

CRITERION

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Dear Alumni and Friends —

Opening this Fall/Winter issue of *Criterion* is “Best Love, Best Interest of the Child: An Integrational View,” by Professor Emeritus Don Browning. In this paper, which was presented to the Visiting Committee to the Divinity School on Tuesday, May 13, 2008, Professor Browning addresses some legal issues raised by new views on marriage in the legal community, and their effects on children in family law.

Next is “Thinking More Critically About Thinking Too Critically,” by Professor Wendy Doniger. This essay was delivered on Friday, June 13th, as the Convocation address at Sessions I, II, and III of the 494th Convocation of the University of Chicago. In her address Professor Doniger urges listeners and readers to think more critically about the dangers of thinking too critically.

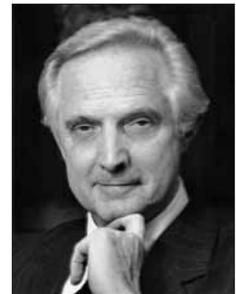
Following is “The Dancing Mind,” the 2008 Alumna of the Year address, delivered on Thursday, April 17, 2008, in Swift Lecture Hall. In her address Emilie M. Townes, the recipient of the award, reflects on her journey as a minister, scholar, and teacher.

Concluding this issue are reflections by Ph.D. candidates on teaching and vocation in theological education. The first, “Reflections on Teaching the Ministry Colloquium,” is by Elizabeth Musselman and was delivered on February 28, 2007; the second, “The Nature of Asking the Right Question: A Reflection of Pedagogy,” is by Robyn Whitaker and was delivered on April 15, 2007.

As always, my thanks to Shatha Almutawa, editorial assistant, and Robin Winge, designer.

I hope you enjoy this issue,

Terren Ilana Wein, *Editor*



Don Browning is Alexander Campbell Professor Emeritus of Ethics and the Social Sciences at the Divinity School.

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Wendy Doniger is the Mircea Eliade Distinguished Service Professor of the History of Religions in the Divinity School.



Elizabeth Musselman is a Ph.D. candidate in Theology at the Divinity School.

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Emilie M. Townes is Alumna of the Year for 2008, and Andrew W. Mellon Professor of African American Religion and Theology at Yale Divinity School.



Robyn Whitaker is a Ph.D. candidate in Biblical Studies (New Testament) at the Divinity School.

D O N B R O W N I N G

Best Love, Best Interest of the Child

An Integrational View

The best love and best interest of the child is a multidimensional social reality consisting of a variety of integrated factors. There is danger, however, that many aspects of Western society, including the sphere of family law, are narrowing these ideas to a relatively one-dimensional psychological or affectional interpersonal and intersubjective relationship. The best love and best interest of the child is a multidimensional social reality consisting of a variety of integrated factors.

The affective aspects of love and the child's interests are important, but there are more to these concepts than affection. The more classical integrational model of love and the child's interests, associated with the Christian tradition, may be in the process of being lost.

In this essay, I am particularly interested in the ways the phrases "best love" or "best care" influence the legal meaning of the child's "best interest." Increasingly, the concept of best interest is used in legal contexts on conflicting issues in family law, especially custody disputes in divorce, separation of cohabiting partners, or disputes over parental rights in nontraditional family arrangements. Sometimes the overlapping concepts of best love, best care, or best interest are used to trump the rights of natural or legally married parents. In other cases, appeals to the best interest of children can be used either to marginalize or completely delegitimize the institution of marriage as the best context for

child rearing and deny the rights of children to be raised by the parents who conceived them.

The legal belief that the best love, care, or interest of the child might not coincide with being raised by natural and legally married parents has emerged simultaneously with the multiple separations that now beset the sexual field in modern societies. I have in mind the increasing separations between marriage and sexual intercourse, marriage and childbirth, marriage and child rearing, childbirth and parenting, and—with the advent of Assisted Reproductive Technologies (ART)—childbirth from sexual intercourse and biological filiation.¹ These many separations are the

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... these modernizing forces, for good or ill,
cannot be stopped.

result of how increased technical rationality (technical reason, *techné*) in the economic and reproductive spheres has been energized by the rise of cultural individualism — people's increased interest in using the tools of technical rationality to maximize their short-term satisfaction in these areas of life.² Many sociologists and most family-law scholars believe that these modernizing forces, for good or ill, cannot be stopped.³ As childbirth and childrearing are increasingly being separated from biological kinship and the regulations of marriage, law courts must determine in situations of conflict which combination of two, three, four, or more persons should care for a child. More and more this decision is grounded on the trilogy of interacting concepts — best love, care, and interest of the child. *But interpretations of what these ideas mean vary significantly.*

In law, the idea of the best interest of the child functions as a psychosocial term that floats in meaning. Sometimes it means basic nurturing and physical care. At other times it refers to either economic capital or what sociologist James Coleman called “social capital.”⁴ In some custody disputes, the best interest of the child is used to give visitation rights to a long-term caregiver other than biological or married parents or even to give legal parental recognition to a third-party caregiver, hence giving the child three

and potentially more parents. This may be done to provide the child with psychological nurturing and continuity with meaningful persons amidst the transitions of family disruption. This possibility is being opened by the recommended custody provisions of chapter two of American Law Institute's (ALI) *Principles of the Law of Family Dissolution* (2002).⁵ In a mild defense of this move, University of Illinois College of Law professor David Meyer acknowledges that a child having three or more parents might lead to more conflict, but it also might mean more love and social resources for the child.⁶

The Multidimensional Nature of Love and Care

I believe that law as it pertains to children should be guided by a multidimensional or integrational model of the best love, care, and interest of the child. I hold that to love a child is to simultaneously respect or honor the emerging personhood of the child as well as actively work to actualize the basic goods (sometimes called pre-moral goods) needed for the child's flourishing.

This view is both Kantian in its emphasis on respect for the emerging personhood of the child and Aristotelian in its emphasis on the teleological goods required for the developing child. It is important to recognize that the needs of the child — as Erik Erikson, Robert Kegan and many other psychologists have shown — emerge on a timetable in such a way that meeting early needs is foundational for the consolidation of later ones.⁷ This is why nurture, both physical care as well as parental recognition and affirmation, are so important in early life. But the idea of a timetable for the child's emerging needs also points out why early nurture, so defined, is not enough. In view of this, the best love and interest of a child requires the exercise of practical wisdom to determine which needs are crucial for a certain stage of the life cycle and which practices are required to



... the best love of the child is to help him or her grow to live
by the golden rule, properly interpreted.

meet them. Furthermore, as Erikson and the new hermeneutic approach to psychology have argued, the development of the child unfolds in the context of specific societies whose institutions are shaped by particular traditions with identifiable histories, cultures, and narratives.⁸ The best love of the child provides ways to connect and appropriate critically these traditions, institutions, and their shaping narratives for what they contribute to the child's emerging capacity and identity.

Hence, answering the question of what is the best love, care, or interest of the child is a complex multidimensional exercise in practical wisdom. It is *first* a question about *practices*: which parental, familial, and institutional practices will be the best for the child over the course of the human life cycle? But the best for what? This leads to the *second* feature of a practical wisdom of care: the best practices are those that meet the child's needs and actualize its potentials while also respecting the child's emerging selfhood.

But for what purposes are the child's needs and potentials met and personhood respected? This question points to the *third* dimension and requires a moral principle to guide care throughout the life cycle. Should needs be met and selves respected for the child's individual cost-benefit utility or personal self-realization and fulfillment? These are very popular answers in the social sciences and general culture, but they are inadequate. A more philosophically durable answer—and one consistent with the practical wisdom of both Judaism and Christianity and other great traditions—is that the best love of the child is to help him or her grow to live by the golden rule, properly interpreted. We should not simply tell the child “do to others as you would have them do to you” (Matt. 7:12); this can so easily be interpreted as a mere ethic of Kantian respect which neglects the question of needs and potentials. We should follow the great French philosopher Paul Ricoeur and his agreement with Rabbi Hillel in interpreting the golden rule to mean the child should learn to do *good* to others as you would have them do *good* to you.⁹ This brings together, Ricoeur contends, both the deontological Kantian respect for the other with a subordinate Aristotelian and teleological concern to actively do good and meet the concrete needs of the other. Hence, as love for the growing child should both

respect her selfhood and meet her needs, the child should grow up to mediate this twofold love to others, especially the next generation. This formulation of the golden rule is a central dimension of care and points to the *moral principle* that should guide implementing the child's best interests.

But the best love of the child is thicker still. It must do more than be guided by the abstract principles of the golden rule, even as I have interpreted it in my above formulations. A practical wisdom of love and care must always be surrounded by some kind of narrative that tells a story about the purpose of life and its beginning, middle, and end. As psychologist Robyn Fivush points out, shared history told in shared narrative has powerful effects on shaping a child's growth and maturity.¹⁰ A practical wisdom of the best interest of the child requires respecting the child's need for a narrative and supporting metaphors that give the child a deeper and historically grounded identity.¹¹ This is the *fourth* dimension of the best love and interests of the child. And *fifth*, love and care always take place in specific social and environmental contexts. How these contexts support, limit, threaten, channel, or fail to channel the best love, care, and interests of the child must be a concern of the practical judgment guiding parents, guardians, courts, and the state.

I will use this multidimensional and integrational model to analyze the legal scholarship of Martha Fineman, June Carbone, and the legal report from the American Law Institute (ALI) called *Principles of the Law of Family Dissolution*. These three perspectives represent the dominant direction of legal scholarship on the best interests of the child. I will advance two criticisms of these perspectives. First, they all think about the best love and interest of the child from the backdoor of family life, i.e., the perspective of family breakdown rather than family formation. Second, because of this, they split apart and overemphasize one or the other of the five dimensions of love, care, and best interests discussed above. I will conclude by examining the work of Margaret Brinig, who is an exception to these trends. She exhibits how law can render the best love and interest of the child more multidimensional, as well as give balanced attention to both family formation and family disruption.

Nurture may be foundational, as attachment research indicates,
but it is not everything.

Fineman and the Omnipotence of Nurture

In three books and scores of articles, Emory University School of Law professor Martha Fineman has advanced a series of perspectives in family law that many scholars feel compelled to address and some to accept. Fineman defines best love and interests of the child primarily around the intimate nurture of highly dependent infants and young children.

It is mainly a matter of holding, feeding, attaching, clothing, and cleaning human infants and children during a long period of dependency. Carol Gilligan's ethics of care is in the background of Fineman's writings.¹² In emphasizing the role that this long period of human childhood dependency plays in shaping the human family, she takes up a theme that goes back to Aristotle, Thomas Aquinas, and even the early liberal political theorist John Locke.¹³ But whereas in these three classic perspectives childhood dependency is used to emphasize the important role of the father in joining and supporting the mother-infant dyad, Fineman uses this observation to deemphasize the importance of fathers, both at the time of family dissolution and in the formation of families in the first place.

