



FAITH & REASON

THE JOURNAL OF CHRISTENDOM COLLEGE

1997-1998 | Vol. XXIII, Nos. 3 & 4

OBSTRUCTING *EX CORDE ECCLESIAE*

Joseph A. Varacalli

Editor's Note: In the following essay, Professor Varacalli analyzes and comments upon a series of articles recently published in a volume entitled *Catholic Universities In Church And Society: A Dialogue On Ex Corde Ecclesiae*. Edited by John P. Langan, S.J. (Georgetown University Press, P.O. Box 4866, Hampden Station, Baltimore, MD 21211-4866, 1993).

INTRODUCTION



IN THE JANUARY, 1998 ISSUE OF *INSTAURARE*, CHRISTENDOM COLLEGE PRESIDENT Timothy T. O'Donnell, S.T.D., K.C.H.S., declared that:

The most significant document affecting the Catholic university in this century is Pope John Paul II's Apostolic Constitution on Catholic Colleges and Universities, *Ex corde Ecclesiae*, "Out of the Heart of the Church." Recently, the Bishops of the United States submitted to the Vatican a draft of their norms for the implementation of *Ex corde Ecclesiae* in our country. This draft was returned recently to the U.S. Bishops by the Sacred Congregation for Catholic Education, which deemed the document inadequate. I think this makes an examination of the Pope's powerful document timely and appropriate (p. 2).

While Dr. O'Donnell and others have explored with great clarity the many theological and philosophical issues involved with the Apostolic Constitution, this essay concerns itself with some of the important sociological considerations relevant to the history, reception, and implementation in the United States of *Ex corde Ecclesiae*, first promulgated in 1990. One of these considerations involves the historical decision of American (and later, American Catholic) institutions of higher education to model themselves after the highly specialized German research university. Another would be the (unjustified) sense of inferiority that progressive Catholic scholars, epitomized in Monsignor John Tracy Ellis' famous 1955 lament, felt vis-a-vis their Protestant and secular brethren of the American academy during the pre-conciliar period. Yet another would involve the widely successful revolt led by Jesuit educators and by Father Theodore Hesburgh in their 1967 Land O'Lakes statement calling for "institutional autonomy" and "academic freedom" for Catholic institutions of higher education. It was a revolt that not only distanced Catholic higher education from Magisterial inspiration and influence but also entangled it much further into governmental laws, foundation requirements, and professional bureaucratic regulations. The perceived, but grossly and perhaps purposely exaggerated, dependency of Catholic higher education upon the latter (and quite "external") sources of authority was, in turn, an important cause in opening up the secular floodgates in terms of personnel, faculty, and ideas (many of the latter

incompatible with the Catholic faith).

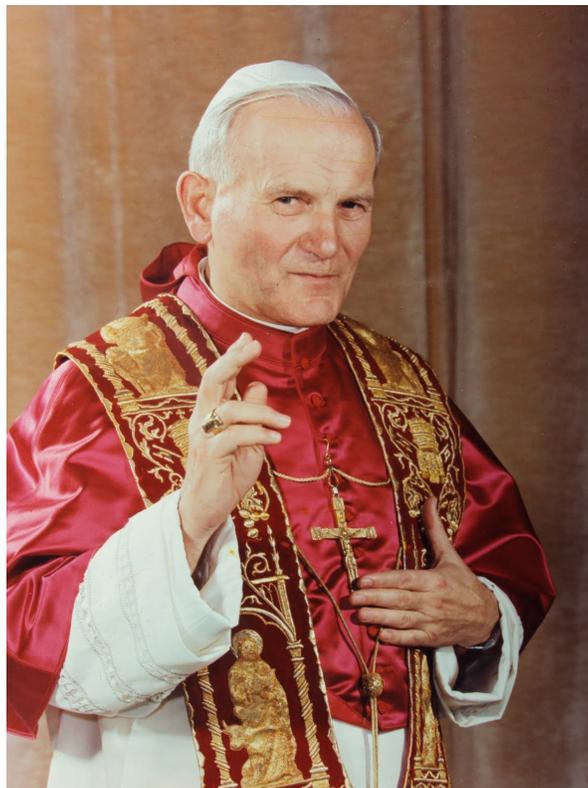
The story would also be incomplete without incorporating the secularizing effect of the dominant Cardinals Dearden Bernardin wing of the post-Vatican II Church in America and of its co-dependent auxiliary, the rise of a “new Catholic knowledge (or gnostic) class” of progressivist intellectuals, bureaucrats, and social activists in conflict with Magisterial authority, a knowledge class including many Catholic college presidents and administrators intent on accepting no interference from Rome in their attempt to gain acceptance on the part of America’s cultural elite. Mention should also be made of broad changes in American culture (e.g. the rise of an “autonomous” individualism and moral relativism) that disproportionately have been embraced by American Catholic elites. Indeed the secularization of the so-called “Protestant principle” is inextricably intertwined with the contemporary calls for complete autonomy from Rome (but not from the State) and for a broad definition of academic freedom that appears to have no limits (outside of the always current “politically correct”).

