

Easter

Gerard V. Bradley

It's Good Friday morning, and the newspaper is full of the news from California, about the mass suicide among members of "Heaven's Gate." The cult's beliefs were described by the New York Times's religion reporter as a "skeletal Christian framework" fitted out with "the flesh of a wholly new set of beliefs." So it seems. Imagine a Christian vocabulary (and, perhaps, some Christian concepts) grafted onto a distinctly gnostic metaphysics—with the grafter in the grip of an imagination determined by Star Wars. The 39 cultists took their leave of this world—headed to the "Next Level"—because (as they put in their suicide notice on the Internet) the comet Hale-Bopp was the awaited "marker," that the spacecraft to take them home was at hand.

There is more to the cult's story, including a role for Jesus as a kind of divine messenger, all very sci-fi. Another "interpretation" of Christianity? More sensational than most? We live amidst the rusting superstructure of a Christian society; the infrastructure transformed by so many "interpretations." Gnostic metaphysics (which Heaven's Gate members embraced) changed the Gospel. So did Schliermacher in the last century: once Christian doctrine was transposed from propositional truth into the categories of the heart, it was, well, a different Gospel. Now, we live in a political culture shaped by the demands of the autonomous subject.

The juxtaposition of all this and the rhythms of the Triduum is jarring, and saddening, but it also reminds us to give thanks to God, for sending his Son to save us, and to found a Church with Peter at its head. Last night, the Eucharist; the day after tomorrow, the Resurrection. In fifty more days, the birthday of the church. The body of Christ passing through history—wobbling at times, to be sure, and never as pure and as solid as it should be—not our spaceship: the Ark of Salvation. ☩

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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Reflections on the 50th Anniversary of the Nuremberg Doctors' Trial

Eugene F. Diamond, M.D.

The 50th Anniversary of the Nuremberg Doctors' trial is an occasion for reflecting on the true meaning of the verdicts in the trial and for deciding whether the outcome has had a lasting impact on medical ethics and human rights. One of the dangers in considering the historical significance of these trials is that we will consider the actions of the Nazi doctors to have been an isolated aberration derivative of the excesses of the Third Reich. If we are secure in our opinion that such medical atrocities are impossible in well-ordered societies governed by the rule of law, we will have missed an important lesson.

What happened in the Nazi euthanasia and sterilization programs was not against the law in Germany. The Nuremberg tribunal was an international court convened by the victorious nations after the war. Had there been another outcome, the Germans as a victorious nation would surely not have accused themselves of crimes against humanity. When the Allied armies liberated the Nazi death camps, the processes of justice and accountability were placed in motion to their inevitable outcome in Nuremberg. When genocide was committed by the Turks against the Armenians, by the Russians against the Ukrainian Kulaks, or by the Nigerians against the Ibos, the only trials were belated complaints in the courts of public opinion. It becomes increasingly obvious that the perpetrators of Serbian ethnic cleansing will suffer only the wristslap allowed by political expediency.

The sterilization programs and the euthanasia programs were separate from the Holocaust. When the German sterilization programs were publicized before World War II, they were praised, not condemned, by Social Darwinists in

the United States.¹ The origin of the euthanasia movement was the official approval given by Dr. Karl Brandt, Hitler's personal emissary, for the killing of the multiple handicapped Baby Knauer. The lesson of Baby Knauer was obviously lost on the attending physicians of Baby Doe in Indiana. When Dr. Andrew Ivy, as an expert witness for the prosecution at the Nuremberg trials solicited the AMA for its position paper on the protection of human subjects, he was dismayed to find that there was no such document and that it would be necessary to improvise a post-facto statement for use in the trials.³ Now we have the Nuremberg code and the more explicit Declaration of Helsinki, but we continue to have exposés of activities which contravene the principles of one or both sets of rules. The Willowbrook experiments,⁴ the Tuskegee experiment,⁵ the sterilization of the Reif sisters in Alabama,⁶ the decapitation of liveborn infants by American researchers in Finland,⁷ and a long list of questionable military personnel experiments have been exposed.⁸

In most of these experiments there has been a preliminary process of what Erikson has called "pseudospeciation" in which other human beings have been redefined as belonging to another species. The "Untermenschen" of the Dachau experiments are joined by the retarded children of Willowbrook, the syphilitic black men at Tuskegee, the allegedly promiscuous welfare recipients in Alabama, aborted children in Finland and the disadvantaged military enlisted: all to be defined out of existence as protected experimental subjects. Although the euthanasia programs and the genocidal holocaust were separate, they were not unrelated. Direct medical killing is a prefiguring or rehearsal for killing on a larger scale. The reciprocal seems also to be true. Life cheapened by the mass killings of the death camps was easily

nominated for the research of Dr. Mengele because the research subject would "die anyway." Millions of abortions have the cumulative effect of conditioning the scientific community to justify highly questionable fetal experimentation.

Two fundamental philosophical positions come in to play when the issues of protection of human subjects, including preborn children, are debated. One position would assert a transcendental view of human life at all stages of life's continuum — embryonic, fetal, child, adult. Life at all stages, in this view has an *intrinsic* and unquantifiable value. This value transcends the real or alleged values of experimentation and research. If a human is deformed, dying of a fatal disease, or previsible, the ontological goodness of his being is still intact.

The other position would consign to human beings values that are extrinsic. Each human life is not an end in and of itself but rather a means to another end which is the good of the society. Extrinsic value is not a *per se* condition of life and some are said to lack it.⁹ From the totalitarian view that the individual exists for the society one can conclude that experiments can be performed on a member of this generation in order to benefit the members of future generations. An experiment performed on a pregnant woman scheduled for abortion may help a "wanted" child to have a better chance of survival. Lives which grossly lack "quality" (e.g. Tisomy 21) should be terminated early for their own and Society's good.

Fetal experimentation has become the paradigm for the conflicted protection of human subjects for experimentation. How can the conflicts raised by the philosophies of intrinsic vs. extrinsic value of human life be reconciled in this most sensitive arena? One essential first step is to treat the previsible child delivered by abortion the same as any other subject for human experimentation. The original Presidential Commission on

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fetal experimentation declined to do this. It recommended different rules for non-therapeutic, greater-than-minimal risk experimentation on fetuses to be aborted in contrast to fetuses to go to term.¹⁰ It overruled a minority report by Louisell which said no research should be permitted on a fetus to be aborted that could not be permitted on one to go to term. It even invented different names for the two

classes. It called the subject for experimentation a "possibly viable human infant" if it was not aborted and a "possibly viable fetus ex-utero" if it had been aborted. Since "fetus" is a term to describe a stage of intrauterine life, "fetus ex-utero" is a contradiction in terms. One may reasonably suspect that this oxymoron was invented out of reluctance to humanize the product of an abortion.

Likewise the issue of consent is very tenuous in the area of fetal experimentation. If the decision for abortion is accepted as a resolution of a conflict concerning the rights of the child, then it must be admitted that the mother who chooses abortion has demonstrated her willingness to prefer her rights to those of the child. Parents who give proxy consent to experimentation on their children are usually accepted as having affectional bonds to their children. Such bonds would be highly dubious in the mother who gives consent for experiments on her live aborted offspring.¹¹

Non-therapeutic fetal experimentation violates the consent principle of the Nuremberg code as well as its principles regarding the protection of the experimental subject from harm and death (principles 4,5,6,10).¹² Article III-1 of the Declaration of Helsinki states, "In the purely scientific application of clinical research carried out on a human being, it is the duty of the doctor to remain the protector of the life and health of that person on whom research is being carried out." Non-therapeutic fetal experimentation violates this principle clearly. The most dramatic violation

would be those experiments in which human life is begun by in-vitro fertilization in anticipation of its being experimented on and then killed. Articles I-3, and III-3b, and III-4b of the Helsinki Code are also germane to the types of fetal and newborn experiments which have brought criticism.

The various scientific panels convened by HHS for the purpose of establishing rules for fetal experimentation have averted their gaze from the standards of the Nuremberg and Helsinki Codes. This is based on the questionable notion that abortion has displaced all preborn abortion candidates and all newborn pre-viable aborted infants outside the realm of legal protection as experimental subjects. While such standards are observed and defended within the scientific community, we must presume that the lessons of the Nuremberg Doctors' Trials remain unlearned and unheeded. ✘

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Notes

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3. "Supplementary Report of the Judicial Council," JAMA 132:1090, 1946.
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12. *The Nuremberg Code* 276:1691, 199

Alliances and a Tapestry in Switzerland

Brian Van Hove, S.J.

Concerning the conduct of the war in the Low Countries, we find in the fourth volume of the correspondence of King Philippe IV of Spain the reference for the proposed possibility of an alliance with England in 1652. The following sentence from April 27 of that year encapsulates the situation: "Le Roi répond que la question demeure en suspens parce que bon nombre de théologiens mettent en doute si on peut faire alliance avec des hérétiques pour attaquer un roi catholique".¹ The "roi catholique" in question was, of course, Louis XIV, who was only fourteen years old. His mother, Anne d'Autriche, and Cardinal Mazarin, ruled in his place. It was called The Regency.

But Bishop Jansenius in Ypres had already written, as early as 1635, a work which criticized French foreign policy for its alliance with heretics against the King of Spain. His *Mars Gallicus* was published with Cardinal Richelieu in mind. The Jansenist party got its start in politics with this problem of conscience, that God's law should be higher than man's. This aspect of the Jansenist-Jesuit conflict pre-dates the publication of the *Augustinus*, which only appeared in 1640 in Louvain. From the time of St. Ignatius, who in 1553 approved of a Jesuit Confessor for the King of Portugal, Jesuits served as Confessors to many Courts, including the Court at Versailles. Therefore, since the Jesuit Confessor was responsible for advising the monarch, he must be in part guilty for consenting to alliances with heretics and attacks upon Catholic governments by other Catholics.

Confessors to kings were not just "chaplains"

or almoners. They worked much like cabinet ministers in our day, and managed affairs where church and state intersected. We might label their position as a kind of “Secrétaire d’État des Affaires ecclésiastiques” or “ministers for ecclesiastical affairs.”²

When the *Mars Gallicus* was written, Charles Paulin, SJ, was royal Confessor in France.³ When Louis XIV reached the age of sixteen, and after the death of Paulin, a new Confessor was appointed in April, 1654. The King was officially crowned in June of that year. The new Confessor was the former Jesuit Assistant-General for France, François Annat, SJ, sometimes recognized by his Latin name which he often used, “Franciscus Annatus.” He continued in office until his death at the maison-professe in Paris in 1670.

Many times, historians refer to the “great” Confessor to Louis XIV, who was Père François d’Aix de la Chaize. He held office between 1675 and 1709, which took him nearly to the end of the reign.⁴ Perhaps Annat was somewhat overlooked, though he had been in direct controversy with Antoine Arnauld and Blaise Pascal who refers to him by name in the *Provincial Letters*. Jean Racine mentions Annat several times in his *Abrégé de l’Histoire de Port-Royal* (1693-1695).

Only in 1974 and 1975 did Lucien Ceysens publish two articles on the subject of Annat, especially his role in the Jansenist conflict.⁵ Many of Ceysens’s ideas came from the work of M. le Chanoine Léon Roques of Rodez, Aveyron, France. Roques spent a lifetime collecting information on Annat, but never published. He died in 1946. All his notes are currently in the Diocesan Archives at the Évêché de Rodez.

I traveled to Rodez in May, 1994, to study the Roques notes. One of my findings included information on a tapestry purchased by a Swiss foundation, the Gottfried-Keller-Stiftung, in 1896. It was in the Gobelins series, “Histoire du Roi”, and was manufactured in Paris in 1665 after a painting by Charles Le Brun. It is #11 out of a set of fourteen. This tapestry is the only verified image we have of François Annat, SJ, the second

confessor to Louis XIV.⁶

In January, 1995, I spent a week in Zurich investigating the tapestry. Its measurements are 387 x 585 cm! Then it was rolled up and in the work-atelier being prepared to be sent to Mechelin, Belgium, for conservation. This means “a light washing” as contrasted with restoration, a more radical process. Even so, photographs were taken by the museum through the years, including a new set in the fall of 1994.

What I also learned was that commemorative medallions and gravure-style prints were also made of portions of the tapestry. All of them show Annat and King Louis XIV at an event in Swiss history, the Alliance of November 18, 1663, celebrating the union of the Swiss and the French.

Perhaps the most important symbol in the visual scope is the position of Annat. He is standing directly behind the Sun King, almost “steering” him to face the Swiss Protestants. Of course our view does not pretend to be historical, but rather symbolic of the meaning of the occasion. The influence of the Confessor is unmistakable, and this Jesuit ex-Provincial is therefore underscoring the fact that the monarch has a clear conscience in signing an accord with heretics. Annat was a well-published theologian who had been professor of both philosophy and theology in Toulouse. After St. Vincent De Paul, Annat is one of the better-known members of the “conseil de conscience” which advised the king on religious affairs. This “conseil” had been formed at the order of Anne d’Autriche in 1643, suspended during the Fronde, and reconstituted again later. George Minois’s opinion, though, is that the king had a mind of his own, and the counsellors were more faithful bureaucrats than objective consultants. They were not free.

Let us return to the tapestry and the characters we see. Obviously, in the back of their minds is the humiliation of Spain. As Claude Lapaire writes:

L’ambassadeur de France en Suisse, chargé de négocier le renouvellement de l’alliance, n’avait donc pas la tâche facile. Le marquis Jean de la Barde,

conseiller du roi, était arrivé à Soleure comme ambassadeur ordinaire en 1648. Brienne, le secrétaire d'État aux affaires étrangères, lui avait dit, en l'envoyant en Suisse, que 'la fin de l'ambassade en Suisse est de divertir cette nation de ne rien faire en faveur de l'Espagne, ni au préjudice de l'alliance de France et d'en tirer des hommes pour le service du Roi.' C'était plus facile à dire qu'à faire, si l'on songe aux dispositions dans lesquelles étaient les Suisses.⁷

The Alliance with the Swiss was a real defeat for Spain which, by the next century, became merely a second-rate power.

But if Philippe IV of Spain had scruples about making treaties with Protestants, Louis XIV surely did not. He entertained the delegates, headed by Heinrich Johann Waser, the bourgmestre of Zurich.

In the tapestry, the Swiss Protestants are dressed in drab black. The contrast with the French fashions is striking. Sigrid Pallmert of the Swiss National Museum has written a recent article discussing the historical details of the costumes in the tapestry.⁸

Father Annat may have approved of an Alliance of the Swiss Protestants with the French, but it was to the advantage of France in more ways than one. Not only was it a disadvantage to Spain, but it was a disadvantage to the Swiss in the long run. As Swiss historian Lapaire noted, the road from Paris to Basel was paved with gold, but the canal from Switzerland to France was filled with blood, so many were the Swiss mercenaries who died for France.⁹

As to the Jansenists, neither Annat nor Louis XIV had been able to exterminate them completely. The Jansenists would have opposed the Alliance of France with the Swiss Protestants. But at least their eighteenth-century heirs were able to rejoice when the Jesuits were suppressed in France in 1764. ❧

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Notes

¹ *Correspondance de la Cour d'Espagne sur Les Affaires des Pays-Bas au XVII^e Siècle*, Tome IV, *Précis de la Correspondance de Philippe IV (1647-1665)*, ed. Joseph Cuvelier and Joseph Lefèvre (Bruxelles: Maurice Lamertin, 1933), 327.

² A good survey of French Confessors is Georges Minois, *Le confesseur du roi: les directeurs de conscience sous la monarchie française* (Paris: Fayard, 1988).

³ An excellent seven-part study of Charles Paulin was published in 1891-1892 by Henri Chérot, SJ, "Le Premier confesseur de Louis XIV, le P. Charles Paulin" in *Études*. See vols. 55 (Sept., Oct., Dec.) and 56 (Jan., Mar., April, May-Aug.).

⁴ A biography of La Chaize appeared in two volumes by Georges Guitton, SJ, *Le Père de la Chaize: Confesseur de Louis XIV* (Paris: Beauchesne, 1959).

⁵ See Ceysens, "François Annat, SJ, et la condamnation des cinq propositions à Rome (1649-1652)" in the *Bulletin de l'Institut historique belge de Rome* 44 (1974): 111-126. Also "François Annat, SJ, Avant son confessorat (1590-1654) in *Antonianum* L, fasc. 1-2 (Jan.-Jun. 1975): 483-529. A concise reference is also available in Ceysens' article under the heading "Annat" in the *Dictionnaire du Grand Siècle*, ed. François Bluche (Paris: Fayard, 1990), 87.

⁶ Daniel Meyer has perhaps misidentified Annat as Olivier Lefèvre d'Ormesson. See his *L'histoire du Roy* (Paris: Éditions de la Réunion des Musées Nationaux, 1980), 54. The book by Jacques Mayor which undoubtedly Roques used is correct: *La Tapisserie du Renouveau de l'Alliance des Suisses et de Louis XIV* (Geneva: Ch. Eggimann, 1896), 23. All the relevant literature is collected in the Swiss National Museum in Zurich. For Ormesson, see the 1850 work of Adolphe Cheruel, *De l'administration de Louis XIV, 1661-1672, d'après les mémoires inédits d'Olivier d'Ormesson* (Geneva: Slatkine-Megariotis Reprints, 1974).

⁷ Claude Lapaire, "Une ambassade suisse auprès de Louis XIV: Le renouvellement du traité d'alliance de 1663" in *Versailles: Revue de la Société Suisse des Amis de Versailles* No. 7 (Janvier 1961) 44.

⁸ See Sigrid Pallmert, "Kleider machen Leute—Könige machen Mode: Ein Aspekt des sogenannten Allianzteppichs" in *Zeitschrift für Schweizerische Archäologie und Kunstgeschichte*, Band 47, 1990.

⁹ Lapaire, *ibid.*, 50.

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Sentiment and Sentimentality: Woman's Choice

Mary Shivanandan
Women for Faith and Family conference
St. Louis, MO
Nov. 8-10, 1996

Introduction

Woman's responsive and receptive nature, as wife and mother, is expressed by empathy, sensitivity and openness to others. This exposes her to the temptation to place affection (sentiment) above reason and objective truth. Only when she acknowledges the fullness of the image of God in herself and places her own integrity and obedience to God's law above sentiment does she avoid the destructive path of sentimentality.

