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Introduction:

After more than a decade, Roman Catholic Dioceses across the United States will begin implementing the Apostolic Constitution, Ex Corde Ecclesiae, originally published August 15, 1990. At the heart of From the Heart of the Church is the papal challenge to all Catholic universities to focus on the sources and essential characteristics of their "Catholic identity." The debates and conversations surrounding the pertinent documents, whether among bishop, theologians, administrators, or faculty have been vivid, far reaching, and poignant. Frequently, the discussions/debates focused on the mandatum section of the Constitution wherein theologians are directed to request this ecclesial instrument indicating their intent to teach in communion with the Church and the Bishop's approbation that they, in fact, do teach in communion in his granting of the mandatum.

Ex Corde and its Application have already generated many positive and negative reactions. The essays presented in this issue of Theological Explorations examine the issues of Catholic identity primarily from the vantage point of administrators and non-theological faculty, with essays by Baron and Mackler being exceptions, rather than from the more specific topic of the mandatum for teachers of the sacred sciences. The articles address the need for Catholic colleges and universities to be comprehensively Catholic in their mission, statutes, schools, programs and scholarly disciplines. This wider horizon provides the necessary contextualization for any reasonably adequate discussion of the more particular mandatum question. It might happen that every Catholic theologian in the United States receive a mandatum, but the needed critical reflection on the Catholic character of Catholic universities and colleges tragically be left unexamined. These broader, deeper and, in some ways, more significant questions demand equally comprehensive critical inquiries and reflections.

Catholic higher education in the United States is necessarily engaged with two distinct yet related audiences. As academic communities, these universities and colleges are engaged in scholarly research and teaching which must be subject to critical peer review and evaluation from the appropriate academic professional societies. As Catholic academic communities, these universities and colleges are related to the Catholic communities that are the source of their mission and goals as well as the grounding of their living Catholicity. Catholicism is not just an idea. Catholicism is a community of believers, a living organism with concrete structures and forms. Advances in the enrichment of each audience and the dual arenas of accountability/responsibility have not been simultaneous or equally successful.
In a sincere and admirable desire to attain academic excellence and academic credibility, Catholic universities and colleges have hired faculty trained in and graduated from the "best" and "most prestigious" academic institutions in the country. The key factor in hiring decisions may have been cultural/gender diversity, promise of scholarly activity, or inclusion of alternative disciplinary methodologies. These noble efforts at diversification indicate the open mindedness and ecumenical spirit of Catholic institutions. At the same time, the hiring process may have placed too little attention on the issues of whether or not these faculty had any adult exposure to the Catholic tradition whether by participation in its community actions or by academic study. It has happened that several Catholic universities and colleges have few faculty members educated in Catholic higher education institutions or few Catholic faculty knowledgeable about the Catholic tradition. In fact, it may well be that less than a majority of professors and administrators at Catholic institutions in America are, in fact, either practicing Catholics or non-Catholics with an adult understanding of the tradition and its teaching. Anecdotally, a President of a Catholic university recently distributed copies of Veritatis Splendor and Fides et Ratio to select faculty for comment and discussion. Most of the faculty tragically said that they simply could not read and understand the texts. As the result of the paucity of critical knowledge of Catholicism among the general university/college faculty, an undue weight and burden is place of the role of theology and theologians at Catholic schools. In point of fact, what students hear and discuss about the great religious issues and debates outside of religion classrooms may have a more powerful effect on them than in any religion or theology classes.

The positive desire for academic excellence and credibility by Catholic colleges and universities has also led to an amplification of the idea of "academic freedom" which has sometimes blurred any relationship of the educational institution to the Catholic Church. Sometimes, it is even argued that academic freedom is an "absolute freedom" without any restraints or limits. However, academic freedom is expressed within the limits of academic methodology, accuracy in the data of one's field of investigation, in an open dialogue with the many other voices and within the framework of one's institutional mission, goals and structures. In Catholic universities and colleges, the entire intellectual enterprise draws upon and nourishes the Catholic tradition in its history and present living experience. Minimally, academic integrity demands accurate representation of this tradition. Maximally, Catholic universities should explore every question, issue and problem with diligence and passion so that the Catholic tradition can shape and propose adequate responses. At Catholic universities and colleges, faith and reason are brought into the great conversation that lies at the center of a liberating education.
Sociologists have identified two components of membership: sociability and comradeship. Sociability is the more objective component of membership. It refers to the "rules of the group," the structures which direct the group’s patterns of behavior and systems of power. Comradeship is the more subjective component of membership. It refers to the "feelings of solidarity," personal bonding and level of person faith/commitment to the persons and beliefs of the community. The ratio or mix of sociability can vary widely both intra and inter various communities. It may well be that Ex Corde Ecclesiae and its Application in the American Catholic Church are an attempt to adjust the ratio of sociability and comradeship. In effect, these texts are increasing the sociability side of the mix by calling attention to the need for a "Catholic presence" in the administrators and faculty of Catholic colleges and universities, to the need for a "Catholic presence" in their mission statements, goals and statutes, and a "Catholic presence" in the ambiance of their day to day activities. When membership seems threatened by a perceived weakness (rightly or wrongly judged) in comradeship, the authority in the community frequently tries to shore up the community by increasing the rules which govern behavior in the community and intensifying sociability. Ex Corde and its American Application appear to be the illustrations of such an alteration. Absent indicators of strong comradeship, Catholicism may have no other venue for preserving the membership of its higher educational institutions in the Catholic community at the present time. Only time will judge the success or failure of this adjustment.

Since the articles in this issue explore different trajectories, a brief summary of each is offered to the readers.

President Murray:

As President of a Catholic University, Dr. John Murray, Jr. is in a unique position to discuss the impact of Ex Corde in its entirety on a Catholic university. His essay indicates that the best way to insure the successful and proper implementation of Ex Corde is with honesty, trust and open communication between the various segments within a Catholic institution of higher learning as well as with the bishops who will oversee the project. Focusing on how to reduce and/or limit the anxiety that this document has already created in the minds of various scholars/academicians throughout different Catholic institutions of higher learning, Dr. Murray points to the need to interact with the document and understand it in positive terms. From its beginnings in 1990, Ex Corde has been responded to with a plethora of reactions which, in some communities, has produced not only negative feedback, but also caused rifts to occur within departments. While most agree that at the center of the issue is the individual right of academic freedom, some have already gone to extremes not only by denouncing the document, but all those who support it as well. In order
to end such over-zealous and, in certain instances, destructive behavior, Dr. Murray traces how the impact of Ex Corde is both necessary to support and to fuel a positive Catholic identity, one that encourages responsible independence on the part of all of its members regardless of an individual's personal religious beliefs. Moreover, Dr. Murray demonstrates that the sentiments of this document, if correctly implemented, will encourage people of various faiths to interact, freely, within a Catholic college or university and this will, furthermore, promote dialogue in search of the truth. In order to demonstrate the role of the magisterium, he creates an analogy between the laws of the Catholic Church and the laws of the United States to use as the basis of his discussion. Specifically, he demonstrates on how the magisterium should be understood in its role of Ex Corde issues as the Supreme Court of the United States is seen in evaluating American legal issues. Dr. Murray breaks down the myth of absolute freedom by putting the proper emphasis on the balance between personal academic freedom and responsibility to truth whether it is scholarship or student instruction. He concludes that, if each member of a Catholic institution of higher learning recognizes, respects and obeys the law, then each will be able to go about his/her routine without concern or interruption. In other words, Ex Corde should not be seen as any more of a reduction in academic freedom than existing laws that focus on academic integrity. Just as an instructor is bound by the scholastic requirements of the school to promote honest, intellectual content and study, Ex Corde is merely trying to further those ends by encouraging responsibility in one's scholarship and respect for Catholic identity. Thus, once it is seen and understood that the document is meant to encourage freedom of thought, expression and scholarship responsibly, Dr. Murray believes that most of the anxiety will be eliminated and, consequently, all will feel comfortable in this new arrangement and work together for the mutual benefit of the faculty, staff, students, community and the Church.

Dean Ramirez:

Recognizing the challenges of balancing Catholic identity and American character in institutions of higher learning, Dean Ramirez traces the history of higher education in the United States from its conception, in 1636, with the founding of Harvard University, to its current, multidimensional construct and function. In the process, she explores the relationships that higher learning and various religious institutions have had over the centuries. Thus, she places the current Ex Corde debate in focus by displaying the longstanding interaction scholarship has had with religious moral and ethical views and illustrating that there is nothing radical about having a close religious/scholastic relationship between a Christian religion and institutions of higher learning, nor is there anything radical with having a religious institution set policy, as a governing body, over its own institutions of higher learning. In fact, the opposite is the case;
Harvard University, for instance, was founded with the express purpose of educating future leaders of the church (Calvin) and government as she points out. Central to the university education is the liberal arts curriculum; moreover, it is in the liberal arts, in the undergraduate curriculum, that a Catholic institution of higher learning creates and maintains its role and function as an institution and its character or reputation. While not the only place that one would encounter the university's mission statement in action, Ramirez identifies the liberal arts as the focus from which an entire Catholic college or university education is based. Next, she defines as the major characteristic of the American tradition in education a shift from a purely classical (liberal arts) training to the incorporation of various technical (business and scientific) courses, often at the expense of liberal arts instruction. This shift away from or de-emphasis of a classical education began in the Nineteenth century and continued well into the Twentieth century. As part of the distinction between Catholic and other institutions of higher learning whether religiously affiliated or not was the Catholic desire to maintain its commitment of a liberal arts education in spite of external pressures which increasingly demanded, on the one hand, a business/scientific educational focus and, on the other hand, a "standardization" of curricula among all institutions of higher learning. While, throughout its evolution, Catholic institutions adopted a variety of business and science courses/degrees in order to maintain their level of competitiveness, the liberal arts curriculum, with an emphasis on the humanistic tradition, remained at the center of their system of education. Furthermore, as part of its evolving identity, Catholic institutions became unified by their implementation of the Church's call to embrace Thomistic scholarship. However, as Ramirez continues her historiography of American higher education, she points out that, while Thomistic scholarship united the various Catholic institutions, it was unsatisfactory in its encouragement of the sciences. An increasingly diverse student population, questioning of the classics of Western intellectual tradition and a continued focus on the sciences and technology caused the Catholic institutions to self-evaluate and, once again, to reconstruct themselves. Focusing on the importance of "discovery," Catholic institutions kept the liberal arts traditions that have as its focus "self-discovery;" they also encouraged scholastic "discovery" in scientific areas. Thus, they were able to maintain their Catholic identity while expanding their academic focus. Currently, the American Catholic institutions of higher learning have before them a tremendous balancing act to fulfill. On the one hand, they need to offer a wide spectrum of courses so as to remain competitive with their secular counterparts and keep their association with various higher education affiliations, such as the National Education Association, that favor a wide variety of curriculums. On the other hand, they need to maintain their Catholic identity by obeying Church laws including Ex Corde that is specifically designed to encourage a standardization of scholarship and an identity uniquely Catholic in outlook and performance.
Dean Cafardi:

As a Canon lawyer, Dean Cafardi, in his essay, analyzes the Ex Corde document from two vantage points: 1) as the director of Duquesne University's law school and 2) as an expert in church law. For those unfamiliar with the purpose of canon law, he begins by addressing the role and function of the Catholic legal code. Like other codes of law, Church law is designed as a base from which policy is created and order is maintained. The purpose of the document, Ex Corde Ecclesiae is the same; its goal is to establish a system that would provide scope and direction for all Catholic institutions of higher learning. After establishing canonical tradition, Cafardi, next, focuses on the question of whether or not the Catholic Church has jurisdiction over Catholic institutions such as hospitals, schools, colleges and universities. Tracing the scholastic debate, he points to Father McGarth's Catholic Institutions in the United States: Canonical and Civil Law Status as the source that sparked the controversy and encouraged many schools to replace its religious board of directors with lay council. While Cafardi admits that lay members on the board of directors is most welcome because they provide both vantage points and ideas which are distinct from their religious counterparts, it is, in his opinion, a mistake to remove all religious direction from those boards. Furthermore, Cafardi who co-authored a text with Father Maide discusses how the Catholic Church has control over its American institutions and that it is both fitting and proper that the Catholic Church should set a universal policy or code from which their institutions function. In fact, if the institution wants to be considered Catholic, it must follow the Church's rules and regulations. The bulk of Cafardi's essay focuses on the impact that the Ex Corde document has on the law schools of Catholic institutions of higher learning. First, he explains that there is no conflict between civil law and canon law concerning either the hiring process or course content of a religiously based school. The ABA (American Bar Association) respects the integrity of religious institutions of higher learning and maintains that, so long as the institution makes public its hiring procedures, it is free to favor a religious preference when filling academic positions. Moreover, he points out that Catholic schools do not focus on an individual's religious orientation when hiring; however, they do require that the candidate follow and promote Catholic tradition while fulfilling his/her academic duties at the school. Cafardi does point out that, even under such circumstances where a membership association might be withheld or removed because of a conflict between its by-laws and Ex Corde, under such circumstances, only the school may forfeit its membership; the individuals at the school are still allowed membership rights. After having established the legitimacy of Ex Corde, he turns his attention to the issue of Catholic identity. He traces the elements necessary for a law school at a Catholic institution of higher learning to maintain the reputation/status of Catholic. These include an open self-recognition as Catholic, function with respect to Catholic tradition and
beliefs and interaction within the Church. Specifically, he shows, using the Duquesne Law School as an example, what is necessary for a law school to maintain its Catholic identity. Finally, Cafardi concludes his essay with a discussion of how Ex Corde helps a law school fulfill its goals of Catholicism.

**Dr. Labriola:**

Dr. Labriola explores the ramifications that Ex Corde will have on pedagogy in the classroom and the approaches to composition and literature at a Catholic institution of higher learning. Concentrating on English studies, he discusses how the current document will encourage a renewal of classical methods of instruction and humanistic traditions of the Catholic liberal arts curriculum. These include the particular stance or focus of the university personnel in their commitment to academics, scholarship, and community service. The essay is subdivided into four sections: the "Introduction" which outlines common misconceptions concerning Ex Corde, "Writing" which explores how the traditions associated with the Scholastic approach to intellectual investigation might be used in the construction of a writing intensive course, "Literature" which focuses on how Ex Corde will impact on the literary canon and the "Epilogue" which harmonizes the rationale of a liberal arts curriculum with the Catholic tradition in education. Dr. Labriola begins his essay by outlining the distinctive characteristics that make many faculty at a Catholic institution of higher learning concerned about the impact of Ex Corde. 1) Because of the diversity found among various Catholic institutions of higher learning, some faculty want certain exemptions for their particular institution that will allow them to continue in their present path without disruption or interference. 2) Some non-Catholic faculty are concerned about their intellectual liberties and question both the necessity of implementing Ex Corde and their ability to undertake such a process without sacrificing their personal beliefs. 3) Furthermore, some schools perceive the document as a means to control scholarship, thus raising concerns of academic integrity. Next, he addresses each of these concerns and illustrates how Ex Corde can be interpreted and incorporated into a university system; in doing so, he demonstrates that the document helps to promote a stronger Catholic identity among the various Catholic institutions of higher learning. For instance, referring to the challenges of Ex Corde as opportunities for renewal, he stresses that non-Catholic members of the academic community are welcome and necessary members of the university not only because they demonstrate the openness of a Catholic institution, but because they provide additional perspectives which allow the university environment to be both multicultural and multidimensional. The second section of the essay is a proposal for a new writing intensive course. He surveys the elements associated with the Scholastic method and focuses on how it provides structure, organization, and clarity of thought to an author's
argument. This method, though most often associated with theology and philosophy, is very adaptable and quite useful in other courses that have a writing intensive component. The instructor is able to train the student how to read, evaluate, think, communicate and argue concisely and clearly. What he also demonstrates is the flexibility of the proposed method: regardless of the subject studied, the student will be able to discuss any topic proposed by the course content. The third section of his essay focuses on the systematic study of literature from a moral and spiritual vantage point. However, these beliefs are not to be explored in a vacuum; instead, they should be studied in relation to present day perspectives. Moreover, each student should be encouraged not only to evaluate his or her own beliefs, but also the larger perceptions and attitudes that inform one's society and culture. But, most students, while conversant on contemporary issues, have only a superficial understanding of Western Tradition. In order to understand one's heritage, an intensive study in the "Great Books of the Western World" would establish a firm foundation of knowledge for each student. This approach to learning should not be seen as the sole direction of higher education, but it would provide commonality and context in which intellectual discovery and conversation could begin. Concluding his essay, Dr. Labriola stresses the need not only for academically sound scholarship and pedagogy, but also a curriculum that has at its center the moral and spiritual principles that are, in and of themselves, the heart of Catholic identity. It is from these learned values that each individual develops his or her social conduct, which is applied, in turn, to real life situations external to the institution but which, nevertheless, reflects the beliefs and reputation of that institution.

Dr. Weber:

Focusing on the need for and the ability to implement the doctrines of Ex Corde into a business school environment, Dr. James Weber, Professor of Management at Duquesne University, demonstrates the numerous benefits that Ex Corde offers the business faculty and the students alike. While he admits that most of his colleagues from other universities have never heard of the papal document let alone its contents, he does offer significant reasons for establishing such a document because of its enhancement value to "the business school curriculum," "faculty research" and "student activities." According to Weber, the document would encourage a moral tone and an intellectual standard from which all scholarly activity is to be measured. It provides not a narrow definition of what is acceptable, but rather a challenge for all scholars to exceed to in the hopes of furthering knowledge and the appropriate use of that knowledge. Weber begins by assessing the general attitudes about a business degree and indicating that the individual courses are taught from an "areligious" perspective. While he recognizes that there is the potential for a value structure, any value-laden emphasis is either taught in some other college course outside of the business
school, or is applied by the student; the faculty hold a "value-neutral" belief about this field of study. As a means to uphold the "neutral-value" stance, the courses are taught without any stated or implied religious position and this situation is very much the standard to which most business school set up their curricula. However, Dr. Weber indicates that the current attitude is being reassessed because of external pressures. Now, business leaders are encouraging schools to include, in their educational offerings, courses that have an "ethics-based" agenda. As part of this restructuring, an emphasis on the obligations and/or responsibilities of business professionals come to the center of the issue because of a recent shift to be more humane in the work place which includes respectful interpersonal interaction among colleagues and with the general public. What used to be referred to as "customer service" has expanded to a social service policy and/or a recognition of civic responsibility to the community at large. In order to improve the existing order, business executives are turning to "religious leaders" as examples and taking from them ideas that become the basis of policy-making decisions and problem-solving abilities. As Dr. Weber explains, there is an increasing interest in "spiritual principles" in the business community. However, the business executives are not limiting themselves to Christianity alone; they are recognizing the values and practices of all religions, thus, making this shift to values a global one. Weber concludes by suggesting that future of the business school will be firmly connected to a value-laden curriculum which is reinforced by the demands of the business world for individuals committed to the betterment of their fellow humans.

Dr. Mackler:

As a Rabbi, Dr. Mackler is able to offer a distinctive perspective on the necessity and relevance of Ex Corde Ecclesiae at an institution of Catholic higher learning. Focusing on the justness and appropriateness such a document has on intellectual freedom, Dr. Mackler discusses and illustrates how the spirit of the text, viewed from the correct perspective, is a necessary corrective which channels and/or directs the individual academician in his/her work by encouraging not only a desire for truth, but also recognizing the ever present need for disseminating and using the truth responsibly, that is by addressing "moral and spiritual concerns." All too frequently, the search for "objective truth" is thought to occur only in absentia to moral and/or ethical concerns; instead, according to Mackler, the reverse is often the case and produces a greater environment for an "impartial" conclusion. In order to demonstrate how Ex Corde Ecclesiae offers such a liberating ability to the faculty at Catholic institutions of higher learning, Dr. Mackler focuses on the issues of "growth" and "dialogue" in order to expose how the Catholic Church is committed to academic freedom in both areas of education and scholarship by comparing these Catholic requirements with Jewish traditions. Quoting from various church documents,
he traces how the Catholic Church fosters and respects the need for open communication as well as purposeful discovery in order to arrive at truth. However, as is the case with other documents that are supposed to encourage freedom, there is the potential that those desires can be curtailed, by an individual's selfish attempts at power control, by deliberately misinterpreting the intentions of the document. Mackler points out that the challenges which scholars must face because of the Ex Corde document, but indicates how Ex Corde offers a meeting ground, an area of commonality, from which open-minded scholars can debate issues freely. Furthermore, the fear of destabilization of tradition and culture need not be so if Ex Corde is properly implemented, remembering that the goal of Ex Corde is to encourage liberty and to test the validity of various beliefs not to keep the status quo without reason and purpose. Thus, the tradition is able to grow to fit the needs of the people as truth is uncovered and becomes part of the tradition. In conclusion, Dr. Mackler's essay functions both as a discussion of the practicality and justness of implementing such an academic policy as well as a testimonial demonstrating how a scholar is able to thrive intellectually and responsibly at a Catholic University.

Baron:

The essay written by Craig Baron addresses the issue, within Ex Corde Ecclesiae, of the requirement of a mandatum for all theologians who teach Roman Catholicism at Catholic universities and colleges. He looks at whether the nature of the enterprise of theology can permit such a requirement from ecclesiastical authority and still maintain its independence and objectivity. The essay is comprised of three sections. The first section is an overview of Ex Corde Ecclesiae and its possible adaptability to the American education situation. He lays out the American scene by providing a short history of higher education in the Western civilization. Beginning with ancient Greeks and tracing it right up to beginning of the twenty-first century, Baron attempts to show how long and hard the road has been for academic freedom and, particularly for theology, to be won finally. Here, the emphasis is on the unique American experience of "rugged individualism" and the suspicion of religious authority, flowing from the value of separation of church and state. Additionally, he takes a look at Catholic higher education in America specifically and the struggle over shifting paradigms in theology. The second section looks, with some detail, at those sections that deal, specifically, with the issue of the mandatum in the apostolic constitution. Since these sections are rather thin on details, Baron interprets what he thinks is the full intention of the mandate by looking at several other relevant texts from the Vatican. He is attempting, in the process, to define the ecclesial role of the theologian in light of these texts. Moreover, he explains how revelation is an "open narrative" that is forever in dialogue with history and so incapable of being circumscribed in advance by some authority or static doctrine. The third
section of the paper looks at the particular arguments raised by theologians against the necessity of a mandatum and the relationship between faith and reason. Baron concludes that the nature of theology cannot bear the requirement of the mandate and still fulfill its mission to the church as "faith in search of understanding."

**Challenges for the Future**

During the second half of 2001, the issue of the application/issuance of the mandatum for those teaching ecclesiastical sciences will be implemented. However, the implementation of the many other aspects and dimensions of Ex Corde Ecclesiae will probably demand much more time, effort and energy. Catholic higher educational institutions will need to design vehicles to assist faculty, administrators and staff to gain this knowledge of the Catholic tradition and community in order to foster their informed participation in the identity, mission and goals of Catholic institutions. Boards of Directors will need to review statues and by-laws and judge their relative adequacy to the principles, goals and values which Ex Corde identifies as the center and heart of what makes a college/university Catholic in name and practice. Curricula reviews will be needed to see if opportunities to address the nexus of faith and reason are adequately pursued. Most importantly, Catholic institutions of higher learning must, continually, strive to find ways to become vibrant communities of care, reconciliation and love for all within their scope and for all whom they touch.

The essays in this edition of Theological Exploration offer a vision of what makes Catholic College and Universities Catholic. The essays are written by authors who are engaged in the enterprise day by day. Hopefully, their insights will be important resources on the journey which Catholic faculty, administrators, staff and students will all undertake in both the short and long term.

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Ex Corde Ecclesiae: Solutions for Catholic Universities

The continuing discussion of Ex Corde Ecclesiae and its Application to the United States ranges from apoplexy to warm embrace. With approval (recognitio) from the Holy See, some level of anxiety can be found on many Catholic campuses, particularly in departments of theology. Two central issues fuel that anxiety: (1) How will the university meet the norms that, "to the extent possible," the majority of faculty, staff, administration and board of directors should be Catholic. (2) How will the mandatum be implemented? Each of these pervasive issues induces many other questions. A constructive dialogue between Catholic higher education and bishops can alleviate any anxiety. With no intention of preemptioning other constructive solutions, the following analysis is designed to contribute to that dialogue.

Anticipatory rejections of the mandatum norm may not only state that a given theologian will neither seek nor accept a mandatum but that he will also ignore future scholarship by any theologian who accepts a mandatum. Such reactions are not only woefully premature, they are intellectually dishonest. They reject any possibility of communion between a local bishop and theologians in a Catholic university. They call upon other Catholic theologians to choose sides in preparation for a continuous conflict with local bishops and the Magisterium. Preaching essential distrust between bishops and theologians, this view is diametrically opposed to the expressed purpose and spirit of Ex Corde. The basic assumption in pursuing a constructive solution must be mutual trust between the bishops and Catholic universities--an open minded eagerness to arrive at a constructive solution.

The constructive dialogue must pursue the purpose of Ex Corde and its Application. The Application states that "Catholic identity" is at the heart of Ex Corde. How does a University manifest its Catholic identity? There are more than 230 colleges and universities that call themselves "Catholic." An outside observer may conclude that any one of these institutions would be able to provide a comprehensive description of their generic "Catholic" university identity as well as the particular charism of the individual school. Such an observer would be more than surprised to learn that, to some, a given Catholic university is merely "Catholic in origin," and manifests only a few idiosyncratic characteristics that reflect the teaching of the Catholic Church. Other reactions would be more hopeful of a clearly discernible and pervasive Catholic dimension, but none would suggest uniformity in approaches to Catholic identity among Catholic colleges and universities.

For decades, many Catholic schools have apologized for their identity in the hope of discovering respect among secular institutions. This practice is induced
by the abject failure of Catholic schools to pursue and effectively communicate the nexus between faith and reason—the nexus that commands the attention of others to comprehend why "Catholic intellectual" is not an oxymoron and why a Catholic scholar can obsessively pursue truth in a given discipline notwithstanding the scholar’s faith that ultimate truth has been discovered in terms of personal destiny. There has been little explanation of the profound truth in the simple Ignatius of Loyola aphorism that may be paraphrased as, "Study as if there is no God, and pray as if you had not studied at all." There is precisely little recognition of the fact that, when genuinely understood, faith is the most rational of all acts that requires an unfettered search for truth. It is difficult to communicate this quintessential character of a Catholic college or university to others unless the faculty, administrators and staff of the Catholic school have assimilated this character. These foundational concepts are no longer explored pervasively in many Catholic colleges and universities. The philosophy of the typical "Catholic" school is found in the questionable Land O’ Lakes document that pleads for a place at the secular university academic freedom table with the assertion that Catholic schools are just as intellectually free as secular schools.