While the history of Rome’s attempt to keep its universities and colleges Catholic (and, increasingly, to recapture them) started in 1968, of more immediate relevance is the “give and take” that took place in preparation for the actual Apostolic Constitution that was obviously intended to “soften” the Papal/Vatican message. Of specific interest is the series of the three drafts of the Apostolic Constitution initiated by the Vatican’s Congregation for Catholic Education that received input from, among others, the U.S. Association of Catholic Colleges and Universities and an April, 1989 worldwide conference of delegates from Catholic colleges and universities that convened in Rome. A fifteen member commission from that April conference met in Rome the following September and included three Americans: Rev. Edward Molloy of Notre Dame, Rev. Joseph O’Hare of Fordham, and Sister Sally Furay of the University of San Diego. Among the recommendations that the fifteen

member commission pushed from the April conference was the request that “whatever normative principles are included in the document should be few in number, general in nature, and interpreted and applied in accord with principles to be developed by regional bishops’ conferences” (cf. *Origins* [Vol. 20, No. 17, October 4, 1990, p. 267]). The Catholic educational establishment in the U.S. got at least a good deal of what it wanted; indeed, the ordinances published by the National Conference of Catholic Bishops in 1993 are too vague, general, timid, and nonobligatory; do not provide sufficient procedures for implementation; and lack any effective mode of enforcement.

Another issue, illustrated in one case through this review of the published proceedings of a Georgetown University symposium, is the effective set of strategies and arguments put forth to date by progressive American Catholics to blunt the implementation of both the Apostolic Constitution and the weak N.C.C.B. Ordinances. As a matter of fact, on July 8, 1994 and in light of the rejection of the 1993 ordinances by the *Association of Catholic Colleges and Universities*, Bishop John Leibrecht, chairing the N.C.C.B. Committee for the Implementation of *Ex corde Ecclesiae*, called for yet another round of dialogue between bishops and academics on the same set of issues that have been discussed over and over again since 1968. This second round of dialogue led eventually to a second, and still unsatisfactory, set of ordinances published by

Bishop Leibrecht’s committee on August 25, 1995 which was further discussed at the Bishops’ November 1995 national meeting. Among its many other disappointing features, as noted by Patrick Reilly in a Cardinal Newman Society press release (September 26, 1995), “the ordinances reject implementation of the requirement in Canon 812 and *Ex corde Ecclesiae* that teachers of theology must obtain a mandate from the local bishop or other suitable ecclesiastical authority.” Mo Fung, in an article published in *Catholic Dossier* (July/August, 1997), continues recording the American saga of the Apostolic Constitution:



During discussion sessions of the N.C.C.B. in Washington in 1995 and in Portland in 1996, Cardinal Anthony Bevilacqua of Philadelphia argued vigorously that the failure to address Canon 812 in the implementation document would be a blatant disregard for Church law...*Ex corde Ecclesiae*. An Application to the United States” had also failed to adequately address additional key issues which the Holy Father explicitly dealt with in the Apostolic Constitution (such as those of “Catholic identity” and “faculty composition”).... But despite the concerns raised by Cardinal Bevilacqua and several other bishops, opposition to any juridical measures established by the bishops from the Catholic higher education establishment was too great. As a result, ...(in November, 1996) ... an overwhelming number of bishops decided to vote for the implementation document (p. 25).

