

How to Keep Your University Catholic

Rev. Leonard A. Kennedy, C.S.B., Ph.D.

With a New Preface by
Rev. Msgr. Stuart W. Swetland, S.T.D.

Revised Third Edition



The Cardinal Newman Society
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**To Father Michael Scanlan, T.O.R.
President Emeritus, Franciscan University of Steubenville:**

Who has shown that it can be done.

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Foreword

Stewards of a Heritage, Bearers of Hope

Rev. Msgr. Stuart Swetland, S.T.D.
Vice President for Catholic Identity and Mission
Mount St. Mary's University

Every person who is privileged to have the vocation as an administrator and/or educator at a Catholic college or university is both a steward of a heritage received from past generations and a bearer of hope to the current and future generations.¹ Catholic universities are charged to “hand on what has been received.”² We receive from above the supernatural gift of faith which we are called to preserve, explore, explain, live and faithfully hand on. In bearing witness to the *traditio* of faith, Catholic universities are also privileged to be a source of light and hope for the world—a privileged place for an authentic encounter with God. As His Holiness Benedict XVI said to Catholic educators at The Catholic University of America in Washington, D.C., on April 17, 2008:

Education is integral to the mission of the Church to proclaim the Good News. First and foremost every Catholic educational institution is a place to encounter the living God who in Jesus Christ reveals his transforming love and truth.

An encounter with Christ and His teaching leads to a genuine desire to deepen one's knowledge and understanding of the One who reveals the merciful love of the Father.

When this pamphlet was first produced in 1992, and even when re-issued in 1997, much was “up for grabs” in the world of Catholic higher education. There had been, for a variety of societal and ecclesial reasons, a widespread loss of confidence in the

1. This introduction was written in conjunction with Dr. Thomas Powell, President of Mount St. Mary's University, whose gracious leadership as the President of “the Mount” inspired it through-out.

2. 1 Corinthians 15:3: “For I handed on to you as of first importance what I also received: that Christ died for our sins in accordance with the scriptures.”

Catholic nature, identity and mission of Catholic higher education. Much of the general upheaval in our society about fundamental truths or even the possibility of there being truth was reflected in the life of the university. Many of our Catholic colleges and universities were caught up in the spirit of this age and gradually (or sometimes, sadly, rapidly) “drifted” towards a more secular vision of the university’s mission and identity.

Much has changed since the last quarter of the 20th century. In many places, especially among the young, there is a new confidence in the Church’s teaching office. With the publication of the *Catechism of the Catholic Church*, the full implementation of the 1983 *Code of Canon Law*, the general reception of the teaching office of John Paul II and Benedict XVI (including such seminal documents as *Fides et Ratio*, *Veritatis Splendor*, *Ex corde Ecclesiae*, *Deus Caritas Est* and *Spe Salvi*) and the clarification of the role of the local ordinary *vis-a-vis* institutes of Catholic higher education, there has been a renewed focus and vigor brought to our campuses. Thus, despite the scandals in the Church and the general loss of a religious sense in some sections of our society, there is no better time than now to focus on the nature and purpose of Catholic higher education.

The magnificent leadership of John Paul II and Benedict XVI has helped bring a renaissance to many Catholic colleges and universities. Coupled with a growing demand for spiritual substance and depth emanating from the current generation of college-age students³ and the appropriate emphasis on mission required by many accreditation agencies, there is a growing sense that Catholic universities are extremely well situated to serve the holistic needs—spiritual, intellectual, moral, physical—of a demanding and discerning population of college-age students and their parents.

The times call for clarity. Institutions and their leaders must know who they are and why they are. At Mount St. Mary’s University, we are unapologetically committed to being a proud and robust Catholic university preparing young men and women for the challenges facing them in the contemporary world. This is reflected in our governing documents where our Trustees committed the University to fidelity to its Catholic mission:

The Board of Trustees reasserts the critical importance of the Catholic

3. Cf. “*Spirituality in Higher Education: A National Study of College Students’ Search for Meaning and Purpose*,” Higher Education Research Institute of UCLA (www.spirituality.ucla.edu). See also Msgr. Stuart W. Swetland, “*Searching for Answers Today*” in *Questions College Student Ask... about God, Faith, and the Church*, Christine Pinheiro, Kenneth J. Howell, PhD, Foreword by Msgr. Stuart W. Swetland, S.T.D.

identity in all operations of the University. A strong Catholic identity is central to the mission of Mount St. Mary's University. Therefore, all faculty, staff, administrators, executive officers and Trustees are to work in concert with and support this Catholic mission.

The basic tenets of this Catholic mission at Mount St. Mary's include:

1. The University is committed to the person and Gospel of Jesus Christ as the foundation of our values and attitudes which are reflected in our campus culture, policies and procedures.
2. The University fully understands, respects and follows the teachings of the Catholic Church.
3. The University is in full compliance with both the letter and spirit of *Ex corde Ecclesiae*.
4. The University recognizes the authority of the Holy See and the authority vested in the Archbishop of Baltimore regarding the Catholic nature and direction of Mount St. Mary's University.⁴

This statement, like any governing document or mission statement, is only effective if it is rigorously put into action in the day-to-day running of the university. This takes a commitment, a "mission centeredness," as Father Kennedy observes, from the entirety of the university community. Beginning with the Trustees and Administration but continuing through the faculty, staff and students, the institutional and personal commitment to the mission must be absolute. More than likely, not everyone will share the fullness of the Catholic faith on campus; but everyone working on behalf of the university ought to be dedicated to its mission.

This means, among other things, that there is a critical need for well-formed Catholics who know and live their faith and who are willing to serve at every level at Catholic universities. There is a need for accomplished men and women who will be willing to place their managerial and leadership skills at the service of Catholic higher education as trustees. There is an acute need for well-formed Catholic academics who are committed to integrating their faith, their lives, their research and their teaching into a unity of life. Especially needed are those who are willing to engage both their academic discipline and the Catholic intellectual heritage at the highest level to help in the great task of integrating faith and life. There is a need for administrators who can place their

4. *Mount Saint Mary's University Governing Documents* preamble adopted and approved April 2008 by the full Board.

faith and leadership experience at the service of the community of learners that is the university. Staff members, with various skills and vocations, aid in the building of an authentic community centered in Christ. Clergy and religious, especially the Chaplain and his staff, must provide the “daily bread” of Word and Sacrament necessary for personal and spiritual growth and renewal. Other interested members of the greater community and Church can aid the university in its mission.

As college administrators, we cannot overlook the vital role that the President and his or her cabinet play in keeping a university robustly Catholic. Presidents have the most central role. They must never waiver from “blowing the certain trumpet” for Catholicism and keeping the campus focused on Christ. Their cabinets, especially the recently developed idea of mission officers and/or Vice Presidents for Catholic Identity, aid them in the task of “setting the tone.” Obviously, the role of mission officers or Vice Presidents for Catholic Identity and Mission will need further development. There is a vital need for ongoing formation and development of faculty, staff, trustees and administration. There is also a need for liaison with the local church and the local shepherd, the bishop.

Indeed, the bishop’s role is vital. College presidents rightly expect that the relationship with their ordinary will be a fruitful one. But the relationship must be a two-way street. Catholic universities are called to be faithful to the Church and to serve Her mission. But the Church, especially in the person of the Bishop, must serve the University as well. Universities attempt to teach and model “servant leadership.” We ask of our bishops to do likewise by providing a clear vision of how we can help serve one another. Unlike what was stated at Land O’Lakes in 1967, we know that the Catholic university is only one of the places where the Church does its thinking; but we also know that it should be a privileged place of research, discovery and instruction. As Pope John Paul II wrote in *Ex corde Ecclesiae*:

Every Catholic University, as a university, is an academic community which, in a rigorous and critical fashion, assists in the protection and advancement of human dignity and of a cultural heritage through research, teaching and various services offered to the local, national and international communities. It possesses that institutional autonomy necessary to perform its functions effectively and guarantees its members academic freedom, so long as the rights of the individual person and of the community are preserved within the confines of the truth and the common good.⁵

5. *Ex corde Ecclesiae*, 12.

The university serves the common good by its rigorous pursuit of the truth.

An important point must be made here. Academic freedom is not an absolute right—it is a means to assure that the University can pursue the truth and serve the common good. No university, Catholic or not, will allow an absolute license to say or do everything or anything on campus. No one would tolerate overt racism, a “holocaust denier” or an advocate for the violent overthrow of the government (or campus administration for that matter!). Academic freedom ought not to be confused with freedom of speech. The latter is a political right guaranteed in our constitutional system for citizens. The former is one necessary condition for the free and rigorous pursuit of truth in accordance with the appropriate academic standards of each discipline. The Church protects and promotes a “right” or “just” autonomy of earthly affairs. But a rightful autonomy is not an absolute autonomy. As the Second Vatican Council taught:

There seems to be some apprehension today that a close association between human activity and religion will endanger the autonomy of man, of organizations and of science. If by the autonomy of earthly affairs is meant the gradual discovery, exploitation, and ordering of the laws and values of matter and society, then the demand for autonomy is perfectly in order: it is at once the claim of modern man and the desire of the creator. By the very nature of creation, material being is endowed with its own stability, truth and excellence, its own order and laws. These man must respect as he recognizes the methods proper to every science and technique. Consequently, methodical research in all branches of knowledge, provided it is carried out in a truly scientific manner and does not override moral laws, can never conflict with the faith, because the things of the world and the things of the faith derive from the same God. The humble and persevering investigator of the secrets of nature is being led, as it were, by the hand of God in spite of himself, for it is God, the conserver of all things, who made them what they are. We cannot but deplore certain attitudes (not unknown among Christians) deriving from a shortsighted view of the rightful autonomy of science; they have occasioned conflict and controversy and have misled many into opposing faith and science.

However, if by the term “the autonomy of earthly affairs” is meant that material being does not depend on God and that man can use it as if it had no relation to its creator, then the falsity of such a claim will be obvious to anyone who believes in God. Without a creator there can be no

creature. In any case, believers, no matter what their religion, have always recognized the voice and the revelation of God in the language of creatures. Besides, once God is forgotten the creature is lost sight of as well.⁶

Autonomy and academic freedom must be placed at the service of truth.

This is particularly true in the discipline of theology. Catholic theology properly understood is “faith seeking understanding” (*fides quaerens intellectum*). For the theologian, the starting point is faith. Catholic faith is to the Catholic theologian what the periodic table is to the chemist. The chemist may be “free” to reject the periodic table as an “external constraint” to his or her free inquiry. But with this the chemist ceases, in any meaningful way, to be a chemist. He or she may be practicing some kind of discipline, but it will look a lot more like alchemy than chemistry. Similarly, the Catholic theologian who rejects the faith of the Church as interpreted and handed on by the Magisterium of the Church ceases in any meaningful way to be a Catholic theologian.

The Congregation for the Doctrine of the Faith stated this in its *Instruction on the Ecclesial Vocation of the Theologian*:

Among the vocations awakened in this way by the Spirit in the church is that of the theologian. His role is to pursue in a particular way an ever deeper understanding of the Word of God found in the inspired Scriptures and handed on by the living Tradition of the Church. He does this in communion with the Magisterium which has been charged with the responsibility of preserving the deposit of faith.⁷

This wonderfully describes the vocation of the theologian.

