Tom Monaghan and the art of pointless provocation

In the midst of ceremonies celebrating the latest stage of his Ave Maria dreams in Florida, Tom Monaghan made his own, or repeated without rejecting, the hate-phrase "academic terrorists" to describe those in Michigan who, three or four years ago, resisted his sudden dismantling of a fine Catholic college there. Monaghan added that his Michigan opponents "did everything they could to stop" him (which resistance he took as proof of God's approval of his actions) and opined that his obviously incendiary remarks "dramatized" the recent Florida festivities.

Assuming the truth of those sad days matters anymore, let me say one more time that I did not see faculty and staff of Ave Maria College in Michigan doing "everything they could" to stop Ave Maria in Florida: instead, I saw them doing what little they could within the law and their meager resources to save Ave Maria College in Michigan. Such a simple distinction, and so many can't or won't see it. Anyway, it's moot now. The Michigan people lost.

Perhaps businessmen don't get to be billionaires thinking this way, but it seems to me that in politics, sports, and so on, victors take one of two stances toward those they defeat: either they say something vaguely complementary about their opponents (here, something as simple as "Well, they thought they were doing the right thing, and I can respect that, but they were wrong"), or at the very least say nothing at all.

Not Tom Monaghan. Instead, he feels free to label those upright men and women as "terrorists", a particularly vile thing to say or even to repeat today. But beyond being mean, his remarks strike me as pointless. What good did he think it would do?

As many know, I stood up for the Michigan faculty and staff who opposed the abrupt destruction of Ave Maria College and, like others before me and others after, I was duly shown the door by the Ave Maria empire. Maybe I should have seen that as evidence of God's approval of my actions, but it's hard to be poetic when one suddenly has to find a new way to meet the mortgage in the Michigan economy.

In any case, when, not long after, the college's defenders lost their court case, I withdrew from the fray. I removed my posted exchanges with Nick Healy and Fr. Fessio and stopped writing to the Ave Maria boards. In the years since, I've turned down various requests for media interviews and have not commented on the latest Ave Maria debacles, in particular, the on-going implosion of the Ave Maria School of Law.

Tom Monaghan, in contrast, seems to think that his paterfamilias style of philanthropy permits him to show continual scorn for the vanquished, those who dared to question his judgment about various projects, projects to which they, often as much and sometimes more than he, contributed, but in which he allowed them little or no voice.
In his latest round of self-congratulatory revels, Monaghan justifies his recent gloating thus: "It makes the moment bigger when people know what you've been through to get here." Gee, that's just what Tom Monaghan needs, another bigger moment. Really, it's beyond parody.

Still, may I suggest that what Tom Monaghan needs is not another "bigger moment", but rather a little one: one wherein, instead of recalling what he went through to get where he is, he tries to imagine what he has put other people through getting himself there.

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If Safranek, et al., were professor-ministers at Ave Maria, would that make Monaghan their chancellor-pope?

Having spent over $ 8,500 on children's orthodontics this morning, I was ready for a good laugh this afternoon. Thomas S. Monaghan, the college drop-out who is Chancellor at Ave Maria "University", provided a real belly-buster.

As part of his efforts to avoid answering legally claims made against the treatment that Ave Maria has accorded several law school faculty members, Monaghan is, if I understand him correctly, arguing that his law school is fundamentally a religious organization, that its professors are essentially ministers therein, and that consequently no civil court can examine Ave's treatment of its ministers without running afoul of various constitutional barriers.

I say, "if I understand him correctly", because it's hard to believe that such a laugh-out-loud ridiculous argument would be tendered seriously. But apparently I'm not the only one thunder-struck here: Attorneys for the former faculty members begin their reply to Monaghan's brief by observing that Ave Maria is taking "a position so untenable it is difficult to absorb in one reading."

The colors on my civil law pennant are somewhat faded now, so I offer no observations on how civil lawyers for the faculty responded to Monaghan's latest legal ploy. But canon law is something I do keep up on, and canon law, I suggest, takes a dim view of casually labeling every Catholic who regards his faith seriously as a "minister".

Though representing just the tip of an argument-iceberg here, the famous interdictarian instruction "On certain questions regarding the collaboration of the non-ordained faithful in the sacred ministry of the priest" Ecclesiae de Mysterio (15 August 1997) went to great lengths to distinguish, in theory and in practice, the Catholic concept of "ministry" as something undertaken almost exclusively by the ordained in virtue of holy orders, from "apostolates", that is, as works performed especially by lay persons in virtue of baptism. Now, as much as the Catholic Church cherishes civil law and legal education, there is virtually no way that she views law school professors as being engaged in "ministry", and certainly not in a ministry on her behalf such that the Church would assert jurisdiction over their situation as she would have to assert for any number of genuinely ministerial works. Whatever monarchical religious models might shape Monaghan's perception of himself at Ave Maria as he leads all...
those souls to heaven, Ave law profs like Safranek saw themselves as degreeed professionals engaged in an important educational apostolate, one befitting them as Catholic laity, and not as wanna-be clerics.

Still not clear yet? Okay, ask the local Catholic bishop whether he considers Ave Maria law school professors to be ecclesiastical ministers authorized by him to speak on behalf of the Catholic Church? Betcha he'll deny it faster than Tom Monaghan can say a Hail Mary, which is pretty darn fast. It is even more preposterous to assert that canon law considers ecclesiastical recognition of the Catholic character of a given school (assuming Ave Maria has that) as rendering the school immune from civil scrutiny in regard to the basic treatment it accords faculty (and students and staff, for that matter). That is goofiness.

But, however goofy it is, we should be clear: In the world beyond the moat behind which sits Tom's Town, the implications of his claim are very serious. Should Ave Maria's argument get so much as the time of day from the trial court, I predict we'll see amicus briefs from the grown-ups at the United States Conference of Catholic Bishops and the Association of Catholic Colleges and Universities, to name just two of the dozens of groups with a major stake in these matters, urging appellate courts to reject any theories by which denominational university faculty can be suddenly characterized as "ministerial employees" and consequently stripped of a variety of civil rights. Pity is, that many groups with real work to do - - and not blessed with millions of dollars to do it with - - would have to take valuable time to dispose of the dreck in Ave Maria's motion without marring a few points that might be (as is a stopped clock twice a day) accidentally correct therein, like, I dunno, that the Church does have some legitimate interests in Catholic higher education.

The history of relations between Church and State in regard to higher education in the United States is far more complex than Monaghan (who wonders whether Catholic schools can be franchised like pizzerias!) could possibly imagine. Among many titles here, see James Conn, Catholic Universities in the US and Ecclesiastical Authority (Gregorian JCD diss. 1991); Sharon Euart, Church-State Implications in the United States of Canon 812 of the 1983 Code of Canon Law, Canon Law Studies No. 526, (Catholic University of America: Washington, DC, 1988); and R. McClory, "The implementation of Ex corde Ecclesiae in the United States" (Angelicum JCL Thesis 2000). I think that Church-State jurisprudence, both canonical and civil, has nobler purposes than to generate just enough smoke to obfuscate Monaghan's chronically questionable governance. And I think he should think so, too.

I keep waiting for Ave Maria to find a bottom in how far it is willing to descend in its efforts to avoid treating certain Catholics (the sort Monaghan dismisses as "academic terrorists") with due dignity. But this month, Monaghan and Ave Maria tried to label its law school faculty as some sort of religious ministers, conveniently according their academic administrators a discretionary power over Ave Maria law faculty akin to that legitimately enjoyed by bishops over priests!

Looks like I'll just have to go on waiting.

http://canonlawblog.blogspot.com/search?q=tom+monaghan