THE UNIVERSITY
CONCOURSE
An Independent Journal of Opinion
Volume I, Issue 4 March 26, 1996

When judges play king:

Suicide becomes a Constitutional right

by Mark Fischer

For the past decade, the political battle over what is called the "right to die" has been raging across our nation. Those who deny the existence of such a right have lately had some reason to hope that the grim tidal wave of "progress" predicted by the Hemlock Society and the ACLU would not come to pass. Only one state has enacted an assisted suicide statute and similar proposals have been rejected by several others. The governor of New York commissioned a task force to study the issue and the members unanimously agreed against recommending a change in New York law to permit assisted suicides.

But once again, federal judicial action threatens to trump the democratic process and imperiously declare a national winner in this bitterly divisive debate. In the case of *Compassion in Dying v. State of Washington*, the United States Court of Appeals for the Ninth Circuit decided on March 9th that "there is a constitutionally protected liberty interest in determining the time and manner of one's own death," and struck down Washington's prohibition of physician assisted suicide for the terminally ill. Instead of submitting itself to the constraints of the Constitution—whereby most issues of grave societal consequence are to be struggled with by the people until broad public consensus is reached—the Ninth Circuit has seized the king's crown and issued an edict designed to end debate.

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The following is a synopsis of the court's stunning rationale—its self-described "reasoned judgment," which it has the temerity to claim is based on history and precedent.

Here is its historical analysis:

The court notes that in Ancient Greek and Roman society, philosophy and literature, suicide was considered noble in many instances. Then, interestingly, it points to the zeal for martyrdom among the early Christians as clear evidence of a Church-sanctioned, natural human desire to hasten death.

The court admits that St. Augustine spoke out against suicide and the overzealous martyr, but it explains this by declaring that his concerns were "utilitarian," that is, he did not want the Church's ranks to be depleted. (I am not making this up.) As the court sees it, the unfortunate utilitarianism of Augustine eventually developed into full-blown medieval anti-suicide doctrine, resulting in such deplorable practices as burying suicide victims at crossroads and driving stakes through their hearts.

This dark dogma was dispelled

See **Right to die** *on page10*

INSIDE:

EDITOR'S PAGE

How does a university evangelize?

A few years back the term "dynamic orthodoxy" was adopted as a way of characterizing the distinctive ethos of Franciscan University. It tries to capture the unique spirituality of our campus life, without reducing it to its "charismatic" aspect. It likewise seeks to avoid the impression of the sort of rigid, backward-looking conservativism unfortunately often associated with the term "orthodox." It emphasizes the fact that FUS is not *merely* orthodox, but vibrantly, powerfully so; that our doctrinal commitment is organically embedded in a total, lively and joyous life of Faith.

In such high and broad terms, the nature and mission of our University are endorsed by virtually all of our members. We agree that we should be orthodox, and dynamically so. But when we bring it down to the concrete, there is less perfect unanimity. There is, in fact, a lot of confusion and some fairly huge disagreement about how our commitment to "dynamic orthodoxy" should be played out in the practical realm. Some take it as a mandate for special emphasis on the charismatic renewal; others see it as implying nothing more than that our theology and spirituality should be authentically Catholic—just as they are at other orthodox colleges, like Christendom, Thomas Aquinas and Thomas More.

Perhaps in order to help fill out the meaning of the term, in the Fall of 1994, Ralph Martin (then a trustee of FUS) was asked to give a talk titled "Dynamic Orthodoxy" to the faculty here.

The talk, like a prophesy, was at once sobering and stirring. It is sobering to be made to face the spiritual plight of the Church—the millions of souls who have virtually no living knowledge of Christ; who, though they attend Mass and call themselves Catholics, seem to realize nothing personally of the gospel's power to save. But at the same time, our hearts leap with hope and readiness when our attention is directed to the trumpet blast issuing from the Vatican—an urgent call for a new evangelization, "new in ardor, new in methods and new in expression."

Mr. Martin pointed out that this call for a new evangelization has become a major theme of John Paul II's pontificate, and he reminded us that the "supreme duty" of every Catholic institution is "to proclaim Christ." The temptation (perhaps for universities in particular) is to forget this; to treat evangelization as something for Protestants or for missionaries only, or to reduce it to apologetics—i.e., the intellectual effort to persuade non-Catholics that our doctrines are true—rather than the joyful proclamation of the Good News of salvation.

He painted a bleak (but realistic) picture of the Church today, while at the same time acknowledging the signs of a "new Spring" everywhere appearing. He said: "we find at Franciscan Unversity a Spirit-led anticipation of and realization of" that new Spring. Under the inspiration of St. Francis and the leadership of Father Michael, the University has taken her duty to evangelize very seriously—as is dramatically evidenced in the intense religious life of her students and the phenomenal success of her outreach ministries. He urged us as a community not to let the gift slip; not to forget our extremely high calling; not to make the catastrophic mistake of glorifying *self* rather than God. It was very moving.

But there was one thing missing in his talk, which I would like to see addressed in future issues of the *Concourse*. In trying to show how FUS has responded to the Holy Father's call for a new evangelization, Mr. Martin mentioned only households, Life in the Spirit seminars and Festivals of Praise. He said nothing about our specifically *intellectual vocation*—about how it is that a university, *as a university*, exercises its duty to spread the gospel.

