Ecclesiae* itself that “the responsibility for maintaining or strengthening the Catholic identity of the university rests primarily with the university itself (ECE Article 4.1).

It is the institution itself, in other words, that is supposed to be “Catholic.” And so it is also the institution itself that is supposed to be ready to deal with any theologian on its faculty who is *not* teaching in full communion with the Church. The bishops are not supposed to have to reach into the institutions to discipline members of theology faculties. Contrary to some of the alarmist allegations from academics, neither ECE nor the bishops’ ECE Application document has contemplated direct episcopal interference in university administration.

In placing responsibility for maintaining an institution’s Catholicity primarily on the institution itself, though, ECE does assume that the bishops are not going to allow institutions that are not Catholic to continue to carry the Catholic name (ECE assumes this throughout, but see especially Articles 2.3 & 4; and 4.1).

That this situation hardly obtains on many Catholic campuses in the United States today is rather widely known. But there is no way effectively to redress that situation until ECE’s vision has been re-established as an official episcopal requirement for a college wishing to be or remain Catholic. This much the bishops will finally have

accomplished with the coming into force of their ECE Application document along with these Guidelines.

It is very clear, then, that the *mandatum* machinery being set up by the bishops does not include any provision for the bishops to interfere directly in the hiring and firing decisions of institutions. Rather, the bishop will simply “notify” the institution concerning any theologian not in compliance. Given the present situation that obtains on Catholic college campuses today, it is likely that this provision will soon prove to be insufficient. The bishops may soon find that they have to re-visit the whole question of whether an entire institution really is Catholic, and, if not, what episcopal action has to be taken concerning institutions that carry the name but fail to live up to it.

The Guidelines go on to specify that a theologian has a *right* to receive a *mandatum* if the conditions for granting it have been fulfilled. Moreover, “right intentions and right conduct are to be *presumed* until the contrary is proven” (emphasis added). This is explained as meaning that those who attest that they are teaching in communion with the Church should be assumed to be doing so, unless the contrary is “proven.”

While it is understandable that the bishops are probably trying to reassure nervous theologians here, we can still legitimately ask whether this provision is not a little too absolute and unqualified. Does a theologian unwilling to adhere to the Church’s magisterium on certain points really have any “right” to teach Catholic theology merely because there may be no current, public evidence against him? Are the bishops saying that no one would need to investigate if, let us say, a delegation of students came to the chancery to report that a given theologian was teaching heresy?

The main point of having any *mandatum* is, it seems, to require a theologian to affirm his willingness to accept Catholic teaching as set forth by the magisterium, failing which, of course, he will have violated his trust in addition to teaching contrary to the magisterium! This section of the Guidelines surely needs to be more carefully for-

mulated in order to accomplish what the bishops seem to be aiming.

Finally, bishops who withhold or withdraw the *mandatum* must state their reasons in writing and allow the affected theologian some recourse for an appeal. Canon law in any case provides for formal recourse in accordance with the canonical norms for “Recourse against Administrative Decrees” (Canons 1732-1739). The Guidelines state that informal procedures are to be preferred to formal ones.

Disputes concerning the withholding or withdrawal of the *mandatum* are to be resolved in accordance with a 1989 bishops’ document entitled “Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstandings between Bishops and Theologians.” This document was thought to be a dead letter. There have been few cases in which it has actually been used, and it received rather sharp criticism from the Holy See after it was issued because it tended to place bishops and theologians on the same level.

These, then, are the draft Guidelines for granting or withholding the theological *mandatum*: so little threatening do they seem to be in their present form that we can only wonder why they are still being resisted. It is notable that they make no mention of the Profession of Faith and Oath of Fidelity that, according to Canon 833, “teachers in any universities whatsoever who teach disciplines which deal with faith or morals” are supposed to take. The head of “an ecclesiastical or Catholic university at the beginning of [his] term of office,” is supposed to take the same oath.

It is of some interest that the bishops’ ECE Application document does stipulate—although in a footnote—that the president of a Catholic university is required to take this oath in accordance with Canon 833. When it comes to the *mandatum*, however, the bishops’ ECE Application document states—in yet another footnote—that “the attestation of a professor that he or she will teach in communion with the Church *can* be expressed by the Profession of Faith and Oath of Fidelity *or in any other reasonable manner acceptable to the one issuing the mandatum*” (emphasis added). All mention of

the oath has been quietly dropped from the Guidelines. Apparently theologians are not going to be obliged to take the oath which canon law requires of them.

Why is the requirement for an oath being dropped? Are oaths supposed to represent another onerous Roman impositions, regularly said to be contrary to American practice and thus supposedly beneath the dignity of American Catholic theologians? The whole country has just watched a new president and vice president solemnly swear to uphold the Constitution of the United States. Even the new senator from New York took a widely publicized oath along with all of her colleagues in both houses of Congress.

So how is it that Catholic theologians requesting a *mandatum* are now being specifically exempted, apparently, from taking an oath that amounts to little more than affirming one’s belief in the same Nicene Creed which we are all obliged to profess publicly on Sundays and Holy Days? Cardinals and bishops are among those required by Canon 833 to take this oath along with presidents of Catholic universities and Catholic theologians. Can the bishops exempt themselves from taking this oath? How can they exempt the theologians?

II.

The draft Guidelines, as now proposed for approval by the full conference of bishops for granting, rejecting, or revoking the theological *mandatum*, would seem on the whole to be rather mild and innocuous. They certainly place far greater onus upon the bishop than upon the theologian, since the bishop is obliged to “presume” the good faith of the theologian, and to “prove” any action he might take in withholding or withdrawing the *mandatum*, while not much of anything is expected of the theologian except to state in words a “commitment and responsibility to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church’s magisterium.”

But even this does not prevent a theologian from making clear how much he *disagrees* with a given teaching—say, on the limitation of the ordained priesthood to men— even proceeding to trash it before his students, provided only that he has correctly put it forth as “Catholic teaching.” This kind of thing happens in classrooms all too often.

Much is also made of the “right” of the theologian, including his right to appeal adverse judgments. He is “presumed” to be teaching authentic Catholic theology in communion with the Church merely if he says that is what he is doing. Nor is there any serious penalty provided for any theologian who fails to apply for the *mandatum* at all. The Guidelines thus lean very far in the direction of trying to accommodate the concerns of theologians who have steadily rejected the necessity of having any *mandatum* requirement at all.

In spite of these clearly strained efforts of the bishops at accommodation, however, the Catholic Theological Society of America remains opposed. On September 15, 2000, just prior to the bishops’ meeting, the CTSA issued a lengthy paper entitled “Theologians, Catholic Higher Education, and the *Mandatum*.” This paper repeated most of the arguments Catholic colleges and universities have been using for decades, to oppose any implementation of *Ex Corde Ecclesiae* in this country.

The long CTSA paper aimed to forestall episcopal action, or barring that, at least persuade the maximum number of bishops to be sympathetic to their concerns. The paper not only revived almost all of the old arguments against ECE. It also laid claim again to a supposed “right” to theological dissent from noninfallible Church teachings.

Since then, in its Instruction on the Ecclesial Vocation of the Theologian *Donum Veritatis*, the Congregation for the Doctrine of the Faith has expressly excluded such theological dissent as legitimate. We do not have the space to analyze this lengthy CTSA paper here (see the present writer’s “Theologians Say No to the *Mandatum*,” in *Crisis*, January 2001); the point of mentioning it at all here is simply to point to the continuing CTSA

opposition to any ECE implementation, regardless of what the pope and the bishops might have decided.

More than that, the very same theologian who chaired the CTSA committee that produced their tendentious paper, Daniel Finn was invited by Archbishop Pilarczyk to serve as a consultant to the bishops’ committee drawing up the Guidelines. That’s right: a declared opponent of the theological *mandatum* was invited to advise the bishops’ committee charged with producing the Guidelines for the granting of just such a *mandatum*. In fact, three of the four consultants named to the Pilarczyk committee represented organizations on record as opposed to the *mandatum* and to the implementation of ECE. (The exception is Fr. James Conn, S.J., representative of the CLSA.)

Dr. Finn’s major point to the bishops was the often-repeated claim that American higher education does not allow oversight of universities “by administrative power from outside the university itself.” Quite apart from the fact that, as we have seen, that is not what either ECE or the bishops’ ECE Application document is up to, there is the further inconvenient fact that all American universities *are* subject to a variety of oversight and even control from “outside” entities such as boards of trustees or regents, state legislatures, sponsoring institutions, accrediting agencies, foundations and donors, as well as all the applicable federal, state, and local agencies that enforce the myriads of laws and regulations that apply to any corporate entity in America, including a university. The notion of a wholly autonomous university, free from any outside oversight or control, is a myth.

In his presentation to the bishops, Dr. Finn outlined for them four objections to the course of action they had decided upon:

1) To “*the local bishop is left unspecified discretion in deciding what he will insist upon as necessary to a ‘teacher within the full communion of the Catholic Church.’*”

Surely Dr. Finn and the CTSA cannot seriously believe that a Catholic bishop’s oversight responsibilities concerning everything having to do with the

integrity of the faith in his diocese is a mere matter of—*discretion!* *Inter alia* the bishop is *the* teacher of the faith in his diocese; he alone has the ultimate power to judge and specify what is, and what is not, “Catholic.” Moreover, he already possesses this power quite apart from this or any other document produced by the bishops’ conference. These Guidelines for granting or withholding the theological *mandatum* necessarily have to presume that the bishop will be the one to exercise his normal deciding power when deciding *mandatum* questions. Although academics would undoubtedly prefer a document that would restrict the bishop’s power, the fact is that no set of mere Guidelines could ever really alter or restrict the bishop’s episcopal power; this power is already given to the bishop along with his ordination in accordance with the universal law of the Church; at his ordination he vows to hand on intact what he has received.

What really seems to bother Dr. Finn and the CTSA here, though, is the “absence of widely recognized standards of due process.” But this objection assumes that every question or dispute about what a theologian is teaching has to end up as some kind of a “court case.” Why does this have to be so? What would be wrong with the chief teacher of a diocese were simply to call in a theologian for a quiet talk about what the latter might be teaching? Surely something like this is what the Guidelines mean by “informal procedures,” and surely such informal procedures ought to be “preferable” in the huge majority of cases.

Why are contemporary CTSA theologians so quick to assume an almost automatic adversarial stance towards the very one they acknowledge—in words—to be the official teacher of the faith in the diocese? How can they go on describing themselves as so “faithful” and “loyal” when they see their relationship with the bishop in such adversarial terms?

In any case, where a bishop has questions about what a theologian is teaching, why should not the latter be able and willing to respond in kind by simply explaining how and why his teaching does *not* diverge from the faith of the Church

which the bishop is obliged to uphold? What must we think of the theologian’s vaunted professional expertise if he is unable or unwilling to do this?

The fact is that the Guidelines do specify an “appeal process,” contrary to what Dr. Finn alleges, and one which would appear to be perfectly adequate in virtually every conceivable case. Even so, Dr. Finn disagrees, and this brings us to the second objection he placed before the bishops.

2) “*The appeal process is not adequate.*”

This objection continues to assume that every question between a bishop and a theologian concerning the teaching of the latter necessarily has to be some kind of formal adversarial proceeding. Earlier in his talk Dr. Finn complained that the bishop need not “divulge charges against the theologian or identify the accuser.” This, of course, is, once again, not the case: bishops who “withhold or withdraw the *mandatum* must state their reasons in writing and otherwise enable the person who believes that his or her rights have been violated to seek recourse.” These are the express words of the Guidelines, as we noted above. Presumably any “charges” against a theologian would be included in a bishop’s stated “reasons” for refusing the *mandatum*.

The idea that there would always have to be an “accuser” again partakes of a greatly exaggerated obsession with legal procedures in which theologians are automatically cast as oppressed, innocent victims. Yet we live in an era when “Catholic theologians” can as readily be encountered on the evening news or writing op-ed columns as in the classroom. As often as not these same “media” theologians openly promote dissent from Church teachings. This is not to speak of the many cases in which contemporary theologians openly purvey the same dissenting views in their books and in their articles in mainstream theological journals. The idea that these Catholic theologians might suffer from the accusations of secret informers regarding their classroom teachings is a potential danger surely very far down the list in today’s climate of generalized and widely tolerated public dissent.

Without adducing any evidence, Dr. Finn

further asserts that the canon law recourse offered in the Guidelines would not “rectify any injustices,” because, in his words, the canon cited “was designed for—and as far as we know has only been used for—administrative issues not doctrinal ones.”

Dr. Finn goes on to allege that “recent history indicates that any doctrinal issue would be quickly remanded to the Congregation for the Doctrine of the Faith.” Recent history indicates no such thing. Is there even a single case where an American theologian standing “accused” before his bishop has been referred to Rome? It is quite true that the Congregation for the Doctrine of the Faith has ruled unfavorably in cases involving a number of dissident modern theologians; even so, it is probably still possible to count such adjudicated CDF cases worldwide over the past thirty years on no more than the fingers of both hands. Is this excessive in a billion-member worldwide Church over an entire generation in an era notorious for its open dissent and defiance of Church authority on the part of many theologians?

The evidence instead shows how *restrained* Rome has been in acting against dissidents, especially considering how many public Catholic theological dissidents there have been out there in recent years—and even then Rome has acted only under almost unprecedented provocation. And as for the bishops almost everywhere, the evidence shows that they have generally moved only with the greatest hesitation and reluctance against theological dissenters.

It is time to put into some perspective the “sanctions” that the CTSA continues to fear will be the result of the implementation of *Ex Corde Ecclesiae* in this country. Virtually of all the available evidence indicates theological dissent will continue to be tacitly tolerated for fear of the “scandal” of confrontations, especially while the secular media are looking on. Dr. Finn’s idea that American theologians are likely to be automatically delated to Rome any time soon is nothing else but pure fantasy.

3) “Under our labor and civil rights laws, the *mandatum* would have to a *bona fide* occupational

requirement if it ever came to play a part in employment decisions.”

The question that almost immediately comes to mind here is: why shouldn’t the *mandatum* be “a *bona fide* occupational requirement” for Catholic theologians? In not a few academic disciplines such as medicine, law, and engineering, only “licensed practitioners” are allowed to teach. Why should it be any different for Catholic theology?

Catholic theology, after all, is not a “pure” intellectual discipline dependent only upon the “peer” judgments of its practitioners for its standards; authentic Catholic theology ultimately goes back to, and is based on, the faith of the Church, as declared by the Church’s magisterium. Thus the Church would not at all be an inappropriate certifying agency testifying as to which theologians are authentically Catholic and which are not. The Church, based as she is on the bishops, successors to the apostles, would be ideally suited to make such judgments as a matter of fact.

4) *...It says that the bishop should inform the university authorities if a theologian does not obtain a mandatum... [meanwhile] other voices believe each college university should change its statutes to require all theologians to have a mandatum to teach theology...”*

We have already discussed what a mild sanction it will be if the bishop reports to the institution those theologians who do not request or receive the *mandatum*. Among the sinister “other voices” that apparently hold the shocking view that Catholic universities should change their statutes “to require all Catholic theologians to have a *mandatum*,” is, of course, Pope John Paul II’s Apostolic Constitution on Catholic Universities *Ex Corde Ecclesiae* itself. This document plainly stipulates that:

A university established or approved by the Holy See, by an episcopal conference or another assembly of the Catholic hierarchy, or by a diocesan bishop, is to incorporate these general norms and their local and regional applications into its governing documents and conform its existing statutes both to the general norms and to their applications and submit them for approval to the competent ecclesiastical authority. It is contemplated

that other Catholic universities, that is, those not established or approved in any of the above ways, with the agreement of the local ecclesiastical authority, will make their own the general norms and their local and regional applications, internalizing them into their governing documents and, as far as possible, will conform their existing statutes both to these general norms and to their applications (ECE, General Norms, Article 1.3).

In other words, universities which are truly Catholic, *should* change their statutes to accord with *Ex Corde Ecclesiae*; that is to say, they should change their statutes to require, among other things, all theologians to have a *mandatum* to teach theology. Thus, Dr. Finn's fourth objection expressed to the U.S. bishops goes exactly contrary to what the Holy See expressly says. Nothing in either U.S. law or U.S. higher education practice, as a matter of fact, prevents Catholic colleges and universities in this country from conforming to this requirement.

