

# **Ex Corde Ecclesiae and a Model for Faculty Hiring at Catholic Universities**

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Nearly all the faculty both Catholic and non-Catholic that read *Ex Corde Ecclesiae* Section 1 respond favorably to its vision of the university as dedicated to knowledge and service of humanity. Yet these same individuals respond more coolly to the general norms of Section 2, for these are seen to be inconsistent with the faculty member's understanding of academic freedom. In this essay I would like to explore the logical connections between the principles of *Ex Corde* and its specific recommendations in the general norms. Do the principles entail the recommendations in the norms? Are the norms consistent with the principles? Is there more than one way of reading these principles? Finally I will offer a model for faculty hiring that Catholic universities might adopt in order to fulfill the principles enunciated in *Ex Corde*.

In Section 2 of *Ex Corde* Pope John Paul II announces a set of general norms which are claimed to be "valid for all Catholic universities and other Catholic institutes of higher studies throughout the world." In article 4 paragraphs 3 and 4 of section II he describes a policy concerning the teaching and research of faculty at Catholic universities.

In ways appropriate to the different academic disciplines, all Catholic teachers are to be faithful to, and all other teachers are to respect, Catholic doctrine and morals in their research and teaching. In particular, Catholic theologians, aware that they fulfill a mandate received from the church, are to be faithful to the magisterium of the church as the authentic interpreter of sacred Scripture and sacred tradition.

Those university teachers and administrators who belong to other churches, ecclesial communities or religions as well as those who profess no religious belief, and also all students, are to recognize and respect the distinctive Catholic identity of the university. In order not to endanger the Catholic identity of the university or institute of higher studies, the number of non-Catholic teachers should not be allowed to constitute a majority within the institution, which is and must remain Catholic.<sup>1</sup>

These two paragraphs set out four claims:

1. All Catholic teachers are to be faithful to Catholic doctrine and morals in their research and teaching.
2. All non-Catholic teachers are to respect Catholic doctrine and morals in their research and teaching.
3. All Catholic theologians are to be faithful to the magisterium (the teaching office) of the church.
4. The number of non-Catholic teachers should not exceed 50 percent of the faculty.

Before considering the principles of Ex Corde that might entail these norms, I will comment briefly on these norms. First, they are consistent with the 1940 American Association of University Professors' (AAUP) statement on academic freedom provided that Catholic universities make these policies known in advertisements and in contracts before faculty are hired. The 1940 statement contains a "limitation clause": "Limitations of academic freedom because of religious or other aims of the institution should be clearly stated at the time of appointment."<sup>2</sup> This clause recognizes another kind of academic freedom, one more ancient than the freedom of individuals to say or write what they think. This ancient idea of academic freedom is the freedom of the institution to set its own curriculum and its own conception of education. By the middle of the thirteenth century the first universities in Europe claimed such autonomy for themselves. They enjoyed immunity from civil and criminal jurisdiction of the local magistrates and from the disciplinary ban of excommunication by the local bishop and from all tolls and taxes.<sup>3</sup> The university had the right to make and enforce rules and regulations for its own members and to set up courses and examinations for itself. A corollary of autonomy for the university was its responsibility for self-regulation. Such self-regulation might entail limits on an individual faculty member's academic freedom. But this idea of institutional academic freedom is not just a medieval one, for Amy Gutmann, a professor of politics at Princeton, notes that there is perhaps only one common point of agreement among all the universities, public and private, sectarian and liberal: "the state should not determine what the standards [standards that are to guide the life of the mind] are."<sup>4</sup> The 1940 AAUP document implicitly recognizes this institutional aspect of academic freedom. Provided that a Catholic University informs its faculty of this policy at the time of hire this policy is consistent with AAUP policy.

However, many Catholic Universities, and St. Thomas is among them, have not chosen to inform faculty about limitations on individual freedom as part of the institution's freedom to promulgate and support Catholic understanding of issues. Hence such institutions cannot insist on conformity with these norms and still abide by the 1940 AAUP statement. Such universities must revise their policies for hiring in order to implement Ex Corde's norms. And such policies in justice could apply only to those hired with this explicit understanding.

But how are these norms grounded in the principles articulated in the first part of Ex Corde? The first line of the encyclical offers the key premise: the Catholic university is born from the heart of the church (*ex corde ecclesiae*). Indeed, the historical origin of the universities was the Catholic Church. In the mid-thirteenth century the University of Paris, the first official university, was formed from the cathedral school of Notre Dame.<sup>5</sup> As Catherine Mowry LaCugna points out, there is also a philological connection, for in Latin the words for university are *universitas studiorum*, the universality and totality of studies. The Greek word *catholic* means universal. But if this claim is merely an historical or philological thesis it will not generate the norms of section 2.