Even secular sources recognize that academic freedom is not an absolute. In a provocative editorial in *The Chronicle of Higher Education* entitled “Academic Freedom is Not a Divine Right,” scholar Stanley Fish states that academic freedom is a freedom limited to the task at hand—what he calls “freedom for academics—that is, for those engaged in a certain task.” Fish writes:

It is the nature of that task and not any large abstraction like freedom or freedom of speech that determines the range of permissible and prescribed behavior. You start with the idea of pursuing a line of inquiry to whatever conclusion it brings you, and then you ask for the freedom to engage in that pursuit without interference from external forces that would tie

6. *Gaudium et Spes*, 36.

7. *Instruction on the Ecclesial Vocation of the Theologian*, 7.

you to the agenda of another enterprise. The freedom you ask for is not added on to the project; it is constitutive of it, for you can't follow where an inquiry takes you if obstacles are constantly put in your way. When all is said and done, academic freedom is just a fancy name for being allowed to do your job, and it is only because that job has the peculiar feature of not having a pre-stipulated goal that those who do it must be granted a degree of latitude and flexibility not granted to the practitioners of other professions, who must be responsive to the customer or to the bottom line or to the electorate or to the global economy. (That's why there's no such thing as "corporate-manager freedom" or "shoe-salesman freedom" or "dermatologist freedom.")⁸

Indeed, academic freedom is ultimately about the freedom to do one's job.

Ultimately, the idea of a Catholic University is about the mission to form students to become holy, saintly, well-educated, productive members of the Church and society. The essential characteristics necessary for this task are well laid out in *Ex corde Ecclesiae*:

1. A Christian inspiration not only of individuals but of the university community as such;
2. a continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge, to which it seeks to contribute by its own research;
3. fidelity to the Christian message as it comes to us through the Church;
4. an institutional commitment to the service of the people of God and of the human family in their pilgrimage to the transcendent goal which gives meaning to life.⁹

These characteristics have not changed and will not change. All are necessary if a college or university is to fulfill its mission as a Catholic institution of higher learning.

Father Kennedy's essay contains many important points, some of which are absolutely essential for Catholic identity. It also contains criticism of institutions and persons that, at the safe distance of time and space, may seem outdated. We do not presume to be able to judge these persons and institutions. Neither would we want to

8. Stanley Fish, "Academic Freedom is not a Divine Right," *The Chronicle Review* (Sept. 5, 2008), B10.

9. *Ex corde Ecclesiae*, 10.

try. We assume that the men and women of these earlier times were doing the best they could at the time with the lights they had. Some documents, decisions and approaches obviously did not work to enhance the authentic Catholic witness of our colleges and universities. Hopefully, we have learned much from these false starts and failed experiments. Knowing most of the institutions described and most of the major players involved, we believe that, on the whole, these were good-willed and well-intentioned attempts to advance the Catholic intellectual apostolate. With 20/20 hindsight it is easier now to recognize the failures and mistakes that others have made.

But dwelling on these past problems will not necessarily make the future brighter. This will come only when we who are now entrusted with the stewardship of our Catholic universities hear the clarion call to fulfill our vocations in Christ. We must hear and heed the call to what Pope Benedict XVI calls “intellectual charity”:

This aspect of charity calls the educator to recognize that the profound responsibility to lead the young to truth is nothing less than an act of love. Indeed, the dignity of education lies in fostering the true perfection and happiness of those to be educated. In practice “intellectual charity” upholds the essential unity of knowledge against the fragmentation which ensues when reason is detached from the pursuit of truth. It guides the young towards the deep satisfaction of exercising freedom in relation to truth, and it strives to articulate the relationship between faith and all aspects of family and civic life. Once their passion for the fullness and unity of truth has been awakened, young people will surely relish the discovery that the question of what they can know opens up the vast adventure of what they ought to do. Here they will experience “in what” and “in whom” it is possible to hope, and be inspired to contribute to society in a way that engenders hope in others.¹⁰

It is this commitment to charity grounded in the Gospel of Jesus Christ that requires of us that we be faithful stewards of our great heritage and bearers of hope to those entrusted to our care.

10. Pope Benedict XVI, Address to Catholic Educators, April 17, 2008, The Catholic University of America.

Preface to the Third Printing

The *Apostolic Constitution on Catholic Universities* is the official document of the Catholic Church dealing with Catholic universities. It is known from its opening words in Latin as *Ex corde Ecclesiae*. Issued in 1990, it still has not been fully accepted by most of the Catholic universities of the United States. A complex and protracted document history eventually resulted in *The Application of Ex corde Ecclesiae for the United States*, which became particular law in 2001 through the action of the American bishops.

Years earlier, the American bishops had appointed a committee to recommend national directives for the application of *Ex corde Ecclesiae* to the United States. This committee met with a committee appointed by the Association of Catholic Colleges and Universities, but substantial agreement was difficult to obtain. A pro-tem agreement was signed in June 1996, but many competent observers considered this to have been simply a papering over of substantial disagreement. Further re-workings were required to obtain final Vatican approval. The intransigence of American Catholic universities continues to have a great effect on the Canadian situation. It was not until 2006 that ordinances approved by the Canadian bishops for the implementation of *Ex corde Ecclesiae* took force.

Charles Rice, now an emeritus professor of the University of Notre Dame Law School, believes that several Catholic universities are past the point of no return, and has listed the three most contentious requirements of the *Apostolic Constitution*: (1) those teaching theology must have a mandate from the bishop of the diocese in which the university is located; (2) the university should adhere to the teaching of the Church's Magisterium; and (3) the majority of the faculty must be Catholic.¹

Concerning the first point, Kenneth Whitehead has traced the history of contemporary negotiations between Catholic universities and the Holy See back to their beginning in 1968 and the founding of the International Federation of Catholic Universities (IFCU); in its 1972-74 document the IFCU said that bishops have both the

1. *Catholic Dossier* (July-August 1997).

right and the duty to intervene in university matters, even to the point of declaring teachings to be incompatible with Catholic doctrine. And Whitehead points out that the 1983 *Code of Canon Law* requires teachers in the theological disciplines to have a teaching mandate from the competent ecclesiastical authority (canon 812).² In 2001, the American bishops authorized publication of *Guidelines Concerning the Mandatum in Catholic Universities*, intended “to explain and serve as a resource for the conferral of the *mandatum*” according to the binding ordinances of *The Application*.

Concerning the second point, Gerald Bradley, another Notre Dame Law School faculty member, states that “our university theological establishment is neck deep in dissent from authoritative church teaching,” and Ralph McNerny, also of Notre Dame, claims that, for American universities, “The enemy is no longer a Vatican bureaucracy but the faith itself.” A quote from the late Archbishop Fulton Sheen is still instructive: “I tell my relatives to send their college-age children to secular institutions where they will have to fight for their faith, rather than to Catholic institutions, where it will be stolen from them.”³

The late Monsignor Terry Tekippe of Notre Dame Seminary in New Orleans studied the declaration of the Catholic Theological Society of America on this matter, and said that its “statement appears aggressively to separate the Catholic college or university from any connection or responsibility to the larger Church.”⁴

Concerning the third point, McNerny laments: “A laicized priest, a former religious, a fallen-away Catholic, or a Protestant may be at the front of the classroom. Recently a student told me that, in his biology course, the assigned content was tossed out in favor of prolonged bull sessions on women’s ordination. The student, having noted that several recent magisterial documents dealt with the matter, suggested that these be read and studied. The suggestion was laughed away. The instructor was Lutheran. This is far from being an isolated incidence.”⁵

Tekippe believed that “the question of the future of the Catholic university in the United States, then, becomes the question whether a critical mass of faculty and administrators, committed to the Catholic model of the university, is present, or can be hired in the foreseeable future.” “In my sober estimate,” he wrote, “that is likely in a minority of universities...but not in a majority.”⁶ One example of the decline of Catholic

2. *Ibid.*

3. *Homiletic and Pastoral Review* (March 1997), 59.

4. *Ibid.*

5. *Catholic Dossier* (July-August, 1997).

6. *Homiletic and Pastoral Review* (March 1997), 61.

faculty in Catholic universities is the University of Notre Dame. The Sycamore Project reports in 2008 only about 52 percent of the faculty are Catholics, down from 85 percent in the 1970s.⁷ Project President William Dempsey concludes, “Worse, with a reduction to account for dissident and nominal Catholics, there is no longer a faculty sufficiently Catholic to sustain the school’s historic claim to Catholic identity.”⁸

An organization dedicated exclusively to the re-Catholicization of de-Catholicized universities in the United States, The Cardinal Newman Society, began in 1993. It contacts administrators, faculty, students and alumni of American Catholic universities in an effort to improve the faith commitment of these universities in the short run and to save the universities for the Church in the long run. I am pleased that this organization through its research division, The Center for the Study of Catholic Higher Education, is republishing this book.

How to Keep Your University Catholic has been written in the hope that at least some of the many Catholic colleges and universities of the United States and Canada may be saved for the Faith.

7. William Dempsey, “*The Pope vs. The Professors*” (www.projectsycamore.org) July 5, 2008.

8. *Ibid.*

Preface to the First Printing

Two words in the title of this book should be explained at the outset. For the sake of simplicity, and with only a few obvious exceptions, “university” stands for college or university. “Catholic” implies “loyal to the teachings of Christ as proposed by the Catholic Church’s Magisterium.” Today, many load this word with various unorthodox meanings, but I have no desire to preserve inauthentic Catholicism in our institutions.

It is my contention that Catholic universities in the United States are not healthy. This book is based on the premise that the condition of these universities can be improved. Perhaps other denominations will find it useful also. The basic problem in nearly all our Catholic universities is not financial, but *whether or not to be truly Catholic*. Many persons believe that, if the financial problem were solved, all would be well. This delusion is widespread, despite the fact that some of our universities are flourishing financially and close to bankruptcy religiously. The late writer Christopher Derrick states:

Within American higher education today, it is becoming increasingly unreal to apply the objective “Catholic” to institutions which once claimed it proudly and with good reason....In a number of cases, the college has frankly renounced its claim to have a distinctively Catholic character, usually in return for government money. This was at least honest. But that claim often continues to be made even where it has lost all plausibility.¹

Ralph McInerny writes:

Unless we say our prayers and God is merciful there will be no colleges or universities worthy of the name Catholic before many years have passed. Except for the new ones, like Thomas Aquinas, Thomas More, Christendom.²

1. Christopher Derrick, *Flight from Skepticism: Liberal Education as if Truth Mattered* (La Salle, IL: 1977), 106.

2. “Drawing the Line,” *Catholicism in Crisis* (March 1986), 49.