Although the dependency situations that Fineman has in mind are not confined to the mother-child relation, that is chiefly what she has in mind. Government and public policy, she claims, should shift from supporting the "sexual family" in the institution of marriage to the support of actual caregivers to dependent persons.¹⁴ Fineman believes that the institution of marriage is disappearing and needs now to be delegalized—no longer given explicit recognition and support before the law.¹⁵ Couples can marry within the contexts of their religious traditions if they wish, and they can regularize their unions with individually crafted and legally recognized contracts.¹⁶ But they should no longer be supported by the institutional status of legalized marriage. Instead, law and public policy should give legal recognition, supports, and protections to caregivers and nurturers

be they adults taking care of their elderly parents or close friends caring for each other. In the end, however, Fineman mainly has in mind single mothers caring for their dependent children.¹⁷

Fineman tends to reduce the best care and interests of the child to nurturance. In *The Autonomy Myth* she writes that the obvious question is, how can we apply the "best interest" test without considering and heavily valuing those things that mothers overwhelmingly (even if stereotypically) do with and for children? Nurturing and caretaking—practices that are of primary importance to the rearing of children—are heavily identified in our society with the practice of responsible mothering.¹⁸

Fineman resents having either the economic contributions or biological connection of the father included in an understanding of the best interest of the child, especially in situations of divorce or separation. She complains that in the idea of joint custody, "The rules reflect a preference for custody not in the most nurturing parent, but the most generous parent."¹⁹

If Fineman were to delegelize marriage and deemphasize the sexual family, to what institution would caregivers—especially single mothers—turn for help? The answer is this: they would turn to the state. This will require a new "social contract" that will provide them with subsidies from the government.

To further illustrate my five dimensions of a practical wisdom of care, I will analyze Fineman's position in light of them. *First*, at the level of *practices*, she emphasizes a consistent practice of nurture. But this brings up the issue as to whether raising a child to respect and care for others requires more than nurture? Lawrence Kohlberg's research shows that to learn to care for others, the child as it develops must also eventually confront, interact with, and take the role of others beyond the mother in their development of selfhood.²⁰ The concept of nurture as such does not account for this developmental task. Nurture may be foundational, as attachment research indicates, but it is not everything.²¹ The child must learn to confront difference and to deal constructively with it. *Second*, Fineman also has a theory of human *needs*, but a thin one primarily identified with meeting needs for maternal warmth, sustenance, and

... parenthood no longer depends on the institution of marriage.

bodily maintenance. This raises the question as to whether there are cognitive, moral, and spiritual needs as well that she disregards? *Third*, at what I call the obligational dimension, Fineman would replace the vows, contracts, and covenants of marriage by a social contract with the state to support the private realm of mothers nurturing their children. *Fourth*, on the *narrative and metaphoric* dimension of a practical wisdom of care, Fineman would remove from family law any vestige of the Christian metaphors of covenant or sacrament, or any secularized analogies such as the concept of marriage as a status. This raises the question: has mother love or the “nurturant parent,” as cognitive scientist and metaphor theorist George Lakoff argues, become the dominant metaphors in liberal political and legal discourse on the family, replacing the metaphors of marital covenant or sacrament?²² Does Fineman neatly exemplify this trend? *Fifth*, Fineman clearly believes that the context of families today is dominated by the separation-producing rationalities of modernity, that there is no turning back from its onrush, and that there is no way to integrate into it the goods of marriage and childcare as happened in the past. In her view, the only love that can be integrated and legally protected in the future is the love and care of a mother for her dependent children.

Carbone and the De-institutionalization of Parenting

June Carbone is a professor at the University of Missouri. She agrees with Fineman in holding that marriage can no longer be at the center of family law. She is not as aggressive as Fineman in recommending that marriage be delegalized, but she contends it can no longer be central to the law of families.

Society and public policy must shift from emphasizing married partners to making parents central, whether married or not. This all has implications for the best love, care, and interest of the child. Whereas Fineman marginalizes both marriage and the care provided by fathers—

emphasizing solely the nurture of mothers and the supports of the state—Carbone values the care of both mothers and fathers although she is, for the most part, willing to relinquish the institution of marriage and replace it with the accountabilities of law enforcement and the subsidies of public welfare. For Carbone, moral obligations run primarily from the parent to the child and from the state to the parent-child relationship. There are few if any moral obligations between the parents as partners—married or not—that have implications for the best interests of the child.

Carbone agrees with sociologists such as William Goode, Frank Furstenberg, and Andrew Cherlin that the forces of modernization will increasingly and inevitably damage the child-centered marriage.²³ This leads her to assert that no longer are sexual intercourse, childbirth, or childcare confined to marriage, even in respectable sectors of society.²⁴ For Carbone, the matter is already settled at the level of both custom and official legal practice. With the advent of no-fault divorce, the legalization of the use of contraception both inside and outside of marriage, the legalization of abortion in *Roe vs. Wade*, and the widespread legal use of ART in elective childbirth both within and beyond wedlock, parenthood no longer depends on the institution of marriage.

Carbone proposes taking further steps to make parenthood, rather than marital partnerships, the center of American family law. Parents would be required by law to remain responsible for their children, but not necessarily to their spouses or the other parent of their offspring. Carbone would include both the mother and the father in this new legal regime of parenthood. She acknowledges the importance of the biological connection of both father and mother, whereas Fineman acknowledged it only for the mother. At one point, Carbone admits that the importance of the father-child connection has been “recognized as a matter of natural law since Blackstone.”²⁵ But for Carbone, this connection means much less for the father than the mother since the mother has the added experience of gestation and delivery to reinforce her love and care. So, in situations of disputes over joint custody, Carbone holds that the father deserves to be included. But whether this would go beyond

In marriage, couple *elect and consent* to the rules. . .

financial responsibilities, visitation, and some limited shared decision making to include equal residential custody would for her depend on the father's prior involvement in the daily care of the child.²⁶

The Principles: Care as Continuity Amidst Change

The *Principles of the Law of Family Dissolution* is famous for two salient moves relevant to the best interests of the child. At the moment of family dissolution, it proposes rendering legal marriage and a range of cohabiting relationships equivalent before the law.

At the same time, it thinks about the best love, care, and interests of the child exclusively from the angle of family disruption. Because of this, it views the best interest of the child as continuity of the child's relationships with previous caregivers in order to minimize the stress of family change. It does this to the point of legalizing multiple parent figures with either decision making authority or visitation rights. Yes, Heather can have two moms, but possibly three or four parents as well.

For those who might want the ALI report to discuss how law can help channel couples toward optimal family formation and parenting, this massive 1,187 page tome will disappoint. It concentrates principally on helping manage before the law the equitable dissolution of families who no longer wish to live a common life together. The report claims it is morally neutral.²⁷ At best, however, this means it is ostensibly neutral about the norms of family formation. This is what is meant when the report regularly announces that it supports "family diversity" without discussing what this actually means, especially for children.²⁸ On the other hand, at the point of family dissolution, the moral commitments of the *Principles* are clear. It is committed to the good of psychological continuity for children,²⁹ fairness for adults,³⁰ and nonviolence for all parties involved, especially women and children.³¹

Chapters two and six of the *Principles* are relevant to the best love, care, and interests of the child. To advance the best interests of the child at the time of family dissolution, the *Principles* says this means "predictability in the concrete, individual patterns of specific families."³² Although the report gives passing acknowledgment of the importance to children of being raised by their married biological parents, it assumes this will happen less in the future. In situations of family dissolution, the continued participation in the life of the child of *estoppel* and *de facto* parents may be "critically important for the child's welfare."³³

Chapter six has important implications for the moral obligations of close relationships of the kind that become cohabiting partnerships. It fleetingly acknowledges, as I indicated above, that "society's interests in the orderly administration of justice and the stability of families are best served when the formalities of marriage are observed."³⁴ But the report also insists that the percentage of Americans forming domestic partnerships is rapidly increasing. Although the *Principles* is highly sympathetic to the reasons people give for not marrying, it openly acknowledges that it wants to "impose" rules on separating cohabitators that the couple has not requested. Indeed, the rules covering long-time cohabiting couples at dissolution would be indistinguishable from the rules applied to legally married couples.³⁵

It is interesting to notice how the *Principles* presents this parallel between cohabiting partnership and marriage without acknowledging that the difference is also huge. In marriage, couples *elect and consent* to the rules, make public promises to adhere to them, and in most cases treat marriage as a covenant of great seriousness to which they bind themselves before family, friends, community, and the state. The default rules that *The Principles* would impose on separating cohabiting couples have not been consented to before witnesses. This raises the question as to *what extent the public contracts and covenants of marriage affect the best love, care, and interests of children who might come forth from this union?*

Marriage . . . is more like a firm than it is an individualistically negotiated contract.

Margaret Brinig:
Care and the Marriage Covenant

Notre Dame University School of Law professor Margaret Brinig is unique among contemporary family-law theorists in addressing both the front door and the back door of the family, i.e., both family formation and marriage as well as family dissolution.

This twofold concern also has implications for her understanding of the best love, care, and interest of the child. She believes that there are historical, theoretical, and empirical reasons for holding that children on average do better on a host of indices if they are raised by their own biological parents in a legal marriage based on a covenant commitment between husband and wife and between them and the community, the state, and perhaps even God. Brinig is the leading family-law scholar bringing together legal theory with empirical research. This gives her family-law scholarship a rich double language composed of the classical concepts of covenant and one-flesh union and empirical data interpreted by the new institutional economics.

Brinig opposes Fineman's desire to delegalize marriage, Carbone's interest in replacing legal marriage solely with law's support of parenthood, and the *Principles'* concern to make domestic partnerships functionally equivalent to legal marriage.³⁶ On the other hand, she is realistic about the need to make provisions for the back door of family law—the law of family dissolution. For instance, she affirms when possible the good of keeping natural and legal parents involved with their children after divorce through some system of joint custody.³⁷

Brinig preserves in fresh terms the accomplishments of the older Christian jurisprudence without, however, becoming narrowly apologetic for Christianity as such. She does not directly present theological arguments for her case. On the other hand, her position is theologically sensitive. For example, it is consistent with the integrational model of care found in the classics on marriage and childcare in the

writings of Augustine and Thomas Aquinas.³⁸

She does this by first beginning with a phenomenology of covenant—a thick description of the cultural model of marriage that historically has dominated Western thinking in both law and religion. She then secondarily makes use of the new institutional economics and evolutionary psychology in ways analogous to how Aquinas used the psychobiology and institutional theory of Aristotle to shape Roman Catholic marriage theory and much of the later Western legal tradition of marriage.³⁹ She does this to illustrate how covenant thinking can be translated into secular law's rightful concern with the hard procreative, economic, and health realities of marriage and family.

In contrast to most contemporary family law, Brinig begins her legal thinking something like the great sociologist Emil Durkheim; she does this by giving a phenomenological description of the idea of marriage as a covenant—the dominant normative understanding of marriage delivered to most Western societies by our religio-cultural heritage. She argues that the post-Enlightenment contractual model of marriage that sees it as a freely chosen agreement between husband and wife is inadequate to both our experience of marriage and our past legal understandings of the institution. Marriage, she insists, historically has been viewed as a solemn agreement to a union of “unconditional love and permanence” through which the “parties are bound not only to each other but also to some third party, to God or the community or both.”⁴⁰ This phenomenological description of the inherited normative understanding of marriage is not presented by Brinig as a confessional religious statement. It is, rather, simply a description of the culturally received meaning of covenant as the inherited dominant model. After she does this, she then gives a further economic account of its concrete institutional implications.