Similarly, the U.S. bishops' ECE Application document quite explicitly states that:

Catholic universities are to observe the general norms of Ex Corde Ecclesiae... Those universities established or approved by the Holy See, by the NCCB, by other hierarchical assemblies or by individual diocesan bishops are to incorporate, by reference and in other appropriate ways, the general and particular norms into their governing documents and conform their existing statutes to such norms... Other Catholic universities are to make the general and particular norms their own, include them in the university's official documentation by reference and in other appropriate ways, and, as much as possible, conform their existing statutes to such norms (ECE Application Document, Part II, Particular Norms, Article 1, 2a & b.).

In other words, the governing Church documents specifically *require* what Dr. Finn and the CTSA complained to the bishops should never be done. Dr. Finn's address to the American bishops flatly contradicts this vision. It is dismaying that his remarks were allowed to be presented to the bishops as if they constituted serious objections to what the bishops have decided to do.

III.

Given the opposition from the U.S. Catholic higher education community which the U.S. bishops have steadily encountered to any implementation of *Ex Corde Ecclesiae* in the United States, it is sad but it is probably no wonder that what they are putting in place with their ECE Application document and these accompanying Guidelines really falls short of the ideal. In view of the opposition they continue to encounter, even to the rather minimal requirements they are putting in place, the temptation is going to be great for them to treat the whole business with benign neglect. Some of the comments of various bishops, including Archbishop Pilarczyk, about how little enforcement power the bishops really possess, tend to suggest that this is indeed how the whole thing is going to be treated.

To what purpose the whole decade-long process of jawing and wrangling with recalcitrant university presidents and theologians? Have the bishops really persuaded any presidents or theologians in the end? The temptation to try to avoid laying themselves open to any more of the same is indeed going to be very great.

From a more positive perspective, however, we should not forget that the bishops have persisted in the face of the very great opposition they have steadily faced, and they have put in place an ECE Application document which is now *their* document—their declared policy and plans for Catholic higher education in the United States. No longer does *Ex Corde Ecclesiae* represent an alien and unwelcome Roman scheme imposed in supposed ignorance of the American system of higher education. The bishops have now adopted it, even if only minimally in some respects, as their own. They may well have done so at Roman insistence; no doubt they could never have satisfied Rome with less. Archbishop Pilarczyk is reported to have candidly remarked at one point: “We have been required to require this”—a statement the *National Catholic Reporter* did not fail to pick up on.

Nevertheless the thing is now an accomplished fact. The future policy and plans for Catholic higher education in the United States henceforth amount to the policy and plans which the bishops themselves have now put in place. Contrary to what the academics have tried to maintain all along, the principle has been established and affirmed that the Catholic Church in the United States *does* exercise oversight responsibilities over Catholic colleges and universities and over the teaching of theology.

In the long term this is going to be a hard fact to ignore. Nobody can any longer credibly invoke the Land O'Lakes Statement as the model for Catholic universities, for example. This has been almost ritually done for more than thirty years. But now, Land O'Lakes has been officially laid to rest. By itself this is no mean accomplishment.

In fact, the university presidents, academics, and theologians understand this only too well, and that is why they have fought so adamantly against the minimalistic regime which the bishops have put in place. It may be minimalistic, but it is the bishops' own regime, and no longer that of the academics. It is now the proponents, and not the opponents, of *Ex Corde Ecclesiae* who will occupy the moral high ground.

But what about the theologians who refuse to request the *mandatum*, and the institutions that decline to require them to do so? What about those bishops who do not react, whatever the case? In the short run, these things are almost certain to occur, in some cases.

Maintaining a defiant stance on an issue while emotions are running high, as the universities and the theologians have been able to do, is one thing. Maintaining a regular stance of non-compliance with established and known episcopal policy over the long term is going to be considerably harder. Perhaps more presidents, trustees, academics, and

even theologians than we currently imagine are going to find the prospect of being out of compliance unpalatable. Perhaps more theologians than we now imagine are going to prove willing to request the *mandatum*. Perhaps even more institutions than we now imagine are going to decide to require them to do so. As time goes by, more and more parents may be brought to realize that the institutions they so largely subsidize with their tuition payments are supposed to require their theologians to have the *mandatum*.

Probably even more bishops than we now imagine are not going to remain passive if and when it becomes clear that it is their own express requirements that are not being met.

This is another way of saying that the terms of the university question really will be seen to have significantly changed when the bishops' ECE Application document, with its accompanying Guidelines, comes into force this summer. The logic of the new situation means that the tide will finally begin to turn and then to flow the other way--slowly at first, but definitely.

A principal task for those who have favored and have worked to see the principles of *Ex Corde Ecclesiae* realized in this country is now to ensure that nobody is allowed to forget that we now do have in place an official Church policy for Catholic colleges and universities, a policy which over the long term obliges these institutions to *be* Catholic... ✕

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Reflections on the Guidelines Concerning the Academic Mandatum

J. Brian Benestad
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A Catholic university that wishes to comply with *Ex corde Ecclesiae* would not uncritically accept reigning paradigms for studying various academic disciplines. It would study a subject in the most fruitful manner for the acquisition of the truth. The faith and the grand Catholic tradition can actually help scholars gain a critical perspective on the weaknesses inherent in popular approaches to the study of academic subjects. David Schindler, the editor of *Communio*, goes so far as to say, “I do not think there can be a genuine Catholic university today without a thorough reflection on and revision of the current self-understanding of the disciplines.” This is because assumptions about the nature of the human person and of community life implicit in the disciplines may not be compatible with the teaching of Jesus Christ. No believing Catholic, for example, could accept the denial of freedom by certain strains of modern psychology or the neglect of justice in the study of law and politics.

The self-understanding of the discipline of theology would, of course, be affected by the acceptance of the *mandatum*, which requires a theologian “to teach authentic Catholic doctrine and to refrain from putting forth as Catholic anything contrary to the Church’s magisterium.” It further implies that a theologian is “within the full communion of the Catholic Church.” The grateful reception of the *mandatum* by the administrators and the Catholic faculty of theology departments at Catholic colleges and universities would actually increase academic freedom and promote the theological education of students. By requiring theology professors to declare that they will teach in full communion with the Church, the proposed

Guidelines (which are still subject to revision) could create more breathing space in the university for theologians who wish to carry out their work while thinking with the Church. At the present moment Catholic moral theologians in agreement with Pope John Paul II’s critique of proportionalist moral theology in *Veritatis splendor* are often not able to obtain a tenure-track position at most major Catholic universities in the United States. This is gradually becoming a well-known fact.

The freedom of college students and their parents is also increased when theologians have a *mandatum*. Students can reasonably expect professors with a *mandatum* not to put forth as Catholic teachings opposed to the authority of the Church. In other words, students are able to make more informed choices about whom to study with..

The present draft of the *Guidelines* says that “All Catholics who teach theological disciplines in a Catholic university are required to have a *mandatum*” as does canon 812, *The Application of Ex corde Ecclesiae for the United States* promulgated by the U. S. Catholic Bishops and Pope John Paul II’s apostolic constitution, *Ex corde Ecclesiae*. The mind of the Church is clear. Unfortunately, there is no clear mechanism of enforcement. If Catholic theologians decide not to ask for a *mandatum*, the local bishop cannot enforce compliance. Under the present *Guidelines*, law teaches, but it doesn’t coerce. The local bishop, nevertheless, is not without resources. He could tell university authorities which Catholic theologians didn’t apply for a *mandatum* and he could publicize the names of those who did. In my mind, the best way for bishops to proceed is to persuade university presidents to follow Church law voluntarily. This means the bishop would ask presidents to urge or require their Catholic theologians to ask for a *mandatum* and to abide by its requirements. The bishop can make known that a good relationship with the

diocese and with the universal Church depends on the voluntary compliance of the university with Church law regarding the *mandatum* and other requirements of *Ex corde*. If College presidents are unwilling to take requisite steps to promote the Catholic identity of their schools, the bishop always has the option of making a public declaration about a particular university. As Canon 808 of the new code says, “Even if it really be Catholic, no university may bear the title or name Catholic without the consent of the competent ecclesiastical authority.” This provision of Canon Law gives the local ordinary enormous leverage, which he will understandably be reluctant to use. He may, how-

ever, adopt a whole series of public measures short of this solution.

As there is no agreement among theologians or among Catholics in general about the meaning of being “a teacher within the full communion of the Catholic Church,” it would be helpful if the bishops give a brief explanation of how they will interpret this provision of the *Guidelines*. Clarity about the meaning of “full communion” is indispensable for arriving at fair and intelligible standards for the granting and withdrawing of the *mandatum*. It is, of course, already a sign of crisis in the Church that the meaning of communion with the Church is no longer self-evident. ✠

The *Mandatum*: A Declaration of Interdependence

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In a 1999 lecture delivered at the American Enterprise Institute, Michael Novak explicated the thesis that we should take the Declaration of Independence seriously in as much as it articulates a vision of “God’s Country.” In contrast to the “judgmentaphobia” from which our contemporary culture suffers, he reminds us that “in the absence of judgment ... freedom cannot thrive.” Ours is a “drama of liberty” expressed by the founders in biblical and rational language that speaks of freedom in terms of *character*: “after reflection and deliberation, [it is] to do what you are prepared to commit yourself to, in a way that others may count on.”

Now, it seems, another phobia can be diagnosed in the discussion of the NCCB guidelines for implementing the *mandatum* in Catholic colleges and universities. In words reminiscent of a colonial sentry overlooking the invading troops,

the CTSA’s representative on the bishops’ committee warns that the *mandatum* “threatens the Church’s mission to the world” and makes great “the potential for open conflict between bishops and theologians.”

Not at all. In fact, the granting of a *mandatum* reflects that core concern for liberty which is at the heart of our national heritage and our educational enterprise: the process involves reflection and deliberation (on the part of both the theologian and the Ordinary), doing what one is prepared to commit to (in granting or accepting the *mandatum*), in a way that others (administrators and students) may count on (as being in communion with Catholic Church teaching).

It is, in other words, a declaration of interdependence among three successive groupings: between theologian and Ordinary, between them and the university, and between all three and the students seeking a Catholic education. Nevertheless, elements of this declaration could be further clarified at each level.

On the foundational level, the *mandatum* establishes a formal relationship between the theologian

and the Church, in the judgment of the Ordinary. But the key phraseology in this regard juxtaposes person and profession, wavering between who one is and what one does. Does the mandate concern the “teacher” (1a) or the “teaching”(4a) that is to be acknowledged as being “in full communion with the Church”?

Admittedly, the two are not separable. A teacher of any discipline whose lived practice in that discipline is not in congruity with what he/she teaches about it would hardly be considered, by peer or by disciple, to be a master of the art in question. But the overriding concern is for congruity between what is taught by the theologian and what is proclaimed by the Church. The lone standard is, rightly, a negative and limited one, namely “to refrain from putting forth as Catholic teaching anything contrary to the Church’s magisterium. Were the guidelines to focus solely on this teaching dimension—on the “public utterances and writing” (cf. *Doctrinal Responsibilities*) of the theologian—this would heighten awareness of the proper context within and about which theology is “free” to work.

On the institutional level, the process concerns the relationship between the parties to the *mandatum* and the administration of a Catholic university. Reference to this in the guidelines is minimal and considers only the case of a teacher not obtaining a *mandatum* in the specified time period, in which case the Ordinary “should notify” the university (4d). (To be consistent, a similar notification should be included in the guidelines for cases in which a *mandatum* is withdrawn.) But is it necessary that more be done, by way of enacting formal policies and procedures in the university?

The simple answer is “no”—particularly since episcopal guidelines (which, themselves, are not particular law) cannot and should not legislate university policy. Of course, theologians at a university that claims to be Catholic should hold the *mandatum*, as teachers in any discipline should pos-

sess the requisite credentials to teach. And the notification suggested in the guidelines does add a key consideration in judgments about quality of teaching for all parties concerned (both in hiring and in tenure decisions). But further specifying the requirement by way of university statutes could mistake a necessary condition for a sufficient one.

The larger and related question concerns the last level, the public realm between the teaching of theology and the marketing of Catholic education to prospective students. The guidelines do not specify any action on the part of the Ordinary for publicizing whether specific theologians at a Catholic university do or do not hold the *mandatum*. This is no lacuna. It avoids perpetuating an inadequate view of the *mandatum* as the sole or even the constitutive link to the Catholicity of an educational institution, as if Catholic identity were merely the purview of theologians. Moreover, and more pertinent, it respects the rightful freedom of the Ordinary with regard to pastoral governance.

In the end, the process of granting or withholding/withdrawing a *mandatum* is and should be concerned with what is being taught at a Catholic university. In teaching is where the “drama” of academic liberty is enacted, in the freedom of theologians to pursue intellectual credibility. There, too, is where institutional judgment (the Church’s and the university’s) must take place, for credibility lies not merely in the strength of ideas but in their right relation to what is true. Ultimately, it is this search for truth that concerned students and/or parents rightly value in their educational investment. The bishops’ guidelines suggest, within prudent limitations, the interdependence of these groups with regard to theological credibility. And, as with the Declaration of Independence, the union (or communion) of those concerned—the theologian, the Church, the university, and the public—is the condition of that good we call liberty, even in academia. ✠

Our Crisis is a Crisis of Faith

Ronald Lawler, OFM Cap

It is not only odd and gloomy conservatives who say that the Church is experiencing a crisis of faith. It is the most articulate and intelligent Catholic leaders who say so, and say it persuasively.

Already in 1967 the first world synod of bishops did not hesitate to point out how basic are the truths denied by some, pretending they had a new right from the Second Vatican Council to do so.

The Fathers agreed that matters currently called into doubt include: “our knowledge of God, the Person of Christ and his Resurrection, the Eucharist, the mystery of the Original Sin, the enduring objectivity of the moral law, and the perpetual virginity of Mary.” They are not speaking of fringe matters.

Things did not get better with time. Pope John Paul II pointed out that “even in seminaries and in [Catholic] faculties of theology one finds theological positions not in agreement with Church teaching even *with regard to questions of the greatest importance*. (*Veritatis Splendor*, n. 4. Emphasis in the original.)

And in a host of striking Church documents (ignored by many) the Church spells out how the central mysteries of the Incarnation and the Trinity are widely denied (or casually “reinterpreted” in ways that make them silly, and opposed to what the Fathers and saints meant by them). Catholic teaching on the Eucharist is often casually denied, and practices and attitudes that sustain faith in a love of it are charmingly mocked (recall the scholarly talk of “cookie worship”). The morality of love is denied: ways of acting that faith has always taught to be hostile to love and so wrong that “those who do these things will not enter the kingdom of God” (I Cor. 6:10) are presented as quite acceptable. Because so few speak of heaven and hell any more, ways of reaching the former and escaping the latter are considered concerns

only of non-liberated neurotics.

Scholars did not deny simply random dogmas, but they took more radical stances. They adopted philosophical frameworks and cultural visions utterly hostile to faith in a revealing and loving God, and naively proclaimed they were teaching the same faith, only in different formulations. True, creative scholars like Aquinas found it good to reformulate teachings in some circumstances. But they really believed in either formulation the truths that could be spoken in older or newer formulations. Some of our radical new people are different. Their hopes, their lives, their visions were utterly different – but they are just presenting a “new way to say the same thing.”

Obviously the crisis of faith was not limited to scholars. Universities teach the ordinary teachers of ordinary people, and our people—while millions of them stand firmly and gloriously in a faith stronger than ever—in massive numbers are losing grip on their faith. Most of our people do not go to Mass any more’ and even those do often anxiously confess they do not know what they believe any more, or why they should believe. I speak to adult groups often about faith, and I seldom find groups who are comfortable and secure in their faith, or know what it teaches (I am still looking for someone who remembers what “sanctifying grace” might mean).

It is not a matter of angrily denouncing scholars who have lost their way in faith. Pastoral care must be full of love, and of confident courage. Anyone who falls away from Catholic faith is suffering, and needs help.

In gathering scholars to assist the bishops in seeing what could be done to help our scholars and universities find a firmer and more generous faith, odd things were done. Scholars selected to be advisors to the bishops were chosen from groups known to be unfriendly to *Ex Corde Ecclesiae*, and often to have grace problems with many insistent Catholic teachings.