Alice von Hildebrand says:

The sight that confronts us is a pitiful one....Wherever we look, we see only ruins: many Catholic universities have been closed; others have betrayed their Catholicism and are vying with secular universities in their secularism....Catholic schools, colleges, and universities have been sold to the "spirit of the time"; they have caught the "ism" disease, succumbing to subjectivism, relativism, historicism, or idealism. For all practical purposes, in several of these schools, God is dead.³

And we have an equally dismal picture from a special committee struck by the American Philosophical Association to examine the teaching of philosophy in Catholic universities. Claiming that Catholic universities "are vague and confused about their objective and their nature," the committee says:

In many "Catholic" colleges, a good number of professors are either not basically committed to passing on a Catholic tradition in any definable sense of the term or, if they are, they find their own work...not relevant to any properly Catholic objective....Some "Catholic" colleges...judged "the Catholic philosophical tradition to be either of small or of no relevance whatever to their teaching." The chairman of philosophy in one large "Catholic" university replied that none of almost a dozen full-time philosophers found the Catholic philosophic tradition relevant to their teaching.⁴

My own study will not be exhaustive; it is not the result of surveys based on questionnaires sent to all Catholic universities. Such a study would have its value, but more needed is a modest program for immediate implementation. The program presented here, and its practicability, have to recommend them actual participation in, and reading about, the life and difficulties of Catholic universities over many years. I have been dean of philosophy in an American Catholic university and president of two Catholic colleges in Canada. Most of the problems of being Catholic are common to the universities in both these countries.

3. *The Nature and Mission of a Catholic University* (Steubenville, OH: 1987).

4. "The Secularization of Western Culture and the Catholic College and University," *Current Issues in Catholic Higher Education* (Summer 1981) 7-23. See also L. A. Kennedy, "Our 'Catholic' Colleges," *Fidelity* (April 1988), 18-19.

How to Keep Your University Catholic

Author's Note: This publication is a straightforward guide to help those committed to promoting a true Catholic identity at Catholic colleges and universities. This prescription covers the role of bishops, trustees, administrators, faculty members and students, as well as the impact of the curriculum, academic freedom, "indoctrination" and federal aid.

A Case Study

One common reason for Catholic institutions diluting their Catholicity has been a real or imagined threat of going bankrupt, a fear intensified by the realization that the number of priests and religious on the faculty is steadily decreasing. This fear is the reason for all but one of the Catholic universities of New York State accepting state money on condition that they restrict their Catholicity.

Foreseeing that situation, Fordham University in New York commissioned two lawyers to determine what changes would have to be made if Fordham were to cease being Catholic and so become eligible for state funds as a private university.

Their report, published in 1970,¹ is thorough, well-written, and includes an excellent summary of the state-church relations with regard to education. The report notes that New York State forbids aid to universities “in which any denominational tenet or doctrine is taught.” In another state the report’s recommendations may have been in degree rather than in kind. According to the report, courts and judges would consider a university non-sectarian only after considering many aspects of the institution, such as:

1. Its description of itself.
2. The manner of selecting the governing board.
3. The manner of selecting administrators, faculty, and students.
4. The university’s ties with a religious community, or its financial arrangement with a church or body affiliated with a church.

1. W. Gellhorn and R. K. Greenawalt, *The Sectarian College and the Public Purse: Fordham — A Case Study* (Dobbs Ferry, NY: 1970).

5. Associations in which the university holds membership.
6. Religious symbols.
7. Whether Catholic religious observances are required, facilitated, or suggested.
8. Whether religious activities of non-Catholic groups are encouraged or allowed.
9. The place of religion in the curriculum.
10. Extracurricular religious activities.

The suggested changes for Fordham to achieve a nonsectarian status were sweeping. Some of them were:

1. It should not call itself Catholic and should, in its self-description, sound as secular as possible.
2. The Jesuit monopoly of legal power should be terminated.
3. The president should not have to be a Jesuit; faculty should not have to be Catholic or even sympathetic toward Catholic principles or committed to the Christian way of life.
4. The university should distance itself from parts of it that are too obviously Catholic: its preparatory school, the John XXIII Center for Eastern Christian Studies, the main chapel, the Jesuit residence, and the graduate theology section.
5. Some non-Catholics, or at least “Catholics who have had a nonsectarian education experience,” should be hired to teach theology.
6. The university should discontinue membership in organizations whose members must be distinctly Catholic.
7. Most of the crucifixes should be removed.
8. The Cardinal Bea Institute (which studies the relevance of religion to contemporary life) should become less distinctively Catholic.
9. There should be “a greater infusion of...secular and non-denominational activities on the summer-time campus.”
10. Non-Catholic religious groups should be allowed use of one or more of the university’s chapels.
11. No Catholic “tenet or doctrine” should be taught.

We would hardly believe that Fordham could have contemplated taking any such steps until we discover, however, that some of the more unpalatable ones had already been taken and more were on the way. In its advertising, for example, Fordham was hiding its Catholicity. An official in the Admissions Office said: “We make a secular

university pitch, never a religious one. We don't sell Fordham as a place where you can save your soul. The kids to whom we are talking want to know whether they can get a good education at Fordham—and a good job afterward.” Already somewhat tolerant of non-Catholic teaching in the theology and philosophy departments, Fordham was slowly to become more indifferent: “Fordham, has done enough—and will no doubt in time do even more—to show persuasively that...faculty members who are theologians and philosophers...are not doctrinally shackled.” A newly proposed statement of academic freedom dropped this sentence: “The teacher is entitled to freedom...but he should be careful not to introduce into his teaching controversial matter which...is contrary to the religious...aims of the institution.” If religious aims remained at the end of its transformation, Fordham professors would not have to respect them.

The authors found that the theology department had already dropped any concern about being “a place where you can save your soul.” Indeed, according to the authors, “the Department of Theology declares purposes in terms that might readily be adopted by any of the scientific or humanistic departments of the University.” And the students’ code, they note approvingly, was already “completely secular in tone.”

It is clear that Fordham had lost much of its Catholic nature before it commissioned a study of how it could cease to be Catholic to the extent necessary for receiving government funding. Did a desire for government aid come after the Catholicity had waned?

That secularization and government aid are two different issues is more easily seen in Canadian Catholic colleges. In Canada the state may help religious institutions provided it does not favor one denomination. The execution of this principle belongs to the ten provinces individually, each of which is in charge of its own educational policies. In some of these provinces at the present time, Catholic elementary and secondary schools are fully funded for both capital and operational expenses; in some, Catholic and other denominational colleges, as part of the provincial universities, are fully funded operationally, but are responsible for their own capital expenditures such as construction. Better funded by the government than their counterparts in the United States, these Catholic colleges are not all doing well with regard to their Catholicity, however.

Fordham University, one surmises, hoped to balance being Catholic against being non-sectarian in order to gain sufficient state aid and continue to exist. But how is it possible to be Catholic and non-Catholic? If New York State cannot give aid to a university which teaches Catholic doctrine, and a university which does not teach Catholic doctrine cannot be a Catholic university, how can aid be received without

the university foregoing its Catholic identity? Even the authors of the Fordham study advert to this danger: "...public aid is not worth having if it can be gained only by ignoring the goal a college or university is striving to attain."

At any rate, Fordham applied for nonsectarian status and state aid, and on February 19, 1970, the State of New York decreed "that Fordham was no longer a sectarian institution." Now, if it is not sectarian, how can it be Catholic? And, if it is not Catholic, how can it be Jesuit?

The amount of money received from New York State is comparatively little. A college in Rochester formerly conducted by my own religious community, which made itself non-sectarian, receives only four percent of its budget from New York State.

One might expect some of these universities to have realized their mistake, but a certain internal logic works against reversing such a step. First, people do not like to admit that they have been wrong. Second, the institutions become dependent on the money, however small the amount. Third, one step involves others, so that extrication becomes almost impossible. After all, once there is a secular definition of academic freedom, the institution is very soon practically a secular university.

Fordham provides a convenient example: In the 1980s it was charged by the State of New York with religious discrimination, being sued by Dr. Phyllis Zagano for not reappointing her to the faculty of the Department of Communication because she was "too Catholic"; the head of the department who opposed her reappointment wrote for a pornographic magazine; and Fordham's Jesuit president defended the department head's doing so.² Decisions, after all, have consequences.

2. *New York Post* (Jan. 17, 1986) 6; *Eastern Oklahoma Catholic* (Oct. 26, 1986), 5, 18.

The Bishop

Who is the “your” in *How to Keep Your University Catholic*? A professor? A group of professors? The president? An alumni organization? A religious community? It may be any and all of these, but ultimately the bishop and the trustees (or directors, or regents, as they may be called) must be won over. It is to them, therefore, that this book is primarily addressed.

In some diocesan universities the bishop is chairman of the trustees, in others simply a member of the trustees, and in others not a trustee. But it should make no difference. And it should make little difference whether a university is conducted by a diocese, a group of Catholic laity, a religious congregation, or a board of trustees set up by a religious congregation; for, according to the 1983 *Code of Canon Law*, a bishop has the duty and right to see that the principles of Catholic doctrine are faithfully observed in all institutions of higher studies in his diocese which call themselves Catholic (canons 810, 814). He can declare a university to be Catholic or no longer Catholic (canon 808) and can withdraw from anyone teaching theological subjects the mandate to do so (canon 812). No doubt these powers should be exercised only after other means of dealing with difficulties are exhausted; these canons are first of all intended to ensure that a Catholic university will consult with the local bishop. Of course, if a bishop has a diocesan university, he could influence it more readily than otherwise.

The chief barrier to bishops exercising, or trying to exercise, effective influence over universities in their dioceses is one of attitude. Up to 1960 Catholic universities transmitted the faith, and bishops could follow a policy of benign neglect. But, although the faith has not been transmitted well since 1960, the bishops have continued their policy of neglect to the point that some are encouraging universities to become independent

of bishops and the Pope. Both an archbishop and an auxiliary bishop signed the Land O'Lakes (Wisconsin) document of 1967, advocating that Catholic universities be free of church authority.³ And, in the bishops' only pastoral letter on Catholic higher education,⁴ there was no mention of episcopal rights vis-à-vis theologians, but simply a wish that there be "a fruitful cooperation with theologians" and that a "delicate balance" be maintained. An archbishop gave an *imprimatur* to the American commentary on the new *Code of Canon Law*⁵ which states that the Code does not apply to North American universities.⁶ And a president of the National Conference of Catholic Bishops has stated that "there is no reason in principle that the accepted standards of academic freedom should not be accepted in the study of Catholic theology," thus accepting a definition of academic freedom which is opposed to canon law.⁷ Then, too, the bishops' own university, The Catholic University of America, was a hotbed of dissent in the 1980s, its then-president pushing for a secular definition of academic freedom in the university's own publication.⁸ And action against its dissent came, finally, from

3. *Statement of the Nature of the Contemporary Catholic University* issued by the International Federation of Catholic Universities, August 1967.

4. *Origins*, 10 (1980-81), 378-384.

5. *Commentary on the Code* (Mahwah, NJ, 1985).