According to LaCugna the Pope believes that the Catholic university is born from the heart of the church because the university participates in, and activates the mission of the

church.<sup>6</sup> The Catholic university is the means by which the church preaches the Gospel. The Pope writes

...a Catholic university is without any doubt one of the best instruments that the church offers to our age, which is searching for certainty and wisdom. Having the mission of bringing the good news to everyone, the church should never fail to interest herself in this institution (par 10 section 1).

Later in speaking about the role of Catholic theology the Pope is clearer about the Catholic university's role as an instrument of the Church:

...finally, Catholic theology, taught in a manner faithful to Scripture, tradition and the church's magisterium, provides an awareness of the Gospel principles which will enrich the meaning of human life and give it a new dignity, (par 20 sec 1).

A Catholic university is catholic because of its role in making known the good news and in developing the Christian culture and in serving the needs of human beings. The charge to proceed in accord with Scripture, tradition and the magisterium is grounded on the belief that these sources are the authentic guarantors of divine revelation. Given the claim that Catholic theology provides an awareness of the gospel principles in a manner faithful to the magisterium we see the grounds for the norm that insists that catholic theologians be faithful to the magisterium. This does not mean that there cannot be development and exploration beyond magisterial teachings. Since the university's mission is to transform and develop culture in accord with the revelation that is warranted not by individuals but by the Holy Spirit's inspiring the magisterial church, one can understand why the document insists that all catholic teachers be faithful to catholic moral doctrine and that even non-Catholics respect such teachings. The argument can be set out more formally:

1. All catholic universities are instruments of the church's mission to preach the gospel of Jesus Christ.
2. Any instrument of the church's mission to preach the gospel of Jesus Christ is a system that is faithful to scripture, tradition and the church's magisterium.
3. All catholic universities are systems that are faithful to scripture, tradition and the church's magisterium.

Notice that the Pope is clear about premise 1 in the document. By contrast, premise 2 is assumed. It is based on the Catholic understanding of what authenticates divinely inspired messages. In *Lumen Gentium* (the light of nations), a Vatican II document, the Church is clear that scripture, tradition and the teaching office of the Church are such warrants.<sup>7</sup> This argument buttresses another.

4. Any system faithful to scripture, tradition and the church's magisterium is a system that will have at least 51 percent of its faculty that is willing to be faithful to scripture, tradition, and the church's magisterium.

5. All Catholic universities are systems faithful to scripture, tradition, and the magisterium.

6. So Catholic universities are systems that will have at least 51 percent of its faculty willing to be faithful to scripture, tradition and the church's magisterium.

Premise 4 is nowhere stated in the document's first section. It is first of all an empirical claim. The job may be done with 40 percent of the faculty or it may require 80 percent. It is hard to say. What is clear is that if there is only a small percentage of people who are willing to make this commitment then the mission of the institution to preach the gospel cannot be carried out. It seems reasonable that at least 25 percent of the teachers be Catholic, for example. Yet it would be surprising if the job required 100 percent of the faculty. Selecting 51 percent is a conservative estimate of what critical mass might be at a university.

Notice that as I have stated the argument it does not require that 51 percent be Catholic. It concludes that 51 percent be faithful to catholic principles of morality and doctrine. Given that the Pope does not insist that non-Catholics be faithful to Catholic teaching but only that they respect such teaching, the Pope concludes that the way to insure this commitment is to require 51 percent of faculty be Catholic. In addition, if one is Catholic, then faithfulness to Church teaching is required. We now see why the Pope requires a significant number of Catholics teaching and researching at the institution and why Catholics are required to be faithful.

There is a related reason that non-Catholics are required to be respectful. Allowing disrespect to the teachings would undercut the preaching mission. There also is a recognition that it is good to have non-Catholics on a faculty so that students be exposed to respectful disagreements on important principles and matters central to Catholicism. In addition, it is not possible to staff universities entirely with Catholics. In order to fill positions with the best people, the university may need many non-Catholics. Finally, to insist upon anything more than respect from non-Catholics would not respect the institutional autonomy of other faiths. The Church cannot claim its autonomy to set up its own rules unless it also respects the autonomy of other institutions to require faithfulness to their own teachings and doctrines.

