

ND faculty present open letters opposing Father Jenkins' statement that permits controversial events

BY ANN CAREY

NOTRE DAME — Three prominent University of Notre Dame faculty members have written open letters criticizing the decision of the university president to permit events like "The Vagina Monologues" and a gay film event to continue on the Notre Dame campus.

Published between April 11 and April 20 in the Notre Dame student newspaper, *The Observer*, the letters were written by John Cavadini, chair of the Department of Theology; Franciscan Father John Coughlin, a professor in the School of Law; and Holy Cross Father Wilson Miscamble, a history professor and former rector of Notre Dame's Moreau Seminary. All three letters express deep concern that the policy articulated by the Notre Dame president, Holy Cross Father John Jenkins, will seriously damage the Catholic character of the university.

In January addresses to faculty

and students, Father Jenkins — who became Notre Dame's 17th president in 2005 — indicated his discomfort with the play and film festival, saying "(They) either are, or appear to be, at odds with certain fundamental values of a Catholic university." He invited input from the university community on a policy that an event "which either is, or appears to be in name or content clearly and egregiously contrary to, or inconsistent with, the fundamental values of a Catholic university, should not be allowed at Notre Dame."

On April 5, Father Jenkins issued "A Closing Statement on Academic Freedom and Catholic Character," saying that he decided not to prohibit performances of "The Vagina Monologues" or other events that present views contrary to Catholic teaching, as long as the issues are "brought into dialogue with Catholic tradition."

Some students and faculty — particularly those in the School of Arts and Letters — celebrated the decision as a victory for academic freedom. Other students and faculty, however, expressed deep concern over the president's statement, and three professors wrote lengthy open letters that were published in *The Observer*.

Father Miscamble addressed his April 11 open letter to Father Jenkins and explained that he was writing publicly "to alert our facul-

ty, colleagues and our treasured students that not all members of the Congregation of Holy Cross, to which we belong, endorse your decision."

Father Miscamble noted that the president's decision to allow the programs to continue "brought most joy to those who care least about Notre Dame's Catholic mission" and inflicted "real damage to our beloved school and its distinct place in American higher education." And he urged Father Jenkins to reverse his decision.

"By your decision you move us further along the dangerous path where we ape our secular peers and take all our signals from them," Father Miscamble continued, noting that similar decisions at other religious schools "led them down a dangerous path to the full surrender of their religious mission and identity."

Father Coughlin wrote on April 20 that he had not been eager to enter into the controversy, but concern for the future of Catholicism at Notre Dame convinced him to

speak out. The Jenkins statement "expresses a conception of the Catholic university based upon a divorce between reason and faith," he contended.

"The statement creates the impression that Catholicism is just another 'good idea' sometimes at issue and to be battled around in the ongoing intellectual debate at the university," wrote Father Coughlin.

"Without the recognition of the primacy of

Catholic truth claims at Notre Dame, the university's own internal dialogue will fail to ensure integration of faith and reason," he continued. "And in its dialogue with wider culture, Notre Dame will be a weak partner with little of its own to offer."

From the perspective of an attorney and a canon lawyer, Father Coughlin took issue with Father Jenkins' determination "to suppress speech on this campus." Father Coughlin said that even in constitutional law, the guarantee to free speech is not absolute. Further, he said, universities "enjoy the right not only to regulate, but to suppress, speech on their private property," and virtually every university does so.

Church law also puts restrictions on speech, demanding respect for the integrity of faith and morals and the common good and dignity of individuals, he said. Father Coughlin noted that Father Jenkins' statement even admitted that "The Vagina Monologues"

stands in opposition to Catholic teaching on human sexuality.

"Instead of adopting a policy that permits this kind of speech, the president of a Catholic university should be guarding against it," Father Coughlin wrote.

Professor Cavadini wrote on April 19 about the overall framework in which the issues were considered, saying, "There is a missing conversation partner," namely, the Catholic Church. He said the Jenkins statement refers to "the Catholic intellectual tradition," rather than to the church, whereas, "Ex corde Ecclesiae" ("From the Heart of the Church," Pope John Paul II's 1990 apostolic constitution on Catholic higher education) talks about the relationship between the Catholic university and the church specifically.