The 1996 vote to pass “*Ex corde Ecclesiae*. An Application to the United States” occurred in the face of oppositional statements sent both to the American Bishops and Rome on the part of such orthodox Catholic scholarly organizations as *The Cardinal Newman Society*, *The Fellowship of Catholic Scholars*, and *The Society of Catholic Social Scientists*. As indicated previously by Dr. O’Donnell, Cardinal Pio Laghi, Prefect of the Sacred Congregation for Catholic Education, sent word to N.C.C.B. President, Bishop Anthony Pilla of Cleveland, to prepare yet another set of ordinances. As reported by Mo Fung, “The Congregation noted that the ordinances should include juridical elements seen as necessary for an effective functioning institutionally of Catholic universities as university and Catholic in all aspects of their organization, life, and activity” (p. 25). Bishop Pilla responded to Cardinal Laghi by appointing a new subcommittee of the Implementation Committee to review the criticisms from Rome and suggest revisions to the committee headed by Bishop Leibrecht. The subcommittee is headed by Cardinal Bevilacqua of Philadelphia and consists also of Cardinal Adam Maida of Detroit, Bishop Raymond Burke of Lacrosse, Bishop Thomas Doran of Rockford, and Monsignor John Alesandro of Rockville Centre. Rome has thus intervened, giving those in favor of authentic Catholic higher education another chance at reform.

Will Cardinal Bevilacqua’s subcommittee do better than the general Leibrecht committee which continually and stubbornly continued to look for a non-judicial solution to problems that necessarily entail Church law

in setting the parameters of what is acceptable activity within a Catholic institution of higher education? Why secular law is recognized as a legitimate internal consideration and why Church law isn’t, hasn’t, of yet, been satisfactorily explained by Catholic progressives. Until or unless Cardinal Bevilacqua prevails, the dance will continue to the profit of those intent on secularizing Catholic higher education. Is the strategy of the Catholic educational establishment to outlast the present pontificate? When the dancing finally stops, who will have prevailed? Will it be the Catholic knowledge class with its stonewalling tactics or the Rock that is Peter? Assuming the American Bishops eventually do produce some ordinances with teeth, how will the respective Boards of Trustees of America’s Catholic institutions of higher education respond? To refer to Monsignor George A. Kelly’s now famous question, “will they choose to be inside or outside of Catholic higher education?”



DANCING WITH ROME: ONE PROTOTYPICAL CASE STUDY

The volume under review is useful basically for three reasons. First, it shows the very limited and circumscribed nature of what passes for acceptable “debate” and “discussion” on the part of liberal Catholics, (the very same Catholics who defend an unlimited version of “academic freedom” within the academy). Second, it serves, at least in the main, as a vehicle to demonstrate a distinctive “progressive” reading of *Ex corde Ecclesiae*. Third, it serves as one excellent example of how, over the past five years, such a progressive reading has been converted into strategies that shape, emaciate, and block both the Apostolic Constitution and any ordinances derived from it. Here the strategy is to promote the proceedings of a Georgetown University symposium as an example of a necessary “dialogue” with Rome. Purposefully lost, of course, was the option of convening a session on how to authentically fulfill the Papal mandate.

The volume consists of six major essays each followed by two comments and a general audience discussion, the latter summarized by Georgetown Vice-President Michael Kelly in which individual statements are not identified by name. (The respective audience discussions

have not been reviewed.) Additionally, the volume includes a brief Foreword by Georgetown President, Father Leo J. O'Donovan, S.J., and two appendices, one the Apostolic Constitution itself, and the other the 1993 N.C.C.B. Draft Ordinances.