A friend of mine, a gentle, wise, and witty scholar, unhappily a member of the dreadful Fellowship of Catholic Scholars, offered to join the array of scholars who are “helping” the bishops. He was firmly confronted for his boldness in suggesting that someone who notoriously agrees with the Holy Father should have a place in advising

the bishops about a papal document. But he was not utterly foresaken: the Catholic at home with Catholic teaching was told he could send his suggestions in to an array of dissenting advisors, who would doubtless be open to things he has to say (even though they are so much like the perhaps lamentable things the pope says). ✠

Reflections on the Guidelines Concerning the Academic *Mandatum*

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The draft Guidelines (dated November, 2000) lead one to believe that the procedure for granting the *mandatum* will be perilous for all involved. Some foretell stymied academic deliberation upon theological topics and an incomplete standard of due process. Others are troubled by an option to request or not to request the *mandatum*. Even with Guidelines, others voice concern that students may be exposed to inaccurate teachings of theology in Catholic colleges.

The proposed Guidelines are incomplete with respect to these legitimate concerns. Further, the Guidelines do not correspond sufficiently with The Application of *Ex Corde Ecclesiae* for the United States. Referring to *The Code of Canon Law* and *The Application*, this reflection comments upon two points needing further integration.

First, the Guidelines give the impression of an artificial opposition between the obligations of bishops and of those who teach theology in the fulfillment of the Church's teaching mission. Canon 807 provides:

The Church has the right to establish and to govern universities, which serve to promote the deeper culture and fuller development of the human person, and to complement the Church's own teaching office.¹

Referring to bishops and universities, The Application states precisely:

In light of communion, the teaching responsibilities of the hierarchy and of the Catholic universities retain their distinctive autonomous nature and goal but are joined as complementary activities contributing to the fulfillment of the Church's universal teaching mission.²

How can the universities and bishops engage in complementary activities if those who teach theology are held to an arbitrary and subjective standard of *right intention and right conduct*?³ One may have very good intentions and even conduct oneself with a professional and courteous demeanor, but teach in a manner contrary to the magisterium. While the *mandatum* is not to be construed as an approbation or delegation, “the *mandatum* is essentially the recognition of an ecclesial relationship between the professor and the Church.”⁴ This relationship is slighted in the proposal. Further, the limited list in the Guidelines constricts theological disciplines to which the *mandatum* applies.

Secondly, secular interests pertaining to rights in employment permeate the process for receiving a *mandatum*. Although found under Title I, The Obligations and Rights of all Christ's Faithful, Canon 218⁵ avoids the terminology of a *right* pertaining to those who are engaged in theological study. Without delineating “all the conditions,” the proposal boldly asserts, “If all the conditions for granting the *mandatum* are fulfilled, the teacher

has a right to receive it and ecclesiastical authority has an obligation in justice to grant it.”⁶ Although it is important to avoid arbitrary withholding of the *mandatum*, it is equally important to recall that no expansive canonical right to the receipt of the *mandatum* has been demonstrated. This difficulty is augmented by the proposition that an ecclesiastical authority may confer the *mandatum* on his own initiative. Granting of a *mandatum* without written request suggests the efficacy of the juridical act is contingent upon acceptance of terms by another.

To build the “ecclesial relationship between the professor and the Church,” the conferral of the *mandatum* should confirm the teaching mission of

the Church. This calls for a more explicit process than is currently proposed.

1. English translation utilized: E. Caparros, M. Thériault, J. Thorn, ed., *Code of Canon Law Annotated* (Montreal: Wilson & Lafleur Limitée, 1993).
2. *Ex corde Ecclesiae: The Application to the United States: Part One, II.*
3. Proposed Guidelines concerning the Academic Mandatum: 5b.
4. *Ex corde Ecclesiae: The Application to the United States: footnote 41.*
5. “Those who are engaged in fields of sacred study have a just freedom to research matters in which they are expert and to express themselves prudently concerning them, with due submission to the magisterium of the Church.”
6. Proposed Guidelines concerning the Academic Mandatum: 5a.

Reflections on the *Mandatum*

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The *Mandatum* Guidelines state that as a teacher of a theological discipline, I am committed to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church’s magisterium. What specifically is the source that defines what exactly is ‘Catholic doctrine’ and the contents of ‘the Church’s magisterium’? Is there a common and definite teaching that binds both the bishop and the theologian—say, the Creed, the General Catechism? The problem is not just whether theologians teach proper theology but whether what the local bishop advocates is itself authentic. It is a two-way street. We can have radical theologians and orthodox bishops, but we can also have orthodox theologians and radical bishops. In the latter case, to whom is there appeal? Pius XII once warned of the problems of one thing being taught in one diocese and the opposite in another.

Guideline 4Ee brings up the case of a *mandatum* granted by one bishop being valid in all dioceses unless a local bishop rules otherwise. This opens the door for finding the most liberal of bish-

ops granting the *mandatum* for professors who pass from one university to another. The situation is potentially unsettling because it involves bishops judging the orthodoxy of other bishops. Clearly, a *mandatum* granted in one diocese and denied in another will present serious confusion about what Catholicism holds.

Archbishop Curtiss made a distinction during the bishops’ discussion between “catechesis” and “theology.” He thinks that what is going on in undergraduate courses is the former. He emphasized that parents have a right to know if what their children receive in Catholic colleges is in fact Catholic. The students have this same right. He holds that it is part of a bishop’s task to find this information out and to take notice that a *mandatum* does not exist or is being violated. The question this observation brings up is this: does a “Catholic” university have any corresponding obligation about the content of what is called “Catholic” in its catalogue? In other words, is the responsibility solely of the bishop?

Evidently, a non-Catholic in a Catholic university teaching Catholic courses need not have a *mandatum*. Is there any implication that courses having top do with the essence of the faith be

taught by Catholics themselves pledging themselves via the *mandatum* to what the Church teaches?

Is there any mechanism for students in Catholic college theology courses to bring to the attention of the local ordinary a problem with some, let us say, “heretical” Catholic professor?

The most serious problem with the *mandatum*

is that it relies primarily on the academic’s own attestation of his orthodoxy, with the bishops corresponding acceptance based solely on the academics’ own cognizance. Granted that the bishop is charged with responsibility here for defining what is Catholic, in union with the Church, what happens when one diocese allows a teaching that the next diocese does not? *In dubiis libertas?* ❧

Afterword

One Lord, One Faith, One Church: A Modern Problem

Msgr. George A. Kelly

The American Church would be a lot better off if bishops once more felt comfortable taking to task any priest or religious who seriously violates Church discipline. Or misrepresents what the Church stands for doctrinally. Whenever this is necessary or advisable, of course.

The offenses going on against sound Catholic well being are outrageous—and have been for more than thirty years. Much to the harm of what the Church is all about, viz. worship of God on Sunday for everyone and personal piety the rest of the week. What Christ once directed at Peter, “Get thee behind me Satan, you are not on the side of God” (Mk. 8, 33), might do some good today if spoken to the wrong people by the right bishop.

I am not proposing fraternal correction to help bishops release their occupational frustrations. Governing the Church in a culture which provides large leeway, almost privilege, to those who make life miserable for bishops, is bad enough by itself. In the new secularist culture neither truth nor right can be presumed for any religion based on “revelation” from God. Many elite Catholics think this, too, rendering obsolete St. Paul’s “obedience of faith” (Rom. 1, 5). The faithful readily get the new evangel.

The bishop’s psychic condition is not an issue here. He’s obligated to carry his crosses like every Christian. But Vatican II says he is also obligated to “regulate everything” in the Church’s ministry (L.G., 27). Not “run” everything, mind you, but to make sure that the Church’s ministers function according to the rules. That’s what regulating means. To correct malefactors, even punish them, is the bishop’s role. Who is more responsible for the Church’s well being than the bishop? The Catechism of the Catholic Church (Nos. 2266–2267) makes the safety of people, as well as the reform of offenders, the purpose of punishment. Moderns don’t like to be reminded that they are sinners, especially by bishops.

The modern crisis of the Church is due, as lean Cardinal Danielou said more than a quarter-century ago, to bishops and the Holy See not using their authority to protect from malefactors both the faith and discipleship. The very First Synod of Bishops (1967) wanted “pertinacious” evildoers removed from office. Very little of that has been done. On the other hand, individual bishops, occasionally an entire hierarchy, have themselves created disciplinary and doctrinal divisions within the Church. What can one expect from the faithful in these circumstances?

Furthermore, bishops have courted, even bestowed favor on, the very organizations, like the Catholic Theological Society of America, which

consider dissent from Catholic teaching to be their legitimate right. In their most recent consultation over *Ex Corde Ecclesiae* (2000), for example, bishops completely ignored defenders of Church law, such as the Cardinal Newman Society, and instead followed advice from a CTSA non-friend of ECE. At the end of that bishops' meeting, leading episcopal lights confessed publicly that they could do nothing to guarantee the Catholicity of the Church's universities. Those are the very institutions so central to the formation of the Catholic conscience, and of Catholic public opinion in the United States.

This is a serious matter. In June 1996 Archbishop Charles Chaput of Denver (then in Rapid City) rose at NCCB's Portland (Oregon) meeting to tell peers of his doubts that "dialogue" is the answer to dissent in Catholic higher education. Indeed, he said, dialogue only obscures the problem: "it seems to me that we're always giving in as if we're worried about them. They should be worried about us." Precisely! Catholic mores about the Church and its faith are being forged in recent years by law-breakers, not by law-makers. Not long ago the Vatican fired two religious from their wrong-headed "apostolate." Their response, to say the least, was surly, so long had they been in defiance without local episcopal interference with their deviance.

When John Paul II authorizes his Congregation for the Doctrine of the Faith to issue a Declaration *Dominus Jesus* (June 30, 2000), he demonstrates his own worry about what is happening to the Church at the street level. In that document he reminds Catholics, from bishops to faithful, that Jesus is the Savior of the world, that the Catholic Church is his one Church. Having these called fundamental Catholic truths which must be preached, the pope soon learns that many bishops around the world were so unhappy with these Church claims (which some infer might be Ratzinger's, not the pope's) that two months later he assures the world that he really did read *Dominus Jesus* and that "it was close to my heart."

We tend to overlook how "one Lord, one Faith, one Church," handed down by Peter and Paul, is being pluralized into ambiguity by modern academics. John Paul II is not about to turn their meaning over to such speculators. On the other hand, Ameri-

can bishops chose a CTSA speaker for their 2000 meeting, who insisted that professional theologians today are autonomous of Peters and Pauls in determining what "one faith" means. It was an argument similar to the one made in 1973 by Fr. Theodore Hesburgh when he invited The Planned Parenthood Federation of America to hold their annual meeting on the Notre Dame campus, and thus help Catholics think through their positions on the Christian family.

In any event, "thinking with the Church" (*sentire cum ecclesia*) is no longer the norm for Catholic behavior. John Paul II may whine about liturgical abuses, the drive for women and/or married priests, low cost annulments, or his own role as Vicar of Christ. But it is a different, if "new," Church which the laity experience. Even Catholic News Service now issues a news release about new Cardinals which indicates that you can get a red hat these days even if the candidate is disloyal to the pope (February 7, 2001).

Reversing this situation is not going to be easy. I am not recommending that bishops enter any fray from which they exit as losers. But first they must make friends with friends of their teaching office. Then, marginalize those within their bureaucracies who hold that teaching office in low esteem. Finally, bishops are long overdue in making malefactors worry about them. Christ surely made the Scribes and Pharisees worry about him: "Woe to you who appear righteous to men but within are full of hypocrisy and iniquity." (Mt. 23, 27). Bishops can criticize, threaten, declare outside the pale, suspend, fire, or have fired—all in the interest of regulating a Church that professedly should be one with Christ and its own creeds. But they themselves must be one with each other and with the pope. And the pope must see that no one receives a mitre or a red hat who does not share his common faith. Or, if the candidate has blundered along the way, he makes an act of contrition for his previous shortcomings, at least, before he's promoted. If the Church and its faith are not truly one with authentic definitions, one in its canons of Catholic behavior, it can hardly claim to represent the one Christ, however differently in actual fact the faithful respond to his, or the Church's, call. ☩

Membership Matters

Rev. Thomas F. Dailey, OSFS
Executive Secretary

Many members, one body; many gifts, one Spirit. That certainly is true of our Fellowship, as the following list of rather eclectic activities will suggest.

Two recently published books from Our Sunday Visitor were penned by FCS members. **Russell Shaw** has written *Papal Primacy in the Third Millennium*. According to the publishers, "If you want to know what's really going on behind efforts to 'tame the Pope,' you owe it to yourself ... to read this provocative new examination of St. Peter in the life of the universal Church. And **William May** weighs in on *Catholic Bioethics and the Gift of Human Life*, in which he "fearlessly tackles ... hot-topic issues, examining them in light of papal encyclicals, statements from the United States Bishops, and probing analyses from leading orthodox theologians."

Joseph Pope, from our Canadian chapter, has published an article on "Saint Pius X and the Re-emergence of Modernism" in the December 2000 issue of *Challenge: A Magazine of Catholic News & Opinion*.

An undoubtedly thought-provoking article in the September-October 2000 issue of *Review for Religious* comes from **Sr. J. Sheila Galligan, IHM** at Immaculata College. In "Bride of Christ and Ecclesial Identity," she argues convincingly "that a religious woman's key ecclesial identity is that of bride of Christ and that the key sign of this is the veil."

On the Internet front, **Fr. Anthony Zimmerman** in Japan continues to add to his own library of written

works. The correct address for accessing this is <http://zimmerman.catholic.ac>.

Still in cyberspace, several members of the FCS are involved in a bid from the Saint Austin Press to save the venerable Jesuit run magazine, *The Month*, from closure. To visit a preliminary site for ideas about this project, go to www.saintaustin.org/journal.

Web surfers may also wish to check out a recent address on what it means to be a Catholic university, delivered by the **Very Rev. David O'Connell, C.M.**, president of The Catholic University of America. It's available at <http://www4.desales.edu/~philtheo/OConnell.html>

Finally, congratulations to now **Dr. Thomas Behr**, who recently completed his dissertation on *Luigi Taparelli and the 19th Century Neo-Thomistic "Revolution" in Natural Law and Catholic Social Sciences* at S.U.N.Y. Buffalo.

Members are encouraged to communicate news about their scholarly work to the Executive Secretary (by email at Thomas.Dailey@desales.edu or by fax to 610-282-2254).

Be sure to stay involved with the Fellowship. The annual dues appeal is forthcoming. Keeping your payment of dues current is necessary to insure receiving your FCSQ subscription, to be included in the *Membership Directory*, to learn about the annual convention, and to participate in the elections to the Board.

And if you know of anyone who would benefit from membership in the FCS, contact the Executive Secretary for application materials. ☒

Around the Church

The Holy See has approved the merger of the National Conference of Catholic Bishops and the United States Catholic Conference into a single body called the United States Conference of Catholic Bishops. The U.S.C.C. previously encompassed the bishops' various commissions and specialized offices.

The Holy See also vetoed the appointment of Sister Sharon Euart as general secretary of the organization, on the grounds that the post should be held by a priest. Sister Sharon subsequently announced that she had been asked to resign from the staff by the new general secretary, Msgr. William Fay.

★ ★ ★

After an official review the Office for Catechism of the USCC found the large majority of current catechetical texts to be in conformity with the Catechism of the Catholic Church.

★ ★ ★

"The Sixties are over," according to Cardinal Godfried Daneels of Mechelen-Brussels (Belgium). Addressing the American bishops, he said that all but one of the theologians at Louvain University have taken the oath of fidelity required by *Ex Corde Ecclesiae*.

★ ★ ★

Previously Cardinal Daneels speculated to the European press that Pope John Paul II might resign, a speculation advanced earlier by Bishop Karl Lehmann of Mainz, president of the German bishops' conference. Bishop Lehmann was subsequently named a cardinal.

★ ★ ★

Daniel Finn, a theologian at St. John's University (Mn.), in an invited speech to the bishops, denounced *Ex Corde Ecclesiae*, which he said "threatens the Church's mission

to the world.” Archbishop Daniel Pilarczyk of Cincinnati told the bishops that the document is not intended to enforce orthodoxy. He also told the media that there are no problems with heterodoxy in his archdiocese.

★ ★ ★

Paul Knitter, a professor of theology at Xavier University, Cincinnati, criticized the teaching that Jesus is the only savior of the world, on the grounds that it justifies “centralizing power” in the Church. The belief that the Holy Spirit is only active in the world in conjunction with the incarnate Christ is a “heresy,” according to Knitter, who praised Archbishop Pilarczyk as a “thoughtful” prelate who would not put obstacles in theologians’ ways.

