

Thank you Sarah. This will, by the way, in fact be my last lecture at USD, as the advertisement for it indicates; this is my last semester teaching at USD. I think actually this may also be my first lecture, since I have never understood what I do in the classroom as lecturing, and those of you who have been in class with me will understand if I say that whatever goes on in there is stranger than any regular lecture ought to be.

But this is a regular lecture, in I am honored to be here, especially at the invitation of the Mortar Board Society, of which I am an admirer; even in a completely admirable student body like our own, you guys stand out, in leadership, scholarship and service. You are an inspiration to all of us, and I will do everything I can do be worthy of you—of all of you—this evening.

My topic tonight is the current crisis in academic freedom at the University, and to address that I will be drawing from, summarizing or paraphrasing certain documents, emails and messages that have emerged in the course of that crisis. You do not at this moment have access to those documents, which I regret; I hope that you will take the time at some point to check the accuracy of what I have to say.

One very preliminary way to do that is to look at a website the some of the faculty have set up as an archive of documents relating to the current controversy. At the moment it is extraordinarily simple --all it says is “Documents”—and incomplete, in that it has some of the documents I will read from tonight but not all of them. In the coming days and weeks we will try to make that archive as complete a record of this extraordinary moment in the history of the university as we can.

The website is:

<http://home.sandiego.edu/~babert/trouble/documents.html>

Let me begin by quoting part of President Lyons' initial email to Tina Beattie, a theologian at Digby Stuart College, Roehampton University, in the UK.

To Tina Beattie, Oct 27 2012: Quote:

It has come to my attention that an invitation was extended to you to be a Frances G. Harpst Center of Catholic Thought and Culture Visiting Fellow at the University of San Diego and, in that capacity and as a Catholic theologian, to deliver public lectures.

The Center's primary mission, consistent with the intentions of those who have financially supported the Center, is to provide opportunities to engage the Catholic intellectual tradition in its diverse embodiments: doctrinal, spiritual, moral, literary, artistic and social. This would include clear and consistent presentations concerning the Church's moral teachings, teachings with which you, as a Catholic theologian, dissent publicly. In light of the contradiction between the mission of the Center and your own public stances as a Catholic theologian, I regretfully rescind the invitation that had been extended to you. I hope that you understand the difficulties associated with this decision, one to which I arrived with great and thoughtful consideration.

Tina Beattie has described her response to the President's email as follows, again in part:

On Sunday morning 28th October I received a letter by e-mail from Dr Mary Lyons, saying that she was rescinding the invitation because I 'dissent publicly' from the Church's moral teaching. I appealed to her to reconsider, and offered to work with her to Find a Positive outcome. However... [on] 30th October [I received a response] saying that Her decision was final.

...This [controversy] was because I had signed a letter to The Times, along with twentysix others, saying that Catholics could, "using fully informed consciences, ... support the legal extension of civil marriage to same-sex couples." Signatories included six priests and several other theologians....

And further that

The real issues are academic freedom [and] the vocation of lay theologians in relation to the Official magisterium.... However, [this controversy] also shows how deep this crisis has become.

To which Gerard Manino, head of the Francis G. Harpst Center of Catholic Thought and Culture (or CCTC) and the one who had invited Tina Beattie on behalf of the CCTC, reacted as follows, again in part—we don't have time tonight to look at each document in its entirety, but do check the website--

I was surprised, shocked and deeply disappointed by this decision. Not only was I not consulted about it nor forewarned, I had received assurances from

senior administrators earlier that week that Prof. Beattie's visit would go ahead because this was clearly a question of academic freedom.

I find the public rationale offered for the decision deeply disturbing on several fronts. First, the statements about the mission of the Center, its donors and positions one might assume that guests invited by the Center would take to be utterly novel to the person who is now in his third year as Center director. Second, they run directly counter to assurances about academic freedom that I received before and since taking up the position. Third, Professor Beattie is in no way guilty of what that rationale purports her to be guilty of. Even if she were, the university's policy on academic freedom would surely safeguard her against sanction. USD and the CCTC itself have previously had speakers who would fall foul of this new injunction.

Are those who publicly speak against church teaching on artificial contraception or divorce and remarriage or the recent liturgical changes to be disinvented? What if right wing theologians wrote to defend Paul Ryan's economic policies, which clearly flout numerous Church social teachings and statements? Or they defended the unjust wars that the church clearly has spoken out against?

And yet, to date, the present director has not been spoken to about this matter at all by President Lyons. A letter to her, from myself (Oct. 29) outlining the errors and implications of this decision has received no reply. On Oct 31, the Center's Advisory Council requested a meeting with President Lyons as a matter of urgency. That request also remains without acknowledgment or response.