The volume starts out and reaches its high point with the contribution of historian Philip Gleason. He offers a scholarly historical analysis of American Catholic higher education that provides an understanding of the changing social context that encouraged the issuance of *Ex corde Ecclesiae* and in which it is to be applied. Among other observations, he notes that “the assimilation of Catholic institutions to secular norms has ... gathered momentum” (p. 13) and that the recent theme of “peace and justice” as providing “a new *raison d’être* for Catholic higher education ... (is) ... almost certain to decline” (p. 14). In his Comment, David J. O’Brien disagrees specifically with Gleason’s observations and, more generally, with his “surprisingly harsh judgements about our recent experience” (p. 23). For O’Brien, “the recent history of Catholic higher education was more positive and constructive than ... other areas of American Catholic institutional life” (p. 20). Furthermore, “it is proper to ask bishops and the Vatican for restraint and to seek to deal with differences through the processes well developed by the bishops’ and presidents’ committee and associated initiatives” (p. 26). Rev. J. Bryan Hehir suggests, in his Comment, that Gleason can improve his analysis by enhancing the impact that Vatican II had on influencing Catholic policy on higher education. For Hehir, “Vatican II recast the very ideas of church, authority in the church, and the content of lay-religious relationships so that the terms of the discussion in the 1940s and 1950s were not those of the post-conciliar period” (p. 29). Hehir thus incorrectly portrays Vatican II as in a fundamental discontinuity with a 2,000 year religious tradition marked by an organic development. Similar to O’Brien, Hehir also expresses disagreement with Gleason over the role of justice and peace themes in a Catholic university. The Catholic university is, for Hehir, “precisely the institution that can both transmit the intellectual tradition of ‘social Catholicism’ and refine its meaning and application in relationship to the domestic and international issues of a new century” (pp. 30-31). On this point, both O’Brien and Hehir would be much more compelling if it were the case that Catholic universities were transmitting authentic Catholic social doctrine instead of politically correct secular left wing thought wrapped up in sheep’s clothing.

Because of “a not uncommon tendency to define the relation between the university and church as the relation between university and hierarchy,” Rev. Joseph A. Komonchak makes sure to start the second essay by defining the church “in the integral sense recovered by the Second Vatican Council ... (as) ... the whole assembly of Christian believers ...” (p. 35). Eventually, he moves on to argue that there exists in *Ex corde Ecclesiae* “a certain juridical or institutional imbalance. To preserve the integrity of faith there is a requirement that Catholic theologians have a mandate from ecclesiastical authority, but to preserve the exigencies of reason, there is only the affirmation, in principle, of institutional autonomy and of academic freedom; no institutional safeguards of these are indicated. The rights of the Holy See and of bishops are protected but not the rights of scholars” (p. 45). Apart from the issue of equalizing the authority inherent in apostolic succession with that of the academy, Komonchak thus gives evidence of abstractly theorizing in an historical vacuum. Does Komonchak really believe that dissenters from Catholic orthodoxy have suffered, over the past three decades, from an abusive hierarchy? Is the author actually unaware of the blatant injustices incurred against numerous orthodox Catholic scholars during that same time frame, in terms of hiring, tenure, and promotion practices?

Komonchak also claims that the Apostolic Constitution cannot satisfactorily address one of the famous maxims of Cardinal Newman to the effect that “truth often seems contrary to truth” (p. 44). For Komonchak, Newman “would later offer the general principle that in such cases, the Catholic could be confident that the alleged contradiction ‘will eventually turn out, first, not to be proved, or, secondly, not *contradictory*, or thirdly, not contradictory to any thing really revealed, but to something which has been confused with revelation’” (p. 44). While it is of course true that, theoretically, ecclesiastical authority could short-circuit the necessary latitude required in scholarly inquiry, Komonchak again gives evidence of not reading correctly the signs of the time. Aren’t there numerous examples that abound today of modern philosophies and schools of thought that are, in the final analysis, obviously irreconcilable with the Catholic worldview? And while it may be true that, in the long run, erroneous academic theories will be jettisoned to the dustbin of history, should the church hierarchy merely stand by and let enormous damage be wrought on both Church and society until these false theories, with their internal contradictions, extinguish themselves? And

finally, as one muse once noted, “in the long run, we’re all dead!”

Finally, Komonchak also compares the supposedly superior operation of the magazine, *Commonweal*, with the flawed vision of ecclesiastical authority as expressed, for instance, in *Ex corde Ecclesiae*. *Commonweal* is characterized, by the author, as possessing legitimate institutional authority and journalistic freedom and represents “a forum within which people argue out what it means to be a Catholic and what difference being a Catholic should make in the world” (p. 52). On the contrary, I argue, a “content analysis” of what passes for Catholicism in that journal would expose *Commonweal* to be little more than an authoritarian vehicle for the trendy and the rad/chic to which orthodox scholars “need not apply.”