★ ★ ★

The St. Ignatius Institute of the University of San Francisco has been stripped of its status by Jesuit Father Stephen A. Privett, president of the university, who announced that it would henceforth be part of the overall program of the university. The director of the institute, John Galten, was dismissed, and the entire faculty signed a letter criticizing Father Privett’s action and stating that they would no longer participate in the institute’s activities. The Catholic liberal arts program was founded in 1975 by Jesuit Father Joseph Fessio.

★ ★ ★

A theologian was dismissed from her post at Duquesne University, Pittsburgh, when it was discovered that she had been ordained to the Episcopal priesthood. Moni McIntyre, a former nun, is no longer able to function as a teacher of Catholic theology, according to Duquesne President John E. Murray Jr.

★ ★ ★

The education office of the diocese of Pittsburgh announced that the diocese would not pay for Catholic teachers to attend the annual con-

vention of the National Catholic Education Association, because one of the principal speakers was Sister Joan Chittester, a leading feminist who advocates the ordination of women and other dissident positions. The diocese of Peoria forbade its teachers to attend the convention.

★ ★ ★

Sister Jeanette Normandin and Jesuit Father George Winchester were removed from the staff of the Jesuit Urban Center in Boston, after Sister Jeannette anointed and poured water on the head of a boy being baptized at the Center. The boy was the adopted son of a male homosexual couple. Sister Jeanette, who also officiated at a wedding at the Center while wearing priestly vestments, was removed by order of Father Thomas J. Carroll, director of the Center.

★ ★ ★

At a special Mass for homosexuals, Baltimore Auxiliary Bishop William Newman apologized for “the sins individually and collectively which the Church has committed against gays and lesbians.”

★ ★ ★

A study by the Kansas City Star found that at least 300 American priests, some of them in important positions, have died of AIDS, the exact number unknown because medical records are confidential in many states. Jesuit Father Thomas Reese, editor of *American*, said that the Church’s greatest problem is its unwillingness to acknowledge the large number of homosexual priests.

★ ★ ★

Earliest Christian texts cannot be used to undermine the authority of later Church teachings, according to the Congregation for the Doctrine of the Faith. The statement was made in connection with the censure of an Austrian liturgist, Father Reinhard Messner. “The Catholic faith is not deduced solely from the text of the Scripture,” the CDF said.

★ ★ ★

Ferdinand Mahfood, head of Food for the Poor, resigned after an audit revealed that he had diverted at least \$400,000 in funds from the charity, including money given to two female staff members with whom he was sexually involved. A Food for the Poor spokesman said the Mahfood family restored the embezzled funds and that Mahfood, whose brother Robin now heads the organization, was given a financial settlement in view of his years of service to the charity and his need for medical treatment.

★ ★ ★

An incomplete survey shows at least 13,000 Christian martyrs during the twentieth century. Their names were presented to Pope John Paul II by a special committee appointed to make the survey.

★ ★ ★

The placement of the tabernacle in churches is at the discretion of the diocesan bishop, according to *Built of Living Stones*, a set of “guidelines” approved by the American bishops. The tabernacle can be placed either in the body of the church, although not on the “altar of sacrifice,” or in a separate chapel. The document replaces *Environment and Art in Catholic Worship*, a statement in use since 1978.

★ ★ ★

A meeting of the Federation of Diocesan Liturgical Commissions expressed “consternation” at a draft document from the Holy See, the instructions for celebration of Mass released last summer, that would prohibit lay ministers of the Eucharist from breaking bread or purifying the sacred vessels and enjoins priests not to leave the sanctuary during the greeting of peace. Archbishop Oscar Lipscomb of Mobile, chairman of the Bishops’ Committee on the Liturgy, told FDLC members that the document, part of the new edition of the Roman Missal, would not be implemented until the American bishops

adapt it to national needs.

★ ★ ★

Father Sol Madrid, who had been accused of serious misuse of funds in two Phoenix parishes where he was pastor, resigned after months of criticism. Parishioners complained that they received no accounting of the use of insurance money paid after their churches burned. Father Madrid also appeared in a transvestite film, *14 Ways to Wear Lipstick*, and had allowed his church to be used in the film. After his resignation he said he did not regret making the film.

★ ★ ★

Until his resignation Father Madrid had been defended by Bishop Thomas O'Brien of Phoenix. Marge Injasoulian, Phoenix diocesan communications officer, charged a local television station with "character assassination" and threatened retaliation because of its exposure of the scandal.

★ ★ ★

St. Thomas More has been named the patron saint of politicians by Pope John Paul II.

★ ★ ★

A homosexual group which held services in a Catholic church in Sacramento (Ca.) recited a "litany of saints" which included Karl Marx, Sigmund Freud, Charles Darwin, and other atheists.

★ ★ ★

A Catholic bishop, probably from Austria or Germany, will ordain a woman to the priesthood during 2001, according to Christine Mayr-Lumetzberger, an Austrian feminist speaking in Rochester, N.Y.

★ ★ ★

A committee of Irish bishops has called for the elimination from the liturgy of seven passages from the letters of St. Paul which are deemed to be "anti-women."

★ ★ ★

The secretary-general of the Brazilian bishops' conference, Bishop Raymundo Damasceno, has charac-

terized as a "flat lie" a claim in America magazine that the Brazilian bishops support the use of condoms for the prevention of AIDS. The claims were made by Jesuit Fathers Jon Fuller and James F. Keenan.

★ ★ ★

The National Council of Churches, a liberal Protestant body, withdrew its support from an ecumenical declaration on Christian marriage, because the document defined marriage as a union between one man and one woman. The National Conference of Catholic Bishops, the National Association of Evangelicals, and the Southern Baptist Convention issued the document.

★ ★ ★

Dominus Jesus, the Holy See's document reaffirming the indispensable role of Jesus Christ in the scheme of salvation, has had a "negative impact," according to Cardinal Edward Cassidy, head of the Pontifical Council for Promoting Christian Unity.

★ ★ ★

German Bishop Walter Kasper, newly named to the College of Cardinals, urged the Church to overcome its "confessional arrogance" and to recognize that key elements of salvation are achieved "outside the visible boundaries of the Catholic Church." Cardinal Kasper has been secretary of the PCPCU.

★ ★ ★

A priest who is a convicted sex offender has been appointed an associate pastor of a newly merged Milwaukee parish by Archbishop Rembert Weakland. Father Thomas Walker has been arrested at various times for prostitution, lewd and lascivious behavior, and other offenses.

★ ★ ★

Condemnation of capital punishment is not official Catholic moral teaching, according to Jesuit theologian Avery Dulles, newly appointed to the College of Cardinals.

Bulletin Board

Dr. Joseph A. Varcalli, former FCS Board of Directors member and co-founder of the Society of Catholic Social Scientists, has instituted and been appointed Director of the Center for Catholic Studies at Nassau Community College-S.U.N.Y., where he holds the rank of Professor of Sociology. The activities of the Center include the production of volumes like *Catholic Social Thought, Social Science, and Social Policy: An Encyclopedia* and *Catholicism Across the Curriculum*; the sponsoring of conferences, seminars, and lectures; the creation of a college radio program, "The Catholic Alternative" on WHPC FM 90.3; the strengthening of the college's library collection in Catholic studies, the construction of a Web site, among other things. Fellowship members interested in participating in these endeavors should feel free to contact Joe at Nassau Community College, Garden City, New York, 11530, 1-516-572-7454. Individuals willing and able to make a financial contribution (there is no such thing as a "too small" donation) to help Joe's latest initiative get off to a flying start, should write a check made out to:

The Center for Catholic Studies—N.C.C. Foundation

and send it to:

Vice-President Daniel Keahon
Nassau Community College
Foundation
1 Education Drive
Garden City, New York
11530

The Society for Thomistic Natural Philosophy will hold its annual conference in conjunction with the annual meeting of the American Catholic Philosophical Association on 9-11 November 2001. This year's meeting will be held at the Crowne Plaza Albany Hotel in Albany, New York. For further information on conference arrangements, contact the ACPA National

Office at Fordham University, Bronx, New York 10456 (acpa@fordham.edu).

Any questions about Society membership or programs may be directed to FCS member, and Society Secretary, Michael W. Tkacz at Gonzaga University Philosophy Department. (tkacz@gonzaga.edu).

Book Signing and Talk

Kenneth D. Whitehead, author of *One, Holy, Catholic, and Apostolic: The Early Church Was the Catholic Church* (Ignatius Press, 2000) will sign books and deliver a talk at the Catholic Information Center, 815 15th Street, NW, Washington DC 20005, on Thursday, April 26, 2001, from 5:30 to 7:00 p.m. For information call 202-783-2602.

FACULTY POSITIONS

FRANCISCAN UNIVERSITY OF STEUBENVILLE

Full time tenure tract position in the Biology Department to teach Cell Physiology, Human Physiology, General Zoology, and a non-major Anatomy and Physiology course. The successful candidate must demonstrate excellent teaching experience (or potential) and be able to support the Christian and Franciscan Mission of the University. Ph.D. or ABD required. EOE.

Applications accepted until the position is filled. Send letter, Curriculum Vitae, all transcripts, Philosophy of Education and the names, addresses, and telephone numbers of three references to: Prof. Ed Bessler, Chair, Search Committee, Biology Department, Franciscan University of Steubenville, 1235 University Blvd., Steubenville, OH 43952-6701.

AVE MARIA COLLEGE

Ave Maria College is accepting applications for the following openings beginning in August 2001.

Theology:

Generalist, with an emphasis on sacred liturgy

Philosophy:

Generalist with an appreciation for a wide range of Catholic philosophical perspectives

Literature:

Generalist with an emphasis on Dante, Shakespeare, or Dostoevsky

Physics:

Generalist

Chemistry:

Generalist

Biology:

Generalist

Mathematics:

Generalist

Evaluation of applicants will continue until the positions are filled. Applicants must have earned doctorates in their respective fields, familiarity with philosophy and Catholic theology, and strong interest in teaching and in scholarly research that supports their teaching. The successful applicant will be a committed Roman Catholic who assents fully to the educational mission of Ave Maria College, which itself springs from the Catholic liberal arts traditions and is reflected in such texts as *Ex Corde Ecclesiae*, *Fides et Ratio*, and *Veritatis Splendor*. Qualified applicants should send a letter of interest that addressed the aforementioned criteria, along with their CV to : Dr. Dominic A. Aquila, Provost, Ave Maria College, 300 West Forest Avenue, Ypsilanti, www.avemaria.edu

Climate Change

by P.E. Hodgson

Corpus Christi College, Oxford

There is much discussion at the present time about climate change. Impressive evidence is presented that indicates that world climate has changed dramatically during the last few decades, and catastrophic changes are predicted to occur during the present century. Conferences are held, and articles written, on what should be done about this. There are wide differences of opinion on the reality of climate change and even more about the action that should be taken. As usual, political and commercial considerations threaten to take precedence over the scientific and technological facts and thus to reduce the likelihood of wise and effective action.

First of all, there is impressive evidence for the reality of climate change. Some of this has been described in a recent article by Sir Ghilleen Prance, former Director of the Royal Botanic Gardens in Kew, London. He recalls that last year there were devastating floods in Mozambique and Venezuela and quite serious ones in England. In other countries there has been drought; that in the Midwest of the United States in 1988-9 caused losses estimated at \$39 billion. The hurricane Mitch killed then thousand people in Central America. The average temperatures are rising in many countries: of the five warmest years ever recorded in the United Kingdom, four have been in the last decade. One result is that the growing season for many plants is increasing, with earlier development in spring and autumn events being delayed. Birds and animals are also affected, and some species, unable to cope with the climate change, have become extinct.

Such evidence raises many questions. Do these changes show that world climate is changing? If so, will it continue to change in the same way? Are these changes due to human actions? If so, what

can we do about it?

By climate we mean the sum of the many variables describing the condition of the atmosphere: the temperature and humidity of the air, the rainfall, the strength of the winds and the clouds. All these are constantly changing and we can take average for a local region or for the whole earth. It is notoriously difficult to establish whether a fluctuating quantity is changing. It is possible to reduce the fluctuations by taking averages over space and time but this also is not free from difficulties. It is possible, for example, for fluctuations of quite different timescales to be superimposed. Thus there may be small yearly fluctuations about a rising mean value superposed on large fluctuations with a timescale of centuries. This is indeed the case for temperature. The winters in England were apparently much colder a few centuries ago, when oxen were roasted on the frozen Thames. On a still larger timescale, we know that there has been a series of ice ages when glaciers covered most of Europe. So even if we can establish that world temperatures are increasing, this does not imply that they will continue to increase; for all we know they may have reached a maximum and will soon start to decline.

Climate is determined by many natural causes, but in addition it may be affected by human actions. We cannot do anything about the natural causes, but if we can establish a causal link between human actions and climate change we may have reason to expect the present changes to continue, and furthermore we will have a strong incentive to take action to mitigate the harmful effects of climate change.

Such a causal link has been proposed. Extensive measurements have shown that the concentrations of carbon dioxide, methane and some other gases in the atmosphere are steadily increasing: The annual increase of carbon dioxide is now 0.4%, that of methane 1.2%, of nitrous oxide 0.3%, of the chlorofluorocarbons 6% and of ozone

about 0.25%. These are established facts. It is then suggested that these increases are responsible for global warming and that global warming is responsible for other climate changes and predicted effects such as a worldwide rise in the sea level. The evidence for these suggestions needs careful consideration.

The connection between the increase in carbon dioxide and global warming is known as the greenhouse effect. The argument is that, as in a greenhouse, the sun's rays penetrate the atmosphere and warm the earth. Some of the heat is emitted with a different wavelength that cannot escape because of the carbon dioxide; in the case of the greenhouse it is the glass that does this. The trapped heat cause global warming.

This argument is plausible, but needs careful scientific analysis before the conclusion can be established. Many scientists worldwide have been making detailed calculations using increasingly sophisticated models of the atmosphere. This is obviously a very complicated task. What, for example, do we mean by the temperature of the atmosphere? We can measure the temperature at a particular place and height, but this needs to be done, over the whole surface of the earth and for heights up to several miles. The best we can do is to establish a grid of points and measure the temperatures at these points as a function of the time. Even a coarse grid contains millions of points and the calculations are ver time-consuming even on a fast modern computer. The more accurate we want our calculations to be the longer they will take. In addition, the results may be very sensitive to the initial conditions; this is the butterfly effect. The main uncertainty at resent seems to be the effects of water vapour, which are greater than those of all the other gases combined. These are sensitively affected by changes in the cloud cover which in turn changes the amount of solar energy absorbed or reflected.

The results of such calculations are published periodically by the Intergovernmental Panel on Climate Change, under the Chairmanship of Sir John Houghton. With many qualifications, the

conclusion of the latest work is that there is good evidence that world temperature is increasing, and it is predicted that the average temperature will rise by about four degrees centigrade by the year 2100.

One of the potentially devastating effects of a rise in world temperature is a consequent rise in the sea level. It is predicted that the sea level will rise by about 60 cm. by 2100, and that is emissions can be controlled this can be reduced to about 40 cm. Such increases in sea level will eliminate many islands such as the Maldives in the Indian Ocean, and will inundate much of Bangladesh and some of Holland, just to mention a few examples.

The connection between the rise in temperature and the rise in sea level is not as simple as is sometimes suggested. It has been attributed to the melting of the polar ice caps. However the Arctic ice is floating, and so when it melts it has no effect on the sea level, as Archimedes knew very well. There may however be some effects due to differences in salinity between the ice and the sea. The Antarctic ice is partly on the continent itself and partly as the surrounding ice sheets. The interior of the continent is rather cold; typically from minus forty to minus sixty degrees Centigrade, so warming by a few degrees makes no difference. The surrounding ice sheets are somewhat warmer, but are floating like the Arctic ice. So the result is that melting of the polar icecaps has little effect on the sea level.

Another possible effect is due to the expansion of the oceans when they are heated. It is seldom mentioned that the land also expands when heated, and so whether this affects the sea level depends on the relative expansion coefficients of the land and the sea. This is further complicated by times that it takes for the warming to take place, which depends on the thermal conductivities of land and sea, and by the presence of currents in the sea.