Additionally, Cavadini noted that the Jenkins statement did not even mention that Bishop John M. D'Arcy had repeatedly urged the Notre Dame administration to prohibit such events that are antithetical to Catholic teaching.

"(Whether) we recognize it or not, this relationship to the church ... is the lifeblood and only guarantee of our identity as a Catholic university," Cavadini wrote.

"There is an Catholic identity apart from affiliation with the church."

This relationship between the university and the church should never be dismissed as irrelevant, Cavadini continued, and he expressed concern that such irrelevance is increasingly happening at Notre Dame, judging from the Jenkins statement and the subsequent praise for it.

"The president's statement, as a way of going forward, seems to ratify our unspoken declaration of independence from the church, to permit it as the 'default' mode of operation, and to invite the reduction of any model of the university, which entails any explicit relationship to the magisterium of the church as a 'seminary' model," Cavadini wrote.

"But everyone who is honestly invested in Catholic identity, in a genuine Catholic intellectual tradition, in the special intellectual witness that is demanded of a Catholic university, should feel some caution, and even some regret, at the absence of any explicit commitment to accountability to the church reflected in the president's statement," Cavadini continued.

"Without a sense of the university's close relationship with, and accountability to, the church, the unique and precious intellectual fabric that we have woven here and which many, including many who are not Catholic, have come to value precisely because of its special character and witness, can never in the long run be sustained."

The complete texts of the three professors' letters are posted on Today's Catholic Web site, at www.diocesefwsb.org/TODAY.

STATEMENT BY BISHOP JOHN M. D'ARCY

Pastoral response to 'A Closing Statement on Academic Freedom and Catholic Character' by Father John Jenkins, CSC

April 30, 2006

Father John Jenkins, CSC, shared with me his decision and the rationale that supported it at the same time he shared it with the press, the afternoon before it was released to the public. Holy Week and the beautiful pastoral responsibilities it brings followed immediately, but now, with these responsibilities completed, I am able to respond to the decision and the material that accompanied it in a way that is more adequate, and thus try to fulfill my pastoral obligation.

A bishop is bound to preach the Gospel. In fact, if St. Paul is taken at his word, it seems that this obligation relates directly to his eternal salvation. "If I preach the Gospel, this is no reason for me to boast for an obligation has been imposed on me, and woe to me if I do not preach it." — 1 Cor. 9, 16. Surely, this sacred responsibility does not relate only to the preaching of the Gospel on Sunday at the holy liturgy, though that is always central. It also requires the bishop to apply the Gospel and the teachings of the church to the questions of the time, and, indeed, to his own pastoral decisions. If we do not accept that, there is the danger that the Gospel would become irrelevant and the ministry of the bishop greatly weakened.

Academic freedom

In the discussion, which Father Jenkins initiated with his talk in January to the university faculty and later to the students, and also in his closing statement, he spoke about academic freedom and the Catholic character of Notre Dame.

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May 6-7 collection assists Catholic Home Missions Appeal

My Dear Brothers and Sisters in Christ,

We are so blessed in this diocese to have dozens of vibrant parishes in which to attend Sunday, and even daily, Mass, flourishing schools, religious education programs and outreach to young people, families, the poor and the sick. We know that this is not the case in many parts of our country where the percentage of Catholics is very small and priests and their co-workers struggle to meet the pastoral needs of their people in isolated parishes and remote missions. For example, one pastor in central Utah travels some 800 miles each week to bring the Mass, sacraments and instruction to the largely Hispanic communities in Mormon territory. In places like Appalachia, the Deep South, the Southwest, the Mountain West and the remote island dioceses of the Caribbean and Pacific, our brothers and sisters in the faith depend on us for financial support.

