

Introduction

by Peter French Ryan, S.J.

It is difficult to imagine a more neuralgic issue for a diverse group of faculty and administrators to discuss than academic freedom and the Catholic university. Our week-long seminar on that topic therefore should be regarded as a time of grace and a remarkable achievement, for, despite significant differences in perspective and even an occasional moment of dramatic tension, the atmosphere was one of respectful communication in which genuine good will prevailed. The conversation was at once open, lively, and fruitful, and I suspect that most participants would agree that we learned a good deal from each other. I am impressed with the efforts that the University of St. Thomas is making to treat the multiple dimensions of the Catholic university and am grateful to have had the opportunity to serve as this year's seminar director.

Despite an obvious diversity of opinion on various concrete issues, the broad agreement of participants on important general matters was notable. Not a few were surprised to find themselves much more sympathetic with *Ex Corde Ecclesiae* than they had anticipated. For example, some were reassured by the pope's affirmation that at a Catholic university, "scholars scrutinize reality with the methods proper to each academic discipline," and that "the various disciplines are brought into dialogue for their mutual enhancement."¹ There was even a general appreciation for many of the document's explicitly religious statements, such as its observation that "a Catholic university is completely dedicated to the research of all aspects of truth in their essential connection with the supreme Truth, who is God."² One participant in our dialogue pointed out that the final version of *Ex Corde Ecclesiae* was itself significantly improved as a result of the process of dialogue. He noted that the statement that "bishops should encourage the creative work of theologians"³ was incorporated into the document at the suggestion of those who commented on previous drafts.

The sticking point for several participants, however, was the claim that a Catholic university must have a juridical connection with the Church. That there should be no such link (or that the connection should have no practical import) has generally been presupposed by administrators of Catholic institutions of higher education ever since various presidents and other high officials of influential Catholic universities gathered together in 1967 to produce the "Land O'Lakes Statement." According to that document, "to perform its teaching and research functions effectively, the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself."⁴ This concern has recently been raised more specifically as an objection to the stipulation of Canon Law and *Ex Corde Ecclesiae* that Catholics who would teach theology need a mandate to do so from the local bishop.

Is the juridical relationship between a Catholic university and the Church really a threat to academic freedom? My reflections on our dialogue, in which apparently similar perspectives sometimes turned out not to be ultimately harmonious, indicate the importance of taking up this question. I will argue that the idea that Catholic universities should sever their juridical bond with the Church in the interests of preserving academic freedom is problematic on several counts. Then I will suggest that *merely* maintaining a juridical connection is not likely to help make the institution *effectively* Catholic and even gives rise to serious problems.

One must acknowledge from the outset that a bishop might exercise his authority imprudently, stepping in when a problem could have been resolved by the university's administration. However, that possibility and even specific examples of the injudicious exercise of episcopal authority do not show that such authority is illegitimate and that the juridical connection itself is the underlying problem. One must just as readily recognize that a university sometimes may allow or endorse activities that elicit the local bishop's well-founded judgment that his responsibility for the cure of souls in his diocese requires him to respond. The experience of painful instances of intervention and the possibility of their recurrence indicate rather the crucial importance of ongoing dialogue between university administrators and the bishop about their respective concerns.

One participant in our discussion suggested, wisely, that the principle of subsidiarity should be applied: whatever can be handled at a lower level should be; higher authorities should not step in unless there is an inability or unwillingness to deal with a problem locally. Thus, a department chairman should not step in when an individual professor can handle a problem; the dean should not enter the picture until it proves necessary, and so on up the line even to the bishop. Although concretely there will sometimes be differences in assessing what constitutes a problem and its proper resolution, employing the principle of subsidiarity while making a genuine effort to engage in dialogue can serve to defuse many difficulties before they become major problems. A bishop should be informed in a timely manner about potential controversies relevant to his pastoral responsibilities and begin by encouraging the university itself to resolve problems. As *Ex Corde Ecclesiae* puts it, "the responsibility for maintaining and strengthening the Catholic identity of the university rests primarily with the university itself."⁵ Yet, as the bishops' initial proposal for applying *Ex Corde* to the United States acknowledges in a quotation from the apostolic constitution, "bishops should be seen not as external agents but as participants in the life of the Catholic university."⁶