Adam Tate's letter in the Continuing Conversations section of this issue raises the problem of anti-intellectualism at FUS. I do not mean at all to accuse Ralph Martin of anti-intellectualism, but this omission in his talk could easily play into the hands of those who see the call to evangelization as a call to emphasize the spiritual *as opposed to* the academic—as if there were some real tension between the two; as if increasing our academic standards entailed a diminution of our spiritual fervor.

The life of the mind, too, must be redeemed. The University's is first and foremost an intellectual apostolate.

Kathleen van Schaijik

THE UNIVERSITY CONCOURSE

An Independent Journal of Opinion

Editorial Policy

The University Concourse is a bi-weekly, independent journal of opinion, put together by alumni and students of Franciscan University of Steubenville, and designed to encourage fruitful discourse among members of the University community. The views expressed in this journal do not necessarily reflect those of the editors, nor those of the Franciscan TORs or other University officials.

We welcome submissions from faculty, students, administrators, staff, alumni, parents, trustees, benefactors and friends of the University, on any topic of interest to a general university readership, provided they are courteously expressed and framed with a view to advancing the welfare of the University and/or Catholic culture at large.

We recommend opinions be kept to fewer than 1,500 words. Articles must be in no later than Tuesday noon, one week prior to publication.

Contributions should be submitted on a 3.5" disk, either to the faculty office of Jules van Schaijik in Egan Hall, or to the van Schaijik home at 915 Belleview Blvd.; Steubenville, OH 43952, or sent to e-mail address: "UConcourse@aol.com"

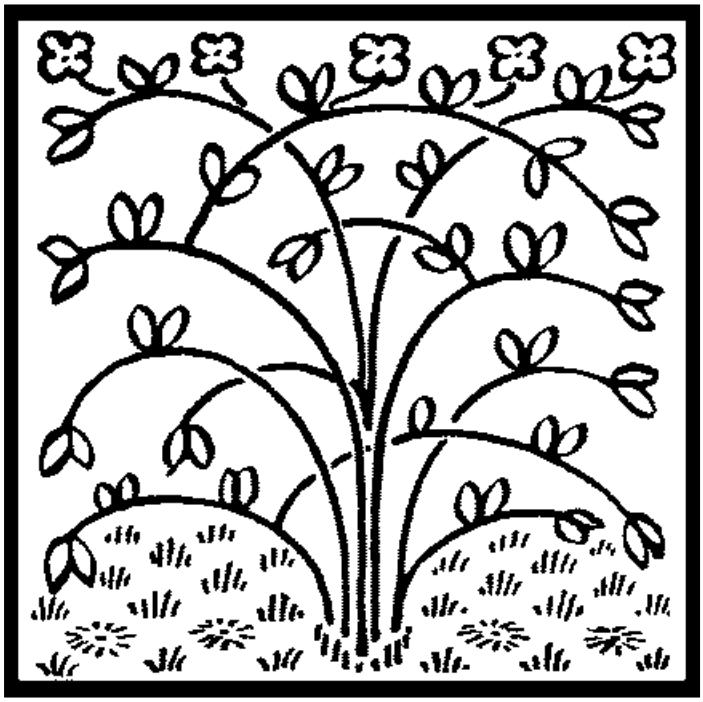
Please include your full name, phone-number and relation to the University.

We will consider printing submissions anonymously or under a pen-name, however, in general we wish to encourage open, "face to face" discussion. In either case, the editors require the full name and phone-number of the author of each opinion.

Technology and simplicity in Catholic culture

by Daniel Ellis

SOME THINGS ARE AS THEY ARE BECAUSE OF WHO GOD IS—LIKE THE TRINITY OR LOVE; AND SOME ARE AS THEY ARE BY GOD'S FREE DESIGN—LIKE GRAVITY OR ANIMAL REPRODUCTION. IN THE CASE OF THE FORMER, HE cannot change them because He cannot be anything but God; in the case of the latter, He can intervene and suspend His design as He wills. He causes saints to levitate; He miraculously heals incurable diseases. Man, although he cannot actually suspend physical laws, can—by using his God-given intelligence—manipulate creation to the point where he seems to have suspended them. We cannot levitate, but we can hover in a helicopter. We cannot miraculously heal, but we have penicillin. This intelligent manipulation is what we call technology.



As civilization "advances," we develop technology to overcome the "inconveniences" of physical laws and force them to serve our own purposes. This is not in itself wrong; God has given us dominion over His creation. But unless we want to abuse our power, we need to ask ourselves what the right use of technology is.

It is widely agreed that human intelligence has given glory to God many times over in the ways we have worked with His creation for the good of His people. But this does not mean that *every* technological advance glorifies God. Discovering how to construct roofs and shelter and cloth and wagons all seem like wonderful advances, but birth control pills and nuclear bombs do not seem wonderful at all. Cars, pesticides and television are not so easily categorized. What is the right use of technologies such as these? Latex may be a great technology to use for surgical gloves, but should not be used to make condoms. Not everything that *can* be done *should* be done. We need to discern what God intends for us as we exercise our dominion over His creation. Did He intend for us to live out in the rain and snow? No. Did He intend for us to use cars and telephones to make it easy to be separated from our families? Maybe. Did He intend for us to use formula to nourish our infants? Now we are into some controversy.

