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## Independence and a New Partnership in Catholic Higher Education, by Alice Gallin, OSU

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## INDEPENDENCE AND A NEW PARTNERSHIP IN CATHOLIC HIGHER EDUCATION

ALICE GALLIN. UNIVERSITY OF NOTRE DAME PRESS, 1996.

*Reviewed by Bro. Mel Anderson, FSC*

Alice Gallin's fascinating account of what could aptly be called a quiet revolution in Catholic institutions of higher education should be on the reference shelf of every major administrator and legal counsel of every American Catholic college or university. *Independence and a New Partnership* is an agile account of emancipation and creative self-determination, yet Sr. Gallin notes that such freedom is not without its perils.

By the mid-60's, presidents of many Catholic institutions of higher education concluded that if their respective institutions were to compete with other independent institutions on a level playing field, their governance structures would have to be free from the control of religious superiors, communities, or a diocesan bishop, whatever the case might be. The former president of the University of Notre Dame, Fr. Theodore M. Hesburgh, said it this way, "I knew that if I were going to see Notre Dame grow into a first-rate Catholic university I would no longer have to get permission from a Provincial every time I needed a new lawn mower!"

Progressive leaders of Catholic colleges and universities rightly sensed a threefold imperative for independence: first, the need to separate colleges and universities from the open archaic control mechanisms of religious communities; second, the necessity of sharing authority with competent and influential lay persons on college boards; and third, the need for overcoming the separation of church and state legal hurdles which would prevent their participation in what were expanding financial opportunities through government loans and grants to higher education.

The extensive research by Sr. Gallin reveals the perplexing difficulties faced by leaders of diverse Catholic institutions in shaping the independent movement among them. Authorities and authoritative bodies in religious congregations, canon lawyers, the Vatican Congregation of Catholic Education, critical decisions by American courts, and institutional presidents, some with more insight than others, all played a role in the high drama of achieving independence from religious community and ecclesiastical control in American Catholic higher education. Sr. Gallin pulls no punches as she clearly identifies the history, the antagonists, and the protagonists whose vision and shrewd determination ultimately prevailed.

Such near-seismic change accentuated the fears of those who saw the movement as a probable forfeiting of institutional Catholic character and a

sliding down the slippery slope toward secularization. Many also feared that the relinquishing of control would mark a concomitant loss of identity associated with their respective religious orders. The political acumen of such stalwart figures as Fr. Paul Reinert, S.J., of St. Louis University, Fr. Theodore Hesburgh, CSC, of Notre Dame, and Sr. Ann Ida Gannon, BVM, of Mundelein College, Chicago, was particularly effective in convincing their respective religious orders, local bishops, and even some authorities in Rome that a “separation of the college from the religious community’s administration and authority” was an academic necessity.

One of the “critical canonical resources” supporting their efforts, Sr. Gallin cites, came from “a relatively unknown canon lawyer” who taught at the Catholic University of America, Fr. John McGrath. His contribution to the process was in his conviction that religious communities never “owned” the universities or colleges, rather that the property was “the property of the corporate entity (the college or university) and not the property of the sponsoring body or individuals who conduct the institutions....”

There was formidable opposition to the McGrath thesis, but arguments in opposition were quickly set aside in what seemed to be a rush by institutions to recognize “the source of their legal authority in the state rather than in the church.”

Most Catholic institutions of higher education in New York State were prompted more than those in other states to cut the cord from Mother Church so that institutions would be eligible for grants under the Aid to Private Higher Education Act of 1969. The “Bundy Money,” as it became known, was so named after McGeorge Bundy of the Ford Foundation, who was appointed chair of the Select Committee on Aid by Governor Rockefeller and the Regents. The corporate separation from the religious communities and the church by many Catholic institutions in New York, observes Sr. Gallin, carried the McGrath thesis “to its logical conclusion.”

However, in 1974, the Secretary of the Congregation for Catholic Education, Cardinal Garrone, expressed serious concern about the “alienation of property” by religious communities in the United States. The McGrath thesis was not viewed in Rome as being a valid interpretation of Canon Law. More than 20 years of considerable discussion involving bishops, religious superiors, and college and university presidents followed, but without resolution. Ultimately, Cardinal Garrone’s concerns have been addressed through “historical evolution” rather than through civil or canonical scholarship. It is unlikely at this point that the “quiet revolution” will be reversed, and it remains to be seen what the “Catholicity” of Catholic higher education in the United States will become.

*Bro. Mel Anderson, FSC, is president and chief executive officer of St. Mary's College of California, in Moraga, CA. He holds several honorary degrees and prestigious awards for his significant contributions to Catholic higher education.*

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