1. What are the reasons for holding that there should be no juridical connection between a Catholic university and the Catholic Church? Some people assume that following arguments wherever they lead in a disinterested search for truth is incompatible with having a faith commitment to specific positions on key questions of truth. Those who hold this view, whether explicitly or implicitly, whether as atheists or even as nominal Catholics, tend to conclude that a juridical bond with the Church endangers the free search for truth that should be the hallmark of any university. Their view amounts to an endorsement of George Bernard Shaw's dictum that a Catholic university is a contradiction in terms. However, as the intelligent believer realizes, there can be no

incompatibility between revealed truths and natural truths since the God who reveals himself to us in Christ is the Creator who endowed us with intellect. He does not contradict himself. As Alice von Hildebrand points out, "conflicts between faith and reason are not real but only apparent conflicts—even though how they may be reconciled may baffle us at first."⁷

This point is absolutely mystifying to the secular mind, which tends to reject *a priori* the very possibility of revelation and views the idea of a faith commitment as arbitrary and irrational. As James Heft observes, in its 1915 statement on academic freedom the AAUP assumed that institutions committed to revealed truth cannot be "true colleges and universities in the American sense of the term since true academic freedom was not judged to be possible in them."⁸ However, until critics perform the impossible task of proving that definitive Catholic teaching on faith and morals contradicts reason, the claim that a Catholic institution's faith commitment and its accompanying juridical link to the Church violate the freedom needed to pursue truth remains uncorroborated.

Despite indications that "those who in the past century consciously attempted to define academic freedom were, for the most part, hostile to traditional religion"⁹ the AAUP did eventually come to consider many Catholic institutions as true colleges and universities. However, this occurred not because the association changed its attitude about traditional religion, but because it became convinced that these institutions had come to accept the secular concept of academic freedom. The quotation cited above from the Land O'Lakes statement indicates that the AAUP's perception was by no means unfounded.

There is, however, no need for Catholic colleges and universities to withdraw their endorsement of the AAUP's actual statement on academic freedom. When the background assumptions about the irrationality of institutional religious commitment are disregarded, that statement is consonant with *Ex Corde Ecclesiae's* own affirmation of academic freedom as

the guarantee given to those involved in teaching and research that, within their specific branch of knowledge, and according to the methods proper to that specific area, they may search for the truth wherever analysis and evidence leads [sic] them, and may teach and publish the results of this search, keeping in mind the cited criteria, that is, safeguarding the rights of the individual and of society within the confines of the truth and the common good.¹⁰

For at least two reasons, it is important to pay special attention to the statement that academic freedom is the freedom to pursue a specific discipline according to its own proper method. First, such freedom poses no threat to the faith because, again, faith and reason are perfectly harmonious. Problems arise only when scholars in other disciplines move beyond the area of their own specific competence to make philosophical or theological claims. Although such claims will eventually conflict with the faith unless they are based on a sound philosophy, they do not point to any real incompatibility between faith and reason but rather violate the autonomy of the discipline in question by allowing it to pose as philosophy or theology. Such unscholarly claims are not protected

by academic freedom, and they do not constitute valid arguments for severing a Catholic university's juridical tie to the Church.

The second reason it is important to notice that academic freedom pertains to teaching and research in a particular field according to its own methods has to do specifically with the discipline of theology. Since the essential data of Catholic theology is revelation as interpreted by the magisterium, "it is intrinsic to the principles and methods of their research and teaching in their academic discipline that theologians respect the authority of bishops, and assent to Catholic doctrine according to the degree of authority with which it is taught."¹¹ It is difficult to see why a bishop's insisting on such an attitude in Catholic theologians should be considered a violation of their academic freedom rather than a way of ensuring that they meet the intrinsic requirements of coherent Catholic theology. Concretely, this means that a Catholic theologian would not be justified in merely presenting Church teaching on a matter of faith or morals and then saying that he personally does not accept it. As we shall see, such behavior is inappropriate not only with respect to infallible teaching, but for every teaching that requires loyal submission of will and intellect (despite the fact that not all teachings are equally important).