6. L.A. Kennedy, "The New Commentary on the Code," *Fidelity* (December 1986), 14.

7. L.A. Kennedy, "The Bishops and their Universities," *Fidelity* (June 1987), 14.

8. "Envisioning the Future," *Envoy* (Spring II, 1987) 5. Father Byron says that freedom from Church control is necessary for a Catholic university, and hopes that a secular definition of academic freedom will be honored. He acknowledges that truth limits this freedom, but does not seem to think that faith does so. Again, in a Georgetown University Symposium, *Many Mansions* (November, 1987), he says that, if a bishop or the Pope is to request the removal of a professor, this is a violation of academic freedom (transcript of *Many Mansions*, p.47). The president also questions the competence of a bishop to judge the work of any theologian unless the bishop has theological publications: "If bishops are to critique the work of other theologians but cannot present work of their own, the question arises about their competence to judge theologically the work of other theologians" (*ibid.*, p.19). Father Byron later modified his views considerably on academic freedom, perhaps due to his involvement in the Charles Curran case, but he retains his views about bishops who do not publish (*Origins*, 18 [1988-89] 597-604). Father Richard McBrien, former chairman of the theology department at the University of Notre Dame, agrees with Father Byron's earlier position. As regard academic freedom, he says: "In other words, church-related institutions...have to honor and abide by the principle of 'secular' academic freedom..." ("Academic Freedom in Catholic Universities," *America*, Dec. 3, 1988). He admits that there should be a limitation on the freedom of Catholic theologians who contradict definitive teachings of the Church, but denies this as regards other teachings, such as that masturbation is seriously sinful. Father McBrien also holds that bishops are not competent to judge theologians unless the bishops have published. Presumably, then, they would have to publish on every subject concerning which they want to correct a theologian: " why should theologians try to discern the meaning of revelation and the content of faith if the bishops somehow already know the answer—and without ever having had to crack a book or learn an array of foreign languages...?" "Bishops are not professionally trained and professionally active theologians...Almost none of them was ever professionally active in teaching, in professional societies, or through publications in schol-

the Vatican rather than from the American bishops.

If the identity of Catholic universities is to be preserved, bishops will have to exercise their authority, a task best done through the trustees. For since any institution calling itself Catholic must follow Canon Law, those who legally control it, the trustees, are likewise bound by Canon Law. Nevertheless there remain those like Father Hesburgh, C.S.C., a former president of Notre Dame, who once said that the university's trustees would not obey the local bishop because they are bound by the articles of the board of trustees.⁹ This is to deny the right of the Church to tell a Catholic university what the Board's articles *should say*. As long as Notre Dame calls itself Catholic, its trustees are bound by Canon Law and therefore required to see that the principles of Catholic doctrine are faithfully observed at Notre Dame. If the present articles of the Board do not provide for such observance, they should be revised to accord with the sacred canons and to facilitate the bishop's supervision of the university.

Ex corde Ecclesiae, issued by Pope John Paul II,¹⁰ has made this matter clear: "Every Catholic university...has a relationship to the Church that is essential to its institutional identity. As such, it participates most directly in the life of the local Church in which it is situated. At the same time...each institution participates in and contributes to the life and the mission of the universal church...One consequence of its essential relationship to the Church is that the institutional fidelity of the university to Christian message includes a recognition of and adherence to the teaching authority of the Church in matters of faith and morals" (27).

Ex corde says that bishops "should be seen not as external agents but as participants in the life of the Catholic university"(28), and that "a Catholic university is linked with the Church either by a formal, constitutive, and statutory bond or by reason of an institutional commitment made by those responsible for it" (Norm 2, 2). It also states that "a university...is to incorporate these general Norms...into its governing documents and conform its existing statutes both to the general Norms and to their

arly journals or books." Father McBrien seems to think that theologians would be much better guardians of Catholic truth than bishops. The only problem, of course, is that God has decided otherwise, to Father McBrien's consternation: "How, precisely, do bishops (including the Pope) come to know more about the mysteries of faith than do those who study these mysteries in a sustained and scholarly way?" He seems to rule out the bishops' consulting trusted theologians, and certainly rules out their listening to other bishops or the Pope. Perhaps, then, he should recall Christ's prayer in the Gospel of St. Matthew: "I thank you, Father, for having hidden these things from the wise and the learned, and having revealed them to little ones."

9. L.A. Kennedy, "The Bishops and their Universities," *Fidelity* (June, 1987), 12.

10. *Origins*, 20 (1990-92), 265-276.

applications and submit them for approval to the competent ecclesiastical authority” (Norm 1, 3). A university is also required “to make known its Catholic identity” and, “particularly through its structure and its regulations, is to provide means which will guarantee the expression and the preservation of this identity...” (Norm 2, 3). If a problem arises concerning a university’s Catholic character, “the local bishop is to take the initiatives necessary to resolve the matter..., if necessary with the help of the Holy See” (Norm 5, 2).

We can see from these provisions of *Ex corde* that bishops are empowered to recognize as Catholic only those universities which require of the Board of Trustees, the administrators, and the faculty, a formal institutional commitment to the truth of the Catholic faith and to the authority of the Church’s Magisterium, and whose curriculum and organization of student life reflect this commitment.

In the present crisis in Catholic universities, many bishops will have to act. Prudence dictates strong action in critical situations. Why, then, cannot each bishop ask universities within his jurisdiction to have the articles of the board of trustees explicitly accept the teaching of the Church and the canonical authority of the bishop? Such a request could uncover unresolved problems in the relations between a bishop’s universities and the Church.

Unfortunately, ambivalence over dissent has kept many bishops from acting against their universities. We must ask, “If the trumpet give forth an uncertain sound, who will prepare for battle?” The disorder in our universities is a continuing cause of disorder in the Church, but it is also, at a deeper level, a result of it. For this reason, a diocese which has not decided to reform dissent in general cannot hope to reform dissent in its universities.

The Trustees

According to civil law, the board of trustees has ultimate authority over a Catholic university. We have examined the board's duty to have the statutes of the university recognize Church law. Now let us look at the composition of the board. In the euphoric atmosphere of the last twenty-five or more years, many religious communities felt guilty about owning universities. There was a vague feeling that it was more appropriate to surrender control of them, with the result that many religious orders, acting rather imprudently, gave their control away. They did not consider setting up a purely advisory board, whose advice would always be followed except in decisions detrimental to the religious nature of the institution; or a board with full power but whose members were chosen by, and held office at the pleasure of, the religious community or episcopal corporation. Nor did they limit membership on the board to Catholics. In many cases, then, Catholics were chosen initially, but later appointments included non-Catholics or nominal Catholics. Often, too, members of the religious community or episcopal corporation on the board were in the minority.

Most boards, in religious matters as in academic ones, follow the wishes of the president and faculty. In other words, except in financial matters, boards do not formulate policy. Consequently many boards do not concern themselves with the preservation and improvement of the university's religious goals. Once this situation develops, the Catholicity of such institutions is in jeopardy. And, indeed, once the trustees accept, explicitly or implicitly, that first step towards de-Catholization, the slope downward is slippery indeed.

In a Catholic institution, the board's chief responsibility is to safeguard its religious

nature. *Ex corde* says that “the responsibility for maintaining and strengthening the Catholic identity of the university...is entrusted principally to...the chancellor and/or a board of trustees or equivalent body...” (Norm 4, 1). And, unless the board is composed mainly of committed Catholics, it is simply unrealistic to think that it can carry out its task. How can a board preserve an institution as Catholic if the board itself is not thoroughly Catholic? The Association of Catholic Colleges and Universities has been lyrical in its praise of appointing non-Catholics as members of boards.¹¹ My own experience has been that the scholastic adage *operatio sequitur esse* (“a thing acts in accordance with its nature”) is as valid here as anywhere and admits of no exceptions.

Assuming, however, that we have a board that wishes to maintain a Catholic university loyal to the Magisterium, we must next explore the wording of its statutes and by-laws. Legal assistance should of course be sought, but the lawyers themselves will need guidance in their task. The final arbiter as to what is, or is not, the teaching of the Magisterium should be the local bishop. An alternative would be to make the arbiter a small committee composed of, say, the bishop, the chairman of the board of trustees, and the archbishop of the ecclesiastical province concerned (or a neighboring archbishop if the university is in an archepiscopal see). No doubt the law will require some concrete arbitration procedure and a concrete arbitrator or arbitration panel, and such can be arranged.

This matter of statutes and by-laws is extremely important: everything should be set down in writing and approved by the board. At the time of their founding most Catholic institutions had so clear a purpose and nature that the principles and details of operation were seldom committed to writing or explicitly approved. The situation is different today. The university’s policies on all matters must be put in writing and be approved by the highest governing body. In this way the policies can shape the institution, and be less threatened when disputes arise.

I repeat: the Catholicity of a university rests with the board of trustees. If the board does its work well, receiving direction from canon law and working in harmony with the bishop, the institution will retain its authentic religious nature. Perhaps the most significant passage in *Ex corde* is this: “The identity of a Catholic university is essentially linked to the quality of its teachers and to respect for Catholic doctrine. It is the responsibility of the competent authority to watch over these two fundamental needs in accordance with what is indicated in Canon Law” (Norm 4, 1).

11. *Origins*, 15 (1985-86), 700.

The Administration and Faculty

Since we are dealing in this book with only one point—the Catholicity of our universities—we must take for granted that, in appointing administrators and faculty, the board will assure itself that candidates have sufficient training, competence and experience to fill job requirements other than those required by the religious nature of the institution. The point here is that the religious character of the university determines the most important requirements for administrators and faculty. The religious dimension of the university has as its goal the religious formation of the students, a goal which will be achieved primarily through the influence of administrators and faculty for, although the functions of the university chaplaincy are important, they can only supplement the influence of administrators and faculty; they cannot equal it. For example, on a secular campus, as much as a chaplain might try to counteract this influence, his success will be limited. At worst, unsuitable administrators or faculty members may thoroughly undo the work of the chaplaincy; at best they will lessen it.

Administrators are no less important in Catholic universities than elsewhere: they set the tone for faculty and students, and they have great influence in appointments of faculty. Great care is required therefore in the appointment of the president and other administrators. They should be committed Catholics, with a thorough knowledge of Catholic theology and Church history, convinced of the importance of Catholic universities and what is required to keep them Catholic. The president, in particular, will be the instrument through whom the trustees will implement many of their decisions. The *Ex corde* says that “the responsibility for maintaining and strengthening the Catholic identity of the university...calls for the recruitment of...administrators who are

both willing and able to promote that identity” (Norm 4, 1).

I never cease to be surprised at the lack of concern in some administrators about appointing committed Catholics. They may admit that a certain number of the faculty should be such Catholics, but no more. Rarely is such a qualification a *sine qua non* of appointment. Yet the *Code of Canon Law* reads: “It is the duty of the competent statutory authority to ensure that there be appointed teachers who are not only qualified in scientific and pedagogical expertise but also outstanding in their integrity of doctrine and uprightness of life (canon 810). It is thought fanatical to suggest that *all* faculty members should be good Catholics. What was taken for granted some decades ago is now denied without an argument. And, should administrators deign to argue the matter, they always raise the same eleven points:

1. It would not be possible for us to discontinue the contracts of a large number of people, many of whom have tenure.

To this I reply that there is a difference between hiring and firing. We are not recommending an undoing of the past but a fresh start for the future. There are obvious obligations to present faculty, who will understandably be afraid of being let go. If job security is not assured at the outset, nothing will be accomplished.

2. There are many Catholics whom I would not want on the faculty.

Strange to say, this argument is frequently encountered. Of course, no one is suggesting that faculty be hired solely on the basis of their being Catholic. The principle is that, *in addition to* being competent teachers, *in addition to* being congenial and hardworking, faculty members should be good Catholics.