On Tuesday Nov. 6, the Academic Assembly voted overwhelmingly to ask President Lyons to reconsider. On Nov 8, the President replied as follows, in part:

One academic theologian put the matter succinctly: "Theologians can, and indeed must, probe the tradition and raise critical questions. This is how a tradition develops and continues to speak with credibility and relevancy to succeeding generations. However, engaging in open defiance of the Church's pastors by signing public letters designed to undermine the confidence of the laity in the leadership of their bishops is not an appropriate or responsible way of seeking to advance the development of the tradition."

So, what does this have to do with my decision to rescind the invitation to Dr. Beattie? Her public position in opposition to Church teaching, as a Catholic theologian, is incompatible with the CCTC's purpose. In addition, offering her an honorary fellowship would be a betrayal of those benefactors who supported the Center with that purpose in mind. The CCTC Director provided no notification of Dr. Beattie's public action in August and the consequences that befell her within her own diocese.

On November 9, members of the Advisory Board of the CCTC wrote to the President saying:

We wholeheartedly support the faculty of the College of Arts and Sciences in urging you to reinstate the invitation to Prof. Beattie to come to USD as a visiting scholar of the CCTC without delay.

We also regret the fact that although Prof. Gerard Mannion, the director of the CCTC had discussions with senior members of the USD administration regarding Prof. Beattie's letter in the *Times* in England last summer, he was not consulted in advance of the decision to rescind the invitation to her. On the contrary, he was informed the visit would go ahead as planned. We further regret and hereby protest your failure to respond to our Oct. 31 request for an urgent meeting between the council and yourself to discuss these matters. We equally protest your failure to respond to the Oct. 29 letter from the Harpst Center Director.

Your current position that Prof. Beattie is not an appropriate speaker or visiting fellow for USD's Center for Catholic Thought and Culture, along with the non-consultative manner in which the decision was made, raises serious concerns for us about the future of the CCTC as well as our role as its advisors. We find the rationale for your decision to be inconsistent with our understanding of the nature, role and mission of the CCTC as historically understood and lived out. We regret that your most recent statement does not modify your decision, but rather appears to modify only the reasons for it, which in our opinion remain invalid.

On Nov. 13 the President again responded to the Assembly's request that she reconsider:

To that end, in response to the Assembly's request, I am endorsing that Dr. Beattie be invited by the CCTC to speak at USD, as early as the Spring semester, without conferring upon her an honorary affiliation with the University. I also recognize that, regardless of whether the Director of the CCTC chooses to extend such an invitation, our university community must continue to seek ways to reckon with the very challenging issues associated with our identity as a Catholic University in the 21st century and to restore confidence and trust in the University of San Diego's respect for and support of the Academic Freedom of its faculty.

But on the same date the Academic Assembly reconvened and addressed the following motion, which reads in part:

- 1) Your responses ignore the way you have treated Gerard Mannion – no prior consultation, no notice that your actions would be forthcoming, no notice that you were concerned or even involved in the issue of Tina Beattie – you assume you have the sole right to veto or approve visiting scholar appointments, which in itself is a violation of academic freedom;
- 2) You ignore the pattern of abuse in recent years, including [especially] the Reuther affair... *(more about that later)*
- 3) You have done nothing to insure that this pattern of ethical failures will stop or even moderate in the future, nor do you acknowledge that there have been issues, much less failures, in your ethical leadership of the university;
- 4) And above all your letter does not resolve issues of academic freedom at the University of San Diego. In your eyes there are evidently those who we invite and honor and those we invite and do not honor, which puts the university in an ethically impossible situation: which is which, how would we know, and how come you get to decide? If some are honorable and some are not, can academic freedom be said to exist at USD? And why would someone not so honored want to come to USD?

Given these considerations, the Academic Assembly believes you to have shown yourself to be “ethically bankrupt,” and by a vote of (99 for, 16 against, 19 abstentions) declares a “loss of confidence” in your leadership.

On Nov. 15 the USD Associated students requested, via a number of

resolutions, that the President:

formally reconcile with Dr. Tina Beattie and the Center for Catholic Thought and Culture as well as the faculty, staff and students of the University of San Diego;

[and] that President Mary E. Lyons presents [sic] a formal statement, either written or verbal, to the undergraduate student population outlining the considerations that informed the President's decisions on this matter.

On that same date a group of faculty, dissenting in part from the Assembly motion, wrote that

Whereas many of us do not agree with the decision President Lyons made to rescind the invitation to Dr. Tina Beattie, and irrespective of how we voted on the matter of no confidence, we reject the characterization of President Lyons as being "ethically bankrupt." We reject the attempt to turn this unfortunate episode into a character assassination, and urge our colleagues to raise the level of civility and discourse so that respectful disagreement and dialogue can occur.