The result of all this is that the simple arguments concerning the connection between rise in temperature worlds and rise in sea level are inadequate and so one has to rely on the complicate world climate models. It is not possible for anyone

who is not actually making such calculations to assess the validity or the results and, one may add, not so easy even for those who are. There is the additional uncertainty due to the possibility that the changes in average world climate do not always take place smoothly. Thus it is possible that when some variable reaches a critical value a large and irreversible change takes place, as when a kettle boils over or a house of cards collapses. We cannot be absolutely sure what will happen to the climate in the future. Thus it has been suggested that there may be a sudden and catastrophic cooling of northern Europe due to a change in the flow of the Gulf Stream. Global warming could alter this flow by injecting more fresh water into the North Sea and this could cause the temperature to fall by six to eight degrees Centigrade. The North Sea would then be frozen for much of the year, and London would be like Siberia.

Such uncertainties are not uncommon in human affairs. We have to make a decision on the basis on incomplete knowledge. It is easy to say that we must undertake more research and do nothing until we are absolutely sure what is the best thing to do. This is nearly always the worst decision of all. We must take our decision on the basis of the best knowledge that we have, even if it is to some extent uncertain. And concerning climate change, the best knowledge that we have is contained in the results of the model calculations.

It is therefore prudent to consider what can be done to reduce the emissions of what are now called the greenhouse gases. They differ greatly in their concentrations and in their damaging effects per molecule. Thus the chlorofluorocarbons are about 4000 times more damaging than carbon dioxide. This has led to demands that they be banned as soon as possible. However they are used in refrigerators and so it is important that an effective substitute be found. Since the amount of carbon dioxide is so much greater it accounts for more than 60% of the greenhouse effect and so efforts are concentrated on reducing carbon dioxide emissions. These come mainly from power stations burning fossil fuels such as oil and coal

from wood burning and other industrial processes. Large international conferences such as those at Rio and Kyoto are held to encourage countries to reduce their carbon dioxide emissions. Many countries have already pledged that they will reduce emissions by a stated amount in a given time.

Such decisions are highly political. Of course countries want to appear in a good light and to be seen to care for the earth, but they are not so keen to take actions that will be commercially unfavourable. Reducing emissions can be very costly and can reduce the competitiveness of an industry. The developing countries understandably protest that the developed countries achieved their industrial power without caring about polluting the earth, and now they want to impose strict controls that will gravely hamper their own development. Politicians have committed their countries to reduce pollution but are reluctant to take the politically unpopular decisions that are necessary to achieve this.

The only ways to reduce carbon dioxide emissions are to reduce energy demand and to replace fossil fuel power stations by non-polluting energy sources. Energy demand can be reduced by exhorting people to conserve energy, to walk or ride their bicycles, to switch off lights when not needed, to use less heating and air conditioning, to use energy-efficient machines and so on. All this is highly desirable for many reasons and the potential energy savings from such activities are enormous, but human nature is such that exhortation is ineffective unless there is some clear and preferably short term gain. An incentive to save energy can be provided by increased taxes, but experience shows that these have to be rather severe, and hence highly unpopular politically, if they are to have any appreciable effect. Governments are therefore very reluctant to try to enforce energy savings in this way. The recent revolt in several European countries against rises in the price of fuel indicate the strength of the emotions that can be aroused.

It is therefore essential to eliminate fossil fuel power stations and to replace them by non-polluting energy sources. Particular attention is devoted

to the renewable sources, as these do not exhaust the resources of the earth, and are generally non-polluting. Foremost among these is hydro power, which provided 2.5% of world energy in the year 2000. Unfortunately this requires suitable rivers and most of these have already been used wherever practicable, especially in the developed countries. It is thus unlikely that the contribution of hydro power can be appreciably increased. Tidal and geothermal power are similarly severely limited by geographical considerations. The potential of wave power has been studied and has proved unpromising. This leaves wind and solar as the favoured renewable sources. The amount of energy in the wind and in solar radiation is enormous, but unfortunately it is thinly spread and requires large collectors to concentrate it to a usable form. The result is that the contribution of wind and solar to world energy is 0.15%. In addition, they are unreliable, relatively costly and dangerous and damaging to the environment.

If that was all that could be said, the prospects of satisfying world energy needs without polluting the earth and causing drastic climate change would be thin indeed. However, there is another source to be considered, namely nuclear power. This source provides about 20% of world electricity, is very reliable and almost completely non-polluting. The countries that have built nuclear power stations have dramatically reduced their carbon dioxide emissions. Thus France is about 80% nuclear and has halved its carbon dioxide emissions; Japan (32% nuclear) has achieved a reduction of 20%, while the USA (20% nuclear) has reduced them by 6%. The emission of sulphur dioxide is also drastically reduced by replacing coal power stations by nuclear ones. The British Government has set a target of a 10% cut in carbon emissions in the period from 1990 to 2010. By 1995, a cut of about 6% had been achieved, but this is due to the increase in nuclear output by 39% from 1990 to 1994. In the next few years, however, emissions are set to rise as the older nuclear power stations reach the end of their lives, and no new ones are being built. There is thus no hope that the targets

will be met, and the situation is similar the USA.

In view of these facts, it is remarkable that conferences that are held to discuss ways to combat climate change that discuss fiscal measures, and wind and solar power, but make no mention whatsoever of nuclear power. The only explanation is that governments are aware that nuclear power is politically so unpopular that they would lose their support if they advocated the construction of new nuclear power stations. It is thus important to ask why nuclear power stations are so unpopular. One reason is the association with nuclear weapons and another is fear radioactivity particularly in the form of nuclear waste. It is certainly true that nuclear reactors produce relatively small amounts of highly radioactive material, but ways have been developed to deal with it so that it will never come into contact with humans and cause harm. These psychological problems should be resolutely faced and not simply ignored as if they do not exist. Reality can be avoided for some time, certainly during the period before the next election, but in the end the problems will have to be faced and the longer this is postponed the more difficult it will be to solve them, if indeed it is not too late.

One should ask what is the responsibility of the Churches in this situation. It is simply to establish the facts and to publicise them. This was done very well for nuclear power, especially by the Home Division of the Methodist Church in Britain, and by the Pontifical Academy of Science. Their studies concluded that nuclear power is necessary for the future, especially for the developing countries. Unfortunately this careful work received very little publicity, and so a great opportunity was lost. The same mistake should not be made for climate change. The Churches should not be afraid to speak out and demand that objective studies should be made and the results publicized and acted upon. All too often in the past, the Churches have been subservient to governments and have been content to follow the prevailing political line. Our vocation is, and always has been, to speak truth to power, irrespective of the consequences. ✠

Editor's Note: Due to an editing error, a substantial portion of the following article was omitted from the last issue of the Quarterly. It is here printed in its entirety. Apologies to Father Stravinskis, and to our readers.

The Credibility of Miracles

Very Rev'd Peter M. J. Stravinskis, Ph.D., S.T.D.

(An address to the "Faith and Reason" symposium of the Archdiocese of Portland in Oregon, on 11 December 1999.)

Introduction

I don't know what God is trying to say to me but, within the past six months, I have been invited to be involved in three situations involving the miraculous: the Fox TV special ["Signs from God"] which many of you saw this past summer; serving as spiritual director for a woman who has been publically identified as a seer; and delivering this conference on the credibility of miracles, past and present. Honesty compels me to admit from the outset that my own predisposition to it all is quite negative, taking as my starting point Our Lord's reminder that "an evil and adulterous generation seeks a sign" [Mt 12:39]. Or, as Archbishop Jean Honoré of Tours states quite bluntly: "Contrary to what certain Christians may think, [the Church's] attitude is not one of favorable disposition, but rather of skepticism and of the most extreme reserve."

That having been said, I am reasonably certain that Almighty God must have something else in mind, seeing that His Providence has put me into circumstances where something a bit more than one scriptural verse seems called for.

Our approach will be rather simple. We shall begin with a dictionary definition of "miracle"; a survey of miracles in Sacred Scripture, in both covenants; a review of miracles in Church history; and, finally, a consideration of such phenomena in contemporary ecclesial life.

The dictionary offers us the following description of a miracle: "A wonderful happening that is contrary

to or independent of the known laws of nature." Now, what does Christian faith add to the picture? From the start, we must admit that the picture is far from clear. On the one hand, we sense Our Lord's annoyance with wonder-seekers, as we hear Him say, "unless you see signs and wonders, you will not believe" [Jn 4:48]. On the other hand, He promises His disciples that they will work signs even greater than His [cf. Jn 14:12]. Indeed, the performance of miracles by the early believers in Christ was seen as confirmatory of their message [cf. Acts 2:43].

I would suggest that our approach to this entire topic must be very cautious. Often we hear people say that faith means believing without seeing, and they would ground that understanding in the comments of the Risen Lord to St. Thomas [cf. Jn 20:29]. And there is certainly validity in that interpretation. At the same time, we might look at faith in this light: faith is not "not seeing," but seeing differently or through different lenses. One of the effects of original sin is that our intellects have been clouded over and our vision blurred; in fact, at times it may seem that we have actually been blinded. The theological virtue of faith — first given to us in Baptism — gives us a capacity to see things from God's perspective; it sharpens our natural perspective, if you will.

A supposedly "modern" view of reality excludes the miraculous, a priori, but on what grounds? Simply on the basis that because man can't do something, it should be fairly obvious that God can't, either. In this way, these "moderns" prove the truth of the insight of Voltaire — surely no client of the supernatural — who asserted, "God made man in His own image and likeness, and man has never ceased to return the compliment!"

Some years ago, travelling in a taxi in Jerusalem operated by a non-practicing Jew, I noticed with

interest how the driver consistently referred to Our Lady as “the Virgin.” Finally, I asked him, point-blank: “Do you believe that Mary was a virgin?” “Why not, Father?” came the quick retort. I pressed on: “How many mothers do you know that remain virgins?” “Look,” he replied, “if Almighty God could make the whole universe, don’t you think he could make a nice little Jewish girl a mother and keep her a virgin at the same time?” That non-practicing Jew had retained an appreciation of the miraculous which is rooted in the Bible. In truth, he understood that the same God was and is working throughout, a point made in the lovely line of Jesuit Father Avery Dulles when he declares, “If nature is God’s prose, miracles may perhaps be called his poetry.” Dulles goes on to assert that “to drop out the miraculous element from Christianity is, inevitably, to mutilate the Gospel.” So, what does the Bible tell us about God’s “poetry”?

Miracles in the Old Testament

Why does God enable man to work miracles, asks St. Thomas Aquinas. For two reasons, he says: First and principally, in confirmation of the doctrine that a man teaches. For since those things which are of faith surpass human reason, they cannot be proved by human arguments, but need to be proved by the argument of divine power: so that when a man does works that God alone can do, we may believe that what he says is from God: just as when a man is the bearer of letters sealed with the king’s ring, it is to be believed that what they contain expresses the king’s will.” He goes on to offer a second purpose: “To make known God’s presence in a man by the grace of the Holy Ghost: so that when a man does the works of God we may believe that God dwells in him by His grace.” That said, Aquinas concedes that “miracles lessen the merit of faith,” but — nonetheless — he declares, “it is better for them to be converted to the faith even by miracles than that they should remain altogether in their unbelief.”

It may surprise people at first blush to learn that the Old Testament is actually rather sparing in its recounting of miracles. Aside from the Exodus experi-

ence, the only other major locus of miracles is found in the material related to Elijah and Elisha [cf. 1 Kgs 17-2 Kgs 8]. According to the biblical view, miracles are essentially signs which support the word which is proclaimed. A miracle, then, is not “the holy” in itself but a sign which points to “the holy,” indeed, to the Holy One Himself, Who — through signs — reveals His nature, glory and power. The human reaction to the miraculous should be one of wonder, to be sure, but also one of praise. In this regard, Moses’ first encounter with the Living God [cf. Ex 3-4] should serve as a paradigm. The sight of the bush which burns but is not consumed terrifies Moses, but it also intrigues him and draws him more deeply into the mystery, giving us the shorthand expression, “mysterium tremendum et fascinans.” The initial fear of Moses is transformed by the experience into calm assurance as Moses engages the Lord in conversation. That primary event of the burning bush served as an on-going reminder that the God of the Hebrews could do what He promised and was determined to do it. At the same time, Moses is told that he too will be able to work miracles. But for what purpose? Not as cheap magician’s tricks to entertain or charm, but precisely as signs to effect God’s Will — the release of His people from bondage. Cardinal Newman makes the interesting observation that the performance of miracles in the Old Testament seems to be a prerogative of the prophets, “to the exclusion of the priests and kings.” Why? Because the offices of priesthood and kingship were, in his words, “already ascertained.” That is, the institutionalized nature of those roles spoke for themselves. The charismatic nature of prophecy, on the other hand, demanded validation. We shall return to that notion when we consider contemporary miracles.

Miracles in the New Testament

The sparse nature of miracles in the Old Covenant is more than compensated for in the New, and with good reason: the prophet Isaiah announces that the age of the Messiah will be ushered in by Him Who is called both “Wonderful” and “Mighty God” [Is 9:6]; beyond that, Isaiah 35 teaches that marvelous healings will be a sign that the

final age has dawned. True to that prophetic word, then, miracles dot the landscape of the pages of the New Testament. Interestingly, a key miraculous sign noted in the works of the major prophets is one connected with the coming of the Messiah: “Behold a [virgin] shall conceive and bear a son and shall call his name Immanuel” [Is 7:14]. The Jews of old believed that the time of miracles would flower most abundantly when there arose the prophet “like unto Moses,” the very words used in John’s Gospel to describe Jesus [cf. Jn 1:45].

While the New Testament uses many different words to describe the miraculous, St. John’s word of choice is “*semeion*” or “*sign*.” John wants to ensure that every element of chicanery and superstition is eliminated from the realm of possibility. Furthermore, he is extremely selective in his delineation of signs, choosing only seven, even while noting that “Jesus did many other signs not written in this book” [Jn 20:30]. Those signs are arranged in a deliberate order as well, moving in crescendo-like fashion from what could be mistaken for a magician’s stunt [changing water into wine] to that of raising a man from the dead — the prelude to the greatest sign, the Lord’s own Resurrection. St. John’s methodology leads us to look at the sign as a means of transferring our gaze to the Sign-maker to discover some important truth about Him, most especially to have an experience of His glory. These signs convince the beholder that the words Jesus has spoken are true. The sign, then, validates both message and Messenger.

A pattern for the process can be discovered in the granting of sight to the man born blind. Through his interaction with Jesus and the “*work*” or “*sign*” done on his behalf, the man moves from blindness to sight [a physical change] to insight [a profoundly spiritual change]. It is also worth highlighting the fact that it is Our Lady in John’s Gospel who launches her Son on His ministry of sign-working; ironically, she who believes without any sign moves Him to work a sign. Put otherwise, her strong faith which required no sign knew that He was in fact capable of working signs, which could lead others of lesser faith to a deeper understanding of Jesus and commitment to Him.

In the Synoptic Gospels, the rash of miracles is intended to proclaim the nearness of the Kingdom

and its definitive arrival in the Person of Christ. The gap between God and man has been narrowed, the divide between the natural and the supernatural has been bridged, the distance between the sacred and the profane has been lessened. Once more, even if in a different style, the same notion prevails: the wonders are worked to have us fix our attention on the Wonder-worker, Who demonstrates concretely that the words He speaks are true and that He Himself is the true Word, now come in the flesh. Thus, the miraculous is to be seen at the service of the truth [cf. Mt 11:2-6; Jn 5:36; Jn 10:25].

The Gospel miracles may be conveniently grouped in this fashion: healings, exorcisms, and the so-called “*nature miracles*.” In the healings, the normal procedure involves a direct encounter between the Healer and the one to be healed, generally through a request for a cure and at least an implicit act of faith on the part of the would-be recipient; a notable exception to that rule is the cure of the centurion’s son/servant. The exorcisms demonstrate in very concrete manner that the Kingdom of God has come crashing into the world, breaking the power of Satan. The nature miracles [e.g., Jesus’ walking on water or calming of the storm], are, for the most part, not done for the benefit of the crowds, but for discrete groups of disciples or the like. Miracle stories, obviously, are not unique to the New Testament or the Bible in general; what is interesting and important to observe, however, is that miracles noted in pagan, Jewish or extra-biblical Christian sources are rather different, in that they rely heavily on the fantastic, the imaginative and the bizarre, whereas the New Testament miracles — whether of Christ or of the disciples — can be characterized as very straightforward, simple and lacking in embellishment. In other words, the element of the magical or vulgar display is reduced to nothingness.