3. No one can say whether a person is a good Catholic.

This statement can be interpreted in two ways. It may imply that the Catholic faith is so amorphous that practically anyone calling himself a Catholic must qualify as a good one. What an institution needs, then, is an objective criterion, and an effective one is at hand: does the person wish to be loyal to the Church’s Magisterium? If so, the understanding of the faith is clear enough, since it can be found in the 1994 *Catechism of the Catholic Church*. If not, the very notion of a test of Catholicity has been abandoned, and the institution can only end up being of disservice to the Church. The second meaning of the statement is that a person’s faith and religious practice cannot be determined. But this is simply erroneous; determining it is as easy or as difficult as learning what the person’s teaching

competence is. A diligent inquiry may be required in either case, but it is equally possible in both.

4. Seeking information of this type is illegal.

Legal matters can be settled by consulting a competent lawyer. And consultation shows that such information may be asked for. Federal and state (or, in Canada, provincial) laws allow religious educational institutions to use religious faith and practice as a criterion in appointments as long as the criterion is publicly stated. It is therefore as alarming as it is revelatory to see Catholic colleges advertising without reference to their religious commitment, or even stating that they hire without discrimination as to creed.

5. At our particular institution we have accepted state aid and have given up the right to prefer Catholics.

To this I say that it would be better to refuse state aid and save the nature of your institution.

6. There are some wonderful people on our faculty who are not Catholics. They are good teachers, congenial, and dedicated to the purpose of the institution.

Of course, we all know such persons and are thankful for them; but we should not argue by exceptions. We want the ideal professors. If one is not available in a given case, we have to approximate to the ideal. Most of the time this will still result in appointing someone who is a good Catholic, though it may be that a devout Protestant Christian would be hired.

7. We shouldn't live in a ghetto.

This slogan is often used. There are two replies. The first is that no ghetto could survive in the modern world, even if it wanted to. Students view television and films, read newspapers and magazines, and meet every kind of person. This leads to the second and the real reply to this slogan; that is, that in one sense we do want a "ghetto" as an oasis where Catholics can be Catholics, where the faith can be expressed, discussed, and developed. Only with this kind of help will they be able to remain committed Christians in a secular world.

8. The Church wants its institutions to be ecumenical.

Correct. But true ecumenism is an attitude of understanding joined to charity, not of indifferentism. In Catholics it requires a thorough knowledge of their faith. To turn out graduates who do not know their

own religious tradition is to be anti-ecumenical at the most fundamental level. The ecumenical orientation of our colleges would be better expressed by dialogue with other religious institutions, not by confusion at home. Furthermore, faculty hired today will often be on staff for thirty or forty years. An institution could easily become more “ecumenical” than Catholic.

9. Hiring good Catholics is important in the theology department, but it is not necessary for other departments.

If only our colleges *would* hire, for their theology departments, Catholics loyal to the Magisterium! We would then see more clearly that *all* the departments of the university should contribute to the Catholicity of the students’ education. If these latter departments were to present their subject in a framework of faith, they would deepen the students’ ability to integrate their knowledge and their religious belief. Why should a Catholic college not use all its resources? And what type of person can best help in this work of integrating knowledge and the Catholic faith? An agnostic? Certainly not; this is work for a committed Catholic. *Ex corde* states: “Aided by the specific contributions of philosophy and theology, university scholars will be engaged in a constant effort to determine the relative place and meaning of each of the various disciplines within the context of a vision of the human person and the world that is enlightened by the Gospel and therefore by a faith in Christ...” (16).

10. To follow this principle in hiring would be insular and intolerant.

A Catholic university has a definite aim. Achieving it requires appropriate means. The Catholic university cannot achieve its aim without hiring good Catholics, any more than a French-speaking university can attain its goal without hiring French-speaking professors. A Catholic university need not apologize for preferring Catholics any more than does a French-speaking university for preferring faculty who speak French. One could not imagine an American Jewish community allowing a professor to teach anti-Semitism, nor could one imagine the American public faulting the university for not hiring the professor. Similarly Catholic universities should not hire professors whose religious orientation is at variance with Catholicism.

11. Many of our students are not Catholic.

The primary purpose of a Catholic university is to produce Catholic

leaders. To form them requires using all the university's resources. And the primary resource of the university is the faculty. The faculty therefore should be thoroughly Catholic. If non-Catholic students come to a Catholic university, they should do so because it is Catholic. If this is not their motivation they should not be admitted. The presence of non-Catholic students is therefore no reason for making the university less Catholic by hiring non-Catholics.¹²

If possible, then, all the administrators and faculty in a Catholic university should be practicing Catholics. Why settle for less? Perhaps, in a given case, it may not be possible to find the right person, but one can wait for the right person by making temporary arrangements with the best approximation to the ideal. After all, a Catholic university has the right to be Catholic and therefore the right to use the means necessary to guarantee, and enhance, its Catholicity.

Taking religious commitment as the basic criterion for appointment, the same holds for promotion and for the granting of tenure. A university lax in hiring will be forced to continue in the same lax mode. On the other hand, it could be made clear to professors applying for tenure or promotion that a basic criterion by which they will be judged is their incorporation of religion into their work. It is unfair to bring in new criteria after they are hired. They should know, therefore, from the start, that a deficiency in this matter papered over at the time of their hiring can be grounds for denying promotion or tenure. *Ex corde Ecclesiae* says that "all teachers..., at the time of their appointment, are to be informed about the Catholic identity of the institution and its implications, and about their responsibility to promote, or at least respect, that identity" (Norm 4, 2), and that "all Catholic teachers are to be faithful to, and all other teachers are to respect, Catholic doctrine and morals in their research and teaching" (Norm 4, 3). Also, "in particular, Catholic theologians, aware that they fulfill a mandate received from the Church, are to be faithful to the Magisterium of the Church as the authentic interpreter of Sacred Scripture and sacred tradition" (Norm 4, 3).

Something similar holds even for tenured professors. Even after receiving tenure they too will know that the religious dimension of their teaching is of prime concern. It is unfair to dismiss them for what was present and known at the time they were given tenure, but not for changes after they are tenured. A Catholic university should not allow teaching opposed to the Magisterium of the Church at any time, whether before or after tenure. The university should be serious and adamant in this matter. Of course,

12. This material first appeared in L. A. Kennedy, "Keeping the 'Catholic' in Catholic Colleges," *Catholicism in Crisis* (January 1986), 24-25.

especially in the case of a tenured professor, the matter must be important and there must be a refusal to correct it, a refusal given in words or deeds. The university's statutes should state this plainly, and list the steps to be taken in a case of dismissal.

Everyone knows how upsetting and unpleasant a dismissal is. All the more need for care to be taken at the time of appointment, promotion, and the granting of tenure! The words of *The Imitation of Christ* come to mind: "Resist beginnings; all too late the cure when habit has gained strength by long delay."

A committee of the American Catholic Philosophical Association, the committee mentioned earlier, warns us of the dangers of appointing faculty who are unsuitable from a religious point of view:

It is foolish not to take into consideration the moral character of a candidate for faculty membership. When a scholar becomes a member of a university faculty, he becomes part of a collegium, a collegium that he will in due course come to influence, whose tone he will help to establish.¹³

Yet we find universities which do not mention specifically Catholic or even Christian qualities as being normative for faculty. Take, for instance, this statement from St. Norbert College:

Within the academic program the college considers it the responsibility of all members of the faculty to embrace such personal values as integrity, honesty, and concern for others as well as such societal values as a commitment to thoughtful citizenship, social justice, and peace....Some faculty, while neither sharing the Catholic tradition nor the Christian faith, remain at St. Norbert's because they lead lives of inquiry that support a commitment to the realm of moral value.¹⁴

One wonders what "moral value" is envisioned here. Is it: Love of God? Or the Catholic teaching related to the family? Or is it the condemnation of contraception, abortion, homosexual activity and remarriage after divorce? Under so vague a clause Karl Marx and Sigmund Freud would have qualified for appointment. One suspects that this institution's commitment to Catholicism has already been so diluted by the presence of non-Catholic faculty that the institution is no longer able to state what a Catholic university stands for.

13. "The Secularization of Western Culture and the Catholic College and University," *Current Issues in Catholic Higher Education*, II, 1 (Summer 1981), 14.

14. "A Values Program at St. Norbert College: Education-by-Objectives," *Occasional Papers* (Association of Catholic Colleges and Universities) IV, 1 (1978), 21-22.

At the heart of Catholic education are good, learned, Catholics, who love God and their faith, and share this love and this faith with the younger members of the university community. Pope John Paul II is certainly convinced of this:

The purpose of a Catholic university lies in the pursuit of research and instruction but such a university must likewise allow the students to carry on their studies in an atmosphere consistent with the faith, to find the means to deepen this faith, to learn the rudiments of the spiritual life and Christian activity....Such a demand concerns first of all the professors on the staff, who must not be afraid of bearing witness to the faith which motivates them, to their ethical reflection in the light of the Church's teaching.¹⁵

I remember few incidents in my undergraduate days that impressed me as much as one of my chemistry teachers marveling in front of the class at the divine wisdom after he had taught us the laws of thermodynamics. I have forgotten the laws of thermodynamics, but not his love of God.

15. K. D. Whitehead, *Catholic Colleges and Federal Funding* (San Francisco: 1988), 83-84.

The Students

The primary purpose of a Catholic university is to produce well-trained Catholics who will occupy influential places in society as clerics, lawyers, doctors, nurses, judges, businessmen, educators, and so on, as well as influence others through their roles as spouses, parents, and parishioners. According to *Ex corde*, students “should realize the responsibility of their professional life, the enthusiasm of being the trained ‘leaders’ of tomorrow, or being witnesses to Christ in whatever place they may exercise their profession” (23).

Most of our universities have enrolled non-Catholics, many in large numbers. Non-Catholics may be enrolled if their purpose is to obtain the special benefits Catholic universities offer, and if suitable Catholics are not thereby prevented from attending. *Ex corde* states that “the education of students is to combine academic and professional development with formation in moral and religious principles,” and that “courses in Catholic doctrine are to be made available to all students” (Norm 4, 5). In many Catholic universities, however, there are no requirements for the moral or religious education of all students, even of all Catholic students.

Many non-Catholics register in Catholic universities for other reasons: The universities are closer, they are less expensive, a friend is going, the entrance standards are lower, the entrance standards are higher and so on. One might hope that the Catholic environment will have a beneficial effect on such persons, and no doubt it sometimes does. But, to the extent that they really do not want what is distinctive in a Catholic university, they are dead weight at best; at worst they are influences counter to the university’s primary work. It is unfortunate that so many of our universities accept

these extra students to balance the books. The temptation to solve a financial problem in this way is strong, and, once given in to, tends to become habitual. Our universities would do better to become smaller, and establish a lower quota, so that they might admit only Catholics and a few special non-Catholics.

Ex corde Ecclesiae declares that, “in a Catholic university,...Catholic ideals, attitudes, and principles penetrate and inform university activities” (14). But how can this be done unless Catholic dogma and morality are omnipresent? And how can they be omnipresent unless the students either are Catholic or are sincerely interested in learning about Catholicism? *Ex corde* also states that “everyone in the [university] community...contributes...toward maintaining and strengthening the distinctive Catholic character of the institution” (21). To admit students who are not really interested in Catholicism is to make a mockery of such statements.