In his Comment, John P. Langan asserts that “we ... need to acknowledge that in some key respects the most we can hope to achieve is a university that is half-Catholic or half a community” (p. 58). Furthermore, for the author, this situation “may in fact prove to have a vitality and a durability that, being rooted in very important American values and experiences, may surprise both secularists and religious prophets of doom” (p. 59). Langan proceeds to develop his point through the use of two different metaphors: the Catholic university as “comet” and as “campari and soda” mixture. Regarding the former, he states that “the contemporary Catholic university in the United States is an institution that is not in fact subject to a steady and consistent control from the center, which is actually moved by a number of other forces as well as by its relationship to the church, and which is composed of members who are not all that tightly bound together and who may in fact be captured by (or exported to) other institutions, some of which are part of the church system and some of which are not” (p. 59). Regarding the latter, he declares that “we are shaping an educational community inclusive of both Catholics and non-Catholics, a community that aspires to be comprehensively learned, generously sharing the process and results of its inquiries, wisely forming new members of the scholarly and professional communities, responsibly maintaining an ethos shaped by democratic values and religious com-

mitments.” (p. 62). Thus does Langan fudge several crucial issues. Isn’t it the case that too many of his comets never intend to return to the sun (or, more accurately, to the Son)? Is it the Catholic faith or some competing ideology that gives an overarching articulation to the “Catholic” university? A final issue fudged by Langan is whether or not a “Catholic” university even should have some overall form. Is he advocating the rudderless “multiversity?”

Rev. George H. Tavard is quite critical of *Ex corde Ecclesiae* in many respects. What I found most important in his Comment, however, is when he *agrees* with the following statement from the Apostolic Constitution: “The Church ... recognizes the academic freedom of scholars in each discipline in accordance with its own principles and proper methods ... (n.29)” (p. 67). Tavard continues, “taken literally, and I see no reason to take them otherwise, these lines imply that one is equipped to judge matters of academic freedom only within each discipline. Only

those who share the principles, and who practice the methods, of an academic or intellectual discipline are qualified to delimit the scope of their academic freedom. As this implies, each area of scholarship is self-regulating and therefore, in regard to the limits of academic freedom, a scholar can be judged only by his peers. This, I would argue, rules out bishops as proper judges, in matters of academic freedom”

(p. 67). Read this way, ecclesiastical authority could not judge the Freudian psychologist, the Marxist sociologist, or the deconstructionist in the English department, all of whose theories are founded on a priori philosophical assumptions antithetical to the Faith! To the contrary, it should be clear that no intellectual discipline in a Catholic university can ever be fully autonomous from Catholic theology and philosophy. On the other hand, intellectual disciplines should aspire to a semi-autonomous stature consistent with Jacques Maritain’s famous passage in *The Peasant of the Garonne*: “Between faith and reason, as between grace and nature, there is an essential distinction and one sometimes tends to lose sight of it. . . . But between faith and reason, as between grace and nature, there is no separation. One tends sometimes to overlook that too.... Things are that way, and so is life; there is distinction without separation.” Maritain’s insight is consistent with both the calls “to restore all things in Christ”


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professionalism.

The Jesuit Michael J. Buckley starts off the third essay, promisingly enough, by acknowledging that the issue of a weakened Catholic identity on the part of the Church's higher educational system is "an enormously serious situation" (p. 79). Furthermore, he understands that "the Catholic university can be destroyed... in a dissolution that proceeds gradually and as imperceptibly as drops of water noiselessly permeate a sponge" (p. 76). However, Buckley blames contemporary problems in Catholic higher education not on the failures of contemporary Catholic educational leadership and the secularized scholarship of contemporary "Catholic" intellectuals, but on the "extrinsicism" of the pre-Vatican II era. For Buckley, "one cannot make the relationship between knowledge and faith, nature and supernature, the "secular" and the "sacred" extrinsic to each other, two distinct entities related to each other additionally or influentially. The failure of so many apologiae for the Catholic university may well issue from a heritage of the neo-scholastic misunderstanding and miscasting of the relationship between nature and grace" (p. 80). Buckley thus denies the efficacy of the preconciliar attempt within Catholic higher education to "restore all things in Christ" as this extrinsicism led to a "lack of structured relationship among the disciplines within the curriculum" (p.82). Extrinsicism carries over today as "theology is one more course among others" (p. 82).