Similarly, it is not uncommon to hear prominent Catholic scholars lament the view that there is a restriction on academic freedom in Catholic schools, at least among Catholic theologians. Whether in theology or any other discipline, this is a fallacy. There is much more de facto academic freedom in the genuine Catholic university. The ordinary religion of the secular university is relativism and even nihilism—a repudiation of the eternal search for truth. The genuine Catholic university will explore Sartre and Derrida, but it will not ignore Augustine or Aquinas. The genuine Catholic university will consider secular humanism but it will also treat moral theology and moral philosophy as genuine disciplines. The genuine Catholic university will not only recognize the eternal quest for truth, it will also insist that truth, though elusive, exists. Genuine Catholic universities differ from their secular counterparts in rejecting absolute neutrality. While open to all views and welcoming all peoples from any background, we are not neutral. The essential fallacy is that absolute neutrality is a condition to academic freedom—a fallacy that Catholic universities have unwittingly promoted. Absolute neutrality necessarily requires adherence to only one truth—the contradiction that nothing is true and the corresponding adherence to the absolute freedom syndrome where there are no external standards—exposed so elegantly in Veritatis Splendor. It is the popular philosophy of emotivism with its origins in sophistry and its post-modern corroboration by relativists, nihilists, deconstructionists, and reductionists. Genuine Catholic universities insist on rational discourse and recognize the principle of contradiction as true. Genuine Catholic universities understand and proclaim their identity as faith communities with a lived Mission Statement in accordance with the teachings of
the Church while obsessively pursuing genuine academic excellence in all disciplines.

A "Majority" of Catholics

In such a genuinely Catholic school, it should not be remarkable to discover a majority of Catholic board members, administrators, faculty and staff. Neither should it be remarkable to discover diversity among members of a Catholic university community--members who are not Catholic but are viewed as full and valuable partners in the enterprise. Their religious liberty is not merely tolerated, it is honored as a natural right. The only expectation is that they respect and support the Catholic identity of the institution.

There are non-Catholic faculty, administrators and staff who demonstrate a deep awareness of and support for the mission and identity of a given Catholic university to a greater extent than some of their Catholic colleagues who may still be apologizing. The concept of hiring Catholics, however, is predicated on the assumption that one who is in communion with the Church would be more likely to support its mission and identity. To suggest, therefore, that the personnel of a Catholic college or university should, "to the extent possible," display a majority of Catholics is neither intolerant nor absurd. It is a means to the end of helping to preserve and enhance the Catholic identity of the institution. It should not, however, be viewed as a quota system. Does it require the termination of extremely valuable and full members of the university community who are not Catholic but who fully support the mission and identity of the institution? The question scarcely survives its statement. There are thousands of non-Catholic faculty, administrators and staff as well as loyal and dedicated board members who have not only been invaluable in the progress and development of Catholic colleges and universities, but have sincerely joined in the support of the particular identity of the school. Thus, the norm suggesting a majority of Catholics must be viewed in the context of its purpose.

A Catholic university requires board members, faculty, administrators and staff of great talent, creativity and commitment to its academic, moral and spiritual mission and identity. It should be a welcome environment for all, Catholic or non-Catholic, but it should be particularly welcome for those who not only respect but who are in communion with the Church. It should, therefore, be a very attractive environment for highly capable and competent Catholics in the continuous pursuit of their identity and purpose to be associated with a genuine Catholic university. It is, therefore, of the highest importance that the Catholic nature and identity of the institution be fully promulgated to prospective members of the board as well as prospective faculty, administrators and staff. Such an emphasis will attract Catholics who desire a Catholic ambiance while
providing the non-Catholic with a clear understanding of the culture of the institution and the reasonable expectation that all members of the university community will support that culture. It should not, however, be assumed that every Catholic understands or supports such a culture. Thus, even with respect to a "practicing Catholic," it is important to explore these questions in anticipation of possible appointment to any university position.

The Mandatum

Catholic theologians who teach in Catholic universities are hired by the university whose institutional autonomy must be respected by all, including bishops. Their competence is determined by the university. Only the university evaluates their performance as teachers and scholars. What role then, does the local bishop or the Magisterium play with respect to the Catholic theologian in a Catholic university? The Application is very clear on this point:

Both the university [as a Catholic university in communion with the Church] and the bishops, aware of the contributions made by theologians to the Church and academy, have a right to expect them to present authentic Catholic teaching. Catholic professors of the theological disciplines have a corresponding duty to be faithful to the Church's magisterium as the authoritative interpreter of Sacred Scripture and Sacred Tradition.

This is a critically important statement. It asserts a "right" in the university and the bishops and a correlative "duty" in the theologian. What is the basis for this "right"? Even Catholic theologians who are critical of Ex Corde and prematurely reject the norm of the mandatum are willing to admit that any theologian who rejects "central" (infallible) teachings of the Church does not deserve to be called a "Catholic theologian." It is, however, with respect to teachings of the magisterium that are sometimes characterized as "distant" rather than "central" that the acceptance of the teaching of the Church as "official," "authoritative" or "final" arises. "Distant" teachings are "fallible." With respect to "distant" teachings, is the magisterium the final, authoritative interpreter, or is the view of the magisterium concerning these teachings just one view among many from which Catholics may choose?

A 1996 bishops’ review of a revised version of the well-known work, Catholicism, is particularly instructive in this regard. While clearly accepting the fact that the range of theological views including positions in opposition to those of the magisterium must be explored in the theological dialogue, the review insists that the official teaching of the magisterium not be relegated to simply one of many acceptable views. Similarly, the review rejects "doctrinal minimalism" that relegates church teaching to the barest essentials and suggests that Catholics
who are not comfortable with certain teachings of the magisterium, may freely choose among alternative views.\textsuperscript{3}

The Value of "Finality"

An analogy is sometimes drawn between the magisterium and the United States Supreme Court. In the famous aphorism of Mr. Justice Jackson, the Court "is not final because it is infallible, it is infallible because it is final." Finality must be accorded a very high value in any system or organization. The values of certainty, stability and predictability depend upon it. Some person or group must make a final decision if there is to be orderly progress in any human endeavor. While "freedom has become the apotheosis of our society and democracy is viewed as its handmaiden, even here, the final arbiters of our legal system are not elected. They are appointed for life and may issue opinions that are diametrically opposed to popular views or even the views of those who appointed them. Their essential power is in finality.

Those who serve in this "supreme" role are not constitutional law scholars.\textsuperscript{4} They are not the teachers of constitutional law or other federal laws. They are not the authors of the books and treatises on constitutional law. The constitutional law scholars are found in the law schools. Place a hundred real constitutional law scholars in a room and ask any question about any part of the Constitution and it will generate myriad responses. Then ask, who is the final and authoritative and final interpreter of the Constitution? The scholars will not hesitate in their singular answer: the Supreme Court of the United States. Notwithstanding other disagreements, they unanimously recognize the value of finality.

With some exceptions, bishops are not theological scholars though their formal education in theology far exceeds the single course in constitutional law to which members of the Court were exposed in law school. Moreover, they are counseled by mature theologians while Supreme Court justices are counseled by recent law school graduates who serve as their clerks. The major distinction between the Magisterium and the Court, however, is the inspiration of the Holy Spirit that the Court does not claim. On the basis of this inspiration alone, the Magisterium can claim the unique status of final and authoritative teacher of Sacred Scripture and Sacred Tradition even with respect to "distant" teachings.

Even apart from such inspiration, assume a "distant" teaching as to which the Pope and his bishops do not claim infallibility. Who should be the final and authoritative interpreter of such teachings, the Magisterium or a particular theologian? If the latter, which theologian should that be? If a question arises as to which teachings are infallible and which are not, who decides that question, the Magisterium or a particular theologian? Again, which theologian? Are all of
the teachings of the Magisterium deserving of respect from Catholic theologians who claim communion with the Church? Are these teachings entitled to special consideration as the official teachings of the Church inspired by the Holy Spirit? Do the "people of God" deserve accuracy in the communication of the teaching of the Magisterium? Are they entitled to certainty, stability and predictability in such teaching, or should they be presented with a smorgasbord of views and instructed by prominent "Catholic" theologians to take their pick? Should a teacher of Catholic theology provide a comprehensive analysis of the bases for such teaching, notwithstanding the necessity to study and discuss other scholarly views, including views opposed to official Church teaching which the bishops clearly contemplate and understand as essential for a Catholic theological scholar?

Still another critical insight pervades the Bishops' review of the book Catholicism. The book is presented as an introduction to Catholicism. It contains summaries of disparate teachings that are incomplete. The bishops suggest that the professional theologian or a graduate student in theology may very well find the descriptions of a variety of different theological positions quite helpful. Yet, the book is an introduction. To present these views to the untutored student of theology as undifferentiated and equal to the authoritative interpretations of the Magisterium in a book compiled by a prominent Catholic theologian is imprudent. The beginner is in no position to choose among these views. She is in no position to quarrel with them. Without anything resembling sufficient background, she may parrot their implied errors in depicting the views of the Magisterium simply because they have been stated by a prominent "Catholic" theologian.

The Association of American University Professors (AAUP) sets forth a standard of prudence for all disciplines. The professor who makes incomplete and, therefore, potentially misleading statements to beginners knows or should know that such novices are incapable of considering other positions or arguments because they lack a sophisticated understanding of such views. It is an unfair contest. Whether addressing undergraduates in a theology class or the public in general--particularly the Catholic public who, themselves, are not professional theologians--prudence requires the professor to take great care in articulating insights in his or her discipline so as not to mislead, no matter how tempting the glare of publicity or media applause that may incite controversy. Similarly, in public pronouncements on television, radio or other public addresses, the AAUP instructs the professor of any discipline to be prudent in recognizing that, notwithstanding disclaimers, the professor will necessarily be identified with the university where he or she holds a professorship. For those who identify themselves as Catholic theologians, the bishops and Catholic universities
reasonably expect prudence concerning statements about Catholic teaching as the final, authoritative, teaching of the Church.

The Church and its bishops as well as the Catholic university that has bestowed a professorship on the Catholic theologian have more than a legitimate interest in such conduct. They fully expect Catholic theologians to explore other views including views that are clearly opposed to the teaching of the Magisterium. Again, in the great theological dialogue among theologians or graduate students in the subject, it is reasonable to assume that the participants are capable of making appropriate distinctions. Before general audiences or undergraduates in an introductory theology course, however, bishops and Catholic universities reasonably expect the theologian to clearly and respectfully identify the teaching of the Church as authoritative and final, just as a teacher of Constitutional law must accurately depict the "teaching" of the United States Supreme Court in a basic course in that subject.

Some theologians manifest a lack of understanding or sympathy for the necessity of finality in the Magisterium to decide the content of Catholic teaching at any point in time. In effect, they allege that some of the teaching of the Magisterium is false teaching. They do not see the inherent contradiction in that view. Unlike other disciplines, both law and Catholic theology are subject to final, authoritative and official interpretations. Lawyers must take an oath that may be likened to a very formal mandatum to uphold the law as authoritatively and finally "taught" by the highest court. In other disciplines, though a particular school of thought may be generally accepted in a given era, there is no final, authoritative position. Both law and theology, however, have their respective authorities that are final.

Legal historians recognize the Vatican legal system as the oldest legal system in the West. It has its own rules of interpretation and it is the final interpreter of what is "Catholic" in accordance with the Roman Catholic tradition just as the Supreme Court is the final interpreter of the law in the jurisdiction in which it is supreme. Catholic theology is a rich tradition of different views and those views evolve, albeit glacially, through a process that ends with the authoritative teachings of the magisterium at any point in time. The United States Supreme Court is more than wary of abrupt changes in Constitutional interpretations that threaten certainty, stability and predictability in the positive law. The Court, therefore, pays great deference to the principle of stare decisis. The Church is quite legitimately even more wary of anything resembling abrupt changes in the teaching of the Magisterium.

Some Constitutional law scholars and some Catholic theologians are impatient with such glacial evolution of official doctrine. They assert the narcissistic view
that they have found the "truth" and they insist that it should be promulgated immediately as the final teaching of the Church. Others, like John Courtney Murray, are willing to subjugate their individual views and await the glacial evolution. Scholars must explore all views, with due deference to the authoritative norms, but they must be willing to recognize that their perceptions of truth may never become "authoritative" as pronounced by the final interpreters, or, at least, they may not become the "law" during their lifetimes. It is also helpful for the most experienced and acclaimed scholar to recognize at least the remote possibility that he or she may be wrong.

In essence, scholars must have respect for the necessity of finality. They must understand that neither legal nor theological scholars make final, authoritative decisions. That is not their role. Their role is to explore the frontiers and fringes of their disciplines, providing critical analyses to respectfully inform their disciplines. When pursued in this fashion, bishops must welcome and respect such scholarship as a necessary and desirable process that will inform the glacial evolution of Catholic doctrine. It is also reasonable to expect Catholic theologians to have respect for the teaching of the Magisterium as the authoritative teaching which is, again, inspired by the Holy Spirit. Similarly, it is reasonable to expect Catholic theologians to be accurate in their statements of the teaching of the Magisterium and to refrain from expressly or impliedly indicating that other teaching is official, authoritative Catholic doctrine. This is the substance of the mandatum. The local bishop does not appoint the theologian. He does not judge the effectiveness of the theologian as a teacher or scholar. These and related issues are exclusively the concern of the University. The sole and exclusive concern of the bishop is the Catholic theologian’s accuracy in reflecting official Church teaching and respect for the teaching of the Magisterium including the indisputable fact that, at any moment in time, it is the final teaching of the Church. A clear understanding of the respective roles of the University, the Catholic theologian and the local bishop removes any significant issue from the discussion. The only ancillary question is how the mandatum is conferred.

The Application of Ex Corde in the United States indicates that the mandatum may be conferred personally by the local bishop, or it may be "delegated." In the Pittsburgh, Pennsylvania diocese, a council of representatives from the diocese and representatives from two Catholic colleges and one Catholic university have been in dialogue concerning Ex Corde for several years. This council is simply one of many manifestations of mutual trust and strong relationships between Catholic higher education and the Bishop of this diocese. This relationship allows for continuing dialogue that transcends the norms of Ex Corde and its Application. The particular process through which the mandatum will be granted and accepted can evolve from a continuing dialogue and relationship.
Such a dialogue between the local bishop and the Catholic schools within the diocese is essential, not only to meet the mandatum and other norms, but to pursue the overriding desideratum of Ex Corde--mutual trust and support to ascertain continuing enhancement of Catholic identity in the schools and communion with the Holy See as well as the local bishop. Some form of this continuing dialogue is a necessary condition to the fulfillment of Ex Corde. All of the norms of Ex Corde, including the mandatum, will flow naturally from such a continuously-enhanced relationship. A particular norm will not be perceived as ukase. All of the norms will evolve in a renewed pursuit of the Catholic mission and identity of the schools and their particular and privileged role as Catholic colleges and universities. Ex Corde is not an exercise in authority. It is an exercise in faith, hope and love. If approached through the Spirit that gives life, the implementation of Ex Corde will more precisely identify and enhance the singular contribution of Catholic higher education in every diocese in America.

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Notes

1 Catholicism by Fr. Ricard McBrien of Notre Dame University. The first two editions in the early 1980's resulted in a 1985 statement by the National Council of Catholic Bishops’ Committee on Doctrine specifying a number of deficiencies that the Committee hoped would be corrected in future editions. A Statement released by the Committee on April 9, 1996 concluded that, though there are many positive features to be found in the revised edition, it "poses serious difficulties and in several important respects does not live up to its ambitious title."

2 "While Catholicism is concerned to include a wide range of voices in the theological conversation, the teaching of the pope and bishops is often reduced to just another voice alongside those of private theologians. By presenting the range of views, the text is obviously intended to reflect the fact that there is a serious debate over certain questions in the contemporary church. The problem is not that the book describes positions in opposition to those of the magisterium, but rather that its presentation often lends them more weight than the magisterium itself….The impression is thus given that the ‘official’ teaching is only one among a number of opinions, in no way binding on the faithful. ***For example, the presentations of the questions of contraception, homosexuality, and women’s ordination all take for granted that these are open questions; the official church teaching appears as merely one of the options for the reader…. [T]he text implies that the ‘official church position’ is erroneous on all three points." (Emphasis supplied) Review of Fr. McBrien’s "Catholicism" by the National Council of Catholic Bishops’ Committee on Doctrine, Section B (3) (April 9, 1996).

3 "Also in keeping with the emphasis on the plurality of opinion within the Catholic tradition, the overall direction of the text of Catholicism is toward reducing to an absolute minimum the church teachings and beliefs that are to be considered essential to the Catholic faith and to which one must adhere in order to consider oneself Catholic. In part, this is the result of the aforementioned inclusion of a range of widely divergent and sometimes contradictory positions in the theological discussion, an inclusion that implies that there is very little that these positions hold in common. ***[A] tendency toward minimalism also arises from what appears to be the
book’s concern to accommodate those who may have difficulty accepting some part of the Catholic faith as it has traditionally been understood. At times, the text seems to make every effort to provide Catholics a way out of accepting church teachings or believes that they are controversial or difficult to understand in terms of contemporary ways of thinking." Id. at Section B(4).

4 Curiously, the only nominee for the Court in recent memory who was a constitutional law scholar, Robert Bork, was rejected because of his scholarship.
Catholic Identity and the Liberal Arts Tradition

Our preoccupation with the Episcopal norms for implementing Ex Corde Ecclesiae has perhaps distracted us from the central challenge of the papal constitution: defining the unique identity of the Catholic college or university. This is a special challenge to American Catholic colleges, because our Catholic identity is intertwined with our American character. Called to be distinctively Catholic, we are nonetheless also inescapably American.

Higher education in the United States began in colonial New England, when the staunch Calvinists of the Massachusetts Bay Colony established Harvard College in 1636. Its function was to educate leaders for the church and civil society by means of a narrowly prescribed course of study. The earliest Catholic colleges in the United States, dating from the first decades of the nineteenth century, provided pre-seminary training for men intending to become priests and formation in faith and morals for lay students, through a similarly rigorous program of study. By the beginning of the twentieth century, collegiate institutions of all types were evolving along many new directions, in response to the explosive growth of knowledge into new fields and specializations, and the changing needs and demands of an increasingly industrialized nation. While Catholic institutions were initially somewhat slow to adapt to change and become part of the mainstream, today’s Catholic colleges and universities are a significant part of the complex system of American higher education, a system widely admired abroad, sometimes disparaged as well as admired at home, comprising a breadth of institutional types, with markedly different and expanding functions.

The ground on which collegiate institutions explicitly define themselves is the undergraduate curriculum. Historian Frederick Rudolph characterizes the curriculum as "an arena is which the dimensions of American culture have been measured, an environment for certifying an elite at one time and for facilitating the mobility of an emerging middle class at another. It has been one of those places where we have told ourselves who we are. It is important territory." Once a relatively confined space, the territory now has open borders, the terrain having changed markedly over 350 years.

The earliest schools had a prescribed curriculum in the liberal arts. The business of a college was to provide an education based on a shared belief that what was essential to being an educated man was a common body of skills and knowledge, that knowledge "most worth knowing." By the late nineteenth century, the old classical model of liberal learning had given way to a greatly expanded curriculum that made room for professional specializations and vocational training. Catholic schools, however, clung longer and more persistently to their
tradition of a prescribed liberal arts curriculum. Eventually, the survival of these institutions directed them to accommodate to standards and practices fixed by the secular educational establishment; but to this day, for most Catholic colleges and universities, the liberal arts occupy the curricular space in which, if anywhere, institutional mission and identity may be defined. What follows is a necessarily compressed and therefore somewhat oversimplified account of major developments in the Catholic college curriculum as they have run counter to, and then parallel with, curricular changes and adaptations across the wide domain of American higher education.2

Early Developments

Nine colleges were founded before the American Revolution, starting with Harvard in 1636, and each had Protestant denominational ties. Each prescribed a course of study that reflected a medieval and Renaissance heritage. The study of classical languages and literature sharpened rhetorical skills, mathematics honed the reasoning powers, and the capstone ethics course helped shape the character. The commencement ceremony was customarily a rhetorical display, with graduates showing off their new abilities in oratory and disputation.3

By the first quarter of the eighteenth century, the early schools, and others more recently established, had hardly begun to open to Enlightenment influences, reflected in a greater emphasis on mathematics and natural philosophy (science), when they were pressured to enlarge the curriculum further, with more science offerings and courses in modern foreign languages. Nevertheless, well into the first half of the nineteenth century, "a college education without the classics was not a college education"—at least not at Yale, whose faculty Report of 1828 artfully made the case to restive students and dubious Connecticut legislators that a rigorously traditional curriculum was the most expeditious route to "intellectual culture," and study of Greek, Latin, and pure mathematics the "most effectual discipline of the mental faculties."4 The Yale Report had its enthusiasts and the curriculum had its imitators at several new colleges; meanwhile, proponents and dissenters debated in the popular press whether knowledge of the ancient languages was a necessary element of a liberal education.

Still, the cause was lost almost before the Report was printed. Rudolph characterizes it as a kind of last gasp for an uncompromising definition of liberal learning as a universal body of knowledge and a common set of intellectual skills.5 The purpose of the Report was to quell growing impulses to curricular innovation, but public demands for greater diversity and flexibility went on unabated throughout the century, as did a variety of options and electives to expand the curriculum. By the mid-1800's, both Harvard and Yale had created separate schools of science, while at other institutions, both old and new, the B.S.
degree was introduced as an alternative to the classical curriculum. From this point on, changes accelerated. By the end of the nineteenth century, Harvard had moved to a nearly completely elective curriculum. The older colleges had been joined by such newer educational models as the land-grant colleges and the first research university, Johns Hopkins, and schools of engineering, business, education and even forestry could be found on American campuses. Growing harder to discern were the Protestant denominational ties of many of the older colleges, as they marched steadily towards secularization. Rudolph sums up the history of the nineteenth-century curriculum as a period "when great battles were waged and great social and intellectual forces engaged . . . The death of the classical course of study opened the way to a curriculum burdened with such diversity of purpose, style, and institutional form that the word curriculum became a concept of convenience rather than precision."

Catholic Higher Education in the U.S. - The Formative Period

Catholic colleges trailed the earliest Protestant colleges by nearly two hundred years. Georgetown, the first Catholic school, was established in 1789, but the period of greatest activity was from the mid to late 1800’s. Forty-two colleges for men were founded before 1850. After 1850, as a college education became more broadly desirable, the number of new institutions rose sharply; one hundred fifty-two Catholic colleges were established between 1850 and 1899. Almost all founded by religious orders, these schools were structured according to a European model that linked secondary and tertiary education–three years of preparatory or high school followed by three to four years of college-level courses. It was what Philip Gleason calls a "pedagogical continuum," wherein students followed a version of the Jesuit Ratio Studiorum, a plan of studies dating from the late sixteenth century that was based in classical languages and literature and culminated in philosophy.

Although not altogether immune to demands for more vocational training, Catholic colleges for a time opposed change, trying "valiantly," according to Rudolph, to retain the Ratio Studiorum, but "by 1866 two thirds of the Catholic colleges were offering commercial courses of study designed to prepare young Catholics for the world’s work." Still, only those students who completed the classical program earned the B.A. degree. Near the turn of the century, with newer models of higher education on the scene, such as institutes of technology and the land-grant colleges, Catholic schools continued to resist the inroads of non-humanistic and vocational courses. At the first annual meeting of the Association of American Colleges in 1899, Rev. Michael Murphy, C.S.Sp., president of Duquesne University, cautioned his confreres: "In view of the social condition of the majority of our people, their desire for a marketable return for their expenditure on their boys is not unreasonable; and one of the greatest
difficulties that confront us . . . is to reconcile true educational ideals with the pressing needs of our patrons." As late as 1905, Jesuit colleges such as Holy Cross and Georgetown still advertised completely prescribed classical curricula.

As the nineteenth century drew to a close, pressures at the national level were driving towards the standardization of collegiate education. Professional organizations such as the National Education Association and the Carnegie Foundation for the Advancement of Teaching, with support from recently formed learned societies, defined norms for college admissions and proposed measures to quantify student progress and accomplishment. In light of the rapid growth of public high schools, the newly established regional accrediting bodies called for clearer articulation of entrance requirements leading from secondary to post-secondary education. A movement to accredit high schools and colleges followed. To deal with the impact of such developments on their own institutions, Catholic college leaders formed the Association of Catholic Colleges, which, within a few years, became a part of the larger Catholic Educational Association. Guidelines and pressure by the CEA gradually brought about the organizational modernization of Catholic schools. Among the achievements of the CEA was the definition of "college" as a four-year institution and recommendations for the elimination of the prep schools and for the adoption of some degree of electivism alongside required courses. Response was slow and sometimes reluctant, but by 1918 the CEA published its first list of approved colleges, that is, schools that met the CEA standards for "what constitutes a college."  

The Catholic Renaissance

Expansion into professional and graduate education was not far behind, for it became evident that unless this happened, many Catholic students would gravitate to secular institutions to acquire vocational and professional training. Gleason cites figures showing that between 1899 and 1916 the number of students in Catholic colleges nearly doubled (from 5500 in 1899 to 9278 in 1916); however, the number of graduate and professional students rose sixfold (from 1000 to 6542). By 1926, there were nearly 19,000 undergraduates in Catholic colleges and 27,300 graduate/professional students. But whereas Catholic schools, like their secular counterparts, were adding programs in science and commerce and degrees in education and pharmacy, and establishing schools of law and medicine, they continued to hold fast to the liberal arts, and the cumulative wisdom of the humanities disciplines as the foundation of the undergraduate curriculum. Moreover, Catholic schools were about to enter into what still appears in hindsight to some as a period of intellectual renewal that Gleason characterizes as an "intellectual Renaissance."
This so-called rebirth originated in the nineteenth-century revival of Scholastic philosophy. The study of Thomistic thought was vigorously promulgated by Leo XIII, in his 1879 encyclical Aeterni Patris, and by his successor, Pius X; the latter advanced Scholasticism as a counter to the errors of Modernism. Thomism was affirmed the rational justification for faith, the intellectual foundation and organizing principle of the Catholic worldview, and the basis for a restoration of a "truly humane culture." The emergence of influential centers of Thomistic scholarship in Europe, at Louvain, for example, led to an intellectual and literary revival abroad that eventually made its way into American Catholic universities and colleges during the 1920’s and 1930’s. Thomism, or Neo-Scholasticism, the "perennial philosophy," became the unifying principle of the Catholic college curriculum, and it remained such for nearly thirty years.