On the weekend of May 6-7, we will take up the collection for the Catholic Home Missions Appeal, which is sponsored by the United States Conference of Catholic Bishops. This appeal seeks to strengthen the bonds among American dioceses and parishes, allowing Catholics in more prosperous parts of the country to help the missions in poorer areas. It pays for travel expenses for priests to celebrate Mass in remote towns, so people can receive regular nourishment from the Eucharist and the word of God. It helps pay for the education of seminarians, deacons and lay ministers. It supports religious education programs aimed at deepening youth and young adults' knowledge of our faith. Some 90 dioceses, in fact, rely on the support of the Catholic Home Missions Appeal. In addition, this appeal provides funding to the global Archdiocese of Military Services which sends close to 1,000 chaplains to offer Mass, the sacraments, counseling and a comforting presence to American Catholic soldiers and their families throughout the world.

On behalf of our brothers and sisters with whom we share the same country and the same faith, I ask you to be as generous as you can with this important collection.

Sincerely yours in our Lord,


Most Reverend John M. D'Arcy

STATEMENT

CONTINUED FROM PAGE 3

In "Ex Corde Ecclesiae," Pope John Paul II, himself a longtime professor in a Catholic university, wrote with clarity about academic freedom at a Catholic university. Among other things, he said that a Catholic university:

... possesses that institutional autonomy necessary to perform its functions effectively and guarantees its members academic freedom, so long as the rights of the individual person and of the community are preserved within the confines of the truth and the common good."
— "Ex Corde Ecclesiae," 12.

Although Father Jenkins cited "Ex Corde Ecclesiae" in his closing statement, he did not cite its teaching on academic freedom or related matters, and this would have seemed especially relevant in a closing statement on academic freedom in relation to Catholic character. This teaching simply carries forward teaching on the freedom of inquiry stated earlier by the Second Vatican Council ("Gaudium et Spes," 59) and the 1966 Declaration on Catholic Education, where freedom of inquiry is founded on the same principles. These principles, the rights of individuals, the truth and the common good, also constitute central parts of Catholic social teaching and Catholic ethics. Indeed, if properly understood, they do not restrict academic freedom, but enlarge it and give it a color that is truly Catholic.

Nowhere in his comments does Father Jenkins speak of these principles or the tradition of freedom of inquiry that is based on them. I found this difficult to

understand and trust that this teaching was not considered irrelevant.

This is all the more surprising because the University of Notre Dame's Board of Trustees and the officers of the university traveled to the Holy See for their February meeting, immediately after Father Jenkins' January presentation to the Notre Dame community. They visited some close collaborators of Pope Benedict XVI, cardinals and bishops, and even, briefly, the Holy Father himself. Presumably this indicated at least an openness to considering the teachings of the Holy See on matters relevant to a Catholic university community. Yet, upon returning to Notre Dame and listening to varied viewpoints, they made no mention of the principles of Pope John Paul II, and the Second Vatican Council before him, relative to freedom of inquiry in general and to academic freedom in a Catholic university in particular. It seems appropriate to raise the question as to why were such principles not considered worthy to be part of the campus-wide debate.

Father Jenkins noted that he even took time to visit with the young women who had acted in this unfortunate play at the heart of the present controversy. Knowing Father Jenkins, I am sure that this was a pastoral visit and showed his desire to assist them spiritually. But, it seems appropriate to ask, if Father Jenkins gave access to these young women and allowed himself to be influenced by them, as he claims, is it too much to expect that he also would have given access to the understanding of academic freedom in a Catholic university put forward by Pope John Paul II? The papacy, after all, is a teaching office. Would it have been too much to

expect that, after his gracious visit to the Holy See, (memorialized in the pictures sent out to alumni and to all U.S. bishops in the recent edition of *Notre Dame Magazine*) the teaching of Pope John Paul II on academic freedom might have at least been part of the conversation, which went on at Notre Dame for 10 weeks? It might even have had some influence. If, as Father Jenkins says, it was his determination that "we should not suppress speech on this campus," then the speech of Pope John Paul II might have become an influential part of the dialogue. But, if it was the intention that it not be admitted and discussed, what would be the purpose of going to Rome?