Whether or not Buckley's depiction is as accurate for the immediate pre-conciliar period as it obviously is for today can be debated. Buckley's solution, however, is clearly wrong headed; it is seemingly to collapse any distinction whatsoever between the sacred and the profane, between the Catholic faith and any intellectual drive for ultimate meaning. Buckley's call for "a reflective unity" between "secular culture" and the "variant lines of Catholic tradition" (p. 83) appear to be little more than a conventional call for today's "holistic" thinking or yester-

day's modernist religions of immanence that subordinate or eliminate any positive role for Magisterial guidance.

The Jesuit, David Hollenbach, starts off his Comment by supporting Buckley. For Hollenbach, "both American Catholics in general and Catholic universities in particular have rejected that mode of pre-Vatican II



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Catholic thought and practice known as integralism—a view that in society and the academy all wisdom can be deduced from religious or theological premises" (p. 90). Hollenbach is, unsurprisingly, silent about the contemporary tendency to reduce religion to secular social scientific modes of thought. While also agreeing with the "fusion" vision of Buckley, Hollenbach focuses "on some of the more immediate challenges we must face" (p. 94) in order to actualize such a vision. Hollenbach offers as examples of such challenges: the reality of sin, the awareness of cultural pluralism, the existence of academic specialization, the return to sophist and nominalist modes of thinking, the "lingering tendencies toward ecclesiastical ... domination"

(p. 92), the need to develop an "intellectual solidarity" characterized by courage and humility, and, finally, the requirement to forge a "social solidarity" that "links the Catholic university to the struggles of ...(the) ... world" (p. 93).

Given that "there are large segments of the university world ... who do not believe that there is any real truth, either within humans or within the world, and that any search for it, by whatever means, is therefore quite futile" (p. 100), the neoconservative Jewish scholar, David Novak, in his Comment, suggests that "there is a new role for a Catholic university in our contemporary culture" (p. 99). For Novak:

Into this empty cultural situation both faith and intellect must forcefully reinsert and reassert themselves. That cannot be by argument, because there is nothing outside of them to argue with anymore. Instead, it must be by demonstration,

by showing that human life and culture ... cannot stand a vacuum, in our case the intellectual vacuum that the denial of truth necessarily entails. For Catholics, this reassertion can perhaps best come through the revitalization and re-dedication of one of the greatest contributions your tradition has made to our civilization: the university as *universitas magistrorum et scholarium*. Such a community seems to be possible only when truth is accepted from one's background and hoped for on the horizon (p. 100).

Given that *Ex corde Ecclesiae*, for Rev. James H. Provost, "contains several norms that are to guide its implementation ... and was promulgated both as a law and as a teaching document ... it is therefore appropriate to address it from the perspective of canon law and to analyze it as church law" (p. 105). In the volume's fourth major essay, Provost proceeds to do it in a quite technical and meticulous manner. His canonical analysis has surfaced, for him, three areas for continued study: the possible inconsistency in the Apostolic Constitution's classification of Catholic universities, problems in relating *Ex corde Ecclesiae* to Eastern Catholic churches, and finally, the application of the principle of "subsidiarity." Regarding the latter, Provost states that "the difficulty with subsidiarity is that it means different things to different people. What is one person's "appropriate level of responsibility" may be seen by another as inappropriate intervention. Catholic universities have recognized the need to affirm their Catholic identity; they have been less happy about perceived efforts of ecclesiastical authorities to control their activities" (p. 129). What Provost fails to point out is that if the principle of subsidiarity had been applied accurately over the past thirty years, there would have been no need for the contemporary Vatican intervention. Only with the failure of "internal" Catholic administrators and faculty to keep their schools Catholic has arisen the need for the exercise of an "external" agent.

Sister Sharon A. Euart's Comment focuses on the mandate referred to in article 4, section 3, of the general norms of *Ex corde Ecclesiae* and required in canon 812 of the 1983 code of Canon Law. She states quite bluntly that "there is little doubt that the incorporation of the requirement of canon 812 in *Ex corde Ecclesiae*, namely that Catholic teachers of theological disciplines obtain a mandate from competent ecclesiastical authority, has evoked more debate and discussion, generated more