Speaking of signs wrought by the disciples, it would be well to mention at this point what might appear as quite self-evident, namely, that miraculous signs did not cease with the Lord’s Ascension. On the contrary, they continued throughout the New Testament as witnesses to the reality and validity of the Holy Spirit’s indwelling within the Church and, specifically, within the ministry of the apostles. St. Mark declares that the apostolic miracles would actu-

ally bolster and give credibility to the apostolic message [cf. Mk 16:20]. Thus, we find numerous examples of such activity documented in the Acts of the Apostles, especially at the hands of Saints Peter and Paul. One should add at this point a further clarification, namely, that physical cures are not ends in themselves, but suggest a more profound significance — an inner or spiritual healing. That is, the cure of a bodily ailment suggests the cure of a spiritual ailment, which is far more basic and important. In fact, Christ not infrequently seemed to prefer the spiritual remedy to the physical, but his audiences just as often appeared inclined otherwise. Hence, we find Him forgiving a man's sins [cf. Mk 2:3-12], which action stimulates charges of blasphemy among some of His hearers, thus making Him work a physical remedy, precisely as a sign that what has been achieved externally has an interior component.

What can we say about the effects of such miracles? Their intent, as we have indicated, is to rouse men to faith. We must acknowledge, however, that the result is not always as desired. For instance, some bystanders conclude that Jesus' works of power are indisputable signs of either His Messiahship or divinity [cf. Lk 11:14], while others conclude that He is possessed by Beelzebul [cf. Lk 11:15]. The awakening of faith, the desired goal of every miracle, does not always achieve its purpose in either the Old Testament or the New. Furthermore, the desire for a miracle is never perceived by Our Lord or the writers of the New Testament as praiseworthy. Just the opposite: they are regarded as resistance to the Lord, His message and the virtue of faith [e.g., Mt 16:1-4; 1 Cor 1:22-24; Mt 12:24; Jn 10:38; Jn 14:11]. At the same time, it must be said that Jesus held much more accountable those who had seen signs, yet who persisted in their unbelief — evidence of their hardness of heart [e.g., Jn 6:36]

With this scriptural picture in place — a mosaic, if you will, showing both Jesus and His disciples as workers of signs and wonders, we are naturally led to ask if this type of activity continued beyond their days.

Miracles in the Church

Did miracles perdure into the sub-apostolic era? Already, within the canon of the New Testament, we read in the Epistle to the Hebrews that the time of miracles was waning [cf. Heb 2:4]. However, as Cardinal Newman was quick to underscore, what God was willing to do and did do in one period of the Church, He cannot be completely unwilling to do in another, and so we read: "It is a matter of faith with Catholics that miracles never cease in the Church." Newman explains that his contemporaries within Liberal Protestantism have a clear prejudice against the continuation of miracles in the Church: "Both they and we start with the miracles of the Apostles; and then their First Principle or presumption, against our miracles, is this, 'What God did once, He is not likely to do again;' while our First Principle or presumption, for our miracles, is this, 'What God did once, He is likely to do again.'" To be sure, he notes that complete unbelievers would argue that miracles cannot be for the simple reason that, for them, "it is impossible to fancy the order of nature interrupted." In other words, Newman reasons, the adherents of Liberalism do not contend against the evidence offered to validate alleged miracles; they merely dismiss the possibility a fortiori. He sums up the situation thus: their "First Principle blocks belief;" ours "encourages such belief." He challenges them to be consistent: "You believe the Apostolic miracles, therefore be inclined beforehand to believe later ones."

Cardinal Newman locates the Catholic willingness to accept the possibility in the mystery of the Incarnation. He presents his position in syllogistic fashion: "...the Incarnation is the most stupendous event which ever can take place on earth; and after it and henceforth, I do not see how we can scruple at any miracle on the mere ground of its being unlikely to happen." He continues: "No miracle can be so great as that which took place in the Holy House of Nazareth; it is infinitely more difficult to believe than all the miracles of the Breviary, of the Martyrology, of Saints' lives, of legends, of local traditions, put together." His conclusion is inescap-

able: “If, through divine grace, we once are able to accept the solemn truth that the Supreme Being was born of a mortal woman, what is there to be imagined which can offend us on the ground of its marvellousness?” Like my Israeli cabbie, to whom I referred at the beginning, Newman sums up the case thus: “If they do not believe [in the mystery of the Incarnation], they are not yet Protestants; if they do, let them grant that He Who has done the greater may do the less.” A century later, Jesuit Father Louis Monden concurs: “At even first glance, it is clear that a miracle is to be envisioned as a direct prolongation of the Incarnation, as a perceptible showing forth of God’s redemptive love.”

Now, it must be pointed out directly that the great Newman was not given to credulity. As a matter of fact, his approach to the miraculous was rather clinical and scientific in many ways. While admitting the possibility of miracles, he was not gullible, which is to say that he always brought reason to his aid in forming a judgment. Hence, we hear his wise counsel: “And so as regards the miracles of the Catholic Church; if indeed, miracles never can occur, then, indeed, impute the narratives [about them] to fraud; but till you prove they are not likely, we shall consider the histories which have come down to us true on the whole, though in particular cases they may be exaggerated or unfounded. Where, indeed, they can certainly be proved to be false, there we shall be bound to do our best to get rid of them; but till that is clear, we shall be liberal enough to allow others to use their private judgment in their favour, as we use ours in their disparagement.” Early on, in 1842, he divided miracles into two classes: “those which were to be received, and those which were to be rejected,” thus calling for a critical attitude and a principle of discernment at one and the same time. After all, the New Testament does not hesitate to remind us that miracles will be wrought not only by the saints but also by the Antichrist [cf. 2 Th 2; Rev 13:13]!

As we shall see, Newman was not very sanguine about the miraculous. In one of his sermons, he says, “nothing is gained by miracles, nothing comes of miracles, as regards our religious views, principles, and habits. Hard as it is to believe, miracles certainly do not make men better; the history of Israel proves it.” The convert-apologist asserts that while a miracle

might “startle” you, its effect would be passing. He observes that God sends us very ordinary warnings, which we generally fail to heed, so why should miracles be any more convincing? “If we are not moved and converted by those [warnings] which come upon us, the probability is that, like the Jews, we should not be converted by miracles.” As proof of his stance, he brings to his side the Gospel text in which Our Lord declares, without fear of contradiction, that “if they do not hear Moses and the prophets, neither will they be convinced if some one should rise from the dead” [Lk 16:31]. His view is not cynical but intensely realistic and, in many ways, an echo of the mentality of Francis Bacon, the sixteenth-century philosopher and sometime-scientist, who stated that “God never wrought miracle to convince atheism, because His ordinary works convince it [atheism].”

In his realism, Newman also connected faith and prayer with the miraculous, expressing no surprise that “in a country in which faith and prayer abound, [miracles] will be more likely to occur, than where and when faith and prayer are not.” Here he is not talking about a climate of superstition but an atmosphere of genuine faith, not unlike Christ’s apparent linking of faith and miracles, such that the Evangelist Matthew would write: “And he did not do many mighty works there, because of their unbelief” [Mt 13:58]. He further takes into account that, with the progress of science, some acts heretofore deemed miracles might actually be naturally explainable: “I frankly confess that the present advance of science tends to make it probable that various facts take place, and have taken place, in the order of nature, which hitherto have been considered by Catholics as simply supernatural.” However, he is quick to add: “Though I readily make this admission, it must not be supposed in consequence that I am disposed to grant at once, that every event was natural in point of fact, which might have taken place by the laws of nature.” For instance, just because some or even several of the ten plagues against the Egyptians may have some kind of natural explanation, do not their timing and intensity bespeak acts of Divine Providence, if not of outright divine interventions or contraventions of the laws of nature?

The Church's Attitude Toward Miracles

The Church's response to miracles is conditioned by many factors: the need to balance faith and reason; the necessity of responding to various societal and intellectual claims at any given moment in her history; the importance of keeping in a healthy tension an openness to the miraculous, all the while eschewing any possibility of the superstitious, the credulous or the faithless, which often enough masks itself in the garb of belief by being lured into a demand for miracles as prerequisites for making a faith commitment.

As I stated in the beginning, the Jews of old and Christians up through the eighteenth century had little or no problem with the concept of miracles in general, nor with the possibility of their occurrence in their own time and place. All that changed dramatically under the influence of the rationalism fostered by the Enlightenment, with names like Descartes, Spinoza, Voltaire and Hume as the prime protagonists. What happened? To no small degree, Luther — with his heavy stress on sola Scriptura and his concomitant discarding of magisterial authority and the suitability of philosophy as an aid in seeking the truth— may well have paved the way for all this.

How so? With the major scientific developments of the Renaissance, many theories of the origins of the universe and its daily functioning, taken for granted in biblical terms for centuries, came under scrutiny; many were found untenable in the light of those scientific discoveries. With that, the biblical Word itself came under fire as a trustworthy guide for modern men, as reason alone [understood as empirical, scientifically provable data] came to be seen as the only valid source of positions for intelligent people. With no Magisterium to safeguard the Word and its interpretation, Holy Writ was, in a manner of speaking, left hanging. Needless to say, the very first aspects of biblical writing to be attacked were the miracles of both Testaments. Liberal Protestantism was born as it breathlessly tried to keep pace with the onslaughts of science and rationalism, seen in phenomena like Bultmann's efforts at so-called "de-mythologization."

The reaction to that was the birth of Fundamentalism as an attempt to maintain traditional Christian beliefs, in spite of the mounting evidence seemingly arrayed against it. One of the approaches used was a kind of fideism, which would hold that one believes what some authority says [whether Scripture or otherwise], even if there is no rational support for it and, yes, even if rationality appears to disprove it categorically. The old proverb attributed to Tertullian and Anselm came back in full force: *Credo quia absurdum est* [I believe because it is absurd!]. This type of "in-your-face" act of faith did little to enhance the image of traditional Christians; indeed, it started to paint a picture which continues to be popular today of ignorant, down-home yokels who can't even speak standard English.

Now, where was the Catholic Church during all this? For the most part, she was busy seeking to save herself from various political revolutions that had devastated the vineyard in countries like France, Germany and Italy, with problems yet to surface in Spain and Mexico. Which is to say that, in many ways, she was trying to survive. However, she was not totally absent from the battle, especially during the pontificates of Pope Pius IX and Pope St. Pius X. The liberalism against which Newman had fought as a Protestant was beginning to make inroads into Catholicism, and Pius IX was determined to stave off these incursions. And so, we find the Pope taking the bull by the horns in his 1846 encyclical, *Qui Pluribus*, going right to the root of the problem — which various Protestant reactions had not done and could not have done. He writes:

They [the proponents of rationalism] assert that faith is contrary to reason. Surely nothing more foolish, more impious, more opposed to reason itself can be imagined. For, though faith is above reason, there can never be found a real contradiction or disagreement between them, as both of them originate from the same source of immutable and eternal truth, from the good and great God, and both so help each other that right reason demonstrates, safeguards and defends the truth of faith, whereas faith frees reason from all errors and through the knowledge of divine things enlightens, strengthens and perfects it.

He went on, even more confidently: "This faith is confirmed through the birth, the life, the death, the resurrection, the wisdom, the miracles and

prophecies of its author and fulfiller, Christ Jesus.” In his 1864 Syllabus of Errors, he condemned the following proposition: “The prophecies and miracles set forth in the narration of the Sacred Scriptures are poetical fictions; the mysteries of the Christian Faith are the outcome of philosophical reflections; in the books of both Testaments mythical tales are contained; Jesus Christ Himself is a mythical fiction.” Six years later, the Fathers of Vatican I set forth a comprehensive and compelling argumentation to explain and defend the compatibility of faith and reason. Thus, we read in *Dei Filius*:

However, in order that the obedience of our faith be nevertheless in harmony with reason, God willed that exterior proofs of His revelation, viz. divine facts, especially miracles and prophecies, should be joined to the inner helps of the Holy Spirit; as they manifestly display the omnipotence and infinite knowledge of God, they are the most certain signs of the divine revelation, adapted to the intelligence of all men.

Allow me to underscore how carefully the Council Fathers maneuvered between the Scylla of unbridled rationalism and the Charybdis of unthinking fideism. Reason is not the enemy of Christian faith, but it is not a reality unto itself, either. This theme will return many times in the century that follows, most notably in our present Holy Father’s writings, exemplified most powerfully in *Fides et Ratio*. Beyond that, Vatican I calls forth miracles as proof — dare we say, scientific proof — for the intelligibility of faith. The Council makes this even more pointed in two of its anathematizing canons:

If anyone says that divine faith is not distinct from the natural knowledge of God and of moral truths; that, therefore, for divine faith it is not necessary that the revealed truth be believed on the authority of God Who reveals it, anathema sit.

If anyone says that no miracles are possible, and that, therefore, all accounts of them, even those contained in Holy Scripture, are to be dismissed as fables and myths; or that miracles can never be recognized with certainty, and that the divine origin of the Christian religion cannot be legitimately proved by them, anathema sit.

These proscriptions found their way into St. Pius X’s Oath against the Errors of Modernism in 1910, as the oath-taker professes, in positive form: “I recognize the exterior proofs of revelation, that is to say, the

divine works, mainly the miracles and prophecies, as sure signs of the divine origin of the Christian religion, and I hold that they are well adapted to the understanding of all ages and of all men, also those of the present time. Forty years later, Pope Pius XII picked up the same themes in *Humani Generis*:

Difficulties may occur to the human mind also in forming a firm judgment concerning the credibility of the Catholic Faith, though we are provided by God with such a wealth of wonderful exterior signs by which the divine origin of the Christian religion can be proved with certainty even by the natural light of reason alone. But a man may be guided by prejudices, he may be influenced by his passions and his ill intentions, and so he can turn away from, and resist not only the evidence of the exterior signs which is plain to the eyes, but also the heavenly inspirations which God conveys to our minds.

You may have noticed a somewhat different tone to Pius XII’s work—more assure, less defensive. What can account for the change in tone? I would suggest a few things. First, the shrine of Our Lady at Lourdes had become far more than a magnet for the credulous; events had been occurring there for nearly a century at that point, which continued to stymie the most proficient practitioners of medicine and science. The miraculous could not be so easily cast aside, as some had earlier supposed. Second, during the forties, excavations under St. Peter’s Basilica were making more and more certain the historicity of the Apostle Peter’s stay in Rome, after nearly two centuries of unrelenting ridicule of such a prospect. In other words, Catholic claims were being substantiated by archaeological finds, showing—among other things—that perhaps the aerial Christians and medieval Church were not so gullible, after all. A fruitful dialogue was being forged between science and religion, precisely on the ground of miracle and prophecy.

With tremendous confidence, the, Pope John Paul II in *Fides et Ratio* can proclaim, in total confidence, as undeniable fact of contemporary life: “As a result of the crisis of rationalist, what has appeared finally is nihilism. In other words, first men became uncomfortable with faith, then with reason, and now they are left completely unmoored from every aspect of human living. The Holy Father goes on to assert

the necessity of the vital link between faith and reason, that link barraged for over two centuries, on both sides of the fence in all too many instances:

So, this sweep of magisterial documents makes clear that the Church accept the reality of the miraculous, both historically and as a present possibility. For what purpose? St. Thomas Aquinas sums it up well: “Not indeed for the declaration of any new doctrine of faith, but for the direction of human acts. And what are the criteria?”

That question will occupy us for the duration of this presentation. Since the Enlightenment, many Christian apologists and theologians have sought to provide dependable criteria for discerning the authenticity of the miraculous. You have already encountered Cardinal Newman’s efforts in this regard. I would also hasten to mention the 1947 work of C. S. Lewis entitled, *Miracles: A Preliminary Study*, as well as the unparalleled studies of Jesuit Father Karl Rahner’s 1963 *Visions and Prophecies* and Jesuit Father Louis Monden’s, *Signs and Wonders: A Study of the Miraculous Elements in Religion* from 1966. Dominican Father Edward Schillebeeckx also made a valuable contribution to our topic with several chapters in his 1964 volume, *Mary, Mother of the Redemption*. Nor has the Magisterium been lacking in offering guidance in this important area; especially noteworthy is the document from the Sacred Congregation for the Doctrine of the Faith in 1978, *Norms of the Congregation for Proceeding in Judging Alleged Apparitions and Revelations*.