Woman's role as mother is at the heart of the struggle for her soul. It makes her both powerful and vulnerable. Feminists seek the power without accepting the vulnerability. Sentimentality or false sentiment leads them from empathizing with the plight of women with problem pregnancies to removing the reputed cause of the difficulty, the unborn child. The true sentiment of motherhood, which accepts pain and sacrifice for the care of both herself and another, succumbs to sentimentality. Her own integrity is compromised first in yielding inappropriately to a man in sexual intercourse, then even more in destroying her child.

Reflection on this topic will begin with a theological account of the nature of man and woman. Since Pope John Paul II's theological and philosophical anthropology has been the primary focus of my study during the past few years, I shall be drawing especially on his work to illuminate the nature of woman. Both his apostolic letter, *Mulieris Dignitatem* (On the Dignity and Vocation of Women) (John Paul II, 1988) and his Wednes-

day Catechesis, refer back to the first pages of Scripture, Genesis (John Paul II, 1981). The Genesis account is also the target of several feminist theologians such as Phyllis Tribble and Phyllis Bird. Their interpretation gives a clue to the nature of the feminist distortion of woman's nature.

Theology, while the primary source for John Paul II's understanding of the nature of woman, is by no means the sole source. He is also a keen philosopher (Schmitz, 1993). In *Love and Responsibility* he deals directly with the issue at hand, the temptation of woman to sentimentality (Wojtyla, 1993). A distinguished Catholic philosopher, Edith Stein, also has much to say on woman's strengths and weaknesses in this area. Turning to feminist sources, it is interesting to note that Elizabeth Cady Stanton, considered the philosopher of the woman's movement in the 19th century, made much of woman's intuition as superior to the logical, rational mind of man. At the first Women's Rights Convention in Seneca Falls, New York, Cady Stanton with four Quaker women drew up the *Declaration of Sentiments*, modeled on the Declaration of Independence. Many of the strands of current feminism can be seen in her work.

Turning to the psychosocial area, I have chosen to highlight two works that deal with women's confrontation with motherhood: Carol Gilligan's *In a Different Voice* (Gilligan, 1982) and Kristin Luker's *Taking Chances: Abortion and the Decision Not to Contracept* (Luker, 1975). Gilligan's thesis is that choosing abortion is a step forward in a woman's development and maturity, choosing to take control of her circumstances rather than be a victim. Luker's work, more sociological than psychological, comes closer to the heart of what contraception and abortion mean to women's lives. Instead of giving them true freedom it has actually restricted their opportunities to be appropriately

assertive and to protect their integrity.

Finally we shall look at the Church's prescription for restoring woman's dignity and subjectivity, especially in honoring motherhood. As Christian women, however, Scripture provides the most complete models and Mary is the model par excellence not only of women but of all human beings in their receptive relationship to the Triune God. In both the birth and death of Jesus she accepted the pain of the cross with both courage and compassion.

Theological Understanding

The Genesis accounts of the creation of man and woman have particular significance for John Paul II because of his preoccupation with the dignity of the human person and the communion of persons in marriage. He states in his Wednesday Catechesis, published as *Original Unity of Man and Woman* (John Paul II, 1981) that he is returning to "the beginning" because in St. Matthew's Gospel Christ referred the Pharisees to "the beginning" in answer to their question on the indissolubility of marriage. But he has referred back to Genesis in many other contexts. In *Sign of Contradiction* (1978), his retreat for Pope Paul VI, he calls the biblical account, "something like an embryo, containing all that will in time make up the full-grown person" (Wojtyla, 1979, p. 24). In *Mulieris Dignitatem* (1988), he also makes reference to the fundamental inheritance of all humanity that is "linked with the mystery of the biblical 'beginning'" (John Paul II, 1988, no. 1).

He detects three levels to the human being made in the image of God from the Genesis text. The first and deepest is the level of the person although all three levels are simultaneously present. As equal persons, man and woman each have a direct relationship with God. As what he calls an "original solitude" they share dominion over creation. But they cannot be complete in solitude. After forming Adam from the dust in the second account of creation, as God says, "it is not good that man should be alone. I will create a helper fit

for him" (Gen. 2:18). And so he created Eve.

John Paul II is at pains both to affirm the absolute equality of Adam and Eve as persons and to maintain a certain order in creation. More and more man and woman as a communion of persons are seen to reflect the Trinitarian community of persons. Orthodox theologians are coming to see that gender in human beings may image the Trinity in some way. David Schindler has brought this out well in the theology of Hans Urs Von Balthasar. While the Father is the principle of generativity in the Trinity itself, the Son is receptive to the Father and the Holy Spirit is receptive to both the Son and the Father. Joyce Little has also linked the Trinitarian relations to a theological anthropology of sexual equality and difference in the Church.

Receptivity is not a lack but a fullness of being. Without an answer, the Word is barren. Towards the Father, the Son is total receptivity. Yet towards the world, the Son is the principle of generativity and all human beings stand to Him in a receptive, bridal relation. In this way, the man (Adam) represents the Father's principle of generativity and the woman Eve, the receptivity of the Son towards the Father and that of the Holy Spirit towards both Father and Son. Femininity reflects this Trinitarian receptivity of the Son. Just as Father and Son are equal persons so man and woman are equal yet different. Note that it is an active not a passive receptivity, one that actively responds.

The difference is most clearly visible in the respective roles of men and women in parenthood. That is the third level of the person John Paul II finds in Genesis. The blessing of fertility flows from their creation as two sexes. This is precisely the level that feminist Scripture scholars have the most difficulty with. Because the Genesis account seems to introduce a hierarchy that is detrimental to women, Phyllis Bird declares the creation narratives "deformed" and "limited" by their cultural and historical context (Bird, 1994 #16 pp. 527-528). Another feminist scholar, Phyllis Trible, devalues the role of parenthood asserting that

“parents are not part of God’s creative activity” (Trible, 1978, p. 104). Parenthood is made possible through sexuality but the roles of mother and father are not central. Bird dissociates the difference of the sexes from the idea of the divine image and associates it simply with material creation and the regeneration of the species. Such an interpretation of Genesis profoundly devalues the role of woman especially as mother. It also introduces a sameness that undermines the equality of initiation and receptivity that characterize masculinity and femininity. The denial of difference, far from benefiting women leads to an inability on the part of woman to integrate into her personality, the specific characteristics associated with motherhood, empathy, sentiment, and care for the weak and vulnerable (Bird, 1981, p. 134).

Because woman represents the receptivity of mankind towards God, one might surmise that Satan particularly tempted Eve. He proposed to destroy the very icon of receptivity towards God. But he also approached Eve for another reason. Carol Gilligan cites the research of Janet Lever on the different developmental paths of boys and girls which shows different attitudes towards rules. In middle childhood, for example, boys “play by the rules.” Girls, on the other hand, make exception to rules because they shy away from confrontation. Their empathy for others influences them to bend the rules (Gilligan, 1982, pp. 9-11). God had given a very definite command in the Garden of Eden not to eat of the tree of the knowledge of good and evil (Gen. 2:16). Satan knew that the man would not as readily go against a rule. Eve could be more easily swayed. Both were at fault as John Paul II says, but in different ways. Eve was influenced by appearances not truth, while Adam was influenced by her. In pronouncing punishment, God castigates Adam for listening to the voice of Eve rather than His voice.

The temptation of Eden, John Paul II says, is repeated throughout history. While the women’s suffrage movement has accomplished much in championing legitimate rights such as the right to vote, its flawed philosophy has also gravely hurt

women. Cady Stanton lauds Eve’s role in the Garden of Eden. She wrote in her newspaper, *The Revolution*, March 25, 1969: “When Eve took her destiny in her own hand and set minds spinning down through all spheres of time, she declared Humanity omnipotent, and today thinking people are rapt in wonder and admiration at the inventions and discoveries of science, the grandeur of man’s conceptions, and the magnitude of his works” (Sibel, 1982, p. 189). It is ironic that the date of this pronouncement is March 25, the Feast of the Annunciation, the day we celebrate when the new Eve gave her momentous *fiat*. Nearly thirty years before in 1840, Cady Stanton had made a bold statement by convincing the Scottish clergyman to leave out the word “obey” in the marriage ceremony (Sibel, 1982, p. 8). How reminiscent of Eve’s *non serviam*, I will not serve!

Cady Stanton rejected the Calvinism of her childhood and became a deist, much influenced by New England Transcendentalism. While rejecting the divine inspiration of the Bible, she acknowledged its importance and recognized that it contains “some grand and beautiful sentiments” (Sibel, 1982, p. 149). She declared:

Men write Bibles and translate them from their own standpoint; they make constitutions and states in their own interest, and then claim that they, being in direct communication with the Most High, speak by special inspiration. (Sibel, 1982, p. 252)

She edited a two-volume work called *The Woman’s Bible*. As John Sibel says, “Cady Stanton saw that her task was to search out the true intuitions in the Bible and then to rectify the aberrations that had been introduced by the male element” (Sibel, 1982, p. 252). Surely as Ecclesiastes says, there is nothing new under the sun.

Philosophical anthropology

Cady Stanton had a great deal to say about the nature of man and woman. She was especially fond of the notion of sentiment as a particular feminine gift and its superiority over logic and understanding which she saw as the

male's lesser gift. Sentiment did not mean for her something derived from emotion but the way of arriving at truth by intuition rather than by argument. Sentiment is the process of reason intuiting as opposed to the process of ratiocination. In her view, the individual's natural rights are intuited by transcendental reason and the logic of understanding guides their exercise according to the individual's desires, capacities and powers. As a result the rights of the individual are supreme (Sibel, 1982, pp. 147, 163). (She was much influenced by John Locke, John Stuart Mill and Thomas Paine. She preached, in her own words, "the new gospel of individual sovereignty." The highest good for the individual, which brings about true happiness and salvation, is self-development (Sibel, 1982, pp. 169, 193).

Cady Stanton began her reflections on women's rights by adopting a "single anthropology," in which there is little difference between the sexes but changed later to endorsing the complementarity of the sexes. She believed that it was easier to argue for sexual equality if it could be seen that men need women and vice versa. She maintained women's moral superiority versus men's physical superiority. Her view of the male might be complementary but not complimentary! He is governed by animal appetite and functions through understanding not intuitive reason. She described the male element as:

a destructive force, stern, selfish, aggrandizing, loving war, violence, conquest, acquisition, breeding in the material and moral world alike discord, disorder, disease, and death. . . . The male element . . . has fairly run riot from the beginning, overpowering the feminine element everywhere, crushing out all the diviner qualities in human nature itself."

(Sibel, 1982, p. 183)

Yet she approved of girls carrying fire-arms to protect themselves and of wearing unisex costume such as the so-called Bloomers, which she wore herself (Sibel, 1982, pp. 173, 238, 239).

It is especially pertinent for this topic that Cady Stanton felt the marriage relation to be pivotal for women rights. She rejected marriage as a

sacrament, holding it to be a mere human institution based on the mutual help and happiness of the spouses which is its first object. Its second object is the establishment of a home and family. If the spouses cease to live harmoniously and to bring each other companionship and happiness, then for that very reason the marriage ought to be annulled. Individual sovereignty and happiness are the supreme criterion. This includes "a wife's right to her own body." We are familiar with Margaret Sanger's battle cry "a woman's right to her own body," but Cady Stanton claimed this right well before her. Cady Stanton did not endorse promiscuity or free love but asserted woman's right alone within the marriage relationship to "say when a new being should be brought into the world." Since there was no reliable contraception at that time, she recommended abstinence from sexual intercourse as the way to secure her reproductive rights (Sibel, 1982, pp. 205-213).

Cady Stanton's philosophy, while it erred in many respects, acknowledged the complementarity of the sexes and sought to give due weight to women's particular gifts. It also affirmed her as an individual. A philosophical analysis of women by a Christian philosopher shows that while some of her insights are correct, her downgrading of motherhood vitiated her overall view of women and their relationship to themselves, men and society. "The clear and irrevocable word of Scripture," writes Edith Stein, "declares what daily experience teaches from the beginning of the world: woman is destined to be wife and mother" (Stein, 1987, p. 43). From this it follows that, while she shares the same human nature with man, her faculties differ in a basic way.

Woman seeks to embrace what is "living, personal and whole." Her maternal desire is to protect and nourish others. She is not at home with abstraction or with lifeless facts unless they advance the personal. Her thought is naturally directed towards an intuitive and emotional grasp of the concrete whole rather than being analytical and conceptual. An attitude of caring extends to her role as life companion to a man. While he is

absorbed in "his enterprise," he expects those around him to be equally consumed and finds it difficult to interest himself in the affairs of others. The woman's sympathetic concern, on the other hand, empowers her children as well as the adults in her life. She seeks to become and help others become a whole human being. Obedience and subordination *as directed by God's work* (my emphasis) are required by participation in her husband's life. Such obedience also extends to his role as protector of the family (Stein, 1987, pp. 44, 248).

Having given a portrait of the feminine ideal, Stein points to the distortions of woman's nature resulting from original sin. Her penchant for the personal can become self-centered so that on the one hand she gives in to vanity, the need for praise and unrestrained self-disclosure. On the other, she takes an exaggerated interest in the lives of others. Her tendency to grasp the whole influences her to a superficial dabbling in many areas because she lacks the requisite discipline to master one. She becomes absorbed in the affairs of others in an unhealthy way to her own detriment and that of others (Stein 1987, p. 45).

While it is the role of both men and women to understand, enjoy and create, woman's joy in things and desire to enjoy the good life can make her greedy and lead her to yield to her own desires in relationship to a man. (In the Garden of Eden, Eve coveted the fruit for its beauty and usefulness.) She has a tendency to surrender completely to another human being. The selfish woman either shirks her maternal duties or treats children as her possession. (Stein, 1987, pp. 73, 74, 250)

Woman, however, has a special sensitivity to moral values and a desire for union with the Lord. Her strength lies in her receptivity and her emotional life which suits her orientation to the personal (Stein, 1987, pp. 77, 78, 222). Emotions "occupy the center of her being." Stein gives a definition of the emotional life somewhat akin to the "sentiment" of Cady Stanton:

It (emotion) has an essential cognitive function: it is the central pivot by which reception of the existent is transmuted into personal opinion and action.

and

Through the emotions, it (the soul) comes to know what it is and how it is; it also grasps through them the relationship of another being to itself, and then, consequently, the significance of the inherent value of exterior things; of unfamiliar people and impersonal things.

But the emotions need direction through the intellect and will. If discipline of mind and will are lacking, the woman may yield to sensuality. (Stein, 1987, pp. 96, 97)

Sentimentality v. Sensuality

Cady Stanton and Edith Stein have given us definitions of sentiment that are both similar yet differ in some respects. For the feminist, sentiment is the primary way of arriving at truth, is less involved with the emotions and holds greater cognitive value. An alternative word for her is intuition. A specifically feminine gift, it incorporates mercy and love (which, incidentally, have to do with emotions) and stands in contrast to the cold and barren logic of masculine understanding (Sibel, 1982, pp. 182, 183). For Edith Stein, emotions are central to sentiment. They are the gateway through which the person grasps what exists, forms an opinion and acts. Cady Stanton's minimizing of the emotional aspect of sentiment is in line with her depreciation of the maternal role of women.

Webster's New World Dictionary gives as a definition of sentiment: "a complex combination of feelings and opinions as a basis for action or judgment" or "A thought, opinion, judgment, or attitude, usually the result of careful consideration, but often colored with emotion." It can also refer to a "generalized attitude, the sentiment of romantic love." Its root is the Latin word for feel or sense.

Both Cady Stanton and Edith Stein view sentiment in a positive light. It can degenerate, however, into sentimentality which, in its mildest form according to the dictionary, "suggests emotion of a

kind that is felt in a nostalgic or tender mood" or in its negative definition is "having or showing such feelings in an excessive, superficial or maudlin way: mawkish" or "influenced more by emotion than reason." John Paul II, as the philosopher Karol Wojtyła, makes several references to sentiment and sentimentality in his book on responsible parenthood, *Love and Responsibility*, which are particularly relevant to the discussion.

In discussing the person and love, he distinguishes between sentimentality and sensuality. In relations between the sexes there is always an impression which may go with an emotion. When the emotion is connected with the possible enjoyment of the body as an object, it is sensuality. But the emotion may be connected to a response to the masculinity of the man or the femininity of the woman. In that case it relates to an impression of the whole person and is called sentiment. "Sentimental sensibility," says John Paul II, "is the source of affection." Sentiment is not associated with the desire to enjoy or use the other person; and is congruent with a desire to contemplate and appreciate beauty. As such it is good (Wojtyła, 1993, pp. 109-110).

Such a sentimental love draws the two people together and absorbs them. They want to be continually near each other and to express their love externally. This may be by words or looks and not necessarily by bodily contact since such an affectionate love is not centered on the body as such. But it can easily lead to sensuality although in a disguised way. The man is generally more attracted by sensuality and the woman by sentimentality. The man more readily recognizes the sensual nature of the relationship while for the woman, sensuality is hidden by sentimentality. (Wojtyła, 1993, pp. 110-111)

The memory and imagination are active in a sentimental love. The person becomes idealized in the eyes of the lover, out of all proportion to reality, and such an idealization strengthens the emotional commitment. These idealized values are usually ones which the lover wants to find in the beloved. As a result the person is not so much an **object of affection** as the **occasion for affection**.

Sentimentality is, above all, subjective and exaggerates values which the person yearns for in himself. In this aspect it is less objective than sensuality which is focused on the body of the other person. When the person discovers that the values do not actually exist in the beloved, disillusionment and even hatred may set in. Neither sensuality nor sentimentality are adequate as the basis for love between the sexes, says John Paul II (Wojtyła, 1993, pp. 112-113, 124).

Emotions which are at the base of sentiment, can protect the love between a man and a woman, since they do not view the other as an object of enjoyment, but they cannot guarantee it. And they can easily degenerate into sensualism if the love is not safeguarded by the virtues, particularly the virtue of chastity. (Wojtyła, 1993, pp. 151-153)

Up to this point we have been discussing theological and philosophical perspectives on differences between men and women. It has become clear that women's natural strengths and weaknesses are particularly evident in their lives as wives and mothers. Women, as psychological researcher, Carol Gilligan of Harvard has posited, adopt an ethic of care rather than an ethic of justice. When she presented moral dilemmas to a group of grade school students she found that the solution of the girls differed significantly from that of the boys. Where one boy saw a cut-and-dried case of logic and law, the girl viewed the situation in terms of a problem of relationship. Someone is going to be hurt (Gilligan, 1982, pp. 25-31).