fears and suspicion on the part of theologians, and raised more concerns and complexities than any other requirement in the Apostolic Constitution" (p. 137). Furthermore, she asserts that two issues related to the mandate warrant more reflection, "1) the distinction between canonical mission and mandate insofar as it affects the meaning and purpose of the mandate, and 2) the need for clear procedures for the granting, withdrawal, and denial of the mandate" (p. 137). Regarding the first, she concludes that, "At the present time there does not seem to be a common interpretation of the distinction between *mandatum* and *missio canonica* nor is there a common understanding of the precise meaning of the mandate of canon 812. Some suggest the terms are interchangeable, while others note they are not equivalent" (p. 141). Regarding the latter, she opines that "whether ...(the) ... procedure is based on the formal dialogue outlined in *Doctrinal Responsibilities* or the steps enunciated in *On Due Process* for administrative matters or adapted from a procedure established in a particular diocese for dispute resolution, the manner in which it is carried out should respect the rights of all concerned-the bishop, the theologian, the college, or university, and the Christian faithful" (p. 143).



In his Comment on Provost's paper, the Jesuit, Ladislav Orsy, claims that "both historical antecedents and theological reflections caution against overrating the capacity of canon law to uphold the Catholic character of the universities" (p. 149). He continues, arguing that "the spirit of a university ultimately exists in the minds and hearts of the people who everyday recreate it. It follows, therefore, that if there is a need for the revitalization of Catholic universities, it can be done only by the awakening of the minds of hearts of those people who are the principal actors in its life, such as the members of the board, the faculty, and the officers of the administration" (p. 147). Orsy's point is here well taken. However, he seems innocent of the present necessity of outside pressure stirring the spiritual mix, so to speak. Further, for Orsy, "much caution and prudence is required in bringing into the orbit of canon law certain activities of Catholic universities.... We know that the church has neither mandate nor capacity to pronounce on scientific questions; nor is the church able to judge the validity of

scientific hypotheses. Had this principle been followed in the case of Galileo, much embarrassment could have been spared ...” (p. 147).

The fifth major essay, by lawyers Philip Burling and Gregory T. Moffatt, “tries to provide an essentially pragmatic look at the potential interactions between the provisions of *Ex corde Ecclesiae* and the current state, federal, and municipal laws that a university counsel representing a Catholic university is likely to encounter” (p. 153). The essay proceeds “by hypothesizing some factual situations that might be likely to raise troublesome questions . . .” (p. 153). Suffice it to say that they find no dearth of potential problems for Catholic universities in the areas of the possible loss of federal and state funding, new hirings in a theology department, requiring faculty to recognize and respect a distinctive Catholic identity, maintaining a majority of Catholic faculty, redrafting governing documents in light of faculty resistance, terminating the employment of tenured faculty, requiring *only* Catholic employees to abide by canon law, refusing to provide university facilities and services to student groups representing positions antithetical to the faith, limiting free speech on campus, requiring periodic review of university activities in light of an external church ordinance, and bishops directly intervening in university affairs, among other issues. The analysis never seriously entertained the option, if necessary, to reject federal/state funding in order to preserve orthodoxy. It also took for granted the present secularist bias in interpreting “church-state” relations; ignored was the possibility that with a few more Christian coalition victories, future interpretations might be more favorable to the orthodox of all religions.

Thankfully, both subsequent comments were more optimistic for the orthodox Catholic cause. For Charles H. Wilson, “tensions will necessarily exist between an American Catholic university’s civil law status and the obligations implicit in the Apostolic Constitution, but that those who govern Catholic universities in this country can act to moderate those tensions” (p. 176). For one thing, Wilson concludes “that a Catholic university that adopts *Ex corde Ecclesiae* does not face a serious risk, from that act alone, of traditional litigation challenging its constitutional eligibility for public aid” (p. 183).

David Thomas Link’s optimism can more accurately be stated as outright enthusiasm for the beneficial opportunities that the promulgation of *Ex corde Ecclesiae* has ushered forth. For Link, “The troublesome legal

problems analyzed by Burling and Moffatt may actually find some answers by virtue of universities properly relating their religious and educational missions using the guidance of *Ex corde Ecclesiae*” (p. 188). Suggesting that “there is a Catholic style of being ‘not pervasively sectarian,’” he reasons that “those Catholic universities that properly define the relationship between their Christian mission and their secular missions of teaching, research, and service will be rewarded by a government law and court system committed to not inhibiting the religious mission” (p. 192).