In order to understand the social implications of covenant, Brinig turns to what is today commonly called the “new institutional economics.”⁴¹ This perspective both builds on yet goes beyond the rational-choice view advocated by Nobel Prize-winning economist Gary Becker. Marriage, she argues, is more like a firm than it is an individualistically negotiated contract. A firm is an association organized to

This analogy between marriage with children and the franchise is especially important for the best love, care, and interest of the child.

perform a specific function, achieve economies of scale, capitalize on special talents of individual participants, and relate to external parties as a collective unit. A firm is based on a prior agreement—something like a covenant—between the parties involved and the surrounding community about the purpose of the corporate unit. Brinig believes the new institutional economics helps us see things in the firm, and in marriages (especially marriages with children), that the older individualistic rational-choice economic model missed. It helps us see the “channeling,” “signaling,” and “reputational” aspects of firm-like marriages. The firm model enables us to grasp how marriages formed by settled public commitments (covenants) to each other, potential children, and society develop identifiable social patterns that convey trusted information, dependable access to known goods, and valued reputations both within the marriage and between it and the wider community.⁴²

Marriages that result in children, however, are more like a particular type of firm called franchises. *This analogy between marriage with children and the franchise is especially important for the best love, care, and interest of the child.* A set of imposed responsibilities come from the child and from outside expectations that cannot be totally dissolved even with legal divorce. The inextricable one-flesh union and the shared family history do not “disappear” when the marriage ends or the child turns eighteen. Brinig points out something that the ancient “one-flesh” model of marriage profoundly understood but that scholars such as Martha Fineman miss, i.e., that “divorcing couples never completely revert to a pre-marriage state. Nor do children leaving home at maturity entirely free themselves from their parents or siblings.”⁴³ Brinig’s twofold phenomenology and institutional-economics analysis of marital covenants leads her to say, “marriage persists to a certain degree in spite of divorce. To the extent that it persists, the family still lives on as what I call the franchise.”⁴⁴

Brinig’s position is supported by empirical research. Her studies with sociologist Steven Nock lead her to assert that in contrast to much of contemporary family law, the status of parents in legal marriage is a leading positive asset for the well-being of children. Family form is a plus. Children on average do better on a host of indices when

raised by their own two biological parents in legal marriage. As Carbone and *The Principles* seem to hold, income contributes to child well-being, especially in the child’s early years, but in the long run, Brinig’s empirical research shows it is not as important as either legal status of married parents and family form. Finally, her research shows that Fineman’s emphasis on the mother’s love or Carbone’s and *The Principles’* advocacy of parental and caregiver continuity also count, but not as much as the marital status of parents and family form.⁴⁵

Both covenant theory and institutional economics give Brinig and Nock an explanation for this importance of legal marriage to child well-being. They make their point against the background of the abundant number of studies from both the U.S. and Europe showing that cohabiting partnerships, even with children, are less stable. They write that when legally married couples “know they are in a long-term relationship (‘until death do us part’ or at least until the age of emancipation), they have incentive to ‘specifically invest’ in the relationship and in the other party to it.” In addition, “legal recognition provides a signal for the provision of all kinds of outside support for the family, whether by government, by extended family, or by other affinity groups.” These investments and subsequent benefits “should accrue to children as well as adults.”⁴⁶

Brinig and Nock arrived at these conclusions through an analysis of the University of Michigan Panel Survey of Income Dynamics and its Child Development Supplement.⁴⁷ They analyzed the large longitudinal data base of these surveys with standard social-science scales measuring child well-being.⁴⁸ Keeping children with natural mothers (both married and unmarried) constant, they measured child well-being from the perspective of the independent variables of income, family structure, legal relation of parents (unique to their study), parental warmth (close to Fineman’s nurturance model), and mother’s race and age.⁴⁹ As I indicated above, all of the factors counted in some way for child well-being, but in contrast to the major trend of contemporary family law theory as exhibited by Fineman, Carbone, and *The Principles*, legal marriage and family structure count the most.

I make no claim that Brinig has a full theology of

... the best love of the child so central to a Christian jurisprudence.

Christian marriage even though her phenomenology of covenant draws from this tradition. But in Brinig's perspective, we have a jurisprudence of marriage that meets the rationality test of legal theory yet is both influenced by and broadly compatible with the outlines of the integrational view of marriage, parenting, and the best love of the child so central to a Christian jurisprudence. Hence, it would help bridge the social space between secular law and the dominant models of love and marriage functioning in American culture.

I feature the work of Brinig, and her associate Steven Nock, not to indicate that they are the only figures in contemporary family law moving toward a more adequate understanding of the best love and best interest of the child. There are others. But they do merit our serious consideration and thoughtful analysis.⁵⁰ ✕

Endnotes

1. For an excellent discussion of these multiple separations, see Brent Waters, *Reproductive Technology: Towards a Theology of Procreative Stewardship* (Cleveland, OH: Pilgrim, 2001).

2. For the classic statement on the relation of technical reason and modernity, see Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York: Charles Scribner's Sons, 1958), p. 182. For an important statement on the rise of cultural individualism in American society, see Robert Bellah, Richard Madsen, William Sullivan, Ann Swidler, and Steven Tipton, *Habits of the Heart* (Berkeley: University of California Press, 1985).

3. In sociology, see Frank Furstenberg and Andrew Cherlin, *Divided Families* (Cambridge: Harvard University Press, 1991); William Goode, *World Revolution in Family Patterns* (London: The Free Press of Glencoe, 1964), p. 380. For family law, see Maria V. Antokolskaia, "The Development of Family Law in Western and Eastern Europe," *Journal of Family History* 28:1 (January 2003), pp. 52-69.

4. James Coleman, "Social Capital and the Creation of Human Capital," *American Journal of Sociology* 94 (1988), pp. 95-120.

5. *Principles of the Law of Family Dissolution: Analysis and Recommendations* (Newark, NJ: Matthew Bender & Col, 2002).

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7. Erik Erikson, *Identity, Youth, and Crisis* (New York: W.W. Norton, 1968), p. 93; Robert Kegan, *The Evolving Self: Problem and Process in Human Development* (Cambridge: Harvard University Press, 1982), pp. 43, 56-57.

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W E N D Y D O N I G E R

Thinking More Critically About Thinking Too Critically

2008 Convocation Speech

Once when I returned to Hyde Park after a long trip abroad, I dashed off to the Co-op, of blessed memory, to restock the larder. As I waited to check out, I overheard the conversation of two undergraduates standing in line in front of me. “No,” said one to the other, “but that’s not what Aristotle meant by that.” “Ah,” I thought with a happy sigh, “I’m home.”

It was not merely the subject of their debate—Aristotle, the poster boy of the Common Core—that identified them as my people, but the style in which they were debating, the contentiousness of their discourse.

That intellectual style is one of the things for which the University of Chicago is justly famous, our cultivation of the hawk eye that pounces on the unexamined assumption, the false logical link, the shoddy piece of evidence. And we are right to be proud of that training. A former President of this institution, Hannah Gray, used to say that the Real World is not the marketplace outside, but the University of Chicago, where we talk about what really matters to us, and say what we really think about it. Often this entails sharp criticism. But if we stop there we have not done enough, for it may leave us in danger of making two big mistakes. First, it may inhibit our own creative courage, and second, it may lead us to overlook much of value in the thinking of people in whom we have rightly

identified serious errors. Only if we go on past that first, essential stage of critical thinking to another, equally essential stage of appreciation can we do our own best work and enrich our lives with the widest possible range of the works of others. I want to urge you all to think more critically about the dangers of thinking too critically.

Consider the first danger, that of inhibiting our own creativity. The same training that makes us too critical of others can make us too critical of ourselves, and afraid that others will attack us as we attack them. It may hobble another, even more precious intellectual virtue for which the University of Chicago is also justly famous: the courage to take risks, to boldly go (as Star Trek always used to say, boldly splitting the infinitive) where no scholar has ever gone before, to formulate the sorts of imaginative ideas that get you the Nobel prize, ideas that in their early stages are often risky. We may paralyze ourselves with the realization that we cannot, for instance, really know what



But the Chicago mind can also give us the courage to make mistakes. . .

happened in the past, or even use certain basic words at all (or have to barricade the polluted words between scare quotes, like a pair of hands held up for mercy).

But the Chicago mind can also give us the courage to make mistakes, the sort of courage that sustained Thomas Edison when he spent months trying to make a light-bulb work, testing one material after another in an evacuated bell jar before he finally got a carbon filament to burn long enough to do the job. According to a well-known story, he failed more than one thousand times (or five thousand or seven hundred, depending on the version.) When asked about it, Edison allegedly replied, “I have not failed one thousand times. I have successfully discovered one thousand ways to NOT make a light bulb.”

As for the second danger, of being supercritical of others, I want to focus on one particular sort of criticism, namely our awareness of the racism, sexism, anti-Semitism, imperialism, élitism, and other serious desecrations of human values in the writings of authors in earlier ages and other cultures. The writer Adam Gopnik remarked about some of the Western classics, the stuff of the Common Core, “A lot of the skill in reading classics lies in reading past them. . . The obsession with genetic legitimacy and virginity in Shakespeare; the acceptance of torture in Dante—these are not subjects to be absorbed but things you glide by on your way to the poetry.” We must also “glide by” Shakespeare’s anti-Semitism (in *The Merchant of Venice*) and sexism (in *The Taming of the Shrew*), and the anti-Semitism of Dickens’ Fagan and of Wagner’s operas, and Raymond Chandler’s racist language, and on and on. That’s a lot of gliding. Indeed, David Tracy once remarked that if we ban every English author whose ideas were racist or sexist (let alone imperialist or élitist), writing before, say, 1950, we can read only George Herbert. And then there is the embarrassing matter of their personal lives: we are shocked, shocked to discover that Tolstoi was filthy to his wife, and Heidegger was a Nazi; I have also heard rumors that Hemingway drank rather a lot. I think we are forced to accept Adam Gopnik’s advice, or that of Shakespeare’s Hamlet: “Use every man after his desert, and who shall ’scape whipping?” It’s badly educated people who have to show you how much they know by showing you that they

can find fault in everything; the truly well educated go deeper into it, taking it for granted that all those faults are there, and that still one can learn more from Shakespeare than from George Herbert.

Edward Said, so famously critical of the imperialist project among scholars and writers, wrote an astonishingly appreciative introduction to the novel *Kim* by Rudyard Kipling (1901). On the one hand, Said demonstrated how deeply embedded, indeed coded, in *Kim* is the racist and imperialist view for which Kipling—who coined the term, “the white man’s burden”—became notorious. But, on the other hand, Said spoke of Kipling as “a great artist” whose “own insights about India” blinded him to the vision of imperial India that he had set out to advance. Said found *Kim* “profoundly embarrassing”—for Said, and for us, for any readers caught between their warm response to the artistry of the book and their revulsion at the racist terminology and ideology. Salman Rushdie, too, remarked, “There will always be plenty in Kipling that I find difficult to forgive, but there is also enough truth in these stories to make them impossible to ignore.” And the poet W. H. Auden wrote that Time pardons “Kipling and his views.”