I believe technology can be appropriately used within Catholic culture. I observe however that all too often we become enamored by technology and the conveniences it offers. Then, in this giddy state of mind, we embrace it—without adequately considering what we lose in the process.

The Amish are a low-tech people. When a new technology is offered them, the community gathers and asks, "How will this affect our community life?" If there is a chance that it will begin to isolate members, the technology is rejected. This is why you see odd mixes of the primitive and the modern in Amish country. Their judgments may seem arbitrary to us, but at least they have definite criteria for making those judgments! Most of us simply assume that anything that saves us time, money and energy is good for us—no questions asked, except maybe: "How soon can I afford one of those?"

If we take our Christian responsibilities seriously, then whenever we are presented with a new technological convenience, we should be asking questions like: Will this truly simplify my life? Will I tend to get lazy? Why do I think this will allow me more leisure? What are the long term effects of the financial burden this

will create? How does the manufacture or use of this technology affect society and the environment? Am I trusting in God or in material things? Will this enhance or detract from my time with spouse, family or friends? Is the use of this morally acceptable? Will it enable me to be a better steward of the resources God has given me?

When I honestly answer these questions, I find I do not need—and even should not have—many things I had previously thought I could not do without. I also begin to see that there are some uses of technology which, while available to all, are appropriate for others, but not for me—even if I can afford them. For example, cellular phones are great for emergency services, but I do not need one, even though they cost "only $19.99 installed and one month free calls!" Most of society would say: "So what, I want one!" They never ask the questions. The example of cellular phones may not seem very weighty in terms of moral significance, and perhaps it is not by itself. But when we amass all the countless decisions having to do with technology made every day or week, the moral weight becomes very significant.

By what criteria, then, should we make judgments in the area of technology? Without meaning to be exhaustive, I propose that simplicity should be part of every Catholic's criteria in evaluating technology. Simplicity gives us space in our lives for the things of God—beauty, faith, other souls, contemplation and precious time**.** We should accept only what technology helps us to live a simple life.

Simplicity gives us space in our lives for the things of God—beauty, faith, other souls, contemplation and precious time.

Technology and simplicity are not necessarily opposed; nor are technology and materialism synonymous. It is only when we believe technology exists for its own sake, instead of as a useful tool, that we can fall into materialism and begin to live distractingly cluttered lives.

Some back-to-earth groups make sweeping condemnations of certain areas of technology, such as communications, transportation, health care and agriculture. But this is a mistake; the technology itself is neutral. And the hundreds of ways it may be used should each be judged on its own merit. This can be an oppressively difficult task, and some may choose to disregard a particular technology completely rather than wade through the muck and mire to find something truly useful. Television is a good example of this. I choose not to wade.

Technology has always been with humanity, since the first clothes were made and dwellings constructed. Today we are challenged to live peaceful, holy lives within the Church, surrounded by technology that is sometimes appropriate and sometimes not. I tend to lean towards not. Within Catholic culture, we should each ask ourselves the same question the Amish do, and more. ■

Dan Ellis ('88) *is an engineer-turned-farmer near Jewett, Ohio, where he lives with his wife, Jennifer (Chaverini, '87) and their two children.*

If you want your dream to be,
Build it slow and surely.
Small beginnings, greater ends,
Heartfelt work grows purely.

If you want to live life free,
Take your time go slowly.
Do few things, but do them well;
Simple joys are holy.

Day by day, stone by stone,
Build your secret slowly.
Day by day, you'll grow too;
You'll know heaven's glory.

–Taken from the song "Little Church" by Donovan

artwork by Dan Nichols

CONTINUING CONVERSATIONS

Commendations and comments

How excited I was to receive the first issue of *the University Concourse*! I have several comments:

The Editorial Board, Editorial Assistants and Board of Advisers are all respectable and even admirable individuals.

The layout and design are excellent.

I agree with Dr. Crosby. During my four years as a nursing major at FUS, it was evident that many of my peers (*not all of them*) lacked knowledge of fundamental truths. Their ideas and opinions seemed often (*not always*) based on emotion or on what they had been "told," rather than on their own understanding of truth.

On ecumenism: Are we tending toward Christian worldwide unity or Catholic worldwide unity? I *wonder*: Did Jesus Christ come to draw us more closely to Him through any Christian denomination we choose out of love God? Why did He celebrate the Last Supper and walk the Way of the Cross and die for our sins, if we may have faith and love Him under any denomination? Did the Church change its doctrine to say that there *is* eternal salvation outside the Catholic Church? Have Catholics been relieved of their responsibilities to bring those outside the Church to the fullness of Truth, Faith and Grace? If one is horrified by a lack of Catholic purpose during the "Preach Out" does this imply one is prejudiced toward Christian brothers and sisters?

Ecumenism demands caution. Let us be sure that when we act to embrace our "separated bretheren," we act out of correct Catholic consciences and not out of false and undiscriminating enthusiasm. Let us pray for the love and courage to always declare the truth of the Catholic Faith.

Christine Boyle
Class of '94

Christine Boyle lives with her family in New Jersey, where she works as a nurse at a Catholic institution.

Core curriculum and anti-intellectualism

As a recent graduate, I want to affirm Dr. Crosby's efforts toward establishing a real core curriculum at Franciscan University.