It is not coincidental that Gilligan has chosen the abortion decision to highlight women's different approach to moral problems. As she says,

When birth control and abortion provide women with effective means for controlling their fertility, the dilemma of choice enters a central area of women's lives. Then the relationships that have traditionally defined women's identities and framed their moral judgments no longer flow inevitably from their reproductive capacity but become matters of decision over which they have control. (Gilligan, 1982, p. 70)

Gilligan makes a number of assumptions: (1) that there is a basic conflict between femininity

and adulthood, (2) reproductive sexuality binds women to a self-sacrificing dependence and (3) the abortion decision involves a conflict between autonomy and compassion (Gilligan, 1982, pp. 70-71).

Seeing that the abortion decision goes to the heart of women's identity, a study was designed to clarify how women "construct and resolve abortion decisions." It was a small study, mainly significant for the personal stories of the women. Twenty-nine women of different ages and backgrounds participated. Most of the pregnancies occurred because of a failure to use birth control but in some cases the pregnancy was a way of testing the relationship itself. Twenty-one of the women chose an abortion while four chose to have the baby. The women were interviewed in the first trimester of pregnancy and at the end of the following year (Gilligan, 1982, pp. 71-72).

Women in the study posed the dilemma of abortion in terms of selfishness versus responsibility rather than one of rights and rules. Gilligan traces a three-stage evolution of moral thinking on the part of these women which she characterizes as the development of an ethic of care. Initially the women focus on their own survival, then they come to consider that attitude selfish. They articulate a concept of responsibility and maternal caring. But since this seems to place care of others above care of self, there is a further development towards validating both care of self and care of others. The woman takes responsibility for the decision but places her own needs and those closest to her above the life of the baby. Gilligan clearly sees this as a step towards maturity especially in moral judgment (Gilligan, 1982, pp. 73-74).

Gilligan illustrates her conclusion from the testimonies of the women themselves. In doing so she shows how superficial her own understanding is of woman's nature. She describes how 17-year old Josie, for example, was initially happy at being pregnant. It made her feel good. "I started feeling like a woman," she confessed. But she soon realized the difficulties of the situation. Then she interpreted the situation in terms of her own selfishness at wanting a child and concluded that the

more adult thing to do was to do what was necessary and get an abortion. Josie describes herself as feeling more mature from making a "hard decision." Gilligan confirms this judgment by saying: "For Josie, the abortion decision affirms both femininity and adulthood in its integration of care and responsibility." She applauds another adolescent who says: "Abortion, if you do it for the right reasons, is helping yourself to start over and do different things" (Gilligan, 1982, pp. 77-78). Absent from all Gilligan's judgments is any recognition that killing an innocent human being is objectively wrong, or that it violates in a fundamental way the nature of woman.

In the case of a 24-year old Catholic married woman called Janet, Gilligan spells out how the legalization of abortion, which changed the rules, impacts the lives of women.

In the absence of legal abortion, a morality of self-sacrifice is necessary in order to ensure protection and care for the dependent child. However, when such sacrifice becomes optional, the entire problem is recast.

Janet wants an abortion because the pregnancy would strain the financial and emotional resources of the family and she claims it is against medical advice. In addition she doesn't want to be tied down with two children. Yet Janet believes that abortion is taking a life. She comes to the conclusion that her own concern with the morality of the abortion decision is selfish. Putting it aside both for her own convenience and in deference to the wishes of those around her, she aborts her child. (Gilligan, 1982, pp. 83-85)

Another Catholic, Sandra, also considers abortion "murder" but rationalizes it as a lesser sin when you "have to do it." Sandra had already put up one child for adoption and did not think that she could go through the same emotional experience a second time. Sandra is also concerned about the effect having a child would have on the parents with whom she lives. But she acknowledges that she, herself, does not want the burden of a child now. Sandra comes to the conclusion that "the abortion is morally wrong but the situation is

right, and I am going to do it." She realizes that now she has a conflict between two definitions of right and wrong. Asked how she can reconcile them she says:

I would have to change morally wrong to morally right. (*How?*) I have no idea. I don't think you can take something that you feel is morally wrong because the situation makes it right and put the two together. . . . They don't go together. Something is wrong, but all of a sudden, because you are doing it, it is right. (Gilligan, 1982, pp. 85-86).

Gilligan's comment on Sandra's dilemma is that "the morality that condones self-destruction in the name of responsible care" i.e. having the baby, "is not repudiated as inadequate but is rather abandoned in the face of its threat to survival." The woman's survival becomes the paramount moral concern. (Gilligan, 1982, p. 87.)

In the case of another woman, Gilligan frames what seems to be her own solution to the abortion dilemma as the woman coming to equate her own self interest with that of others, primarily the adults in her life. In the process the child's interests find little or no place. (Gilligan, 1982, p. 92). Objective morality is brushed aside in favor of a concept of caring based on relativity and self-interest. The trend noted already in the early feminist philosopher, Elizabeth Cady Stanton, to exalt individual sovereignty at the expense of motherhood is evident in Gilligan's work. That the women in this study were ambivalent about motherhood points to the need to take a deeper look at the issues surrounding procreation. For that we shall turn to a study by sociologist, Kristin Luker, *Taking Chances: Abortion and the Decision Not to Contracept*.

Luker states the reason for her study was to discover why California women with ready access to contraception prefer abortion as fertility control. The study was conducted in the early 1970s of women undergoing abortion in a clinic in California. The book, containing the study results and Luker's recommendations, was first published in 1975 and was reissued in 1991 since it was still considered valid in the 1990s. Certainly the statis-

tics have changed little. Abortion was made legal in California in 1967. The abortion rate went from 5000 in 1968 to 65,000 in 1970, to more than 103,000 in 1971. In fact it had become a de facto method of birth control. And it was not because contraception was not readily available. (Luker, 1975, pp. x, viii).

A study of the clinic records revealed that more than half of the women seeking abortions had used a prescription method of birth control in the past and 86 percent had used some form of birth control. (Luker, 1975, p. 20) The latest figures show that there has been little change. More than 90 percent of sexually active women in the United States use a contraceptive. Studies in the 1990s show that 58 percent of women undergoing abortions were using a form of birth control when they became pregnant, up from 51 percent in 1987. A related study revealed that many of the women were using the birth control method incorrectly. (Family Health International, 1996). Luker argues that not becoming pregnant is only one concern of women who are making decisions about contraception. (Luker, 1975, p. 16)

Luker is not making any moral judgments in her book. Rather she is showing that women in weighing the relative costs of contraception, pregnancy and abortion are making "rational" decisions. Using contraception is an extremely complex decision, involving notions of sexuality, masculinity and femininity, cultural and political norms. To use contraception well, the woman must plan ahead for possible sexual intercourse, which means acknowledging that she is a sexual being; think of herself as a sexually autonomous individual rather than a woman who is aroused by a man. She must be able to articulate her desires openly and finally she must place her long-term needs ahead of the man's immediate pleasure. (Luker, 1975, pp. xi, xii). In other words it involves a series of deliberate acts that do not accord with woman's sentimental nature in relationship to a man.

Luker lists the immediate costs of contraception to women against the less immediate costs of

pregnancy. Taking the necessary steps to obtain contraception "can make a desirably warm and intimate emotional experience appear impersonally 'cold-blooded' and hence costly." This is not limited to the woman. One boy friend said: "It seems kind of phony to use contraception. It doesn't seem natural or the right way." To be effective contraception must be used consistently and many of the women in the study were not even in steady relationships. In addition, to be prepared for intercourse is to lose face as the promiscuous woman is regarded with contempt. Women rarely continue contraception after a steady relationship breaks up. If sex is a woman's "way of giving everything," because she is "very much in love," to continue using contraception is to devalue both herself and the gift. Luker acknowledges that this is a heavy emotional cost to a woman. There are also costs to spontaneity. The mechanics of barrier methods can interfere with spontaneity. Then there are the costs of obtaining contraceptives, the medical and biological costs and the costs of maintaining contraception. (Luker, 1975, pp. 42, 44, 47, 49, 51-64).

Opposed to the immediate drawbacks of contraception are the perceived benefits of pregnancy. Luker recognizes that "to be pregnant is to be at the core of the traditional definition of the female role." Here Luker makes the same discrimination as Gilligan of a distinction between femininity and adulthood. She pits "all the traditional female virtues—compliance, nurturance, dependence, self-effacement" against the assertiveness and independence of adulthood. Becoming pregnant increases self-worth since becoming a mother is a time-honored role. Pregnancy confirms that a woman is fertile. Getting pregnant can be a way of clarifying the relationship, pushing for commitment. It can also force a situation with parents or act as a plea for help. Risking pregnancy can also add excitement to the act of sexual intercourse itself. (Luker, 1975, pp. 66-77).

Luker's conclusion to her original study was that, since abortion had become de facto a method of birth control, clinic delivery services should be

organized to take that fact into account. (Luker, 1975, 143) This recommendation is made in spite of the fact that Luker recognizes that current social acceptance of contraception and abortion greatly diminishes women's power in man-woman relationships. Modern hormonal contraception such as the pill and injectibles, has changed the pattern of courtship and responsibility and accountability in the sphere of sexuality and reproduction. Luker describes the change in courtship patterns as "extraordinarily pervasive and dramatic" to the detriment of women. (Luker, 1975, pp. 113, 114).

In the traditional courtship both men and women stood to gain. In addition to a good partner, each obtained the right to sanctioned intercourse, enjoyment of a more efficient division of labor and the opportunity to bear and raise children. Modern society has made it possible to obtain services such as laundry and cleaning much more easily from outside the home. Children have also been devalued so that bearing children is less of an inducement to marriage. The devaluing of these rewards of marriage affect women the most but the greatest loss to women, says Luker is in the area of sanctioned intercourse as a bargaining power for marriage. "The stricter the norms against premarital intercourse," she says, "the more valuable sex becomes as a currency of bargaining in the marriage market." (Luker, 1975, pp. 114-116).

The sexual revolution of the 1960s was especially related to women engaging in premarital sex, made possible by contraception. It is now considered "old-fashioned and unliberated" for a woman to withhold sex. Even when a woman does withhold sex, her bargaining power is diminished because sex can be so easily obtained elsewhere. If she risks a pregnancy to force the man's commitment, it is seen as her responsibility for failing to use contraception. Women, in general, prefer to risk pregnancy than ask a man to use a condom. Yet she feels used since she takes all the responsibility for contraception, pregnancy and abortion. She also has the sense that she must use contraception to "have control of her own body." It is part of the mystique of liberation. Luker calls this lib-

eration “illusory” since rights only having meaning in the context of choice.

Women have the right to control their own bodies because neither the social structure nor the normative climate permit them any other option — it is a right that society is only too willing to accord them. (Luker, 1975, pp. 122-130)

This dubious liberation extends beyond courtship, marriage and the birth of a child. As Deborah Shaw and Charmaine Crouse Yoest write in *Mother in the Middle*: “Mothers no longer have the power to expect the men in their lives to provide for them (either financially or emotionally) so that they can work at mothering small children” (Shaw, 1996, p. 113). Mothers feel deceived and angry because no one told them the cost of subscribing to the new liberated social contract, which requires them to work outside the home, especially when their children are small. Whether women were employed or stay-at-home mothers, Shaw and Yoest found they were “tired of knowing, with all their hearts, that caring for their children was important — and too seldom feeling that belief validated by their men (Shaw, 1996, p. 119).

It is in the light of these facts that we can see the wisdom of John Paul II’s Apostolic Letter on the Dignity and Vocation of Women, *Mulieris Dignitatem* (August 15, 1988). The pope recalls the fundamental nature of human persons as willed for their own sake and only able to find themselves by a sincere gift of self to another. This truth, he says, “opens up *the path to a full understanding of women’s motherhood*” (MD, no. 18). Parenting is a shared task but the woman has the more demanding part. “It is the woman who ‘pays’ directly for this shared generation, which literally absorbs the energies of her body and soul,” says John Paul II. And there can be no program of equal rights if the man does not acknowledge that fact (MD, no. 18).

When the woman is deprived of the opportunity to give herself to the child she cannot fulfill herself. All in the family are impoverished, the child who is deprived of the mother’s loving care, the woman herself, and the husband who becomes the object of resentment as so many women told

Shaw and Yoest.

This is where the Church’s teaching on the inseparability of the unitive and procreative aspects of marital love is so providential. It restores fertility to its rightful place which is especially important for the woman. It affirms her potential to be a mother and stresses the joint responsibility of the man as father. On the part of the woman it requires a choice to place her integrity before any sentimental yielding to her own or her husband’s inordinate desires. It is in honoring her own dignity as made in God’s image that she becomes both fully a woman and fully adult.

One husband referred to his wife’s “tough love.” She once told him that she might not have married him if he had insisted on a chemical form of family planning. He described his experience of marital sexuality using natural family planning (which enjoins abstinence during the fertile phase if the couple seek to avoid pregnancy) as “a mixture of pain and redemption.” He discovered that the difficulty with the abstinence period was not so much continence but what continence revealed, that he was continually tempted to place genital intimacy before true relational intimacy. “Continence,” he says, “does me a favor. It provides me with a “rhythmic” opportunity to make sure it is love and intimacy, not sex, which bind me to my wife.” Natural family planning both keeps the procreative aspect of sexuality to the fore and aids the man especially in the growth of relational intimacy (Bishops’ Committee for Pastoral Research and Practices, 1990, pp. 25-27). (Chastity provides the same opportunities for growth before marriage.)

It is significant that John Paul II begins *Mulieris Dignitatem* with a reflection on the Mother of God and the moment in salvation history when Jesus became incarnate in her womb. At that moment, he writes, Mary attained “*a union with God that exceeds all expectations of the human spirit*” (MD, no. 3). Mary represents the whole human race in her union with God in Jesus Christ. Her *fiat* expresses her total awareness and acceptance of herself as a creature of God, reversing Eve’s refusal

to acknowledge God's fundamental rights over the human person (MD, no. 4).

True Choice

Just as Eve in seeking what was forbidden by God's command came under the domination of man instead of sharing dominion with him, so the woman today suffers when she seeks a power over herself contrary to God's command. Her choices are diminished rather than expanded. She suffers both as wife and mother fulfilling the prophecy in Genesis, 3:16.

To the woman he said, "I will greatly multiply your pain in childbearing; in pain you shall bring forth children, yet your desire shall be for your husband, and he shall rule over you."

A choice was given to Eve in the Garden and it is given to woman today. Will that choice be one of sentiment, which incorporates feelings appropriately in judgment of right action or will it be one of sentimentality, which brushes aside truth in favor of giving in to feelings of false compassion, romanticism and an illusory liberty? Mary is the model of the valiant woman, courageous, competent and compassionate. She accepted God's plan for her in spite of the suffering it caused in her life, especially as a mother. It is precisely through her acceptance that she became co-redemptrix with Christ. Perhaps we can paraphrase the Letter to the Hebrews, "It is not as though we do not have a mother who is unable to sympathize with our weaknesses, but one who in every respect has been tempted as we are, yet without sin" (cf. Heb. 4:15).

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Can "Generation X" Learn at a Catholic College?

The Role of Catholic Higher Education in Postmodern America

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Talk of Catholic Higher Education has been, and will be, at the forefront of many ecclesiastical and scholarly discussions. Certainly it has been, and should be, a topic of primary concern for this Fellowship. But what is it that we are all talking about?

Given the fact that the U.S. bishops recently approved a document on the "application" of *Ex Corde Ecclesiae*, it is clear that the catholicity of higher education is an important, indeed essential, concern for the Church. In this context, however, it seems that the bulk of the issues resonate either at the institutional level (see sections I and III) or at the level of "devotional life" on campus (see section II). In some more particular cases, provision is made for dealing with questions of theological orthodoxy. But what seems to be lacking in all these debates is any talk about what actually happens in the classroom! Perhaps, then, it is time to consider some different questions that focus more on the "experience" of education as it is taking place in the classrooms of contemporary America. What approaches should be employed to give our classrooms a truly "Catholic" character? How can a "Catholic" perspective define the ongoing relationship between teacher and student in our colleges and universities? In light of the present educational subculture in America, answers to these questions may have a more immediate effect as we seek to promote the ideals of the apostolic constitution.

Generation X and Postmodern Education

A fascinating, and perhaps all too accurate, description of what one encounters in the modern day classroom is given in a recent book entitled *Generation X Goes to College* (Peter Sacks, 1996). In this work, a journalist-turned-professor describes his first day on the job:

Scattered mostly in the back and far side rows were young males with professional sports baseball caps, often worn backwards. Completing the uniform of these guys was usually a pair of baggy shorts, a team T-shirt, and an ample attitude. Slumped in their chairs, they stared ... with looks of disdain and boredom, as if to say "Who in the hell cares where you worked, or what your experience is, of what you know? Say something to amuse me." (p. 9)

The author goes on to expand his personal analysis of the teaching experience by upbraiding the often rude behavior of today's students, most of whom prefer that a teacher be more "caring" than demanding. In his view, most students today dwell within a "culture of accommodation" that unwittingly trades "success" for true learning. Yet, he also scolds the entrenched stalwarts of academia. As he sees it, many teachers on the battlefield of this cultural revolution are all too willing to "sell out" the standards of higher education by giving inflated grades in exchange for positive evaluations.

But, though the analysis comes from a lone reporter, this account is not an isolated experience. The classroom scenes so poignantly described are really part of a larger educational milieu. Discussed at greater length in the second half of the book, the phenomenon of "post modernism" is a broader, cultural context that almost defies accu-

rate description. Yet it provides the living environment in which the students of today's academic generation function. In the words of one student:

Generation X is not a thing; it's the lack of a thing, the lack of a positive theory, or an opinion about anything. They don't believe in anything, and everything is up for grabs. (p. 139)

Culled from the pages of this book, and from the numerous discussions which it reports, we can attempt to isolate those "values" which a postmodern generation embodies: entertainment, entitlement, and abandonment.

The first of these so-called values, entertainment, seems quite obvious. Today's generation of students has been reared on the attention-grabbing images of that electronic baby-sitter called television. Able to be turned off and on at the push of a remote control button, the TV or video screen offers innumerable pictures that often are more "real" to students than reality itself. In this context, a scholarly engagement with ideas takes on a whole new, albeit temporary, aspect.