The purpose of a great liberal education... is to free us not only from our own prejudices
but from our prejudices about other peoples' prejudices...

We need to balance what literary critics call a hermeneutics of suspicion—a method of reading that ferrets out submerged agendas—with a hermeneutics of retrieval, or even of reconciliation (to borrow a term from the literature on the aftermath of genocidal wars in Africa and elsewhere). And this must include some sort of reconciliation to our own shameful American agendas, our own relationship with slavery and with the destruction of the native Americans, not to mention our present imperialism. And then we can begin to read our own classics differently, with what the philosopher and theologian Paul Ricoeur called a second naiveté: where, in our first naiveté, we did not notice the racism, and in our subsequent hypercritical reading we couldn't see anything else, in our second naiveté we can see how good some writers are despite the inhumanity of their underlying worldviews. If their works really are great literature, they will survive this new reading. In a lighter vein, Woody Allen once satirized the way that we reread the same classic differently at different times, in a short story about a Jewish businessman from New York who got into Gustave Flaubert's novel, *Madame Bovary*, and had an affair with Emma Bovary at the Plaza Hotel in New York, so that anyone who read the book at that time read about the businessman and the Plaza Hotel. A Stanford professor, encountering this new character and new episode, explained to his class, "Well, I guess the mark of a classic is that you can reread it a thousand times and always find something new."

Our moral discomfort becomes more complex if we extend our second naiveté to cultures other than our own, and try to appreciate things in them from which we might otherwise recoil. We bump headlong into moral relativism, the belief that each culture's ideas must be judged moral in their own context. Take the case of *suttee*, the Hindu practice by which some widows are burnt alive on their husbands' funeral pyres. When the British ruled 'Inja,' they occasionally tried to stop women from committing *suttee*. Some years ago, when I was invited to teach a class about Hinduism to a group of high school students here on the South Side, I talked to them about *suttee* and asked them to imagine that they were in India and saw a woman about to be burnt in this way: would they try to stop it? Their unanimous reply was, "No. I wouldn't mess with someone

else's religion." This answer came, I think, out of the Chicago students' own experience of identity politics. But moving beyond the first naiveté of the British attitude (which Gayatri Spivak has characterized as white men saving brown women from brown men), and then also beyond the relativist reaction ("I wouldn't mess with someone else's religion"), we might aspire to a more complex second naiveté, balancing our respect for the Hindus as complex moral beings (many of whom protested against *suttee*) with our own sense of human rights, which insists that the women should not be burnt.

In our more general understanding of religion, too, we need to move beyond the first naiveté of the traditional religious view that all the people of our religion are kind and moral, and then to move beyond the widespread secular view that anyone who believes in god (any god) does nothing but blow up abortion clinics and towering buildings in New York, to a second naiveté, the view that there are, in all religions, as in secularist groups, alongside the fanatics, kind and moral people.

Let me close by returning to the poem in which Auden pardons Kipling. It ends:

In the prison of his days,
teach the free man how to praise.

The walls of that prison are made of the prevailing prejudices of the times we live in. Auden, too, was caught in the prison of his days, when he referred to the "free man"; what about the "free woman," Mr. Auden? The purpose of a great liberal education—and, in case you haven't noticed, that is what you have just gotten—is to free us not only from our own prejudices but from our prejudices about other peoples' prejudices, to teach us to see through the walls of both our prisons and theirs. That's what is liberating about "liberal" education. Above all, it teaches us not just how to criticize but how to praise. ✕

EMILIE M. TOWNES

The Dancing Mind

One is astonished in the study of history at the recurrence of the idea that evil must be forgotten, distorted, skimmed over. We must not remember that Daniel Webster got drunk and only remember that he was a splendid constitutional lawyer. We must forget that George Washington was a slave owner, or that Thomas Jefferson had mulatto children, or that Alexander Hamilton had Negro blood, and simply remember the things we regard as creditable and inspiring.

The difficulty, of course, with this philosophy is that history loses its value as an incentive and example; it paints perfect men and noble nations, but it does not tell the truth.¹

These are sobering words for me as a social ethicist who uses social history as part of my methodology. When I first read this insight from W. E. B. Du Bois, I found it echoed within me as much as his more famous insight, “the problem of the Twentieth Century is the problem of the color-line.”² I have felt the impact of his words time and again as our studied, selective amnesia or willful oblivion has painted a perfect, simplistic picture of a complex and fascinating nation.

We are encouraged to remember the good or dwell on the bad to the exclusion of the other. And this is bad history because it does not tell the truth of the living and breathing

that goes on between these two poles of the human drama. It should caution all of us in religious and theological studies of various sorts to be circumspect about our research, writing, and teaching when we veer too far one way or the other without considering what lies in between. Because, like history that paints perfect men and women and noble nations through selective history, our scholarship can lose its value as incentive and example.

There are many things I have taken with me over the years that I learned here at the Divinity School that echoes Du Bois’s admonition. Perhaps the most important is the imperative that scholarship be rigorous, relentless, and responsible to the issues of the day while pushing my, and our, understanding of what is before us in our modern/postmodern worlds and also help map out strategies for justice-seeking and justice-making.



I was shaped by two strong influences that taught me the importance of
working to incorporate truth telling in my scholarship. . .

I will focus my remarks today on the things that I believe hold me to this task and my life-long journey as a minister, scholar, and teacher to mature into the challenges I learned all those years ago here in this place with Du Bois as both guide and prod.

However, long before I came across Du Bois's words or Chicago rigor, I was shaped by two strong influences that taught me the importance of working to incorporate truth telling in my scholarship and the potency of wisdom in my teaching and ministry. The first were the old Black folks of my grandmother's generation who helped raise me.

And i can still hear them now

the older black women of my grandmother's generation

miss waddell
miss rosie
ms. montez
ms. hemphill
cousin willie mae

as they visited with each other (it was never called gossip)

in their kitchens
front yards
beauty shops
porches (stoops were a city thing in southern pines, nc)
sunday school classes
church socials

i can still hear them now

the older black men of my grandmother's generation

mr. waddell
mr. press
bad bill
mr. hemphill
monkey joe

as they sat and discussed (it was never called gossip—
that was what the women did)

in the barber shop
under the tree of knowledge outside the barber shop
out in the front yard or side yard tinkering with their cars
after church
during the church socials

yes, i can still hear them

and you know, the only person i thought was older than these folks was god

and because they were old
i was taught they had wisdom
or should have

and they knew things that i thought i could never know because i couldn't believe that i'd ever be as old as they were

because they were special

they had something that sustained them in a tightly drawn color-lined southern and west southern pines

divided by u.s. route 1
and money
and power
and privilege

from the white folks they worked for in their kitchens, yards, driving their cars, buying their groceries, tending to their dogs and horses, and carrying their golf clubs

they wear a white starched shirt, best hat-wearing crew on sunday morning

and i simply loved being in their presence

sitting quietly and saying nothing so that they would forget i was there (or did they)

and do grown folks talk about life and living and losing and loving

they did not live a life tinted by rose-colored glasses

instead, they turned to the joy they found in the lord

and the strength they found at the altar to put their children through college

if that's where they wanted to go

and love all the children in that small community

because that's what grown folks are supposed to do

and in that love they taught us more than our abc's and our plus ones and times tables

they taught us what it meant to be wise by their actions and not just their words

they even told us what to watch for to tell if what they were saying was true

evil is as evil does
stay out of corners
keep your legs together
a hawk always circles his prey

We can and must consider the eyes, the worlds, of others.

and if one of them exhibited the negative side of the wisdom they shared

we knew it and even failure (or humanness) became an occasion to learn what it meant to love the lord with all you, heart, mind, soul, and body

yes, i still hear them

ummph...ummph...ummph
lord, jesus
say amen, somebody
have mercy
sucking of teeth
low whistle

and i see them

proud black people who knew when to bend and not break
going to their jobs
making a way out of no way
succeeding
failing
being human all the time

but the wisdom and giving of it never left

because they believed with every ounce of their being that they had to pass good things on to the next generation
and the one thing they had that no amount of the KKK, with fire houses and lynching trees

was what they knew about life and how to survive it
and even thrive

they had what ethicist and alumni peter paris calls
practical wisdom

so these exemplars of practical wisdom help me keep the time beat

remind me of or teach all of us about where we've come from
so that we are not tempted to make decisions in thin air

but instead lean into the thick isness of iyr lives

the agonies and the ecstasies

to find our bearings for the journey

this wisdom, this way of truth-telling, is not showy, but it *is* steady

it helps folk know how and more importantly what to look for in living

it brings the past in the present and the present into the future

so that we remember we are a people in time and of time
and nothing we do puts us outside of time

and this is important because we can never get away from the history that brought us here

even if we do not know it

and it is dangerous to be in a position where we cannot remember what we never knew

My second early influence is literature. Throughout my life, I have always learned a great deal from writers and poets. I speak, primarily, of those who do not deal with dense theo-ethical discourse and reflection, but writers like Toni Morrison, James Baldwin, Tina McElroy Ansa, Alice Walker, William Faulkner, Ernest Hemingway, Ayn Rand, Carson McCullers, Gabriel Garcia Marquez, Jorge Amado, Chinua Achebe, Nikki Giovanni, Robert Frost, Sonia Sanchez, Nikky Finney. The list goes on and on. Their ability to turn the world at a tilt, just so, to explore our humanity and inhumanity challenges me in ways that theories and concepts do not.

As a child, I was transported to Troy by Homer and devoured all I could about Greek and Roman mythology. The idea of gods seemed quite novel to one who was growing up to "Jesus loves me this I know." Apollo and Athena took me out of my daily musing on Jesse Helms and fire hoses and White folks' spit. I could enter, through Homer's prompting, a different time and place where I learned that maybe the holy could be capricious and not always stern.

The gift and challenge of being an avid reader is that I love to read a fine writer at work. They help me "see" things in tangible ways and "feel" things through intangible means. When I turned to looking at evil, in *Womanist Ethics and the Cultural Production of Evil*, I realized that I would be bound by untenable, unproductive, and ultimately boring ways if I approached such a study solely through the realm of concepts and theories. I realized that good writers teach me that there is a world in our eye, but it is not the only one. We can and must consider the eyes, the worlds, of others. Allowing these worlds to dance or collide with one another has always caused me to grow and to change my angle of vision from the straight and narrow to akimbo.

... we are exploring traditions that have driven people to incredible heights
of valor and despicable degrees of cravenness.

I.

Toni Morrison's image of the dancing mind is compelling for me in this regard.

There is a certain kind of peace that is not merely the absence of war. It is larger than that. The peace I am thinking of is not at the mercy of history's rule, nor is it a passive surrender to the status quo. The peace I am thinking of is the dance of an open mind when it engages another equally open one—an activity that occurs most naturally, most often in the reading/writing world we live in. Accessible as it is, this particular kind of peace warrants vigilance. The peril it faces comes not from the computers and information highways that raise alarm among book readers, but from unrecognized, more sinister quarters.