The need for a core was not really apparent to me until my final semester. I was in the Honors program, had traveled to Gaming for a semester, and was involved in student life on campus. In addition to my double major in history and theology I took 12 hours of philosophy, a few excellent English courses from Dr. Alexander and Mr. Gaston's superb "Religion and Culture" course. When I left the University I thought I had a wonderful background in liberal arts and in Western culture. I was correct. As I prepare to receive my Master's degree in American History from the University of Alabama this May, I am extremely appreciative of my undergraduate education. But I also realize that I am somewhat of an exception. Most friends from school and classmates of mine have a very poor understanding of Catholic history, tradition and culture—despite having attended the premier orthodox Catholic university in the country. Why? Mostly because they were never pressed to take the more difficult liberal arts classes, and thus lost the opportunity to learn about their Catholic heritage.

I argue two things: that a core curriculum of 60 hours in the liberal arts would enhance the mission of the University, and that the anti-intellectualism present on the campus must be eradicated.

Why does our University exist? Undoubtedly, to transmit the beautiful heritage of Western civilization and Catholic culture to those caught in the current culture war against Catholic truth. In order to do this, some basic knowledge of Western civilization and Catholicism must be transmitted to the students. Although some might take issue with me for treating the liberal arts in such a pragmatic fashion, I hold fast to my belief that a good liberal arts education has practical effects on our culture. I agree with Kathleen van Schaijik's February 27 editorial, in which she criticized "the idea that education consists primarily in the transmission of a given body of knowledge." I concede her point that the goal of education is to train people to think in reference to the truth. But if we are to restore Catholic culture to a world that hates it, we will need some familiarity with its specific contents. For instance, how could a person begin to understand Catholic culture in the West without first understanding in some degree the history of the West? It is in this learning, in this *enculturation*—to use Christopher Dawson's term—that vital information is given to students. Without this information the task of the educated Catholic is greatly hampered.

The second issue I want to raise concerns the atmosphere of anti-intellectualism at FUS. There is an attitude among students that prayer and learning somehow conflict. Many students I knew were at the University for a four year retreat paid for by Dad. Some told me that their primary purpose in being there was to perfect their Christian living, even at the "expense" of their studies.

To illustrate further, allow me to relate an experience I had in the Spring of 1993—one of the most intellectually stimulating semesters I spent at FUS. During that semester a conference on Christian Humanism was held—a wonderful event. It was poorly attended by the student body, despite the presence of renowned scholars and intellects. When I asked someone why he did not attend, he answered with a diatribe against learning, saying that the University was going down the tubes because people were studying more, instead of increasing their prayer lives. At the time, I did not have the heart to quote Aquinas, who said, "In knowing and loving man reaches God Himself."

After that semester the intellectual level of the campus seemed to drop significantly. I wondered why. The anti-intellectualism, spawned perhaps by a faulty (dare I say Protestant?) idea of faith, is a danger which students must fight if the University is to be at the cutting edge of informed Catholic orthodoxy and culture in America.

Some fear that if the core curriculum is passed the University will become "elitist" and will no longer a home for students with lesser intellects. But why is this a problem? Isn't the whole idea of a university to provide *higher* (i.e. above the norm) education to students? FUS must fight to be a university in the traditional Western sense of the word. It must fight against both the modern obsession with specialization and the tendency to transform universities into vocational schools. A core curriculum of 60 hours in basic courses in the liberal arts would greatly advance the goal of creating a university more solidly within the Catholic tradition.

Adam L. Tate
Class of '94

Adam Tate and Eugenie Lightfoot ('95) were married on December 30, 1995. They live in Tuscaloosa, Alabama.

St. Thomas and freedom

Edy Morel de la Prada replies to Richard Gordon:

In my article appearing in the February 27 issue of the *Concourse* I sought to make two points: that there is a Christian Philosophy and that the Church prefers St. Thomas. Then I invited Franciscan University to prefer what the Church prefers. I had hoped my closing statement about a "preference which is not exclusivism" and my references to popes saying basically the same, should have laid any fears to rest. So, while substantially agreeing with Mr. Gordon as regards the freedom of philosophical schools in the Church, I should like to make some observations on the issues he raised in his response (March 12 issue) to my article.

To begin, I do not think it is inappropriate to refer to Church statements about philosophy. Mr. Gordon sought to prove what he called the unhelpfulness of my survey by conducting one of his own—not in an area of great unanimity as I did, but in the very difficult area of religious freedom. This is perplexing, because from the fact that some surveys pose difficulties it does not follow that surveys as such are unhelpful, and because a superficial treatment of a sensitive area (which careful consideration would show to be less problematic than appears at first sight) does nothing but relativize the Magisterium. To my mind, if the Church deemed it "inappropriate" or "unhelpful" for one to consider her constant mind on a matter, She would simply remain silent on that matter. At any rate, my premise in surveying the Church's constant mind on St. Thomas was that her trustworthiness extends to philosophical matters.