When you've grown up locked on to the spectacle, notions of truth, reality, and substance recede into meaninglessness. What is meaningful is what is momentarily before your eyes. (p. 148)

Thus, what the modern media guarantees to students is only "a kind of eternity of noisy insignificance" (p. 148). In turn, what this postmodern focus on entertainment brings to our classrooms is a large dose of anti-intellectualism, otherwise known as the "triumph of the Idiot Culture" (p. 150). As the novice professor concludes:

To the extent that the postmodern generation traffics above all else in entertainment values, popular culture, and image, they are being inundated with the screwy idea that there's little to be gained from being smart. It's worth noting again that the smart guy who conceived and wrote the book and screenplay, *Forrest Gump* earned for his work on the film about 1 percent of [Tom] Hanks's \$31 million as an actor in the movie. And let's not forget the Gump phenomenon itself. Among the most popular movies of all time, *Forrest Gump* idealizes naive stupidity as something to strive for in life. It pays handsomely. (pp. 149-150)

Is it any wonder, then, what competition teachers face in the world of higher education? Even with the pedagogical aids provided by technological innovations, can our Catholic colleges and universities respond to this challenge?

The second so-called value of post modernism is a growing sense of entitlement. Today's students are, indeed, "customers" in the free market of education. Theirs is the consumer mentality that envisions "success" as something to be paid for, something to get in exchange for ever-increasing tuition, rather than the result of intellectual motivation poured forth in the pursuit of wonder or academic skills honed to critical precision. Instead,

students raised in a postmodern society of hyper consumerism appear to want facile knowledge, served up in easily digestible, bite-sized chunks. They have little tolerance for messy thinking or expansion of their frames of reference beyond the routine and predictable. In short, they view themselves as consumers who pay teachers to provide "knowledge," regardless of how superficial that knowledge might be. After all, how hard should a consumer have to work at buying something? (p. 162)

And this mentality is not limited to youthful students. Wanting desperately to provide satisfaction for the consumers in desks before us, educators, too, can easily fall prey to this economic trap.

Amid the postmodern shift in power from authorities to consumers, the institutions themselves appear unwilling to draw firm lines in the sand. Instead, they have redefined themselves in the age of hyper consumerism as providers of consumer services, while paying lip service to their traditional roles as gatekeepers and vanguards of academic standards. (p. 164)

What price, then, do we really pay in terms of granting a college degree? And at what cost do we market the tenets of Catholic higher education?

Finally, perhaps the most all-encompassing "value" of post modernism is its sense of abandonment. Cloaked in deconstructionist terms as a "delegitimation" of outmoded structures of power and authority, the attitude which most clearly characterizes this Generation X is its pervasive

cynicism. Embracing as it does a television motto from *The X-Files*, "Trust no one", the current generation of students has cast off any pretensions of enlightenment rationality in favor of a "knowledge" that is simply subjective and relativistic.

... GenXers have grown up in a world in which "truth" and "reality" are what Coke or Connie Chung or the American Medical Association might have invented through persuasion and technique. Reality for GenXers is an image created on a video screen, or how you employ digital technology to alter that image into a completely new reality. Members of Generation X are cynical and sophisticated, and their reality is not objective, measurable, or fixed. In the postmodern world, reality and truth are a fiction. (p. 124)

In such a fictive world, any attempts at higher education must deal with the students' oft-uttered, hardly unalterable belief that everything is either completely corrupt, deceptively illusional, or patently mythical. The result, quite simply, is an "epoch of slackening" (Jean-Louis Lyotard, p. 120) to which persons on both sides of the desk may succumb. At the same time, it poses a definite challenge to Catholic higher education, which must respond to the fact that postmodernism leaves an entire generation of students "on their own to establish a plethora of new belief systems" (p. 134).

"Catholic" Higher Education

To meet the challenge posed by our postmodern culture requires bringing the matter of Catholic higher education down from the lofty heights of institutional governance and devotional practices to the lived reality of classroom experience. In this respect, the "Catholicity" of higher education is more an organizational milieu than a juridical structure, more an approach to values across the curriculum than to actions defined as liturgical. To explain, let us first contrast the values of a Catholic higher education with those supposed "values" of postmodernism. We will conclude with a few simple suggestions for classroom use.

Distinct from the identifiably "scientific" approach to reality championed in the enlightenment, an approach which Generation X has cast aside in favor of anti-intellectual entertainment, a Catholic education issues forth from the perspective of biblical wisdom. That is to say, as the sages of old were able to see in all things the hand of a providential God, so in our classrooms a revelatory imagination should carry the day. Whether in the words of literature, or the experiments of science, or the marketing of business, or the performance of the arts - in these and all studies the place of God need not be dismissed as ancillary to the educational task.

Rather, for a generation enamored of so much "entertainment," teachers today can offer the Word made flesh. Following the lead of the gospel writers, who portrayed the Son of God without describing him physically, teachers today can and should promote students' imagination, in such a way as to envision the hand of God at work in all things human and to appropriate this truth in their own experiences. To lead students from nature to the Creator, from history to Providence, from words to the Word, from medicine to the Healer, from philosophy to Wisdom — this is the task of a Catholic higher education. And, in contrast to the fictional characters of TV and film, we have in our tradition the models of the saints - real life versions of the soap-operatic ups and downs of a human life lived in accord with the gospel. Even without media make-over, these biographies are capable of capturing the imagination of any generation.

Distinct from the capitalistic worldview that has given way to consumerist entitlement, the "ethic" of Catholic higher education needs to be virtue-based. Rejecting any "financial Pelagianism" that envisions success as the result of strictly human schemes and endeavors, a Catholic education is founded on the virtue of humility. This virtue brings with it its own "Attitude." Consonant with all fields of study, it recognizes the primacy of grace in human achievement. It is the virtue which acknowledges the truth of the gifted-ness of our lives — and the Giver at the

source of any and all advancement in civilization.

At the same time, this virtue-ethic, properly disclosed, will mitigate any sense of free entitlement. Rejecting that “nannyism” which all too willingly holds the hands of its students, Catholic education engenders and encourages the real effort it takes to learn and to live.

Catholic higher education subscribes to and transmits an ethic of individual responsibility in the context of the common good. In this way, the “me” generation which revels in its market savvy will encounter the values of a transcendent kingdom and will learn to glory in the universal dignity of all persons.

Finally, distinct from a pervasive cynicism that delegitimizes knowledge and power, a Catholic education promotes an optimistic worldview. Far from being dissociated with modern living, Catholic higher education embraces our many and varied cultural experiences so as to transform them. Looking to the historically valuable tradition of the lived experience of the Church, Catholic higher education can counter the relativism and subjectivism of Generation X with a forthright and courageous upholding of moral standards, of a way of living and acting that is not imposed from without by some arcane authority, but which is inherently reasonable and ultimately fulfilling.

Supported by this optimism, students of the postmodern generation need not distrust everyone and dwell lost in their own little universe. Rather, the exhortation that characterizes the current pontificate in the Church, “be not afraid”, might well become the slogan for our present age, for teachers and students alike. Now the question is: how do we translate these “values” of Catholic higher education into the day-to-day experience of life in the classroom?

In light of the “culture of accommodation” that envelops the postmodern classroom, Catholic educators need, quite simply, to be more fearless in making demands of their students. For a variety

Catholic higher education subscribes to and transmits an ethic of individual responsibility in the context of the common good.

of reasons, either in the name of promotion or “charity”, today’s teachers may easily slip into the guise of service providers who too generously offer to student-consumers the effortless education to which they believe themselves entitled. However, this only cheapens education for all. Requiring that students read critically at advanced levels, that they

write coherently in correct fashion, that they speak convincingly with rhetorical clarity. These and other demands associated with intellectual achievement need to be respected, however unsettling such demands may seem. Catholic educators should learn from the Master who, while disclosing the mercy of God, also challenged penitents to “go and sin no more.” This same Master would eventually be scorned and put to death on the Cross; but only in and through the unaccommodating event of the passion and crucifixion does the splendor and glory of the resurrection take place, both for Himself and for his followers.

In light of the entitlement mentality that suffuses a generation clamoring for “success” in school, Catholic educators need to demonstrate increased vigilance in the awarding of grades and the conferral of credits. The fact is that all students are not equal, despite the egalitarian espousal of inflated grades. The more that grade averages tip the scales at B and better, the more that grades are seen as flexible and negotiable, the harder it will be to claim that there are any standards at all. And once relativism enters by way of the classroom door, it will become ever more difficult to dissuade it from inhabiting the realms of conscience and all moral action. This is not to say that care and compassion for students should be disregarded. Catholic educators should, of course, be respectful of the inherent dignity that befits all the children of God. Nevertheless, equal in dignity does not mean similar in above-average performance. Educational paradise may be a world in which there are no grades, but here below standards do exist —

and educators must make them matter, for everyone's sake.

Finally, in light of the delegitimation that enshrouds a cynical generation, Catholic higher education must return to its roots in the gospel relationship between Jesus and his followers. For students, this means adopting and developing the role of disciple. In contrast to the "Attitude" with which the modern day classroom was depicted at the beginning of this essay, students need to once again become followers, those actively engaged in the search for knowledge, not passive recipients of the learning of others. Similarly, teachers need to become masters — not in the authoritative sense of purveyors of otherwise unattainable insights, but as living models of that intellectual research and cooperative service that is part and parcel of the educational venture. In this renewed relationship between student and professor, education will be more convincing than amusing and learning

will take place by way of persuasion rather than imposition.

If a Catholic higher education is to make some difference in our postmodern culture, each of us — student and teacher alike — needs to be reminded of the fundamental call of the gospel. When the disciples sought from Jesus the answer to their question, he said to them "Come, and you will see." This was not a statement of institutional mission or a norm for devotional exercise. Neither was it a pedagogical ploy meant to be entertaining or entitling or even cynical. It was an invitation. And only when those searching for an answer actually went and followed Him — by listening to his wisdom and witnessing his virtue and sharing his optimism — only then did they learn and come to know what really matters most: "We have found the Messiah" (John 1:35-41). ✠

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DOCUMENTATION

O Tempora, O Mores

[National attention has been drawn to the drama of which Professor Blakey of the Notre Dame Law School speaks below. His report is compelling, pellucid and self-explanatory. Fellows will be amused by dissenting theologians who cannot abide dissent from their views. The motto of Notre Dame, incidentally, is not "God, Country and Notre Dame," but Vita, Dulcedo, Spes. Those interested in following the continuing saga can consult Fred Fredosso's "personal page" at www.nd.edu. Ed.]

Report of the Academic Affairs Committee of the Faculty Senate University of Notre Dame

November 6, 1996

Investigation of the Presidential Appointment Dissenting Views

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DISSENTING VIEWS OF PROFESSOR BLAKEY

THE RESOLUTION

When Vice Chair Professor Jean Porter, on September 11, 1996, presented to the Senate, in behalf of the Executive Committee, the original Resolution, which we do not report out, concerning the

appointment of a candidate by the President to the Department of Theology, I was deeply troubled. Professor Porter, in summary, told the Senate— Two years ago the department was informed that a priest of the Congregation of Holy Cross was completing his doctoral studies shortly and would be applying to the department for hiring as a teacher; a budget line for his salary would be provided to the department by the University for this purpose. In February '96, he officially applied, and in April he was interviewed and gave a public lecture. In the course of its procedures, the department did not consider him qualified for an appointment and turned down his application. In May at the request

of then provost Timothy O'Meara, the department considered him for a visiting assistant professorship. Again this proposal was turned down. The record of an ad hoc faculty meeting in June showed overwhelming sentiment against the hiring. Also in June, the chair of the department was told that President Malloy had overruled the department and had extended an offer of a visiting assistant professorship for 3 years which the candidate had accepted. Further contact with the candidate was to be through the Office of the Provost. The department had never received any of the normal paperwork (such as Form Q).

Porter continued by saying that some members of the department alleged irregularities and manipulation in the department's processes and asked the Dean of the College to investigate. He found no basis for any such charges. The Senate's executive committee felt this was not a matter of the Theology Department only, but a matter for full discussion at the University. While the resolution as formulated did not deny the right of the president to make such an appointment, even over a department's objections, the executive committee felt he had disregarded the University's normal procedures and discredited the academic integrity of the Theology Department. The executive committee unanimously recommended passage of the resolution.

Questions immediately arose: What rationale might the President have had to make the appointment?

No rationale was attributed to him. A need to hear from the President was pressing. The Senate ought not condemn him without hearing from him. Even the Devil

is, after all, entitled to due process, as Robert Bolt so beautifully shows us in *A Man For All Seasons* '38 (Vintage Book 1962).

Was the appointment, as it was represented, really that arbitrary and capricious? Was the President utterly lacking in good judgment? What did the "record" of the ad hoc faculty meeting in June show? No copy of it accompanied the resolution. Allegations of irregularities were made against the Theology Department.

What were they? Against whom were they made? We were not told. Supposedly, a report had been made by the Dean of Arts & Letters of his investigation into the allegations. What did he do? To whom did he talk?

What evidence did he examine? We were not told. The resolution did not deny the right of the President to make the appointment—or so it was said—but it did not explicitly recognize it either. What were the proper roles of the Theology Department and the President in making such appointments? Exploration of these delicate questions was obviously in order.

By bringing the Resolution to the Senate, the Executive Committee had necessarily involved the Senate in the relation between the Theology Department and the President over a particular personnel decision. What jurisdiction did the Senate have over such matters?

Troubling, too, was the membership on the Executive Committee of two members of the Theology Department, including the Chair and the Vice Chair, who was also the Deputy Parliamentarian. In Anglo-American law, at least since 1610 in Dr. Bonham's Case, the

principle has been firmly-established: no person ought to sit in judgment in his own case. (8 Coke 114).

The Theology Department was complaining about proper procedure. Was the Senate itself—in a rush to judgment—being asked to act without due regard to proper procedure? If what was alleged to have happened, in fact happened, the matter was serious beyond doubt, and it required appropriate, strong action.

I moved, seconded by Professor Dennis Doordan, that the Resolution be referred to the Academic Affairs Committee.

Professor Porter opposed the Motion to Refer. She suggested that a written record to support the Resolution "seemed superfluous". Professor Mario Borelli wanted to see the documentation and to hear from the President, as did Professor Michael Detlefsen. Professor Joseph Blenkinsopp said that due process for the President, "who held all the power anyway, meant nothing." Professor Borelli "wish[ed] to get all the information out and all concerns aired...." Professor Joseph Buttigieg also favored "a full airing...on the seriousness of...[the] incident...." The Resolution was referred to the Academic Affairs Committee.

The Committee Investigation

After the Resolution was referred to the Committee, it met to formulate an investigative plan. I suggested, to no avail, that it proceed in several phases. First, the Committee should obtain the relevant documents, including correspondence between the Theology Department

and the President, the relevant papers associated with the particular appointment, information in connection with other similar appointments so that a comparative base line could be drawn, and the Dean's report concerning the allegations of irregularities. Second, the Committee should study the proper procedures to be followed in making such appointments, including the relative roles of the Theology Department and the President. Third, the Committee should take public or, if appropriate, private testimony from the parties involved—and anyone else, who might wish to shed light on the facts or the policy questions that faced the Committee.

Sadly, the Committee decided not to conduct a full or fair investigation, as envisioned by the Motion to Refer, and the Senate debate. In fact, its investigation was confined to writing several letters.

No independent study was undertaken.

No testimony was heard.

Nevertheless, we now have a handful of facts that we did not have September 11, 1996, including the President's brief statement of his rationale for his action, as expressed in his letter of July 24, 1996, which is attached to this Report. This letter was, however, written well before the Senate's September 11, 1996, meeting, the meeting in which the Senate was asked to pass judgment on the President's actions. Because this Committee has failed to undertake a full and fair investigation, the Senate does not now know why this letter was not made available to it on September 11th, or referred to in the discussion of the Resolution or the Motion to Refer. This

ought, if possible, to be explained. The failure seems inexcusable.

Unfortunately, the investigation that this Committee did undertake was not only limited in scope, but ineffective. The President appeared before the Senate on October 11, 1996, but he declined to discuss the specifics of the appointment, offering the confidentiality of personnel decisions as his rationale. While he fully answered questions of policy, he refused to be drawn into question of fact. So, too, did the others that the Committee wrote. Except for obtaining the President's letter of July 24, 1996, and the minutes of the Theology Department's "public" meeting of June 27, 1996, the Committee obtained little that is of use in resolving the factual and policy questions before us.

Because the Committee did not undertake, engage in, or successfully complete either a full or a fair investigation, I moved at its meeting of November 4, 1996, that it take no position on any aspect of the President's appointment of the candidate to the Theology Department. Judgment without facts is uninformed. In a word, it is rash. Without a sufficient foundation to do otherwise, no person ought to assume as true any fact touching on the proper conduct of another. Without sufficient foundation to do otherwise, each person should give to the other the benefit of doubt, that is, accord to him or her—out of basic human charity—a favorable interpretation, until sufficient evidence dispels the presumption of regularity or innocence. One who would speak ill of another has the burden of proof to back up his or her judgment—or he or she ought to remain quiet. "Whereof one cannot speak,

thereof one must be silent" Wittgenstein, *Tractatus* 7.

The Committee's Resolution

Undaunted by its lack of information, the Committee decided to press forward. Centrally, the Committee recommends to the Senate that it conclude that it could find "no evidence that the Theology Department has failed to observe its responsibility to give 'special consideration in personnel decisions consistent with the prevailing standards of excellence, to the Congregation's unique role at Notre Dame in past or present personnel actions.'"

Since the Committee did not conduct a full and fair investigation of this personnel action—much less past personnel actions—this conclusion—"no evidence"—was foreordained. Indeed, the Committee could just as easily have concluded the reverse; it also found "no evidence" that the Theology Department, in fact, observed its responsibility. In truth, it found no evidence either way. Indeed, the premises for its conclusion are also false. Had it made an inquiry, it would have learned, as I have, that any number of appointments to the faculty as well as to chairs have been made, since 1967, by the President over the objections of various Departments.

Nevertheless, what flows, if anything, from "no evidence" is determined by presuppositions. If you assume the best of others, until the contrary is shown, adverse judgment may not flow from "no evidence;" if you assume the worst of others, until the contrary is shown, adverse judgment may

flow. Without a prior commitment to trust or distrust, an inference cannot be drawn in this matter from "no evidence."

That the Committee goes on—from its finding of "no evidence"—to criticize the President reflects more than its distrustful presupposition; its position is also self-contradictory. If it is willing to accord the Department of Theology a presumption of regularity, why should it not also accord the President a presumption of regularity. Then the presumptions would cancel each other out. If the Department and the President are treated evenhandedly, the Committee cannot conclude anything, since it has insufficient evidence to choose between them. In the absence of evidence, no judgment is warranted. That the Committee chooses to go with the Department demonstrates that it presumes—without evidence—that the President acted improperly. In fact, the Committee does not know why the Department acted as it did, as it does not know why, save as he has summarily explained himself in his letter of July 24th, the President acted as he did. Unless the President is willing to go beyond his letter, which he is not, at least in a public forum, the Committee lacks sufficient information to condemn the President's action. Saying something is so does not make it so. The plain fact is that the Committee failed to fulfill its charge, and it ought to refrain from rash judgment.