A fair number of non-Catholics will change the climate of a Catholic university. Crucifixes and other religious symbols will disappear, prayers before class will be eliminated, specifically Catholic topics and teachings will be avoided. A good test of whether non-Catholic students are being admitted for the right reasons and in the right numbers is the continuing Catholicity of the university. And a good indication of admissions policies is the promotional literature of the university. Is the institution called Catholic? Is its Catholicity highlighted? Is the religious purpose of all instruction mentioned?

The Curriculum

We are not concerned here with all aspects of the curriculum but only those involved in the Catholicity of an institution. To simplify our presentation we will also leave graduate programs out of consideration.

A university is not truly Catholic unless it both teaches theology and requires theology classes of all its undergraduate students, no matter what their program. Many Catholic young people emerging from high school are badly informed about their faith; and all need a more mature treatment of their religion during the undergraduate years since, when the dichotomy between what they believe and what they see in the secular world around them strikes home, students often question their beliefs in an adult fashion.

There is much to learn because, while the Catholic faith is simple enough for a child to believe, it is also complex enough to allow a lifetime of study. Undergraduate students therefore need a thorough presentation of the articles of their faith, of the history of Catholicism, of the Old and New Testaments, of the sacraments and the liturgy, of moral theology and spirituality. This is not religious studies, but the study of our faith based on an acceptance of fundamental revealed doctrines. Religious studies examine from the outside the content, history, and present status of various religious traditions. In Catholic theology, the content of faith is accepted as true; in religious studies it is viewed as an historical phenomenon. Catholic universities should teach Catholicism as theology and other religions as religious studies.

The minimum amount of theology required of all students should not be set at less

than twelve semester hours. A good selection of courses would be: Dogma; Scripture; Moral Theology and Spirituality; the Sacraments and Liturgy. Of course, there is room for variety here, and perhaps some choice might be allowed, particularly in the later years. But the minimum number of semester-hours should never be reduced.

Should theology courses be required for non-Catholics? It would be unwise to require such courses for Catholics only, for several reasons. First of all, Catholics might see this as “laying a burden” on them from which others are exempt. Second, non-Catholics need theology as much as Catholics do. Third, we have already established the principle that non-Catholics should not be accepted unless they apply because the university is a religious university.

Non-Catholics should therefore be required to take the same number of semester-hours in theology as Catholics. Some universities will also require that they study Catholic theology as well as Scripture and Apologetics, not to require them to accept it as true but to instruct them in this important area of thought and history. If the curriculum is thoroughly influenced by the Catholic faith, as it should be, students should know about this faith in some depth. Other universities will leave the study of the Catholic faith as an option for non-Catholics, and will devise special courses for the ones who do not exercise this option. No doubt most of the non-Catholics will be Protestants; most will probably be poorly informed even about their own religious tradition. Courses in Scripture, in the history and forms of Protestantism, or in issues of morality, would be suitable. No doubt more choice should be allowed in these matters than for Catholics if the number and variety of non-Catholics is great.

However, even courses in the core curriculum designed specifically for non-Catholics should be taught by Catholics. There are three reasons for this. First, it will happen, for one reason or another, that some Catholics will take these courses, if perhaps only for extra theology credits. Second, the variety of students in them does not justify the choice of any one denomination rather than any other. There will probably be atheists, agnostics, Jews, Moslems, Baptists, Lutherans, Episcopalians and so on. There is then no need for any particular non-Catholic professor rather than a Catholic one. Third, professors once hired tend to be on the staff for thirty or forty years. It is no small matter to hire a non-Catholic these days. It would be preferable to hire someone on a temporary or part-time basis if need be. Such a temporary arrangement should, of course, in justice, be made clear, and the person should be properly paid so that a good job will be done.

Philosophy is as important as theology in a Catholic university because it provides an underpinning of faith. It is true that philosophy can be required in universities

because it trains students to think clearly and because it studies the history of highly influential ideas. Certainly these reasons are good ones for insisting on philosophy in a humanities program or a liberal arts program but, when we are speaking of a philosophy requirement for all undergraduate students in the university, whether they are in business, nursing, pre-medicine, education, or any program whatever, the only argument is its necessity for developing an educated believer. Philosophy deals in great part with the same matters as theology—the origin of the universe, its purpose of human life, and how that purpose is attained. It can therefore contribute immeasurably to the believer's appreciation of divine revelation.

Theology never replaces philosophy. It is true that a Catholic, by his faith, knows the truth about these matters, by revelation, but a mature person will always ask for rational, philosophical answers as well, and will not be satisfied until they are given.

The objection is bound to rise that there are many philosophies, frequently contradicting one another in important areas. To simply require courses in philosophy, then, will not achieve the intended purpose. This objection leads however, not to the conclusion that philosophy should not be required, but that the right philosophy should be required.

What is the right philosophy? Obviously it must be a Christian philosophy. A minimum requirement of a Christian philosophy is that it not be in conflict with Christian faith. A non-Christian philosophy cannot be true on the points on which it disagrees with the faith. The choice then narrows down to a decision for one Christian philosophy or for an eclectic selection from several Christian philosophies. Do we have a way of deciding? We cannot simply assume that all Christian philosophies are correct and simply because they do not contradict the Catholic faith.

This is a problem Christians have dealt with since the second century, though most attempts ended ultimately in failure. But there is one philosophy the Church explicitly approves and asks scholars to cultivate—that of St. Thomas Aquinas. To require philosophy of students in Catholic universities while denying them the study of Thomism is to commit an injustice. We must remember that we are speaking here of the courses required of all students and therefore relatively few. It would be a wasted opportunity if all the required courses did not present the philosophy of Aquinas. The time is so short, the object so important, that such a course of action is called for. Of course Thomism cannot be well taught without other major philosophical systems being studied. What Thomism would provide would be the core of the program.¹⁶

16. For the importance of Thomism in Catholic philosophy departments, see L. A. Kennedy, "A Crisis for Catholic Philosophy," *Fidelity* (June 1986), 17-19; "The Seminarian and Thomist Philosophy," *Homiletic and Pastoral Review* (January 1987), 20-26; "Thomism," *The Dawson Newsletter*, VI, 3 (1987), 6-

How much philosophy should be required? The minimum should be the same as for theology, twelve semester-hours. Again, there is so much to cover: the existence of God, the nature of God, freedom of the will, the immortality of the human soul, the purpose of human life, and the means by which this purpose is obtained. A good choice of courses might be: The Philosophy of the Human Person; Ethics; Metaphysics; and Epistemology. And these courses might well be taken in that order. Ethics should follow the philosophy of the human person. Ideally it should also follow metaphysics but, being less abstract, it is better taken before metaphysics. Epistemology, theoretically, could well precede ethics and metaphysics but, since it is a second-order science, dealing with knowledge and not directly with reality, it requires knowledge of reality. Consequently it is better taken last. But it certainly should be studied, because our world is rampant with relativism, subjectivism, and skepticism, which must be dealt with head-on at some stage in a student's career.

With the amount of knowledge students must acquire constantly increasing, and especially with growing demands on major requirements, there will always be agitation among some faculty to decrease the requirements in theology and philosophy, but theology and philosophy must hold pride of place in a Catholic university.

We find a strong statement concerning the importance of philosophy in an address by Alice von Hildebrand, wife of the late Dietrich von Hildebrand and herself a noted philosophy professor:

...[I]t should now be clear that philosophy must play a crucial role in Catholic education...I grant that it is better to study no philosophy than bad philosophy, and that, today, people who have no philosophy at all are usually better off than those whose training is based on the thought of a Russell, a Heidegger, a Sartre (to name but a few). But the fact remains that true philosophy is indispensable for a true Catholic education and, in particular, has crucial importance for theology. My husband used to say that the catastrophic theological systems which are proliferating today are to be traced back to the wrong philosophy on which they are based. Philosophy is so crucial in man's intellectual life that everyone necessarily has a philosophy of life—and, if this philosophy is not sound, it has a devastating effect on man's intellectual life. Therefore, it is absolutely essential that a Catholic university embrace and form its students in true philosophy, i.e., in an objectivistic philosophy exclusively based on ratio-

7; "Demands of Excellence in Seminary Education," *Excellence in Seminary Education* (Erie, PA: 1988), 102-110.

nal arguments and at the same time in perfect harmony with faith.¹⁷

This matter of the amount of theology and philosophy required of all students is one that should be committed to writing by the board of trustees, and any change should require its approval.

We now leave the consideration of theology and philosophy and turn to the other subjects, all of which should be taught from a Catholic point of view. *Ex corde* teaches that “a Catholic university, as Catholic, informs and carries out its...teaching...with Catholic ideals, principles, and attitudes” (Norm 2, 2). Would that Catholic universities were as serious about this as the evangelical colleges are about coordinating with their curriculum. The president of the evangelical Christian College Coalition (now the Council for Christian Colleges and Universities), wrote:

The stand of our schools is: if you're earnest about your faith, you can't compartmentalize it. It weaves through everything you do.¹⁸

Obviously some subjects are less connected with the faith than others. But none of them should be taught in such a way as to contradict the faith. And many courses, such as history, psychology, sociology, and literature, touch on religion at every turn. But this is a question of who teaches these subjects rather than of their place in the curriculum, and we have dealt with this already.

A word might be added here concerning residence arrangements. A university which allows students to visit bedrooms of persons of the opposite sex fails in its duty to assist its students to live chastely. Such a disorder parallels in extracurricular matters the curricular disorders with which we are here primarily concerned.

17. *The Nature and Mission of a Catholic University* (Steubenville, OH: 1987).

18. K. D. Whitehead, *Catholic Colleges and Federal Funding* (San Francisco: 1988), 83.

Academic Freedom

The most important issue in Catholic universities at the present time is academic freedom. There are two possible definitions of it. A secular definition would be “the freedom of academic faculty to search for truth in accordance with the canons of their particular scholarly disciplines and to expound the results of this search for truth without undue restrictions being placed on them by university or outside authorities, or, more especially, without jeopardizing their academic positions and their tenure in these positions.”¹⁹ A definition suitable for a Catholic university would be the same except for this restrictive addition: “It is understood that faculty are not allowed to teach or write in such a manner as to oppose the religious purposes of their university.” Such a definition is vehemently opposed by the Association of Catholic Colleges and Universities (ACCU)²⁰ of the United States and by several presidents of institutions in the Association, but is required by the *Code of Canon Law*. Though the ACCU fears more than anything else an effective episcopal presence in our universities, it also opposes any boards of trustees that would safeguard Catholic doctrine.

The freedom of one person or group cannot be absolute but must be exercised in such a way as to respect the freedom of other persons or groups. For example, my freedom to smoke in a public place may legitimately be restricted by the rights of non-smokers who would suffer harm or discomfort from smoke. Now, there is more than one freedom involved in academic freedom. Besides the freedom of the professor there

19. K. D. Whitehead, *Catholic Colleges and Federal Funding* (San Francisco: 1988), 45.

20. See the *Earlier Schema* and the ACCU's response to it in *Origins*, 15 (1985-86), 697-711.

is that of the institution and that of the students. An institution should be free to pursue its goal—in this case to provide Catholic education—and students should be free to receive a Catholic education in a Catholic university. When a professor attacks the religious purpose of his university, he offends against both its freedom and that of its students. What is needed, then, is a means of balancing these freedoms.