When we supplement Ex Corde with some theological claims from Lumen Gentium we can see a strong case for the norms of section 2 based on the premises of section 1. I will call this the "orthodox reading" of Ex Corde. However, it is possible to read section 1 in a way that would not entail the norms. This is not what I believe the Pope intends, but it is a possible reading worth exploring. Catherine LaCugna suggests that the Catholic university is born from the need of the human mind and heart to know everything, the need of faith to understand itself, the need of the human spirit to make sense out of the human condition and the world by bringing to bear on these mysteries all the fields of knowledge and inquiry including theology.<sup>8</sup> On this reading the catholic university is not primarily an instrument for preaching the gospel. But, since it is truly universal it will consider the religious dimension of human experience in addition to other dimensions.

Such a reading takes its cue from the Pope's own description of the character of research at a Catholic university. The Pope writes,

In a Catholic university, research necessarily includes (a) the search for an integration of knowledge, (b) a dialogue between faith and reason, (c) an ethical concern, and (d) a theological perspective.

This differs from what the norms of section 2 require of Catholic teachers and theologians, for there is no insistence on any conclusions to be reached. It is not that these principles are at odds with the norms. These principles do not go as far as the norms. Still, faith gets a place at the table as does the theological perspective. In this way the Catholic university is more free than its secular counterparts, for many secular institutions cannot adopt theological perspectives on any issues without violating the separation of church and state doctrine. On this non-orthodox reading the Pope's claim that the university is born from the heart of the church is simply a historical or philological thesis. A Catholic university is first and foremost an institution that addresses all the questions relevant to being human.

There is an important ambiguity in LaCugna's reading. She might be saying that advancing the mission of the Church is simply a necessary byproduct of being a university in the true sense of the term. On this reading it need be no part of the intentional structure of an institution to be part of the Church's mission. On the other hand, LaCugna might mean that a Catholic university has two missions: first to be a university and second to be serving the mission of the Church. On this reading the goal to be a university takes precedence over the goal of serving the Church if conflicts arise. This last reading is probably closer to LaCugna's meaning than the first reading, for on the first reading any non-secular university could be a Catholic one. The distinction between Lutheran, Baptist and Catholic universities disappears on that reading.

To see the role of serving the Church's mission subordinated to the role of the institution as university is to see a dichotomy in roles that the Pope's vision does not admit. On the Pope's reading the main goal is to serve the church. That goal enlightens and illumines the means.

Another way in which LaCugna's alternate reading differs from the orthodox reading is in her ecclesiology. The Pope clearly affirms that the study of theology makes the best contribution to understanding humanity when it is informed by the church's magisterium. The magisterium indicates the official teaching office of the bishops. LaCugna prefers to understand the church's teaching to include the teachings of the people of God or all the faithful including dissenters from magisterial teaching. This yields a very different understanding of the references to church teaching. According to LaCugna the heart of the church is the Holy Spirit who is leading the church into the fullness of truth. The institutional church does not control the Spirit, nor does the church control the human need and desire for knowledge. Hence the Catholic university is not simply an extension of the Church.

An example of the difference these two interpretations make can be seen in the interpretation given to the Pope's statement on academic freedom. The Pope writes,

It [the university] possesses that institutional autonomy necessary to perform its functions effectively and guarantees its members academic freedom so long as the rights of the individual person and of the community are preserved within the confines of the truth and the common good (Section 1, par. 12).

Both interpretations affirm the importance of the academic freedom of the institution. The institution must be free to set its own standards and guidelines for what it takes as knowledge and the truth. Both interpretations affirm that academic freedom for the individual does not simply mean a faculty member may say anything he or she feels like about any issue as a member of an academic community. Standards of excellence inform one's speech in any discipline. Libelous, inaccurate statements, for example, do not respect the rights of individual persons or the community of scholars. However the Pope's reading of the "confines of truth and the common good" will be informed by the Scriptures, tradition and the magisterium of the Church. If the confines of truth and the common good include only what is required for the integrity of one's discipline one gets a very different understanding about what academic freedom allows. For example, teaching that intentional killing of innocent humans suffering from Alzheimer's is a moral good would not be within the confines of the common good according to the orthodox interpretation since that is a teaching inconsistent with the Church's teaching. Similarly teachings promoting hatred of different races as a moral good would fall outside the realm of the common good.

