

7 serving the

# Dissolution of Faculty Senate

## 'Violations' deemed possible in error, says

### Insecurity

#### SMC Security letter

Procedural violations  
Security leader backs  
is grad student

Provost James T. Burtchaell in a letter dated Dec. 19, 1972, denied the alleged violations of the peaceful surrender of four trapped guns.

Security filed a fallacious report. The administration used security without precedent, and provided no chance for an impartial hearing. Rathbun agreed with the Provost that he may have been misled by the woman's report, but

## denies shooting

### Law prof files suit

#### in tenure dispute

community by the

present University

FEBRUARY 2, 1973

## scholastic

"Father, I have sinned against heaven and against you. I no longer deserve to be called your son."

But the father said to his servants, "Quick! Bring out the best robe and put it on him..."

Friday, January 26, 1973

## Riehle upholds 'no OC women' ruling for 73-74

by Tom Drape  
Observer reporter

Director of Housing Fr. James Riehle reaffirmed yesterday that the University's

issues reports

## Dorm resident leaves ND over parietals violation

### guilty wage freeze rumorec

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## VOLUME 114 NO. 9

The opinions expressed in the SCHOLASTIC are those of the authors and editors of the SCHOLASTIC and do not necessarily represent the opinions of the University of Notre Dame, its administration, faculty or the student body.

Second-class postage paid at Notre Dame, Ind. 46556. The magazine is represented for national advertising by National Educational Advertising Services, 360 Lexington Avenue, New York, N.Y. 10017. Published fortnightly during the school year except during vacation and examination periods, the SCHOLASTIC is printed at Ave Maria Press, Notre Dame, Ind. 46556. The subscription rate is \$5.00 a year and back numbers are available from the SCHOLASTIC. Please address all manuscripts to the SCHOLASTIC, Notre Dame, Ind. 46556. All unsolicited material becomes the property of the SCHOLASTIC.

editor: greg stidham / art director: michael lonier / managing editor: jim munsch / assistant editors: jim fanto, jim gresser, pat mccracken, dan o'donnell, jim pauer, terri phillips, joe runde, jack wenke / business manager: joe meyer / circulation: roger burrell / faculty advisor: frank o'malley / staff: pat ahasic, paul bolduc, kevin dockrell, t. j. clinton, paul colgan, greg conti, buz craven, jim delong, al depman, chris fahey, tom gora, don jaspers, pat keefe, cathy kelly, mike king, tim kochems, juan maniguait, mike melody, kerry mcnamara, leo j. mulcahey, marc nishan, peggy perkinson, casey pocius, bob quakenbush, john ring, pat roach, neil rosini, mary siegel, tim standring, sally stanton, theresa stewart, kathy sullivan, bubby vespole, mark wenig / business: gus brown, jim hoban / art & photography: earl hawkey, terri lusic, don nollet, nan smith.

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# editorial

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In recent weeks the campus has buzzed with sensational accounts of controversial actions taken by security personnel with administrative sanctions. The Lewis Hall incident of last semester—made public this semester—is one of the latest in what seems more and more to be characteristically covert actions taken by the administration. Tenure has become a tenuous question in recent years, appointments being tailored to suit university policy. University policy—even “understood” university policy such as was invoked in the Lewis Hall case—has become increasingly understandable. Perhaps this understood policy is supposed to be self-evident, couched as it is in specifics such as *in loco parentis*, *Catholic*, *understood moral code*, and *committed and articulate believers*.

The time is now for clarifying and harmonizing administrative, educative, and residential concerns. The symptoms are ominous.

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# **Personal (in)Security at Notre Dame**

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*"While he was still a long way off, his father saw him and was moved with pity. He ran to the boy, clasped him in his arms and kissed him tenderly. Then his son said, 'Father, I have sinned against heaven and against you. I no longer deserve to be called your son.' But the father said to his servants, 'Quick! Bring out the best robe and put it on him; put a ring on his finger and sandals on his feet. Bring the calf we have been fattening and kill it; we are going to have a feast, a celebration, because this son of mine was dead and has come back to life; he was lost and is found.' And they began to celebrate." Luke, 15 v. 20-24 Jerusalem Bible*

**M**OST of us hope that our relationships with other men will be defined by pity and love. Like the prodigal son, we first live with others in terms of these humane sentiments in our families. It is not surprising, then, to find Notre Dame, a university whose Catholic tradition abounds in expressions of fraternal and familial love, desiring that the relationships between its faculty, students and administrators resemble those of a family. This desire itself is not new to Notre Dame. However, it has had a vociferous advocate these last few years in the person of James Burtchaell, the University Provost.

The one particular familial relationship which Father Burtchaell intends to maintain at Notre Dame is that of the parent-child. Administrators become surrogate fathers and mothers (this latter group is now more or less non-existent, since women administrators do not abound at the University) for their "sons" and "daughters", i.e., students. According to Father Burtchaell, older members of the Notre Dame community assume a responsibility which many secular and private college personnel presently ignore. They share "the chancy fortune of any father or mother of an intelligent young man or woman."

The Provost does not avoid employing the word "paternalistic," to define the student-administrator relationship. Yet, he wishes to have the students understand that this particular word is not so restrictive as its detractors would have us think. It implies more than a heavy-handed authority. It shifts us into a world where mercy has its place; where a father could for-

give a wayward son. And, as Father Burtchaell writes, the ideal relationship between students and administrators would be inseparable from trust and love:

We are terribly vulnerable and we do our work for love and not for gain—

Notre Dame, then, if we can judge from the words of our second-ranking administrator, should be a place where laws are guidelines, but are not sacred in themselves. If we were all judged strictly in line with the University laws, as Burtchaell would lead us to think, life at school would be simple and rational. Administrators would save time by issuing edicts, rather than by discussing university problems with students. An administrator would never be disappointed by a student's actions. His relationships with students would be defined in some manual. He would not care for students as other human beings. But, the "parent-child" relationship fostered by Notre Dame's administration precludes this indifference to students, states Burtchaell.

**W**ORDS have a tendency to create realities which frequently resemble in no way the "reality" outside them. We who were brought up alongside the Vietnam war with our leaders' words of honor and a just peace are more than aware of the frightening usages of words. And members of the Notre Dame community are not immune from letting their words depict, as actual, a situation which is more fictional than real.

Father Burtchaell's *In Loco Parentis* statement does not, to a large degree, coincide with what has actually occurred during the past years between administrators and students. A genuine "parent-child" relationship could hardly exist without trust between both parties. A feeling of trust between the students and their "parents," particularly the Provost, is at an all-time low. A familial relationship would also not be colored by too many edicts, writes Father Burtchaell in his statement. Yet, students have seen little else than edicts and administrative promulgations emerge from the Administration Building.