Also, it should be noted that, as local bishop, I wrote extensively on this matter three years in a row, as the office I am privileged to hold is also about teaching, and teaching in communion with the successor of St. Peter, as I promised on the day I was ordained a bishop. I, too, presented each year this understanding of academic freedom; but, alas, my words were also absent from Father Jenkins' statement and from the 10-week dialogue at Notre Dame.

Further, Pope Benedict XVI wrote a striking passage in the first encyclical of his pontificate, "God Is Love," that is relevant to the play in question. He addresses the "contemporary way of exalting the body," and judges it deceptive. This insight of the new pope also did not find its way into the continuing dialogue conducted at Notre Dame although I cited it at some length in my statement of Feb. 12, 2006 in our diocesan newspaper. Would it not seem that this would have been very respectful and, indeed, a matter of ecclesial faith to complete the dialogue begun in

Rome, and to help Pope Benedict in his teaching to reach the hearts of the young people at Notre Dame? Not only because he is the pope, but because his insight on the true nature of love and the place of the body in love is a result of genuine scholarship, scholarship which is not only biblical but also philosophically and historically informed and rooted in faith?

The nature of dialogue

In his closing statement, Father Jenkins also speaks of dialogue between the Catholic university and the prevailing culture. He cites this as a reason for not banning the play. But such dialogue, if it is to be fair, must be with Catholic teaching at its best, presented in a way which is systematic, substantive and up-to-date.

In recent years, the church has received from Pope John Paul II a teaching, which has been popularly called the "Theology of the Body." First enunciated at the general audience talks, the late pope, with characteristic humility, called it "an adequate anthropology." It has filled an enormous pastoral need, especially in helping those who work with young people, to go beyond simply telling them that something, e.g., artificial contraception or premarital sex, is wrong. For many years in my ministry as a bishop, even until the present time, I have been involved with retreats for young adults. I, along with those who work constantly with young people, find this approach attractive because it is positive. It is a movement away from the negative, which has often predominated in our catechesis on these issues in the past.

There are groups of students at Notre Dame meeting to explore the theology of the body. Although it is sometimes presented in an exaggerated and oversimplified form on the part of some popularizers, in our diocese in a program that we run jointly with the Notre Dame Theology Department with a grant from Our Sunday Visitor, a professor of philosophy who is an expert on the matter at Notre Dame, is presenting an intensive course on the theology of the body to our diocesan catechists. It has been received with great interest. In fact, two of our priests have asked me to have one of our

Priests' Study Weeks devoted to this topic believing that it could be very helpful to them in their ministry with young adults and with married couples. Yet, I could not find any mention of it in the discussion, which I followed in the *Notre Dame Observer*.

Surely, if there is to be a dialogue between Catholic teaching and culture, as Father Jenkins so rightly prescribes, the teaching of the church should be represented in a contemporary, systematic and enriching form. It should be presented in such a way that young men and women of this time can truly hear it. The church has a right to be a partner that is fully and adequately represented in these discussions. This is only fair. It seems that this was not true in this case.

The truth

The term truth is mentioned twice in Father Jenkins' rationale, and, both times as something for which we search. The search for truth is central to the work of a Catholic university. Also central is that we hold some truths as revealed by God and taught by the church; for example, the dignity of the human person. Truth is something we search for, but it is also something we receive. Surely at Notre Dame we do not find any serious objection to the fact that it is possible for men and women, through study, prayer, and faith, to know the truth and base their lives on this truth.

Pope John Paul II, himself a longtime professor in a Catholic university, as already mentioned, puts it clearly:

"A Catholic university's privileged task is to unite essentially by intellectual effort two orders of reality that too frequently tend to be placed in opposition as though they were antithetical: the search for truth, and the actuality of already knowing the fount of truth."

— "Ex Corde Ecclesiae," 1
Discourse to the Institut
Catholique de Paris, June 1980.

What I found to be missing in the decision at Notre Dame and in the rationale of Father Jenkins that accompanied it is any sense that critical decisions for a Catholic university must be based on truth as revealed by Christ and held by the church. Also, I could not find there any mention of the essential link between freedom



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and truth.