While a reading like LaCugna's is a possible interpretation of *Ex Corde*, it is not what the Pope intends to say in the document. LaCugna concedes as much in her analysis. Of course, this leaves open the question which vision of the university is better. I will leave the resolution of that question to another paper. In this paper I simply want to show that a straightforward reading of *Ex Corde* does in fact give us grounds for the norms in section 2. The way to avoid such a connection is either to deny assumptions about the church contained in Vatican II or to refashion the understanding of a Catholic university to something like LaCugna's non-orthodox reading.

Since the aim of these papers is more than theoretical, I would like to conclude by sketching a model for faculty hiring at the University of St. Thomas that could be used to implement either the non-orthodox or the orthodox reading of *Ex Corde*.<sup>9</sup> First, advertisements for positions must clearly indicate that the university is seeking individuals committed to the ideals of Catholic liberal arts education espoused in their mission and conviction statements. The ad should inform readers that these statements are available upon request. Second, any candidate that makes the short list of a department's potential hires should be asked to write a short essay explaining how he or she would contribute to the mission of the university. Each department should mail the candidates the University's mission and conviction statements as background for writing the essay. In addition, the candidate would be informed that he or she should be ready to talk about this question with both faculty and administrators. In order to help the

candidate write the essay and to signal some understanding of contribution to the Catholic mission, the department should indicate that the essay must address any two of the following areas: search for an integration of knowledge, dialogue between faith and reason, an ethical concern and a theological perspective. There is no specification about what counts for a correct answer to these questions and there is no claim that the candidate must be Catholic in order to reflect fruitfully on these questions. Finally, the departments must agree to weigh these essays seriously in their hiring processes.

Now if this model were to be modified so that it was responsive to the general norms cited in *Ex Corde* candidates would need to be informed that if they are Catholic their teaching and research must be faithful to Catholic doctrine and morals, and if they are non-Catholics they must respect these doctrines and morals.

Successful implementation of the model designed to achieve the goals of either the orthodox or non-orthodox reading of *Ex Corde* require the good will and support of faculty throughout the university. If that good will does not exist, then one might consider administrative oversight in the way that is done with affirmative action plans. This could make the hiring process which is already laden with more administrative oversight than many faculty would like all the more cumbersome. In addition, the goals of hiring faculty committed to furthering the institution as Catholic may be at odds with the goals of the affirmative action programs. The leadership at Catholic institutions must clarify which goals are more important. Here the tension between the orthodox and non-orthodox interpretations are plainer. On the non-orthodox interpretation one might argue that the diversification of the faculty takes precedence since the first goal of the institution is to be a university where a variety of perspectives is paramount. On the orthodox model faculty diversity is not necessarily the primary goal. However, even on the orthodox model there may be certain positions where diversity would be the primary goal. For example, a department may seek an East Asian philosopher or historian. The successful implementation of any model will require much patience.

Concern about faculty hiring can become heated and divisive. If we remember that our goal is to produce great Catholic universities, this divisiveness may dissipate. In 1968 Christopher Jencks and David Riesman published *The Academic Revolution*, their influential study of American higher education in which they describe the "Harvard-Berkeley model" of the research university as the academic pacesetter.<sup>10</sup> When they examined Catholic universities they observed that "the important question" was not "whether a few Catholic universities prove capable of competing with Harvard and Berkeley on the latter's terms, but whether Catholicism can provide an ideology or personnel for developing alternatives to the Harvard-Berkeley model of excellence." They speculated that "the ablest Catholic educators will feel obliged to put most of their energies into proving that Catholics can beat non-Catholics at the latter's game." But "having proved this, a few may be able to do something more." They asserted that "there is as yet no American Catholic University that manages to fuse academic and professionalism with concern for questions of ultimate social and moral importance" and they challenged Catholics to make "this distinctive contribution to the over-all academic system." This is the positive challenge facing Catholic universities: creating an institution

that has the highest intellectual and academic standards and one that yokes this academic professionalism with concern for questions of ultimate social and moral importance.

At the University of St. Thomas we can take pride in having made some steps along this route. Consider the contributions we have made on business and education. The Center for Christian Social Thought has published books and sponsored conferences dealing with issues of concerns for business people at all levels. Members of the natural science department have run workshops and seminars for high school teachers. Each summer the National Youth Sports Development Program brings teachers together with youth from low income families to develop character and good study habits and a positive sense of community.