What indicates that administrators have almost severed ties with reality are the specific disciplinary

cases and the way in which they have been settled during the past few years. This is no place for the prodigal son to return to. In the recent "Lewis Hall incident," we have a student forced to withdraw from the University in the midst of security mistakes and covert administrative decisions.

In the "Lewis Hall incident," which occurred at the end of first semester, a young lady (age 21 and not a child by any definition) was expelled for "violating the *understood* moral code of the University," as she was allegedly told by Father Burtchaell. The story of "the Lewis Hall incident" is now generally well known, and it is not necessary to repeat all the specifics of the incident.

Last spring, Lewis Hall adopted a policy of 24-hour parietals. The policy read as follows: "You may entertain male visitors in your room. Each floor will later decide whether it is desirable to limit when men are permitted on the floor. In the meantime, all floors will be open to male visitors with no restriction of hours." Following an anonymous telephone call informing him that the student in question had had a male guest staying in her room for several days, head of Notre Dame's security, Arthur Pears, consulted with Dean of Students Father James Riehle and with Acting Vice President of Student Affairs Philip Faccenda. Since the rector of Lewis Hall was away at the time, Pears was told to enter the room and take the girl into custody. He did so, and after a most abusive interrogation, evidence for which is found in the actual security report, the matter was not mentioned again for over a week and a half. At that time, the woman was called in to meet with Dean of the Graduate School, Robert Gordon, and informed that she had been expelled from the University.

THE ramifications of expulsion for this particular student, a foreign student who was to study in the United States by means of a student visa, were more far-reaching than immediately meets the eye. Following termination of studies, a foreign student is allowed only thirty days before his visa is revoked and he is forced to leave the country. Thus the ordinary time-consuming avenues of appeal were closed off. Many of those advising the woman felt that she had an excellent case for a lawsuit. Others suggested that the case was so clear-cut a violation of student rights that the national chapter of the American Association of University Professors (AAUP) would be willing to set up an appeals hearing under their own auspices — a procedure they use only in extreme cases. However, both procedures require a good deal of time and were precluded by the stipulations of her student visa. Thus the woman was told by Gordon that her only appeal could be to Father Burtchaell (even though, officially, the expulsion had to come from Gordon).

An appointment with the provost was set up and the girl was allowed to explain her understanding of the Lewis Hall parietals regulations. She was refused the right to any sort of appeals hearing to reconsider the case, but Burtchaell did offer the girl the alternative of voluntary withdrawal in place of expulsion. (This would at least clear her record and slightly increase her chances of gaining admission into another univer-

## an administrative

sity within thirty days.) It was at this time that the woman was told that the reason for the action was her "violation of the understood moral code of the University." Subsequent to the discussion with Father Burtchaell, the woman brought her appeal to several other members of the Administration and was told, without exception, that they were most sympathetic to her case, but that they could do nothing to reverse the decision or even to arrange for an appeals hearing.

The flagrant violations of the woman's dignity, in a legal sense alone, are appalling. She was intimidated into withdrawing from the University (note the distinction: she was "not" expelled). The action was taken solely on the basis of an amateurish security report which was later found replete with gross inadequacies; she was never consulted, never asked to give her side of the story. When she attempted to arrange an appeals hearing in order to plead her own case, the request was bluntly denied. Finally, the disciplinary action was taken for violation, technically, of a parietals regulation that was at best ambiguous. The list might well continue if one considers the non-legal violations of the woman's dignity in the abusive way in which the interrogation was made.

CONSIDERING administrative statements about the University's family love for its students in light of the Lewis Hall incident, one is tempted to dismiss the *In Loco Parentis* statement as just so much rhetoric. And the statement itself is vague. It speaks of a parent-child relationship and how the older the child becomes, the more "wisdom" the parent can offer him. What this "wisdom" is or how the parent-child relationship evolves as each party ages, Burtchaell leaves unexpressed.

One could argue that such human feelings as trust, pity, and love cannot be easily defined and must remain vague in discussions about their nature. As the argument goes, one can only exhibit examples of these sentiments. However, there are few examples of human feelings in the relationships between students and administrators at Notre Dame. Thus, one continues to wonder why Father Burtchaell wrote a statement which describes a situation so unfamiliar to the Notre Dame student body.

Perhaps, the administrators do not themselves perceive how their words are inconsistent with the reality which exists around them. In effect, they mean well. However, their words about pity and love simply disguise their real motivations or the real features governing their relationships with students. One suspects that



# morality disguised by words of parental pity

some morality or hearkenings to a past tradition actually define the administrators' relationships with students.

The most glaring example of this deceptive quality of administrators' words is revealed in their conduct regarding students' sex lives. It has often been pointed out that University officials are least tolerant in matters concerning the sexual activities of University students. Explanations for this phenomenon abound. Although most anticlerical theories of repressed libidinal desires tend to be oversimple and reductive, there is nonetheless a disturbing tendency on the part of University administrators to handle so-called "sexual infractions" insensitively and with a frightening lack of appreciation for the details of individual cases. One is forced to conclude that these officials feel particularly intimidated by their students' sexual activities.

For the overwhelming majority of Notre Dame students the question of pre-marital sex remains very much open. In all likelihood, it will not be resolved by proclamations issued *ex machina* or seminars organized by the Campus Ministry, but by more or less mature students in the context of specific interpersonal relationships. Many, perhaps a majority, of such students will, if not opt for, at least experiment with sex outside of marriage. On top of this there is a significant number of the student body who are homosexual. This is the situation which confronts University administrators. It is a situation characterized by introspection and fluidity.

But this is not the situation to which the University addresses itself; instead it issues unconvincing theoretical arguments against co-ed dormitories, treats women as objects to be kept on display, places limitations on visiting hours and pretends that all is well. When an "offender" is apprehended, embarrassed officials lash out instinctively and indiscriminately as if such infractions were personal insults. But, despite the Administration's efforts, love will remain a precarious combination of intimacy and lust. Both elements are sure to find expression in the lives of N.D. students, if not here on the campus then elsewhere. This is the point to be emphasized: the sexual relationships which the average Notre Dame student experiences and sees about him/her are not wanton orgies (prudery in reverse) marked by whoring and other commodity aberrations, but frequently intense encounters distinguished by their pain and love.

**A** GAINST these experiences, the University's recent actions appear in their true light as puny and con-

fused. One wonders why such offenders as the Lewis Hall girl should be so severely punished when they present no clear and imminent danger to other students. In the past the University has been merciful, perhaps even over-generous, in dealing with students who destroyed property, trashed whole sections of dormitories, broke windows, and seriously injured other students in fist fights. At the same time, expulsion, the maximum punishment, has been capriciously brought to bear on persons whose crimes, if they were crimes at all, were victimless.

The University has an official answer for the question which denies that such crimes are victimless. The offender, they maintain, is the ultimate victim because he/she has deviated from the ideal of moral rectitude which the University and its members are committed to uphold. This is the hidden morality which is disguised by the administrators' words of parental pity and love.