Toni Morrison—*The Dancing Mind*

This quotation from Morrison's acceptance speech for the National Book Foundation's Medal for Distinguished Contribution to American Letters in 1996 focuses on the dangers, the necessities, and the pleasures of the reading/writing life in the late twentieth century. She captures the dangers in two anecdotes she tells. In one, it is the danger that, in her words, "our busied-up, education-as-horse-race, trophy-driven culture poses even to the entitled." In the second, she teases out, again in her words, "the physical danger to writing suffered by persons with enviable educations who live in countries where the practice of modern art is illegal and subject to official vigilantism and murder."

Morrison's essay is instructive for us. Most of us have learned to survive (and some to thrive) in the realm of her first anecdote. Many of us may have colleagues who work in countries that represent the latter. I suspect that all of us are watching where academic freedom is going in the United States. Regardless of where we sit and in how many places, it is in the dancing mind that many of us meet each other more often than not. It is in our research—our books and essays and lectures and sermons and papers that we often meet for the first, if not the only time and way. It

is in this dancing mind, where we tease through the possibilities and the realities, the hopes, the dreams, the nightmares, the terrors, the critique, the analysis, the plea, the witness—that is done in the academy, in the classroom, in the religious gatherings of our various communities, in those quiet and not so quiet times in which we try to reflect on the ways in which we know and see and feel and do.

II.

Ah, yes, the dancing mind.

As I thought through what to say about how I understand the foundations of my work over the years, I realized that when I launch into an attempt to be rational, critical, analytical, precise, and rigorous in my scholarship and teaching, I usually crash and burn if I fail to think first: Why am I doing this? Why do any of us do the scholarship we do? Teach the classes that we teach? Engage in the ministry that we engage in?

Here, I am talking about more than "we do the scholarship we do because we are interested in it, or care about it, or are passionate about it, or we think it is necessary." These are more than appropriate personal scholarly benchmarks for our work, and they should and must be a part of what we do when we engage in trying to understand, defend, debunk, question, cajole, illuminate in our research and writing

I am focusing more on what, for me, is the important first step of the dancing mind: why the research in the first place? Because I believe that what should drive our research in large measure is that we are exploring traditions that have driven people to incredible heights of valor and despicable degrees of cravenness. In other words, the research we do is not a free-floating solitary intellectual quest. It is profoundly tethered to people's lives—the fullness and the incompleteness of them.

I use the image of tethering intentionally because I do not want to suggest that our work is *circumscribed* by the traditions we explore or not, but rather that we are consciously and perhaps at times unconsciously responding to

If they matter to us, they will matter to others.

the drama of history lived in creation and we cannot or we should not proceed as if we are engaged in ideas as if people are not related to them. Another way to say this is that I don't believe that scholarship is or should be an objective enterprise.

Here, I am not equating objective with rigorous. They aren't the same thing at all, and I will always argue for deep-walking rigorous scholarship. What I am arguing against is the kind of disinterested research tact that doesn't figure in that our work is going to have a profound impact on someone's life in some way and some how. I worry when we think that we are *only* dealing with ideas and concepts as if they have no heart and soul behind them. If they matter to us, they will matter to others.

We should do our work with passion and precision and realize that we should not aspire to be the dipsticks for intellectual hubris. I am well aware that I am arguing against some of the foundational assumptions in my training and yours, where the scientific research model and its attendant view of reality give us a solid grasp of disciplinary content and methodologies.

I do appreciate and actually enjoy the ways in which Chicago formed me as a scholar and researcher to explore ideas with gusto and to trust the trail my research leads me in rather than to steer it into the lanes. The one thing I am very well aware of is that this training did not teach me how to be scholar *and* teacher in the schools where I have been on the faculty. Our training hopes that we are smart enough to fit our disciplinary work with "contexts as different as the religious studies department of a major university or the ministry concerns of a small Roman Catholic diocesan seminary."³ This is a tall order and working our way through it is one of those vocational challenges that we may not speak of often or choose to suffer through on our own and in silence unwisely.

One place to begin unpacking this is with the mission statement or description of the aims of the department or in the oral culture as values and ideals are repeated—statements that set a benchmark. The one at Yale is New England succinct: "To foster the knowledge and love of God through critical engagement with the traditions of the Christian churches in the context of the contemporary

world." Or its logo version, "Faith and intellect: preparing leaders for church and world."

Statements like this provide a marvelous opportunity to use the skill we spend years building—critical engagement. The Yale mission challenges me to think through how my scholarship and teaching might unfold in this environment to explore new directions, affirm old ones, and consider how to continue to grow. I also find that there's a bit of work to do to put them in conversation, but the attempt to do so may reap huge dividends, and I am most happy to report it is *not* the case that the majority of the faculty does not know what the statement says or that it is so ancient and unused that only Methuselah and his running buddies know it. It gets evoked during faculty hires on a regular basis, either to support or argue against a candidate. What I find most valuable, however, is that when we are being our reflective best as a faculty it prods each of us to re-think our work and how it does or does not reflect the quest to combine faith and intellect in the preparation of leaders for church and world.

Here is where the dancing mind is at its best.

III.

I am passionate about this because we live in times where our country needs those of us trained in the religious disciplines to speak up and into and with the public realm, and we can do so, in part, through and with our schools and religious communities and the scholarship we do and share directly with the public with our students with our trustees or boards, or boards of advisors.

We amass an incredible amount of information—and yes, some of it is arcane but much more of it is about some things that can actually help folks come to know other peoples and cultures, other forms of the religious, other ways to make meaning out of faith stances, other understandings of the social and moral order of life, other ways to understand sacred texts, and the list goes on and on.

In other words, I believe that it is increasingly imperative that we engage religious discourses in the public realm—both in the United States and in international

We cannot, as scholars and teachers of religion, absent ourselves from the public conversations we now have about religion.

contexts, because we live in an increasingly polarized world and larger academic environment that can often be hostile to things religious. We cannot, as scholars and teachers of religion, absent ourselves from the public conversations we now have about religion. Many of us shudder at the simplistic and cartoonish characterizations we see and hear about religious worlds we know to be complex and nuanced. The work we do can and must provide ongoing resources and support for those of us who comment on the religious events of our day in the public sphere. It enriches us as scholars and it strengthens the ability of our various schools to provide pertinent, informed, accessible, and (when appropriate) faithful information and resources to our students, the communities in which we sit, and the various religious institutions our schools may be representative of and responsible to.

Why this scholarship? Because people need it to help make sense of the chaos and spinning top of wars we now live in as part of the mundane and everyday in far too many people's lives. Why this scholarship? Because we have some gifts and we should use them.

IV.

Although I am heartened by much of what I see happening in theological education across this country, there is a side that is troubling and a challenge—particularly that which is done in the United States that can morph into intellectual hubris as global export and is didactic detritus from sanctifying protestations that true knowledge is universal. As the old Black women who raised me used to say about such things: Ummmph... ummmph... ummmph.

This ethics of knowing has extraordinary relevance as we unfold into a troubling twenty-first century with contested political races, massive voter registration drives that were countered with massive disenfranchisement, a war on terror that is going horribly wrong, blazing internal conflicts in countries like Afghanistan, Columbia, Darfur, Iraq, the Côte d'Ivoire, Georgia, Haiti, Kashmir, Kyrgyzstan, Nepal, the Philippines, Somalia, Sri Lanka, and Uganda. Broken levees, broken promises, broken economy, broken

housing industry, and broken mortgage industry. This list goes on and on. Genuine intellectual engagement learns from a wide variety of sources and not solely from the echoes of our mind and intellect, or from our various social locations or disciplinary expertise. There's a big world of religion out there to study and to know and I believe this is an exciting challenge for us should we accept it. To consider what we do and how we do it, this ethics of knowing has extraordinary mandate to recognize that there are also profound signs of humanity after an alarming decline, charitable giving is on the rise in the United States.

The response to the December 2004 tsunami that devastated the regions surrounding the Indian ocean, the outpouring of private and corporate support to the victims of the devastation wreaked by broken and poorly designed and built levees in New Orleans, giving for research in medicine and the social sciences, endowing scholarships, support for museums and orchestras are a large part of this, and we should not miss that individual giving by *living* people accounts for three-quarters of the total charitable giving in the United States.

The epistemology of knowledge that is represented in theological education is always contextual, always fraught with our best and worst impulses. It is never objective. It is never disinterested, no matter how many rational proofs we come up with to argue to the contrary. Scholarship that contributes to society recognizes this, embraces this, does not seek to obfuscate this, recognizes the utter humanity of this, and then begins with the concreteness of our humanity rather than in esoteric concepts abstracted from life that teach us or lure us into believing that it is better to live in an unrelenting ontological suicide watch rather than a celebration of the richness and responsibilities of what it means to be created in the image of God.

For dancing minds, the challenges become integrity, consistency, and stubbornness—not objectivity as the sole marker of scholarly brilliance. These do not displace objectivity. No, they become part of our methodological toolkit as well and are as valued as the call for objectivity, because there is much to be said for holding ourselves accountable, which is, I think, ultimately what these calls for objectivity in the religious disciplines is all about. We just

...all of our disciplines in the academic study of religion
have their own hegemonic edge...

forget that a serious *and* capricious god has a hand in creation, and our intellectual musings often forget God's laughing side and this makes too much of what we do humorless and inept. When recognizing these things, we can do relevant scholarship, excellent teaching, ministry *and* learning. With dancing minds that point to that vital triumvirate of love, justice, and hope, we are then moving from *concepts* in hermeneutical, historical, pastoral, theo-ethical, discourses to *tools* that demystify and deconstruct, that help build and enlighten.

Part of what is involved in crafting scholarship that will contribute to the academy and the lives of people beyond the library or our studies or our offices or our religious spaces is that we must think in more expansive ways than our disciplinary homes have often trained us to think, with our intellect focused primarily on our scholarly navels. This is tricky business because in doing so, we may also be challenging the holy of holies in many disciplines and reconfiguring the standards of excellence in them.

I am aware that this may be hard for many younger scholars and junior faculty to do while casting a realistically concerned eye to tenure and advancement issues and the very real concerns of family and survival, but I have come to the place in my career where I think that too many of the standards of excellence in many of our disciplines in theological education are not only too low, they may well be irrelevant. So part of what I am asking us to consider is: How does our scholarship figure into this and how can we, together, think through the ways to juggle the academy and the folks we face in the classroom each day as students and peers and the many folks that they bring in the classroom with them who are not seen, not heard, but intensely effected by what we say based on the work we do.

Perhaps strategic schizophrenia is one answer. That we see our research running on at least two parallel tracks. One that tries to continually call our disciplines into excellence and revelation, the other that has both feet firmly planted in the everydayness of living. In doing so, I think we learn to actually value the messiness of the earth's groaning to survive what we do to it as an active and engaging theological dialogue partner and as the chief guide for the kinds of questions that should fuel what we do. We must

—absolutely must—become public intellectuals engaged in justice-seeking, justice-making, and justice-living through what we do as well as how we think about it and research it. To do any less casts me back in time to that sixties cocktail party in which Ralph Ellison, the author of *Invisible Man*, spoke in “clipped, deliberate syllables” to his peers.