Regarding Newman, I think it is a bit much to say that he "felt no real need to study Thomas." The brilliant Cardinal seems to have known Thomas well enough to assert that "all good Catholics must feel it a first necessity that (their) intellectual exercises ... should be grafted on the Catholic Tradition of philosophy, and should not start from a novel and simply original tradition, but should be substantially one with the teachings of St. Athanasius, St. Augustine, St. Anselm and St. Thomas..."[1] Elsewhere he went so far as to write (a compliment both to Thomas and himself): "I have no suspicion and do not anticipate, that I shall be found in substance to disagree with St. Thomas."[2] Many passages could be cited where he refers to Thomas in terms of highest praise or where he uses Thomas to expound a point, but space constraints make this impossible. A similar study could be done in the case of Blessed Edith Stein.

As regards the Franciscan rule: I think it would be going too far to say that if a Franciscan saw in St. Thomas what the Church sees in him, he could not prefer him as She does.

Nevertheless, in our concrete situation we are not talking about displacing Franciscan Philosophy from the primacy it has at FUS, unless you want to call Husserl, Scheler and Von Hildebrand Franciscan philosophers. At FUS it is not that we have a Franciscan philosophy and thus cannot give primacy to St. Thomas. We have a philosophy, rather, that sees it as axiomatic that it ought not give preference to any tradition.

Mr. Gordon raised several other points. I am unable to deal with them adequately due to space constraints.

But a concern Phenomenologists raise remains. They hold that it is dangerous to treat anyone as a master (meaning, I presume, treating anyone's work as a closed system), for this would pose the danger of giving a system primacy over reality. But in seeking to avoid this danger, the Phenomenological approach has fallen into the opposite danger of historical isolation (apparent in the short and exclusive bibliographies characteristic of Phenomenological works) for which it has rightly been criticized. Is it possible to strike a balance?

I think John Paul II has struck it, adopting Thomas' own open, realistic historical approach. As John Paul II sees it, giving preference to St. Thomas (which entails a thorough knowledge of that master) in no way undermines but actually strengthens his power to be open to reality, revealed and natural. Thomas does not sacrifice experience for the historical nor the historical for experience, because reality is too great to be captured by either. The growing knowledge of reality is a common enterprise of mankind, not an isolated experience. And if one should say that a freedom unhindered by any tradition is necessary for one to make a contribution, I would simply observe that one need not be hindered but can actually see further standing on the shoulders of giants (consider what would be the development of any discipline that systematically refused to do this). One should not value the unhindered preservation of his own rivulet above being part of that great river of the common intellectual enterprise of humanity. John Paul II does not fear to ride this great torrent where philosophically St. Thomas has the primacy. He shows this continually, bringing this patrimony to bear on the crucial issues of our time (as he masterfully applies it, for example, to morality in *Veritatis Splendor*).

The key is in seeing St. Thomas not as embodying a closed system, but a "realistic and historic method, fundamentally 'optimistic and open."[3] In promoting "the master of philosophical and theological universalism"[4] the Church is evidently not promoting a closed system. The balance of the experiential and historical which he embodies, while more challenging than an a mostly experiential approach, is in the end better for both philosophy and theology. Building solidly on this patrimony actually preserves us from a much greater danger that could be termed the "occupational hazard" of philosophers: to absolutize one's experience at the cost not just of historical isolation, but of isolation from the Catholic Faith. Such was the unfortunate case of Max Scheler, the Phenomenologist most admired by the Pope, who converted to Catholicism but later abandoned the Faith, adopting a kind of pantheism. The notion that we need not fear falling—and falling quite low—is overly optimistic.

On the other hand, when the Church declares someone the "Common doctor" it is sign that he is not to be feared. Rather, I would say, those who would spread fear about him should be feared. And if one still feels the temptation to relativize: let us recall that from among all the approaches the Church could have made primary (not exclusive) in her dialogue with the world, She has *freely* chosen—and chooses—Thomas' because, presumably, it is the best. I think on this basis and not on that of any partisan spirit the Church prefers St. Thomas. And so I renew my invitation to Franciscan University to make her own the preference the Church has made her own.

Edy Morel de la Prada
MA Theology program

[1] Collins, James, ed., *Philosophical Readings in Cardinal Newman*,
Henry Regnery Co., Chicago 1961, p. 283
[2] Ibid., p.422
[3] John Paul II, allocution *The Method and Doctrine of St. Thomas in Dialogue with Modern Culture*, *LOR*, Oct. 20, 1980, pp.9-11, no.3
[4] John Paul II, *Crossing the Threshold of Hope*, Alfred A. Knopf, New York, 1994, p. 31

St. Thomas and Catholic connaturality

The debate being carried on in the *Concourse* about the role of St. Thomas in a Catholic university is fascinating. Excellent points, it seems to me, are being made on both sides. As the debate goes back and forth about the precise meaning of the Church's teaching on St. Thomas, an immediate practical point should not be overlooked. However one interprets the Church's teaching, one thing is abundantly clear and beyond dispute, namely, that St. Thomas should be read, and read extensively. He ought to be a dear and beloved teacher to whom one turns, and turns frequently. As a graduate of the Phenomenological Ph.D. program guided

by Josef Seifert, as a biblical scholar and as a theologian devoted particularly to Hans Urs von Balthasar, I have been formed in many ways that do not directly derive from St. Thomas. Yet it is without any doubt my duty, and a joyful duty (analogous to the duty to be open to life in marriage), to study St. Thomas.