Thus, administrative words which justify the use of mercy and love in student-administrator relationships become verbal structures by which the University can reveal its moral dicta and condemn, more arbitrarily, individuals — in the name of parental concern. Ironically, administrators wish to escape the indifference and the cold justice found in universities where relationships are governed by laws. They desire an institution where prodigal sons are not condemned without any considerations of mercy. But, one can speculate that life at such a secular university, though mediocre without an insistence upon pity and love, would at least not be hypocritical.

\* \* \*

**A** SECOND area in which administrative rhetoric becomes problematic is the University's policy on hiring, promoting and granting tenure to professors. The December, 1972, issue of *Notre Dame Magazine* contains an article written by Father Burtchaell, entitled "Notre Dame and the Christian Teacher." At first glance, the piece appears to be an admirable attempt to delineate a policy for the acquisition and maintenance of faculty based upon a Christian code of conduct. "If we are to be a Christian university," writes Burtchaell, "we must have a critical mass of Christian teachers. If Notre Dame is to remain Catholic, the only institutional way for assuring this is to secure a faculty with prominent representation of committed and articulate believers who purposefully seek the comradeship of others to weave their faith into the full fabric of their intellectual life."

# faculty/administration relations are not founded on trust

However, like his *In Loco Parentis* statement, the words in his address to the faculty concerning his desire to have "Christian" teachers are often ambiguous. Must the University's professors be those who adhere strictly to the dogma of the Catholic Church? At times (though not always) Burtchaell seems to use the word "Catholic" interchangeably with the word "Christian," which does not allow a somewhat broader basis for judgment. Father Burtchaell admits that believers from other religious traditions should be included in the faculty. He stresses that the importance lies in that certain religious questions be asked, and it is not necessary to have a "fast agreement" on the answers to these questions. Yet, Burtchaell's insistence on "the predominating presence of Christian, Catholic scholars" in the faculty implies that he is only paying lip service to scholars of non-Christian or possibly non-Catholic beliefs.

Within these ambiguities, there resides the delicate issue of tenure. To speak of tenure is to speak pointedly of the security of the teacher and his family. The teacher's career, too, is at stake. The problem of tenure also concerns and directly affects the quality of education at Notre Dame.

Thus, the question of what Father Burtchaell means by acquiring "predominantly Christian teachers" becomes that of *who* translates the rhetoric into specifically delineated criteria for hiring and promotion? And how do these criteria affect the lives of faculty members who do not possess tenure?

UPON reading or listening to Burtchaell's address, one would think that questions like the preceding ones would not arise. The Provost urges the faculty to retain a religious spirit in their teaching. He is attempting to raise the Notre Dame community's concern about teaching and about the hiring of faculty above strictly academic and professional matters. Such an ambition requires that the faculty trust the administration.

Unfortunately, interactions between administrators and faculty members are not founded upon trust. There is an increased frequency of disputed tenure decisions. One would suspect that such disputes would not occur often in an atmosphere of trust. A case in point is that

of an English professor who was refused tenure by the Provost after receiving successive approval from a committee of his department colleagues, his department chairman, and the college dean. No reasons for the refusal were ever publicly disclosed by the Provost, even at the insistence of the individual concerned. One wonders what criteria the Provost used for his refusal. The faculty member was left unaware of why his tenure was denied. This and other similar incidents do not lead to a trust between the administration and faculty. Without the trust, administrative criteria for faculty selections which are praiseworthy, but ambiguous, are not likely to receive wholehearted acceptance by faculty members.

The untenured faculty member is left in a difficult position. He can see no specific criterion to meet to win his tenure. There are always those vague words about "Christian teachers" to worry him. Without the trust, the administration's words do not open new areas for his teaching to explore, but create an arbitrary structure which adversely affects his teaching. He may avoid discussing thoroughly topics, such as atheism, out of fear of violating standards a "Christian teacher" would not. He becomes stifled by the very words which were intended to give his teaching a much deeper and meaningful character.

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Jim Fanto

Dan O'Donnell

Greg Stidham

Jack Wenke

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# Life With Father

Mike Melody

I NEVER have liked the phrase *in loco parentis*. I first learned of it when I received my junior license from the Bureau of Motor Vehicles in Pennsylvania. The phrase appeared in microscopic print on the back of the license. It meant that I couldn't drive after midnight unless one of my parents was present. To a heady sixteen-year-old, it seemed an unnecessary limitation. So, at times, I violated the law. I was fortunate; many others were not. The State Police once raided a post Junior Prom party. As the story goes, the result was forty-dollar fines and two-month suspensions. Yet, *in loco parentis* is a tricky concept. It literally means in the place of the parent. I always wondered if anyone over twenty-one was qualified for such a lofty legal position. It is with the same sense of uncertainty, if not trepidation, that I read Father Burtchaell's article "*In Loco Parentis*" (*Notre Dame Magazine*, April, 1972).

At first, the article appears to be a sorely needed corrective to what is a growing trend on campus. Everyone, I trust, has heard the epics about what the campus was like a mere ten or even twenty years ago. Of course, the individual rules were somewhat idiotic, but the atmosphere and character of the campus were radically different. Imagine it, a small group of men, masters of their art, dedicating their lives to helping younger men fulfill their potential to mature. It does not seem to have been a naive thing. For the older group appears to have recognized that in many cases they could only impart the fragile habits of virtue — manliness. They must have failed many times over the years, and though celibate, they must have experienced something akin to the anguish of soul that is peculiar to parents.

As Father Burtchaell so aptly notes, universities have arrived at a new self-understanding and there has been a corresponding shift in their relationship *vis-a-vis* students. The modern trend considers the relationship between the university and student in essentially legal or contractual terms. This modern influence is present as much, if not more than the older tradition. Must we look further than room contracts or rectors who consider their halls to be hotels. In earlier days, *carpe diem* does not seem to have been the assumption that was commonly accepted as the basis of hall life. I have heard it said that Notre Dame is the Harvard of the Midwest. This peculiar claim seems more properly to belong to the University of Chicago. Yet, has anyone thought to point out that Harvard severed its connection with the religious group that gave it life and nurtured it more than a

## coercive commands are inappropriate to wisdom

few years ago? Undergraduates seem to perceive the University in the same legalistic fashion that Father Burtchaell describes. Residents of Farley were recently told that their hall was selected as the new woman's residence on the grounds of geography; it had nothing to do with their collective character or life style at all. It seems that the lesson to be learned is that in this life, as opposed to the next, geography is all. The same tendencies seem to be present among the faculty. I recently heard a group of faculty members discuss tenure solely in terms of job security. Yet, originally it seems to have had something to do with the connection between leisure and thought. Given all of this, Father Burtchaell's article is much like the gentle breeze of Southern Florida which is not only refreshing, but also keeps the flies away from the decay — at least for a short period.