I was the author of that motion; Since you have just heard it, I am content to leave it to you to decide whether that was "character assassination" or a fair summation of what her actions add up to, and that rather than assassinate her character I was, along with most of the Academic Assembly then present, trying, above all, to speak truth to power.

On Thursday, Nov. 15, President Lyons addressed USD's University Senate. On Nov. 24, Mary Doak, a faculty member in THRS and a member of the CCTC advisory board, together with Daniel Sheehan, Professor of Physics, responded in an email to the President's Senate appearance as follows:

President Lyons has recently and repeatedly claimed that her objection to Professor Beattie's visit was her receiving an "honorary fellowship" from the Harpst Center of Catholic Thought and Culture (CCTC).

But **Prof. Beattie was not offered an "honorary fellowship."** She was invited to give the 2nd annual Emilia Switgall lecture and to be a "visiting fellow" of the CCTC at USD. Her responsibilities as a "visiting fellow" (or

“visiting scholar”) of the CCTC were to give a few campus talks in addition to the Switgall lecture, and to engage faculty and students in discussion during her visit. There was no question of a “fellowship,” whether in the usual sense of a large monetary award to fund a period of research or in any other sense. Nor was this an “honorary” position (in name or in reality).

President Lyons has asserted that Prof. Beattie dissented publicly from the teachings of the Catholic Church by signing the August 13th letter published in the *Times* (of London).

But Prof. Beattie did NOT dissent from the teachings of the Catholic Church by signing that letter. The position taken by the signatories of the letter simply affirms the reality that there is no binding Catholic teaching on civil legislation regarding same-sex marriage. On this, as on other matters, Catholics must inform and follow their consciences.

President Lyons has claimed repeatedly that Prof. Beattie urged Catholics to dissent from Church teachings.

But Prof. Beattie did NOT urge others to dissent from church teachings or to disregard the guidance of their appropriate pastors. The Aug. 13th letter affirmed that Catholics *could*, in good and properly formed conscience, support legislation allowing same sex civil marriage; the letter does NOT say that they *should* do so.

President Lyons has maintained that she did not have time to find an alternative to canceling Prof. Beattie’s visit.

But President Lyons DID have time—and was asked—to find an alternative to canceling Prof. Beattie’s visit. There were **9 days** between Oct. 18th (when Pres. Lyons acknowledges receipt of a complaint about Prof. Beattie’s upcoming talks) and the evening of Oct. 27th when President Lyons’ rescission of invitation was emailed to Prof. Beattie. Further, between Oct. 28th and Oct. 30, **Profs. Gerard Mannion, Mary Doak, and Tina Beattie all emailed Pres. Lyons to ask her to work to resolve this conflict before the rescission became public**, and to allow Prof. Beattie to come to campus in some manner, even (if necessary) under some other sponsorship than that of the CCTC. In response to these requests, including

Prof. Beattie’s invitation to “work together to find a creative solution to this crisis,” Pres. Lyons responded to Prof. Beattie via an email on Oct. 30, reaffirming that President Lyons’ original decision to rescind the invitation “stands.”

President Lyons has suggested that efforts to consult with Prof. Mannion, the director of the CCTC, were made by the administration and were rebuffed by Prof. Mannion.

But **NO effort was made to consult with Prof. Mannion** about canceling Prof. Beattie’s visit. Prof. Mannion was in San Diego and regularly in his office between Oct. 18th and Oct. 27th; he was also available via email and cell-phone. Yet at no time did anyone from the administration (President Lyons, Provost Sullivan, or Vice-Provost Herrington) consult with him about the possibility that Prof. Beattie’s visit to USD would be canceled. His first notification that Prof. Beattie’s visit and Switgall lecture were to be canceled was on the evening of Oct. 27th, when he received via email a copy of the letter Pres. Lyons had already sent to Prof. Beattie canceling her visit.

President Lyons has suggested, finally, that canceling academic lectures and visits by theologians—or other scholars—who dissent from Catholic teachings is within the obligations and normal expectations of a Catholic university.

But **Canceling academic lectures** of scholars who dissent from Catholic teachings is **NOT part of the obligations or normal expectations of a Catholic University**. A recently published book (*Silence Speaks, 2011*) cites *only one example* of a Catholic university rescinding an invitation to a lay theologian: the University of San Diego’s rescission of Prof. Rosemary Radford Ruether’s invitation to hold the Portman chair in 2008. Thus far, requests to scholars across the US have not uncovered *any* other case of a US Catholic university rescinding an invitation to a theologian invited to give an academic address.