Thus, from at least the early 1940’s, through the World War II period, and for a decade or so beyond, liberal education at Catholic colleges was a solid edifice of literature, history, and some natural and social sciences, with philosophy for its foundation and theology (or religion) the keystone. Writing about this period, Gleason asserts that the "striking thing about the Catholic identity issue in the 1940’s and 1950’s is that it did not exist." He goes on to explain that Catholic colleges "could be unself-consciously Catholic because Catholics were still self-consciously different," a "distinctive sub-culture." Catholicism understood itself as a unique way of life and a unique view of reality. The ideological confidence among American Catholics of the period was the fruit of the Catholic renaissance. Neoscholasticism gave to Catholicism its unity of vision and to the Catholic college curriculum its integration and coherence. Seeing the papal imposition of Thomistic philosophy as an effort "to standardize Catholic thought," George Marsden nevertheless acknowledges that "the intellectual restrictions of neo-Thomism . . . provided a base for building an alternative worldview by a community that was threatened with absorption into an alien culture with highly appealing claims." And he concludes: "Whatever the weaknesses of Catholic higher education during this era, and they were many, Catholics emerged from this era with one thing Protestants did not: universities with substantial religious identities."17

The National Debate Over the College Curriculum

Meanwhile, during the period of the ascent of Scholasticism in the Catholic schools, the secular academy was embarked on a protracted discussion of the purpose and direction of the undergraduate curriculum, which, according to many, had fallen into disarray. The charge was made that the old ideal of a common body of knowledge had given way to electivism, specialization, and vocationalism, and more than one person expressed frustration over the lack of agreement on what was essential to a liberal education. Throughout the 1920’s
and 1930’s, a number of educational leaders initiated reform efforts and experiments—programs and even schools—that are today generally identified as either empirical and "progressive," or traditional and "classical." Two of the best-known antagonists in the debate were John Dewey and Robert Hutchins. In a famous exchange between them in 1936, Dewey advocated a general education that fostered experiential learning in preparation for life in a democratic society. Hutchins was equally supportive of an educated citizenry, but championed a liberal arts education rooted in the "timeless truths" of the Great Books, with Aristotle and Aquinas at the center. For the most part, Catholic educators remained on the sidelines of the debate, but they were heartened by Hutchins’ endorsement of traditional learning, and, in the spirit of innovation, a few Catholic campuses such as St. Mary’s, California, and Notre Dame designed Great Books curricula similar to the one advocated by Hutchins and implemented at St. John’s, a small, originally Protestant college in Annapolis, Maryland.

Dampened by the national preoccupation with winning World War II, the discussion resumed in full right after the war, even as the colleges and universities sought to deal with the impact of the G.I. Bill and the developing Cold War. "General education" had become the preferred term for that part of the curriculum devoted to fostering general intellectual skills and mastery of a body of general knowledge. The argument continued, however, over the content of that body of knowledge. In 1945, a committee handpicked by President James Conant of Harvard issued an educational agenda for post-war America, General Education in a Free Society. Compared to the Yale Report of 1828 for the grandness of its aspirations, The Harvard Report, also known as "The Redbook," declared that a fund of common knowledge of Western civilization, as provided by general education from secondary school through college, would unify otherwise diverse citizens and thereby strengthen the democratic system. The authors of the Report envisioned it as a manifesto for American education, and indeed its recommended reforms were attempted at several institutions, but not at Harvard itself. While endorsing the Report in principle, the Harvard faculty sidestepped the recommendation for prescribed core courses in humanities, social sciences, and natural sciences, substituting a range of distributive choices in those areas and thus ensuring that "the American curriculum would continue to be defined more by heterogeneity than by uniformity."¹⁹

Frederick Rudolph characterizes the Harvard Report as an effort to "write a prescription for sustaining the liberal tradition," but he says it "was addressed to a society that was in the process of confirming its alienation from the tradition, heritage, and common belief with which education had once been associated."²⁰ And, Rudolph adds, by the 1960’s, the general education movement had "run out of steam." Moreover, during this same period, rapidly expanding college
enrollments triggered further expansion and diversification of the curriculum, because many of the newcomers to that student population were interested in pre-professional and technical education. Furthermore, increases in federal funding, prompted by the Cold War, tilted campus research enterprises towards science and technology.

**Catholic Higher Education Enters the Mainstream**

The post-war period was also the beginning of apparently irreversible change for Catholic higher education. Social and cultural forces were at work that Philip Gleason explains in all their complexity in his accounts of the transformation. First, the distinctive lines of the Catholic sub-culture began to blur as Catholics were assimilated into the general population or, in Gleason’s words, as Catholics "became less distinguishable from other Americans in terms of income, occupation, residential location (for they, too, had moved to the suburbs), and educational aspiration." An accompanying development was the mounting criticism of Catholic intellectual "ghettoism" or separatism. Ideological confidence was now characterized as "smugness." When the attack was directed specifically at education, it was given forceful expression by John Tracey Ellis in a 1955 lecture, "American Catholics and the Intellectual Life." Gleason records that "Ellis’ blast set off a chain reaction of self-criticism that continued into the early 1960’s. His target was not ghettoism as such, but the appallingly poor showing made by American Catholics in scientific research, scholarly publications, and intellectual leadership generally—all of which of course reflected very unfavorably on Catholic institutions of higher education." Others took up the theme, focusing on different aspects of the problem. For example, in an address at the 1957 meeting of the Catholic Commission on Intellectual and Cultural Affairs (CCICA), theologian Gustave Weigel, S.J., critiqued the teaching of philosophy in Catholic schools, for its "apologetical orientation, predigested packaging, and the indoctrinating methods employed by teachers obsessed by a ‘general-defense mentality’" and argued that such methods "were . . . likely to turn students against philosophy itself and also against the ideal of scholarship as a way of life." Subsequently, in the aftermath of Vatican II, there was yet more hostile criticism of and even alienation from pre-conciliar Catholic culture.

According to Gleason, the impact on the Catholic liberal arts curriculum was the "splintering of the scholastic synthesis." Scholasticism, once the privileged mode of philosophical inquiry, which had purportedly given to Catholicism its unity of vision and to the Catholic college curriculum its integration and coherence, was losing its hegemony. In their efforts to assuage self-doubt and to address the challenges posed by their critics, Catholic educators embarked on a pursuit of excellence, "with excellence being understood as the way things were done at places like Harvard and Berkeley." The quest after excellence was
particularly keen in the realm of graduate education, but Catholic schools now aspired to be considered part of the mainstream in general, even while trying to maintain their distinctiveness as Catholic institutions. The apparent disintegration of the ideologically organized liberal arts curriculum and the emergence of growing numbers of lay faculty members and administrators at many institutions made the task a difficult balancing act at times. Catholic schools also coped with problems they shared with their mainstream counterparts: expanding and more diverse student populations, growing demand for career education, and the fallout from the social and cultural upheavals of the late 1960’s. Eventually, common concerns drew representatives of Catholic schools into the national conversation about American higher education, and they became accepted and then welcomed participants.

In that conversation, the state of liberal education has remained an unresolved question. One can trace the recurring themes through the steady run of reports, books, and conferences that became a flood over the last twenty-five years. The debate has never lacked combatants, Allan Bloom among the most prominent, or issues, including the battles over the canon and the larger culture wars. As reflected in just a handful of book titles, liberal education is illiberal, it lacks both coherence and integrity, it is in crisis, it is a battleground, but it can be reimagined. Recently, scholars such as W.B. Carnochan and Francis Oakley have urged the realistic but unconsoling perspective of history. Of the "collective jeremiad" of books, articles, and reports, Oakley comments:

_A golden age of educational coherence and curricular integrity is evoked or implied. If its precise location is no more than foggily determined, that is has been succeeded by a catastrophic fall from grace is not left in doubt. The recent history of undergraduate education in the United States is chronicled as a deplorable descent from the realms of gold to our current age of iron—an age distinguished by declining academic standards, curricular incoherence, creeping consumerism, rampant vocationalism, and a wavering sense of mission._

From his helpful vantage point as a medieval historian, Oakley recounts the story of competing approaches to liberal education, disagreements that long predate the quarrels within the American enterprise. Reflecting on the "tangled history" of the tradition, Oakley points to its "looseness, variability, and flexibility," and contends that the very tensions that have "wracked it for centuries may well account for much of its enduring vitality and strength." Still, the ongoing struggle to balance specialization with general education, to provide sound career training while safeguarding the tradition of intellectual and ethical formation, leaves many deeply discontented and troubled. And, as Derek Bok notes, "The fact that curricula debates are inconclusive does not mean that they are unimportant." Bok lays out the three perennial issues: "how much to
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 prescribe and how much to leave to the free choice of students . . . how to achieve breadth in each student’s education . . . [and] how to achieve integration—how to teach students to synthesize what they have learned, to connect different modes of analysis and bodies of thought to illumine issues of human importance.”

In the current phase of the debate, a new version of the old vexing question has emerged. No longer is it merely, "What really matters in the liberal arts curriculum?" Now, rather, the more compelling question is "Why do the liberal arts matter?" Since at least the mid-1970’s, projects to restore integrity and coherence, projects on both study in depth and interdisciplinarity, projects to promote diversity, global awareness, civic engagement and responsibility, and, importantly, projects to harmonize liberal and professional education have been spurred by such organizations as the Association for Higher Education and the Association of American Colleges and Universities. Conferences are held, reports issued, books written. Educators share with one another strategies to enhance learning outcomes in the classroom and to foster connections among students and between students and the communities in which they learn and work.

Catholic schools, too, worry over curricular depth, breadth, and coherence, and they are frequent participants in the latest experimental models and curricular innovations. In fact, several Catholic schools have earned national recognition for their innovative work; Alverno College, for example, is seen as a benchmark school for its "ability-based" curriculum and learning outcomes assessment. On the other hand, Catholic schools for the most part remain identifiably different in at least one respect—they hold to the ideal that there are fundamental questions to be asked of life, and that one’s education must be above everything else a journey of discovery. Hence, for Catholic schools, the question is moot: liberal education still matters.

Catholic Identity and the Liberal Arts Curriculum

Today, there are approximately 230 Catholic colleges and universities in the United States. Of this number, a few are two-year colleges. The majority of the schools fall into the recently revised Carnegie classifications of Baccalaureate Liberal Arts, Baccalaureate General, or Master’s I or II. Seven schools are classified as Doctoral Intensive, and eight, Doctoral Extensive. Of the latter, Georgetown, Boston College, and Notre Dame are ranked among the top 50 U.S. research institutions. If it is safe to assume that most of these institutions see themselves as part of the American educational establishment, how then do they maintain a unique identity and mission?

Catholic schools face many of the same challenges and look for the same opportunities as their secular and other sectarian counterparts. Since enrollments
must be expanded or at least maintained, competition for students remains fierce, and it is tied to visibility. High rankings and ratings are keenly pursued, "excellence" is the byword, and growing one's academic reputation is the sine qua non, especially if the school offers graduate education. Faculty hires are an important element in the steady march toward excellence and national reputation. Institutions point with pride to the number of new hires with degrees from the most prestigious graduate schools. A sign of the times, Catholic schools often recruit young Catholic faculty with degrees from top non-Catholic graduate programs.

In most of today's colleges, marketing is a full-time art and industry, constrained only by the amount of resources. Recently, theologian Martin Marty wryly observed that, notwithstanding the complex "accusations and explanations" by James Burtchaell, George Marsden, and others, that church-founded colleges have "sold out to modernity" or "lost faith in their spiritual distinctiveness," the real culprit in the secularization of higher education is the market: "Good old capitalist, free-enterprise, competitive forces are the main secularizers." Marty describes his survey of advertisements placed by church-founded colleges in major newspaper "back to school" supplements. He notes that little if anything is made of the religious affiliation of the schools or their heritage in the liberal arts. He concludes:

These are not villains. They are not liberal theologians trying to square the circles of faith and reason. They are not ideological sell-outs to postmodernity. They cannot be faulted for putting their best market-foot forward. If they did not advertise how good they are at business, computers, management, finance, or technology, they would fail to lure prospects who would like to make good livings. The faiths that backed these schools celebrate vocations in the world. To prepare people for that is not malfeasance. But if they put no liberal arts or religion faces forward, these institutions--more than theologians and compromisers--have to be noted when scholars and prophets account for the forces of secularization.

Newspaper ads are only snapshots, however. Prospective students see a bigger picture than merely the appeals to their career or vocational interests when they look at institutional view books, catalogs, CD-ROMs and websites. A survey of catalogs and websites of a sample of Catholic schools of every size, both the prominent and the less well known, has turned up little evidence of attempts to disguise or obscure their Catholic ties. Rather, identity, history, heritage, and mission are highlighted in the opening pages. This fact in itself is a difference from the past, when the history and mission or charism of the founding religious community or congregation was little publicized among the students and less reflected on, because members of the community were present everywhere, from classrooms to administrative offices. By contrast, many present-day schools,
often almost entirely lay-administered and with a preponderance of lay faculty,
declare their ongoing affiliation with the founding orders by their mottos
("Spiritus est qui vivificat") and their slogans ("Catholic, Vincentian, Urban") and
in their mission statements ("dedicated in the tradition of the Christian
Brothers").

Of course one cannot assess the vitality of intellectual or spiritual life on a
campus by a visit to a website, nor judge the rigor (or orthodoxy) of a course
merely from a catalog description. What is evident, however, almost without
exception in the sample of approximately 85 schools, is that a liberal arts core,
whether of prescribed or distributive requirements or some combination, is the
educational foundation for undergraduates. While some of the small Catholic
women's colleges emphasize the progressive development of intellectual skills or
"competencies," the content of the courses in such programs is based in the
traditional arts and sciences disciplines. Although not presented exclusively from
within the intellectual framework of Scholasticism, invariably there are
requirements in philosophy that range from as few as one to as many as four
courses, while theology requirements average two courses. Moreover, several
institutions infuse their core curricula with the spirit of the founding order. Thus,
at St. Bonaventure University, Clare College is the academic unit that
administers the core curriculum for all the University's students: "Clare College
reflects our commitment to the Catholic and Franciscan tradition, and our
identity as a liberal arts based university." One of the college's course
requirements is "The Catholic-Franciscan Heritage." Boston College describes its
core curriculum as "being in the tradition of the Jesuit ratio studiorum."
Villanova University declares that its "Augustinian heritage enables the College
[of Arts and Sciences] to draw upon the dynamic legacy of St. Augustine." And
states Ursuline College: "Faithful to the contemplative heritage of the Ursuline
congregation, we perceive contemplation and reflection as integral factors in our
search for wisdom."

Supplementing the general liberal arts core at a number of the mid-sized to
larger schools in the survey are such options as honors programs, liberal studies
and Great Books majors, and interdisciplinary concentrations in Catholic Studies.
Honors programs come in many varieties. Gannon University’s Honors Program
is a basic liberal arts curriculum, offering four courses in philosophy and three in
theology, with a senior seminar in "Peace and Justice." Honors students at
Franciscan University, Steubenville, follow an eight-semester chronological
sequence of great works of Western Civilization, whereas students in Honors at
St. Anselm College take a major called "Liberal Studies in the Great Books." The
Great Books program begun at St. Mary’s California in the mid-1950’s still
endures as the "Integral Program." Of similar vintage are the Great Books
Program started at Notre Dame, which continues today as the "Program in
Liberal Studies," and the "Humanistic Studies Program" at St. Mary’s College, Notre Dame, a curriculum that was inspired by the insights of historian Christopher Dawson.

A number of schools offer concentrations in Catholic Studies. While it is a bit jarring to see "Catholic Studies" listed as only one among the many subject areas that are available these days for major and minor concentrations—from the traditional disciplines to Hispanic Studies, Women's Studies, Peace Studies, Environmental Studies, and so forth—the programs seem solidly anchored in history, literature, philosophy, and theology. The University of Santa Clara, Georgetown, Marquette, and Gonzaga are among the schools offering minors in the field. DePaul and the University of St. Thomas, Minnesota, offer both a major and a minor in Catholic Studies; at St. Thomas, the program is housed in a Center for Catholic Studies, which is also home to the University’s John A. Ryan Institute for Catholic Social Thought. Both the active and contemplative sides of the Catholic heritage are represented in the variety of such programs: Notre Dame, for example, has a minor in Catholic Social Tradition, while the University of Dallas offers a concentration in Christian Contemplative Studies. Two research centers supplement the programs in Catholic Studies at Notre Dame—the Cushwa Center for the Study of American Catholicism and the Erasmus Institute, which "fosters research grounded in the Catholic intellectual tradition."

The above examples and similar cases from the several other school sites visited in this survey strongly suggest that Catholic colleges and universities take their heritage seriously and recognize both an obligation and an advantage in communicating their Catholic identity to prospective students. Very much in the American grain, however, the schools give equal time on their web pages to promoting the vocational and career benefits of their programs. At the comprehensives and research universities, students have a choice of many professional specializations in business, engineering, the health professions, education, and fine arts. The smaller schools seem to try even harder to convince prospects that a successful, rewarding future is just a degree away, and narrow vocational programs are often offered side by side with English, philosophy, and theology. Thus, for example, schools promise learning for both gratifying and productive lives; learning that is both scholarly and practical; that will lead to confidence and success in the world of work. They promise readiness for career opportunities in a complex society and preparedness to achieve one’s goals and dreams. Nationally published rankings and ratings are highlighted on web pages, as well as student and alumni testimonials. The pages of a rather well known institution carry a quote from an article in a popular magazine about one of the school’s successful graduates. The quote characterizes his alma mater as a place where "hard work and pulling yourself up by the bootstraps is the ethos."
Reclaiming the Catholic Intellectual Tradition

Summing up his account of what he terms the "end of an era" in the history of Catholic education, Philip Gleason comments that the task facing today's Catholic colleges and universities is to "forge from the philosophical and theological resources uncovered in the past half century a vision that will provide what Neoscholasticism did for so many years—a theoretical rationale for the existence of Catholic colleges and universities as a distinctive element in American higher education." At a conference last fall, Alasdair MacIntyre reportedly declared that Catholic higher education has a choice between two conceptions of a Catholic college—one based on a secular model to which Catholic practices have been superadded, and one in which philosophy and theology integrate the curriculum, with systematic engagement with the thought of Thomas Aquinas. The summary of his remarks is admittedly second-hand, but the concept of the integrated curriculum is strikingly familiar. Moreover, the model is already on exhibit at a small group of colleges included in this survey.

These four small Catholic liberal arts colleges require special notice because their collective claim is that they preserve the Catholic intellectual heritage. At least two of them contend they have reinstated the lost "theoretical rationale" of Neoscholasticism. Founded by laymen during the 1970's, all four institutions trace their beginnings to a desire to respond to "the crisis in the Catholic college." They identify symptoms of the crisis that range from the Land O'Lakes Statement of 1967 to a "rampant secularization of the curriculum," and raise the question whether most Catholic colleges can justify continuing to call themselves Catholic. It is worth taking a closer look at the ways these four schools have institutionalized their conservative values in their programs of study.

The oldest of the group, Thomas Aquinas College, in Santa Paula, California, opened its doors in 1971. Available on the website, a 22-page rationale written by its founders in 1969 holds that the college marks a return to the unique Catholic intellectual tradition. The statement declares: "Thomas Aquinas College, as a Catholic institution, looks to the Church for the guidance necessary to walk in the fullness of truth established by Christ and believes that the essential purpose of a Catholic college is to educate under the light of Faith." The Great Books curriculum, which leads students through the trivium and quadrivium, proceeds to philosophy, "governed by the method and doctrine of St. Thomas Aquinas," and culminates in theology. Students do not select majors and minors. They earn a B.A. in Liberal Arts.

Magdalen College, located in Warner, New Hampshire, was founded in 1973. It offers the B.A. in Liberal Studies. Although the college does not specifically identify the doctrine and method of St. Thomas Aquinas as the wellspring of the
curriculum, Magdalen states that its mission is "to give an integrated Catholic liberal arts education: to teach and form its students intellectually, morally, socially, and spiritually" and to "prepare young people to live life well and assume an active and competent role in the modern world." The Program of Studies is a series of tutorials, focusing on primary texts, and emphasizing the development of "discipline, an orderly mind, good communication skills, and detachment from one’s own opinions." Like Thomas Aquinas College, Magdalen offers foreign language instruction only in Latin.

Christendom College, in Front Royal, Virginia, dates from 1977. The College ascribes its educational principles to Cardinal Newman’s Idea of a University, but states as well its commitment "to a Thomistic educational policy: programs of instruction in philosophy and Sacred Theology shall be taught according to the spirit, method, and principles of the Common Doctor." Students follow a two-year core curriculum, basically in the humanities. One course is required in Euclidian geometry or other college-level math as is an "Introduction to Scientific Thought." Available languages are Greek, Latin, French, or Spanish. Juniors and seniors take advanced courses in philosophy, theology, and literature, along with a choice of a major in one of the traditional humanities or in political science and economics. Christendom claims it has "taken the lead in demonstrating how a Catholic college can be institutionally faithful to the Magisterium and committed to the principles of Ex Corde Ecclesiae." Both Christendom and Magdalen College declare in their catalogs that their faculties and administrators take an annual oath of fidelity to the Church. 34

The Thomas More College of Liberal Arts, in Merrimack, New Hampshire, was founded in 1978 for the purpose of "providing a Catholic education for students of all faiths. It recognizes that reflection on the specific nature of liberal arts education has been entrusted to the Church in a special way and so assumes as its task the rediscovery and articulation of this tradition in our own time." The required core curriculum includes courses in math, science, art history, and theology and interdisciplinary humanities sequences (readings from Aquinas are embedded in the sequence on the High Middle Ages, alongside Bonaventure, Dante, and Chaucer). Students must also take instruction in either Greek or Latin. They may major in literature, philosophy, political science, or biology.

Two latecomers seem about to join this group. The College of St. Thomas More in Fort Worth, Texas, was established in 1981 by a local parish group as an adult education institute. The institute subsequently expanded its curriculum to semester-long courses in the humanities and mathematics, and in 1989 became the College of St. Thomas More. The College describes itself as "being in fidelity to Christ and His Church" and "seeking to further the Catholic liberal arts tradition and the proper ordering among the disciplines of learning." Currently
authorized to award the Associate of Arts degree, the College is preparing to offer a baccalaureate program. Most recently (1998), came the announcement of another "new conservative, Magisterium-oriented" college in Texas, Our Lady of Corpus Christi; however, there is as yet no accessible website.

Because they seem so far from the mainstream, and so severe in their judgments against their fellow Catholic schools while claiming to have singularly rediscovered the Catholic liberal arts tradition, it is tempting to dismiss these institutions as reversion to a forgotten mode of Catholic education, and captive to a highly conservative understanding of Catholic faith and culture.

Yet, to look on them is to glimpse the lost "golden age" of liberal education. At these colleges the liberal arts constitute not just the central but the exclusive content of the curriculum. Each core program attempts a coherent rendering of the Western Tradition. There is no untidy reaching out to include vocational and career training or to incorporate the more recent fields of inquiry that at other places crowd the curricular landscape. The Great Books are not for the faint of heart or the feeble of purpose, yet at these institutions, the teachers apparently enjoy the luxury of working with students who are highly motivated to study primary texts. The integrating power of the Thomistic vision is once again visible, particularly in the carefully ordered sequence of philosophy and theology texts at Thomas Aquinas College.

Without doubt, these schools are intent on preparing graduates deeply committed to Christian values and tradition for service to the Church and the world. Their statements of purpose are elegant reminders of the noblest aspirations of the liberal arts tradition. Nevertheless, as Alan Wolfe observes of the evangelical colleges, there is a risk in marginalizing oneself. Right now, the ideological self-confidence of this group of Catholic institutions makes them seem a fragment of the Catholic sub-culture of the past, unfamiliar and remote.

As for the vast majority of Catholic colleges and universities, they hold fast to their membership in the sprawling, competitive, complex system of American higher education. Their scholars and scientists contribute in large, important ways to the bodies of knowledge in virtually every field. Members of their faculties and administrations serve their local communities and are called on to take major leadership roles at regional and national levels. In their graduate and professional schools, they prepare a sizable number of new doctors, lawyers, corporate managers, and professors. Most important, they welcome a significant proportion of the young men and women who enter college each year in the hopes of earning a degree.
A 1999 survey of U.S. college freshmen found that nearly three-fourths of them believed that the ability to get a good job and make more money was an important reason to go to college; 64% of these same students reported that they expected to major in a pre-professional or technical field. Many like-minded students can be found on the campuses of Catholic colleges and universities, and these schools undoubtedly strive to give their students all the instruction and training they need, not merely to succeed but to excel in their chosen careers and professions. At the same time, however, Catholic schools proclaim a distinctive mission to prepare their students to do their work in the world with integrity and honor, and to live lives of dignity, service, and faith. The word "values" comes up again and again in their mission statements, whether as "intellectual, moral, and spiritual values," or simply "ultimate values." Intellectual, moral, spiritual values, ultimate values—these are studied primarily and enduringly in the liberal arts curriculum. Catholic colleges and universities in America are a rich tapestry woven of the histories and traditions of their founding orders, each of which originally defined their educational mission in and through the liberal arts. The challenge of Ex Corde Ecclesiae is twofold: to embrace that great heritage, and to continue the search, in Gleason's words, for the new vision by which Catholic higher education may define itself as a "distinctive element in American higher education."

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Notes


2 There are numerous studies of American higher education and of liberal education. Rudolph’s Curriculum (see above) is a classic work on these topics. There are far fewer resources specifically about Catholic higher education in the U.S. Philip Gleason, Professor Emeritus of History at the University of Notre Dame, has written what is, to date, a definitive history, Contending with Modernity: Catholic Higher Education in the Twentieth Century. New York: Oxford UP, 1995.