The life of faith

Faith is a gift from God which is nourished by prayer and the sacraments. Notre Dame deserves credit for the intense efforts which are made constantly to make Christ accessible through the word of God, the sacraments and the example of priests, religious and laity, especially the religious of the Congregation of Holy Cross. For 21 years, I have been privileged to play a part in that effort and to see how Christ is made accessible at Notre Dame and to rejoice, in addition, at the devotion to Our Lady.

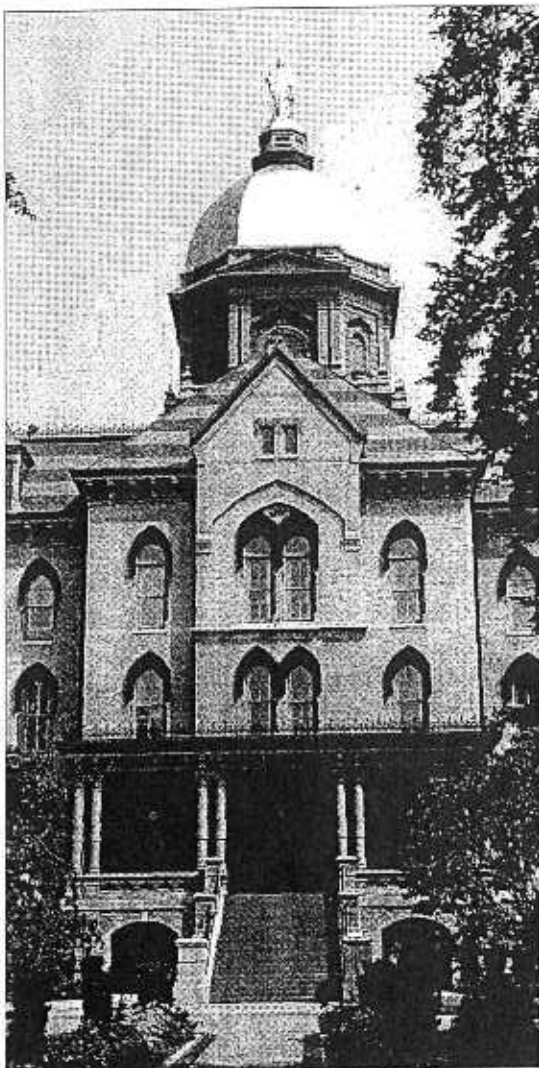
Faith is also advanced through decisions based on faith. That is what is asked of the students at Notre Dame; namely, that they take their faith seriously. Many do. Some give a year or two, or more, to service here at home and across the world to those in need. Indeed, they are asked to build a life rooted in decisions, which only make sense if one believes in Jesus Christ and the Catholic Church. This is their vocation. It leads some to seek the priesthood or religious life.

Notre Dame too has a vocation, and that vocation grows by making decisions, which may not always be approved or admired in the secular academy, though even there, Notre Dame's originality and individuality will, among people of good will, bring respect. Notre Dame, as a premier Catholic university, must make these decisions in a manner that is unafraid and based on faith if it is to live up to its noble vocation. As a great biblical theologian has put it:

"Only a conscious act of faith that constantly renews itself, only an attentiveness to the call of God in life's changing situations, only a responsible concern for one's own faith through observation, prayer and struggle for greater solidity, can be called faith in the sense of the New Testament. Faith is always in dynamic movement; it can become stronger or weaker. There is nothing as hazardous for it than lay inactivity."

— "Biblical Perspective of Faith in Toward a Theology of Christian Faith," 1962, R. Schnackenberg

Only when Notre Dame makes its great decisions in light of the truths of faith will its Catholic identity grow. To set aside these truths, as seems to have happened in this case, at least in the campus-wide discussions and in Father Jenkins' closing statement, is to turn away from its vocation. It lacks fidelity to Father Sorin's original enterprise and to the vocation to which every Catholic university is called.



The golden dome of the University of Notre Dame. Our Lady stands atop the building overseeing the much beloved campus in South Bend.

Does this decision and the way it was explained mean that Notre Dame and its leadership will no longer make its critical decisions based on faith, on revealed truth, on those things which come from God and the church, but only on those things that may seem to endorse it to secular institutions of higher learning? I pray that this may never be so.