I should note as well that the Association of University Professors (AAUP) and Phi Beta Kappa have expressed their deep concern about the President’s actions, as have a number of alumni, outside scholars and commentators.

But now, since we are exploring this issue of academic freedom a USD, it would probably be a good idea to look at the University's own policies on that topic, which can be found in the Policies and Procedures Manual of the University. I invite you to look at it yourselves—if you can; I had to use my faculty ID to access that web page. If that page turns out to be not accessible to students, let me know and I will get that page circulated my email. You should know, since those policies explicitly extend academic freedom to students as well as faculty. I quote, as always, in part:

Because full academic freedom in teaching, learning, scholarly activity, and academic decision-making is a sine qua non of a university, the value of academic freedom is selfevident;

hence the burden of proof lies with those who would seek to limit it. For any question arising concerning the limits of academic freedom, all presumptions shall favor academic freedom. Whoever seeks to limit academic freedom has the burden to provide compelling reasons or evidence justifying the proposed limitations.

The University maintains that academic freedom is compatible with the University's Roman Catholic identity. Thus, the University imposes no religious limitation on academic freedom. ...

The University recognizes the inextricable link between academic freedom and shared governance. ...When exercising its authority under those policies, the University should give primary weight to the judgment of the faculty.

Not, you will notice, the President.

And furthermore:

In their academic coursework, students are entitled to full freedom of learning. The whole world of knowledge and ideas must be open to our students. There must be no banned books or subjects. The University advocates and protects its students' freedom of inquiry.

Given the sum total of these statements, documents and emails I am convinced this controversy is genuine, of deep relevance to **education**, not just Catholic education, and of compelling importance for us all: I am

convinced, that is, that President Mary Lyons has in fact violated Academic Freedom.

And, since I am already committed, since I have already signed a letter to this effect, since I am retiring, since I have nothing to lose, and therefore because saying this publicly is easier for me at this moment than it would be for almost anyone else, I call this evening for her immediate resignation.

Now. Believe it or not I am not here tonight to argue that you should do that too.

This is one talk. One evening. One person, and that one person is on his way out. I imagine that there will be other persons, other talks, and other evenings.

What I AM here to argue for—to ask for, really-- is to do what you already do. Listen. Learn. Inform yourself. And then decide where you stand. That above all is what I am here for: Decide. HAVE a stand, because what is at stake is not just academic freedom: this is about the soul of a university, of what it has been and what it will be, of what it means for you and for all of us, and for those who were once here and for those who yet might be, now and in the future.

Now, taking a stand is actually fairly easy. It's what you do with your stand that's complicated.

You might, for example, just disagree with me. OK. In that case it's a debate, and a good one, because in the long run it can't help but good for the university. Bring it on.

On the other hand you might agree with me but not be able to do anything about it, for a thousand completely legitimate reasons—you're graduating in January, let's say, you're a hundred thousand dollars in debt and you have a few bad habits, like eating actual food and sleeping with a roof over your head. In that situation and in many others we say, we understand. We can't, nor would we ever wish to, command your life. By all means live it the way you need to, and godspeed.

But let's say, finally, that you agree with me. Now what?

The first thing I would suggest is that you understand that doing nothing is itself taking a position. It means, whether you say it this way to yourself or not, that other things are more important to you than this academic freedom issue. It means not voting is actually a vote—a vote in favor of the way things are, that the problem, well, maybe it's a problem but it's not that big a problem, it matters, OK, but I don't want to, or I don't know how to, deal with it.

In that case a dictum from the long ago comes to mind: if you're not part of the solution you're part of the problem. Your inertia stands in the path of the change that is coming to this university, no matter what that change turns out to be.

I hope you will not do that.

COME to the table. Inform yourself, to the best of your ability. Take nothing for granted, including what I say here this evening. Be part of the discussion and ACT, according to your heart and your conscience. Be careful, be aware; the administration is organizing committees to investigate all this as we speak, but since the administration will itself be the object of investigation, THAT approach cannot avoid self-dealing, and a conflict of interest so glaring as to be breathtaking.

I am only one person, but I call this evening for the formation of joint student-faculty working groups, to gather information, plan and coordinate our actions WITHOUT input from the administration, unless and until that administration regains the legitimacy that its own actions have rendered fragile.

WE are the lost voices of the university; WE are the reason there even is a University of San Diego.

Let us stand together to bring light, air, commitment and—dare I say it?—PRIDE to this university, and become, individually and collectively, The CHANGEMAKERS we claim to be.

Thank you.