Show me the poem, tell me the names of the opera/
the symphony that will stop one man from killing
another man and then maybe—he gestured toward
the elegant bejeweled assembly with his hand that
held a cut-crystal glass of scotch—just maybe some
of this can be justified.⁴

I am relieved to say that I am not left in Ellison's condemnatory despair. Perhaps it is because I rather like coming from a signifying and unsettling population that I am left with a frustrating hope that does not immobilize, but strategizes. However, I am incandescently clear that signification is arbitrary and frustrating, but I think that the critical engagement of dancing minds, that signification can evoke, can lead us into fruitful interdisciplinary conversations that helps us turn to the other side of hegemony because signifying is a tool that can confuse, redirect, or reformulate the discourses of domination that are often at the heart of what we inherit in far too much religious scholarship.

It is important to recognize that all of our disciplines in the academic study of religion have their own hegemonic edge and when working well, make tremendous contributions, but we are so much better at what we do when we begin to talk with colleagues in other disciplines and begin to explore questions, ideas, concepts, situations informed by another set of lenses that give us new vistas to explore what arrogance we commit when we allow the boundaries of our training to determine what we can come to know and how to tackle this, is not a condemnatory judgment but a challenge to keep growing our scholarship large. Interdisciplinary work is only now being taken seriously in some graduate programs. Some think that this is faddish or inept scholarship but having been raised in two interdisciplinary programs

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Teaching and Vocation in Theological Education

The Divinity School is in the middle of a three-year project aimed at building bridges between ministry and doctoral students. The Border Crossing Project, supported by a generous grant from the Lilly Endowment, is creating numerous settings for students from both programs to reflect on their vocations and how those vocations intersect or differ. In an important initiative, doctoral students have joined the teaching teams for classes in the ministry programs.

Last spring two of these students talked about their experiences, including thoughts on vocation and pedagogy, over lunch in Swift Hall. Elizabeth Musselman, a doctoral student in Theology and a pastor in the Evangelical Lutheran Church in America, was an instructor for the Ministry Studies Colloquium for first-year students; she spoke on February 28, 2007. Robyn Whitaker, ordained in the Uniting Church of Australia and a doctoral student in Biblical Studies (New Testament), was part of the teaching team for the worship class; she spoke on April 15, 2007. Their talks are published here; further reflections will be published in future issues of *Criterion*.

Elizabeth Musselman Reflections on Teaching the Ministry Colloquium

I'd like to begin by sharing with you a story that represents something about the Divinity School that I haven't always been able to put into precise language—something that I believe extends beyond my individual experience here—first as a ministry student; then as a Ph.D. student in theology preparing for exams; then as a Ph.D. student in theology who also teaches the first-year M.Div. colloquium, “Introduction to the Study of Ministry”; and finally as the

... teaching and learning, if they are done well and honestly, are going to be
painful, disorienting, and at times terrifying.

Lutheran Campus Pastor to the University of Chicago who is also a Ph.D. student in theology who also teaches the first-year M.Div. colloquium, “Introduction to the Study of Ministry.” This nebulous “something” has deeply influenced both my teaching and my learning here.

It happened during my visit to the Divinity School as a young, overachieving, hyper-responsible prospective student with stars in my eyes and a fresh excitement about theology. I had carefully planned my visit to include a fifteen-minute meeting with Professor Kathryn Tanner. It was a warm spring day, and Swift Hall was buzzing with dozens of nervous prospective students as I waited outside Professor Tanner’s office door, listening to the hum of the animated voices inside the office. I waited, and I waited—and I wondered if I should knock. Clearly there were people inside, having important conversations! Who was I to interrupt? I waited some more, and as the fifteen minutes began to erode away, I got nervous. Suddenly, the office door opened and a *very* well-built man strode out of Professor Tanner’s office wearing nothing except skinny shorts and a tool belt and sneakers—and after a moment of surprised gawking I realized that the office was undergoing construction and I had *no idea* where to find Professor Tanner and it was already so late that I had missed my appointment.

That sinking feeling that I had—of being in the wrong place and not realizing it until it was too late—has stuck with me in a larger, metaphorical sense throughout my years at the Divinity School.

I suspect that this feeling of lostness at the Divinity School is more common among ministry students than we might want to admit. I make this assertion *not* because I believe there’s an inherent gap between theory and practice, or between the life of the mind and the life of faith, or between careful scholarship and healthy living, or between objectivity and subjectivity. Rather, I stake my empirical claim that a feeling of lostness persists among some students upon what I believe might be my primary pedagogical conviction: namely, that both teaching and learning, if they are done well and honestly, are going to be *painful*, disorienting, and at times terrifying.

This is something I first began to think about when I was a first-year student and Alison Boden was team-teaching the ministry colloquium. We were all complaining about the difficulty of some text we were reading for our Practical Theology class (I believe it was Gadamer’s *Truth and Method*), and Alison jumped into the conversation with a surprising edge in her voice: “The problem with the University of Chicago is that everything is predicated on the assumption that *learning has to be painful!*” As a student, I was both horrified and fascinated with that statement. Alison’s pastoral concern in the classroom that day was, I think, a good one: she wanted to show us that we were not alone in our suffering, to help us remember that there are far less rigorous modes of encountering texts outside of the University setting, and to help us envision a time later in our lives, post-University, when encounters with texts might not be so painful. But the effect that her statement had upon me was to prompt me to question again and again “Why, then, am I here?” and to fall repeatedly into that nebulous lostness that a person feels when she knows there might be an easier way out but isn’t sure whether she should seek it. And yet, for years I also carried Alison’s statement with me as a strange beacon of hope: “It doesn’t always have to be like this. Life will be easier outside the walls of Swift Hall.”

It wasn’t until just a few weeks ago that I *fully* synthesized Alison’s claim about the painfulness of learning at the University of Chicago. This time I was sitting in colloquium class as the teacher, listening while the guest speaker I had so deliberately arranged for, Professor Susan Schreiner, talked to the first-year ministry students about reading historical texts—and realizing as she left the room that some of my students were utterly traumatized by what she had said. For whatever reason, whether it was her mood that day, or the students’ transparent and emotional discomfort with her claims about reading texts, or the fact that I was at the same time writing a sermon on first-century theologian and teacher Nicodemus’ midnight encounter with Jesus—for whatever reason, I suddenly realized that Alison’s presumption that I had carried with me all those years was *mistaken*. Because learning *does* indeed have to be painful if it is good, honest learning—if we let ourselves be confronted and questioned and shaken up by texts the way

... find a balance between deconstructing texts and
letting the texts deconstruct us...

Nicodemus was confronted and questioned and shaken up by Jesus; if we admit that a good theologian won't always find all the right answers to all the tough questions (and that it may be only on rare occasions that we even *ask* the right questions); and if we acknowledge that our sense of lostness at the Divinity School just might be related to the contingency of this particular moment in history (which is the same as the contingency of any and every particular moment in history), which means that perhaps we will always be, in a sense, lost.

As Ben Dueholm, a recent M.Div. graduate, recently put it, "there is real sadness and real danger lurking in [academic life]." It doesn't mean that we're destined to be stuck forever in a single moment in time, always waiting outside an empty office for a professor who isn't there. But it does mean that, like Nicodemus (whose first words to Jesus are "we know" and whose last words to Jesus are "How can this be?"), we may wander from Swift Hall silently back into the night—or into the Regenstein, or the office, or the jogging path by the lake—not entirely certain who or what we've just encountered but knowing that whatever it is, it has the potential to transform us, or perhaps to break us, or perhaps to save us.

Although I just indicated that I learned all of this after a recent lecture by Susan Schreiner to my ministry students, that version of the story is far too simple. It's something I've learned very slowly through the years. I've learned it in my teaching—as I watch students who want to be pastors struggle to find their place within the academic rigor of the Divinity School; as I watch the occasional student let him or herself become entirely unraveled by an encounter with a text and then wonder whether it's my job to help pick up the pieces (even while acknowledging that perhaps the pieces aren't meant to be picked up). It's something I've learned as I struggle to write a dissertation on faith and the hiddenness of God and Luther and Kierkegaard and Genesis 22. It's something I've learned as a pastor, in my encounters with Scripture and people with cancer and church politics and late-night Bible studies with University of Chicago undergraduates. It's realism. It's theology of the cross. It means that life *isn't* going to be easier for students outside of the walls of Swift Hall, because we will always

encounter people and ideas and texts that shake us to the core.

This pedagogical conviction of mine—that good learning is going to be painful (at least some of the time), and that some students are going to feel lost during their time at the Divinity School even if they are in *exactly* the right place—demands several things of me as a teacher. The first is an acknowledgement, whether implicit or explicit, that the teacher too, like that first-century religious teacher Nicodemus, is as lost in the contingency and uncertainty of human knowledge as the students are. Although I've read more theology than any of my students and I've crafted the syllabus around some secret hopes that I might get the students to think in certain ways about certain topics, I am as vulnerable as they are to the power texts have to transform us, or break us, or save us. I wonder whether my teaching might be better if I were to acknowledge this fact more explicitly in the ministry classroom—or whether such an acknowledgement would chip away at the teaching authority that already feels so tenuous to someone who is simultaneously student and teacher. Or whether both of the above are true, since the best teaching might not always begin with the construction of an authoritative presence.

A second pedagogical demand, related to the first, is that I find myself treading a fine line between modeling for my students a form of theological discourse that resists certainty, on the one hand, and on the other hand letting my students think that this means *anything* goes, that *all* theological claims are equally valid. Just because you can make a good argument, it doesn't mean that what you're arguing is *true*; and just because you experience a text or God in a way that *feels* certain, it doesn't mean you suddenly know God; and just because you can *make* two authors seem to agree with one another or with your own convictions, it doesn't mean that they actually agree. Some arguments are better than others, and some theological claims are more true than others. The job of both teachers and students in a ministry program is to find a balance between deconstructing texts and letting the texts deconstruct us; between staking a theological claim and claiming false certainty—and somehow, in all of that, to articulate some theological convictions that work both theoretically and in practice.

He taught me to ask the right questions. . .

A third pedagogical demand has something to do with what I would call the constructive task of teaching—which has something to do with the relationship between learning and ethics. I'm not sure how to formulate this demand positively, because at this point I experience it only as a series of questions for which I don't yet have answers. I no longer ask the question that I asked over and over again in my early days as an M.Div. student, and which I think many of our current M.Div. students are asking: What has Athens to do with Jerusalem? I've found the answer, at least for now, by settling into a life in which Athens and Jerusalem are, for the sake of my sanity if for no other reason, the same city. But there are other questions I ask myself: What has Swift Hall to do with the neighborhoods that surround Hyde Park? What does it mean for me to claim casually that good learning is *painful* when there are small children halfway across the globe working in a factory for six cents an hour and Eastern European women are being trafficked like a drug or a new coat and people in refugee camps are dying for lack of clean water? What does it mean for the second-year ministry student to be challenged by the theology of the cross while a parishioner from his or her field education congregation has just learned that the only option left is hospice care?

I don't have the answers to these questions, but I trust that they are the right questions to be asking—and I take my cue here from Nicodemus, who was so shaken up by his encounter with Jesus that all he could do was stumble out alone into the night asking “How can this be?” Because eventually, by the end of the story, Nicodemus has gazed at the cross. And he has decided, along with Joseph of Arimathea, that the only option left is to take down the body of Jesus, and gently wrap it in linens, and anoint it with myrrh and aloe, and carry it to the tomb.