**B**UT there are subtle problems with the article. For example, he tends to overemphasize the role of the Holy Cross Community within the university. Realistically, they no longer comprise the major part of the faculty, and their present situation does not seem to promise an increase in their number or visibility. At this point, their influence seems to be questionable. The major flaw of the article appears to be that, while Father Burtchaell disagrees with the legalistic approach, he himself uses a legal phrase as his very title and utilizes this same phrase as the unifying element of his article. Also, his use of the term "parent" is ambiguous. This arises from his use of words such as: "domestic household" (a legal phrase), "firm parental control" (?), "command and control" (political/military) and "renegotiate" (diplomatic/political). In context these words and phrases are carefully softened; their masculine character is weakened. But since the statement is given us as the only alternative to the legalistic understanding, it is important that we carefully reflect on its every word. In fact, perhaps the image of the parent is not apt for the work at hand. There are probably many among us who do not have fond memories of their own parents. One, it seems, must painstakingly make the distinction between good and bad parents. In addition to this, the term parent immediately conjures up in one's mind the corresponding term, child. There is a subtle tendency to link both words which has caused difficulty in the writing of this essay. I would suggest that the issue could be better put in other terms. What is the relationship between

the university and the character of its students? The term community seems to be appropriate and useful here. Yet, the framework of the argument has already been given. In what way can a university be a parent to its students?

The crucial point is that the university can be conceived of as a parent only in a loose, analogous sense. The implicit claims of the symbol must be softened. Is there an active affection between the university and 721-979-714? If this is present at all, it hardly approaches the warm embrace of father and son; the touch eloquently captured on the ceiling of the Sistine Chapel. Interestingly enough, sometimes one hears older graduates speak this way. "Notre Dame Our Mother" appears to be real to them, while to our tone deaf ears it becomes "Notre Dame You Mother." So the analogy holds only loosely; perhaps so loosely that it ought to be discarded. But just what does Father Burtchaell mean? Confusion arises due to words such as "command," "control" and "renegotiate." Though Father Burtchaell is not a poet, what does this say about his conception of the family? Does one sign treaties with one's parents? What kind of parent talks in terms of command and control? The words seem appropriate for a military commander and not a priest-Provost. Theoretically, the issue is whether or not undergraduates are isolated from the good, whether they have the ability to grapple with moral problems, and whether or not their participation in the ground of moral standards must be mediated. Let us clarify what the image hopefully does not mean and then proceed to reformulate the issue.

Hopefully, Father Burtchaell does not mean that the university is a parent in the sense of the relationship between a stern father and his little boy or girl. Some parents do act this way until their progeny (one must strain to use another word than child) are twenty or older. Yet, they seem to be bad parents. To treat a person this way means that he or she is isolated from the standards of right behavior in any given situation. This being the situation, the parents just lay it down in a Zeus-like fashion. The virtue of the small child is, appropriately enough, obedience. Yet, the situation appears to be different for eighteen-year-olds. Such people are not only aware of and able to articulate (to some degree) the commonly accepted standards, but they also, in a healthy way, sometimes question and challenge them. More importantly, they know the rending struggle in which one wrestles with one's self, descending to the depths in the intense struggle to dis-

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cover how to act like a decent human being. In fact, this would appear to be the secret of the renewed, more active affection between parents and their eighteen-year-old sons or daughters. Otherwise, one must treat eighteen-year-old men or women as if they were four. Certainly some would profit by it, but not the vast majority. The virtue of a man or woman of eighteen is not obedience, coerced or otherwise. Such is slavery. Is Notre Dame to become a slavish place for timid, base souls? The thrust of Father Burtchaell's article seems to be along other lines, but his use of certain words does invite questions.

**W**E must reflect carefully, if not fearfully, about the analogy and see if it holds in any way. There is a change in the parent-child relationship between the ages of four and eighteen. Yet, I would not use the term "renegotiate" for this; for the change is subtle and demands the soft colors and not the dark shades. Being eighteen means, among other things, that one can articulate what are commonly considered the proper standards of right action. But it also seems to include the discovery that most often the general rules do not fit the particular cases. The grays appear in all their various and frightening hues. Hence, one often seeks the counsel of older, more mature men and women. The bond is the agony of decision in complex situations. In this case, a parent and child actually deepen, renew and celebrate their communion. To put it another way, one finally discovers the true wisdom of one's father. The image is one of two men, neither of whom possesses absolute truth, talking about serious, common things. It almost has a sacramental nature. Analogously, the university can be a parent. But it is important to remember that the long-forged bonds are absent. Thus, certain tendencies peculiar to one's youth will undoubtedly be exacerbated. Like a young thoroughbred, the undergraduates will want their head. They will feel trapped and stifled unless the reins are held deftly. This makes it even more important that the university act with the wisdom of its years. It is inappropriate to lay down rules, coercive commands in the modern

sense of law, in a Zeus-like fashion. The standards of right behavior which the university seeks to foster must be carefully articulated. Thought-full reasons for such standards must be given. An adequate model of this is Plato's treatment of the laws in the dialogue of the same name. In addition, conversation must be encouraged. Most importantly, all those involved in such conversations must be willing to admit when they are wrong. Otherwise, conversation becomes polemical; one talks *at* instead of *to* another person. This type of mutual shouting match has plagued the campus for the past several years. Yet by forming a community of speech, of reasoned conversation, the university can mark the character of its students while fostering their manly/womanly growth. To act otherwise is to invite regression. Yet, it seems that such growth occurs less and less frequently in the classrooms, except for theology and a few Philosophy, English and Government classes. Does Methods of Research in Sociology, Organic Chemistry, Chemical Engineering or Accounting make one a better man or woman? Perhaps this work is more suited for the halls.

**O**N the whole, the word *community* is better than the image of the parent in describing such an understanding. Conceiving the university as a community of speech, what is the relationship between the university, including the faculty, and the character of its students?

This understanding, truncated as it is, does not preclude Father Burtchaell's concerns. It would perhaps strengthen them while retaining and emphasizing the link between the university and the character of its students. It would not preclude the articulation of standards, but it would mitigate against their being handed down in an omnipotent manner and enforced in a heavy-handed fashion. It would not reduce the student body to slaves who live under the righteous eye of a harsh task master. But, then again, the analogy of the parent does not seem apt.

Father, the word that I continually want to use for your article is *refreshing*. When priests seem to specialize in being groovy, it's about time that someone raised such pertinent questions. Hopefully, all of us can talk about such serious, common things. In fact, perhaps through an articulation of the meaning of the good order of the hall, a first, halting step can be taken. But then again one can be distantly silent; a sort of *pater absconditus*.