In producing the preface for Father Monden’s book, Father Dulles praises the work because, in his judgment—and mine—Monden reflects the Church’s mentality in this area, which he identifies as “steering a middle course between a credulous avidity for miracle and an attitude of hypercritical aloofness.”

The first formal guidelines for dealing with supernatural phenomena seem to come from the Fifth Lateran Council in 1516 and the Council of Trent later in the same century. The noted canonist, Prospero Cardinal Lambertini, who became Pope Benedict XIV in the 18th century, produced a detailed study of this question, which has served as an almost definitive work on our topic. In our own time, the 1978 document from the Sacred Congregation for the Doctrine of the Faith lists several objective, verifiable criteria to determine the legitimacy

of an alleged supernatural occurrence. Let me summarize the process and the norms for you:

1. The case is normally handled by the bishop of the place where the event[s] supposedly take place, as he appoints a commission of experts—theological, medical, psychological—to investigate every thing and every one concerned.

2. Moral certitude ought to exist that the event is miraculous, that is, that normal human explanations fail, at least initially.

3. The persons involved should be mentally fit, moral and obedient to ecclesiastical authority. Needless to say, there should be no suspicion that financial gain could be a motivation.

4. The content of the message must be in conformity with Catholic doctrine, whether on the part of the seer or on the part of the conveyor of the message [e.g., Our Lord, Our Lady or some other saint].

5. One must be able to point to “good fruit” resulting from it and enduring: conversions, deeper commitment to prayer, an increase in personal charity.

Throughout this often-lengthy and detailed process, Church authorities operate from what we might call a “hermeneutic of suspicion.” Or, as Rahner puts it, “where the supernatural, divine origin of a vision is alleged, this claim must be proved, not presumed.” This posture frequently surprises people—Catholic and non-Catholic alike—who seem to imagine that the Church would just be delighted with the prospect of another prodigy. This was certainly the shocked reaction to my statements on the Fox special on which I appeared this summer: “What do you mean the Church is cautious or even suspicious?” But in fact, she is.

When an investigation is finished, the competent ecclesiastical authority is given the judgment of the commission: 1) *constat de supernaturalitate*, which means that the event gives solid evidence of a genuine heavenly or miraculous intervention; 2) *constate de non supernaturalitate*, which indicates that the occurrence is clearly not miraculous or that it lacks sufficient confirmatory data; 3) *non constate de supernaturalitate*, meaning that it is not evident that the alleged occurrence is authentic. Sometimes we hear the categories presented in this way: “worthy of belief”; “not worthy of belief”; “nothing contrary to

the Faith”. To see how this plays out in real situations, consider the following information for the 20th century’s 386 alleged Marian apparitions: The Church has fallen back on the third category for 299 of the cases [77%], that is, a declaration of insufficient evidence in either direction; a negative judgment has been made in 79 instances [20%]; a paltry eight cases [or 2%] have received ecclesiastical approval: Fatima [Portugal]; Beauraing [Belgium]; Banneaux [Belgium]; Akita [Japan]; Syracusa [Italy]; Zeitoun [Egypt]; Manila [Philippines, according to some sources]; Betania [Venezuela]. If we go back farther out, our list is not substantially expanded, as we obtain the following: Guadalupe [1531]; Rue de Bac (Miraculous Medal) and LaSalette [1846]; Lourdes [1858]; Pontmain [1871].

Rahner handles an aspect of this question which most commentators do not take into consideration, namely, that the majority of apparitions are “imaginative”, as opposed to “corporeal”. By that distinction, he does not mean that the “imaginative” are unreal or fictional, but that they are not bodily experiences, thus more spiritual or psychological in scope or even dreams. He also notes that these supernatural occurrences can be viewed from the prophetic and/or visionary elements involved. Some visions or locutions are simply personal or mystical in nature, in the sense that the message or experience is intended for the individual alone [e.g., St. Gemma Galgani], while others are intended to be shared with the community of the Church [e.g., St. Margaret Mary Alacoque]. This latter group Rahner terms “prophetic” because they call for action on the part of people beyond the one directly affected. Hence, what may be initially seen as a “private revelation” [which it always remains] does take on a public or communal dimension—and this is where the hierarchical Church has a special responsibility. Even authentic visionaries have mixed truth and falsehood in their messages; St. Vincent Ferrer and St. Catherine of Siena come to mind as immediate examples of this.

We see this hierarchical principle operative in the Emmaus story. At the end, the two disciples return to Jerusalem to tell the apostles they have seen the Risen Lord, as have the women who supposedly encountered Him earlier at the tomb. Both the male and female disciples alike are confronted with the

assertion: “The Lord has risen indeed, and has appeared to Simon” [Lk 24:34]. Simply put, their “private” experience had to be validated by apostolic authority. In this instance, what they think they saw has meaning because it corresponds with what the Price of the Apostles saw as well. And the Church has used this as a measuring rod ever since.

Earlier on, we considered the fact that miracles had an incarnation dimension to them; Monden reminds us that there is an eschatological element as well. Just as a miracle connects us to the Father’s gracious love in the past event of His Son’s enfleshment, so too does it make us look forward to the end times. When the Chosen People in the desert wanderings were miraculously cared for by God, it made them look forward with confidence and eagerness to the life to which they were called in the Promised Land. Miracles now in the age of the Church should have a similar effect on us, causing us to look forward with enthusiasm and longing for the fulfillment of God’s promises in the life to come.

When we look at miracles from the joint perspective of the Incarnation and the Eschaton, we begin to get some slight clue as to why so many of the visions, prophecies and miracles have a Marian coloration to them, for Our Lady was the very means by which the Incarnation took place and, at the same time, she is the Woman of Revelation 12, clothed with the sun and sign of the Church in glory. Not by chance does the liturgy of Advent direct our attention to both realities: the coming of the Lord at the end of time and His coming as the Babe of Bethlehem; with good reason, do we invoke the Blessed Virgin as Our Lady of the New Advent. As she was intimately associated with preparing Christ’s Body within her womb, similarly is she associated with preparing His Mystical Body, the Church, for that definitive union at the end of time. Of course, Our Lady’s whole life is a constant example of how every member of her Son’s Church should respond to the call of the Gospel, and her material intercession gives us confident assurance that the glory of her Son which she now shares will one day be ours. All this caused Father Monden to dedicate his study to Mary as “the great Sign” of the Apocalypse. With much tenderness, he writes: “I

offer these pages to her whose name is inextricably interwoven with the miracles which have taken place within the past one hundred years.”

Nonetheless we must admit, with some embarrassment at times, that devotees of Our Lady have occasionally caused incalculable damage by their extravagant claims and untheological assertions, father Schillebeeckx, who is rather well disposed toward Marian apparitions, feels compelled to warn that we ought not lose sight of the forest for the trees. He writes: “What we have to impress upon the faithful, the, is that it is a question of venerating the Mother of God herself, rather than ‘Our Lady of Lourdes,’ ‘Our Lady of Fatima’ and so on.”

In this regard, I can recount a somewhat humorous episode from my own experience. I had just taken charge of an old dying parish in the City of Newark, with badly neglected buildings. The church was actually in a shambles and full of horrible statues that were being passed off as religious art. At any rate, more than a dozen life-sized statues populated a tiny sanctuary. Not being an iconoclast, I prudently and devoutly relocated a number of them, especially those which were duplicates of the same saints. A few days later, one of the matriarch of the community accosted me with wild accusations about my being opposed to Marian devotion—even though I had just reintroduced such devotions after a hiatus of twenty years! When I asked her to substantiate her comments, she said I had exiled the statue of Our Lady of Fatima from the church. I told her that there never was such a statue there and that any statue was some place on parish property. Thereupon, I took her to the parish hall, where she frantically pointed to a statue on the stage and screamed out, “There she is!” I calmly indicated that the statue in question was not an image of Our Lady of Fatima but Our Lady of Lourdes. Puzzled beyond imagining, she blurted out, “No wonder, my prayers haven’t been heard for years—I’ve been praying to the wrong one!” Funny, yes, but also a bit sad.

And so, Schillebeeckx is right to urge preachers and teachers to exercise good theological and pastoral sense in presenting information on apparitions,

avoiding the construction of doctrinal conclusions from private apparitions—even approved ones. He stresses the need for preachers, precisely as proclaimers of public revelation, to shy away from a too-ready identification with private identification with private revelation, especially when it does little more than arouse human curiosity, let alone when a kind of spiritual “blackmail” begins to surface; that is, the insinuation that refusal to cooperate with the demands of the visionary could or would lead to spiritual ruin. A classic example of this can be found in the pages of *The Fatima Crusader*, which recently listed nearly seventy television stations which carry Father Gruner’s threatening and anti-hierarchical programs, as well as provocative ads with headlines like, “Do You Wonder Why There’s a War in Kosovo?” and going on to explain that Fatima is “the only way to world peace.”

Schillebeeckx maintains: “. . . it is positively wrong to talk more about Fatima in a sermon than about Our Lady herself, the Mother of God.” He also cautions against making acceptance of various supernatural phenomena “acid tests” of orthodoxy. Rightly does he declare: “To give the laity the impression, in sermons of this kind, that there is something wrong with them, that they are failing in true devotion of Mary, if they do not concern themselves with private revelations and so on, is to go counter to the mind of the Church.”

While our treatment of the miraculous cannot hope to complete, we should at least allude to the possibility of supernatural happenings which have diabolical origins, such as hauntings or possessions or satanic pseudo-prodigies. We should also note in passing how unusual it is to encounter miracles wrought or even alleged to have wrought outside the Catholic Church. We cannot help but be fascinated by the fact that certain marvels like the cures of Lourdes and the Shroud of Turin have been the object of as much interest among non-believers and among the scientific community as they have among the faithful. However, idle speculations should never be fostered, lest we lose sight of the wisdom of the line which opens that all-time favorite film, *“The Song of Bernadette”*: “For those who believe in God, no explanation is necessary. For those who do not

believe in God, no explanation is possible.” Yet we are also compelled to recall that the Church still insists on miracles as positive signs of personal holiness as she goes about the process of canonization for one who was not a martyr, this intended as some sort of “divine seal” or confirmation of the person’s heroic virtue, even though this requirement can be dispensed by the Pope for good reason.

Conclusion

Perhaps we may sum up our reflections in this way: The Church believe in miracles—past, present and future—because she believes in the God of Revelation and in the mystery of the Incarnation. She is also very wary about those who claim to be recipients of such special divine visitations and equally of those who hanker after them. This is truly a *via media* which many within the Church and without find difficult to appreciate. What inspires this position? I suspect it is the thought of St. Augustine, which is encapsulated in lines like these: “That Christ Our Lord became man ought arouse in us more joy and mor wonder than to behold divine prodigies wrought among men.” He explains his stance in this way: “Those who were cured of blindness by Our Lord and Savior Jesus Christ, during His life on earth, have long since closed their eyes in death; those whose withered limbs were restored in

time have again yielded them to the dissolution brought by death; every cure of mortal members, granted in time, has in time fallen away; but the soul which has believed has passed over into the life that is eternal.”

This same mindset inspired Cardinal Newman to encourage his listeners to be grateful for the miracles which are theirs for the asking every day: “Ours are invisible, and are exercised upon the soul. They consist in the sacraments . . . the supernatural works [God] does towards us are in the heart, and impart grace; and if we disobey, we are not disobeying His command only, but resisting His presence.” He, who wrote so convincingly of miracles, chided his congregation for “covet[ing] some miraculous warning” of for “look[ing] forward for a time when religion will come easy to us.” He says, “...instead of looking for outward events to change our course of life, be sure of this, that if our course of life is to be changed, it must be from within.” He concludes his sermon with words we need to ponder: “Let us understand that nothing bu the love of God can make us believe in Him or obey Him; and let us pray Him, Who has ‘prepared for them that love Him, such good things as pass man’s understanding, to pour into our hearts such love towards Him, that we, loving Him above all things, may obtain His promises, which exceed all that we can desire.”

To which, we should respond with a hearty “Amen.” ☩

PRESIDENT’S LETTER

Editors Note: The following letter from the FCS President to Archbishop Pilarczyk was published in the last Quarterly. Several readers asked whether any response was received from the addressee, or those to whom copies were sent. Here we print the entirety of that response, following the letter to Archbishop Pilarczyk.

August 31, 2000

Most Reverend Daniel Pilarczyk
Archbishop of Cincinnati
100 E. Eighth Street
Cincinnati OH, 45202-2129

Dear Archbishop Pilarczyk,

I read with interest, and dismay, the news about consultants to the *Ex Corde Ecclesiae* implementation committee which you now chair. I am interested because, as a Notre Dame faculty member specializing in the law of Church and state, implementation of ECE is a matter of personal and professional importance to me. I am

disappointed because, as President of the Fellowship of Catholic Scholars, I discovered *only* from the news reports — and not from any representative of your committee or any other episcopal or NCCB source — that Catholic learned societies were invited to nominate consultants. I wonder why the Fellowship was never asked for any input whatsoever.

The explanation cannot be because of suspect views about implementing ECE. From the first the Fellowship as a corporate body, and its individual members, have called for implementation of ECE along the lines finally established by the bishops

last November. None of the groups invited to nominate consultants has nearly this record of support, which the Fellowship has earned by hard work and constant witness. I wonder why several societies with (at least) mixed records of support for ECE and its implementation were invited to nominate consultants, while the Fellowship was not.

It cannot be that the Fellowship is a negligible group. We have nearly a thousand members world wide, with chapters in several foreign lands. Our members here in the United States include leading Catholic academics at Catholic *and* secular universities. Among them are Mary Ann Glendon of the Harvard Law School, Elizabeth Fox-Genovese of Emory, Robert George of Princeton, John Finnis of Notre Dame (and Oxford), and Ralph McInerny of Notre Dame. Many college presidents and deans are FCS members, as are numerous heads of Institutes and Study Centers.

I wonder then why the Fellowship of Catholic Scholars was wholly shut out of the process? We surely possess relevant expertise. Many members of the FCS, including myself, have published commended articles and studies about ECE. In doing so they have earned the praise and thanks of many members of the American hierarchy. Many of our theologian members are scholars of the first rank with long and varied experience in Catholic higher education. Any of them would have gladly served as consultants. Perhaps a civil lawyer who specializes in education law or in constitutional law would have been an asset to the committee. We count as members many with such expertise. They, too, would gladly have served.

Archbishop Pilarczyk, I really am puzzled and disappointed at this neglect of the Fellowship of Catholic Scholars. Even so, at this late date, we stand ready to serve.

Respectfully in Christ,

Gerard V. Bradley
Professor of Law

cc. Cardinal Bevilacqua
Bishop Braxton
Bishop Doran
Bishop Wuerl

September 6, 2000

Professor Gerard V. Bradley
President
Fellowship of Catholic Scholars
Notre Law School
Notre Dame, IN 46556

Dear Professor Bradley:

Archbishop Pilarczyk has asked me to acknowledge your letter of August 31, 2000, regarding the Committee which he is chairing. The scope of this Committee's work is quite limited. Its charge is to develop procedures for the granting, withholding and withdrawal of the *mandatum*. That is the only aspect of the Application of *Ex corde* that falls within the responsibility of the Committee.

With that in mind, you are free to submit your ideas on this specific issue to Archbishop Pilarczyk for the Committee's consideration, if you wish. It is to be hoped that the *mandatum* will serve to foster a fruitful dialogue between Bishops and theologians.

With prayerful best wishes,
I remain

Sincerely yours in Christ,

Rev. Msgr. John Strykowski
*Assistant Secretary for Catholic Higher
Education and Campus Ministry*

cc: Archbishop Pilarczyk

G.E.M. Anscombe (1919-2001)

The death of Elizabeth Anscombe (on 5 January) within days of that of W. V. Quine saw the passing of two giants of twentieth century English-language philosophy. United in their attachment to rigour, to a belief in the importance of logic, and to a conviction that philosophy had been transformed by the work of Gottlob Frege, the philosophies of Quine and Anscombe could not have been more different: he, one of the foremost proponents of scientific materialism; she, a convert to Roman Catholicism and a keen advocate of theological orthodoxy.