The failure of the Committee to undertake a full and fair investigation has also led it, as the Theology Department before it, to a problem of role confusion. What is the proper role of the Department?

What is the proper role of the President? The Department fails to distinguish between "proposal" and "disposal." The Department, in short, proposes; the President disposes.

The University is a "body corporate and politic" by virtue of Indiana law. The Statutes of the University create a body of "Fellows of the University" (Statutes of the University, Art I), who, in turn, vest "all power" in a "Board of Trustees" (Bylaws of the University, §1) The President is the "first officer of the University." (Id. §2) He is "vested with full and final authority over all matters pertaining to [the University's] government...." (Id.) "He shall make appointments to the academic and non-academic staff by the University...." (Id.) The Statutes of the University also provide that the "University's operations shall be conducted in such manner as to make full use of the unique skills and dedication of the members of the Priests of Holy Cross, Indiana Province, Inc. ... [including in] Theology ... [where] their talents and training permit" (Statutes of the University, Art. V(f)(1)-(2))

If the Department of Theology or the Senate is dissatisfied with present policy, its remedy is to amend the appropriate documents of the University, not bring about an illegal role reversal. The President had the power (ability) and the authority (legitimate power) to act as he did. Granting him the power *de jure*, but withholding it *de facto*, as the Department and the Committee propose, is a functional Putsch.

The Senate ought to have no part in it.

Centrally, the Committee

recommends that the Senate also conclude that it finds "no justification" for the President's action. What is said above in reference to the "no evidence" finding is equally applicable to the "no justification" finding. If you do not conduct a full or fair investigation of the question of justification, "no evidence" here, too, will be found, and from "no evidence," nothing can be concluded. Zero plus zero equals zero—in all disciplines with which I am familiar. After these two crucial findings of fact, the Committee—rightly—goes on to catalog the various ways in which the University might be harmed by the President's action—if, but only if, the President made a bad decision. I, of course, concur in these observations. It then recommends as conclusions various courses of action, none of which follows if the Committee's premises are without factual support, as they are in my view. I need not, therefore, discuss them, as I disagree with their necessary, first premises.

The Investigation Not Undertaken

I would prefer to take no position on this troubling matter. Because the Committee is moving ahead on an insufficient basis, I feel compelled, however, to offer an alternative view based on the information available to me. I emphasize that it is my present position. If additional evidence were made available to me, I would readily modify any aspect of my present position in light of it, if that is what would be indicated. Until that time, the alternative view is compelling for me.

Justice Frankfurter put it well:

“the right answer usually depends on putting the right question.”
Estate of Roberts v. Commissioner,
 320 U.S. 410, 413 (1943).

I view the issue of qualification, not procedure, as crucial, in the present posture of the matter referred to the Committee; it is the Rosetta stone that can be used to decipher the meaning of the less than complete information that is available to us.

If the candidate is, in fact, not qualified, the harms identified by the Committee will be inflicted on the University—largely independently of the “true” motivation for his rejection by the Department. “Bad” people can do “good” things for “bad” reasons.

Primarily, I care here about what was done, only secondarily why or how it was done. If the candidate is, in fact, not qualified, the President, too, was mistaken, whatever his motivation or the manner of his action in appointing the candidate.

On the other hand, if the candidate is, in fact, qualified, and the Department rejected him, why did it do it?

Neither the Committee nor I can answer that question with a high degree of confidence in our judgment. Nevertheless, if the candidate is qualified, the inference is likely that the Department acted out of the sort of reasons that were reflected in the allegations made against it.

Without an opportunity to review and confirm the investigation of the Dean that purported to clear the Department of improper conduct, a finding that the candidate was qualified also undermines the reliability of the Dean’s investigation. Was it, too, neither full nor

fair, as was this Committee’s?

It is not possible to conclude with a high degree of confidence that the Dean’s investigation was adequate or inadequate. Nevertheless, if the candidate is qualified, the inference is likely that his investigation was, in fact, inadequate.

Finally, if the candidate is, in fact, qualified, the actions of the President are cast in a radically different light. It can with confidence then be concluded that he acted properly. After all, he did about all that he could be expected to do, consistent with the best interest of the University, by seeking a compromise with the Department: a visiting position to test out the performance, not the promise, of the candidate, or the predictions of his supporters or his detractors. The President had conflicting recommendations before him. Inside experts said the candidate was unqualified. Outside experts said he was qualified. Allegations were made that the processes that had led to the candidate’s ejection were tainted. Why not make a visiting appointment and find out if he is qualified? The compromise course promised to be fair to the candidate and not prejudicial to the Department. When he was sharply rebuffed by the Department, the President acted with courage in doing the right thing, despite the conduct of the Department. Short of giving the Department its way—an unjust act, if the candidate was qualified—what should he have done?

I turn to the question of qualification.

The Committee found that it lacked a mandate to determine qualification and that it lacked competence to judge qualification.

If, in fact, the Committee lacks both, I fail to see how it has a mandate to review the actions of the President, or that it is any more competent to judge the performance of the President than it is that of the candidate. Once it assumed the one power, it had a duty to reach a judgment on the other issue—or reach no judgment at all.

The Committee should have talked to the candidate. It did not. I did. The Committee should have reviewed the candidate’s writings. It did not. I did. The Committee should have reviewed the report of the Chair of the Theology Department on the candidate’s thesis. It did not. I did.

Am I competent to conduct a review of the candidates qualifications? An identification is required of the candidate’s project: an examination of the relation between Caesar and the people of God in context of the history of the United States.

My education here at Notre Dame was solidly in the neo-scholastic tradition from which the candidate so eloquently dissents and to which he seeks an alternative.

My graduate education here at Notre Dame was focused on Caesar’s sword.

I am a member of the bars of three states, the United States Supreme Court, and numerous courts of appeal.

I have, however, not only studied Caesar’s sword, I have wielded it, as a prosecutor for the United States Department of Justice.

I have not only wielded Caesar’s sword, I have forged it, as a committee counsel in the Senate and House of Representatives of the United States, as well as nu-

merous state legislatures.

I have not only wielded it, and forged it, I have fought against its abuse, as a defense counsel in federal and state criminal proceedings.

The candidate—rightly—argues, as a matter of fact, that aspects of the American society are, not only corrupt, but violent, radically at odds with the gospel of Christ. I know first hand the truth of which he speaks.

I have investigated corruption and violence in the United States, not only in a library, but as a prosecutor and as a committee counsel, particularly the assassinations of President John F. Kennedy and Dr. Martin Luther King Jr.

I have studied and taught, in short, the wielding, forging, and abuse of Caesar's sword for more than thirty years—at the Cornell Law School, and now at the Notre Dame Law School.

My subjects include Criminal Law and Criminal Procedure and, for the past ten years or so, Jurisprudence. Criminal Law and Criminal Procedure, but most particularly, Jurisprudence, deeply implicate history, philosophy, and ethics. These disciplines, too, are mine. He who would learn law well must learn much else. Judge Learned Hand put it aptly—I venture to believe that it is as important to a judge called upon to pass on a question of constitutional law, to have at least a bowing acquaintance with Acton and Maitland, with Thucydides, Gibbon and Carlyle, with Homer, Dante, Shakespeare and Milton, with Machiavelli, Montaigne and Rabelais, with Plato, Bacon, Hume and Kant, as with the books which have been specifically written on the subject. For in such matters

everything turns upon the spirit in which he approaches the questions before him. The words he must construe are empty vessels into which he can pour nearly anything he will. Men do not gather figs of thistles, nor supply institutions from judges whose outlook is limited by parish or class. They must be aware that there are before them more than verbal problems; more than final solutions cast in generalizations of universal applicability. They must be aware of the changing social tensions in every society which make it an organism; which demand new schemata of adaptation; which will disrupt it, if rigidly confined.

The Spirit of Liberty: Papers and Addresses of Learned Hand 63 (I. Dilliard ed. 1960).

Hand echoes Justice Holmes:

If your subject is law, the roads are plain to anthropology, the science of man, to political economy, the theory of legislation, ethics, and thus by several paths to your final view of life. It would be equally true of any subject. The only difference is in the case of seeing the way. To be master of any branch of knowledge, you must master those which lie next to it; and thus to know anything you must know all.

Holmes, Collected Legal Paper 29-30 (1920).

Given the character of his project, I am, in short, uniquely positioned to judge the candidate's qualifications to teach here at Notre Dame.

Is the candidate young, brash and irreverent toward his intellectual elders? Yes.

Is the candidate bright, well-read, and articulate? Yes.

Does he not only have, but

live a theology? Yes—read his resumé.

Does he promise, for that reason alone, to make, as a priest and scholar, a substantial contribution to theology—to life—at Notre Dame? Yes—read his resumé.

I cannot be sure why my judgment is not in accord with that of the senior people in the Theology Department. I am told young people in the Department welcome the prospect of his presence. It is simply false to leave the impression that the Department, rather than its senior leadership, is “overwhelming” against him. Impressive people from impressive institutions outside the university also support his candidacy. Read his resumé. Their judgment corroborates mine, and it fortifies me in my confidence that I am not mistaken.

The most solid piece of evidence that I have, which the Committee did not seek or review, is the analysis done by the Chair of the Theology Department of the candidate's thesis. Making due and ample allowance for the “very brief period of time” within which it was completed—after, I might add, not before, the Department's negative vote—I find it, nevertheless, superficial and unpersuasive. It would be no credit to anyone to make it public, for it manifestly confuses “disagreement” with “disqualification.” Most damning is its ultimate conclusion:

The supreme irony, of course, is that [the candidate] wants an appointment in our institution that is the embodiment of the Americanist tradition. How does [the candidate] hope to be a member of a community which holds as its ideal: God, country, and Notre Dame? ... Finally (and the influence

of his major professor is clear here) his vision is one of either/or... while the Catholic tradition is both/and (sic)... He also shows traces of his mentor's habits of pugnaciousness and bombast but in conversation pulls back when challenged.

Because I find the candidate qualified without regard for his status as a priest in the Holy Cross Order, I do not need to reach the question of the "special relation" between the University and the Order, which, evidently, played a significant role in the President's action. Nevertheless, if I take into consideration this factor, my decision to reject the action of the Department follows as a matter of course. It becomes, too, all the more serious a breach of proper conduct by the Department. Denying the candidate his just due as a person is, therefore, compounded by denying the community here at the University the services of this able priest.

The Department's conduct is not only unjust, it is shameful.

On the basis of the evidence available to me, I believe—as does the President—that the candidate was unjustly rejected—for reasons having nothing to do with qualification. I add that the President had available to him for more evidence than I had available to me.

The candidate was, I conclude, rejected for non-conformity and an association with another, who is not one of the favored few of the senior leadership of the Department.

That is not my Notre Dame. Nor should it be the Senate's. My Notre Dame has no narrow intellectual orthodoxy. Faith, yes: petty sectarianism, no. Is the senior leadership of the Department so afraid

of controversy that it cannot admit a dissenter into its camp? A faith afraid of a fight is a faith already moribund. My Notre Dame is a house with many mansions, of many perspectives, of a skeptical attitude toward easy generalizations, of varying experiments, of vigorous efforts at accommodation between those who disagree on ultimate issues, but remain close friends, of ever-vigilant self criticism, and of piecemeal, but constant reform, in its pilgrimage in this tragic life—toward a God that we know only by knowing what He is not—save through His revelation. Apparently, my Notre Dame is not that of the Theology Department's senior leadership.

We are, as a faculty, blessed that the views of the President of Notre Dame are closer to mine than that of the senior leadership of the Theology Department.

When a department in a university seeks to clone itself and its intellectual life blood begins to coagulate, it is time for the university's president to intervene. Such intervention threatens no other department in the university. Indeed, it strengthens them by assuring the renewal of the institution of which they are a part.

If I am right—and I act reluctantly on the basis of incomplete information—then the President deserves the strong support of the Senate and the faculty, not its condemnation or an expression of its lack of confidence.

More is at stake here, too, than a single appointment, or a misguided Resolution that seeks the Senate's involvement in the internal affairs of a Department, or its relationship with the President. The Senate's credibility is also on

the line. The Senate, if it adopts this unwise Resolution, will rightly earn, not the respect of thoughtful members of the University community, or elsewhere, but their disdain—for a waste of time and energy that should be devoted to far more profitable endeavors.

I cannot support the Resolution reported by the Committee. I urge its rejection by the Senate.

Conduct of Executive Committee

This Resolution should not have been brought to the attention of the Senate, when it could have been reasonably foreseen that a full and fair investigation could not be conducted. The members of the Theology Department who sat on the Executive Committee should have excused themselves when matters that reasonably call into question their own conduct came before it. Those members of the Executive Committee that presented the original Resolution without disclosing the July letter of the President—if they knew of it—acted without that degree of candor that the Senate has a right to expect of its members; if they did not know of it, their conduct fell well below the standard of care in conducting an investigation of the facts that the Senate has a right to expect of its members before they bring a matter to its attention.

Conduct of A Member of the Academic Affairs Committee

The member of the Academic Affairs Committee that publicly voiced his one-sided opinions in a campus newspaper deserves strong condemnation. He spoke out and spread more widely matters that were best left confidential. His uncalled-for remarks were mean-spirited and vindictive; they were out of place for any member of the University community, much less for someone who was both a member of a committee that had not yet concluded its investigation and of the Department of Theology.

The following ought not to have been said: In the opinion of most of those present the candidate's oral presentation was very unsatisfactory, the vote of the Appointment-Tenure Promotions Committee was unanimously negative, and the Department Chairman also recommended against the appointment after submitting an eight-page, largely negative evaluation of the candidate's dissertation.

While this information was, of course, unwisely and improperly revealed at a "public" meeting of the Theology Department, its circulation was limited. Most members of the Senate—or the Notre Dame community—did not know of it in September. Even on the member's professed view of the facts, publicizing this information further was detraction, that is, disclosing another's faults and failings to persons who did not know them without an objectively valid reason.

If I am right about the facts, on the other hand, the publication was, in fact, calumny, that is, remarks contrary to the truth, that

harm the reputation of another and give occasion for false judgment. Detraction/calumny; the choice is not attractive.

Judge Learned Hand once described Justice Cardozo: "He never disguised the difficulties, as lazy judges do who win the game by sweeping all the chessmen off the table: like John Stuart Mill, he would often begin by stating the other side better than its advocate had stated it himself" (*The Spirit of Liberty: Papers and Addresses of Learned Hand* 131, I. Dilliard ed. 1960).

A similar remark could be made of St. Thomas Aquinas. The *Summa* is so constructed that the objections to St. Thomas' own position are set out first, often in a better form than that of those who espoused them. Search in vain in the piece published by the member for one word that reflects the position of the President—or even reviews in order to refute the serious allegations made against the Department. Only one view is manifest in the essay: his own self-referential reflections. He praises himself, for example, by describing the Department of Theology as twelfth, yet he does not tell us that the "unqualified" candidate received his PhD from a fourth ranked university or that he was a visiting research fellow at a third ranked university. Everything revolves around his narrow-gauged view of the world. The member may have had a "summer of discontent," but what possible positive contribution to the life of the Department—or the University—did he expect his essay to make? The decision to hire the candidate had been made. Did he hope irretrievably to poison the well of

personal relationships with other faculty members or students? What justification can be offered for his petty diatribe?

Only he can tell us.

What will he say?

Personal Reflections

The preparation of these dissenting remarks was as distasteful a task as I have had to perform since I have been at Notre Dame, now these sixteen years. I pray that the occasion never arises again. I will not speak of this matter in the future. This book is, for me, now closed, as it should be for all of us. As a University community, we must quickly move to heal, not further divide ourselves. The candidate is one of our number. He ought to be lovingly accepted as one of us and given a fair opportunity—free of this unfortunate controversy—to prove himself in his scholarship and his teaching.

Charity requires no less.

*G. Robert Blakey
William J. & Dorothy O'Neill
Professor of Law*

Attachments:

**Candidate's Letter to
the Department
Candidate's Resumé
March 22, 1996**

Professor Lawrence Cunningham
Department of Theology
University of Notre Dame
Notre Dame, IN 46556

Dear Professor Cunningham:

This letter is a cover letter accompanying the material pertaining to

my application for a full-time, tenure track position in Ethics in the Department of Theology of the University of Notre Dame. Please find in this packet my *c.v.*, my dissertation, and two other samples of my written work.

Letters of recommendation from Professors Stanley Hauerwas, George Marsden, James Buckley, Thomas Ferraro, William Portier, Terrence Tilley, and Sandra Mize are forthcoming, either directly from them or from the Credential Office of Duke University. My major field of study at Duke was in Theology and Ethics, and my minor fields were in the History of Christianity in America and Political Theory. I believe I would make a strong contribution to the Department of Theology at Notre Dame for the following reasons.

First, I am already active in scholarship. As is indicated in my *c.v.*, I am currently a Visiting Research Fellow at Princeton University. Last year, I was chosen by the College Theology Society to receive their Graduate Essay Award. The year before that, I was awarded the Charlotte W. Newcombe Dissertation Fellowship. I have four articles published in review journals at this point, plus two more which have been accepted and will probably be published in 1996. In addition to publishing, I have presented papers over the past couple of years at several conferences, including the Society of Christian Ethics, the College Theology Society, the American Catholic Historical Association, and the Association of Catholic Colleges and Universities. I served on the planning committee for a conference on *En-Gendering American Catholic Studies* at the

Cushwa Center for the Study of American Catholicism at Notre Dame held in the fall of 1995. And I have recently been chosen to serve on the editorial board of the *American Journal of Jurisprudence*. This activity will be continuing in the months ahead. I have been invited to present a paper at the annual meeting of the College Theology Society in June. I have also been asked to serve on a panel at the Annual Meeting of the Catholic Theological Society of America. And in the next few months, I will be turning in book reviews to the editors of *Modern Theology*, *Pro Ecclesia*, and *The Thomist*. These accomplishments, I believe, indicate a good start in scholarship and the promise of continued professional activity in the years to come.