St. Thomas may appear on occasion dry and forbidding, but beneath everything he writes there is a deep and living twofold source, namely, the wisdom which is the fruit of extraordinary intelligence and study and the wisdom which is a gift of the Holy Spirit. He himself describes this double fountain of wisdom wonderfully:

"...wisdom denotes a certain rightness of judgment in accord with divine principles. Now rightness of judgment is twofold: first, in accord with the complete use of reason, second, on account of a certain connaturality with the matter about which one has to judge. Thus, about matters of chastity, a man after inquiring with his reason forms a right judgment, if he has acquired the knowledge of ethics, while the one who has the virtue of chastity judges of such matter by a kind of connaturality. Accordingly it belongs to the wisdom that is an intellectual virtue to pronounce right judgment about divine things after reason has made its inquiry, but it belongs to wisdom as a gift of the Holy Spirit to judge aright about them on account of connaturality with them. Thus Dionysius says (Div. Nom.ii), 'The man of God is complete in divine things, not only by learning, but also by suffering divine things (*patiens divina*).' Suffering with God and connaturality with God (*compassio et connaturalitas*) is the result of charity, which unites us to God, according to 1 Cor.6:17: Anyone united to the Lord becomes one Spirit with him. Consequently wisdom which is a gift, has its cause in the will, which cause is charity, but it has its essence in the intellect, whose act is to judge aright, as stated above." (*Summa Theol*., II-II, q.45, a.2).

To turn to a teacher who is a fount of wisdom of both kinds and who is recommended by the Church for this very reason—who would refuse such an invitation? Who would refuse to embrace such a teacher? What Catholic university would not give him a prominent place in its core curriculum? If being a "Thomist" means loving St. Thomas and embracing him as a teacher, to become connatural with him, then, whether I call myself a Phenomenologist or a Balthasarian, I want to be a Thomist as well. I want to be a Thomist because I want to "suffer with" and "be connatural with" Christ in the Catholic Church.

It may be helpful to make available for general scrutiny the following article: Santiago Ramirez, "The Authority of St. Thomas Aquinas," Thomist 15 (1952) 1-109. Ramirez's own conclusions from Papal texts are often debatable, but the article is very useful, because it conveniently assembles many of the relevant Papal texts, including texts not easily available otherwise, e.g., sections of a letter addressed by Leo XIII to the Minister General of the Friars Minor (Ramirez, p.59).

Michael Waldstein
Assistant Professor,
Program of Liberal Studies
University of Notre Dame

Dr. Waldstein (a native of Austria) has recently accepted a position as President of the International Theology Institute in Gaming. He, his wife Susan and their six children will be moving there over the summer.

NFP and Connaturality

Speaking of connaturality, Dr. Waldstein has made an important point apropos of the NFP discussion. Last week he wrote me the following: "When one makes the distinction between actions that are the fruit of careful and prayerful moral reasoning and actions that are mechanical, one should perhaps emphasize a *tertium quid*: namely, actions that flow from a connaturality with what is good: St. Elizabeth of Hungary gave alms to beggars out of an intense connaturality with Christ and His mercy. Such actions seem similar to those that proceed from careful and prayerful reflection in being truly morally good actions, and yet also similar to mechanical ones in being immediate and spontaneous, without requiring reasoning."

He zeros right in on a weakness I had sensed (without being able to articulate it to myself) in my original article. My criticism of "providentialism" left the impression that married couples best live out their vocation when they *consciously deliberate* over the number of children they should have. Dr. Waldstein reminds me that many live by a more spontaneous conformity with the divine plan for family life—without conscious "discernment" about family size, but nonetheless with a free and responsible openness to and trust in God's perfect providence. It seems to me that *NFP can be part of this connatural union with goodness*—i.e. when it is practiced by couples who, without delving minutely into the the doctrinal question or worrying about whether their reasons are grave enough, spontaneously recognize its blessing for their family and receive it with gratitude.

My thanks for a insight which

enriches the discussion and at the same time gently corrects a misplaced emphasis in my position.

Meanwhile, his letter also raised the intriguing question of the role of communities in developing connaturality, which I hope will be taken up with more completeness by him and others in future issues of the *Concourse*. I am wondering particularly about the relation between the charismatic renewal—with its strong emphasis on discerning God's will—and the break-down of "normal" Catholic culture and parish life.

In some ways it seems to me that the conscious awareness of and cooperation with God's plan for our individual lives, which is so characteristic of those in the renewal, represents a definite advance in the lived-faith of Catholics. (This is particularly evident among the numerous youth in the renewal, who not only consider themselves Catholics, but who deeply and ardently desire to lay down their lives for God.) But at the same time, I think it can be seen as a sort of "unusual" gift of grace given (perhaps only for a time) to help the faithful survive the emergency situation of the anti-Christian culture of the day, and all the time intended to lead us to the re-establishment of an unselfconscious, connatural communal life of faith.

Would love to read others' thoughts on this.

Kathleen van Schaijik
Class of '88

Rock music and Catholic culture

Hey, man! (Thump—thum-m-m-h-h!) a, you know, like, (Thump—thum-m-m-h-h!) totally, like, awesome (Thump—thum-m-m-h-h!) first issues of (Thump-thum-m-m-h-h!) *Concourse*! Whoops—had to turn off the rock-n-roll!