Mike Melody is a graduate student in government and teaches in the Collegiate Seminar Program. Mike has also served as a resident assistant in Farley Hall for four years.



# Freedom in a Vacuum: The Faculty's Crisis in Authority

James E. Robinson

I PROCEED on the assumption that academic freedom, like any other freedom, must be circumscribed before it can be exercised. For freedom to have any meaning, it must be defined according to the context in which it operates, which is to say not only that it must have limits but that without the limits it has no function, that an individual exercising a freedom must understand that he has a function within the arena where he exercises his freedom. For the individual the function presupposes some kind of authority, some kind of place in the kinetics of his community's hierarchy. It would be meaningless to guarantee the freedom of the press in a society where nobody reads; in such a society the writer would have neither function nor authority, and thus no freedom.

The document that is both summary and "constitutional" measure for the academic freedom of faculty in higher education in the United States is the 1940 Statement of Principles on Academic Freedom and Tenure adopted by the American Association of University Professors and the Association of American Colleges. The statement makes quite clear what the premise is for the function, authority and freedom of the faculty member: "The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution." The positive and negative circumscriptions extending from the teacher's role as citizen and person of learning are clear enough, and I think have resulted in the last three decades in no substantive disagreements in higher education (the only difficulties arising, naturally enough, in interpreting the relation of details to substantive principles in particular cases where violations of academic freedom are alleged). As a citizen, the teacher speaks to the public without institutional censorship, and as a man or woman of learning, the teacher pursues his responsibilities in the classroom, laboratory and scholarly books or journals, without censorship, recognizing in either function the limitations imposed upon him by the very obligations of his authority as citizen and scholar: as scholar within the academic arena, his freedom is correlative with his knowledge and competence; as citizen within the public arena, his freedom is further circumscribed by the propriety of making clear that he speaks for himself and not for his institution.

At the center of the freedoms associated with a faculty member's roles as citizen and teacher lie fundamental concepts about the free exchange of ideas and the advancement of knowledge. Academic freedom from this perspective allows learning to proceed without the threats of an Inquisition, or a need for a trial to establish whether evolution can be taught in a society committed to a literal interpretation of the Bible, or without the intimidations of a Joe McCarthy investigation, or whatever prevailing cultural force that might be wont to have its own ideas and authority so fixed that competing ideas and other authorities become inoperative.

I N his role as teacher and citizen, any faculty member,

I believe, understands well enough who he is, and the importance of his freedom. At Notre Dame and elsewhere, the administrative authorities of the University are likewise appreciative of the authority and freedom of each faculty member as teacher and citizen. But in his role as an officer of his university, the faculty member, at Notre Dame and elsewhere, is now an uncertain being. And perhaps he is beginning to wonder whether the uncertainty of his authority in his own institution is not eroding his authority as citizen and teacher.

The 1940 AAUP statement on academic freedom did not itself make clear what were the particular functions and authorities of teachers as officers of an educational institution; the statement spoke only of a restriction placed on the individual faculty member in his role as educational officer, the need to exercise appropriate decorum in his public utterances since the public might judge his institution by his performance. But the positive corollary for the faculty's authority as educational officer has been developed in subsequent AAUP documents, especially the 1962 Statement on Faculty Participation in College and University Government and the more expansive 1966 Statement on the Government of Colleges and Universities. These documents clarify the "primary responsibility" of the faculty in determining policy regarding such matters as curriculum, aspects of student life relating to the educational process, and faculty status (appointments, non-reappointments, promotion, tenure) and the role of the faculty in participating in such processes as those regarding selection of administrative officers and determinations of budgets. The 1966 statement, which also includes a statement on student status and student academic freedom, is generally an attempt to affirm faculty authority within the context of "shared responsibility" and "joint effort" exercised by the faculty and their administrative officers in cooperation with an institution's board of governors. The statement is summary of an actual evolution in American higher education that began somewhere in the late 19th century with the rise of universities: the idea of authority centered in an external board and its chosen president began to shift to the idea of authority more internally centered in the faculty and the on-campus administration (see Burton R. Clark, "Faculty Authority," *AAUP Bulletin*, December, 1961, for a more detailed account of this evolution). The motion toward the "shared responsibility" of all parties then proceeded until very recent years, when a variety of pressures evoked the hue and cry for the centralizing of authority. The pressures, generally speaking, arose from a combination of economic difficulties and public reaction against turmoil on the campus.

THE toughening and tightening of the ship of academe has been a curious and painful process, curious because the pain has been inflicted mostly upon the faculty without any demonstration or even clear assumption that the faculty was the source of trouble in the first place. The centralizing of authority because of external pressure has meant that chief academic

officers (the "administration," most of whom are faculty members by their origins or even by part-time current activities) have assumed more and more authority from the faculty-at-large in order to satisfy the demands of the external forces, as articulated by governors, state legislatures, or university boards. For the ordinary faculty member, the situation is one where he has come increasingly to be an observer, an observer only, of a series of painful events over which he sees himself as having less and less control; academic programs get cut, faculty salaries get frozen, worthy colleagues without tenure get "non-reappointment." The irony is that the faculty member continues to exist within the election procedures and committee rituals that supposedly constitute his participation in the policy-making structures of his institution; yet he sees more and more the decisions of such faculty bodies overturned, tabled, obviated or ignored. As an officer of an institution his functional authority and thus his freedom are becoming more and more to exist in a vacuum.

In many universities, the faculty is responding to this crisis of authority by voting in legally based structures of collective bargaining, wherein the faculty might find a sanctioned place in a hierarchy. If that place is only the place of employee in relation to employer, it is a place, and one which, as the history of labor unions attests, carries with it considerable authority. It is, of course, not only political punch and economic advantage that unionized faculties seek; what they seek most as a matter of fact is a restoration of authority that they believe their whole spectrum of functions and freedoms depends upon. They believe unionization can insure, via a more effective articulation of their authority, the clarity of their freedom and the significance of their responsibilities as teachers, citizens, and officers of a university. Whether unionization is in fact the solution to the faculty's crisis of authority is another question.

As a major university, Notre Dame has shared in the history and crisis outlined above. Notre Dame entered into the evolution towards clarification of faculty authority and the principle of shared responsibility somewhat later than other American universities and thus has experienced an acceleration toward the present problem in a way that may make the problem seem more intense here than elsewhere.

The 1954 Notre Dame Faculty Manual included some faculty bodies in the structure of governance, such as the Academic Council, Graduate Council, and University-wide Committee on Faculty Appointments and Promotions. However, except for the Academic Council, faculty members were appointed by the President rather than elected by the faculty, and generally the place of the faculty in the governing hierarchy was loosely conceived. It is interesting that in one sentence adapted from the AAUP Statement on Academic Freedom, curiously enough placed in a section on "Public Relations," the 1954 Notre Dame Manual referred to the faculty member as "an officer of a Catholic University." But it was not until the 1967 Notre Dame Faculty Manual that the idea of a

## what is the authority of a faculty

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faculty member as an officer of a university (even though the term was not used) was given a relatively full implementation via the definition of a hierarchy of elected faculty bodies (from departmental level through college level to University level) and via methods of the faculty participating in the selection of most administrative officer in the academic structure.