3 Douglas C. Bennett lists the major characteristics of the early college curriculum as "Single preparation for all purposes . . . Undivided faculty . . . Unity of knowledge . . . [and] Explicit pedagogy, an explicitly stated conception of how the course of study, conceived as a whole, was intended to educate and improve those who followed it from beginning to end." Education and Democracy: Re-imagining Liberal Learning in America, ed. Robert Orrill (New York: The College Entrance Examination Board, 1997), p. 133.

4 Rudolph, p. 71.
5 Curriculum, p. 243.


7 Curriculum, p. 245.

8 The figures are from Edward J. Power, A History of Higher Education in the United States (Milwaukee: Bruce, 1958), pp. 46-47. Catholic women's colleges are not included in these data. Many women's colleges evolved from girls' academies during the late 19th and early 20th centuries. The first academy to be chartered as a four-year college for women was the College of Notre Dame of Maryland, in 1896.

9 Contending with Modernity, pp. 4-6.

10 Curriculum, p. 108.

11 Gleason, p. 27.

12 The CEA requirements included 128 semester hours as a minimum for graduation; a minimum of seven departments, each with at least one full-time professor with a college degree; and minimum standards for libraries and labs. Gleason, p. 50.

13 Contending with Modernity, p. 82. He advises that the 1916 data may be understated by as much as 1000 because they do not include enrollments in women's colleges that had been established since 1899.

14 Gleason discusses this period at length in chapters 5-7 of Contending with Modernity, pp. 105-166.

15 See Gleason, pp. 142-145 and 164-166 for discussions of the evolution of religion (later, theology) into a "full fledged academic subject in Catholic colleges in the United States."


17 The Soul of the American University, p. 275.

18 In his Orators and Philosophers: A History of the Idea of Liberal Education, 2nd ed. (New York: The College Entrance Examination Board, 1995), Bruce A. Kimball quotes a 1923 statement by Alexander Meiklejohn (President of Amherst and founder of an experimental college at the University of Wisconsin): "The chief trouble with our teaching . . . today is that we haven't anything to teach . . . we haven't got a gospel, a philosophy, we haven't in the proper sense a religion to give them." Pp. 88-89.


20 Curriculum, p. 258.
Quoted in Contending with Modernity, p. 291. Looking back on this era, other recent scholars have raised similar questions about both the role of an "ecclesial body" in fostering a particular philosophy and promoting specific conclusions (David B. Burrell, C.S.C., "A Catholic University," in The Challenge and Promise of A Catholic University, p. 41) and the pedagogical challenge of marching hundreds of students through a course sequence in scholastic philosophy, mostly with textbook interpretations: a "dry, ritualistic, and often stagnant process" (Andrew Greeley, S.J., The Changing Catholic College, National Opinion Research Center 13. Chicago: Aldine Publishing, 1967, p. 136). Burrell contends that a Catholic university ought to promote scholarship "in a specifically Catholic tradition in philosophy," but ought also to be "in conversation with the wider world of academic philosophy" ("A Catholic University," pp. 41-42). In his encyclical on faith and reason, John Paul II comments: "From different quarters... modes of philosophical speculation have continued to emerge and have sought to keep alive the great tradition of Christian thought which unites faith and reason." Fides et Ratio, 59.


29 Bok, pp. 39-44.

30 “Secularization and the Academy,” Sightings, Martin Marty Center at the University of Chicago Divinity School, August 14, 2000, online newsletter, rjmoore@midway.uchicago.edu

31 A comprehensive list of Catholic college and university websites may be found at http://www.catholic-usa.com/colleges.html, which provides links to 212 sites.

32 Contending with Modernity, p. 322.


35 "[Liberal education] is the kind of education that causes joy to well up in the soul of the student because the soul recognizes and approves the inner transforming growth that takes place through learning." Peter V. Sampo, President of The Thomas More College of Liberal Arts, "The Purpose of a Catholic Education," May 1993, online, <http://www.thomasmorecollege.edu>

36 "The Opening of the Evangelical Mind," p. 76.

Catholic Law Schools and Ex Corde Ecclesiae, 
Or What Makes a Law School Catholic?

The promulgation last year of draft norms by the National Conference of Catholic Bishops for the apostolic constitution, *Ex Corde Ecclesiae*, and the subsequent approval of those norms by the Apostolic See, have caused much reflection on what it means to be a Catholic university in the United States. A derivative of that question, which is not asked as often, but which is of critical importance to those of us working at law schools that are part of a Catholic university, is: What does it mean to be a Catholic law school in the United States today?

I think that I can offer a unique perspective on this question because, by education and practice, I am both a civil lawyer and a canon lawyer. Indeed, I am the only canon lawyer who is the dean of an American law school. As a result, I view this issue through a double lens, that of the Church’s law and that of the civil law of the United States. Both legal systems impact what makes a law school Catholic, and so this article will proceed from this dual perspective.

Canonical Perspective

Canon law provides a structure for the Church’s life. Clearly, when He established His Church, the Lord intended it to have a certain organization. This can be seen in His choice of the twelve, of the seventy-two and in His giving to Peter the power of the keys. The need for order and structure was so clear in the apostles’ minds that among the first things they did after the Ascension were to elect a twelfth apostle to replace Judas and to create the ministry of the diaconate. The purpose of the Church’s law was well put by Pope John Paul II in the apostolic constitution, *Sacrae Disciplinae Legis*, when he promulgated the 1983 Code. He wrote, "[The Code’s] purpose is...to create such an order of the ecclesial society that, while assigning the primacy to love, grace and charisms, it at the same time renders their organic development easier in the life of both the ecclesial society and the individual persons who belong to it." 3

Just as in civil society, it is the role of law to provide order and structure, so too in canon law. The Church, as a human society, needs laws for its existence as much as any other society. Laws and structure are especially necessary for the ordered existence of institutions within a society. The law provides a platform, not only for the creation of institutions within a society, but also for their ongoing administration and management. The canon law provides this perspective for institutions within the Church, among them are those great institutions of education to which the Church has given birth over the ages.
The 1983 *Code of Canon Law* contained a new section, not present in the former 1917 Code, on "Catholic Universities and Other Institutes of Higher Studies." In 1990, Pope John Paul II authored an apostolic constitution, *Ex Corde Ecclesiae* dealing with Catholic universities throughout the world that elaborated on these canons. As a requirement of *Ex Corde Ecclesiae*, each national episcopal conference was to draw up norms, for approval by the Apostolic See, that would apply the general notions of the document to its own country. The American bishops finished this process in the year 2000 and, from the perspective of the Church’s law, there can be no serious doubt that *Ex Corde Ecclesiae* and the now approved episcopal norms are binding on all universities in the United States that call themselves "Catholic."

At the start, there was some question about this. The first American commentary on the 1983 *Code of Canon Law* contained, as an introduction to canons 807-814 on Catholic universities, a controversial essay that implied that these canons did not apply to Catholic colleges and universities in the United States. The reasons cited by the commentator were the cultural, historic and juridic differences that, he claimed, distinguished American Catholic colleges and universities from those in the rest of the world and which provided a basis for an exemption from the law; I have dealt with these distinctions in an earlier published piece. Although I do not believe that the commentator’s distinctions did establish a sound basis for the claimed exemption, the view persisted that somehow American Catholic colleges and universities, for the special reasons cited by the American commentary, were not bound by the Church’s law.

The position of the American commentary caused serious problems. When *Ex Corde Ecclesiae* was first promulgated and, then again, when the American bishops began drafting norms to apply this papal document to the United States, the argument was heard that American Catholic colleges and universities were somehow not covered by the canon law. In turn, the argument went that they were not bound by any juridical action of the Church, papal or local, including *Ex Corde Ecclesiae* or any norms derived from it. This was the classic lacuna legis, except that it was a rather large lacuna, since most Catholic colleges and universities in the world are in the United States. If the canonical norms of *Ex Corde Ecclesiae* were not binding in the United States, there would be almost no reason for their existence. Nonetheless, this view received some rather high level support, including that of the President of Notre Dame University and the Chancellor of Boston College in an article they co-authored in America magazine.

The idea that American Catholic colleges and universities were not bound by the Church’s law stems from a monograph written by Father John J. McGrath, a Pittsburgher (although ordained for the neighboring diocese of Steubenville)
who was both a canon lawyer and a civil lawyer. In fact, Father McGrath was a graduate of the Duquesne University School of Law where I am now honored to serve as dean. In 1968, Father McGrath, then an associate professor at the Catholic University of America, at the behest of the Association of Catholic Colleges and Universities for whom he was serving as a consultant, published Catholic Institutions in the United States: Canonical and Civil Law Status. The basic thesis of this 48 page monograph was that Catholic hospitals, nursing homes, colleges, universities and so forth, by virtue of their civil law incorporation, were neither owned by the Church nor subject to the Church’s laws. Or in McGrath’s own words, "If anyone owns the assets of the charitable or educational institution, it is the general public. Failure to appreciate this fact has led to the mistaken idea that the property of the institution is the property of the sponsoring [i.e., religious] body." And that "the charitable and educational institutions conducted under the auspices of the Church [in the United States] were recognized as civil law institutions and not subject to the canon law of the Church."

Set free by the McGrath thesis, American Catholic colleges and universities were able to shed their religious clothing, and many of them did, quickly replacing boards of trustees that were predominantly religious with boards that were predominantly lay. In itself, this did produce some salutory effects. Lay collaborators can bring to a board talents and insights that the religious founders do not possess. Unfortunately, this conversion to lay boards was underpinned by McGrath’s philosophy that this transformation was necessary because these were civil and not Church institutions. Many of the talented and dedicated lay persons being invited onto the boards of Catholic colleges and universities at this time did not realize and did not intend that their presence might be used as a means of distancing these institutions from the Church and the Church’s laws.

The danger of the McGrath thesis was not immediately recognized. By 1973, however, a young priest canon lawyer and attorney, Adam J. Maida, wrote an article in The Catholic Lawyer setting forth the dangers and the errors of the McGrath thesis. Like McGrath, Maida was both a Pittsbugher and a graduate of the Duquesne University School of Law. His condemnation of McGrath’s position was rather strong, proportional to the harm that he saw McGrath doing to the American Church. He wrote, "what Henry VIII did with a sword in England, what Napoleon did with his armies in France, what Lenin did with a political philosophy, McGrath has attempted to do, and has succeeded in many cases, with a legal theory."

Father Maida followed this article up with his own monograph, Ownership, Control and Sponsorship of Catholic Institutions, published in 1975 by the Pennsylvania Catholic Conference. It was Maida’s position that the hospitals,
colleges and universities founded by Roman Catholic religious orders and dioceses were either their own "moral persons" (canonical parlance for juridic entities) -- even if they had not been established as such by canonical decree -- or they were the apostolates of moral persons, and were, in either case, Church entities subject to the Church’s laws.

Maida’s position underwent further refinement in a book that I had the privilege to co-author with him, Church Property, Church Finances and Church-Related Corporations. In that lengthy treatise, which was written after the promulgation of the 1983 Code of Canon Law, we elaborated on Maida’s prior position that the incorporated apostolates (hospitals, colleges and universities) shared in the canonical juridic personality of their founding religious orders or dioceses. In fact, in many instances, the work of the apostolate was the juridic person’s raison d’etre in the canon law and could not, neither logically nor ontologically, be separated from it. We wrote that McGrath was wrong to give a canonical effect to a civil law device. The American civil law incorporation of these institutions could not, as McGrath had held, sunder the canonical relationship that these institutions had with their founding religious order or diocese. Rather, unless the appropriate canonical steps were taken to separate these institutions from the religious orders or dioceses that founded them, they remained subject to the Church’s laws.

My views are much less complicated now then they were in 1984 when Church Property was written. Without relying on sophisticated questions of canonical juridical personality, I am of the opinion that if an institution chooses to be Catholic or identifies itself as Catholic, then it is subject to the Church’s laws. An institution cannot be Catholic in any meaningful sense of that word if it is not subject to the Church’s legal system. It would be analogous, for example, to someone saying, "I am an American citizen, but I am not subject to America’s laws." The illogic in that statement is obvious, as should be the illogic of a college or university calling itself "Catholic" yet claiming exemption from the Church’s laws.

Life is not lived on a theoretical level. If we are not pure nominalists, then our principles should inform our actions. Law helps us to discipline ourselves to accomplish this end because law relates theory to life. If a society calls itself a democracy, its laws will (and must) provide an order and a structure that support a democratic form of government. If an institution calls itself Catholic, then its rules and structure will (and must) support its Catholicity.

So, Father McGrath and the American commentary on the 1983 Code of Canon Law notwithstanding, there is no exemption for American Catholic colleges and universities from the 1983 Code or any further Church legislation such as Ex
Corde Ecclesiae and the bishops’ norms. As long as they wish to remain Catholic, these institutions of higher learning must operate under the Church rules that structure and order the universe in which they operate.

**Civil Law Perspective**

Interestingly enough, when the American bishops’ draft norms on Ex Corde Ecclesiae were issued, the initial civil law reaction was similar to the initial canonical response: "You don’t mean us, do you? If we are required to follow these Church rules, we will lose our accreditation, we will lose our government contracts, we will lose our government financial aid." As with the McGrath thesis, reasons were sought in the civil law to trump the Church’s legislation. But none of those reasons held water and I have written about them in another venue.

What I did not write about extensively in that earlier article, however, and what I wish to address now, is the particular civil law issue of the Ex Corde Ecclesiae norms and the accreditation of Catholic law schools. The accrediting agency for all American law schools is the American Bar Association. The standards for accreditation are extensive; they do deal specifically with religiously-sponsored law schools. Standard 210(e) allows religiously-affiliated law schools to have both admissions policies and faculty hiring policies that reflect their religious affiliation as long as appropriate notice of the fact is given to prospective students and faculty and as long these policies do not offend the institutions’s own statement on academic freedom. This is a rather broad acceptance of the rights of religiously-affiliated law schools and, while one might assume that the ABA is rather foresightful to have such an accreditation standard, it was achieved only after affirmative litigation by a religiously-affiliated law school seeking accreditation from the ABA. Even now the ABA standard purports only to recognize those rights of the religiously-affiliated law schools that are protected by the First Amendment. In any event, this exception for religiously-affiliated law schools to pursue their religious affiliation both when choosing their students and when choosing their faculty, does exist in the ABA accreditation standards. As a result, the implementation of one of Ex Corde Ecclesiae’s more controversial requirements, that preference be given to hiring Catholic professors so that they constitute a majority of the faculty, would not pose an accreditation problem for a Catholic law school. All that would be necessary to comply with the ABA standards is a clear notice to all those applying for faculty positions concerning this religious preference.

Within the ABA framework, I am unaware of any Catholic law school in this country, including my own, that makes any representation of limiting its hiring to Catholic professors. At Duquesne, when we have a faculty opening, we
advertise for highly-qualified professors of law who can teach and write consistently with the Catholic values of our school. A recently founded Catholic law school, whose avowed public purpose was to be a model Catholic law school for the United States, only goes so far as to state that it is "enhanced by the Catholic intellectual tradition." In fact, that institution’s first and most public faculty hire was of a prominent non-Catholic legal academic and former jurist.

The Ex Corde Ecclesiae hiring norm might pose a problem for the American Association of Law Schools, however. AALS is not an accrediting agency, and accredits no law schools. It is a membership association to which most American law schools belong, and functions, in many ways, as a type of law school faculty union. Most law schools choose to belong to AALS because of the credibility and membership benefits for faculty it provides. Like every membership organization, AALS has certain membership rules, one of which, By-Law Section 6-4(a), would appear to be in conflict with Ex Corde Ecclesiae, since AALS’s interpretation of that by-law prohibits admissions or employment policies that limit "the number of persons admitted or employed on religious grounds." If a Catholic law school which strictly followed Ex Corde’s hiring norms was found to be in violation of this by-law interpretation, it could face AALS sanction, even loss of membership. But since AALS’s benefits are primarily to faculty, and since individual faculty members could continue to attend AALS meetings whether or not their employing law school was a member or not, loss of AALS institutional membership would not be a major event. In fact, it may even be wiser for the Catholic law school to leave AALS before AALS leaves it. In 1990, when the ABA voted to become an abortion-rights lobbying agency, our faculty voted to drop our law school’s institutional membership in the ABA, while allowing individual faculty, at their own expense, to maintain their individual ABA memberships. That change has not affected us one whit, either as to credibility or as to accreditation. In fact, as a Catholic law school, it may have made us more credible.

Catholic Identity

Despite the initial questions that were raised, there are no canonical or civil impediments to moving forward on the Ex Corde Ecclesiae norms. The basic question remains to be answered, then: What makes a law school Catholic? I can address that question rather easily as a canonist. In order to be Catholic, an institution must do three things: (1) it must publicly identify itself as Catholic; (2) it must act like it is Catholic; and (3) it must maintain some formalized relationship with the hierarchical Church. These requirements are easy to state, but perhaps not so easy to apply.
The first--stating that the law school is Catholic--is rather obvious. Yet, a quick check of the literature from the twenty-seven American law schools affiliated with Catholic universities indicates that more of them lack a Catholic self-description than those that embrace one. More common is a specification of the particular religious body that sponsors the school, e.g., a law school in "the Jesuit tradition" or the "Ignatian tradition," without specifying that theses traditions are subsets of the "Catholic tradition." To be fair to these other Catholic law schools, I should note that a check of the websites of the eight schools of my own University reveals that only two of us (Law and Health Sciences) specifically mention that we are Catholic. So, perhaps the designation falls through the cracks, or perhaps sometimes it is conveniently omitted. But an essential aspect of being a Catholic institution is for the institution to say that it is Catholic.

This requirement of Catholic identity is more important than one might realize. For an institution to say that it is Catholic is to put the outside world on notice that it is dealing with a particular type of entity--one that is founded on, and presumably will act on, religious beliefs and values that have an ancient history. Perhaps more importantly, it puts those inside the institution on notice of the same principles. It tells faculty, students and staff, "You have come to work at, study at, teach at, be educated at, an institution that has a well-known, well-established system of beliefs that will affect how you act here, how you act upon others here, and how others act upon you here." In the law school milieu, this announcement to the world that a law school is Catholic enables the school to meet the requirement of the ABA's Accreditation Standard 210(e). We are a Catholic law school, and because we are a Catholic law school, we will act differently than other institutions in our midst.

The next aspect of Catholic identity--acting like the institution is Catholic--is much more complex. How does a law school "act Catholic"? First, there are the obvious external signs. Duquesne’s law school, for instance, has a crucifix in every classroom and in the student lounge. We do not hold classes on any Catholic holy-day. Although we are not fortunate enough to have a chapel in the building--I am very envious of the chapel in the new Catholic University of America law school--we do have Mass offered twice a year, the first week of advent, the first week of lent, in the law school building, even though the University chapel, where daily Mass is offered, is only a short 500 foot walk away. For Mass, we use our faculty conference room that has stained glass windows and which, when it was refurbished three years ago, raised speculation that the dean actually was putting a chapel in the building. The law school also begins and ends the academic year with a group Mass for all of our students in the University chapel. We have a spiritual reading group, which is open to all students, and which treats religious themes that all of our Catholic, Protestant and Jewish students would feel at home with. Our course catalogue contains
elective listings in Canon Law, Law and Philosophy, Law and Religion, that provide the students who take them with a Catholic perspective on their legal training. We have renewed our focus on legal ethics in the classroom, by establishing a professorship in professional responsibility, by increasing the number of credits in ethics that are required to graduate, by instituting a series of lectures in legal ethics, and by attempting to inculcate ethical issues into every course. We make an extremely high priority of treating our students with respect. As our literature states, "the study of law at Duquesne is never a dehumanizing experience." And I must say that the faculty treat each other with respect. The brutal infighting and internecine strife that characterize too many law school faculties is notably absent at the Duquesne University School of Law.

But is this enough? Ex Corde Ecclesiae says that every Catholic university must imbue itself with the following essential characteristics:

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; and

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.

It would follow that, pari passu, a Catholic law school would also have these characteristics. Indeed, these four items provide a checklist that puts flesh on the bones of the second requirement discussed above, namely how an institution "acts Catholic." How does a law school that wishes to act Catholic manifests these four essential characteristics of Ex Corde Ecclesiae?

First, how does a Catholic law school manifest a Christian inspiration of individuals and of the larger law school community? Inspiration is the reason we are here as educators. There is no doubt that Duquesne Law School exists because, in 1911, the Holy Ghost Fathers made a commitment to the professional education of the immigrants they had come to Pittsburgh to serve. The institution does have a Christian inspiration. It was and remains a part of the educational apostolate of the Holy Ghost Fathers. Does this Christian inspiration extend to the individuals who presently occupy its campus and its law school? That is a more difficult question. There is no doubt that a number of our students
sit in our classrooms because they see law as an attractive and lucrative career. But there are also those students who enroll and work relentlessly because they realize that a law degree is a way to give voice to the marginalized in society, to help bear the burdens of others. A number of faculty share this view of law’s purpose. Moreover, not all of these faculty and students are Catholic. A number of them are from other faith traditions.

Second, how does a Catholic law school reflect, in the light of the Catholic faith, on the treasury of human knowledge? Strictly speaking, this would require that our faculty and our students, in the classroom, would bring a Catholic perspective to the legal issues they discuss. It also means that our law review and the published scholarship of our faculty in other reviews would manifest this same Catholic perspective. In other words, we would be Catholic in our classrooms and Catholic in our scholarship. I suspect that, on this criterion, this law school and most other Catholic law schools fall down rather badly. There is, after all, no such thing as Catholic tort law or Catholic contract law or Catholic criminal law. Yes, there is a Catholic perspective on certain legal issues, those impacting social justice and especially issues respecting life, but this perspective is not co-extensive with every topic studied in law school. If the purpose of a Catholic law school is to give the larger world a Catholic perspective on current legal issues, then I think Duquesne Law School does very well at showing what religious presuppositions make possible in the life of the larger community, without in any way threatening the commitments of the non-Catholic students and faculty. I can illustrate what I mean by a particular episode that occurred here last year.

As part of the legal ethics curriculum at the law school, Professor Robert Taylor invites every year a leading voice challenging the assumptions of the legal profession and related groups in America. In 1999, William Simon, the author of The Practice of Justice, spoke here. At the conclusion of his talk, members of the faculty and the bench and bar responded to his book and to his talk and, then, Professor Simon commented on the responses.

Professor Simon was challenged rather vigorously on moral grounds by Professors Margaret Krasik and Bruce Ledewitz and by Father Sean Keely. Professor Simon’s response was revealing. He characterized the criticism, which he dubbed "the Duquesne Critique" as his tendency to "subsume the language of morality into the language of law." Professor Simon admitted that he did do this because secular Americans have only access to the language of law and public values and not to the language of religion and morality. The, he said that it was no surprise that this criticism of his book is voiced at Duquesne and not so much elsewhere, because the conversation around law and public life at Duquesne "is a much richer one" than other Americans can have.
These comments by Professor Simon, which appear in full in an issues of the Duquesne Law Review, pleased me very much, even though I do not agree with him about the potential depth of the language of law purged of its religious and symbolic sources. What pleases me is, first, that Professor Simon could sense even in the short time that he was here that Duquesne Law School is a place where religion and morality are taken with utmost seriousness in terms of public issues and discourse. This is indeed a function of our Catholic heritage, and is a way that we reflect the light of faith on the treasury of human knowledge.

But, what pleases me just as much is that Professor Simon may not have realized that the two Professors who launched this "Duquesne critique" were not Catholics by Jewish. In other words, it is possible to be a Catholic law school in a way that liberates all religious traditions to engage the world in light of their insights. That, in any event, is what I think we strive to do at Duquesne Law School.

Third, how is a Catholic law school faithful to the Christian message as it comes to us through the Church? The basic Christian message is creedal, the Nicene creed being one of the earliest statements thereof. How is a law school faithful to this message? Unlike some other university departments, a law school’s course content is not creedal. So, there is no risk of any type of creedal distortion in the law school curriculum. But, faith is not simply belief; it is action consistent with that belief. Another way to be faithful to the Christian message is to act like we believe it, and this is something that a law school can take affirmative steps to carry out. Do we treat others--our students, our faculty colleagues--as sons and daughters of God, brothers and sisters of our Lord Jesus Christ, divinely created and divinely redeemed? If not, then perhaps we are being unfaithful to the Christian message.

Fourth, how does a law school manifest 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? Certainly, education is a service to the people of God, even professional education. And we do, in our daily operations, provide service to the people of God. Our numerous clinics provide many services to God’s poor, and, hopefully, instill in our students a life-long commitment to such service.37 But this standard of Ex Corde Ecclesiae requires not just service to the people of God, but a service that gets people to the "transcendent goal which gives meaning to life," i.e., heaven. How can a law school help anyone get to heaven?

Actually, the above question is not all that hard to answer. We are forming character at Duquesne Law School. Our mission statement says that we take laypersons and educate them into "highly resourceful, highly responsible"
lawyers. The final adjective sums it up. We must train lawyers who are not only highly skilled, they must also be highly responsible, i.e., highly moral. Henry David Thoreau observed that, "Most...lawyers...serve the state chiefly with their heads; and, as they rarely make any moral distinctions, they are as likely to serve the devil, without intending it, as God." Lawyers must make moral distinctions, and well-trained lawyers will make moral distinctions. Or, to return to the Duquesne Law School mission statement, "The Duquesne lawyer is well-trained in the law, but also understands that there is a difference in what the law allows us to do and what we should do--the difference between what is legal in a given situation and what is right."

That is a lofty goal, but how does a law school give life to those words? There is an oft-told story about the first year law student who, in the course of a Socratic dialogue, opines to the professor that the conclusion being reached in the classroom dialogue is not "just," whereupon the professor informs the student that this is the law school where we study what is legal. If the student is interested in studying justice, the professor advises, the divinity school is down the street. No Catholic law school can accept that great divide between what is legal and what is just. It must not only insist on an overlap, it must teach its students to work towards reconciling the twin aims of adhering to the law and achieving justice. The great Holmes was wrong when he wrote "...I hate justice, which means that I know if a man begins to talk about that, for one reason or another he is shirking thinking in legal terms." If justice is not the end of law, then law has no reason to exist. Talking about justice is not an evasion of talking about the law; it is talking about the law in its loftiest terms.