G. E. M. Anscombe was born on 18 March 1919 the youngest of three children and only daughter of Alan Wells Anscombe, a science master at Dulwich College in South London, and of his wife Gertrude Elizabeth, after whom she was named. She went up to Oxford in 1937 as a Scholar of St Hugh's College where she read Greats (Classics and Philosophy) and in her first year converted to Catholicism. Shortly thereafter she met another philosopher convert, Peter Geach, whom she married on Boxing Day 1941 (and with whom she was to have three sons and four daughters). The same year in which she graduated with a First (secured by the brilliance of her philosophy scripts and in the face of her apparent ignorance of ancient history). She retained her maiden name and was generally referred to as "Miss Anscombe"—even by Geach.

In 1942 she crossed to Cambridge to become a postgraduate at Newnham College. It was in Cambridge that she met

Wittgenstein whose lectures she attended, becoming increasingly enthusiastic about his revolutionary ideas. By 1946 she had returned to Oxford as a research fellow at Somerville College (where she remained in one or another capacity until her appointment to the Chair of Philosophy at Cambridge in 1970). She maintained contact with Wittgenstein, however, traveling to Cambridge once a week. In the course of that year (1946–7) they became close friends. Obsessive about the originality of his own thought and somewhat misogynistic, she was one of the few academics Wittgenstein ever rated, and he would address her affectionately ‘old man’. Although he is quoted by Norman Malcolm as saying of Anscombe and of another philosopher convert, Yorick Smithies, that he “could not possibly believe all the things they believe” in his final year, when he knew he was dying, Wittgenstein asked Anscombe to put him in touch with a “non-philosophical priest”. Notwithstanding that she effected the introduction, she never presumed that Wittgenstein had returned to the faith of his childhood.

Preparation for the task of translating Wittgenstein’s work (written in German) had begun while he was still alive but now she and the other two literary executors and editors (G. von Wright and Rush Rhees) set about the project of bringing material to publication. Anscombe took the lead in this, and the appearance in 1953 of her translation of Wittgenstein’s masterpiece *Philosophical Investigations* was, without any question, one of the major turning points in twentieth century philosophy. This was followed by

her translations of other works: *Remarks on the Foundations of Mathematics* (1956), *Notebooks 1914–16* (1961), *Zettel* (1967) and (with Denis Paul) *On Certainty* (1969). She also concerned herself with Wittgenstein’s earlier philosophy, publishing *An Introduction to Wittgenstein’s Tractatus* (1959), and with Geach translated work of Descartes, *Philosophical Writings* (1954), the figure whose idea were among the main targets of Wittgenstein’s criticisms.

Anscombe’s appreciation of philosophers with whom she disagreed profoundly (principally Hume) was marked, as was her range. She could write authoritatively, using her own translations of Plato, Aristotle, Anselm, Aquinas, Descartes, Frege and Wittgenstein. But first and foremost she was neither an historian, a translator, nor an editor, but an original philosopher. Her short book *Intention*, first published by Blackwell in 1957 and republished by Harvard in 2000, is universally regarded as a classic account of the nature of intentional behaviour, and as the founding text of the theory of action. Donald Davidson wrote of it that “Anscombe’s *Intention* is the most important treatment of action since Aristotle”.

Her 1958 article “Modem Moral Philosophy”, which introduced the term “consequentialism” into the English language, resulted from reading done in preparation for tutoring the subject in Oxford and was originally given as a general talk. Yet it is rightly credited as being the principal cause of the revival of an ethics based on virtue rather than on rule or outcome. Likewise, “Causality and Determination”, her inaugural lecture as Professor of Philosophy at

Cambridge, (the position once held by Wittgenstein) subverted, and some believe refuted, a centuries’ old orthodoxy about the nature of causation, *viz.* that it is essentially necessitarian and/or lawlike.

For than most part Anscombe’s work was highly academic, usually difficult to comprehend, and often combative in expression. It sometimes took readers years to see the point of what she was arguing, but this was because she always took on the hardest problems and had no time for slick presentation. Rush Rhees quoted Wittgenstein as often saying “go the bloody *hard* way”; this is a direction Anscombe appears to have taken to heart. She is reported to have said to A.J. Ayer “if you didn’t talk so quickly, people wouldn’t think you were so clever” – though, in fairness his reply should also be quoted: “if you didn’t talk so slowly, people wouldn’t think you were so profound.” From my own experience, as chairman of a meeting where the following exchange occurred, I can recall, in response to a (fairly feeble) objection voiced along the lines “but might someone not say...”, her replying that “fools may say anything.” Silence ensued.

From her student days she had discussed and written about issues of moral, political and religious interests. In 1939 she coauthored a highly controversial pamphlet predicting that Britain’s conduct in the second World War would be unjust, and in 1956/7 she protested the award by the University of Oxford of an honorary degree to President Truman, charging that he had commanded the murderous use of nuclear weapons against innocent Japanese civilians. Perplexed by defenders of Truman she came to the conclusion that they

failed to understand the nature of his actions, and it was this that led her to write *Intention*, in which she pointed out that in doing one thing (moving one's hand) one may intentionally be doing another (directing the death of human beings).

In 1947, in debate with C.S. Lewis at the Socratic Club in Oxford she demolished his favoured argument against "the self-refuting character of naturalism". Where lesser minds viewed this as giving comfort to the enemy (atheism), Anscombe characteristically saw herself as simply exposing bad argumentation. Her own verdict on the event "that it was an occasion of sober discussion of certain quite definite criticisms, which Lewis's rethinking and rewriting showed he thought were accurate" seems the correct one. In any event, no-one could seriously doubt her belief in the value of Christian apologetics if they read the likes of her pamphlets on *Transubstantiation* (1974), and on *Contraception* (1977), where she argued passionately

in favour of traditional Catholic teachings,

In 1967 Anscombe was elected Fellow of the British Academy. She subsequently received a number of other distinctions including foreign honorary member of the American Academy of Arts and Sciences, and in 1999 (along with Peter Geach) a Papal medal *pro Ecclesia et Pontifice*. Two collections of papers were dedicated to her: *Intention and Intentionality* (1979) and *Logic, Cause and Action* (2000), and together with Geach she was the recipient of a volume of essays *Moral Truth and Moral Tradition* (1994) published to honour their fifty years of marriage. One of her last pieces of philosophical writing was "Russell or Anselm?". *Philosophical Quarterly*, 1993, in which she argued that Anselm's argument of *Proslogion 2* could be saved "from the stupidity of an Ontological Argument" by deletion of a comma. She argued that in "*Si enim in solo intellectu est, potest cogitari esse et in re. quod maius est*"

the last (editorial) comma ought to be omitted - in which interpretation (as "if that than which nothing greater can be thought of exists only in the mind, something which is greater can be conceived to exist also in reality"), the argument does not treat existence as a property of objects and so does not fall foul of Kant's famous objection. The scholarship, imagination and boldness were characteristic of her work as a philosopher.

In her anthology *Women Philosophers* (1996), gathering work from the seventeenth century to the present day, Mary Warnock describes Anscombe as "the undoubted giant among women philosophers". She certainly has a good claim to be the greatest woman philosopher of whom we know, and to have been one of the finest philosophers of the twentieth century.

John Haldane
University of St. Andrews
Scotland

BOOK REVIEW

Joseph A. Varacalli, *Bright Promise, Failed Community: Catholics and the American Public Order* (Lexington Books, 2000, 131 pp., \$45-00)

Someone has called Professor Varacalli "probably America's premier Catholic sociologist." I don't know about that, because I'm vintage Msgr. Paul Hanly Furfey, and out of touch with sociology as it is today. But I have known Dr. V. since his graduate study days at Rutgers and have followed closely his productive teaching and writing career. Anyone his age who has at least four heavy

books to his name, and 250 articles, is obviously not an idler. His status at the State University of New York (Nassau) is secure, as evidenced by his success there in creating a Center for Catholic Studies.

What impressed me thirty years ago about this aspiring social thinker—beside his brains and his sincerity—was his fervent Catholic faith. He was interested in the Church's piety. He was also anxious about the secular world's deleterious influence in that piety. By then, he was a serious advocate of Catholic social teaching.

The theme of *Bright Promise* is

that Catholic social teaching is not making a significant impact on the American public square. This failure is due to widespread dissent within Catholic institutions that were created by saints to carry the *evangelium* to unbelievers. Those pioneers built a Church "better than they knew" (Shaughnessy). With a "plausibility structure" that made Catholicity intelligent to its constituents and respected, if not admired, by secular elites. If today there is a rising culture of death in American society, it is due as much to the collapse of the Catholic "plausibility structure" it took a

century to build, as to secularist success. In other words, we had some social influence then (e.g. Legion of Decency, various racial and labor apostolates), when allegedly we were ghettoized more than we exercise today.

Dr. Varacalli makes six other ancillary points:

1. We need a Catholic moment in the public square, and it must be truly Catholic.
2. He has differences with Fr. Richard Neuhaus which he spells out in detail.
3. He is unique to the extent that he uses sociologized analysis almost exclusively to validate his theories, buttressing the argumentation customary among historians and theologians.
4. The failure of vision and nerve in Catholic leadership is amply treated in Chapter 10.
5. American culture still lives off its Protestant origins and needs more than natural law philosophy to make a Catholic moment possible for the United States.
6. The opportunities and difficulties in reshaping American society—almost military at times—are not neglected (Chapter 6).

Professor Varacalli writes a small and expansive book in weighty prose. He is on to a critical Catholic question: how to “make disciples of all nations” in Christ’s mode. How to avoid the gates of hell winning, and the end of effective Christianity. He has great faith.

In the 1950s an old generation thought that faith had nothing to do with sociology. Fr. Furfey saw the collapse of his *American Catholic Sociological Society*. A generation later along came Joe (with Steve Krason) to create *The Society of Catholic Social Scientists* (1992) and

to serve as first editor of *The Catholic Social Science Review*. He had previously served on the Board of Directors for the *Fellowship of Catholic Scholars*.

In other words, Professor Varacalli is worth knowing and reading.

Msgr. George A. Kelly

Bush, William. *To Quell the Terror: the True Story of the Carmelite Martyrs of Compiègne*. (Washington, D.C.: ICS Publications/ Institute of Carmelite Studies. 1999. Pp. xxiv, 243. Paperback.)

Sixteen Carmelite nuns were guillotined on a hot July night in 1794. Their story is presented by a professor of French literature who, as a fervent Eastern Orthodox Christian, has a particular interest in the theme of martyrdom.

In a deliberate act of community or corporate martyrdom, the nuns make a sacrifice of their lives for a two-fold intention. First, to meet the eternal Bridegroom to whom they have dedicated themselves, but also as a petition to God to bring peace back to France and to intercede for so many others imprisoned and condemned. Mysteriously, ten days after the nuns died, Robespierre fell from power and the Great Terror ended. The nuns could have saved themselves, but chose to die instead. The crowd who watched them mount the scaffold was moved in a way which was not typical for those who beheld such routine executions. The Carmelites sang psalms and canticles until finally the last one, the prioress, was herself si-

lenced by the guillotine.

Surely between the seventeenth-century Jesuit saints of New France and the newest French saints of the Boxer Rebellion era, there is no more moving account of voluntary martyrdom than that of the Carmelites of Compiègne. Professor Bush has researched their individual backgrounds from a variety of contemporary and later sources. But the collective nature of this sacrifice is the most important aspect of it. They had been condemned as fanatics. The Public Prosecutor of the Revolutionary Tribunal was unwilling to define for the nuns what “fanatic” meant, but eventually he admitted that it was their “attachment to their religion” [p. 63] which made them criminals and annihilators of public freedom. Thus, they are true martyrs for the faith despite anything else which might be said of their breeding, social class, or political preferences. The clarity and perfect freedom of their self-oblation struck the officials of their time as a waste, as it does to the officials of any age who see faith itself as a waste. But the French nuns in the Teresian tradition saw themselves as missionaries and witnesses to truths which could not be attested to in any other way than by a transcendent defiance of death. [There is one curious error on page 111 in the reference to the abbé Aimé Guillon’s book *Martyrs for the Faith* published in 1821. The text should read it was dedicated to Pius VI, not Pius XI.]

*Reverend Brian Van Hove, SJ
The Pontifical College Josephinum
Columbus, OH*

On the Retirement of Ralph McInerny from the Editorship of the FCS *Quarterly*: No Mere *Ave Atque Vale*

by Msgr. George A. Kelly

Ralph McInerny would today be a Papal Chamberlain to John Paul II, if I had my druthers. It will never happen, of course, because Papal Chamberlains for distinguished laity went out with Vatican II. (Replaced by a title that sounds very British, like “the Pope’s Gentleman.”) I fondly remember Al Smith, Papal Chamberlain to Pius XI, flanking Cardinal Hayes in St. Patrick’s Cathedral at Sunday High Mass. Al looked resplendent in his fancy striped black pants, red military jacket with its impressive piping, and his papal sword. Quite properly, the Church recognized his status as the eminent Catholic layman of his day, one who, while running for President in 1928, suffered for his faith during a virulent anti-Catholic crusade.

Ralph McInerny, on the other hand, has done more for the Church than Al Smith, God bless the famous Governor. And he will never be a Papal Chamberlain. To simply call him a “Gentleman” would be redundant.

I knew Ralph only by reputation before he became a *Fellowship* star. Anyone who headed up the Maritain Center at Notre Dame University had to be a somebody. A Fulbright Scholar, who had written extensively on Thomism, and argued that you couldn’t be a good Catholic theologian if you weren’t also a good philosopher, was hardly a nobody. But I did not know that his wife’s name was Connie, nor that he was the father of six children. No idea, either, of his Father Dowling books until that fictional priest hit the television screen with a girl scout nun at his side. His creation of *Crisis* magazine in 1982 (as *Catholic Dossier* in 1994)

transported him to a special place in the ranks of Catholic apologists. And eventually led him into the *Fellowship of Catholic Scholars*.

In *Fellowship* circles he was a “quiet man” when, out of nowhere, at a March 1991 meeting of Directors, he was nominated to be President. He didn’t win in a walk, but once he assumed the Presidency he lasted four years. Then, in 1993, when the *Fellowship Newsletter* severed its connection with St. John’s University, McInerny, sensing the need of a university base for that publication, accepted the *Newsletter* as his own and became its second Editor. Within short order the *Newsletter* became a *Quarterly*, and the Catholic community began to take the *Fellowship* more seriously.

We need not remind ourselves that respect comes with accomplishment, and McInerny surely commands respect. Not only for six volumes of Aquinas Commentaries on Aristotle, but for involvement in translation of twenty volumes Jacques Maritain. And for being a first-rate novelist. His recent *Book of Kills* explores the mysteries lurking on the Notre Dame campus, without explaining all of them, of course.

It is as a Catholic apologist that I came to know him best—an intellectual who, like Justin Martyr in the Church’s second century, could dialogue effortlessly with the rich and the powerful. Still, his questions were simply stated, and his answers direct. Like the following:

“Can one claim to be a Catholic while rejecting the moral magisterium of the Church? No. Is human freedom to be measured by objective truth and God’s will? Yes. Can dissenting theologians or institutions retain the Catholic

adjective? No.”

Ralph could also be blunt.

Once in *Crisis* he asked:

“Why in the name of God should a Roman Catholic theologian have trouble declaring himself loyal to the Vicar of Christ on earth? He is ashamed to because—here is the tragic truth—to do so would be a lie.”

His first message to the *Fellowship* as President touched significantly on the Church’s modern martyrs. *Alibi aliorum plurimorum sanctorum*. Nuns and priests who were being punished within their own institutions precisely because they taught and lived the teaching of the Church. Suffering at the hands of “little Hitlers, engaging in their version of Kristalnacht, wiping out the orthodox, making the scene safe for dissent.” McInerny himself did not escape bad-mouthing. In 1989 the NCCB’s president appeared before the convention of the *Catholic Theological Society* (hardly a font of orthodoxy) to complain: “Very bluntly, I think the Church in the United States suffers from too many anxious, warning voices that would divide bishops from theologians.” Among those who, he thought, “created a cloudy fear that would poison the air in which we do our work,” was Ralph McInerny.

With credentials like these on the record, we say: “Go Professor McInerny to a new dawn for the *Fellowship* and the Catholic Church. Thank you for giving us Gerry Bradley as your successor. By all means, *Ave Atque Vale* to you and Connie. But with God’s blessing, the best reward of all, and the respect and the affection of 1000 *Fellowship* friends.”

24TH ANNUAL MEETING OF THE FELLOWSHIP OF CATHOLIC SCHOLARS

Program Committee:

Rev. Peter Ryan, S.J. (chair)

Brian Benestad

Rev. John Rock S.J.

DoubleTree Hotel

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