It was precisely with the violation of one of these principles of selecting as academic officer that the faculty's evolving authority began to suffer reversal. In the summer of 1970 the relatively recently re-organized and expanded Board of Trustees (whose first act had been the approval of the 1967 Faculty Manual) appointed Reverend James Burtchaell as Provost of the University, a position which replaced the position of Vice President for Academic Affairs and included some other responsibilities and authority not previously centered in that Vice-President's office. According to the Faculty Manual, an elected faculty committee should have been consulted upon the replacement of the Vice President for Academic Affairs, and at least according to general principles of authority for the Academic Council, one would have expected the creation of a new or expanded academic position to have been referred to the Academic Council. However, the Board of Trustees bypassed these procedures.

**T**HE faculty at first showed little concern with the Board's action. But when the Provost began to exercise the authority of his office via a series of what seemed like unilateral actions, many faculty members became alarmed, alarmed at some reversals of department recommendations concerning promotions and tenure, and at guidelines concerning tenure quotas and teaching loads. Generally the faculty began to suffer under restrictions of resources and tightening of budgets. If Father Burtchaell was not himself the demon of a new autocratic order, he seemed at least to be the spokesman of some perhaps abstract demon whose demand for efficiency, economy and discipline was being hacked out of the hide of the faculty's

authority, freedom, and well-being. The faculty has been willing enough to cooperate with administrative leadership in solving the problems of the University's economy, but many faculty members have resented the subservient role they have been given in the processes of solution currently in motion. In short they wonder about their function and authority within the University.

Other events have contributed to their confusion or uncertainty. After patiently working out the extremely difficult particulars of merging Notre Dame and St. Mary's on the college and departmental levels, the faculty found their work turned to naught by a collapse at the upper levels of administrative and Trustee authority. No clear explanation of the collapse was offered by Father Hesburgh or the Board of Trustees, and thus the faculty felt frustrated and isolated from the processes which determine the course of their institution and academic life. And the fact that the Provost, the President, and the Board of Trustees seem to share in general the authority of final decision-making in ways not clearly comprehended by the faculty adds further confusion to the faculty's sense of authority in the University.

But the crisis of authority is clearly that of the faculty itself, whatever uncertainty may seem to exist at the top. It is to the credit of the Faculty Senate in its recent work on the revision of the Faculty Manual that it tried to face the question of the faculty's authority openly and directly to the point. Its report affirms the principle of shared responsibility and the authority of the faculty within that context. Its main recommendations for particular changes were designed to improve the situation of mutual accountability and mutual exchange between faculty, administration, and the Board of Trustees. Hopefully, the Senate report will have its effect on the Academic Council, which presently is deciding on the shape of a new Manual, and the Board of Trustees, which must finally approve the Manual. It is not my purpose here to assess the details of either the Senate's report or

## member as an officer of the university?

that of the Steering Committee of the Academic Council, whose report differs widely from that of the Senate's on centrally crucial matters of governance. So far, it appears that the recommendations of the Senate are not faring well in the Council, a body composed of *ex officio* administrators, students, and elected faculty members. To me, the failure of the Senate report to have a substantial effect on the design and details of a new Manual would mean a continued diminution of faculty authority. It is regrettable that the differences between the Senate report and the report of the Council's Steering Committee were not given a more open and widespread hearing before the Council proceeded with its deliberations and its vote early this fall to use the Steering Committee's report as its main basis for detailed discussion. And it is ironic that the Council voted closed sessions for its deliberations on a document so central to the question of authority and freedom as a Faculty Manual necessarily is.

**C**RISIS, of course, is a relative term. Presumably no one expects the direction of increased centralized authority in higher education to become so precipitously rigid that either faculty or students engaged in the pursuit of learning will wake up tomorrow to find their academic freedom choked off at the windpipe.

Certainly the function, authority, and freedom of the students to participate in the learning process of the University as students cannot be curtailed if the University is to exist at all as a community formed in the first place to serve and educate the students. Knowledge does not exist in a vacuum; it functions in the arenas of culture, the most important being those arenas wherein it can be communicated from one generation to the next. The place of the faculty in such an arena is less clear, although obviously some kind place must be preserved for them if there is to be a faculty to teach the students. One generation needs another, and so the authority and freedom of faculty as teachers cannot be subjected to crisis. But at the

same time the authority of faculty as the ones responsible for and qualified to determine the best learning situation for the students can be eroded by degrees without an immediate threat to the faculty's day-to-day authority as teachers. Such a slow crisis of authority is developing, at Notre Dame and elsewhere. What is the authority of a faculty member as an officer of the University? If he is not an officer of the University, what is the nature of his authority within his institution? How much should he participate in the governing processes which determine curriculum, budgetary priorities, questions of faculty status, selections of administrative officers, the fate of colleagues, and the ultimate objectives and directions of the University? The more his authority in these matters is defined as a minimal one and the decision-making processes are designed to make his role a subservient one, the more he becomes uncertain about his function and freedom.

Presumably the good will and patience of everyone involved in the life of a university can be counted on in the long run to evolve solutions to the problems of the institution. Hopefully the trustees and administrators will come to entrust the faculty with more rather than less authority in the procedures which seek such solutions to the problems of economy and priority. If so, the recent trend of narrowing authority, presumably in the interests of creating an efficient budgetary machine, may yet be reversed and have no ultimate serious effects on the concepts of academic freedom. Otherwise a faculty member will see more and more of his authority diminished, and much of his freedom cast adrift in a vacuum.

Mr. Robinson is at present a professor of English and served as Chairman of the English Department from 1968-1972. He also served as chairman of the committee in the Faculty Senate which undertook the task of revising the current Faculty Manual.

# Dome Digest: Notre Dame Magazine

*Notre Dame Magazine* is a slick, highly respected, eighty-page journal that this University publishes six times a year. It is the product of an amalgamation between two less successful predecessors; *Notre Dame Alumnus* and *Insight Notre Dame*.

The magazine is widely circulated (seventy-two thousand at last count) and patently designed for University Alumni. After two issues it was cited for excellence by the American Alumni Association, and co-editor Ronald R. Parent is confident of the publication's chances for awards this February.

Parent is an articulate, earthy man who operates out of the magazine's central editorial offices in the Administration Building. He calls *Notre Dame Magazine* part of the "continuing education of an Alumni he considers 'mature, intelligent, with a hell of a lot more common sense than is generally thought.'"