It's really hard to write—let alone speak or think clearly with that idiot noise going on! But the banality of rock music is what most of those born after 1940 were raised—even force-fed—on, to the exclusion of good music. We have, therefore, a generation which has mostly lost the ability to appreciate the gentle, the soft and the beautiful. Instead we have an increasingly mind-numbed, deafened and blinded populace; blind to what they've lost in beauty and freedom; blind to decency; blind to their own faults and their own sinful path to destruction.

Perhaps the most distressing aspect of the continuing discussion of rock vs. real music is the fact that we are seriously discussing the artistic value of different forms of rock music among the most brilliant minds at Franciscan University. It is analogous to wine connoisseurs comparing the ambiance of Mogn David 20-20 with Richard's Wild Irish Rose; or artists comparing the puerile dabblings of the insane Picasso to the works of Jackson Pollock.

Even the best of modern music is, like modern art, simplistic, often mind-numbing and often immoral. Somebody the other day actually said that Elton John would go down in history as another Mozart. Hah! While we're at it, let's compare the Beatles to Bach! The complexity of even Thirties and Forties big band music required a discipline that few today could master. The best that can be said of rock is that some rock is not as twisted as other rock—it can hardly be compared with the music of the past.

The dumbing down to depravity of America is definitely the devil's doing—and rock music must take its share of the blame for the reduced ability to appreciate (or even think about) the finer things. Don't get me wrong. It is legitimate to enjoy some modern music along with other simple pursuits; but let's not confuse the merely entertaining with the intrinsically good.

Mary McElwee makes a good and similar point in the second issue of the *Concourse* with her comments on modern architecture. Today's America can no longer produce architectural products with the complexity and craftsmanship which were hallmarks of Western culture until modern times. In the "bad old days," intact Steubenville families could live within walking distance of work and Church, in a house with real oak banisters and trim made of real and wide boards—and go to Mass at St. Peter's. Today we have houses with cardboard walls, plastic siding with shabby facades, which are either devoid of character and warmth or else done up with phony and poorly proportioned "classical" detail. And the shabbiness of today's homes pales in comparison to the desecration of our churches into things that more closely resemble caves or factories than the cruciform cathedrals of old.

All around us today we see disappearing in Steubenville architectural detail which common, everyday workmen used to produce for other common, everyday workmen to enjoy in their homes—thousands of them in a city now starting to resemble Mogadishu. This degradation is the outcome of our modern, debased culture of which modern music is one part.

All of these things conspire to drive out reverence, appreciation of beauty and the ability to think clearly in a culture that desperately needs

reverence, thoughtfulness, and beauty. Von Hildebrand makes the case for the Tridentine Mass as a case for reverence in *The Charity of Anathema*. It is hard to be reverent with the banal. We have today an irreverent culture of idiots who must be told that it is dangerous to stand on the top step of a ladder—one third of whom can no longer even read that warning label (nor read their useless government-school diplomas.) We have idiots who sit in front of TV and who look for (when they care at all) quick fixes to their problems—problems they blame universally upon others; problems they demand that government-their-god fix.

Those of us who still have the capacity to appreciate it must try to recapture the art and music of the past (we are not presently able as a culture to produce any worthy music or art of our own!) and pass it on to our children. All of this makes a core curriculum in our Western culture more important than ever. We are indeed a "light upon a hill" but our mission is daunting. Only prayer that supports us in our sure knowledge that Jesus Christ is King makes all things possible.

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Right to die

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by the enlightenment, which tore at the superstitious underpinnings of the Church's irrational opposition to suicide. By the nineteenth century, courts and legislators had stopped enforcing anti-suicide statutes. Now, (the court seems to say) the time has come to complete the "good work" begun at the enlightenment, and legally recognize everyman's right to a comfortable death.

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I doubt whether this is what Justice Scalia had in mind when he lamented Constitutional analysis divorced from history and tradition.

But here is the philosophy:

I quote: "We see no ethical or constitutionally cognizable difference between a doctor's pulling the plug on a respirator and prescribing drugs to cause death." Death results in both cases. Death is the intent in both cases.

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Such unrespectable analyses give credence to the accusation that federal judges have taken on the role of amateur philosophers. Crucial, life and death distinctions agonized over by theologians, philosophers and medical ethicists are casually waved away by these judicial idealogues.

Further muddying the ethical waters, the court rejects the term "suicide." Without saying exactly why or how, it asserts that "right to die" or "hastening one's death" are more "accurate" terms. Indeed, it finds that the term suicide is not an "appropriate legal description of the conduct at issue." (Too lucid, probably.)

Anyone else reminded of "pro-choice" instead of "pro-abortion;" "fetus" rather than "child"?

The Interests of the State:

Possibly the most disturbing aspect of the opinion is the court's rejection of the state's reasons for prohibiting physician assisted suicide. Every reason given is twisted into a reason for protecting the "right to die."

The state argued that the disabled and poor will be vulnerable to those who see their lives as useless. The court found this argument to be a "recycl(ing of) one of the more disingenuous and fallacious arguments raised in opposition to the legalization of abortion." As they see it, the real concern is that the disabled and poor "will not be afforded a fair opportunity to obtain the medical assistance to which they are entitled—the assistance that would allow them to end their lives with a measure of dignity." And, in any case, they are confident that "adequate safeguards" will guard against the remote occurrences of abuse.