If my ministry students and I leave the classroom (or, someday, the University) with some level of discomfort and some level of serious engagement with the world, then I trust that I've at least begun the difficult task of what I've been called to do. ✕

Robyn Whitaker

The Nature of Asking the Right Question: A Reflection of Pedagogy

One of my favorite teachers was a systematic theologian who taught me Trinitarian theology during my own M.Div. almost ten years ago. He began the degree as my most hated teacher; a man who refused to define “eschatology” when asked by this young science major two weeks into a theology degree, saying it would come to me if I just kept reading Moltmann, and who furthermore adamantly refused to answer what he deemed to be the wrong questions.

Regular class dialogue went something like this:

Earnest young M.Div. training for ministry: “How is the Bible relevant to people in today's world?”

Scary, dogmatic, male theologian: “The question is — how are you relevant to the Bible?”

Or, more often:

Student: “Don't you think the doctrine of election in Barth is an exclusive notion?”

Professor: “That is the wrong question. Why don't you think about it and get back to me when you have the right question?”

I came to really like this man, to appreciate that he shaped my education in a unique way. He taught me to ask the right questions, which began with being mindful of the questions I had and what I really wanted to know. He taught me to stop and think instead of just blurting out the first thing that popped into my head (and I am a blurter).

The notion of a right or wrong question might seem ridiculous or even offensive in the context of a liberal education, and I want to say upfront that the notion of right or wrong questions is not about silencing opposing voices nor creating an atmosphere where certain topics become

... would you actually leave ninety-nine sheep
in the wilderness for one?

taboo or off the table. Asking the right question is learning that the question we bring is incredibly determinative of the outcome of inquiry. Therefore one should be both conscious and reflective about what such questions are.

To take a biblical example, let's think of the Genesis 1 account of creation. One could ask many questions of the text: Who does this tell us God is? Or what does this tell us about creation? What does it tell us about humanity (and our relationship with God)? Or, you could put Genesis alongside a biology textbook and ask how does this inform us about the way the world was made? Or, how do I preach this text? What message does it hold for me and my community? Alternatively, you could ask what it tells us about the Israelites who wrote and edited it, or about the nature of Hebrew prose and poetry in the sixth or fifth century BCE. Are any of these "wrong"? I would contend some are.

I taught in two very different courses last quarter. One was as a Lilly funded co-teacher in the M.Div. course on worship and the other as a T.A. for Professor Margaret Mitchell in Introduction to the New Testament. In the latter class, Professor Mitchell tells the class in the very first lecture that one of the exam questions will be about who you are as an interpreter. What questions do you bring to the text? Are they of an historical nature, theological, devotional, literary? She does not dictate the question, but creates a process whereby students are encouraged to deliberately reflect upon the kinds of questions they have, and then to articulate them in conversation with other people's questions and some answers to those questions. I found it to be a highly effective technique, which some students embraced with a great deal of passion.

As a leader of discussion groups for this course, I learned that my role in asking an introductory question was powerful in setting the tone of the class, inviting comment, or creating a conversation. Open-ended questions are good, we're told, whether in education or in pastoral counseling. But something as open as "So, what did you think of the book of Revelation?" was perhaps a bit too vague, whereas, "What struck you as odd/surprising/shocking (insert word here) when you read through Revelation?" begins to be an engaging point while still remaining open.

If I'm honest, when I reflect upon the worship class I'm not sure we always asked the right questions. We certainly began with experience (a CPE-ish model that I'm actually highly skeptical of), asking students to locate the topic for the day in their placement and/or personal ecclesial experiences. But I'm not sure we always moved them beyond that in a significant way. Better pedagogically was the weekly written reflection we asked of them on the readings, which encouraged them to pose their own questions of the text or topic. Not surprisingly, some of their questions were a lot better than ours!

I'm wary of doing a "Jesus did this so we should" approach to the New Testament in relation to most topics, but I think reflection on who Jesus was as a teacher might bear some fruit. In all the gospels Jesus is portrayed as a wise teacher or a rabbi. He certainly reflects some of the typical question-and-answer style debates that shaped both Socratic dialogue and rabbinical teaching. As such, while on occasion Jesus teaches directly, issuing commands or preaching about the law, at other times he is deliberately obscure, speaks in parables and answers questions with a question. This last trait has struck me since I was a small child. How frustrating it would have been to be Jesus's parents who had anxiously searched for three days for their twelve-year-old son only to be confronted with "Why were you searching for me? Did you not know that I must be in my father's house?" (Lk 3:49). Two questions are all they get in response to their own questions.

Jesus's use of questions might seem illusive but they function in several different ways. In the three parables on lost things (sheep, coins and a son) in Luke 15, Jesus begins twice with a question: "Which one of you having a hundred sheep and losing one of them does not leave the ninety-nine in the wilderness and go after the one that is lost until he finds it?" (Lk 15:4). Such a question invites listeners to think about whom they identify with in the story. It engages one — would you actually leave ninety-nine sheep in the wilderness for one?

The simple question that shapes the Caesarea Phillip moment in Mark's gospel "Who do people say I am?" seems like a safe conversation starter. Then, bam! He comes back with "Who do *you* say I am?" (Mk 8:27). Here Jesus

Questions can work in two dimensions.

moves from an answerable, tangible, safe place (e.g. speaking for others, reporting gossip), and then moves the disciples to the very heart of Christian theology and faith.

In John 21:15-19 Jesus asks Peter if he loves him, a question which invites a deeper relationship, a personal commitment, and a call into ministry.

In answer to a question designed to trap him about whether or not Jews should pay imperial taxes Jesus again uses a question “Whose portrait is on this coin? Whose inscription?” (Mt 22:15). Here the use of questions is not to push the conversation deeper, but as part of a strategy that gets them to answer their own question. The answer can only be “Caesar’s.”

When a man runs up to Jesus asking “Good Teacher, what must I do to inherit eternal life?” Jesus responds “Why do you call me good?” (Mk 10:17-18). Here we witness Jesus challenging the very assumptions upon which a question is based.

I could go on with many more examples, for Jesus asks a lot of questions. In the brief examples I’ve just mentioned Jesus has used questions to challenge assumptions, to engage, to make people answer their own questions, to move people from generalities to the specific, to inquire, to invite deeper commitment, and to point out the obvious. Some are pastoral, some theological, some ethical, spiritual or intellectual.

In any discussion of pedagogy we also need to distinguish between method and goal. One of my goals is to help students reflect on what their questions are, why those questions, and how best to phrase a question to get the desired outcome. This is based upon my conception of a teacher as a guide or facilitator of another’s education, not simply a provider of information or answers. As such, it is strongly connected with my understanding of myself as a minister, as one who again enables and facilitates faith journeys, but is not a guru. The methods for reaching my goal could be more helpful and diverse than my aforementioned professor. A classroom atmosphere of fear is perhaps not the best way.

We naturally teach in the way we learn best; favoring verbal discourse, reading and reflection, writing or hearing, visual PowerPoints or handouts, action-reflection, or

tangible activities. These methods fall broadly into four learning areas: 1) visual-verbal learners, 2) visual-nonverbal learners, 3) tactile-kinesthetic learners, and 4) auditory-verbal learners.¹ Ideally, any classroom would have a combination of all these four to allow for the diversity of students, even when they may not all be natural to the teacher.

Questions can work in two dimensions. On the one hand they take students on a journey that begins with their own questions, assumptions and interests and helps them to deepen these. We might think of this as a spiraling motion inwards. On the other hand, questions broaden and challenge these same starting places and assumptions, moving us outwards, sometimes in several directions at once. We might like to think of this as a central dot with arrows jutting out in several directions at once.

The implication of what I’m suggesting is that education is far more than information sharing. It is both personal and reflective, it is transformational and involves teaching people to think. It both draws students deeper and simultaneously expands horizons. Teaching a student to ask a more honed, direct, and nuanced question will fast-track their research and their ability to find an answer. Although, inevitably answers lead to more questions and the cycle continues. The question for me now is: How do I, as a teacher, ask better questions to assist students in doing this? ✕

Endnote

1. These are generally referred to areas in educational theory (e.g., David Kolb’s experiential learning model), hence I have not referenced specific text. They relate roughly to Gardner’s different intelligences.

Alumni News

CATHERINE L. ALBANESE, Ph.D. 1972, Professor in the Department of Religious Studies at the University of California, Santa Barbara, has accepted an appointment to the J. F. Rowny Endowed Chair in Comparative Religions in the Department of Religious Studies at UCSB. The Chair was previously held by Ninian Smart.

CATHERINE BELL, M.A. 1976, Ph.D. 1983, died on May 23, 2008 after a long illness at the age of 55. She was Bernard Hanley Professor of Religious Studies at Santa Clara University where she taught since 1985. She served as chair of the Religious Studies department there from 2000 to 2005. She was named the Divinity School's Alumna of the Year in 2004. She was also awarded fellowships from the Mellon Foundation, the American Council of Learned Societies, and the National Endowment for the Humanities, where she served as a Fellow of the Center for Chinese Studies at University of California, Berkeley, and an Honorary Fellow of the Chinese Popular Culture Project at Berkeley. Her first book, *Ritual Theory, Ritual Practice* (New York: Oxford University Press, 1992) won the American Academy of Religion's best first book in the History of Religions award in 1994, and is considered a seminal text in the study of ritual.

DONALD BLOESCH, Ph.D. 1956, has published *Spirituality Old & New* (InterVarsity Press, 2007) and *Theological Notebook* v. 4 (Wipf & Stock, 2008). Both focus on the doctrine of the Christian life. In addition a complete bibliography of his writings has been released by Scarecrow Press (2007). His books have been used as texts in theological seminaries, liberal arts colleges, Bible colleges and in some secular universities. He is now retired and active in various renewal movements in mainland denominations.

REV. BERNARD R. (BOB) BONNOT, A.M.R.S. 1975, has returned to the pastorate after a twenty-six-year career in

interfaith cable television. He is developing the use of media in Catholic worship and liturgy at St. Nicholas Parish. He has been elected chair of the Youngstown Diocese's Presbyteral Council and appointed a diocesan consultor. He is working on a book on Catholic priesthood, reflecting on forty years of experience.

STEVEN BOUMA-PREDIGER, Ph.D. 1992, Professor of Religion at Hope College in Holland, Michigan, recently published, with Brian Walsh from the University of Toronto, *Beyond Homelessness: Christian Faith in a Culture of Displacement* (Eerdmans, 2008).

AMY CARR, Ph.D. 2004, Assistant Professor of Philosophy and Religious Studies, is the recipient of the 2007-2008 Award for Excellence in Teaching for the College of Arts and Sciences at Western Illinois University.

ROBERT D. DENHAM, M.A. 1964, Ph.D. 1972, has recently published *Charles Wright: A Companion to the Late Poetry, 1988-2007* (McFarland & Company, 2007); and *Charles Wright in Conversation: Fifteen Interviews* (McFarland & Company, 2008). His books *Charles Wright: A Companion to the Early Poetry, 1963-1990* and *Northrop Frye: Selected Correspondence 1934-1991* will be published in 2009. He is John P. Fishwick Professor of English Emeritus at Roanoke College.