The third element that makes an institution Catholic is some formalized relationship with the hierarchical Church. Law schools at Catholic universities do not have a direct, formal relationship with the hierarchical Church, but they do have this relationship through the university of which they are a part. At Duquesne, for example, the law school is responsible to the Provost and the President, who are, in turn, responsible to the Board of Directors of the University, who are in turn responsible (through the device of corporate membership) to the Provincial Council of the Holy Ghost Fathers, which is responsible to the Generalate of the Holy Ghost Fathers, which is under the authority of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, which is a department of the Apostolic See. Also, under the requirements of Ex Corde Ecclesiae, our university and our law school are subject to the authority of the local bishop.

One of those ways is the much discussed mandatum required by canon 812. A mandatum is a certification by the local bishop that a professor teaching the sacred sciences at a Catholic university does so in communion with the Church.
It is not a permission to teach and it does not involve the university. It simply attests to the fact that the professor has made a commitment to teach authentic Catholic doctrine.\textsuperscript{42}

How, one might ask, is a law school subject to the need for a mandatum? Isn’t that just for theology professors? As I mentioned earlier in this article, Duquesne Law School offers a course in the canon law of the Roman Catholic Church. In fact, I teach that course, and have taught it since 1991. Canon law is one of the "theological disciplines" of canon 812 for which a mandatum is required.\textsuperscript{43} Although the rules are just now going into effect as to how a mandatum is requested and so forth, I took the step of requesting a mandatum in 1991 when I began teaching this course. But there should be no doubt that Catholic professors who are teaching the course in canon law at a Catholic law school do need a mandatum.

This is what makes a law school Catholic. The school publicly identifies itself as Catholic. The school, in its institutional life, acts Catholic, as described in Ex Corde Ecclesiae. And the school maintains a formal relationship with the hierarchical Church. Simply stated, but not so simply done. Nonetheless, the rules are clear. The Church’s law does provide a structure for law schools to follow, which--if followed--will allow the law school to label itself "Catholic" in the most meaningful sense of that term.

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Notes

\textsuperscript{1} The draft norms were approved by the National Conference of Catholic Bishops on November 17, 1999.

\textsuperscript{2} The Congregation for Bishops gave its recognitio to the norms on May 3, 2000. This actually was the end of a long process that began with the 1983 Code of Canon Law and the new canons, 807-814, on Catholic universities. Implementing these canons, Pope John Paul II issued the apostolic constitution, Ex Corde Ecclesiae on August 15, 1990. Ex Corde Ecclesiae required national bishops conferences to adopt specific norms applying the document to their own countries, which norms then had to be approved, i.e., receive a "recognitio," from the Apostolic See.


\textsuperscript{4} Codex Iuris Canonici, 1983, cc. 807-814.

6 Ex Corde Ecclesiae, Part II, General Norms, Article 1, 1.

7 The Code of Canon Law A Text and Commentary, J.A. Coriden, T.J. Green, D.E. Heintschel, eds., New York: Paulist Press, 1985, at pp.571-572. The credited author of this essay is James A. Coriden. He states, at the end of the essay, that "These observations on the applicability of the canons are derived from a memorandum drawn up by Frederick R. McManus with the assistance of other canonists and circulated to Catholic college presidents on 3 Aug. 1983 by the Association of Catholic Colleges and Universities." In fact, the insertion in the American commentary was McManus's position paper for the ACCU, with little or no changes. The New Commentary on the Code of Canon Law, J.P. Beal, J.A. Coriden, T.J. Green, eds., New York: Paulist Press, 2000, omits the Coriden/McManus essay.

8 The reasons were basically three; 1. The canons were not designed for the American system of higher education, which differs through public chartering, private ownership, private accrediting associations, and trustee governance, from universities in the test of the world; 2. The purpose of canons 810.2 (episcopal oversight) and 812 (the mandatum) is founded in 19th century efforts to protect the Church’s teaching office and the freedom of teachers of theology from the hostile interference of civil states and secular political control and has no basis in the United States: 3. There are no formal juridical ties in most instances between American Catholic colleges and universities, and Church authorities, or conversely, American Catholic colleges and universities, lacking canonical juridic personality, do not have standing in the canon law and are not subject to it.


12 McGrath, ibid., at p. 33.

13 McGrath, ibid., at p 33.


15 Maida, ibid., at p. 275.


17 "Religious order" is a colloquialism. The canonical term is "religious institute," or better "institute of consecrated life."
Father Robert T. Kennedy, a member of the Canon Law Faculty at the Catholic University of America, and himself both a canon and civil lawyer, has written an illuminating article on the McGrath-Maida controversy. See R.T. Kennedy, "McGrath, Maida, Michiels: Introduction to a Study of the Canonical and Civil Law Status of Church-Related Institutions in the United States," The Jurist 50 (1990) 35-401.

A.J. Maida and N.P. Cafardi, Church Property, Church Finances and Church-Related Corporations, St. Louis: Catholic Health Association, 1984.

See D. Monan and E.A. Malloy, supra, n. 10.


Standard 210(e) states:

This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff which directly relate to this affiliation or purpose so long as (i) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (ii) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b), concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but shall not be applied to use admissions policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex, or sexual orientation. This Standard permits religious policies as to admission, retention, and employment only to the extent that they are protected by the United States Constitution. It is administered as if the First Amendment of the United States Constitution governs its application.

The suit was brought by the now defunct O.W. Coburn School of Law of Oral Roberts University in 1979, after the school was denied accreditation by the ABA on religious grounds. The litigation lasted for two years, and was ended in 1981 when the ABA House of Delegates adopted the predecessor Standard to Standard 210(e).

Ex Corde Ecclesiae, Article 4, 4; Ex Corde Ecclesiae The Application to the United States, Part Two: Particular Norms, Art. 4. Sec. 4 (a).

"It is more important, in choosing and promoting faculty...to 'look for people of [whatever] religious persuasion whose teaching and scholarship support the transcendence of the human person and the intellectual mission of the church,' than it is to have a faculty of church members. It is important to identify and reward scholarship that reflects a concern for the margins of society..." T.L. Shaffer, "Why Does the Church Have Law Schools?" 78 Marquette Law Review 401 at 408 (1995), quoting R.E. Rhodes, Jr., "Catholic Universities and the New Pluralism," in The Challenge and Promise of a Catholic University T.M. Hesburgh, CSC, ed., Notre Dame: Notre Dame Press (1994) p. 305, at p.310 and 311.

The advertisement for the new Ave Maria School of Law in Ann Arbor, MI, which has been running monthly in the magazine, First Things, does not state that the school is Catholic. What it
does state is, "Enhanced by the Catholic intellectual tradition, Ave Maria’s approach to the study of law provides a rewarding education for law and life." First Things, Number 107, November, 2000, p. 53

28 "Robert Bork, former U.S. Solicitor General and nominee for the U.S. Supreme court, came out of teaching retirement and signed on as a tenured Ave Maria professor." Detroit News, August 7, 2000, page 1, Metro Section.

29 "A member school shall provide equality of opportunity in legal education for all persons, including faculty and employees with respect to hiring, continuation, promotion and tenure, applicants for admission, enrolled students, and graduates, without discrimination or segregation on the ground of race, color, religion, national origin, sex, age, handicap or disability, or sexual orientation." 2000 Handbook Association of American Law Schools, p. 31.


33 Ex Corde Ecclesiae, Part I.A.1.13; emphasis in the original.


35 "For instance, when in constitutional law, state constitutional law, family law or other classes in which the law and public policy of abortion is taught, the professor should add a component to the lesson about Catholic values concerning the respect for life." D. Gordon, "Ex Corde Ecclesiae: The Conflict Created for American Catholic Law Schools," 34 Gonzaga Law Review 125, at. pp. 139-140 (1999)


37 R. Lee, "Catholic Legal Education at the Edge of a New Millenium: Do We Still Have the Spirit to Send Forth Saints?" 31 Gonzaga Law Review 565 (1996).

38 H.D. Thoreau, Civil Disobedience, 1849, in Writings of Henry David Thoreau 4:356, 359 (1906)

39 O.W. Holmes, Jr., Letter to John C.H. Wu, July 1, 1929 in Justice Holmes to Dr. Wu, p. 53 (1947)


42 “Mandatum” is a technical term referring to the juridical expression of the ecclesial relationship that exists between the Church and the Catholic teacher of a theological discipline in the Catholic university.” Ex Corde Ecclesiae The Application to the United States, n. 41.

43 The new American commentary lists scripture, fundamental, dogmatic, moral, spiritual, and pastoral theology, liturgy, church history, patrology, archaeology and canon law as a possible grouping, based on article 51 of Sapientia Christiana, the apostolic constitution on ecclesiastical faculties. See S.A. Euart, Commentary on Book III, Title III in New Commentary on the Code of Canon Law, J.P. Beal, J.A. Coriden, T.J. Green, eds. New York:Paulist (2000) at p.970.
After Ex Corde Ecclesiae: Writing and Literary Studies in Catholic Higher Education

Introduction

The Apostolic Constitution of 1990, called Ex Corde Ecclesiae or "from the heart of the Church," will influence teaching in Catholic institutions of higher education. By choosing the word "heart" Pope John Paul II implies that he seeks an accord—in effect, a heart-to-heart relationship—between the Church or institutional Catholicism and the academy. When such accord pertains to faculty in theological disciplines, it may be manifested by the so-called mandatum, which competent ecclesiastical authority will grant. The mandatum will be granted to a faculty member in a theological discipline who acknowledges his or her commitment and responsibility to teach authentic Catholic doctrine and who agrees not to put forward as Catholic teaching anything that runs counter to the Church’s magisterium. The mandatum does not pertain, however, to faculties in other disciplines. Nevertheless, as a layman and faculty member at a Catholic university in the USA, I contend that the broad intent of the encyclical—to strike an accord between the Church and Catholic higher education—should inform my own disciplines, which involve the teaching of writing and of literature. My rationale for such a contention is simple: A Catholic university, as the term implies, interrelates Catholicism and education. Accordingly, the intent of the papal document and the role of the National Conference of Catholic Bishops, which seeks to apply the papal guidelines to Catholic Higher Education in the USA, provide opportunities for faculty in various departments and disciplines to redefine and renew the relationship of the Church and higher education. Before developing this thesis, I will engage three preliminary issues.

First, Catholic institutions of higher learning differ among themselves for various reasons. These differences issue from many factors, including, but not limited to, the following: the respective mission statements of the institutions, the involvement of religious orders or of local dioceses in establishing and maintaining certain colleges and universities, the documents (such as Constitution and Bylaws) that outline the governance and governing bodies of the institutions, the makeup of the student body (the respective numbers of undergraduate and graduate students, of domestic and international students, and the like), the various degrees (baccalaureate and post-baccalaureate) granted by the institutions, the emphases of the institutions (whether liberal arts or professional programs), curricular requirements for the award of degrees, the locations of the institutions and their surrounding communities (city, suburbs, countryside), the employers of the graduates, and the so-called rankings and reputations of the institutions regionally, nationally, and internationally. Because of such diversity, some administrators at Catholic institutions of higher learning
may seek latitude and discretionary authority in the application of Ex Corde Ecclesiae to their institutions.

Second, Catholic institutions of higher learning have employed many non-Catholics. These faculty may not know much about Catholicism, the Church as an institution, the precise authority of the papacy and the importance of papal documents, General or Ecumenical Councils of the Church, conferences of bishops, the local church where the college or university is located, and the founding religious order, if applicable, of the educational institution at which they are employed. At times, their reaction to Ex Corde Ecclesiae has been one of anxiety; for they fear, as one of my colleagues suggests, that they will be required to teach what they do not know or to teach material outside their academic discipline. In effect, they indicate that Ex Corde Ecclesiae may infringe on academic freedom.

Third, some Catholic faculty at Catholic institutions of higher learning also perceive Ex Corde Ecclesiae as a possible infringement on academic freedom, not only because of its explicit bearing on the theological disciplines but also by its implicit applicability to other academic studies, especially the natural and social sciences, and even the study of the humanities. These Catholic faculty sometimes contend that the involvement of the local Church in academics may affect the governance of colleges and universities, the phrasing of contracts or letters of agreement issued to faculty, provisions in the faculty handbook, changes in conditions of employment, criteria for promotion and tenure, and the like. The faculty who hold such views question the role and authority of the local bishop (or his delegate) concerning the theological disciplines on campus, not to mention other subject matter as well. They sometimes question how canon law will be brought to bear on a Catholic institution of higher learning; they question, moreover, whether Ex Corde Ecclesiae may become a precedent for increased involvement by the Church in academic institutions.

Though one might surmise that the preliminary issues recounted above would complicate the application of Ex Corde Ecclesiae to Catholic colleges and universities, they actually will facilitate a renewal of higher education. This renewal depends on the presence and participation of non-Catholic faculty, whose religious diversity and professional credentials provide objective safeguards of the academic integrity of changes that may take place in the curriculum. This renewal depends, as well, on the presence and participation of Catholic faculty who may choose to highlight the academic viability and even desirability of the Church’s relationship to higher education and to initiate changes that reflect this viewpoint. During the renewal of Catholic higher education, all faculty, non-Catholic and Catholic alike, will uphold the tenets of
academic freedom, while they collaborate to develop approaches to higher education that will enrich the academic climate on campus.

Freed from more conventional approaches to one’s discipline, faculty may choose to develop new courses, revamp curricula (whether comprehensively across an institution or more locally in a department), create new departments or interdepartmental programs, and rewrite or reinterpret criteria for promotion and tenure according to the new directions that will be imparted to an institution at large or to one or more of its components. As they propose changes, discuss them, achieve consensus to offer pilot programs or courses (and validate their academic integrity before, during, and after teaching them), and perhaps adopt them on a larger scale in an institution, Catholic and non-Catholic faculty will come to know how and why the Church’s involvement in higher education is a boon and, one might say, a godsend.

To begin the process of renewal, changes should be modest at first, beginning perhaps with revisions of present courses or the proposal of one or more new courses in various departments and disciplines. Such courses should reflect the rich history of the Catholic Church’s involvement in higher education. By this assertion, I mean that the faculty may research how, why, and when the relationship of the Church and higher education was symbiotic. To illustrate what I mean, I will propose models for developing new courses in the teaching of writing and of literature, or for the integration of literature into courses in other disciplines. All of the proposed courses will hearken back to, adapt, and update the longstanding history of mutually advantageous interaction between the Church and higher education, or between the Church and society. The models that I propose, to be sure, may and should be adjusted to the different circumstances at various institutions. In effect, the models will stimulate deliberation by faculty, who themselves are best suited to conceive courses and academic programs for their institutions.

**Writing**

One of the most seminal periods in Church history includes the twelfth and thirteenth centuries, when Catholic thinkers, such as Peter Lombard, St. Bonaventure, St. Thomas Aquinas, and others, perfected the Scholastic method, which they themselves used in the universities, particularly in the disciplines of philosophy and theology. Whether in Lombard’s Sic et Non or Sentences, Bonaventure’s Commentary on the Sentences, or Aquinas’s Summa Theologica, one may discern the so-called Scholastic method as a framework for investigating a particular topic. Briefly recounted and somewhat updated, the scholastic method includes the following stages. First, one poses a question or a series of questions to encourage disputation or argumentation. Typically, the
question is framed as a disjunctive proposition (e.g., whether humankind's happiness consists of pleasure), for which a reply ("yes" or "no") requires a supporting argument. Second, the participant presents his or her own arguments to support an answer to the question. Third, the participant provides counterarguments. Fourth, he or she cites arguments from various authorities—in effect, precedents—aligning or relating them, in turn, to the arguments and counterarguments that have already been adduced. Fifth, the disputant offers his or her own viewpoint, though adjusted from its initial presentation. Accompanying this later expression of his or her viewpoint is an enriched argument: one that refutes counterarguments, that assimilates elements from them to one's own position, and that cites precedents and adapts them to one's advantage in order to achieve resolution. Resolution eventuates from a dialectical interchange, whereby the opposition is perceived less as adversarial and more as contributory. The goal in achieving resolution is to use the opposition to advantage, as an enabling force to improve one's own argument.

Hundreds of questions were engaged by the Scholastic method in the late Middle Ages, questions such as the following: whether angels assume bodies, whether hatred is stronger than love, whether teaching is a work of the active or of the contemplative life, whether all creatures are composed of matter and form, whether all creatures are composites of activity and passivity, and the like. These and other questions suggest that the Scholastic method usually combines theology and philosophy in its topical contents.

But the more far-ranging impact of the Scholastic method derives from its means of organizing and presenting an argument, which may be transposed to disciplines in addition to theology and philosophy. In the early modern era, for example, some British and European universities, without reference to the topical contents of theology and philosophy, taught the Scholastic method. For instance, John Milton, while a student at Christ's College, Cambridge, in the 1630s, composed (what were called) Prolusions, academic performances or instances of humankind at intellectual "play" (homo ludens). As written compositions and oratorical presentations, Milton's Prolusions, one of which was "Whether Day or Night is the More Excellent," used, but adapted, the logical and rhetorical means of the Scholastic method though not the topical content. Milton, therefore, composed in writing, then presented orally or oratorically, an argument on a question framed as a disjunctive proposition. As such, this and other Prolusions by Milton honed and interrelated the skills of logic and rhetoric for use in written composition and public speaking. Additionally, in their content and in logical and rhetorical means of development, Milton's so-called "companion poems," namely "L’Allegro" and "Il Penseroso," reenact his Prolusion on Day and Night. Whereas the Prolusion is an expository argument on a disjunctive proposition, "L’Allegro" and "Il Penseroso" are poetical renditions of the same debate—whether Day or Night is superior. The poems, however, broaden the coverage
beyond the diurnal cycle of Day and Night in order to include the psychological, emotional, and intellectual counterparts of light and darkness. Accordingly, "L’Allegro" describes the carefree, cheerful, and sanguine personality, associated with daylight; whereas "Il Penseroso" reflects the somber, pensive, and melancholic disposition, related to nighttime. Like the Prolusion on Day and Night, Milton’s "companion poems," while emerging from an inveterate genre in literature-the débat--exemplify in many ways the dialectic associated with the Scholastic method.

The foregoing outline of the Scholastic method, though brief and selective, exemplifies a model of writing that may be employed in present-day instruction. The logic and rhetoric that inform the Scholastic method provide a framework for composing essays on philosophy and theology or on any other topical content. Whether the five stages, outlined above, in the Scholastic method of argumentation are pursued methodically or adapted in any one of various ways, the essayist will participate in a dialectical interchange, interact with an opposing view, and learn, as Shakespeare writes, that "good reasons must...give place to better" (Julius Caesar, IV.iii.202).

To reach larger numbers of students early in their academic careers and to develop their approach to writing, an instructor may adopt in freshman composition the very model of pedagogy that I propose. At Duquesne University, the interests and proficiencies of the instructor shape, in large measure, the section of the first-semester course in composition that he or she teaches. The instructor, who organizes his or her section of composition according to a particular topic or theme, may choose to designate the Scholastic method as the framework for one or more writing assignments, including the research paper. In addition, the instructor may select a volume of readings with a particular emphasis, choose works that highlight a common topic, assemble by photoduplication a compilation of readings, or specify websites with information that bear on a topic or theme. The instructor may choose, as well, to create focus groups in class, each composed of four to five students. He or she may assign to members of each group a specific segment of the readings for their special attention.

To illustrate the pedagogy outlined above, I propose the following topics or themes around which a first-semester course in composition might be developed. "Justice for All," "Human Life: The Seamless Garment," "Environment and Society, Discrimination and Democracy," "Poverty in the Midst of Plenty," and "The Concept of the Just War." Of course, these and other such topics bear on the moral principles and social teaching of the Church as synopsized in papal writings, recounted in the proceedings of councils of the Church, and stated in pastoral letters and other documents from the National Conference of Catholic
Bishops. If, therefore, one of the topics cited above--e.g., Discrimination and Democracy--were the emphasis of a course in freshman composition, the instructor might begin to frame a writing assignment in line with the Scholastic method: Whether discrimination is a form of oppression. Focusing the assignment more specifically, he or she might specify racial, class, ethnic, religious, or sexual discrimination.

These five forms of discrimination might become the units into which the course is divided, units for which the instructor will choose or compile suitable readings for classroom use or will direct students to resources in the library or on the internet. Accordingly, a more specific topic--whether racial discrimination in education is a form of oppression--might result in the creation of various focus groups on either side of the question. Two such groups may focus their reading on the legal opinions of the US Supreme Court. The one focus group would examine the opinion in "Plessy v. Ferguson" (1896), which resulted in the legal dictum of "separate but equal"; whereas another focus group would examine "Brown v. the Board of Education of Topeka" (1954), which counteracted the previous opinion. The former focus group would highlight arguments that racial discrimination is not oppressive, at least not in the field of education; and the latter would cite how and why racial discrimination is oppressive, especially in education. A third focus group would study a more recent legal opinion--"Regents of the University of California v. Bakke" (1978)--for evidence and interpretation of so-called "reverse discrimination" in the field of education. Other focus groups would concentrate on, say, the social teaching and moral principles espoused by the Church during the respective eras of the three Supreme Court opinions, on the school as a site of socialization as well as education, on the literature of racial protest and of social reform, in the respective eras, and the like.

In this academic setting, each student has a dual responsibility--to read very closely the segment of material assigned to one's focus group and to read all of the material assigned to other focus groups. The members of each focus group, moreover, would interact briefly among themselves in class; and outside of class they would interact through e-mail and its attachments and in electronic chat rooms. Under the supervision of the instructor, a focus group would promote class discussion on the readings assigned to it. While taking the lead in this manner, a student in a focus group would retain an open mind on the writing assignment, unless he or she sought to advocate a particular point of view. The classroom discussion would examine analytically the readings and other data pertaining to the question that has been posed as a writing assignment. Classroom discussion, therefore, would provide a forum in which students analyze the diverse viewpoints on the writing assignment, which has been framed as a proposition; elicit critiques of their own viewpoints that they may
have chosen to advocate; and experience from peers and from the instructor the interaction fostered by counterargument and opposing data. Ultimately, each student will compose an essay that enacts the steps, or some of them, in the Scholastic method of argumentation. At the very least, a student in framing his or her own view would acknowledge the opposition, counter some of its major arguments, or adapt parts of those arguments to buttress one's own position.

If, moreover, a topic was assigned on which the Church expressed a position--in papal writings, proceedings of councils, or pastoral letters and other statements by the National Council of Catholic Bishops--then such materials might be included in the readings for the course. Traditionally, the Church formulates its position by citing, interpreting, and applying moral principles to a particular topic at hand. But our pluralistic society encourages multiple approaches to a topic. Therefore, a topic--e.g., Whether racial discrimination in education is a form of oppression--may be argued from many perspectives: moral, legal, political, civic, economic, and the like, so that the readings for the course presumably would include some of the foregoing perspectives, any one (or a combination) of which a student would select as the basis of his or her written argument. Students would expound their arguments by employing the logic and rhetoric associated with the Scholastic method. And before or on the due date of the writing assignment, the instructor may allocate time for students to present oral summaries of their papers--in effect, exercises that synopsize their longer arguments.

By adapting the Scholastic method of the medieval Church and medieval universities, one may organize a cogent present-day argument; and by studying and discussing relevant papal writings, proceedings of councils, and papers from the National Conference of Catholic Bishops, one may learn, incorporate, or engage the substantive views of the Church on certain issues. The pedagogy that I have proposed for consideration does not violate, or even challenge, the tenets of academic freedom, but it does enable faculty and students alike, whether Catholic or not, to pursue innovatively some of the objectives of college and university-level courses in writing. Those objectives, as I perceive them, are nowhere better stated than by Pope Leo XIII in his encyclical called "On the Restoration of Christian Philosophy According to the Mind of St. Thomas Aquinas, the Angelic Doctor" (1879). In this encyclical, Pope Leo XIII quotes the views of a sixteenth-century predecessor, Pope Sixtus V, who, in praising the writings of St. Thomas Aquinas and St. Bonaventure list the hallmarks of the Scholastic method of argumentation. With little revision these hallmarks, which were framed by Pope Sixtus V and iterated by Pope Leo XIII, virtually state the "course objectives" or "course outcomes" of present-day freshman composition: to inculcate "an apt coherence of facts and causes, connected with one another; an order and arrangement, like soldiers drawn up in battle array; definitions and
distinctions very lucid; unanswerableness of argument and acute disputationes," by which "the light is divided from the darkness, and truth from falsehood." Though I have dwelled on only one model of writing, there are many other models that I envision for use in higher education, all related, of course, to the Church’s interaction with education and all applicable to present-day instruction.

**Literature**

In line with the model of writing that I propose above, the model for teaching literature may likewise derive from the keen interest of the Church in certain topics and themes. Broadly stated, these topics and themes, which emphasize one’s moral and spiritual life enacted in a worldly environment, include, but are not limited to, the following: the formation of one’s identity; the ongoing process of self-perception and self-examination; the inalienable rights of humankind; the interaction of self and society as profoundly affected by particular cultural mores, the experience or hopeful expectation of civil liberties, forms of social stratification, various economic systems, different modes of government; and the immanence of the transcendent or supernatural realm in the human condition, including the development of various religious practices. While these topics and themes seem broad and abstract, the Church applies moral principles and directs social teaching, most notably in the encyclicals and other papal writings, to particular situations--when, for example, tyrannical governments are violating human rights; social stratification results in manifold injustice, especially toward the lower classes; worldliness and secularism in a certain culture and society foster a "principle of pleasure," conspicuous luxury, its attendant vices, and consequent deviation from spirituality; and so forth.

These and other topics and themes of central interest to the Church are nowhere better engaged than in the so-called Great Books, sometimes cited in the encyclicals and other writings of the popes. The Great Books, more aptly termed the perennial classics or the landmarks of Western culture, have shaped, revised, and continued to update a tradition and context in which to examine and reexamine the topics and themes of central interest to the Church. Often in dialogue with one another, the Great Books chart cumulative and, at times, interactive insights through disparate cultures and across widely separated historical eras not simply measured in centuries but by millennia. Shaped, and therefore mediated, by the perspectives and predilections of the authors who wrote them, the Great Books nevertheless embody very significant views on the topics and themes of central interest to the Church. I classify such views as "significant" because they are highly influential, frequented cited, always provocative, sometimes controversial, and, though historically situated, applicable to present-day circumstances. In other words, an ongoing dialectic
evolves through the Great Books, arousing the attention and involvement of generation after generation.