Second, I have had extensive experience in teaching. Dating from my first teaching assistantship in 1982, while an M.Div. student at Notre Dame, I have been regularly involved in teaching in some form: as a high school teacher (1983-84); as the director of a youth ministry program which concentrated heavily on catechetical work among teenagers (1984-86); as a teacher for a diocesan liturgy training program (1986-88); as a teaching assistant in the Duke Divinity School where I had full responsibility for making up and grading papers and tests (1990-92); as an instructor for the University Writing Program of the English Department at Duke (1991-92); and as an instructor of an undergraduate course on Catholicism for the Department of Religion at Duke University (1992). Moreover, throughout this entire period, in connection with

my pastoral work, I have regularly given adult education classes, weekend workshops, and retreats, all of which have involved the skills entailed in teaching. In the context of this experience in teaching, I have developed a philosophy of teaching and my own pedagogical style. In short, I am not a beginner in teaching. At the same time, I realize that teaching at Notre Dame would present a fresh challenge for me. It is a challenge to which I would look forward and in response to which I believe I would flourish.

Third, my approach to Catholic social ethics offers a distinctive alternative to the usual approach taken in the field. In my years of study, I have come to appreciate the fundamentally theological character of moral reflection. A major interest of mine has been to place ethical issues within a theological context. It has become my intellectual habit to analyze ethical issues not only on the basis of insights gained from the natural and human sciences and the humanities, but also on the basis of christology, ecclesiology, eschatology, liturgy, and so forth. In my dissertation, for example, I have traced the development of the discourse of Catholic social ethics in the United States from the twenties to the sixties in order to show how certain key theological themes were marginalized. And in this year at Princeton, I am beginning work on a related project that will attempt to retrieve what I consider to be an alternative tradition of Catholic Ethics in the United States, as articulated by such figures as Paul Hanley Furfey and Virgil Michel and embodied in the Catholic Worker Movement. My overall

purpose is to bring substantive theological resources to bear on the discourse of Catholic social ethics in a way that can lead to different ways of construing the social mission of the Catholic Church. This approach, I believe, will prove to be a fruitful complement the work already being done by others in the field.

Fourth, I have been personally involved in the practical aspects of the scholarship I am undertaking. As is indicated in my c.v., I have had extensive pastoral experience in parishes and with youth groups, and have been deeply involved in works associated with the social mission of the church. Specifically, I have had a long-standing involvement in the Catholic peace movement and in the Catholic Worker Movement. Moreover, I was a founder and director of Andre House, a house of hospitality for the homeless and poor of Phoenix. We welcomed about ten or so homeless people into our home and to our table, and also served an evening meal to the many other homeless people who lived on the streets (about 600 meals a night). In my four years at Andre House, I had close contact with people in college or recently graduated from college who were involved in our work either as volunteers or staff members. This has given me solid experience in conveying to young people a concrete, realistic, unsentimental, and spiritual vision of Catholic social teaching. As a result, I am able to bring a significant amount of hands-on, practical experience to my theoretical interests in theological ethics.

For these reasons, I ask you to consider my application. If there is something that needs to be added

to my application, or clarified in any way, please do not hesitate to contact me. Thank you for your consideration.

Sincerely yours,

[The Candidate]

[The Candidate]

Center for the Study of American Religion

Princeton University

Princeton, NJ 08544

(609) 924-7585

EDUCATION

Ph.D. Duke University, 1996 (Theology and Ethics, History of Christianity in America) Thesis: "In Service to the Nation: A Critical Analysis of the Formation of the Americanist Tradition in Catholic Social Ethics 'Catholic Social Ethics' in the United States"

M.Div. University of Notre Dame, 1983 (Theology)

B.A. Allegheny College, 1977 (Political Science and History) Cum Laude

ACADEMIC HONORS

Visiting Research Fellow, Center for the Study of American Religion, Princeton University, 1995-96

Graduate Essay Award, College Theology Society, 1995

Charlotte W. Newcombe Doctoral Dissertation Fellowship, 1993-94

Pi Gamma Mu (Social Science Honor Society), 1976-77

Alden Scholar (Dean's List), Allegheny College, 1973-77

TEACHING EXPERIENCE

Instructor, "Roman Catholic Tradition," Department of Religion, Duke University (Spring Semester 1993)

Instructor, "University Writing Course," Department of English, Duke University (Fall Semester 1992, Fall Semester 1991)

Teaching Assistant, "Christian Theology," with Professor Philip Kennison, The Divinity School, Duke University (Spring

Semester 1992)

Teaching Assistant, "Christian Theology," with Professor Thomas Langford, The Divinity School, Duke University (Spring Semester 1991)

Teaching Assistant, "Christian Ethics," with Professor Stanley Hauerwas, The Divinity School, Duke University (Fall Semester 1991, Fall Semester 1990)

Guest Lecturer, Corpus Christi Institute, Phoenix, Arizona. Classes on liturgical theology and theology of sacraments (1986-1988)

Teacher in Religion and Director of Social Service, Bourgade Catholic High School, Phoenix, Arizona (1983-1984)

Teaching Assistant, "Introduction to Theology," with Professor Stanley Hauerwas, Department of Theology, University of Notre Dame (Fall Semester 1982)

PUBLICATIONS IN REVIEW JOURNALS

"Let's Do Away with Faith and History: A Critique of H. Richard Niebuhr's False Antinomies," *Modern Theology* (forthcoming)

"Writing History in a World Without Ends: A Critique of Three Histories of Catholicism in the United States," *Pro Ecclesia* (forthcoming)

"Eruditio Without Religio?: The Dilemma of Catholics in the Academy," with Frederick C. Bauerschmidt, *Communio*, 22 (Summer 1995)

"The Non-Catholic Character of the 'Public Church': A Review Essay of Fullness of Faith: The Public Significance of Theology by Michael and Kenneth Himes, and The Church and Morality: A Catholic and Ecumenical Approach, by Charles Curran, *Modern Theology* (April 1995)

"'Overall, the First Amendment Has Been Very Good for Christianity' — NOT! : A Response to Dyson's Rebuke," *DePaul Law Review*, 43, 2 (Winter 1993): 423-446.

"The Kingship of Christ: Why Freedom of 'Belief' is Not Enough," with Stanley Hauerwas, *DePaul Law Review*, 42, 1 (Fall 1992): 107-127.

PAPERS PRESENTED

"Kudos and Questions for Communio Ecclesiology: A Response to David Schindler's Heart of the World, Center of the Church," Annual Meeting of the Catholic Theological Society of America, San Diego, California, June 7, 1996

"Americanism, Radicalism, and Blowing the Dynamite of the Church: Towards a Counter-Tradition of Catholic Social Theory," Annual Meeting of the College Theology Society, University of Dayton, May 26, 1996

"Re-Introducing Virgil Michel: Toward A Counter-Tradition of Catholic Social Ethics in the United States," Annual Meeting of the Society of Christian Ethics, Albuquerque, New Mexico, January 5, 1996

Workshop Leader, "Gender Construction and in Catholic Theological Discourse: Critical Differences," Conference on Engendering American Catholic History, Cushwa Center for the Study of American Catholicism, University of Notre Dame, September 30, 1995

"The Gospel and Culture: A Dialogue of Life and Death," Major Conference sponsored by the Association of Catholic Colleges and Universities," University of St. Thomas, St. Paul, Minnesota, August 3-6, 1995

"American Catholics to the Rescue: Reading the Murray Project as Comedy, Tragedy, and Farce," Annual Meeting of the American Political Science Association, New York, September 1, 1994

"Theology, History, and 'The Way It Really Was,'" Conference on Recent Developments in American Catholic Historiography, Center for the Study of Religion in America, Princeton University, June 19, 1994

Response to Speaking of Diversity, by Philip Gleason, Annual Meeting of the College Theology Society, St. Mary's College, Notre Dame, Indiana, May 29, 1994

"Maureen Sweeney on Law and Lawyers," Conference on Stanley Hauerwas on Law and Lawyers, University of Notre Dame Law School, January 31, 1994

"Let's Do Away with Faith and History: A Critique of H. Richard Niebuhr's False Antinomies," Wheaton College Philosophy Conference, October 29, 1993

"Writing History in a World Without Ends: A Critique of Post-World War II Histories of Catholicism in America," Presented at the Annual Meeting of the College Theology Society, St. Mary's College, Miraga, June 6, 1993 (revised from the paper below)

"Writing History in a World Without Ends: The Problem with Post-World War II Histories of Catholicism in America," Annual Meeting of the American Society of Church History and the American Catholic Historical Association, March 28, 1992

PROFESSIONAL SOCIETIES

American Academy of Religion
Catholic Commission on Intellectual and Cultural Affairs
College Theology Society
Natural Law Forum
Society for Values in Higher Education
Society of Christian Ethics

OTHER PUBLICATIONS

Review of Love is the Measure by James Forest, Prism (October 1994)

"We Are All Called to be Saints," (Homily for the Feast of All Saints) Markings, November 1, 1994

"Preaching the Need of Repentance — Plowshares Style" (Homily for the Fifteenth Sunday in Ordinary Time) Markings, July 10, 1994

Review of The Moral Tradition of American Constitutionalism: A Theological Interpretation by H. Jefferson Powell, Duke Law Magazine, Winter 1994

"Journeying to Moriah, To Jerusalem — With Christ" (Homily for the Second Sunday of Lent) Markings, February 27, 1994

Personal interview, presented in Voices From the Catholic Worker, ed. Rosalie Riegle Troester. Philadelphia: Temple University Press, 1993, xv, 481-82, 510-12, 516-17.

"'Unfairness' — Whose Other Name is Grace" (Homily for the Twenty-Fifth Sunday in Ordinary Time), Markings, September 19, 1993

"Handed On To Us" (Homily for the Seventh Sunday of Easter), Markings, May 23, 1993

"The Third Coming of Christ" (Homily for the First Sunday of Advent), Markings, November 29, 1992

"God As Cast-Iron Hook" (Homily for the Third Sunday of Easter), Markings, May 3, 1992

"Dominion Over All," (Homily for the Feast of Christ the King), Markings, November 24, 1991

"No Times Are Ordinary — A Homily for the Second Sunday of Ordinary Time," North Carolina Catholic, February 3, 1991

"Sign of Signs" (Homily for Trinity Sunday), Markings, May 26, 1991

"No Place Like Home," Notre Dame Magazine, Winter 1990

"The Living God — A Fact" (Homily for the Thirty-Second Sunday in Ordinary Time), Markings, November 12, 1989

"On Bitterness," The Critic, Fall 1989

"The Virtue of Hospitality" (Homily for the Sixteenth Sunday in Ordinary Time), Markings, July 23, 1989

"Welcoming Sinners Home" (Homily for the Fourth Sunday of Lent), Markings, March 5, 1989

"The Grace of Doing Nothing" (Homily for the Second Sunday of Advent), Markings, December 4, 1988

"Give and Live" (Homily for the Twenty-Fifth Sunday in Ordinary Time), Markings, September 18, 1988

"A Welfare Mother's Story" and "Arizona Welfare Rights," Human Development Digest, 11, 5 (September 1984)

"R.O.T.C. and Just War Theory: At Peace at Notre Dame?" The Observer, May 1-2, 1984

"Faith and Hope in the Nuclear Age," Katallagete, Winter, 1984

WORK EXPERIENCE

Co-Founder and Director, Andre House of Hospitality, Phoenix, Arizona. Staff of eight, \$150,000 annual budget, housing and food service for homeless people (1984-1988)

Co-Founder and Board Member, St. Joseph the Worker Job Service, Phoenix, Arizona. Staff of three, \$80,000 annual budget (1987-1988)

Associate Pastor and Director of Insight Teen Program, St. Louis the King Parish, Phoenix, Arizona (1985-1986)

Campus Ministry, University of Notre Dame, established and directed Center for Draft and Military Counseling (1981-1983)

Resident Assistant, Old College, University of Notre Dame, first-year residence for college seminarians for the Indiana Province, Congregation of Holy Cross (1981-1982)

CHURCH AND COMMUNITY SERVICE

Holy Cross Associates (Volunteer program), Board Member, 1994-present

Alliance for Catholic Education (Post-collegiate Student Volunteer Program), Duke University Representative, 1994-95

Sacramental Minister, Holy Family Parish, Hillsborough, North Carolina 1989-1995 (in conjunction with the Pastoral Administrator of the parish)

C.O. Support Network, 1990-91 (Support Network for Conscientious Objectors in the Military during the Gulf War.)

Presbyteral Council, Diocese of Phoenix (1987-88) (Consultative body, elected by priests of the diocese)

REFERENCES

Prof. Stanley Hauerwas, Department of Religion, Duke University

Prof. George Marsden, Department of History, University of Notre Dame

Prof. James Buckley, Department of Theology, Loyola College of Maryland

Prof. William Portier, Department of Theology, Mount St. Mary's College

Prof. Terrence Tilley, Department of Religious Studies, University of Dayton

Prof. John Colman, Jesuit School of Theology at Berkeley, Graduate Theological Union

Assoc. Prof. Sandra Yokum Mize, Department of Religious Studies, University of Dayton

Assoc. Prof. Thomas Ferraro, Department of English, Duke University

National Catholic Reporter
PO Box 419281
Kansas City, MO 64141

Dear Editor:

In order to understand the disagreement between Fr. Edward Malloy and the theology department at Notre Dame, readers should know a few things that were not mentioned in your article of December 13, 1996.

What's the rap against Michael Baxter, CSC? There are two main problems. First, Baxter has forcefully articulated the position that there is an inherent tension between the demands of Christian witness and the founding principles of the American polity, with the result that Christian witness in the American context will inevitably be countercultural in a way best embodied, as Baxter sees it, by the Catholic Worker movement. For this he is branded as 'sectarian'. Indeed, in a written report on Baxter's doctoral dissertation the chair of the theology department goes so far as to wonder how Baxter can "hope to be a member of a community which holds as its ideal: God, country, and Notre Dame." As far as I know, other departments in the university do not use nationalism as a criterion for employment.

Baxter's second problem is that there is an ongoing and nasty personal feud between his dissertation director, a former Notre Dame theologian, and several senior members of the theology department, one of whom presently serves as the chair of the

Faculty Senate after having chaired the theology department for a number of years.

If you are puzzled by the fact that none of this seems relevant to Baxter's competence or promise as a teacher and scholar, then you are in the same position that Fr. Malloy was in when he appointed Baxter to his present position. Some of us familiar with Baxter's research believe that Malloy was motivated in part by a desire to prevent the theology department from embarrassing itself intellectually. In this he seems to have failed.

It's been a rough semester for Baxter. Fortunately, those students lucky enough to have him as a teacher in the classroom or a neighbor in the residence hall have not allowed all this foolishness to undermine their high regard and love for him.

Alfred J. Freddoso
Professor of Philosophy
University of Notre Dame

**To anyone
sending an article for
publication in
the Quarterly:**

Please send a disc copy
along with the hard copy and
include all personal contact
information, including
address and position.

Lectio Divina

Lenten Remarks
March 5, 1997
St Matthew's Cathedral

I want to say a few things about reading, and eventually about what is called *lectio divina* or spiritual reading.

1. Reading vs Speedreading

Not long ago in an airport, I noticed a fellow hunched over a book, his finger moving rapidly back and forth across the page and downward almost equally fast. I had heard books referred to as page-turners, but the way he was devouring and turning pages gave new meaning to the term. What he was doing is called speed-reading. Years ago, a woman called I believe Evelyn Wood used to visit campuses and instruct students in this technique. Professors reacted ambiguously, as they do to Cliff Notes, Cram Cassettes or other devices that seem to bypass the kind of attention to a text required to assimilate, understand, and appreciate it.

Still, speedwriting is a skill I have often wished I had. When information flows in from the various bureaucracies that seek to govern our lives, it would be nice to be able to give them a finger and derive from them all one needs. Newspapers too. It may be good for reading Tom Clancy novels as well, though not of course for *War & Peace* or *Nicholas Nickleby*.

There are texts and texts, and thus different kinds of reading appropriate to them. If it is simply a matter of information, the more quickly we can grasp the contents

the better — one does not fall into an aesthetic swoon while reading an instruction booklet from the IRS.

But there is writing that aims at much more than the transmission of information. There are dialogues of Plato, there is the *Divine Comedy*, there is the *Summa theologiae*.

Consider the plight of the poet. He uses the same language we use for commerce, argument, banter and badinage. A good part of his effort must seem one of stopping us from speedreading. The language, the medium, takes on a significance it seldom has in other kinds of writing. Rhyme, the metrics of the line, quatrains, a heightened use of plain old English, alliteration, sometimes altered word order — all seem meant to slow us down. If a poet came upon us speedreading his work he would doubtless tear it from our hands. Better not to be read at all than — not to be read at all.

From lyric poems through epics into novels — the role of language, the attempt to slow us down, alters and attenuates, but it is there.

There is a story of a man seeking admission to the French Academy, which is made up of a limited number of immortals who must vote on candidates for a vacated chair. Our candidate thus made the rounds of the existing members, obsequiously soliciting their support. He arrived at the home of one particularly haughty member, whose brow lifted in non-recognition. The candidate identified himself, a silence fell, and then he dared to ask, "Have you read anything of mine?" The eyebrow lifted a notch higher in disdain. "*Je ne lis pas, je relis.*"

Rereading is the balm of age. To go back to things that proved satisfying in the past and taste again their pleasures, ah, what can be more rewarding than that? One looks forward to rereading a Willa Cather, a Mark Twain, a Dickens or Trollope or Jane Austen. Or Henry James. It has been said that the mark of literature is just that: literature is anything we wish to read again. When we reread it is not to find out how the story comes out or what the argument is, but to savor anew.

The Bible is preeminently the book to be reread.

2. Reading the Bible

I have been moving toward, as you will have expected, reading the eponymous book, the Bible. A speedreader who told us he had read the Bible this morning, meaning all of it, would not impress us. The Bible above all, the inspired word of God, demands to be read in a special way. That special way is what is referred to by the phrase *lectio divina*.

A man named Lichtenberg who was famous for his aphorisms once wrote this about Sacred Scripture. "Such works are mirrors. If a monkey looks in, no apostle looks out." Scripture does not cater to the sedulous ape.

Augustine tells a story in the *Confessions* about coming upon St. Ambrose sitting in the porch of the church reading. Others were moving about, but there Ambrose sat, reading. What astounded Augustine was that while the bishop's lips moved, no sounds emerged. We joke about someone moving his lips as he reads; Augustine was astounded that Ambrose did not read aloud. Augustine is conveying

to us the fact that at the time to read was a public act. One read out, for the benefit of others as well as oneself.

In medieval illuminations we find scenes depicting a circle of women. All but one are busy with their "work", in the Jane Austen sense: the exception is reading to the others. This tells us among other things that some women were educated in the Middle Ages. But perhaps it also suggests reading as accompaniment, a kind of background to other activities. Muzak? Not necessarily.