A professor who publicly and unrepentantly promotes doctrines opposed to Catholic beliefs is, in the name of his freedom opposing the university's freedom. Yet, since he is a member of a Catholic university and was aware of its beliefs when he was hired, it is clear whose freedom must give way. This becomes even more cogent given that the freedom of the university exists for the sake of the students' freedom to obtain a Catholic education. The freedom of both the faculty and the university is ordered to the students' freedom.

We must remember also that the professor was hired by the institution to help it in its aims, not to oppose these aims. It is consequently an implicit condition of his appointment that he not do so. It would be better, of course, to make such a condition explicit, as well as the procedure to be taken against offenses in this matter.

Most Catholic universities in the United States were founded by bishops, directly or through religious orders, to provide a Catholic education. Benefactors supported these universities because of their religious purpose. The universities, then, have a publicly known purpose that is recognized by canon and secular law. There is no need for these universities to be defensive about their position. Why is it, then, that they are defensive, or even willing to forego their rights?

The National Catholic Educational Association (NCEA) in 1976 provided three answers to these questions. The first is a fear that enemies of the Church:

will contend derisively that truth cannot be upheld and defended without resort to penalties and outside sanctions, confirming for some the suspicion that Catholic institutions cannot be true universities.

The second and third are:

Catholic colleges and universities in the United States cannot deprive faculty members of their civil right as defined by American law, nor limit their academic rights which are supported by accrediting and other professional associations, without severe penalty to the institution, not least of which would be the loss of prestige and influence in American society

and particularly in the American intellectual community.²¹

Apparently the NCEA agrees that Catholic universities are not true universities if they have a religious definition of academic freedom. The fact is, however, that Catholic universities that have adopted a secular definition of academic freedom have not remained substantially Catholic. And the reasons are not hard to find: they cannot defend their nature; they cannot keep their enemies outside; they must fight for their existence with their gates wide open to attack. It is not too much to say that a Catholic university with a secular definition of academic freedom cannot remain Catholic.

My own opinion is that the administrators in these institutions fear that secular colleagues will think less well of them or their institutions if they do not act as secular administrators or universities do. In effect, they share the secular assumption that the Catholic faith is a hindrance to the search for truth. The reason given for accepting a secular definition of academic freedom is that it enables professors to search for truth wherever it may be found, and this includes a search among doctrines opposed to Catholic teaching. But, if Catholic teaching is true, the search for truth among doctrines opposed to it is bound to be fruitless and, usually, harmful. A Catholic university is therefore justified in forbidding the teaching of doctrines opposed to the Catholic faith; indeed, it is required to forbid it. The Catholic faith is to Catholic theology what empirical data are to the natural sciences. Certainly no university would allow its natural scientists to reject or falsify the raw data of science.

The *Ex corde* says that an “essential characteristic” of a Catholic university is “fidelity to the Christian message as it comes to us through the Church” (13), and that the “institutional fidelity of the university to the Christian message includes a recognition of and adherence to the teaching authority of the Church in matters of faith and morals. Catholic members of the university community are also called to a personal fidelity to the Church with all that this implies. Non-Catholic members are required to respect the Catholic character of the university...” (27). And this applies especially to theologians: “Since theology seeks an understanding of revealed truth whose authentic interpretation is entrusted to the bishops of the Church, it is intrinsic to the principles and methods of their research and teaching in their academic disciplines that theologians respect the authority of the bishops and assent to Catholic doctrine...” (29).

No doubt some of the Catholics who want to have a secular definition of academic freedom in a Catholic university do accept the teaching of the Church’s Magisterium. Yet the logic of their position is faulty. They do not wish to deny their own faith, but

21. “Relations of American Catholic Colleges and Universities with the Church,” *Occasional Papers* (NCEA), II 1 (April 1976), 9.

the do not mind if their university denies its faith, as it must when its faculty teach what is contrary to the Church's Magisterium.

The history of the very recent demand for a secular definition of academic freedom in Catholic universities is instructive. It began with the Land O'Lakes document of August 1, 1967, signed by representatives from a number of Catholic universities, including Georgetown, Boston College, Catholic University of America, St. Louis, Fordham, Laval, and Notre Dame. The document claimed "the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself."²² This was a demand for freedom from episcopal and papal authority. On the other hand, at his meeting with Catholic university leaders in New Orleans in September, 1987, Pope John Paul II stressed that the influence of bishops and the pope is not external to Catholic institutions, but intrinsic to them. The position of the Land O'Lakes signers was adopted by the NCEA in 1976.²³ Speaking for 223 Catholic universities of the United States, the NCEA stated that "a juridical relationship between the Church and Catholic institutions in the exercise of their proper autonomy" is not "desirable or even possible...." It patronizingly granted that "bishops and other church leaders can provide significant insights into the particular needs of service to the local Church," but added: "We believe the word 'cooperation' or the phrase 'mutual respect and support' best characterizes the kind of relationship that should exist between institutions and Church."

Furthermore, no American has a civil *right* to teach what is contrary to Catholic teaching in a Catholic university. Nor do accrediting and other professional associations limit the rights of Catholic universities to be Catholic. So what the Association really fears is "the loss of prestige and influence...in the American intellectual community."²⁴

Opposed to the Land O'Lakes statement and the NCEA paper is the *Code of Canon Law*. The *Code* teaches that bishops have the duty and right to see that principles of Catholic doctrine are faithfully observed in their universities (canon 812); the right to bestow or withdraw the designation "Catholic" (canon 808); and the authority to see that teachers lacking integrity of doctrine are removed from office (canon 810).

22. *Statement on the Nature of the Contemporary Catholic University*, issued by the International Federation of Catholic Universities, August 1967.

23. "Relations of American Catholic Colleges and Universities with the Church," *Occasional Papers* (NCEA), II 1 (April 1976).

24. See also L. A. Kennedy, "The Catholic University and Freedom," *Culture*, XXVI (1965) 135-140; "Academic Freedom and the Vatican," *Crisis* (November 1986) 23-25; "The Universal Church and Particular Churches: Catholic Universities," *Proceedings of the Tenth Convention of the Fellowship of Catholic Scholars* (Pittston, PA: 1987), 241-244.

Episcopal powers in a Catholic university would be completely stymied by a secular definition of academic freedom, and the university could not long continue as Catholic. That is why the *Code* implicitly demands a religious definition of academic freedom in Catholic universities.

Much of what has been said so far is justified by the Charles Curran case. Father Curran sued The Catholic University of America because it had refused to let him continue to teach theology.²⁵ The judge recognized that Catholic University “shares with the Roman Catholic Church a common bond of faith and mission to preserve and protect the church’s doctrine,” and that the University aims, at the same time, at “the goal of unfettered and robust academic inquiry.” He saw that this was bound to raise problems but that it was for the University to decide how to resolve them: “On some issues—and this case certainly presents one of them—the conflict between the University’s commitment to academic freedom and its unwavering fealty to the Holy See is direct and unavoidable. On such issues, the University may choose for itself on which side of that conflict it wants to come down...”

What decided the issue was the civil law of contracts: “It is the law of contracts which must govern the decision.” In other words, since the University’s statutes stated that theology professors must have canonical mission, the University can dismiss a professor who loses his: “The court prefers...to rest its decision on the canonical mission requirement incorporated into the contract by the...statutes...” The judge declared that the professors of the University were aware of the relationship between the University and the Church: “no one...could have contracted with the Catholic University of America without understanding the university’s special relationship with the Roman Catholic Church, with all of the implications and obligations flowing from that relationship.”

We thus see that, as far as civil law goes, what a university’s statutes state concerning academic freedom will be upheld in a civil court. The Curran case will be a landmark case. Those administrators in Catholic universities who have been defending a secular definition of academic freedom in Catholic institutions by threatening legal difficulties will now have to rethink their position.

25. The decision can be found in *Origins*, 18 (1988-89), 664-672.

“Indoctrination”

There are those, even among Catholics, who claim that Catholic universities that follow canon law do not teach but rather indoctrinate. This claim is made chiefly with regard to the teaching of theology, but the argument here applies to every subject in the curriculum. Father Hesburgh worries about indoctrination wherever a bishop can require a Catholic university to forbid a professor to teach theology judged to be contrary to Catholic faith. A generation ago, he wrote:

Obviously, if [the] church...can dictate who can teach..., the university is not free and, in fact is not a true university where the truth is sought and taught. It is rather, a place of...religious indoctrination.²⁶

Father Hesburgh would be right if we did not know that the Catholic faith is true. But a university which does not accept it as true is not Catholic. Why, then, should a Catholic university allow teachers to claim that it is false? We might worry about a bishop making a mistake in judgment, but this worry cannot invalidate the bishop's right or the university's duty in general. Of course, provisions have to be made for a proper procedure which will reduce the number of mistakes, but this is a different matter from Father Hesburgh's denying the general principle altogether.

Is it indoctrination when a Catholic university appoints a committed Catholic to teach theology, or any other subject? “Indoctrination” usually has the pejorative meaning of “induction of convictions by improper means.” Now, any subject taught improperly can become indoctrination. Teaching history is indoctrination if evidence is suppressed; teaching mathematics is indoctrination if students are led to memorize

26. *America* (November 1, 1986), 250.

rather than understand; and teaching psychology and sociology is indoctrination if the principles underlying them are passed on by repetition, rather than made explicit and examined. But, just as any subject can become indoctrination, so any subject can avoid this pitfall. Theology can be taught objectively, making clear why it accepts divine revelation and only then interpreting and building on it. Once this principle is publicly stated, to act in accord with it is no longer indoctrination. The professor of theology need not disbelieve what he is teaching or disguise his faith, any more than a mathematics professor need deny the laws of logic. Why should a Catholic university be allowed to teach mathematics or physics or history as true, and not be allowed to teach Catholicism as true? Not to present Catholic theology as true would be contrary to a Catholic university's nature.

We find Catholic universities bending over backwards to avoid "indoctrination" in Catholicism. Some teach not morality but "values clarification." A midwestern Catholic college, for example, wants to avoid a "prescriptive model" of teaching the faith, which would have the teachers "dictating" this faith to their pupils. Instead there is a *pursuit* of truth: "the pursuit of wisdom and truth, the very reason for the existence of St. Norbert, is manifested...in the curriculum." This *pursuit* of truth, we are told, demands that some non-Catholic, even some non-Christian, faculty be appointed:

Some faculty, while sharing neither the Catholic tradition nor the Christian faith, remain at St. Norbert because they led lives of inquiry that support a commitment to the realm of moral values. This pluralism is demanded by the conscientious pursuit of truth in personal freedom by a diverse group of people.²⁷

There are no theology courses, only religious studies courses, none of which are required. Furthermore, the "Values Program" does not mention anything Catholic or even Christian in its objectives.