Given this view of his audience, Parent contends that the magazine should consider "trends" rather than individual incidents. "We have a tendency not to zero in on a particular problem," Parent said in an interview inside his cluttered, high-ceilinged office, "We're interested in a broad coverage of events."

"Broad coverage" apparently means avoiding ideological monogamy, Parent seems to suggest.

"We try to give our people (the alumni) something to think about," he says "We try to be more than the voice of everyone in the community."

*Notre Dame* printed the full text of University Provost James Burtchae's controversial September tenth sermon on the nature of a Christian University, but it also printed commentary from seven other members of the faculty and administration. The other writings, with the excep-

tion of a forthright opening piece by Prof. Thomas Schwartz, generally concurred with the Provost's words, but each writer picked at least one point with Burtchae.

Parent points with pride to the magazine's handling of Burtchae's sermon, contending that "we didn't print just his address, because it wouldn't present a complete perspective."

How, then, is this balance chosen? Parent admits that the selection process is fairly "haphazard," intimating that only about one person in four actually responds to an invitation to write. "We asked forty-two people to write for our next issue (which will be about the Christian family in the modern world) but only about ten replied. This is pretty standard for a non-professional organization."

By "broad perspective" Parent also means broad issues—like the



# Admission Impossible?

Students applying to the University of Notre Dame inevitably have one question: "What are my chances of getting in?" The Notre Dame admission process is a very complex, intricate procedure requiring a great deal of time and energy. Because it is a human process, those participating have to be extremely cautious. An admissions officer reviews various files, seeking those individuals who will give to the University as well as receive from it. Even the most brilliant scholar, the most dynamic student leader, or the most talented artist is not admitted if there is sufficient evidence to indicate that his potential would not be best developed at Notre Dame.

The basic aim of the admissions policy is to compile a class composed

of excellence and diversity. Students are sought who represent many groups—cultural, economic, ethnic, geographic, religious, social, etc.

The decision-making process begins when an applicant's file is complete. The admissions staff first considers the applicant's total academic record—SAT scores, rank in class, grades and types of courses taken. All of these are weighed with equal emphasis. The staff recognizes that the applicant's rank in class is meaningless if it is not based

entirely upon college preparatory courses. Once an applicant is considered academically acceptable, the staff goes to other sources to make a final decision: the applicant's letter of recommendation, his personal statement and his extracurricular activities are evaluated.

The following case studies were drawn from Notre Dame applicants over the past year or so. Names have been changed to preserve anonymity, but the substance of each case has been retained. It's up to you to accept or reject each applicant. The final decision of the University follows each case.



much-lauded "right-to-life" edition a few months back. "We're interested in subjects that are very important to our Alumni. We want to give a continuing education."

So the principal business of *Notre Dame* is wide issues, trends; in-depth reporting; theories; it is a "journal of ideas," Parent says. Consequently, day-to-day events are handled poorly—if they're handled at all.

For example, Parent suggests that all the magazine can do with the late Lewis Hall brohumba is to "report it in the Campus News Section"—a section he admits "could be better."

"The tendency," he says of that section, "is to rehash news releases."

Even if the magazine did try to handle the issue in a more comprehensive form, it would probably ignore the student perspective. Generally speaking, Parent says, there is "no way . . . that we can adequately represent the student view." Such an inability has prevented the magazine from doing projects on drugs on campus and on Black students—projects that the staff was eager to undertake.

"We'd like to get more input from students," he says, "but for the mo-

ment, we'd never be able to consider such stories."

What "diversity" he is unable to get from his contributors he tries to fit into the magazine's letters section, the "Between the Lines" section, or the section marked "Other Voices."

"We publish every letter we get," he explains, "unless they're obviously written by a crazy man or unless they're unsigned." The magazine has received only one letter from a student. It was written on toilet paper and suggested that "it was not what, but who you know that gets you into Notre Dame." It was unsigned, said Parent, and thus not published.

Changes? "More diversity, more student input, more articles by alumni"—Parent hopes. In the meantime Parent says that he will look for "as much questioning" of the University as he can. And he is not worried that the questioning's response will get too raucous.

"Whenever you do a comprehensive job; a tasteful, objective job . . . you never get into trouble," he said.

And with that he sat back and grinned.

—paul colgan  
and t. c. treanor

# The Men at 6130

The Security force of the University of Notre Dame was created as a service organization for the protection of the students, faculty and staff of this community. Arthur Pears is Commander-in-Chief of Campus Security and is directly responsible to the Vice-President of Student Affairs and the Dean of Students.

The force consists of patrolmen, gate officers and hall monitors. The schedule is divided into three shifts: 7 a.m.-3 p.m.; 3 p.m.-11 p.m.; and 11 p.m.-7 a.m., each of which operates under the auspices of the staff sergeant, night commander or Mr. Pears himself. The Security office is open seven days a week, 24 hours a day. The force operates on a budget approved by Pears in conjunction with the Dean of Students and Vice-President of Student Affairs.

Some of the patrolmen perform a sort of cop-on-the-beat type role. These foot patrolmen traverse an assigned area in which they watch for trespassers and secure buildings. This job entails locking and unlocking various buildings at specific times. Other patrolmen cover assigned areas of the campus in patrol cars and are also on guard against trespassers, bicycle thieves and parking and traffic violators.

The control of traffic, however, is primarily the duty of the gate officers. The admittance of cars to campus at either the north or south gate is left to the discretion of these men. A system has recently been implemented whereby a driver having

good reason to enter the campus grounds may leave his driver's license with the gate officers and receive a time-punched ticket, allowing him 15 minutes on campus. This system relieves the gate officers from making arbitrary decisions in admitting cars to the campus, as it applies to all unauthorized vehicles.

The third division of the Campus Security is the monitors who act as night-watchmen for the various residence halls. Their principal task consists of checking each floor of the hall for possible fires and trespassers.

Within the Security force, there are also three moonlighting South Bend policemen. In addition to these three guards, Mr. Pears, the night commander and the sergeant are the only men on the force with firearms training. The remainder of the Security guards receive on-the-job training and a cursory familiarization with first-aid techniques. The equipment employed by Security includes two roving patrol cars, walkie-talkie radios and firearms.

According to Mr. Pears, the biggest security problem on campus is the theft of bicycles and shoplifting in the bookstore. As a safeguard against bicycle thefts, a program of bicycle registration was initiated by Security. In the past two years there has been a decrease in the theft of personal property, but an increase in the theft of University property. Although the problems of drinking and drugs have not significantly burgeoned in recent years, Mr. Pears feels that many incidents of vandal-

ism are a result of excessive drinking.

All cases of theft, drinking and other infractions are referred to the Dean of Students, where they are usually met with disciplinary measures. In cases of extraordinary violations, a copy of the complaints is sent to the South Bend police. Although the University is out of the jurisdiction of the South Bend Police force, Mr. Pears has a direct line to the Sheriff's office, who is authorized to delegate men to the University at Mr. Pears' request. With regard to the security problems of off-campus students, the N.D. Security force has no jurisdiction, but may act as a broker between the victimized students and local authorities. The Security department does keep files on students who have committed offenses either in the University or in South Bend.