Distractions while we are reading are part of being human, alas, but when the reading is a prayer, distraction is particularly to be avoided. "My words fly up, my thoughts remain below; words without thoughts never to heaven go."

As inspired, the Bible is God speaking to us. The Word of God is the vehicle of revelation and it is also an element in the liturgy. *Lectio divina* refers to the private reading of the Scripture.

It has been said that the only appropriate position for reading the Bible is on one's knees. Certainly it should not be read as one reads — to the degree one does — the South Bend Tribune. It is rather to be read as one reads a letter from the beloved.

In barracks and battlefields of yore, men sought out some quiet place, apart from the rest, in order to read letters from home. From Fifi, that is, and parents and siblings — it if was a letter from one's Congressman or bank it would be treated otherwise.

Once at a Right to Life dinner a CSC brother was called upon to say Grace. He was surprised and

unprepared and as he took the podium one felt uneasy for him. But then, after a moment, with bowed head he spoke. "Let us put ourselves in the presence of God." A familiar phrase, perhaps, but he said it in a way that truly reminded us that our lives are lived under the eye of God and from time to time we had better acknowledge this.

A story of Fatima, those great events of 80 years ago, that may be taken as proof positive of their authenticity is this. The children are told by Mary to pray their rosaries. And then she adds, I don't mean just saying "Hail Mary" ten times, say the whole prayer. No speedpraying.

Attention at prayer often comes hard. William James referred to the human mind as a "booming, buzzing, confusion." We are engaged by and large, in Thoreau's phrase, in leading lives of quiet desperation.

Lectio divina is meant to take us out of the distractions of the everyday and for a time to put our minds to God's revelation to us. Once in the Ambrosiana in Milan I was allowed to look at a section of a work of Thomas Aquinas, written in his own hand, on vellum he had touched and handled. There seemed an almost physical proximity to the great saint through that artifact. Scripture puts us in contact with the word of God. Ultimately, the Word of God is not a book but a person, the person present in the Eucharist. It is He we are listening to in *lectio divina*.

3. Monastic Education

We must have the setting in which *lectio divina* first defined itself in the Christian West.

St. Augustine lived through the fall of the Roman Empire. *The City of God* was occasioned by the charge that Rome's misfortunes were due to the new religion. The lights were going out over the empire which had stretched as far as the British Isles. Barbarians — our ancestors, by and large — invaded and having invaded often became part of the army and imperial administration. In its farther reaches, the empire became progressively de-Romanized, and the educational system — that in which Augustine himself had taught — disintegrated. What we call the Dark Ages began. It was also the beginning of monasticism.

In Italy in the 6th century, a layman named Cassiodorus Senator founded a monastery at Vivarium and wrote a constitution for it. These *Institutiones*, as they are called, are a precious source for the transmission of pagan learning into a Christian setting. Monks were to be instructed on two levels, the one preparatory to the other. The first level was that of the Liberal Arts, to the number of seven: the trivium (grammar, rhetoric, logic), the quadrivium (arithmetic, geometry, astronomy, music). These arts were taken to sum up pagan or secular learning. Knowledge of them was sought as useful and necessary for sacred learning — Sacred Scripture. That is why they were called ways, a threefold and fourfold way — to divine wisdom.

The monastery day was taken up with what St. Benedict called the *opus Dei* — and in the motto of his Order is: *ora et labora*, work and pray. Choir monks spent hours of each day in the monastery church, chanting the hours of the day. These hours were made up chiefly

of the psalms of David, all 150 of which were chanted over and over. This liturgical role of Scripture was of course of enormous importance.

So too would be the learned reflection on the Sacred text that became the written commentaries. In a continuation of the Jewish tradition, the Fathers of the Church explained the text. Not as in a homily, but by dwelling on the various senses of the text. First the *literal or historical* sense, and then the various derivative senses, gathered together under the heading of the spiritual sense: the *allegorical* [the Old Law prefigures the new], the *anagogical* [signs of future glory] and the *moral* sense [guide for our acts]. Ambrose, Augustine, all those we call the Fathers, engaged in this kind of study of Scripture. Thus we have three commentaries by Augustine on Genesis, as well as on the Psalms and on other works of the Bible.

Medieval education, as it began in the monasteries, and as it migrated to towns, fostered this commentary tradition. When universities were founded at the beginning of the 13th century, they consolidated the achievements of the monastic and cathedral traditions, but they had to rethink the relation between secular and sacred learning, because, with the influx of vast amounts of hitherto unknown writings, the Liberal Arts could no longer be thought of as an adequate summation of secular learning.

The training of a theologian consisted of two tracks — of course he was already a Bachelor of Arts (a philosopher) — first Scripture, then an ability to expound the main dogmas of the faith, following a great summary written in the 12th century by Peter Lombard. The

Middle Ages are a rich source of biblical commentaries. In recent years, there was a tendency to dismiss them, as allegorical and unscientific, but this is changing and there is a renewed interest in this vast and marvelous Christian patrimony.

4. *Lectio Divina*

The knack of the professorial lecture, as you see, is carefully to avoid its ostensible topic. In the minutes remaining to me, against the background of the foregoing, whose relevance by way of contrast will I trust be seen, I will say some things directly about *lectio divina*.

First, it was a private reading of Scripture in search of personal spiritual benefit. If not *sola Scriptura*, then *Scripture solo*, so to say. "*Sit tibi vel oratio assidua vel lectio: nunc cum Deo loquere, nunc Deus tecum: Engage in either prayer or careful reading: in the first, you speak to God, in the second, God speaks to you.*" Spiritual reading is to get into a position where the text, and God through the text, might speak personally to the reader.

As such reading developed — and notice that it was a practice that was spoken of and discussed at a level of generality although it was meant to be practiced and assimilated in particularity, personally — it was seen to have four elements: *lectio, meditatio, oratio, contemplatio*. I have recently come upon an article dealing with the way in which such prayer functions in the spirituality of St. Teresa of Avila. (I found it on the World Wide Web when I was browsing the Carmelite page [http://www.o.c.d.or.at/ics/more_5.html])

Lectio — the reading itself. A

short passage of Scripture is chosen, or perhaps suggested by the readings of the day. It is read slowly, no speedreading; it is read several times, imprinting the words on the mind and soul.

Meditatio — this leads naturally to reflection or meditation on the text, letting its meaning emerge, its meaning for me. Remember that when Augustine heard the children playing and their repeated words *Tolle et lege*, he picked up the Scriptures and his eye alighted on a passage whose meaning for him was suddenly crystal clear.

Oratio — prayer, usually in the sense of asking for the grace to respond to what the text says. Augustine saw that the text that he read on that famous occasion warned him away from the riotous living in which he was still engaged, but of course he needed grace to make the turn.

Contemplatio — gifted souls are sometimes caught up in a wordless union with God as the result of such reading, to an experience of what has been read. One reads of these experiences with awe and it would doubtless be presumptuous to aspire to them. Most of us will be doing much if we can kick into the requisite gear and let the word of the Lord address us directly.

One of the most surprising complaints in Allan Bloom's *The Closing of the Modern Mind* is that students do not know the Bible. We live in a time when editions, printings, translations, adaptations of the Bible seem to proliferate daily. Theologians have been urged to renew their disciplines on the basis of the Scripture, the primary source of God's revelation, which is the subject matter of theological reflection.

Catholics have always been

thought to be a little shy of the Bible — doubtless in reaction to Protestant excesses, and the menace of private interpretation. *Dei verbum*, one of the 16 documents of Vatican II, makes it clear that the Church is the authoritative interpreter of Scripture, as indeed of what books make up the Bible. *Lectio divina* is not a species of Private Interpretation, in the Reformers' sense. Rather it is the assimilation of the text, finding its meaning for me, today, now. This is to be done within the ambience of Church teaching, not as a rival to it. One should of course read the Catechism of the Catholic Church, 101-141mm for a crisp statement on Scripture.

One of my favorite authors is Paul Claudel. Perhaps you will know the moving story of his conversion on Christmas 1886 in Notre Dame. If you go into the sanctuary of Notre Dame you will find a plate embedded in the floor near the first pillar on the right of the choir. *Ici se convertit Paul Claudel, Noel 1886*. Claudel was a lifelong student of the Bible. Wherever his diplomatic career took him — to Japan, the United States, Belgium, but particularly after he retired — the great poet had the Vulgate on his desk. His *Journal* is a veritable florilegium of texts from the Latin bible. Perhaps a third of his *Collected Works* are devoted to Scripture. He wrote three volumes on the Apocalypse alone but he was especially taken by the Old Testament authors. Among his books is *J'aime la Bible*. It is nice to have a pre-conciliar figure as model of what the Council has urged upon us all. And among the responses to the sacred

text is what has been called *lectio divina*.

It is perhaps significant that Claudel used exclusively the Latin Bible. A constant flow of new translations militates against Scripture's becoming part of the furniture of the mind. It is particularly unwise to tailor the text to the presumed patois of the day. In *Letters to Malcolm*, C. S. Lewis made the case for a heightened, somewhat archaic English as best for the liturgy and Scripture. What I said earlier about speedreading is relevant to that. It is disingenuous to pretend that this flurry of translations answers to some demand on the part of the faithful. You will have read of the recent Roper poll that found that some 70% of the respondents reject so called gender-free language. Those who favor it turn out as often as not to be dissenters from Church doctrine and infrequent church-goers. This tells me that those who go to Mass would like to stick with one translation, good or bad. A constantly changing liturgy is a contradiction in terms.

Reading the Bible in these circumstances thus poses the question: what translation? Medievalists use the Douay-Rheims translation since it is closer to the Vulgate used by medieval authors. Prior to the Council Ronald Knox produced an elegant English translation of the whole Bible, fulfilling a task that had once been given to Cardinal Newman. In reviewing the translation, Evelyn Waugh opined that it would be used by English speaking Catholics for centuries to come. It did not survive the Council. I know little of current translations, but know that Father Fessio's Ignatius Press has published one he

regards as the best, and that is commendation indeed.

There are editions of the New Testament that have all the words of Jesus printed in red. This would be a sure guide as to texts to use in *lectio divina*.

Ralph McInerny

Catechism of the Catholic Church: Revised Statement of Principles, Guidelines for Use of the Text

Dear Editor:

The Ad Hoc Committee to Oversee the Use of the Catechism has requested that Catechism of the Catholic Church: Revised Statement of principles, Guidelines for Use of the Text be sent to you.

The Ad Hoc Committee wishes to direct your attention to the section entitled "Scholarly Use" at the bottom of the first page of the Revised Guidelines. "Works for academic discourse" are exempt from the policies and regulations of the Revised Guidelines as long as proper acknowledgment of the Catechism text is made. The Ad Hoc Committee hopes this exemption will promote the use of the Catechism in academic and scholarly settings.

The Ad Hoc Committee to Oversee the Use of the Catechism values the work of scholarly associations and journals, and it is the

hope of all involved that these Revised Guidelines will assist you in your work. If you have any further questions regarding these procedures, please do not hesitate to contact the Office for the Catechism or the Office for Publishing and Promotion Services.

Sincerely yours in Christ,

John E. Pollard
Director

cc:Mr. Richard Daw, Office for Publishing and Promotion Services
Ms. Mary Sperry, Copyrights and Permissions

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to ensure the widest possible distribution of the *Catechism of the Catholic Church*.

to encourage the proper use of the text of the *Catechism of the Catholic Church* in secondary and derivative works.

In light of these principles, the United States Catholic Conference has prepared the following guidelines for those who wish to use portions of the text of the *Catechism of the Catholic Church* in written, recorded or electronic form:

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APPROVED 6 September 1996
By Secretary of the Administration
of the Patrimony of the Holy See

Call for Membership University Faculty for Life

A multidisciplinary association of scholars speaking out for human life

University Faculty for Life was founded in 1989 to promote research, dialogue and publication among faculty members who respect the value of human life from its inception to natural death, and to provide academic support for the pro-life position. Respect for life is especially endangered by the current cultural forces seeking to legitimize such practices as abortion, infanticide and euthanasia. We know that these topics are controversial, but

we believe that they are too important to be resolved by the shouting, news-bites and slogans that have dominated popular presentations of these issues. Because we believe the evidence is on our side, we would like to assure a hearing for our views in the academic community.

The issues of abortion, infanticide and euthanasia have many dimensions - political, social, legal, medical, biological, psychological, ethical and religious. Accordingly, we hope to promote an interdisciplinary forum in which these issues can be discussed among scholars. We believe that by talking with one another we might better understand the values we share and become better informed in our expression and defense of them.

Membership in University Faculty for Life is open to all who now have or who have had a

teaching position in a university or college. We welcome members from every field of study and of every political, philosophical and religious persuasion.

Membership in UFL is very reasonable (only \$25) and includes a proceedings book from the annual UFL conference (Life and Learning VI), the UFL "Pro Vital" newsletter and conference notices. We hope that you will consider joining this extremely important organization for the pro-life movement. If you are interested in membership you may send your request and check to the following address:

*University Faculty for Life
120 New North
Georgetown University
Washington, DC 20057*

News about the Society of Catholic Social Scientists

The Society of Catholic Social Scientists will sponsor a panel on the morning (tentatively 9-11 a.m.) prior to the start of the Fellowship's convention on September 19, 1997 at the Mayflower Hotel in Washington, D.C. The topic will be "The Social Science of John Paul II." Further information will be included in the mailing to convention registrants. The SCSS's own annual meeting-conference will take place on October 24-25, 1997 at Franciscan University of Steubenville, Ohio. Paper proposals are welcome and

should be sent (before May 31, 1997) to: Dr. Stephen M. Krason, Political Science Program, Franciscan University of Steubenville, Steubenville, Ohio 43952. Besides topics in the traditional social sciences and related applied fields, papers are welcome in history, law, literature, and moral philosophy and theology that touch on social questions.

At the 1996 meeting-conference, Fr. Francis Canavan, S.J. of Fordham University received the SCSS's annual Pope Pius XI Award for contributions toward the building of a true Catholic social science. Fr. Michael Scanlan, President of Franciscan University of Steubenville, received a special award from the SCSS for his contributions to Catholic higher education.

In 1996, with the assistance of Franciscan University of Steubenville, the SCSS launched The Catholic Social Science Review, the only interdisciplinary scholarly social science journal in North America committed to Catholic orthodoxy. This 250-300 page annual publication, which is refereed, is the SCSS's most ambitious project to date and is a main focus of its effort to renew the building of a distinctly Catholic social science. Volume I can be purchased for \$10.00 plus \$3.00 postage and handling from Franciscan University Press in Steubenville, Ohio. Articles to be considered for publication should be sent to Dr. Joseph A. Varacalli (Editor in Chief) Department of Sociology, Nassau Community College, Garden City,

New York 11530; or Professor Dominic Aquila (Editor), History Program, Franciscan University of Steubenville.

The SCSS will be holding a mini-conference at St. Francis College, Loretto, Pa. (near Penn State University) on April 19, 1997 (2-5 p.m.) on "Great Catholics in American History." For details, call Dr. Donald J. D'Elia at (914) 257-3538. The SCSS's Political Science disciplinary section will sponsor a panel at the annual American Political Science Association convention in Washington, D.C., August 28-31, 1997 on the topic of Catholic statesmanship. So, far Dennis Dillon, District Attorney of Nassau County, N.Y. and a noted pro-life politician, has confirmed his participation and Pat Buchanan has tentatively accepted. Invitations are also being tendered to Alan Keyes and Robert Dornan. A small panel of scholars from the SCSS will comment on their presentations. For information, call Dr. Thomas Droleskey at (516) 935-1215.

Membership queries about the SCSS should be sent to

Dr. Stephen M. Krason,
Franciscan University of Steubenville
(614) 283-6416.

Obituary of Father Francis J. McCool, S.J.

by Patrick G.D. Riley

Father Francis J. McCool, S.J., a Biblical scholar and long time superior of international houses of the Society of Jesus in Rome, died in New York April 20, 1996 after a long illness. He was 82.

During the Second Vatican Council, Father McCool, then a professor at the Pontifical Biblical Institute in Rome, worked with Augustin Cardinal Bea, S.J., for passage of the dogmatic constitution on Revelation, *Dei Verbum*, and the declaration on non-Christian religions, *Nostrae aetate*. He was also a member of the press panel that the U.S. bishops set up for journalists covering the Council. His explanations of conciliar texts and debates were widely relied on and quoted by reporters.

Father McCool returned to the United States in 1985. He made known his sympathy with the work of the Fellowship, particularly Msgr. George A. Kelly's book on trends in scriptural studies, *The New Biblical Theorists*.

He was born in Northern Ireland, and came with his family to the United States at the age of 14. Upon graduation from Regis High School, an all-scholarship Jesuit institution in New York, he renounced a scholarship to Fordham University in order to enter the Society of Jesus. Ordination to the priesthood came in 1945 "after a long life spent in religion," as he recalled.

In preparation for doctoral work at the Biblical Institute, he studied under the celebrated Semiticist William Foxwell Albright at Johns Hopkins University. Most of his teaching career was spent in Rome.

From 1966 to 1972 he was Delegate of the General for inter-provincial Jesuit houses in Rome, including the faculty of the Gregorian University, the Biblical Institute, and the Oriental Institute. His efforts to recruit faculty and update curricula and libraries did

not meet universal approval, nor did his provision for more frequent return of younger faculty to their home country so they could achieve and retain a scholarly reputation there.

Beyond such administrative problems, he had to cope with the doctrinal turmoil that arose in the wake of Vatican II. This reached crisis with the publication of the encyclical *Humanae vitae* and it is probably no exaggeration to say that he had to employ all his gifts of understanding and persuasion, which were of a high order, to restrain the virtual rebellion then widespread among Jesuit intellectuals in Rome. Although he was not at first sympathetic to the papal restatement of the tradition against contraception, he soon grew alarmed at the doctrinal deviations that rejection of the tradition entrained; he reversed himself and, characteristically, undertook a fresh study of the anthropological and metaphysical underpinnings of the tradition.

During his term as General Delegate, which in effect made him provincial superior of all Roman houses not under the jurisdiction of the Roman province, he suffered a near-fatal illness from which he never fully recovered. On completion of his term he returned to teaching, and for a year, until his return to the United States, he was Spiritual Father at the Biblical Institute.

Among his survivors is his brother, the philosopher Gerald A. McCool, S.J..

Patrick G.D. Riley
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Wauwatosa, WI 53222

**The Suffering of Love:
Christ's Descent into the Hell
of Human Hopelessness.**

By Regis Martin. Petersham, Massachusetts: St. Bede's Publications, 1995. Pp. iv, 173 pp.