A Catholic college and university may consider the integration of the Great Books throughout the undergraduate curriculum, beginning with history, sociology, literature, psychology, philosophy, theology, and political science. In any one or more of the foregoing disciplines or departments, a course in the Great Books might be initiated or an extant course revamped to include a few Great Books. Indeed, some colleges already have structured an undergraduate curriculum wholly composed of the Great Books, colleges such as St. John’s (with campuses in Annapolis, Maryland, and in Santa Fe, New Mexico) and Thomas Aquinas in Santa Paula, California. At these colleges Great Books are discussed in seminars (without a particular disciplinary emphasis) across four years of undergraduate education. Moreover, additional recommended readings, called "Beyond-the-Program Books," are organized by discipline: history, literature, philosophy, philosophy and ethics, mathematics/sciences, and the like. The recommendation of ancillary readings reflects an outlook on the importance of other books, those not (yet) included in the canon, while implying or acknowledging the possibility of removing books from the canon if their arguments have been integrated and enriched in later works. Despite the formidable array of required and recommended Great Books, the colleges that I have cited do not stipulate topics, themes, or, in a Scholastic sense, questions (i.e., disjunctive propositions) to guide the perception of students, organize discussion in the classroom, and promote analysis and interpretation of the readings whether orally or in writing. To be sure, the faculty at these colleges pose inquiries about the readings, at times very specific ones. And as discussion proceeds, larger inquiries are posed, whether by the faculty or the students, in order to develop or extrapolate the bearing of a Great Book on topics and themes of ongoing significance. Nevertheless, the design of the programs named above facilitates open discussion by the students in order to promote thoughtful reflection and develop greater knowledge, laudable objectives and outcomes consistent with the perspectives on liberal education that inform these institutions.

A Catholic college or university may implement a program, adapted from what I recount above, to accommodate the views of the Church. Three hallmarks of such a program would be (1) the emphasis in a course and a principle of organization deriving from "Great Ideas," involving particular topics and themes of central interest to the Church, (2) the inclusion of some Great Books and other readings important and influential for the particular topics and themes (3) the selection of some works, not only from the Middle Ages but from later eras, by great Catholic thinkers. Among the great Catholic thinkers are the various popes, Augustine, Bonaventure, Thomas Aquinas, Desiderius Erasmus, Thomas More,
Teresa of Avila, René Descartes, Blaise Pascal, Etienne Gilson, Gabriel Marcel, Teilhard de Chardin, John Courtney Murray, Karl Hopkins, Jacques Maritain, Graham Greene, Thomas Merton, Maurice Blondel, Max Picard, Christopher Dawson, Hans Urs von Balthasar, Eric Vogelin, Yves Congar, Henri de Lubac, Jacques Mauriac, Evelyn Waugh, Walker Percy, and the like. If such a program were to be devised across the undergraduate curriculum, the single most important resource for planning is the project called "Great Books of the Western World," for which Mortimer J. Adler is Editor in Chief. His predecessor as Editor in Chief, of course, was Robert Maynard Hutchins. Under Adler, the project evolved to include a Synopticon or "An Index to the Great Ideas" in the Great Books. In fact, as many as 102 Great Ideas, charted by cross-reference to the Great Books, provide focal points for reading and discussion, not to mention written composition. In addition to its interrelation of Great Books and Great Ideas, the Synopticon lists additional readings important and influential to a particular idea under discussion. At times, these readings are by the very same authors whose other works have been included under the more limited designation of Great Books. By implication, therefore, the Synopticon acknowledges not only Great Books and Great Ideas but also Great Authors, a trifold association that is not coincidental.

Since the emphasis and principle of organization in courses that I propose for consideration will derive from the Great Ideas, their listing in the Synopticon will appear at first glance to be too general and abstract for such purposes. But the ideas necessarily are general and abstract because they encompass disparate works from various eras and cultures. Among the Great Ideas are Courage, Government, Opposition, Revolution, Sin, Tyranny and Despotism, War and Peace, God, Good and Evil, Love, Happiness, Liberty, Life and Death, and many others. To render each Great Idea more manageable, the editors of the Synopticon have used division and subdivision. Accordingly, a Great Idea has approximately ten or more divisions and subdivisions, each with a refined focus. In the case of Courage, there are nine such refinements: Courage in War, Courage required of Citizens and Statesmen, Motivations of Courage, Courage and Other Virtues, Vices Opposed to Courage, Formation or Training of the Courageous Person, and so forth. Cross-references to the Great Books, including page numbers, accompany each of the divisions or subdivisions. A list of additional works relevant to Courage, though not among the Great Books, is appended.

If, therefore, a course in political science, sociology, or history were being devised, one might choose a particular topic or theme of interest to the Church, one concurrent with a Great Idea in the Synopticon, such as Government. Refining the topic, one might decide on governmental injustices toward the people at large, or toward the lower classes. If, in fact, one were to interrelate two
Great Ideas (Government and Courage), then the courage to decry governmental injustices and to advocate the cause of oppressed people has characterized many public spokespersons, whose speeches and writings would be the focal points of a course, which may be titled in various ways. However titled, this course in political science, sociology, or history might feature, among others, Martin Luther King, Jr., and Archbishop Oscar Romero, each of whom courageously cited the injustices of oppression by different governments and both of whom suffered assassination. Because Romero was an important and influential Catholic prelate, his inclusion in the course enables students to perceive how and why one may assimilate the Church’s views on a topic or theme and develop and exemplify courage thereby. Indeed, Romeo evolved as a "profile in courage" precisely because he formulated his protest and critique of Salvadoran oppression of the people by referring to the writings of the Church. He often cited the documents of Vatican Council II, such as "The Church in the Modern World," a text that highlights the role of the Church in contemporary society. In a homily delivered on June 6, 1978, less than two years before his assassination, Romero cites that document in the following ways in order to decry the military government of El Salvador:

_The slogan we see around us these days, "Well-being for All," would be a brilliant formula for expressing "the common good," if the two terms well-being and all were genuine and sincere. Well-being in the sense of common good was defined as follows by Vatican Council II:_

_The common good comprehends the sum of those conditions of social life by which persons, families, and associations can achieve their fulfillment more fully and readily._

He adds: "If genuine well-being is synonymous with the true common good that originates and authorizes a political community, then it has a moral goal, and to achieve this goal it must combine tasks and objectives that are more than merely material" (emphasis mine). Thereafter, he again cites Vatican Council II.6 In sum, Romeo, whose courage issued from the moral principles and social teaching of the Church, became an ardent spokesperson for the oppressed people in El Salvador in the 1970s.

While any number of courses along the lines that I recount above may be devised in the various disciplines and departments, my own interest lies in the teaching of literature. But the foregoing possibility of an entire curriculum shaped by Great Ideas, Great Books, and Great Authors may be the framework in which literary studies will fit. After all, any number of novels or dramas concerning, let us say, governmental oppression of the people could be integrated into courses
in political science, sociology, or history, or might otherwise constitute the readings in a course wholly in literature.

Whether integrated into other courses or included only in a course in literary studies, the following literature would be germane to the topic or theme of governmental oppression: Thomas More’s Utopia, Feodor Dostoyevsky’s The Possessed, George Orwell’s 1984, Boris Pasternak’s Dr. Zhivago. If the course included works in addition to literary texts, then Jacques Maritain’s The Problem of World Government might be considered as a work by a major Catholic thinker. Added thereto might be the late nineteenth-century encyclicals by Pope Leo XIII, most notably On the Evils of Society, On the Abolition of Slavery, On the Nature of Human Liberty, works that reflect the mutually advantageous interaction of the Church with civil governments. Because the Church called attention to the victimization of the lower classes, all the while affirming the dignity of humankind, civil governments became more conscientious of the rights of the people at large. In a course with this emphasis, Great Books by Plato, Aristotle, Thomas Aquinas, Thomas Hobbes, John Locke, Jean Jacques Rousseau, Karl Marx and Friedrich Engels, and others might be chosen, along with (or without) the enrichment provided by literary works. By a process of deliberation and selection akin to what I recount above, courses may be devised in various departments and disciplines or in literature exclusively. The courses would manifest the hallmarks that I stipulate above: the selection of a Great Idea, whether or not from the Synopticon, congruent with topics and themes of central interest to the Church and sufficiently refined to provide a principle of organization, the integration of some Great Books and other important and influential readings, and the inclusion of works by one or more major Catholic thinkers.

Epilogue

The proposals that I recount above are academically sound for all institutions of higher education. But in a Catholic college and university, the interaction of the Church with academics is distinctive. That distinctive quality involves the development of courses that integrate the Church’s moral principles and social teaching, which are expressed in the kinds of documents that I cite above—whether in papal encyclicals, in the proceedings of a council, in the homilies or writings of a bishop or conference of bishops. To include, moreover, the views of great Catholic thinkers in various courses also enrich the distinctive quality of Catholic colleges and universities. Such thinkers embody the concept of the Catholic intellectual, a role that our students may wish to emulate. This role acknowledges one's presence and participation in a pluralistic and secular society, while it educates students in the moral principles and social critique that issue from a Catholic religious perspective. A duty of the Catholic college or
university is to provide the forum in which students acquire that education in an
academic setting of high professional standing. Thereafter, society affords the
arena in which students may choose to translate that knowledge into conduct, if
not into a way of life.

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Notes


2 For information on the programs in Great Books at these two colleges, see the following websites:
   http://www.sjca.edu
   http://www.sjcsf.edu/academic/curri8.htm
   http://www.sjcsf.edu/academic/srlist98.htm
   http://www.sjcsf.edu/academic/facreadrec.htm
   http://www.thomasaquinas.edu/syllabus.htm
   http://www.sjcsf.edu/academic/frlist98.htm
   http://www.sjcsf.edu/academic/solist98.htm
   http://www.sjcsf.edu/academic/jrlist98.htm
   http://www.sjcsf.edu/academic/srlist98.htm
   From these websites one may acquire information about other on-line resources concerning the Great Books. A major database concerning programs in Great Books may be found at the following website:

   See also the following website
   This site lists various resources on-line: Great Books Café—A Discussion Area for the Great Books, About the Great Books Index, Links to Other Great Books and Literature Sites, Mortimer J. Adler on Selecting the Great Books, etc.

4 Courage as a Great Idea is discussed in The Synopticon, 1, 195-207.

5 Government as a Great Idea is discussed in The Synopticon, 1, 492-511.


7 An on-line resource for full texts of papal encyclicals and other papal documents is:
   http://listserv.american.edu/catholic/church/papal/papal.html.
The Emerging Presence of Ex Corde Ecclesiae
In Business Schools at Catholic Universities

When I asked others if the characteristics of *Ex Corde Ecclesiae* are present in business schools at Catholic universities, most Catholic business school faculty, administration, alumni and students responded: What is *Ex Corde Ecclesiae*? Even those knowledgeable of the document drafted by Pope John Paul II in 1990 would look at me in bewilderment when I asked the question and then they would answer: why should business schools, even at Catholic universities, be attentive to papal documents? Whether or not a papal teaching should influence Catholic business schools is not inherently clear to most people affiliated with these educational institutions. This essay seeks to consider the plausibility of incorporating *Ex Corde Ecclesiae* into Catholic business school curriculum and activities and to identify why the characteristics embedded in *Ex Corde Ecclesiae* are becoming more present in Catholic business schools in the United States.

This essay is based upon my personal observations of Catholic business schools in the United States over the past 25 years, including while a student or faculty member at five Catholic business schools. While personally biased, I believe my observations are generally representative of the past and future of Catholic business schools in the United States.

When searching for the presence of *Ex Corde Ecclesiae* in Catholic business schools, it is essential to clearly identify how this papal document might be manifested in the business school curriculum, faculty research and student activities. *Ex Corde Ecclesiae*’s characteristics include:

- Christian inspiration in individuals and the university community,
- Reflection and research on human knowledge in the light of the Catholic faith,
- Fidelity to the Christian message in conformity with the magisterium of the Church, and
- Institutional commitment to the service of others.¹

Even after identifying the characteristics of Ex Corde Ecclesiae, most people would find it difficult to describe Catholic business school practices in accordance with the papal document. There are many plausible explanations as to why this is so.

At the core of business school education, is the purpose of providing technical, professional training for those pursuing careers in business. This purpose is
understood as secular, that is business schools are neither proponents nor opponents of any organized religion or specific set of religious teachings. According to many business educators, ecclesiastical teachings are best left to those in the Theology or Religious Studies departments, while the business school remains comfortably "areligious."

Similarly, theologians are the appropriate faculty for promulgating papal documents due to their religious training. Business school faculty members are social scientists, trained in the positivist tradition. Their research and teaching are value neutral. For example, the accounting discipline records the economic substance of the business organization. It is neither Catholic nor anti-Catholic; it is "aCatholic." Finance, marketing, information technology and human resource management are considered to be, in an academic sense, areligious fields of study. While value issues certainly arise in these subjects, it is not the place of a business school faculty member to impose her or his value structure, particularly if it means advocating a religious stance. This value-neutral academic position is the conventional opinion among most business school scholars and contributes to the nearly impenetrable barrier of incorporating papal teachings into the business school.

Finally, the business school curriculum, particularly at Catholic universities, is structured to sequentially follow the university's general education core curriculum. The general core contains philosophy, theology and assorted other value-centered fields of study, thus it is believed that the business school curriculum is free from these considerations. Business schools simply offer courses designed to educate business students in the various functional fields of a business organization. The university, not the business school, provides the introspective challenges regarding questions of faith and the teachings of the magisterium as suggested in *Ex Corde Ecclesiae*.

While possibly overstated here, these arguments explain to some degree the genuine bewilderment I found when raising the question of including *Ex Corde Ecclesiae* characteristics into Catholic business schools. The tradition of Catholic business schools is to avoid assuming a particular religious position, remaining outside the scope of religion or religious teachings.

While my observations of Catholic business schools may be quite pessimistic, the future is not at all bleak. The pressure to include Catholicism in Catholic business schools is rising but it is not coming from the value-neutral business school faculty. Rather, one impetus for change is coming from outside the business school.
As business schools remain true to their essential purpose: providing technical, professional training for those pursuing careers in business, what is considered essential for this training is changing. In increasing numbers, business organizations and business executives are calling for a change in business education. They are asking that we ask and attempt to answer the difficult faith-based questions: How do I, as a businessperson, enhance the quality of my life and the lives of others? What is my personal and organizational social and ethical responsibility since my actions so profoundly affect others? How do I better serve others and act as a trustee of the natural and human resources entrusted to my care as a businessperson? And, specifically, what is the role of religion and spirituality in my professional business life?

These are the challenging questions that business executives are asking themselves, each other, and the business schools who are training future business executives. Executives are "coming out of the religious closet" (so to speak) and recognizing that the teachings of great religious leaders are valuable guides for business decisions. They are acknowledging that the spiritual principles that may help them through a personal crisis may also provide guidance in a business crisis.

The business community is becoming more diverse in its religious makeup. Due to the previous concentration of economic wealth among Western countries, most people observed Christians as predominantly holding key leadership roles in business. Today, as we discover a globally interconnected world of e-commerce, Jews, Hindus and Muslims join Christians as leaders of powerful, global businesses. Within business organizations, a diversity of religious beliefs and practices are becoming more noticeable at work. Religion is no longer set aside for private observance on Saturdays or Sundays. Prayer meetings and Bible studies begin the workday at many businesses. Prayer breaks are joining cigarette and coffee breaks as acceptable activities during the workday. The natural inclusion of religion or spirituality into business life is recognized by Father Donald J. Harrington, S.J., President of St. John's University in New York.

Spirituality is part of who we are, a reality rooted in the depths of our personhood. Business is merely what some of us do--that which dominates our working day or workplace. The priority and necessary influence of the former over the latter is very clear.2

Employees in business organizations reflect the words of Father Harrington. In a recent survey of American business employees, 48 percent responded that they have talked about their religious faith in the workplace on a daily basis and 78 percent admitted that they felt a need in their life for spiritual growth, up from only 20 percent six years ago.
Companies, such as Taco Bell, Pizza Hut and Wal-Mart, have hired chaplains to serve their employees in times of stress and crisis. Across the country thousands of top executives begin their day at breakfast prayer meetings. In Minneapolis, 150 business executives gather for lunch and listen to consultants draw business solutions from the Bible. There are over 10,000 Bible and prayer groups that regularly meet in the workplace, according to the Fellowship for Companies for Christ International.

Why are "religiously neutral companies" welcoming religion into the workplace? Simply, spiritual well being pays. In research conducted by the McKinsey and Company in Australia, they found that productivity improved and turnover was reduced when companies offer spiritual activities for their employees. At Elf Atochem, a subsidiary of the French oil company Elf-Aquitane, the firm actively pursued spiritual improvement for their employees leading to greater productivity, improved employee relations and better customer service. The firm reported that it saved as much as $2 million in operating costs by showing its employees how to be more inspired about their work.

Additional influences upon Catholic business schools to introduce more Catholicism into their curriculum come from Catholic business executives. The Chairman of the Board of a prestigious, New York-based bank spoke to Catholic business executives at a "Business as a Vocation" conference in Chicago. His message was simple: as a Catholic, I am Catholic in my work as well as my private life. My faith makes a difference in how I live my life and the decisions I make at work. The recent bestseller book by Catholic theologian and economist Michael Novak links Catholic belief with business work.

Why do we work so hard at our jobs, day after day? Why is a job well done important to us? We know there is more to a career than money and prestige, but what exactly do we mean by fulfillment? Work should be more than a job--it should be a calling.

Novak continues in his book and described four themes concerning the moral nature of business. These themes are remarkable similar to the four characteristics of Catholic education outlined by Pope John Paul II in Ex Corde Ecclesiae.

Four themes concerning the moral nature of business are: (1) Business is able to build praiseworthy forms of community; (2) A life in business is creative; it can transform the traditions of human life dramatically and for the better (or the worse); (3) Business is a course of endless personal challenge, testing intellectual and moral mettle in the crucible of practicality; and (4) Those practicing it often
see business as a way of giving back to society, both through the goods and services it produces and in philanthropy; through the new wealth it generates.6

This expanding attention to religion and spirituality in the workplace from the business community gives rise to greater attention to religion and spirituality in business school curriculum. As Professor Thomas Bausch of Marquette University suggests "there are six marks of a Jesuit (Catholic) education that can take root in our Christian environment and truly distinguish us." They are:

- A Jesuit business education prepared persons of vocation and dignity to serve others and continue the work of creation and redemption.
- A Jesuit business student is prepared as a person of exquisite competence dedicated to using these gifts to change the culture in which he or she exists and loves.
- A Jesuit business education is an Incarnational education.
- A Jesuit business education is for leadership.
- A Jesuit business education is for a global society and economy.
- A Jesuit business student is prepared in the fundamentals of Catholic social thought.7

The final component contributing to the rising pressure for Catholic business schools to welcome religion and spirituality comes from the students themselves. Business schools often acknowledge that they have two customers: employers who hire our students upon graduation and business school students. We have already seen how the employers recognize the personal and organizational value of a greater role for spirituality at work, now we can see this challenge coming from our students.

It is common to discover that business students in a Catholic university are involved in university campus ministry activities. Many have welcomed the opportunity for community service, already a part of their high school experience. Today business school fraternities and sororities are more than social organizations for parties and career contacts. Fraternities and sororities require their members to contribute to the community’s betterment through public service at after-school tutorial programs, serving food at homeless shelters, or visiting the elderly or infirm. Students, like their role model business executives, do not see their business school education as value neutral. They see values in most business decisions and actions and criticize businesses when ethical values are discarded in favor of short-term growth or profitability. Since they are able to
see the need for business executives to include religious and humanitarian values into their decision making, they challenge business school faculty to include these values in the decision-making training they receive in the classroom.

Therefore, the pressure exerted by business executives and business students challenge the value-neutral faculty to take a stand and bring values into the business school curriculum. It is this pressure that causes me to believe that there is an emergence within Catholic business schools to incorporate Ex Corde Ecclesiae characteristics into business schools' curricula and activities.

At Duquesne University's business school, for example, former Dean Thomas Murrin wrote:

*The renaissance spirit pervades Duquesne's approach to business education. We believe that the narrowly educated professional is inadequately prepared to meet the needs of a business world dominated by global influences. Leaders with a broad-based education that includes technical competence are crucial for the success of the business enterprises for today and tomorrow.*

These sentiments were echoed by Duquesne University's President, John E. Murray, Jr.:

*While always eager to pursue new discoveries and the most sophisticated modern scholarship, we are not neutral. We espouse the virtuous life of prudence, justice, fortitude, and moderation as well as the virtues of faith, hope and love. Our distinctive character is our position in value-centered education for the mind, heart and soul in the Catholic and Judaeo-Christian tradition.*

The renaissance spirit in a global business community and the value-centered education for the mind, heart and soul reflect the calling placed before Catholic universities by Pope John Paul II.

*A specific priority is the need to examine and evaluate the predominant values and norms of modern society and culture in a Christian perspective, and the responsibility to try to communicate to society those ethical and religious principles that give full meaning to human life.*

This is the challenge placed squarely before Catholic business schools, as well as other professional schools at Catholic universities. This is the challenge that is echoed in the changing business community as religion and spirituality explicitly enter the workplace and play a role in business decision-making and action. This is the challenge made by our business students as they see the essentiality of their business education to be value-centered, not value-neutral, education.
In a concrete way, Catholic business schools are changing and their Catholic identity is emerging. More and more centers for the study and promotion of business ethics are being established, such as the Beard Center for Leadership in Ethics at Duquesne University. As its director, executives interested in receiving a management development program in ethics often contact me. When asked why they contacted Duquesne University, I am not surprised when I hear the response: we assumed that a Catholic business school would be active in the area of business ethics. I am delighted it is so.

But we must do more than delegate management ethics training to a business ethics center. Pope John Paul II challenges all business faculty members when he writes, "Christians among the teachers are called to be witnesses and educators of authentic Christian life, which evidences an attained integration between faith and life, and between professional competence and Christian wisdom." We, as business faculty, can no longer hide behind the defense of positivistic, value-neutral research and a curriculum that separates the humanities from technical, professional education. These previously distinct entities must be merged and with this merger comes a new area of obligation for each business school faculty member.

Finally, beyond the specialized centers for ethics and faculty integration of faith and life, students' lives must be affected in a unique way at a Catholic business school. I mentioned earlier the common experience of our students in the area of service learning. Pope John Paul II explicitly encourages this type of Catholic education experience. "The Christian spirit of service to others for the promotion of social justice is of particular importance for each Catholic university, to be shared by its teachers and developed for its students."

At Duquesne University, all business students are required to complete community service hours as part of the Business Ethics required course. It is relatively easy to show students how the service learning requirement in their Business Ethics course enhances their ability to identify social injustice and develop business responses to these injustices. It may be more difficult for other business faculty to embrace service learning in the Catholic tradition of service.

However, the relevance of providing service to non-profit organizations as part of a required assignment in many business courses is evident to our students. Some of our information technology students volunteer as tutors to help the elderly or educationally disadvantaged become technologically competent. Accounting students find their skills are needed at churches or social agencies whose staff members are without adequate accounting training. Finance majors discover that many of our citizens are without basic knowledge on how to open and maintain a checking account, safely invest their savings, or take advantage of
various retirement options. The linkages between business skills and community needs are virtually unlimited. All that is needed is the encouragement to go forward and the structure to enable it to occur.

In conclusion, my initial analysis of the difficulty of incorporating Ex Corde Ecclesiae characteristics into a Catholic business school was quite negative and harsh. While the road may not be easy and cynicism may be great, it is evident to me in my observations at Duquesne University’s business school and other Catholic business schools that the environment is changing. Not only is Pope John Paul II challenging business schools through his Ex Corde Ecclesiae essay, but business executives and our business students also are challenging us. We must respond and blend our technical, professional education with value-centered education and service to the community. It is truly our new purpose as Catholic business schools to continue in our role as educators of those who will serve as change agents through the business institutions that so critically affect our societies and the global community.

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Notes

1 (Ex Corde Ecclesiae), 1, 13.

2 Donald J. Harrington, S.J., "What is the Place of Spirituality in Business?" Review of Business, Fall 1998, p. 4.


4 See Ian Mitroff and Elizabeth A. Denton, A Spiritual Audit of Corporate America (San Francisco: Jossey-Bass, 1999).


6 Ibid.

7 Thomas J. Bausch, "The Distinctiveness of Jesuit Education for Business," presentation at the Colleagues in Jesuit Education for Business meeting, July 25, 1999, John Carroll University, Cleveland, OH.

8 Thomas J. Murrin, Dean, A.J. Palumbo Undergraduate School of Business Administration and John F. Donahue, Graduate School of Business, Duquesne University, internal memo March 9, 2000.
9 John E. Murray, Jr., President, Duquesne University, internal memo, December 1, 1999.

10 (Ex Corde Ecclesiae), 1, 33.

11 (Ex Corde Ecclesiae), 1, 22.

12 (Ex Corde Ecclesiae), 1, 34.
Reflections on Ex Corde Ecclesiae

Ex Corde Ecclesiae eloquently reflects many of the strengths I have observed in Catholic universities, both in my graduate studies at Georgetown, and in my teaching in the Theology Department at Duquesne. The document begins on its first page by speaking of the "joy of searching for, discovering and communicating truth in every field of knowledge." 1 It holds that the Catholic identity of a university "enables it to include the moral, spiritual and religious dimension in its research, and to evaluate the attainments of science and technology in the perspective of the totality of the human person." All discoveries have implications for a general "search for meaning." At the same time, "by its Catholic character, a University is made more capable of conducting an impartial search for truth." 2 While on occasion tensions might arise between commitments to moral and spiritual concerns and to impartial inquiry, I believe that these commitments can be mutually supportive. I have found Catholic universities to be excellent locations for study that is both serious and critical about religion. There are some tendencies in contemporary academia to delegitimize moral and spiritual concerns as inappropriate to objective inquiry. An approach that takes these concerns seriously is, in an important way, more impartial.