That last statement is likely to raise serious concerns since many Catholics, including theologians, have significant difficulty accepting certain Church teachings, especially teachings on various moral questions. What is a theologian to do? For one thing, it is important to consider the distinct but often neglected possibility that a teaching may be taught infallibly by the ordinary magisterium.¹² There are strong reasons for holding that the Church's teachings on many presently disputed moral issues fit into this category.¹³ With respect to infallible teachings, there is simply no alternative to accepting them that is compatible with retaining Catholic faith. If a teaching is not infallibly taught, then it is at least possible, though unlikely, for a theologian to know that it cannot be true. In that case his conviction makes it impossible for him to accept the teaching with the loyal submission of will and intellect that it would otherwise require. Notice that the theologian must be absolutely convinced after serious study that the teaching *cannot* be true, for otherwise it would be possible, though perhaps quite difficult, for him to accept it with the requisite submission of will and intellect.

Yet even if a Catholic theologian is convinced that a certain teaching is false, the legitimacy of his withholding assent in those extremely limited circumstances does not justify his telling students that he does not accept it. A statement to that effect would likely be taken by students as legitimizing their own dissent, even though they are quite unlikely to be in a position to consider the teaching sufficiently to come to a responsible judgment that it simply cannot be true. When treating difficult teachings, a Catholic theologian should make it clear that the Church calls the faithful (who are presumed not to be theologians in his position) to receive them with the loyal submission of their wills and intellects. For a bishop to insist on this approach to the problem in no way compromises a theologian's academic freedom, for he remains free to discuss arguments that support and arguments that challenge the teaching and to be creative while remaining faithful. This approach fits in well with the principles of Catholic theology and offers no support for the view that the Catholic university's juridical connection with the Church

should be abandoned or for the claim that requiring a bishop's mandate for a Catholic who would teach theology violates his academic freedom.

2. Another argument for preserving an institution's juridical connection with the Church is based on the very idea of academic freedom, which applies not only to individuals themselves but to the institutions they establish. The founders of Catholic universities clearly wanted their institutions to embody their own Catholic commitment and never imagined that Catholics would come to consider a university's official connection with the Church as a threat to the university's mission to be a center of open inquiry. Rather, Catholic founders recognized, as Alice von Hildebrand puts it, that "faith fecundates, enlarges, deepens, and purifies reason."¹⁴ In any case, the freedom to establish and promote academic institutions that reflect one's faith commitment plainly should be protected. Thus, not only does the importance of safeguarding academic freedom not supply a rationale for dissolving a Catholic university's juridical tie to the Church, it argues in favor of preserving that tie.

What about concern for multiculturalism? Some maintain that sensitivity to issues of diversity should override any emphasis on a university's Catholic character and even move administrators of Catholic universities to abolish their juridical connection with the Church. However, authentic concern for diversity is not limited to life within institutions but extends to diversity among them. A crucial aspect of multiculturalism is, or should be, a respect for the rich diversity of faith traditions reflected in various religiously-affiliated centers of higher learning. The very existence of such institutions helps offset the tendency toward a dreary sameness among universities. George Marsden asks whether there are "historical forces operating that make it virtually inevitable that Catholic universities will follow the path taken by formerly Protestant universities in moving away from meaningful religious identities."¹⁵ Catholic universities will hardly be able to withstand such forces if they dissolve their juridical bond with the Church. That dissolution would certainly not serve the cause of diversity.

Of course, if a university's administration no longer desires the Church affiliation established by its founders, it is free to relinquish the juridical connection and dissociate from the Church. This raises no substantive problem since it is obvious that a university cannot be forced to call itself Catholic against its own will. A problem arises only when a university wishes to be recognized as Catholic even apart from any official connection with the Church.

Consider, for example, Catherine Mowry LaCugna's statement that "it would be tragic if the Catholic university were forced to relinquish the nomenclature *Catholic* in order to be free from ecclesiastical interference, free to be itself, and thereby to pursue truth in a truly Catholic way."¹⁶ Here the issue of "brand control" arises. Who is to determine what counts as being "truly Catholic"? Who controls the name "Catholic"? To claim that name while denying that Catholic episcopal authorities should be able to determine what it means and concretely requires of a university is, to say the least, anomalous. Proponents of that view essentially argue that the university itself, rather than the Church, is the arbiter of the meaning of the term "Catholic" as it applies to the university.

It is one thing to make that claim and quite another to expect the Church to change her own understanding of what it means to be Catholic. When the practice and ethos of a university indicate that its notion of Catholicity is at odds with that of the Church and even begins to conflict with the Church's pastoral mission, it should come as no surprise (in theory at least) when the local bishop recognizes this reality and responds by declaring that the Church cannot consider that university to be Catholic.