Reviewed by Dominic A. Aquila, Chairman, Department of History, Humanities, and Political Science, Franciscan University of Steubenville, Steubenville, Ohio.

The Holocaust — Hitler's systematic extermination of European Jews — has profoundly shaped the moral imagination of Western man since the end of World War II. It evokes what Bruno Bettelheim called the "unfathomable horror" of mass death. Confronted with the stories of its survivors we find ourselves unable to make a response commensurate with the enormity of such organized evil; and when we try to make sense out of it our explanations usually trail off into banalities. Silence seems to be the only fitting tribute to the millions who died at the hands of the Nazis, nevertheless the urge to speak and to act is irresistible. Inasmuch as the Holocaust crossed a heretofore "unapproachable moral barrier," wrote Christopher Lasch, it ought to have inspired "a renewal of religious faith," and "a collective commitment to peace and justice, to a world in which men and women can live in dignity." But few have had the heart for such noble work. Instead, the Holocaust exacerbated the declinism that had set into Western culture after the First World War. Today its significance radiates far beyond Jewish circles to the whole of

Western society. It is now routinely trotted out as a symbol for a pervasive and debilitating sense of helplessness. In Jacob Neusner's words, it has become "a kind of Jewish key word for the common malaise."

Regis Martin's *The Suffering of Love* proceeds from this common view of the Holocaust as emblematic of the West's decline. "It is a thesis of this book," writes Martin, "that whatever the particular complex of events one might lay hold of to explain civilization's collapse ... clearly the attempted extermination of European Jewry between the years 1939 and 1945 remains a vivid and salient expression of it." Martin has a deep respect for the profound mystery of iniquity signified by the Holocaust. In a splendidly subtle blending of theology and literature, he conveys powerfully just how deeply this harrowing evil has depleted our confidence and drained our power to hope.

Understandably, many survivors and students of the Holocaust have given up trying to make sense of it; for them the only meaning of the Holocaust is that "it has no meaning." Against such hopelessness, Martin strikes out in a daring and creative direction toward discovering the deep meaning of the Holocaust by linking Hitler's "Final Solution to the Jewish Problem" with the crucifixion of Christ, "two-horizon shattering events" of world history. This connection had always been present in Hitler's mind. But because a powerful current of opinion exists which routinely dismisses comparisons of the Holocaust with other human atrocities — lest it be overshadowed as the exemplar of genocide,

few today appreciate that for the leaders of the Third Reich, Judaism and Christianity were "always of a piece." A little ditty Hitler's storm troopers sang as they marched went:

Pope and rabbi, both must go.
Heathens we will be again,
No longer crawl to Church.
Ours is the sun wheel's lead.

Without at all diminishing the importance of the Holocaust to the Jewish experience, Martin insists on treating it in relation to the Christian mystery. For Christ's death and descent into Hell supply the hermeneutic by which we uncover the inmost meaning of the Holocaust, understood as the climax of an historical crescendo of human suffering and abandonment. To those who argue that the Holocaust "is bereft of meaning," Martin asks: "Is it possible, speaking at the deepest exegetical level of textual interpretation of history — at the level, that is to say of analogical meaning — to see in the countless events of literal human suffering, their horrors achieving a kind of infernal apotheosis in the Holocaust, the startling and mysterious presence of Christ"? Emphatically, Martin does not merely apply the metaphor of the cross to the Holocaust in the way Pope John XXIII did when he referred to the Holocaust as "six million crucifixions." Rather he views it throughout the book in a "Christic dimension," which as William F. Lynch, S.J. once wrote, means that "the one narrow form of Christ of Nazareth is in the process of giving its shape to everything."

A theological analysis of the Holocaust must confront a resurgent and strident theodicy, reminiscent of the period just after the

horrific Thirty Years War, when G. W. Leibniz first established the discipline in an attempt to systematically reconcile God's omnipotence with the existence of evil. In the words of Walter Kasper: "post-Auschwitz theology believes it now impossible to speak responsibly of a God who is both omnipotent and good." God is in the dock, as C.S. Lewis put it, and his many accusers charge him with a heartless silence and disregard for his Chosen People at the hands of their sadistic torturers and killers. For many, God's silence is evidence of his non-existence, his lack of concern for humanity, and worst of all, the complete victory of evil. How dare anyone say: "God is love"!

Martin's answer to the concerns of post-Auschwitz theodicy and theology draws heavily on Origen's notion that Christ's suffering preceded his earthly existence, and caused his "external fleshy passion." In Origen's words: "First he suffered, then he came down, What was the suffering he accepted for us? The suffering of love."

Without lapsing into patripassianism — the heretical notion that inasmuch as the Father and the Son were the same, it was the Father, in the guise of the Son, who was crucified, Martin argues that because the Son suffers before his descent to earth, his passion is "ultimately a Trinitarian experience," since the three persons of the Trinity do not work independently of each other. The suffering of Christ is, therefore, not limited to his human sufferings but extends to his Divine nature, and through it to the Father, and the Holy Spirit. Therefore "we are justified in speaking of a kind of wound of love at the heart of Triune reality,"

which, while not at all delimiting God's own Divine nature, nonetheless compels him to be involved intimately in human suffering. As Hans Urs von Balthasar wrote, Christ's suffering expresses "the living, streaming love which quite apart from the occasion, offered by the sin of humanity which had to be borne — could find in all creation no better language in which to express itself than the passion."

But still, where is this suffering God amid the horrors of the death camps? What real meaning can this "suffering of love" offer those who, in Elie Wiesel's *Night*, were forced witnesses to the prolonged sufferings of a child — "the Quintessential innocent" — dangling from a makeshift gallows. The answer lies in following Christ's progressive descent into the well of human suffering through the dereliction of the cross to the ultimate horror, the unimaginable solitude of hell, where he suffered the "timeless and eternal sense of his having been forsaken by God." In the "mystery of Holy Saturday," which Martin considers for a third of his book, we discover that no physical suffering or human experience of abandonment can surpass that which Christ endured. "No, it is neither right nor seemly that we predicate of others a pain in excess of his own; the river can never aspire to something greater than its source."

The Hell, Martin gives us is not Dante's ordered Hell, or a realm where the Father exacts his vengeance eternally from unrepentant sinners. It is instead a place of dreadful isolation, where the self whose destiny from birth is to be with others, stands "self-condemned... to an abyss everlastingly lonely." Here it was that Christ

willingly descended on Holy Saturday. Contra Sartre's dictum that "hell is other people," Martin writes:

Could any physical torment exist, either whose intensity or duration might equal the pain of that loss? What possible violence to the human person — to one whose whole being remains profoundly, irreducibly relational, and whose very completion as a person depends on communion with others and with God — what violence to such a being could possibly exceed a state of loneliness so starkly absolute?

Martin's conviction on the unsurpassed agony of Hell's loneliness notwithstanding, most Westerners who find his argument for the kinship between the Christian mystery of suffering and the Holocaust persuasive, will doubtless be convinced in the end by the heroic deaths of St. Maximilian Kolbe and Blessed Edith Stein. It is not just because their lives were dramatic realizations of the Christian mystery of Faith, but more so because they embraced that part of this mystery which has the greater resonance in the West, namely the Cross. Martin even notes that Blessed Edith Stein seems to have anticipated her earthly end in the name she chose when she entered the convent, Sister Teresa Benedicta a Cruce. As Balthasar points out in *Science, Religion, and Christianity*, a text that Martin does not treat in his book, "the Western image of Redemption is Golgotha." Christ's descent into Hell as a redemptive image was preserved in Eastern Christianity (as in Pseudo-Epiphanius's "Homily for Holy Saturday"), but "lost to the West at an early stage." Moreover, much of the horror of Martin's Hell presupposes a pro-

found appreciation for the fundamentally relational construction of the self. But such a relational self is difficult for many Westerners to understand because for centuries now they have been fed a steady diet of liberal individualism with its cult of the autonomously created self.

These cultural obstacles to its appreciation aside, *The Suffering of Love* is a valuable contribution to recent efforts toward the reconstruction of hope. But perhaps the book's greatest importance lies in its attempt to satisfy what Balthasar long ago identified as a great desideratum in Western theology: "that it does not consider seriously enough from what God has re-deemed us." The "from what," which the Eastern Fathers of the Church treated at length, "is nothing less than hell, the eternal exclusion from the presence of God." For the Beatitude of Easter morning requires that we first meditate on the hellish terror of Godforsakenness.

The Rosary of Our Lady

by Romano Guardini
 Manchester, NH: Sophia Institute Press, 1994, 149 pp.
 ISBN 0-918477-23-9, \$11.95

reviewed by: Nancy Torre Dauphinais

Guardini's treatise adds much to the treasury of wisdom written on the age-old prayer of the Rosary. He effectively addresses some objections often raised regarding this devotion, including the criticism that the Rosary is superstitious, that it involves the "multiplication of

words" which Jesus warns against in Matthew 6:7-8, that it is subject to abuses, and others. The book is full of insight for both those who regularly pray the Rosary and for those who do not know much about it and want to learn more. His words teach us how to discover that the events of the life of Christ and his Mother, which are at the heart of the Rosary, are re-enacted in our own lives, and he shows us how to pray the Rosary so that we may more fully live this truth.

The book is organized into two main sections. The first half covers "The Form and Meaning of the Rosary Devotion." Here he answers questions ranging from what the Rosary consists of to what are the benefits of the use of repetition employed in the Rosary. He describes beautifully the power that words and language have, thereby demonstrating the force that the holy words of the Rosary can have in the lives of the faithful. These words build for us "that open, moving world, transfused by energy and regulated by reason, in which the act of prayer takes place" (28). Guardini compares the Rosary to the devotion of the Stations of the Cross. While the latter resembles a journey, the Rosary is more of a place, "a well-ordered world," where we are invited to linger and grow in our depth of understanding the life of Christ and his Mother.

Guardini writes, "The essence of the Rosary is a steady incitement to holy sympathy" (39). To aid us in developing this virtue of sympathy, the second half provides individual meditations on each mystery of the Rosary. These meditations call the reader to enter more deeply into the events which are the focus

of each mystery, both as they happened historically, and as they happen in the life of each Christian. He draws our attention to "decisive moments" in the Christian life. For example, we ourselves experience the Annunciation of Our Lord when we become aware of Christ's presence in our life for the first time. We are touched by the mystery of the Agony of the Garden when our eyes are opened to the horror and consequences of our own sin. We witness the Resurrection of Jesus when we die to ourselves and rise with him.

In the Appendix, Guardini refers to Josef Weiger's book, *Maria, Mutter des neuen und ewigen Bundes*, which describes two alternate mysteries that could be substituted for the traditional last two Glorious mysteries (the Assumption of Mary and the Coronation of Mary as Queen of Heaven and Earth). The two mysteries he names are the mystery of the Second Coming of Christ and the mystery of the Kingdom of God. Guardini provides meaningful meditations on these mysteries as well. He tells us that through our participation in the Church, Christ's kingdom on earth, we are led to the "perfect Kingdom of God in Heaven" (142). Guardini's work helps us to place ourselves in God's story of eternal salvation, and helps us to see how, through praying the Rosary, we are led home to God.

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The Pluralist Game: Pluralism, Liberalism, and the Moral Conscience

by Francis Canavan, S.J.

Lanham, Md.: Rowman and Littlefield, 1995, 165 pp, with index.

*Reviewed by Robert F. Gorman
Southwest Texas State University*

For most subscribers to this quarterly, reading Canavan's *The Pluralist Game*, will be like listening to a sermon from the choir loft. Indeed, most will have already come to many of the same conclusions that Canavan so adroitly makes in this book. Most will already be deeply skeptical of the claims made by our secular and pluralist political culture concerning its studied and necessary neutrality when it comes to all things moral. Most already will have smelled a rat. Whether a reader is openly critical of contemporary political and social platitudes or only vaguely uncomfortable with them, consulting Canavan will be a treat or an eye-opener.

Canavan, a noted political theorist, has long been one of the most incisive and persistent critics of modernism, liberalism, and pluralism as practiced in the United States. This volume consists of a collection of his essays written over a span of some thirty years. They are a marvelous compendium of witty, wry, and trenchant critiques of liberal, progressive, hedonistic and secular doctrines that now seemingly mark the very soul of American politics, legal thinking and constitutional theory.

Canavan's writing is truly prophetic, both in the sense of calling people back to the common sense

and solid ground of reason and faith and in the sense of predicting the direction of our national discourse and political life.

What is the pluralist game? It is something like this. Individuals (not families, churches, or other associations) are the foundation of society. The individual is a bearer of rights which the state (government) must recognize and protect. The individual is free to enter into associations with other individuals (families, churches, etc.), to formulate and express opinions, to acquire and enjoy property, and to fashion a life-style and a set of subjective moral principles by which to guide his or her own pursuit of happiness. In matters of religion and morality, which are totally subjective and private (and one might presume largely trivial), the state has no business interfering. In a pluralistic society of many different and competing religions and moral codes, government must remain neutral and treat all beliefs (including non-belief) equally. In liberal, democratic, pluralistic societies, then, moral judgments can be made only by individuals, not by government as such. Democratic government becomes merely an agreement on legal and constitutional procedures to be used to resolve disputes through legislative majority rule, or, more recently, through elite intervention via the courts, in which five Justices may decide the outcome of a conflict between individual rights and majority legislative activity (thus enabling a tiny judicial minority to trump majority will).

The game, as Canavan rightly asserts, is played with a stacked deck. The assertion that norms are merely the function of individual

subjective preferences is itself a norm. To assert that government may not or should not be engaged in normative or moral decision-making is itself a normative posture. The determination about what constitutes private activity (beyond the regulation of government) and public activity (within government's regulative competence) is also normative. The argument that government can remain neutral in dealing with the moral implications of human behavior, then, is disingenuous. In the name of "individual liberty" we end up with societal permissiveness.

Hence, trade in pornography must be protected as a right of free expression, even if the majority find it offensive. The latter need not look, even if it is shoved in their faces. Television producers have the right to purvey a variety of sexual mores at prime time, and parents just have to learn how to keep their kids away from the boob tube if they find such programming offensive. After all, they can choose not to watch. Abortion, gay rights, euthanasia, and homosexual marriage are issues that fall in the realm of private rights. How could they possibly have public implications, especially since morality is strictly a private matter? What this all leads to, of course, is a libertine public morality, which is, after all, a species of morality. Hence the pluralist game is stacked in favor of a particularly gamey version of morality. The malodorous consequences of this "neutrality" are quite easily detected these days. That Canavan detected the logical consequences long before the stench was so generally noticeable is a tribute to his foresight, or rather his "foresmell."

How to correct all this? With

his usual acumen and drawing on a remarkable reservoir of uncommonly good sense, Canavan suggests that American jurisprudence needs to rethink the notion that politics is simply a confrontation between autonomous individuals and the potentially tyrannical state. Rather, we need to acknowledge the formative value of the family and of the church and other "intermediary" institutions or communities. A child does not enter into a contract with its family, either in its mother's womb, or after its birth. A child is naturally, not contractually, a part of a family. If children are to be properly nurtured, then

families need to be nurtured, and the natural family is the monogamous one. Traditional marriage must enjoy special preference in the law, both to ensure the transmission of life and the transmission of culture. People of religious faith have every right, in turn, to voice their concerns about moral issues in political life, and, with prudence, to seek political outcomes consistent with proper social order.

This is the kind of fresh air Canavan provides in contrast to the miasmatic emotivism and fuzzy thinking that mark so much modern constitutional and democratic theory. Anyone interested in a

clear-headed critique of our contemporary social condition should repair quickly to this collection. Canavan is to be commended for his prescience and his good sense, and readers starving for a little of both will find ample nourishment in his little smorgasbord of thought-provoking essays on law, morality, religion and politics in the brave new world of American pluralism.

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ACORN BOOKS, PO Box 7348,
 Springfield, Ill. 62791

The Jericho Plan: Breaking Down the Walls Which Prevent Post-Abortion Healing, David C. Reardon, 120 pages, \$8.95 paperback, ISBN 0-9648957-5-7

ALBA HOUSE, 2187 Victory Boulevard, Staten Island, New York 10314-6603

The Imitation of Christ, Thomas à Kempis, edited and paraphrased by Donald E. Demaray, xiv + 256 pages, \$12.95 paperback, ISBN 0-8189-0711-8.

On the Love of God and Other Selected Writings, St. Bernard of Clairvaux, edited and abridged by Msgr. Charles J. Dollen, xiv + 136 pages, \$8.95 paperback, ISBN 0-8189-0731-2.

Partners in Life and Love: A Preparation Handbook for the Celebration of Catholic Marriage, Joseph R. Giandurco and John S. Bonnici, 96 pages, \$2.95 paperback, ISBN 0-8189-0766-5.

Where Do You Stand With The Church? The Dilemma of Divorced Catholics, John T. Catoir, J.C.D., 82 pages, \$7.95 paperback, ISBN 0-8189-0776-2.

CATHOLIC UNIVERSITY OF AMERICA PRESS, 2200 Girard Ave., Baltimore, MD 21211

At the Limits of Policial Philosophy, James V. Schall, 272 pages, \$44.95 hardback, ISBN 0-8132-0832-7.

Christian Faith and the Theological Life, Romanus Cessario, O.P., 197 pages, \$17.95 paperback, ISBN 0-8132-0869-6.

Justice in the Church: Gender and Participation, Benedict M. Ashley, O.P., 234 pages, \$19.95 paperback, ISBN 0-8132-0857-2.

FORDHAM UNIVERSITY PRESS, University Box L, Bronx, NY 10458

Through a Glass Darkly: Essays in the Religious Imagination, John C. Hawley, S.J., xii + 289 pages, \$35.00 hardback, ISBN 0-8232-1636-5.

FOREST OF PEACE PUBLISHING, 251 Muncie Rd, Leavenworth, KS 66048

The Conspiracy of Compassion, Joseph Nassal, C.P.P.S., 175 pages, \$10.95 paperback, ISBN 0-939516-34-9.

HARVARD UNIVERSITY PRESS, 79 Garden Street, Cambridge, MA 02138

The Virgin and the Bride: Idealized Womanhood in Late Antiquity, Kate Cooper, xii + 180 pages, \$37.50 hardback, ISBN 0-674-93949-2.

What are Freedoms For?, John H. Garvey, 312 pages, \$35.00 hardback, ISBN 0-674-31929.

NEW WORLD LIBRARY, 14 Pamaron Way, Novato CA 94949

No Greater Love, Mother Teresa, 208 pages, \$21.00 hardback, ISBN 1-57731-006-3.

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