...The program proposed as its objective several things: [to] help students become explicitly aware of their own value systems and give them the opportunity to compare these to the value systems of others; [to] help students identify their own objectives and their value systems...

From the experience gained thus far, it is evident that the students who have participated in the program have indeed become more conscious of their own values and more aware of the value component in every decision.

27. X. G. Colavechio, "A Values Program at St. Norbert College: Education-by-Objectives," *Occasional Papers* (ACCU), IV, 1 (Summer 1978), 17-26.

And what has replaced required classes in Scripture, Catholic dogma, and Catholic moral theology? A “religiosity” is fostered by “people processes,” “process-oriented counselor functions,” and “the advisement system.”

We find another example of the avoidance of indoctrination at Loyola University of Chicago. Loyola, to judge by the papers in its symposium on ethics,²⁸ avoids indoctrination in Catholic morality by teaching non-Catholic morality. One speaker says that students should be made “more aware of the moral questions that there are, waiting to be addressed,” but warns against “final answers to moral questions,” as if there were no clear Catholic positions on such topics as abortion, contraception, homosexuality, or marriage after divorce. Indeed, although the editor says that “the panelists presented views that showed that we are not always certain what the norms are,” it would be truer to say that their views claim that we are *never* certain what the norms are.

Many pages of talks given at this symposium are given over to a presentation and discussion of the “values clarification” teachings of Kohlberg, who, as one of the questioners pointed out, has little to offer Catholic ethicists.²⁹ And, though advertising for the book claims that it contains “a discussion of *all* aspects of ethics in higher education” (emphasis added), many important aspects are omitted:

1. What is the relationship between the ethics advocated at the symposium and Catholic teaching? Is Catholic ethics being discussed when the keynote speaker defines ethics as “our relationship to other persons in this world and to ourselves as persons in this world,” with no mention of our relationship to God?
2. There is no discussion of whether ethics is to be required of some or all students. Actually one hopes that the type of ethics presented here is not required at all. On the other hand, why should a proper ethics not be required, and of all students?
3. What are the prerequisites for the study of ethics? Can it be studied properly without a knowledge of God and His attributes, without a knowledge of the immortality of the human soul? And where should this prior knowledge come from? From required courses in theology or philosophy, or in both?
4. Who are to teach these ethics courses? We have shown earlier that they

28. J. B. Barry, ed., *Ethics on a Catholic University Campus* (Chicago: 1980).

29. See also D. Steichman, “Lawrence Kohlberg and Catholic Religious Education,” *Fidelity* (November 1987), 32-42.

must be taught by committed Catholics, but there is no discussion here of this aspect of the topic.

There is certainly no danger of indoctrination in Catholic thought envisioned by the speakers at this symposium; one would think they were discussing ethics in a secular university. It seems that Catholicism is so carefully handled in this Catholic university that it is less in evidence than other religious traditions:

...in some areas we don't do as much as other, non-Catholic institutions do, and we are more shy about expressing our religious ethos than our co-religionists, even those here at Loyola, are.

That a Catholic university should publish the papers of such a symposium is an indication of how far down the road to non-Catholicism some "Catholic" universities are.

Federal Aid

The Association of Catholic Colleges and Universities (ACCU), in opposing the Vatican *schema*, has said that a Catholic university that is too Catholic will be denied federal funds. The claim, worded a little differently, is that Catholic universities not accepting a secular definition of academic freedom, or teaching the Catholic religion as true (“proselytizing”), or following Canon Law, will lose their accreditation and their federal aid. Sister Alice Gallin, O.S.U., then the ACCU’s executive director, said:

Catholic institutions...must meet the standards for accreditation by regional accrediting agencies recognized by civil authorities...Such accreditation, as well as the federal and state funding that accompanies it, requires that institutions respect academic freedom and that the curriculum not be used for proselytizing on behalf of any religion.³⁰ It is virtually certain that such aid would be withdrawn if it could ever be shown that Catholic colleges and universities were “controlled” by the Catholic Church.³¹ It is clear that the favorable decisions regarding public aid to Catholic colleges or universities are founded on a perception by the court that the church does not control them.³²

And Father Theodore Hesburgh, then president of the University of Notre Dame, agreed: “We would stand to lose a lot if we conformed to the dictates of the church.”³³

30. Cited in K. D. Whitehead, *Catholic Colleges and Federal Funding* (San Francisco: 1988), 15.

31. *Ibid.*, 16.

32. *Ibid.*, 75.

33. *Ibid.*, 17.

But his view has been denied by Kenneth Whitehead, a former Deputy Assistant Secretary for Postsecondary Education at the U.S. Department of Education.³⁴

Sister Gallin and Father Hesburgh were simply wrong in their contention that accreditation requires a secular definition of academic freedom, and avoidance of the teaching of the Catholic faith, and an avoidance of the effective presence of bishops.

As regards academic freedom, “a religiously affiliated institution requiring a certain standard of doctrinal ‘orthodoxy’ on the part of its faculty...would not jeopardize its accreditation, provided it plainly announces beforehand its requirements in this regard. In practice, the same thing would be true of requirements regarding the moral behavior expected of faculty members of students at the institution.”³⁵ The Northwest Association, for example, an accrediting agency, “specifically affirms that ‘intellectual freedom does not rule out commitment...Institutions may hold to a particular...religious philosophy.’”³⁶

The same applies, of course, to a university’s teaching a specific body of religious doctrines as true: “...if the stated purpose of a religiously affiliated college or university is to provide a higher education within the specific context of the teachings of a given religion or denomination, carrying out this stated purpose would in no way constitute a bar to accreditation....”³⁷

The same is true of a particular church having a great deal of influence over a university:

...neither the accrediting agencies nor the Supreme Court...seem to object to sponsoring church representation on college governing boards. Yet such representation is normally all that a church might require to ensure that a school it sponsors remains authentic from the point of view, for example, of the theology taught there.³⁸

Whitehead also points out that, even if existing accrediting agencies refused to accredit Catholic universities loyal to their Catholicism, these universities could form their own accrediting agency which would be acceptable to the Federal Government provided it met the criteria required of such agencies.³⁹

34. *Catholic Colleges and Federal Funding* (San Francisco: 1988).

35. *Ibid.*, 40.

36. *Ibid.*, 39.

37. *Ibid.*, 37-38.

38. *Ibid.*, 77.

39. *Ibid.*, 66.

Some Catholic university authorities have stated that, unless their institutions conform to the secular definition of the Association of American University Professors (AAUP), their institutions will lose their federal grants. But Whitehead has shown that the AAUP does not have a secular definition of academic freedom and, further, that institutions censured by it “go right on being accredited and go right on receiving federal aid.”⁴⁰

How ironic that it is not the Federal Government but Catholic universities themselves which envisage a withdrawal of federal aid because these universities are religious.

The conclusion is inescapable: “institutional autonomy” and “academic freedom” are defined to permit wider variations in practice. They clearly allow for institutional freedom of religion. Narrowly defined as the freedom of professors to teach what they want or as the freedom of an institution to be free of any constraints from its sponsoring church or other body they are clearly *not* requirements for accreditation (and hence for federal aid).⁴¹

The real danger to Catholic universities, Whitehead points out, is that they might lose their privileges as religious institutions if they become only half-Catholic by divesting themselves of the legitimate control of the church. A university hospital, for example, might be forced to either allow abortions or close up.⁴²

Whitehead asks an embarrassing question of the Catholic universities which claim that federal aid would be lost if the universities accepted Canon law:

What is the real motive and origin of the claim that Catholic colleges and universities must have “institutional autonomy” and “academic freedom”? This inquiry has demonstrated that these things are not strict requirements of the federal or state governments, of the accrediting agencies, or even of the AAUP.⁴³

The answer seems to be that these universities were deceitful: they wanted a secular definition of academic freedom, they wanted freedom from church “control,” and so they proceeded to bully the bishops into accepting half-Catholic universities:

40. *Ibid.*, 62.

41. *Ibid.*, 42.

42. *Ibid.*, 100-103.

43. *Ibid.*, 105.

As far as Catholic colleges and universities are concerned, the evidence examined in this enquiry suggests that these colleges first decided they wanted to have “institutional autonomy” and “academic freedom”—and only then decided to adduce supposed government requirements for giving out aid as a principal reason they needed to have these two things.⁴⁴

If it were actually the case that federal funds would be available only if a Catholic university ceased to be truly Catholic, the fitting reaction of Catholic universities would be to change the system or to forego federal funds. The universities of which we have been speaking, then, which allege that federal funds would be unavailable except to watered-down Catholic institutions, have been wrong not only on a matter of fact but on a matter of principle. It would be crippling to American Catholicism if her universities were to cease being truly Catholic; and they certainly will cease being so if they accept a secular definition of academic freedom, if they cease to proclaim Catholic truth “with unmistakable clarity,”⁴⁵ and if they reject that part of canon law which applies to Catholic universities.

Whitehead is convinced that, even if federal funding were denied openly religious universities, it would be possible for Catholics to have the policy changed.

It is fair to say that no public policy opposed with cogent and persuasive reasons by a united Catholic community both knowledgeable and determined about its rights and responsibilities could long survive in the United States. Once again, one has to wonder where American blacks, far fewer in number than Catholics, would be today if they had simply continued to acquiesce in the various kinds of disabilities that a number of courts and state governments had tried to impose of them.⁴⁶

Certainly the first instinct of any Catholic university should be to oppose unjust laws rather than give in to them. It is, however, an unfortunate characteristic of so many Catholics today to give in to secular pressures rather than to fight them.

Of course, it is quite possible that problems will arise concerning government funding or concerning other sources of financial assistance. But the answer to such problems will be to solve them in such a way that the Catholic university keeps its Catholicism intact.

44. *Ibid.*, 106.

45. *Ibid.*, 10.

46. *Ibid.*, 91-92.

Afterword

Many persons, on reading this little book, will think it too idealistic, perhaps fanatical, in making its case. They will respond immediately that life is too full of compromises to expect perfection. Now, life is full of compromises, and we are well advised not to *expect* perfection, but it would be a serious mistake not to know what perfection is, and not to strive for it. To become so accustomed to second-best that one takes it for granted is to make an ideal of the *status quo*. And to do this is to court disaster.

What has been recommended is, in most cases, a return to the practice of a few decades ago, when many principles questioned today were taken for granted. Some will think this is a step backward, but others will see it as a return, after a failed experiment, to what was good, just as the present liberalism in the Church will finally burn itself out and leave the old orthodoxy intact.

A final point: Perhaps most important for keeping a university Catholic is courage. Of course, knowledge of the importance of a university's fidelity to the Magisterium, and of the means to bring this about and preserve it, is imperative, but, without firm commitment despite all the difficulties that arise, efforts are useless and the best intentions cave in under pressure.

There should be no compromise on essentials. I know that those who insist on this will be crucified, but the line has to be held. No university administrator or member of a board of trustees can afford to be thin-skinned in our day. The former Rule of my religious community said that no one should accept the post of Superior unless he could steel himself to discipline others when it was needed. And I say that no one should accept the post of Catholic university trustee or administrator unless he can steel himself against all the attempts to dilute his institution's religious character. To settle for less might give the university the whole world, but only at the loss of its very self.

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