3. Unless a university *wants* to be truly Catholic, however, insisting on a mere juridical bond is not likely to help make the institution *effectively* Catholic and might even be counterproductive. There are many ways an ostensibly Catholic university can finesse difficult situations and avoid standing for Catholic principles when the crunch comes. For one thing, a Catholic university usually can avert an absolute showdown with the bishop on controversial issues without changing its policies in any significant way. For example, it might honor a Catholic politician who votes to fund abortion but find a way of redescribing what it is doing in order to save face with traditional Catholic alumni and with the bishop, and even to help the bishop himself save face. Moreover, administrators are aware that even bishops who find fault with a university's allegiance to the Church cannot imagine actually withdrawing the Church's formal recognition of the university's Catholic identity or even threatening to do so. Indeed, administrators recognize that many bishops are likely to grant mandates to teach theology to theologians who dissent on various Church teachings.

The above characterization serves as a partial description of the status quo. A fuller portrait would include the many important services that even Catholic universities that match the description perform on behalf of the Church's mission. But insofar as the characterization is accurate, it describes a significant problem. For there is a troubling dissonance between, on the one hand, what many Catholic universities claim to be and are even publicly recognized by the bishop as being, and, on the other, the university's actual character. That dissonance is a source of confusion to Catholics and to the general public and tends to raise questions about how the university can be affiliated with the Church when its activities are at times incompatible with her teaching. Under such circumstances, the university's juridical connection with the Church has the effect of suggesting that the Church herself approves of those activities and understandably causes people to wonder how she can oppose them in other arenas. The problem becomes particularly acute when bishops are indiscriminate in granting mandates, for the mandate indicates that a theologian is teaching in the name of the Church.

The university that truly wants to be Catholic, however, has no reason not to desire a juridical bond with the Church. Such a university will recognize that its Catholic character inevitably links it to the institutional Church and that its desire to remain Catholic is incoherent without a corresponding desire for the institutional nexus. That bond will not strike administrators as an external imposition, for it will reflect their own faith commitment. Instead of fearing "ecclesiastical interference," they will welcome opportunities to manifest their university's Catholic character and to show that fidelity to the full range of Church teaching is not only compatible with the mission of a university, but serves, as Ralph McInerny puts it, "as a powerful stimulus to the search for truth."¹⁷

Such a university will prove to be a dynamic center of learning in which reason is illuminated by faith.

Works Cited

1. -*Ex Corde Ecclesiae* (Washington D.C.: Office for Publishing and Promotion Services, United States Catholic Conference), p. 15.
2. *Ibid.*, p. 4.
3. *Ibid.*, p. 29.
4. -*Land O'Lakes Statement: The Nature of the Contemporary Catholic University, in American Catholic Higher Education: Essential documents: 1967-1990*, ed. Alice Gallin, (Notre Dame Press), p. 7.
5. -*Ex Corde Ecclesiae*, II, article 4, no. 1.
6. -*Ex Corde Ecclesiae: An Application to the United States*, Prenote, *Origins*, vol. 26: no. 24, Nov. 28, 1996, p. 383.
7. -"The Nature and Mission of a Catholic University," Franciscan University of Steubenville Honors Convocation Address, March 18, 1987, p. 5.
8. -"Academic Freedom and the Catholic University," *Theology and the University*, ed. John Apczynski, Annual Publication of the College Theology Society, 1987, Vol. 33, p. 214.
9. *Ibid.*, p. 223.
10. *Ex Corde Ecclesiae*, p. 12, n. 15.
11. *Ex Corde Ecclesiae*, p. 29.
12. See *Lumen Gentium*, p. 25.
13. -See John C. Ford, S.J., and Germain Grisez, "Contraception and the Infallibility of the Ordinary Magisterium," *Theological Studies*, 39 (1978), pp. 258-312.
14. -"The Nature and Mission of a Catholic University," p. 5.
15. -"What Can Catholic Universities Learn from Protestant Examples?" in Theodore Hesburgh, ed., *The Challenge and Promise of the Catholic University* (University of Notre Dame Press, 1994), p. 187.

16. -"Some Theological Reflections on *Ex Corde Ecclesiae*," in Hesburgh, p. 125.

17. -"The Advantages of a Catholic University," in Hesburgh, p. 185.