In the volume’s last major essay, Jaroslav Pelikan reflects on the “spiritual meaning” of the Catholic university, *qua* university. Relying for legitimation on both Cardinal Newman’s formula in *The Idea of a University* of “insisting solely on natural theology” (p. 197) and Thomas Aquinas’ understanding that reason, unaided by revelation, can reach truth, Pelikan argues not only that the university’s mission is primarily intellectual but that “the intellectual is the moral” (p. 204). Given the primacy of the intellectual, the university requires both autonomy for itself and academic freedom for its scholars. As he states, “the church . . . has repeatedly been tempted to identify revelation with a particular cosmology or biology, denying to human reason and research the independence to investigate such topics on their own” (p. 199). Relatedly, he bewails the reality that “in the evolution of the modern research university . . . the church and its tradition cannot claim to have played anything resembling the role they played in the evolution of the teaching university from the Middle Ages to the modern era” (p. 202). In a vein less challenging to the Apostolic Constitution, Pelikan notes the necessity of interdisciplinary dialogue between the professional and liberal arts components of the university, a dialogue that includes not only theology but also the official pronouncements of the church. In her Comment, Elizabeth Topham Kennan outlines several important functions for the Catholic university. Given that secular universities are more attracted to “topical subjects,” the Catholic university has an important role in preserving less politically correct disciplines (e.g. scriptural and patristic studies, history of philosophy and theology, ancient languages, etc.). A second role is to be found in the imperative to support a “social humanism in our universities that comprehends the range of human experience in the world today and the profundity of human suffering that exists” (p. 211). Finally, for Kennan, Catholic universities, through their interdisciplinary and ethical foci, “can offer a unique and crucial service to

our distracted and fragmented society: they can offer territory for the articulation and testing of understanding that goes beyond mere knowledge, a territory in which one dares to state meaning and in which calls for debate upon the ends of our actions are honored” (p. 212).

Following the arguments put forth by Monsignor John Tracy Ellis and, more recently, by Father Andrew M. Greeley, Michael J. Lacey spends a good deal of his Comment bemoaning the poor intellectual, scholarly, and research record of American Catholic universities and colleges. Never addressed is the issue of the adequacy of the evaluative standards of a once Protestant, now secular, academy; ignored is the possibility that liberal Catholic educators have internalized, unselfconsciously or not, the vision of those antithetical to an authentic Catholic vision both of scholarship which sees faith as essential to the life of the mind and of the purpose and meaning of human existence which is to worship and serve God.

Given, for Lacey, that “the documents produced by the magisterium are meant to be read, and in the modern church we understand that each and all who combine to make up the ‘peo-pie of God’ have some degree of responsibility to participate in the work of interpretation” (p. 215), ...” *Ex corde Ecclesiae* begins to determine relations among those who will be broadly responsible for developing the life of the mind within the world’s Catholic community of the twenty-first century. I say ‘begins’ because in any living tradition the interplay of composition and interpretation never ends.... *Ex corde Ecclesiae* ... does not obviate the need for creativity” (pp. 214-5). Truer words have perhaps never been said; progressive

Catholic scholars and administrators have indeed been quite “creative” in continuing, ad nauseum, the interpretation, as compared to a full and authentic implementation, of the Apostolic Constitution.

CONCLUSION

Those readers interested in more fully understanding the issues and high stakes involved in the implementation of *Ex corde Ecclesiae* can, thankfully, consult several very useful sources. Among them are the *Fellowship of Catholic Scholars Newsletter*; Kenneth Whitehead’s *Catholic Colleges and Federal Funding* (Ignatius, 1988); the *Newsletter of the Cardinal Newman Society* (207 Park Avenue, Suite B-2, Falls Church, Virginia 22046) and Chapter Six, “John Paul II vs. the Catholic College System” in Monsignor George A. Kelly’s *Battle for the American Catholic Church Revisited* (Ignatius, 1995), a shortened version of which appears in the *Catholic World Report* (January, 1995) under the title, “The Battle for the Catholic Campus.” Monsignor Kelly is absolutely correct when he argues that the Bishops of Catholic America should write real ordinances, and let every Catholic college and university, after a fixed period of deliberation (and, literally, “soul-searching”), decide for itself if it desires to lovingly and willingly accept them. Institutions that choose not to accept the ordinances should be denied the privilege to call themselves Catholic. I end with Monsignor Kelly’s words: “The Church may lose a goodly number of colleges in the process. Let them go.”