The state argued further that the medical profession will be compromised when physicians become killers. Dead wrong, said the court. First, the presence of impartial professionals will protect the vulnerable

from abuse. Second, the medical profession is compromised, not by participation in this "humane" activity, but by criminal statutes that prevent it from fulfilling "professional obligations" and "make covert criminals out of honorable, dedicated, and compassionate individuals." Finally, said the court, those who prophesy that physician assisted suicide will destroy the medical profession do not know their history. The same argument was used against the legalization of abortion, but "once the Court held that a woman has a constitutional right to have an abortion, doctors began performing abortions routinely and the ethical integrity of the medical profession remained undiminished… The slippery slope fears of Roe's opponents have, of course, not materialized… The legalization of abortion has not undermined our commitment to life generally… Similarly, there is no reason to believe that legalizing assisted suicide will lead to the horrific consequences its opponents suggest." (I quote at length lest I be accused of exaggerating.)

The precedent:

Although the court gave lip-service to the line of decisions regarding the refusal of medical treatment (with *Cruzan* being the principal decision), the focal point of its analysis of legal precedent was *Planned Parenthood v. Casey*, the controversial Supreme Court abortion decision in which *Roe v. Wade* survived by a single vote. In analyzing a person's constitutional liberty interest, the *Casey* Court wrote that: "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State." This has become the mantra of constitutional law—the right to "define oneself" and the right to be left alone. No reference to the impact of individual actions on society as a whole. The uninhibited self is the sole arbiter of the validity of actions.

The Ninth Circuit endorsed this philosophy in its closing line: "Those who believe that death must come without physician assistance are free to follow their creed, be they doctors or patients. They are not free, however, to force their views, their religious convictions, or their philosophies on all the other members of a democratic society, and to compel those whose values differ with theirs to die painful, protracted, and agonizing deaths."

Mixing pseudo-history, pseudo-philosophy, pseudo-constitutional law and story-telling, the court takes over ninety pages to find a constitutional right to die.

The court personalized its painfully long analysis (I often wished the plug had been pulled on this opinion 40 or 50 pages sooner) with stories of individuals who could not obtain physician assisted suicides and were thus "forced" to kill themselves in horrible ways—shotguns in the mouth, leaps off bridges and plastic bags over the head. In the court's view, the state's unwarranted fears that some may be coerced into suicide cannot compare to the misery inflicted on these individuals and their families. And should a doctor misdiagnose a patient's condition, such an error "is likely to benefit the individual by permitting a victim of unmanageable pain and suffering to end his life peacefully and with dignity at the time he deems most desirable."

In other words, maybe he wasn't terminal, but—oh well—he died peacefully.

Mixing pseudo-history, pseudo-philosophy, pseudo-constitutional law and story-telling, the court takes over ninety pages to find a constitutional right to die. The "right" is limited to the terminally ill, but one can expect the next decision to hold that there is no distinction between terminal illness and short-term illness or between physical pain and psychological pain. The individual must be allowed to define his own vital boundaries.

Meanwhile, in arriving at this decision, the court portrays those who disagree with it as insufficiently dispassionate, and has the gall to "hope that whatever debate may accompany the future exploration of the issues we have touched on today will be conducted in an objective, rational, and constructive manner that will increase, not diminish, respect for the Constitution."

The allegedly not-so-dispassionate panel opinion which was reversed by this decision was authored by Judge Noonan, a highly respected jurist and (gasp) a Catholic. Judge Noonan needed only a few pages for his brilliant opinion, in which he concluded that "In the two hundred and five years of our existence no constitutional right to aid in killing oneself has ever been asserted and upheld by a court of final jurisdiction. Unless the federal judiciary is to be

a floating constitutional convention, a federal court should not invent a constitutional right unknown to the past and antithetical to the defense of human life that has been a chief responsibility of our constitutional government." Many accused Judge Noonan of letting his faith get in the way of his judgment. Richard John Neuhaus commented that he hoped Noonan's Catholic morality *had* had a bearing on his decision— "not because of his position on the issue but because he understands that judges have a moral duty not to make up constitutional rights."

Sadly, it is likely that the Supreme Court will reject Judge Noonan and go the way of the Ninth Circuit. Indeed, the path of the Ninth Circuit is a path that the Supreme Court itself had cleared. It is a path antithetical to the long-term survival of civil society, whereby such society is robbed of the ability to define itself in any way and instead must submit to the myriad choices of individuals who care not for its ruin. This is the constitutional quest for liberty: leave me alone and I will leave you alone. This quest could hardly be in sharper contrast to that of John Paul II, who wrote in *The Gospel of Life*:

"The roots of the contradiction between the solemn affirmation of human rights and their tragic denial in practice lies in a notion of freedom which exalts the isolated individual in an absolute way, and gives no place to solidarity, to openness to others and service of them. While it is true that the taking of life not yet born or in its final stages is sometimes marked by a mistaken sense of altruism and human compassion, it cannot be denied that such a culture of death, taken as a whole, betrays a completely individualistic concept of freedom, which ends up by becoming the freedom of 'the strong' against the weak who have no choice but to submit." (Chapter I, section 19) ■

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