A personal and concluding word

I have completed 21 years here as bishop of the diocese in which the University of Notre Dame lives out its life. It has been a privilege and a joy to be associated with this extraordinary place and with so many men and

women of learning. Especially enriching for me has been my relationship with students at Notre Dame on both the graduate and undergraduate levels. They come from all over the country and beyond. When you ask them how they like it at Notre Dame, the reply is nearly always the same. "Bishop, I love Notre Dame." So do I.

Since Father Jenkins' decision, I have received many letters. Among those letters, I especially try to notice those from students. I have had visits from students who feel betrayed by this deci-

sion and the rationale that accompanied it. Young people are idealistic. John Paul II and Pope Benedict XVI, in his recent visit to Cologne, have nourished this Christian idealism, and asked all of us to serve these young people and never let them settle for anything less than an unselfish and devoted life, and such unselfishness will only last when it is rooted in faith. They rightly look to us and to our institutions to live by faith. It is the very best thing we can give them. Without it, we fail them.

I have taken special joy in seeing the flourishing of the theology department at the University of Notre Dame. I have encountered many young people who are learning the great tradition of Catholic theology, and I have been especially moved to see them come in contact with the wisdom of the Fathers of the Church, strengthening their own commitment to the Catholic faith. Indeed, in recent years, I have linked our diocesan program of training catechists to the Notre Dame Department of Theology, with very enriching results. I see this as an act of trust in the theology department and in its leadership. What is more important than the catechists who pass on the faith to our young people, and to adults as well?

My pastoral concern is not only because of the decision not to ban the play, but because of the rationale that accompanied the decision. It fails to give room to the great truths of the faith. The teaching of the church on sexuality, on academic freedom, on the relationship between a man and a woman and on the human body is hardly mentioned, except to admit that the play stands apart from, and is even opposed to, Catholic teaching.

The truths of faith seem not to have been brought to bear on this decision. Is this an omission that will mark the future of such decisions for this school so blessed by Our Lady and by countless scholars and students over the years? I pray that it not be so; for that would, indeed, mark it as a mistake of historic proportions. As a shepherd with responsibility to Notre Dame, I must point out to her leaders that this judgment and the way it has been explained calls for further, more informed consideration. Otherwise, our beloved Notre Dame will go down a road, which it has always resisted traveling, and which, with the help of divine grace, I pray it may resist once again. As always, this matter must be con-

sidered within the university. In my 21 years as bishop here I have never interfered with university governance, and I have never required the university to adopt any particular policy, nor have I ever asked, required or demanded any particular action of the university. My path has always been rooted in these words in "Ex Corde Ecclesiae."

"Bishops have a particular responsibility to promote Catholic universities, and especially to promote and assist in the preservation and strengthening of their Catholic identity, including the protection of their Catholic identity in relation to civil authorities. This will be achieved more effectively if close personal and pastoral relationships exist between university and church authorities, characterized by mutual trust, close and consistent cooperation and continuing dialogue, even when they do not enter directly into the internal governance of the university. Bishops should be seen not as external agents but as participants in the life of the Catholic university."

— "Ex Corde Ecclesiae" 78

Some have said that this is a watershed moment in Notre Dame's history and certainly any discussion of academic freedom and Catholic character goes to the heart of Notre Dame's everyday life — both in theory and in practice. Consequently, I believe that many people of good will who wish only blessings on Notre Dame will share my concern that on matters such as academic freedom, human sexuality, the nature of truth, the link between freedom and truth, the teaching of the church was not brought to bear on the wide-ranging dialogue and did not seem to find adequate room in the president's closing statement.

Notre Dame, with its vast resources, can do better than this, I believe it will. Its responsibility to its students and to the position it has attained in Catholic higher education calls it to do better.

I do believe that Our Lady watches over Notre Dame, and I place this matter in her hands, the woman of faith so revered in this place. We need her prayers and the light of her Son, who is the Way, the Truth and the Light during these hours and always.

Bishop John M. D'Arcy

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