I recall two professors who taught neurobiology in my undergraduate studies. Both focused on the biochemistry and biophysics of the nervous system, but each included as well moments of reflection on the significance of scientific findings. For one professor, the findings of biology served to denigrate other modes of thought. Philosophers such as Plato and Aristotle, as well as religious thinkers as a group, were ridiculed for holding views that differed from those of late twentieth century biology. For the other professor, the findings of biology were occasions for wonder. The intricacy that science has uncovered is wondrous, and there is much more that is unknown. How could the movements of chemicals across cell membranes correlate with thoughts and emotions? Both scientists conveyed the most recent findings of scientific research. Yet one did so in a way that was more conducive to meaning and to the breadth of human knowledge.

Two themes that are prominent in Ex Corde Ecclesiae are growth and dialogue. "Catholic universities are essential to [the Church’s] growth and to the development of Christian culture and human progress." A Catholic university, like any university, should be "open to all human experience and is ready to dialogue with and learn from any culture." Dialogue should incorporate "Christian thought and the modern sciences," and should include other religions. 3 Elsewhere, John Paul II writes: "The Church remains profoundly convinced that faith and reason ‘mutually support each other’; each influences the other, as they offer to each other a purifying critique and stimulus to pursue the search for
deeper understanding."4 Similar views are expressed in the Jewish tradition by the contemporary thinker David Hartman. "A religious culture has greater opportunities for inner purification and depth when it widens its range of perception through exposure to modes of thought and experiences that stem from other cultural frameworks."5

Such commitments to dialogue and to growth are attractive, and are needed to maintain a living tradition. Still, these commitments entail challenges. Participation in real dialogue requires a willingness to listen to and learn from the other. It involves an openness to changing some beliefs and understandings. This is especially true if one seeks the benefits of a "purifying critique," a process that may be enriching, but also may be difficult and even unpleasant.

Similarly, growth necessitates the difficulties and dangers of change. Growth in scientific knowledge is achieved by a complex process of scholars generating, testing, and evaluating new ideas. Many of the ideas fail to be supported by testing, though some of these are helpful in provoking further creative thought. Some new ideas do become warranted over time, and become part of the improved body of knowledge of the field. But even the ideas that prove successful began their career as ideas that differed from the accepted beliefs of the field.

For religious thought, dialogue and growth can be unsettling. Even those ideas that eventually become widely accepted begin as thoughts that are new and unfamiliar.6 As one example, within Roman Catholic thought the value of religious liberty was recognized by the Second Vatican Council, and now represents official Church teaching. For many centuries, though, it was widely held that beliefs differing from accepted doctrine were simply false, that there was no right to hold such erroneous beliefs, and that heresies were dangerous and should be silenced.7 In retrospect, Vatican II can understand that past denials of religious liberty were wrong, in opposition to the deeper truth of the tradition. "Although in the life of the people of God in its pilgrimage through the vicissitudes of human history there has at times appeared a form of behavior which was hardly in keeping with the spirit of the Gospel and was even opposed to it, it has always remained the teaching of the Church that no one is to be coerced into believing."8 In earlier times, however, the belief in religious liberty differed from accepted religious thought, what was then believed to be true.

Similar examples could be found in Judaism, as they could in any tradition. Two centuries ago, the idea of a Jewish nation-state was limited to the distant, messianic future. One century ago, modern political Zionism had begun, but most Jews opposed the Zionist project as inconsistent with traditional belief, or with contemporary liberal commitments. By now, the importance of the state of
Israel is almost universally accepted among Jews. Still, at first this idea differed from accepted thought, from what was believed to be true. Similarly, a century ago formal Jewish education for girls was a revolutionary idea in many circles. Today, such education is almost universal. For most Jews, women's full participation in ritual, and service as rabbis, is understood to be part of the deeper truth of Judaism.

As a final example, historical and critical biblical scholarship was originally perceived as a heretical threat to tradition by both Catholics and Jews. By now, most religious leaders have come to realize that, in the words of the Second Vatican Council, "rightly to understand what the sacred author wanted to affirm in his work, due attention must be paid both to the customary and characteristic patterns of perception, speech and narrative which prevailed at the age of the sacred writer, and to the conventions which the people of his time followed." Most Jewish scholars and religious leaders similarly have come to understand the findings of critical and historical scholarship to be compatible with, and enriching for, religious meaning.

Each tradition has historically encountered not only new ideas that have withstood the test of time, but others that are now recognized as unhelpful, even inconsistent with the deepest truth of the faith. The change and uncertainty that are needed for dialogue and growth do not always yield rewards. Each tradition faces the challenge of discerning which new ideas, and which possible paths for development, best express the tradition's deepest values, and are most conducive to true progress. (A similar challenge of discernment confronts all modern societies generally.) The details of the relationship between Catholic universities and the Roman Catholic Church generally pose important challenges, most of which are best addressed by others. I believe, though, that the greatest dangers to religious faith in the contemporary world arise not from those who challenge traditional beliefs, but from those who are indifferent. As expressed by the twentieth-century Jewish theologian, Abraham Heschel:

It is customary to blame secular science and anti-religious philosophy for the eclipse of religion in modern society. It would be more honest to blame religion for its own defeats. Religion declined not because it was refuted, but because it became irrelevant, dull, oppressive, insipid. When faith is completely replaced by creed, worship by discipline, love by habit; when the crisis of today is ignored because of the splendor of the past; when faith becomes an heirloom rather than a living fountain; when religion speaks only in the name of authority rather than with the voice of compassion--its message becomes meaningless.

Religion is an answer to man's ultimate questions.
Catholic universities represent invaluable resources in addressing such questions. They provide a supportive environment for formulating responses to these concerns, and to the many challenges of the contemporary world.

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Notes


2 Ibid., 8, n. 7.

3 Ibid., 10, 31-35; nn. 11, 43-47.


6 The Second Vatican Council observes: "It is the lesson of experience that there have been difficulties in the way of harmonizing culture with Christian thought, arising out of contingent factors. These difficulties do not necessarily harm the life of faith, but can rather stimulate a more precise and deeper understanding of that faith" (Pastoral Constitution on the Church in the Modern World: Gaudium et Spes, in Vatican Council II: The Conciliar and Post Conciliar Documents, ed. Austin Flannery, rev. ed. [Northport, N.Y.: Constello, 1996]. 966, n. 62).


8 Dignitatis Humanae, 809, n. 12.


The Theologian and the Open Narrative: Why the Nature of Theology Cannot Bear the Mandatum

The recent approval of the United States application of the Ex Corde Ecclesiae document by the Vatican has created something of an uproar in Catholic academic circles. Ex Corde Ecclesiae attempts to help Catholic colleges maintain, preserve and guarantee their Catholic identity and to address the role to be played by these schools in the life of the church and the civic community. The fervor surrounding its promulgation and imminent implementation has been especially pronounced in the theological community. The requirement of a mandatum to teach theology at the university is at the heart of the controversy. Many theologians are asking whether mandating ecclesiastical approval by the local bishop of all theologians in his diocese to teach theology at Catholic universities and colleges, and by extension their scholarly pursuits, is really necessary or legitimate, even with the Vatican's claim to the document's normativity throughout the world. How can truth be really pursued honestly and openly if from the outset a thinker is beholden to an external, non-academic authority (a bishop attempting to preserve the official doctrine of the church) that would have a role in the hiring, firing and course selections for the faculty members? What will this do to academic freedom and the academic stature of the university? According to Richard McBrien, it would mean that Catholic schools would no longer be universities in the commonly accepted academic meaning of the term.

Other thinkers believe that such actions are overdue and are needed as soon as possible to "save" Catholic schools from an encroaching secularism that threatens to reduce these schools to merely the "supermarket of ideas" that are the trademark of their state-sponsored counterparts.

There are a number of issues that will need to be clarified over the next year to make Ex Corde Ecclesiae a true presence at Catholic universities and colleges in America. Far too many issues intersect with the themes of this directive than can be discussed here. Therefore, the focus of this essay will be on the single issue of the requirement of the mandatum for Catholic theologians. There are many dimensions that will have to be addressed, even if only too briefly, for a true appreciation of the issue to be achieved. Historical and cultural, theological and philosophical, spiritual and institutional are the major points of contact with the mandatum issue. This essay will be comprised of three sections: first, an overview of the document Ex Corde Ecclesiae and its possible fit with the American educational context; second, the relationship between the Magisterium and the Catholic theologian; third, an analysis of the opinions of theologians about the mandatum will be made that is informed by the earlier discussions. These concluding comments will also broaden the dialogue to include some reflections about how the reason/faith dynamic fits into all of this. It seems safe to say that this kind of investigation will not only shed some light on the future
of the relationship between the professor of theology and the Catholic church's hierarchy, the nature of theology as an ecclesial discipline, but will also help to situate just what is theology's place among the secular disciplines of the university. The essay concludes that the mandatum is not only unnecessary but is ultimately destructive to the very value of truth that it is attempting to protect.

Ex Corde Ecclesiae and the American Context

The apostolic constitution of Pope John Paul II, Ex Corde Ecclesiae, which means "from the heart of the church," in addition to discussing the role of Catholic institutions of higher learning in the life of the church and civic community, also examines the "meaning" of Catholic identity. It spells out for Catholic institutions ways in which to nurture that identity in the basic documents of the university, the board of directors, administration, faculty, student body, campus social life, community service, academics, research and interaction with culture. The document perceives a relationship between the university and the church authorities as one of collaboration, mutual trust and ongoing dialogue. In short, the apostolic constitution provides general norms to help fulfill this mission. These norms are to be practically applied to each college and university according to status by Episcopal conferences, and, as far as possible, by civil law.

Ex Corde Ecclesiae explains that the church is comprised of individual members of the faithful and different communities of faith that are linked with one another through many active ecclesial relationships and by the unity of one faith. The ecclesiological concept of "communion" is the basis for how many can still be one in God, grounded as it is in the nature of the God revealed by Jesus Christ: one in divine essence, but triune according to person or mode of presence. The Catholic university is a vital part of the Catholic community of faith because it is "a primary and privileged place for a fruitful dialogue between the Gospel and culture" to take place. But for the gospel to be accurately proclaimed and existentially grounded, the Catholic university must maintain communion with the universal church, the Holy See and with the local church and bishop. The communion between the bishop and the university is founded in their distinct but complementary teaching roles in the church. This didactic link provides the bishop with the right and obligation to communicate and safeguard the integrity of church doctrine, all the while recognizing the right and obligation of Catholic universities to investigate, analyze and communicate all truth freely. The ultimate mission of the university is to search for the truth (in the Catholic tradition faith and reason are reconcilable because God is the source and goal of both). And this search for truth enables it to uniquely serve not only the Catholic church's people but the peoples of the world on their journey to find meaning in life and to arrive at their transcendent goal.
Ex Corde Ecclesiae states that the Catholic university fulfills its purpose when it gives proof of being rigorously serious as a member of the international community of knowledge and expresses its identity through an explicit link with church at both the universal and local level. In this way it attains its aim of guaranteeing a Christian presence in the world and in an institutional form. The bishop, for his part, has a particular responsibility to promote Catholic universalism and especially Catholic identity. According to Ex Corde Ecclesiae, there are four distinctive characteristics that are essential for Catholic identity and really are the heart of the document: first, Christian inspiration in individuals and the university community; second, reflection and research on human knowledge in the light of the Catholic faith; third, fidelity to the Christian message and in conformity with the magisterium of the church; fourth, the institutional commitment to the service of others. These fundamental goals take the Catholic university beyond just its academic commitments and sets the stage for excelling in theological education, prayer, liturgy and acts of charity. This means that every Catholic college and university is to affirm God, revelation and the Catholic church as the guardian and interpreter of that revelation. The bishop's work in promoting this community of faith of the university is to be characterized by mutual trust, close and consistent cooperation and continuing dialogue, and he should not be perceived as an external agent but as a participant in the life of the Catholic university. This is the practical living out of communio: a solidarity that mutually recognizes respective statutory limitations and responsibilities (ECC, 70). Therefore, Pope John Paul II is trying to show how faith and life are integrated for the Catholic university project.

Ex Corde Ecclesiae says that academic freedom is an essential component of a Catholic university. Scholars are encouraged to inquire freely and express themselves fully about those topics in which they have special competency. However, this must be done prudently and by giving due deference to the magisterium of the church. Here the local bishop has the duty to protect the common good and safeguard and promote the integrity and unity of the faith while promoting "rightful" academic freedom. In other words, a commitment to Catholic ideals, principles, and attitudes should be part of the research, teaching and university activities, while maintaining due regard for the conscience of every individual in the academic community.

There are a number of other issues discussed in the document. The role of theology and the requirement of a mandatum for those who teach the sacred sciences (we will return to this issue later for a detailed exploration). Also, the components of a real Catholic university are discussed: board of trustees, administration, staff and faculty. Ex Corde Ecclesiae states that it is the university itself which primarily bears the responsibility for safeguarding and strengthening the Catholic identity of the university of all its members. The
optimal situation is for the majority of the members of the community to be Catholic so as to "witness to the faith."

Recently, Pope John Paul II reaffirmed these convictions during the celebration for the jubilee of the university teachers in Rome. He stated that Jesus Christ is the one who did all things well and is the model for those engaged in academic activities. Christ was the one open to the Other and others in an attitude of trust and love. The Pontiff admonished educators to be credible witnesses to Christ by their effective services of the human longing for an ever fuller knowledge of truth.\(^\text{10}\)

With the general content of Ex Corde Ecclesiae now summarized, a question comes immediately to mind: Can this kind of institution really exist and thrive given the American educational and cultural landscape? And wouldn't this kind of school necessarily mean a loss of academic freedom, strong possibility of indoctrination and proselytizing and the over turning of the objective and neutral searching for truth? To answer these kinds of questions we will have to look back at the development of the idea of academic freedom, the American understanding of individualism and the general conception of religion in a nation that prizes the strict separation of church and state.

In his article "Academic Freedom and the Catholic Community," James Heft traces the history of higher education from its roots in ancient Greece to the contemporary expressions in America, especially in regard to academic freedom.\(^\text{11}\) Heft says that the point of origin of academic freedom was when ancient philosophers attempted to understand reality apart from the prevalent religious beliefs of the society. The advent of a skepticism and an appreciation of the relativity of culture came to form part of the foundation of critical thought. The intellectual quest was for the universal and immutable truth that transcends the vicissitudes of sense knowledge and the caprice of human custom. But Plato's academy and similar institutions of the ancient world are really only prototypes of the modern understanding of university.

The rise of the medieval universities in the 12\textsuperscript{th} and 13\textsuperscript{th} centuries came out of the monastic and cathedral schools systems and adopted many of their programs (all the universities shared a common theological doctrine and tradition). Gathered at such places were "masters" and students energetically pursuing their mutual passion of learning. The prevalent feeling among educators of the time was captured by Godfrey of Fontaine when he said that "people should not be bound to one opinion on which a legitimate diversity of opinion exists, conflict stimulates the recovery of truth."\(^\text{12}\) In these schools there were four principle faculties that did their own work but with a collaborative spirit: arts, medicine, law and theology. However, among the four, theology was indisputably
supreme. For not only did it function as the over-arching principle of all intellectual study, theological faculties were often times called upon to settle doctrinal disputes among the bishops. Their genuine expertise was acknowledged and respected by the hierarchy of the church. During these times, bishops and theologians had a fruitful collaboration, as the council of Trent testifies.13

Bishops were not usually the passive party, though, in the university-episcopacy relationship. As a matter of fact, bishops more often than not meddled in the university with the intention of "controlling" the conversation. This was acknowledged as a episcopal right over the study of theology, but it was not always welcome.14 And yet, even still, Medieval universities were a step toward academic freedom because they did create an intellectual space that was at least insulated from the intrusions of kings, nobles and the hoi polloi. Unfortunately, the Protestant Reformation did roll back this advance shortly afterward by putting the theological direction of the university under the control the king and this meant study of the sacred sciences were directed by his Christian confession type and possibly his personal views.15 One could see this as a logical outcome of the shift away from theologizing within tradition and with ecclesiastical authority to personal interpretation of the foundational documents of the Christian faith by the believer, following the example Martin Luther. The history of Catholic and Protestant education in Europe continued to follow these lines for next several centuries.

The beginning of American higher education is a continuation of the continental experience in many ways. The colonists were mostly from the Protestant confessions and they are responsible for the formation of the great Ivy League schools, such as Harvard, Yale, and Princeton. The intended purpose for of establishing these schools was primarily for the education of clergy. These schools, though governed by lay boards, were still influenced to a significant degree by the doctrine of the confessional faith of the school and its leaders. This control manifested itself with the firing of scholars for their religiously avant-garde views on evolution, pacifism and economics.16

A full-blown form of academic freedom does not emerge until the 19th century in America. Though it is true that the 18th century had brought with it less theology and more science into the curriculum of the university, and a correlative dose of secularism and skepticism, it was still not until the emergence of the great ideas of modernity that a sea-change takes place. A confluence of disparate ideas from science, commerce, politics and religious liberalism come together as bedfellows that academic freedom gained a foothold in American Universities. Science taught freedom of inquiry that was verified by empirical and objective criteria and judged by competent peers. Commerce extolled the virtues of free
competition among ideas like in the marketplace with goods and services. Politics showed a liberal state must truly embrace free speech, free press and pluralism. And finally, religious liberalism reduced the animosity among different religious confessions and taught religious tolerance and freedom of worship. In short, these modern ideas about the inherent dignity of the human being to think, speak and choose as he or she sees fit, melded with the mythology of the "rugged individualism" of the plainsman, to produce a vision of the human being in more and more atomistic terms.

The end result of these events on the developing notion of academic freedom was twofold. First, it was the adoption of a new idea of truth. Truth was only what could be verified by the senses or experiment and in an ongoing process of inquiry that had to be unshackled from the beliefs of past tradition (religious or otherwise). Secondly, it lead to an over-emphasis on the separation of the church and state that left religion relegated only to the private, interior life of the person. Religion was being pushed out of public life and culture and came to be determined by the personal beliefs of the individual. The definition of religion provided by the 19th century American philosopher William James exemplifies the point. He says that personal religion is the fundamental aspect of religion and defines it as "the feelings, acts and experiences of individual men in their solitude, so far as they apprehend themselves to stand in relation to whatever they may consider the divine. Ideas about religion like these, "radicalized" the constitutional requirement of church and state to a point beyond what the founding fathers probably intended. The fathers of the constitution did not seem to intend that religion could have no public/social dimension whatsoever. In many ways, this philosophy continues today.

These intellectual currents gained even further momentum with the creation American Association of University Professor (AAUP) in 1915. This organization produced a document entitled "The Report on Academic Freedom" and stated its commitment to and defense of freedom of inquiry and research, teaching and extra-mural utterances. The report, however, was rather negative about the performances of "denominational colleges." It concluded that these schools were not true colleges in the American sense because they did not encourage unrestricted research and unfettered discussions on all things, but rather subsidized and promoted the opinions held by persons not of a scholarly calling. Included among these denominational schools of sub-par credentials, according to the report, were the Catholic colleges and universities of America.

Catholic higher education began in America with the establishment of Georgetown University in 1789. This is followed by the founding of numerous other Catholic universities and colleges across the country. Most of these colleges were founded and staffed by religious orders, such as, the Jesuits, Franciscans,
Dominicans and Benedictians. Theology was studied in departments of religion. They were basically engaged in character formation, catechesis and apologetics. These courses were often offered for reduced credit and were taught much of the time by non-scholars. The actual enterprise of systematic theology was reserved for the seminary, so for priestly formation. From the 18th century to the 20th, Catholic universities continued this approach to religion. And since most professors were priests, the vow of obedience kept most disputes with the hierarchy under control.

In the 1960s, though, two major events took place in Catholic education that were to change these universities forever in America. First, there was the endorsement of the concept of academic freedom as it was defined by the AAUP. Second, these institutions transferred their ownership and control to lay-dominated boards. This led to an "identity crisis" in these schools as to what makes a Catholic university "Catholic." It was at this time that religion departments became departments of theology and then to departments of religious studies with the hope of providing a non-sectarian approach to religion with real academic rigor behind it. All of which made the precise relationship between the institution and the Catholic Church rather complicated and a point of contention. The shift in thinking of some Catholic academicians can be seen in the Land O'Lakes statement produced from a gathering of Catholic college presidents, professors and bishops. The intention of the meeting was to discuss the nature and role a Catholic university. The discussions focused on institutional autonomy and academic freedom. This group concluded from its talks that academic excellence would require freedom from "any" kind of external authority, religious or otherwise, in order to be a true university. The study of theology has been deeply influenced by this unbridled acceptance of academic freedom and neutrality in scholarly pursuits. The severity of this paradigm shift can be gleaned by looking at the state of biblical studies. Given the fact that Scripture is the "soul of theology," that is, the source of its reflection, it can therefore function as a touchstone for what is happening throughout the rest of theological studies. A quick comparison between classical Christianity's interpretation to Scripture and what is happening in many universities today will demonstrate the point.

In his book The Real Jesus: The Misguided Quest for the Historical Jesus and the Truth of the Traditional Gospels, Luke Timothy Johnson lists the major changes in perspective between the different quests for the Christ of faith and the Jesus of history. First, classical Christianity teaches about the Jesus of the creed: Jesus as the Son of God. His ministry, death and resurrection are all considered important to understanding his significance. The modern/postmodern approach departs from the creed and perceives his significance to be only during his public ministry (resurrection, if considered at all, falls into the category of visionary
experiences of the apostles that are unrelated to the fate of Jesus). Second, classical Christianity is based on the belief that God has provided a revelation and that Christianity is formed and invigorated by this self-disclosure. This is understood as a genuine experience of ultimate reality mediated by the crucified and risen Lord. The modern/postmodern approach sees Christianity as just another religion among the many of the world and is, therefore, a culturally based reality that is just a humanly constructed symbolic world. Third, classical Christianity understands the church as a community of faith that is accountable primarily to the sources of its identity, with integrity being measured by fidelity to the foundational experiences and canonical writings. Teachers and teachings are evaluated essentially in terms of commitment to and clear expression of those sources. The modern/postmodern approach views the church as a social organization that is answerable to the particular society it is in. Its integrity is measured according to the methods employed in political and social analysis. The goal is to ascertain the relevance and usefulness of the biblical message for performing a hermeneutic on the contemporary world. Fourth, the New Testament, the Gospels in particular, are appreciated as either divinely inspired or at least authoritative and revelatory. Therefore, they give access to the truth of Christianity's deepest held beliefs and most profound experiences. The modern/postmodern approach sees the New Testament as a collection of ancient writings whose greatest value is in providing historical information concerning the origin and development of the Christian religion. The faith perspective of the Christian writings are countered with a "hermeneutics of suspicion" which requires a deconstruction of the narrative.

Theologian Ian Ker attempts in a different way to show just how wide the gulf can be between traditional Christianity and the academy. Following the work of the philosopher of religion Alvin Plantinga, Ker says that Judeo-Christian theism is challenged by two other perspectives. Both of these interpretations of Western Culture offer explanations that jettison the divine and replace it with immanentist theories to understand human existence. The first he calls a "perennial naturalism." This view says that there is no God and that humans are just aspects of a giant cosmic machine that proceeds in total indifference toward us. Evolutionary theorists exemplify this point. The second view he calls "creative anti-realism." This approach views the human being as responsible for the structure and nature of the world. They are the architects of the universe. One could cite the existentialism of Sartre, hermeneutics of Heidegger and the linguistic philosophy of Wittgenstein as examples of this kind of thinking. In short, cosmology and anthropology, existential philosophy and linguistics are believed to leave no room for the divine.

After the foregoing survey, a question arises: What would happen to a Catholic university if their theology departments adopted uncritically the approaches to
religion and worldviews just discussed and ignore the juridical prerogatives of the magisterium? With 78% of American teenagers saying that religion is important to them, and so many parents sending their children to Catholic Universities partly for the exposure to Christian values and life, it is very important to clearly establish what "kind" of theology we are talking about. And it is with the hope of having the "orthodox" view of theology available in Catholic universities that compelled the Pope to issue Ex Corde Ecclesiae.

**Ex Corde Ecclesiae and the Theologian**

Ex Corde Ecclesiae deals specifically with the issue of the theologian and the Catholic university in its comments on the mandatum. The document states that the Catholic faith is to be "especially witnessed" to by those teaching the theological disciplines (good character). And the purpose of a Catholic university is for the education of the student and for the academic research that is proper to the discipline. Those teaching the sacred sciences are included in this encouragement to follow the data to wherever it leads. Each theologian is to exhibit academic competency. The theologian is, however, admonished to present "authentic" Catholic teaching and to express his or her opinions prudently when dealing with students and the public. Moreover, the theologian will be faithful and observe the submission due to the magisterium of the Church.

The issue of a theologian's faithfulness was first institutionally established in the new code of canon law in 1983 with the stated requirement that a theologian have a mandatum from a competent ecclesiastical authority in order to teach. The apostolic constitution Ex Corde Ecclesiae moves toward the concrete application of this church law. The mandatum is the official acknowledgement that a Catholic professor of theological studies is in full communion with the Catholic church. Those who receive it teach in their own name because they have the necessary academic and professional competency. They do not teach in the name of the bishop or the magisterium. But theologians are not separate from the teaching mission of the church. Because of their baptismal summons they have an ecclesial task to teach, write and research for the benefit of the church and within its communion. The mandatum, therefore, is the recognition that a professor is in an ecclesial relationship with the Catholic church. It recognizes a professor's commitment to teach "authentic doctrine" and not disseminate ideas that are contrary to the teaching of the magisterium, scripture and tradition. Before being granted, an oath of fidelity and a profession of faith will be required for the mandatum to be bestowed. This act affirms the faith of the theologian in the divinely revealed truths and those things definitively proposed by the church about faith and morals. This includes a submission of will and intellect to the teachings of the Pope and the church's college of bishops when they are speaking
authoritatively to the whole church in matters of faith and morals. In short, the theologian teaches in the name of the church and is granted the official commission to do so by either a conference of bishops, a local bishop or a delegate.\textsuperscript{32}

Some theologians believe they know why the hierarchy made this requirement for the theologian. According to Father Richard McBrien, "any new addition to canon law opens the way for punishing theologians who dissent from infallible truths and definitive teachings."\textsuperscript{33} Whether that tells the whole story or not, it is certainly true that the tension between the theologian and hierarchy is rooted in differing understandings of the ecclesial nature of the theologian.