In this paper I have shown that a straightforward reading of *Ex Corde Ecclesiae* along with claims supplied from Vatican II's *Lumen Gentium* can logically entail the general norms calling for fidelity to Church teaching on matters of faith and morals from catholic members of the faculty. I also explored another reading of key claims in the document which does not entail the general norms. This latter reading can be used to generate a model for hiring faculty at the university that could be used to make progress toward implementing the general norms. The model suggested here is workable and could be a step toward producing great Catholic universities.

## References

1. *Ex Corde Ecclesiae* Section 2, article 4 paragraphs 3 and 4.
2. The subsequent history of the interpretation of this clause is interesting. In 1965 Committee A on academic freedom and tenure of the AAUP declared in a case involving Gonzaga University, a Jesuit university, that "satisfactory conditions of academic freedom and tenure now prevail at Gonzaga University" even though the university required each faculty member to "be careful not to introduce into his teaching controversial matter which... is contrary to the specified aims of the institution:" and reserved the right to dismiss non-tenured faculty for "inculcation of viewpoints which contradict explicit principles of Catholic faith and morals." Quoted in Michael M. McConnell's "Academic Freedom in Religious Colleges and Universities" *Law and Contemporary Problems* 55, no., 3 (1990): 308.

However, in 1970 a committee of the AAUP issued an "interpretive comment" to the statement asserting that "most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 statement, and we do not now endorse such a departure." In 1988 a subcommittee of Committee A took a further step in a report recommending that the limitations clause be understood as disapproving any institutions' invoking of it, on the grounds that by doing so, the

institution would forfeit "the moral right to proclaim themselves as authentic seats of higher learning."

After publishing the subcommittee report the full Committee A rejected the subcommittee's interpretation "due in part to the belief that it is not appropriate for the Association to decide what is and what is not an authentic institution in higher education." The committee added, "The committee did not conclude, however, that invocation of the clause does not relieve an institution of its obligation to afford academic freedom as called for in the 1940 Statement." It is not clear what the consequence of the latter statement is. See "Report of Committee A 1988-89, *Academe* 75:49.

This much is clear, however. The 1940 statement has been endorsed by some 120 educational and professional societies and by the American Associations of Colleges. Replacing the 1940 statement with some other statement that did not include the limitations clause would lose the collective endorsement the 1940 statement has. See also "Two Faces of Academic Freedom" by Frederick J. Crosson in the *Challenge and Promise of a Catholic University* ed. by T. Hesburgh (Notre Dame: University of Notre Dame Press, 1994): 45-61.

3. New Catholic Encyclopedia art. "University of Paris." as referred to in "Two Faces of Academic Freedom."

4. Amy Gutmann, "Is Freedom Academic?" *Liberal Democracy: Nomos* 25 (1983): 272.

5. Catherine Mowry LaCugna makes this point in her essay, "Some Theological Reflections on *Ex Corde Ecclesiae*," in *The Challenge and Promise of a Catholic University*, 119.

6. LaCugna, p. 117.

7. In *Lumen Gentium* the magisterium is given a kind of infallibility under certain specified conditions.

"Although the bishops, taken individually, do not enjoy the privilege of infallibility, they do, however, proclaim infallibly the doctrine of Christ on the following conditions: namely when, even though dispersed throughout the world but preserving for all that amongst themselves and with Peter's successor the bond of communion, in their authoritative teaching concerning matters of faith and morals, they are in agreement that a particular teaching is to be held definitively and absolutely. ... This infallibility, however, with which the divine redeemer wished to endow his Church in defining doctrine pertaining to faith and morals, is co-extensive with the deposit of revelation, which must be religiously guarded and loyally and courageously expanded. .... the infallibility promised to the Church is also present in the body of bishops when, together with Peter's successor, they exercise the supreme teaching office. "Lumen Gentium par. 25 from *Vatican Council II: The Conciliar and Post Conciliar Documents* ed. by Austin Flannery, (Northport, N.Y.: Costello Publishing, 1974).

8. LaCugna, pp. 120-121.

9. These ideas were generated in the seminar. We expressly discussed how we might use the four criteria the Pope said were necessary for Catholic research as a way of determining a faculty member's ability to contribute to the Catholic mission of the university.

10. Christopher Jencks and David Riesman, *The Academic Revolution* (Garden City, N.Y.: Doubleday, 1968): 405. I was put on to this book by Wilson D. Miscamble's article, "Meeting the Challenge and Fulfilling the Promise: Mission and Method in Constructing a Great Catholic University," in *The Challenge and Promise of a Catholic University*: 209-223.