LOWELL K. HANDY, M.A. 1980, Ph.D. 1987, published *Jonah's World: Social Science and the Reading of Prophetic Story* (London: Equinox, 2007) in the series BibleWorld, XVI. He is an indexer-analyst at the American Theological Library Association in Des Plaines, Illinois.

LOUIS B. JENNINGS, Ph.D. 1964, died on November 18, 2006. He was an ordained United Church of Christ minister,

and taught at Marshall University in Huntington, West Virginia; at Ohio University in Portsmouth, Ohio; and at Ohio University in Ironton, Ohio. He wrote "Shirley Jackson Case, a Study in Historical Methodology," and "The Function of Religion: An Introduction."

DR. ANALISA LEPPANEN-GUERRA, M.A. 1994, has been appointed visiting assistant professor in the History of Art and Architecture Department at DePaul University.

JOEL S. KAMINSKY, M.A. 1984, Ph.D. 1993, was recently promoted to full professor in the Department of Religion at Smith College. He also served as a visiting professor at Yale Divinity School in Fall 2007.

PETER IVER KAUFMAN, M.A. 1973, Ph.D. 1975, is retiring from the University of North Carolina, Chapel Hill, where he taught in the departments of History and Religious Studies, and will serve as Modlin Chair of the Jepson School at the University of Richmond.

THE REV. DR. KAY LYNN NORTHCUTT, M.Div. 1988, has been named the first incumbent of the newly established Fred B. Craddock Chair in Preaching at Phillips Theological Seminary, where she is the assistant professor of preaching and worship. She was promoted to the rank of associate professor on July 1, 2007.

DAISY MACHADO, Ph.D. 1996, contributed recently to *Those Preaching Women: A Multicultural Collection*. Edited by Ella Pearson Mitchell and Valerie Bridgeman Davis, the collection is the fifth title in the series *Those Preaching Women*, which saw its first volume published in 1985. The first four volumes were dedicated to the sermons of African American women; this latest resource reflects the ethnic diversity of the United States in the twenty-first century. Dr. Machado is professor of church history at Union Theological Seminary. She served previously as Academic Dean, Lexington Theological Seminary, making her the first Latina dean of an Association of Theological Schools seminary in the United States.

HARRY PARTIN, D.B. 1954, M.A. 1963, Ph.D. 1967, passed away on June 10, 2008 at the age of 82. He was a professor of History of Religions at Duke University for thirty years. Among his publications was the book *Religious and Spiritual Groups in Modern America*, written in collaboration with Robert Ellwood of the University of Southern California. At the University of Chicago his work was on pilgrimage, primarily in Islam. He was for many years a member of the Committee on History of Religions of the American Council of Learned Societies and a Danforth Fellow. Memorials may be made to Transylvania College in Lexington, Kentucky; Disciples Divinity House at the University of Chicago; and Pilgrim United Church of Christ.

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15. Fineman, *The Neutered Mother* (New York: Routledge, 1995), pp. 228-230; for her comments on the statistical decline of marriage, see *The Autonomy Myth*, pp. 110-111.

16. Fineman, *The Neutered Mother*, p. 229.

17. *Ibid.*, p. 9.

18. Fineman, *The Autonomy Myth*, p. 190.

19. *Ibid.*, p. 191.

20. Lawrence Kohlberg, *The Philosophy of Moral Development* (San Francisco: Harper and Row, 1981), pp. 141-142.

21. For research on attachment, see John Bowlby, *Attachment and Loss*, Vol. 1-3 (New York: Basic, 1969, 1973, 1981); Allan Schore, *Affect Dysregulation and Disorders of the Self* (New York: W.W. Norton, 2003).

22. George Lakoff, *Moral Politics: What Conservatives Know That Liberals Don't* (Chicago: The University of Chicago Press, 1996), pp. 108-110.

23. Carbone, *From Partners to Parents*, pp. 16-17, 199.

24. *Ibid.* p. 162.

25. *Ibid.*, p. 160.

26. *Ibid.*, p. 194.

27. *Principles*, p. 12.

28. *Ibid.*, p. 3.

29. *Ibid.*, p. 7.

30. *Ibid.*, p. 12.

31. *Ibid.*, p. 7.

32. *Ibid.*, p. 3.

33. *Ibid.*, p. 5; see also p. 7.

34. *Ibid.*, p. 914.

35. *Ibid.*, p. 915.

36. Margaret Brinig and Steven Nock, "Legal Status and Effects on Children," *Legal Studies Research Paper* No. 07-21

CRAIG R. PRENTISS, M.A. 1991, Ph.D. 1997, Associate Professor of Religious Studies at Rockhurst University in Kansas City, Missouri has published *Debating God's Economy: Social Justice in America on the Eve of Vatican II* (Penn State Press, 2008).

DR. JILL RAITT, M.A. 1969, Ph.D. 1970, has been named as holder of the Sisters of St. Joseph of Carondelet Endowed Chair in Catholic Thought at Fontbonne University. As the endowed chair, she will have an interdisciplinary role in enriching the intellectual climate of the university as well as strengthening its Catholic identity. Raitt becomes the second professor to hold the endowed chair title at the university. The position is currently held by Dr. Donald Burgo, M.A. 1969, Ph.D. 1985, who has been a professor of religion and philosophy at Fontbonne for thirty-six years. He is retiring in May. The endowed chair, the first in the school's history, was established in 2005, after the university received a \$1 million matching gift from its sponsors, the Sisters of St. Joseph of Carondelet, St. Louis Province.

MAC RICKETTS, M.A. 1962, Ph.D. 1964, most recently co-edited (with Michaela Gligor of Cluj, Romania) the book *Professor Mircea Eliade: Reminiscences* (Kolkata, India: Codex Pub. House, 2008). Published in English, it includes contributions from Americans, Romanians, and Indians — one of whom, Mr. Priyadarshi Sen, is the son of Maitreyi Devi.

JEROME A. STONE, M.A. 1964, Ph.D. 1973, has published *Religious Naturalism Today: The Rebirth of a Forgotten Alternative* (State University of New York Press, 2008).

WILLIAM JAMES WASSNER, D.Min. 1985, was hired as the new Executive Director of the United Religious Community of St. Joseph County, a non-profit interfaith organization with over 125 member faith communities united for mission and service representing Christianity, Judaism, Islam, Bahai, etc., in existence for forty years.



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(Notre Dame, IN: Notre Dame Law School, 2007).

37. Brinig, *From Contract to Covenant: Beyond the Law and Economics of the Family* (Cambridge, MA: Harvard University Press, 2000), pp. 193-194.

38. Augustine, "The Good of Marriage," in *Treatises on Marriage and Other Subjects* (Washington, D.C.: The Catholic University of America, 1955), pp. 9-54; Thomas Aquinas, *Summa Theologica* 3, "The Supplement," q. 41-44.

39. John Witte, *Law and Protestantism* (Cambridge: Cambridge University Press, 2002), pp. 210-214, 230-240.

40. Brinig, *From Contract to Covenant*, pp. 6-7.

41. *Ibid.*, p. 6.

42. *Ibid.*, p. 6.

43. *Ibid.*, pp. 8-9.

44. *Ibid.*, p. 9.

45. Brinig and Nock, "Legal Status and Effects on Children," p. 11.

46. *Ibid.*, p. 6.

47. *Ibid.*, p. 7. The Panel Study of Income Dynamics has data on a large number of families, ranging from 4,810 in 1968 to 7,000 in 2001. The Child Development Supplement has data on 3,563 children between 0-12 in 2,934 families.

48. *Ibid.*, p. 10. The scales used were the Behavior Problem Scale and its separate Internal and External Scales, the Pearlin Self-Efficacy Scale, and the Rosenberg Self-Esteem Scale.

49. *Ibid.*, p. 11.

50. *Family Law and the Pursuit of Intimacy* (New York: New York). For other perspectives that are close to Brinig in spirit if not in detail, see Carl Schneider, "Elite Principles: The ALI Proposals and the Politics of Law Reform," Robin Wilson (ed.), *Reconceiving the Family*, pp. 489-506; Mary Ann Glendon, *The Transformation of Family Law: State, Law, and Family in the United States and Western Europe* (Chicago: The University of Chicago Press, 1989), pp. 306-313; Milton Regan, University Press, 1993).

—here and at Northwestern, and having spent my early years immersed in interdisciplinary team teach at Saint Paul School of Theology I learned quickly that you can't do interdisciplinary work without a main discipline as your intellectual home.

So I am not arguing for an interdisciplinary toga party for our scholarship. I *am* suggesting that interdisciplinary work is crucial for those of us who are trying to open up the stuffy kitchens in our disciplines and invite all manner of folk to sit around the table. We can use signifying as more than a clever language game, for in the hands of rigorous dancing minds, signification can debunk narrow and restricted scholarship masquerading as immaculate theological conceptions like the Gramscian chess moves of hegemony.

It is very important just *who* is doing the signifying and *why*. Allowing our minds, our scholarship to dance we can come to welcome new conversation partners be they disciplinary or representative not to control or dominate but to allow the richness of insights and experiences beyond what we know and don't know. To fill our scholarship with deeper meaning, to beget more piecing analysis, to offer more trenchant critique, to be more relevant to the schools in which we work and the folks that are influenced by what we do in theological education. And we develop skills and scholarship that help mitigate bravura spells of ignorance and arrogance that can be found even within the work of some of us trying to deconstruct and reconstruct our disciplines if not our religious households and schools.

V.

According to Morrison, the dancing mind requires “an intimate, sustained surrender to the company of my own mind as it touches another.”⁶ She encourages us “to offer the fruits of [our] imaginative intelligence to another without fear of anything more deadly than disdain.”⁷ This is how we begin to take the first steps away from Du Bois's damning judgment that his study of history reveals “the recurrence of the idea that evil must be forgotten, distorted, skimmed over”⁸ and my musings on what this means for all of our disciplines. It is to move toward intellectually dancing into a new future that is more vibrant, more life-bringing and giving, more welcoming, more humane, more alive with possibilities that engage others and ourselves. It is serious work. It is important work. It is necessary work.

Thank you. ✕

Endnotes

1. W. E. B. Du Bois, “The Propaganda of History” in *Black Reconstruction in America: An Essay Toward the History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America* (New York: Russell & Russell, 1966), 722.
2. W. E. B. Du Bois, *The Souls of Black Folk: Authoritative Text, Contexts, Criticism*, edited by Henry Louis Gates, Jr. and Terri Hume Oliver (New York: W.W. Norton & Company, 1999), 5.
3. Toni Morrison, *The Dancing Mind* (New York: Alfred A. Knopf, 1996), 7–8.
4. Email exchange with William R. Myers, Director of Leadership Education, The Association of Theological Schools in the United States and Canada, Fall 2006.
5. Quoted in June Jordan, “Of Those So Close Beside Me, Which Are You?” in *Technical Difficulties: African-American Notes on the State of the Union* (New York: Pantheon Books, 1992), 28.
6. Morrison, *The Dancing Mind*, 8.
7. *Ibid.*
8. W. E. B. Du Bois, “The Propaganda of History,” 722.

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