The role of the theologian has had an "ecclesial dimension" since the inception of Christianity. Beginning with the apostle Paul, the first theologian by many accounts, reflection was carried out on the present meaning of Christ as risen Lord and savior in light of the questions and needs of the people in the early Christian assemblies. What to do about theological, liturgical, social, moral and institutional debates and problems were sorted out in his correspondence with the churches, and, in the process, began to clarify the faith. The tradition he inherited from the apostles and his own conversion experience functioning as guiding principles. The patristic period, when bishops and monks did the theology, theology as a disciplined form of reflection on Christian life was commenced. The insights gained by them in the improving self-understanding of the mysteries of the Christian faith had there source in the texts of scripture, their pastoral experience with the people of God and with those who make up the liturgical-meditative community of the monastery. The Middle Ages and the Modern Period, however, while continuing the existential/pastoral theology of previous periods and deepening and broadening its discoveries about the faith in some ways, added the specifically academic exploration of theology with a foundation in metaphysics, logic and rationality. It was the quest for objective truth in reason and faith. The postmodern period has meant the reinstatement of subjectivity’s importance and pluralistic character of meaning, but it has also lead to the professionalization of theology into further specialization and academicization that is in many ways detached from the community of faith and has eroded the ecclesial dimension of theology. The move of theology out of the seminary and the hands of priests to the university and the laity has contributed in no small measure to this shift as well.\textsuperscript{34} In other words, a number of theologians have either withdrawn from the worshiping community and/or engage in a theological exploration that is solitary and guided "only" by scholarly principles. They make no real attempt to take stock of the tradition, the teachings of the magisterium, or show any concern with furthering the people of God’s understanding of the faith. Theology has become disconnected from life for many theologians. And this spiritual disengagement has lead to the
unprecedented situation of theologians contesting every major doctrine in Catholic orthodoxy.\textsuperscript{35}

The formation of the International Theological Commission, by suggestion of a synod of bishops in 1967, was for a reason that relates to our specific concerns in this paper. It seems that there was a general feeling after the Second Vatican Council among the bishops that there was a need for more varied theological consultation. An attempt was being made to get more voices involved in magisterial conversation than just the Roman view- the dominant theology of the faculties at Vatican connected universities.\textsuperscript{36} A move was being made to globalize the theology of the Catholic Church to go along with its new found realization of being a "world" church. One of the early acts of this body was the issuing of "Theses on the Relationship Between Ecclesiastical Magisterium and Theology." This document achieves two things. First, it lays out the roles for bishops and theologians as teachers in the church in a more thorough way than Ex Corde Ecclesiae, and so, contextualizes much of the conversation. Second, it attempts to heal the fissure between theology and spirituality and the community of faith. In the process, it gives a model for how the theologian can actualize the ecclesial dimension of his or her role as a theologian.

The stated intention of the document "Theses on the Relationship Between Ecclesiastical Magisterium and Theology" is to clarify the relationship between the Magisterium, bishops in communion with the pontiff who safeguard the faith, and scholars of theology who attempt to understand and explain the faith.\textsuperscript{37} The document goes about this task by first showing what bishops and theologians share in common as teachers of the faith and then surveys the differences of emphasis and role that the didactic task takes within the community of faith when expressed by pastors in contradistinction to scholars. The final sections attempt to deal with the thorny issue of the jurisdiction of pastoral authority and the rights of academic freedom for theologians. All of these comments are contextualized in the introduction by defining what the church hierarchy sees as the function of the theologian. The claim is that the theologian is to seek a deeper understanding of the faith in the manner proper to its scientific nature as an academic specialization. The theologian is to be a practicing member of the community of faith and be in possession of a canonical mission (we will return to this mission issue later). But in regard to the need to be a member of the church, it is theorized, by Avery Dulles, that the requirement is because theology is not only based in rational understanding but also includes by nature an existential/liturgical component or what could be called the "conversion experience."\textsuperscript{38} This is a participative knowing of the Christian symbols and narratives that informs theology's appreciation of the mystery of God as interpreted by the community of faith. There is an inexplicit meaning that escapes the religious writings and is accessible only through worship.\textsuperscript{39} In short,
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Theology is ecclesial by nature since it reflects upon the experience of the Christian mystery as it is encountered in the here and now among the people gathered in the Christian assembly. Faith is not accidental to theology; it is essential. In other words, good theology is fed and directed by a rich spirituality and faith. What Karl Barth called a "knelling theology."

The collaboration of bishops and theologians in the teaching of the faith has its beginning in the New Testament and is carried along throughout subsequent tradition. According to the document, there are a number issues that show overlap between the two "magisteria." They have in common the task of safeguarding the deposit of revelation, seeking deeper insights, and defending it all on behalf of the people of God and for the salvation of the world. This means that both bishops and theologians are called to "serve" the word of God by teaching what is handed on, listening to it devoutly, guarding it conscientiously and explaining it faithfully. From the written word of God and sacred tradition, the foundation of the faith is found for preaching and reflecting. And by way of extrapolation, the living faith of the people of God, called the sensus fidelium, is to be consulted also because of the belief in the infallibility of the whole church (the abiding presence of the Holy Spirit) leading them in matters of faith and morals. When these tasks are carried out with the sincere intention of enriching the faith and understanding of the community of faith, the true pastoral and missionary dimension of teaching is carried out by both groups.

Besides these significant similarities, there are also important differences in how the pope and bishops actualize their vocation as teachers in the church from what theologians contribute. The principal function of the magisterium is to authoritatively maintain the unity and integrity of the Catholic Church's faith and practice. They are the ones, often times focused on Pope John Paul II and Cardinal Joseph Ratzinger of the Congregation of the Doctrine of the Faith, who authoritatively interpret the word of God in scripture and tradition, censure opinions which endanger the faith and morals of the church and set forth truths which are particularly relevant to the current situation. They attempt to consider particular truths or opinions in light of the whole faith. All of these activities are unique to their office and derive their authority from sacramental ordination wherein the charismatic and juridical authority is bestowed and a special sharing in the authority of Christ is made present. A special charm or gift of the Holy Spirit helps them to fulfill this ministry. This authority exists only in the church and over its members. But in this community and in reference to faith and morals, the pope can when speaking ex cathedra, or union with the entire episcopacy at a church council about matters of faith and morals always held or
now held universally, speak infallibly. Theologians, for their part, never have such certitude for their individual, scholarly findings.

The theologian is principally involved in the work of mediation. The mediation is to move in two directions: magisterium to the people, the people to the magisterium. One could call this double action a theological "midwifery." On the one hand, theologians exercise their ecclesial function by translating, interpreting and teaching in contemporary thought forms the pronouncements of the magisterium and the sacred tradition to help the people of God to better understand their faith and incorporate it into their lives. This is to integrate the doctrine and admonitions of the magisterium into a broader synthesis. On the other hand, theology brings fresh insights upon the scripture and tradition. The different perspectives that various socio-cultural contexts can produce, the new questions being brought up by the other academic disciplines, and the results of theological investigations themselves, all contribute to theology being of service to the magisterium in its hermeneutical work. The charism, indispensable contribution, and challenges of theology in the church are also well expressed in the document "Instruction on the Ecclesial Vocation of the Theologian" put out by the Congregation for the Doctrine of the Faith in 1990: Theology has importance for the Church in every age so that it can respond to the plan of God "who desires all men to be saved and to come to the knowledge of the truth" (1 Tim 2:4). In times of great spiritual and cultural change, theology is all the more important. Yet it is also exposed to risks since it must strive to "abide" in the truth (cf. Jn 8:31), while at the same time taking into account the new problems which confront the human spirit. 46

His [The theologian's] 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 Magisterium which has been charged with the responsibility of preserving the deposit of faith. 47

The theologian is called to deepen his own life of faith and continuously unite his scientific research with prayer. In this way, he will become more open to the "supernatural sense of faith" upon which he depends, and it will appear to him as a sure rule of guiding his reflections and helping him assess the correctness of his conclusions. 48

All of these reflections on the magisterium and theology assume a theology of revelation. The official theology of the church regards the written scriptures and the sacred traditions as revelation, or the truth of the faith, which God has graciously shared. This theology is authoritatively defined in the Second Vatican Council's Dei Verbum. As is stated in the first chapter of the text, God reveals himself through the sending of the incarnate Son and Holy Spirit to enable all
people to participate in the inner life of God and have true friendship with him. God's plan of revelation unfolds according to an economy whereby he reveals himself and his will through the inner unity of words and deeds that progressed from many and varied ways to its culmination in the sending of the eternal son. Revelation teaches the religious truths needed for salvation. And this revelation was shared with the apostles so as to be preached to all men this saving truth. Their successors, the pope and bishops, carry on this mission of "handing on" what has been passed down from the lips of Christ and the prompting of the Holy Spirit. All of which is to be met with "the obedience of faith," by offering the full submission of the intellect and the will to the God who reveals. God offers his very self to humanity for their salvation. This understanding of revelation has deeply influenced much of Catholic theology and was basically reaffirmed recently by the encyclical Fides et Ratio. According to Pope John Paul II, "the truth communicated in Christ's revelation is therefore no longer confined to a particular place or culture, but is offered to every man and woman who would welcome it as the word which is the absolutely valid source of meaning for human life." And, taking just one example from academic theology, Avery Dulles has interpreted Dei Verbum to mean that revelation is "primarily" a form of "symbolic communication."

It is at this point that the natural tension, which ought to be creative and collaborative, over interpreting the Word of God that exists between the magisterium and theologians begins to develop into a divergence of approach instead of the convergence expected by the document "Theses on the Relationship Between Ecclesiastical Magisterium and Theology." The issue of revelation and its corresponding theology are good examples to use to show just how this significant the divide can be.

John McDade, in his article "Catholic theology in the Post-Conciliar Period," characterizes the task of theology as the articulation of the present experiences so that they can stand in a creative and critical relationship to tradition. He says theology can no longer just attempt to "update" a body of doctrine that was previously constituted. Rather, as Edward Schillebeeckx has said, it is the practice of the community that is the sphere wherein theology is born. For him, contemporary experience and understanding carry a claim of authority because they come from practice of discipleship, and contribute the perspective through which the preceding tradition is appropriated. The theological task is in the formulation of an understanding (theory) that interacts with the expression of Christian life in the contemporary context (praxis). For Schillebeeckx, then, theology is the contemporary life of the church throughout the world. And it is this shift in perspective that has given rise also to a different view of revelation.
This shift can be seen in two recent pieces on the theology of revelation. Gerald O'Collins defines "revelation as part of the total process of experiencing the divine self-communication. Experience recalls the place where the individual subject and the community meet God. Self-communication reminds us that revelation always entails grace, that active presence of the triune God who delivers us from our evils and comes to share with us the divine life." And John Connolly in even more dramatic form, following the insights of James Cone's A Black Theology of Revelation, says that liberation is not only a category of revelation, but actually identifies God's revelation with the black struggle for liberation from racial oppression. Revelation of God involves a personal relationship with humankind, effecting God's will in human history. According to Cone, to know God is to know God as the One who struggles on behalf of the oppressed. In short, revelation means liberation and this liberation takes place right now in the struggle to overcome racism, poverty or sexism or any other form of institutionalized injustice.

The preeminent American Catholic theologian, Father David Tracy, in his article "On Naming the Present: God, Hermeneutics, and Church," shows how the modern, anti-modern and postmodern thinkers misunderstand not only the current intellectual situation, but also do not see how God is revealed today. Drawing on the insights of liberation and political theology, Tracy says the present is most fully named theologically as "interruptive eschatological time before the living God." For when one listens to the other conversations, especially those who experience massive suffering but have found new voices of their own and new historical actions to match those voices. He cites liberationist and feminist movements as examples. What one can hear to a certain degree in these voices, explains Tracy, is the healing and transformative message of the Christian gospel alive once again. It is a message for historical subjects in their concrete struggles for justice against suffering and oppression and for total liberation. This is the message for our time and it is both threatening and promising. We always live in dangerous times. As the repressed histories of oppressed people unveils and the memory of the cross and resurrection of Christ shows. This hope enables people to overcome oppression, alienation, guilt, and death. However, it is also a dangerous memory because the person who enters into this becomes a "subject-in-process-on-trial." This Julia Kristeva phrase means that one's own thinking and living is constantly threatened from its complacency and morally forced to change in the light of the injustice one sees or does when consciously in touch with this memory.

These kinds of sentiments capture the mission and spirit of so many Catholic universities and the charism of the orders that founded them. Taking the Congregation of the Holy Spirit as an example, they see their mission to the church, which is academically incarnated at Duquesne University in Pittsburgh,
as most truly expressed in reaching out to the "other." According to the Spiritan Rule of Life, their purpose is to "evangelize the poor." They go especially to peoples, groups and individuals who have not yet herd the message of the gospel or who have scarcely heard it, to those whose needs are greatest, and to the oppressed."59 And when people of faith do this, theologians or otherwise, says Emmanuel Levinas, the face of the genuine other should release us from the desire for totality (domination and violence) and open us to a true sense of infinity. As Jacques Derrida has so well put it, "justice is a kind of absolute…and it cannot wait."60

These sentiments were best expressed in the Catholic tradition some years ago by Father Karl Rahner. "Theology must, of course, always point to Jesus Christ, not because he is the explanation of this burning mystery (the God who reveals) but because he plunges us into it by the accomplishment of his death and forbids us once and for all to stop short of it and to occupy ourselves exclusively with what can be perceived within the narrow horizons of our own life."61 Therefore, the Catholic thinkers like O'Collins, Connelly, Tracy and Rahner, and the others to the extent they would speak in terms of revelation, are all articulating a fundamental fact about revelation and theology. Each sees that revelation is for salvation in the "here and now" and one's encounter with God is broader and more variegated and personal than just what one can isolate with doctrinal pronouncement and pass along by the magisterium when it speaks in terms of universal and ultimate truth for revelation. This is Christian theology's turn to Postmodernity. And in some ways it is a call to the magisterium to take Vatican II more seriously by thinking of revelation as an encounter with the personal God in Jesus, and the reading of the "signs of the times."

And this directly touches on how easy misunderstanding can come about between theologians and bishops. In each case the requirement to stay true and preserve and deep the understanding of revelation is assiduously being carried out. However, there are significantly different views as to what revelation really is and how it is to be interpreted. For all intents and purposes, a static view versus a dynamic notion of revelation. 62 Moreover, a deeper appreciation of pluralism is part of much of theology and a belief that "praxis," while a kind of reflection and action aimed at transforming the world, teaches that the truth of Christian faith is learned most fully in action. All that revelation is, prior to the Parousia, cannot be exhaustively stated. Following the inspiration of Cardinal Newman, one could say that action gives faith its verification, not reason or any other kind of abstract approach to truth or revelation. 63 In sum, revelation in contemporary theology follows what Lieven Boeve, building off the work of several postmodern thinkers, has called the "open narrative" approach to revelation. 64 This is a postmodern read that says that, though Jesus and his story are of definitive value for humanity, one must accept the contextual and practical
dimensions to all understanding and be reconciled to the fact that this narrative will give rise to many legitimate interpretations. Not to mention the fact that "God talk" in any form is always inadequate to the task, since the transcendent is permanently an incomprehensible infinitude. But herein is where faith lives! And since this is the case, theology will forever be reluctant to allow its work to be circumscribed as tightly as a mandatum would seem to require.

Concluding Reflections

Theologians’ concerns over the application of Ex Corde Ecclesiae in America are many. However, one must be appreciative of the actual concern. No one should question the right of the magisterium to perform its function as the arbiter of orthodoxy in relation to academic theology. This is part of the Catholic faith. According to Dei Verbum 10, the pope and bishops are the authentic interpreters of the "word of God." This power was bestowed on them by divine institution when Jesus Christ, God’s unsurpassable Word incarnate, established that Peter and the other apostles were to succeed him as the teachers and leaders of the people of God. This is the Catholic doctrine of apostolic succession, which means that the Pope and bishops are the spiritual heirs of Peter and the apostles respectively. Therefore, as Francis Sullivan has said, "the authority of the magisterium is an authority over the human interpretation of the Word of God, not over the Word of God itself." And so, Catholic theologians should respect and recognize this right for the unity of the faith and the salvation of the world. This acknowledgment is readily extended to the bishop’s general oversight of the university.

Theologians don’t seem to have any serious problems with Ex Corde Ecclesiae as a general proposition either. Who could argue with a university being attentive to the fostering of liturgy, social works, supporting students and staff, promoting gospel values, increasing the number of Catholics in faculty and staff positions to give effective witness to the faith, and teaching theology that is accurate in its portrayal of the tradition? Therefore, the concrete steps to protect and enhance the "catholicity" of all American Catholic Colleges are readily accepted. And most Catholic theologians see through the specious arguments of secular colleagues who say that such a document would undermine the universities’ neutral search for truth by postulating a corrupting ideology. They know that there is always some guiding worldview at a university, from science or philosophy or political science. The retraction of theology and faith at the university doesn’t lead to neutrality but an opportunity for some ideology to take its place and exert its influence. There are no value free institutions. That is a fallacy. Therefore, any perspective that has the protection of the inherent dignity of the human being at its heart, such as Ex Corde Ecclesiae, theology will be in support.
The real issue, then, for theologians is the specific requirement of the mandatum to teach theology. Here is the eye of the storm. There are a number of concerns raised by some theologians about the mandatum issue. Each one of them has some aspect of America's vision of academic freedom in view. First, there is the argument from "academic integrity." By introducing an external, non-academic agent into the internal, academic processes governing a university, the university loses its control over appointments, retention and promotion of faculty and the courses that are taught. There would be no academic freedom or institutional autonomy because those with scholarly competence would be either cut out entirely or have a diminished role in the academics of the university. Second, what about the practical side of the mandatum? What if a mandate is denied, withdrawn or simply not sought by a theologian? Will the bishop really leave it up to the university to decide or will he take more direct action against the person? And since the American education tradition frowns on the firing of a professor because he/she holds unpopular views, but is otherwise competent, does that mean the "mandateless" theologian will have to move into a different department to teach? Will that be in the scholar's and the students' best interest? Third, the focus on the theologian to the exclusion of so many others at the university seems to be overdone. Administrators, campus ministers, coaches and faculty members outside of theology also have a significant influence on students. Why should they not be held to the same kind of standard as it applies to there place at the university? Fourth, the requirement of a mandatum might initiate a breakdown in trust between bishops and theologians and is replaced by a highly unproductive "hermeneutics of suspicion." What happened to the collaborative spirit mentioned at Vatican II and the "Theses on Magisterium and Theology, the spirit of communio? Fifth, this hierarchical maneuver to control theological conversation is unnecessary and potentially damaging to the discipline of theology. A bishop already has the right to label a theologian or department of theology as "uncatholic," which would certainly have a negative impact on those involved once it became public on the reputation of the individual or department or college. So the bishop already has mandatum powers for all intents and purposes.

The world of academic theology has internal mechanisms in place to insure that competent theology is carried out. This happens through scholarly review in departments and editorial boards of journals and publishers. And this check and balance does carry over to teaching as well where evaluations already take place by peers and students alike. These resources for internal monitoring and responsible theological oversight should not be overlooked. Additionally, care must be taken to prevent the mandate from marginalizing theology from the other disciplines at the university. The mandatum might be perceived as already biased from the "inside" by faith and now from the "outside" by non-specialists. The mandatum tries to achieve a positive not a negative goal.
Some theologians believe that the magisterium might be guilty of excessive use of authority. These fears have been fueled even further of late when Cardinal Ratzinger boldly stated that sexual relations outside of marriage, euthanasia, the impossibility of the ordination of women and invalidity of Anglican orders are all "infallible taught" by the church. 73 The reaction of some theologians has been, "really." They argue that such attempts to clarify Catholic beliefs appear to many theologians to be what Yves Conger called "excessive and unreal," because they treat non-infallible or the ordinary teaching of the church as if they were infallible. 74 Therefore, they propose that the best course of action seems to be to return to pre-1983 canon law where the rule of "negative vigilance" was followed. This would make the mandatum rare and would only be invoked when a bishop himself was in conflict with a theologian in matters "seriously" effecting faith and morals. In other words, one was made to have a mandatum when there was a track record that warranted such ecclesiastical actions. Therefore, of course all know that the church is not a democracy, but it should not be a tyranny either.

Finally, the nature of theology as "faith in search of understanding." How to understand the nexus between faith and reason is the central issue for our discussion and for theology at the university, because it shows how theology can be academically rigorous among the other disciplines and, because of such richness and depth, elude a mandate-like control. The union between the two is grounded in a trust or faith in reality, or what the tradition has called the fides quo dimension of faith (an act of commitment). The philosopher Eric Voegelin gives a comprehensive view of this experience of reality, and his insights seem appropriate here.

Voegelin understands experience to be the subject’s cognitional and affective participation in the community of being in which the unending natural quest for meaning and truth is possessed and expression given about it "within" an encounter with reality. Here the knower and the known are ontologically and inextricably connected and interactive. This union means that experience is never just an isolated subject experiencing its own cognitive structures nor is it a case of pure passivity in which the knower simply is the repository of sense impressions. Rather, both are taking place, and it is the case of a subject understanding what is "not-I" and then being able to see itself as separate in a way, while belonging to being and bringing being to its most articulate showing. 75 One could say that human experience belongs to being and is principally dependent upon it, and that being can only become reflectively aware there. The "content" of experience includes all that is encountered in existence: events, things, hopes, fears, disappointments, expectations, persons and places, etc. But one universal definition for all the variegated forms of experience is impossible.
This experiential encounter is always connected to society. It is in society that one can become equipped with a language, granted exposure to the foundational experiences of philosophical-spiritual masters, and have ready access to other subjects as sources of corroboration or critique as to what is being unveiled by reality in experience. Therefore, experience is never just an "individual affair. The social component shows that experience is always communal to a certain degree.

Encounters with the world, people, society and events break-in and open up the consciousness of the subject to create a "space" for participative experience. One is in direct connection with reality and has a true knowledge of being through the data of the senses as they are processed through the multiple dimensions of human experience (aesthetic, religious, imagination, moral, etc.). And yet, the knowledge is limited. The knowledge gained is only comprehending and experiencing a fraction of the "whole," that which is beyond subject and object. The experience of the whole is the coming up against the ground of being. This moment of "luminosity" shows that all things presented to the subject as objects of intention are surrounded on the outskirts by mystery. The repetitive encounter with reality and the long reflection on it shows that the human desire for truth and meaning is somewhat attainable through a loving/meditative participation with reality that can never be an "instantaneous affair."

Voegelin sees a "Quaternarian structure to reality: God and humanity, world and society. The self-transcending reason seeks the ultimate order of the divine through all its noetic and pneumatic movements and counter-movements. Human experience is constituted by the tension from being in the "in-between" of ignorance and wisdom, immanence and transcendence, time and eternity, one and many. Voegelin says the experience is the reality of both divine and human presence. Therefore, the "event" of experience could be understood as the embodied-intentional subject's deliberate interaction with a "given" as it simultaneously reveals a truth of being while bringing the mysterious, divine ground in for "immediate encounter. This is a process that is grounded in a sensible experience of world and history but with an openness to the Transcendent as the condition of the former. There is no more bifurcating of reality, no more "inner and outer," for reality is seen as a differentiated, but cohesive one. The subject is the medium through which the divine, the world and society come together for cognitive and pneumatic assimilation. Experience is a product of all of these "objective" dimensions of reality. But it is never the case of being just those things either. The subject is still the author of its actions and reactions to the call of being. The confluence of being and the experience by a being of it, best captures experience as distinctive participation, that protects the reliability of experience by circumventing purely idiosyncratic interpretations. This approach has the added bonus of avoiding what Voegelin
has called the "egophanic revolt," where the epiphany of the ego eclipses the epiphany God in the structure of consciousness.  

This existential ground is what gives rise to the beliefs and teachings of a religion, or what the tradition has called the fides quae (content of faith). But it is also the constant source, along with the documents of revelation, against which theology and faith must check its teachings and doctrines. It is the understanding that must precede faith in order to make a judgement whether and what to believe. But of course recognizing all the while that there are some things that we cannot understand except by first believing them. Faith prepares us for a vision of that which we do not see. Here again, as we saw in the discussion on revelation, there is an "openness" that does not allow closure. The challenge of implementing Ex Corde Ecclesiae and its required mandatum for those Catholic theologians teaching the ecclesiastical sciences is to maintain and enhance this openness so that theologians can fulfill their important mission and vocation in the church.

Craig A. Baron

Notes


4Ex Corde Ecclesiae, 68.

5Ibid., 69.

6Ibid.

7Ibid.

8Ibid., 70.

9Ibid.


12Ibid., 208-209.

14Heft, 208.

15Ibid., 209.

16Ibid., 212.

17Ibid., 210.


19Ibid., 42.

20Heft., 213-214.

21Ibid., 217.


23Ibid.

24Ibid., 58.


26Ibid.

27Ibid., 212.


29Ex Corde Ecclesiae, 71.

30Ibid., 72.

31Ibid., 72-73, no. 41, 75.

32Heft., 219.

33Christian Century (July 29-August 5, 1998), 711.


35Ibid., 11.
36 Sullivan, Magisterium, 175.

37 "Theses on the Relationship Between the Ecclesiastical Magisterium and Theology" was produced by the International Theological Commission in 1975. It is quoted, by Sullivan in Magisterium: Teaching Authority in the Catholic Church, in its entirety, 177.


39 Sullivan, Magisterium, 180.


41 Sullivan, Magisterium, 185.

42 Ibid., 186.

43 Ibid., 188-189.

44 Ibid., 190.


47 Ibid.

48 Ibid., 120.


51 Ibid.


54 Ibid., 237.


56 Ibid.
57Ibid., 6.

58Ibid., 17.

59Spiritual Rule of Life (Scuola Tipografica S. Pio X- Via Etruschi, 7- Roma, 1987), 17.


67Ker, 313-315.

68McBrien, 14.

69Ibid.,15.


72Catholic Theological Society of America Press Release on Ex Corde Ecclesiae.

73Christian Century, 710.

74Sullivan, Magisterium, 207.

75Glenn Hughes, Mystery and Myth in the Philosophy of Eric Voegelin (Columbia: University of Missouri Press, 1993), 4-5.


77Hughes, Mystery and Myth, 1.
Thompson, "Philosophy and Meditation," 117.

Ibid., 116.


Eric Voegelin, Autobiographical Reflections (Baton Rouge: Louisiana State, 1989), 73.

Ibid., 67.