The Security force at N.D. has often been criticized by students and other members of the University for inefficiency in preventing many of the thefts and offenses that occur on campus. In considering this charge, however, one must recognize the fact that Security suffers from a dearth of manpower which is undoubtedly a result of the tight budget that is appropriated by the administration.

Perhaps the most telling charge against the Security force is that they are out of touch with the students. As in any bureaucracy it often seems that red tape and regulations become disproportionately important. Security often seems to the student to be more pre-occupied with parking violations and other technicalities than with property violations and violent crimes. One can object that Security simply can't be everywhere but nevertheless students can be forgiven if they occasionally feel that the smooth functioning of the bureaucratic machine has become more important than their protection. An illustration of this took place several summers ago when a series of rapes had made most of the residence of Lewis Hall terrified to walk on the campus at night. The morning after one assault a nun received a full page letter from Security telling her why she shouldn't keep her car parked on campus overnight.

—pat mc cracken  
and bubby vespole

THE SCHOLASTIC



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# the last word

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Although I would probably not have admitted it four years ago, one of the reasons I applied to Notre Dame was certain vague notions I had about a "Christian University." I had by that time certainly outgrown the Baltimore Catechism and expected no more of that. But I had visited the school twice and had talked to friends who were students here, and I sensed the character of the place—something suggestive of a healthy religiosity that in retrospect seems indeed to have been a factor in my choice of a school.

It would seem that in those days I was looking for a model after which I might pattern my own life (perhaps the retrospective is distorted: I know now that that is what 18-year-olds are *supposed* to be doing). An authentically Christian lifestyle seemed as feasible as any and a shade more desirable than most. And, true, I had hopes of finding that model in the "Christianity" of Notre Dame.

Freshman year did little to dispel the hopes. "Christian community" was on the lips of everyone, and I stood in awe of the few priests I came to know. The week after the invasion of Cambodia and the Kent State killings proved to be one of the most moving and influential weeks of my life—significant because it seemed to come closest to truly Christian community action.

Today, though, things have changed. Today, I cringe even to use the words "Christian community," cringe in fear of being helplessly implicated in the mire of rhetoric which surrounds them. I have seen the priests whom I admired, whose homilies stimulated much rewarding reflection, act in ways which seem to me to be completely inconsistent with their words at Mass or in the privacy of their rooms. And it occurs to me tonight that perhaps I am still seeking that model.

What went wrong? I am not sure. I am not even sure that something did go entirely wrong, for a community *does* exist at Notre Dame. One might even term it loosely a "Christian" community. And the people who exploit the adjectives so effectively are only on the periphery of its membership—they are members only insofar as they pay the salaries of the faculty and grant admission to the students who make up the real and vital community of Notre Dame.

There is no more that I can say about the specific "Christian community" that is written about in the *Notre Dame Magazine*. Perhaps I can only express gratitude to the faculty members and the students who have prevented the shambles of disillusionment and shattered images from being complete.

—greg stidham

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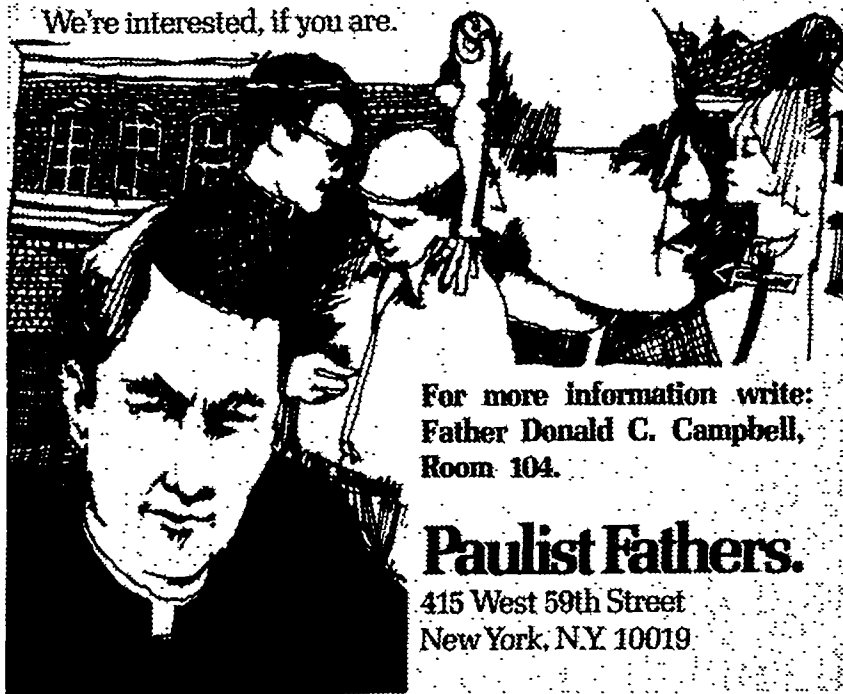
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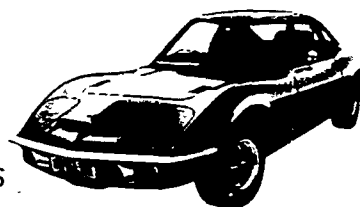
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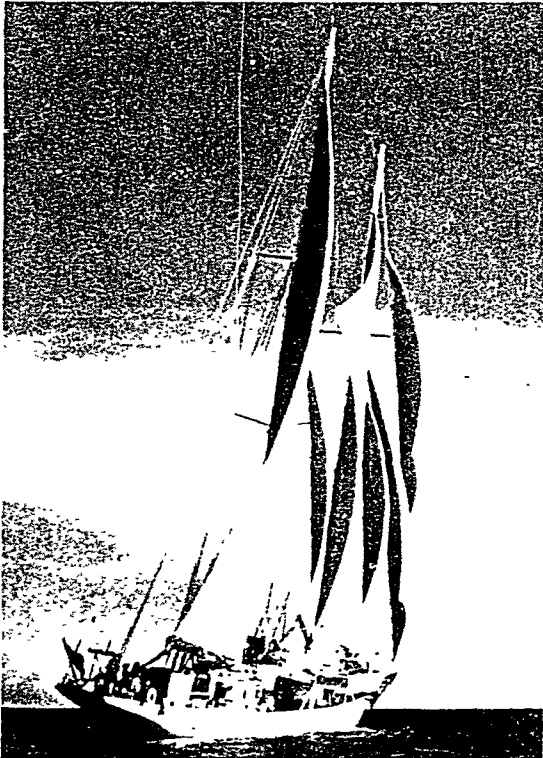
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