

Conversations on Jesuit Higher Education

Volume 22

Article 6

10-1-2002

Ex Corde Ecclesiae and the University

Mary Theresa Moser, RSCJ

Follow this and additional works at: <http://epublications.marquette.edu/conversations>

Recommended Citation

Moser, RSCJ, Mary Theresa (2002) "Ex Corde Ecclesiae and the University," *Conversations on Jesuit Higher Education*: Vol. 22, Article 6.

Available at: <http://epublications.marquette.edu/conversations/vol22/iss1/6>

A Warm Heart and a Clear Eye: *Ex Corde Ecclesiae* and the University

Mary Theresa Moser, RSCJ

Is Ex Corde Ecclesiae a help or a problem for the U.S.? How would Ignatius respond?

When it comes to the Catholic identity of a Catholic college or university, one size does not fit all. Archbishop Giuseppe Pittau, Secretary of the Vatican Congregation for Catholic Education, notes that in his own life he has worked at two very different universities, both pontifical. From 1963 to 1981, he taught political science at the law school of Sophia University in Tokyo. There, first-year students were ninety-eight percent non-Christian, and among the professors only about forty percent were Christian. From 1992 to 1998, he was rector of the Pontifical Gregorian University in Rome, where ninety-nine percent of all students are Catholic and all tenured professors are Catholic.

The situation of most American Catholic universities is very different from that of pontifically erected Catholic universities. In the U.S., in conformity with local laws and customs, most are governed by separately incorporated Boards of Trustees and are not under the direct jurisdiction of the hierarchy in U.S. law. They reflect the diversity of the region in which they are located. They strive to meet the needs and aspirations of their students, the requirements of university accreditation, and of state and national laws. Within the environment of U.S. separation of church and state, they strive to be Catholic.¹

Given the plurality and diversity of Catholic universities, some 945 around the world, with their very different regional, national, political, religious, cultural and economic situations, the only common denominator seems to be their willingness to make the Christian message effectively active in the world of their culture. This will mean different things in different situations. The situation of the Jesuit

university in El Salvador is quite different from that of the University of San Francisco. Yet the vision and the commitment to educate students to make a difference in the world remains the same. In the words of *Ex Corde Ecclesiae* each aspires to be "an academic community which, in a rigorous and critical fashion, assists in the protection and advancement of human dignity and of a cultural heritage through research, teaching and various services offered to the local national and international communities."² In the language of their Jesuit and Catholic heritage, the challenge is to make "the faith that does justice" real, in its particular context.

Like most Jesuit universities in the United States, the composition of the faculty and student population at the University of San Francisco falls somewhere between the extremes noted by Archbishop Pittau. Situated as it is on the edge of the Pacific Rim, about half of the traditional undergraduate students identify themselves as Catholic. The rest come from a variety of religious traditions or do not specify any religious affiliation at all. About forty percent are white, twenty-three percent Asian, about twelve percent Hispanic, and the rest from the variety of ethnic backgrounds typical of the city of San Francisco and its location on the Pacific Rim. Many of the undergraduate students are second generation immigrants, the first in their families to acquire a college education. An even greater variety of religious and ethnic backgrounds is found among graduate students in the College of Arts and Sciences and the Schools of Business, Nursing, Education, and Law.

As in other Jesuit universities, the "faith that does

Theresa Moser, RSCJ is Assistant Dean for Academic Programs in the College of Arts and Sciences of the University of San Francisco. San Francisco, California, and a recent President of the College Theology Society. moser@usfca.edu

justice" has led to the establishment of programs where students can learn first-hand what "making a difference" can mean. At USF, the College of Arts and Sciences has established "study abroad" programs which reflect its mission and values. In South Africa, students spend a semester or two in an academic and experiential program which includes the opportunity to be involved in various social justice programs, including one with the almost forgotten street children of Durban. In the Philippines, students take courses at the Jesuit *Ateneo de Manila* and become involved in community work with Habitat for Humanity and other community groups in Manila. In El Salvador, students attend lectures at the Jesuit University, *Universidad Centroamericana José Simeon Cañas* (UCA), go on field trips, and engage in community service. Similarly, USF students can attend the Jesuit *Universidad Iberoamericana* in Tijuana and get first-hand knowledge of the educational challenges in an important international border city. In the spirit of "the faith that does justice," the College is also inaugurating graduate programs in Environmental Management in Budapest, Thailand, the Philippines and Spain.

The commitment to share the expertise of its faculty extends to other units of the University as well. In the past year, the School of Nursing has sent three separate delegations to do clinical work among poor *campesinos* in rural Guatemala. The School of Business has long offered well-regarded programs in Asia, and the School of Law has programs in Vietnam, Cambodia, Indonesia, Brazil, El Salvador, Prague and Dublin.

Traditionally in Jesuit universities, the presidents have worked hard to maintain informally a good relationship with the local bishop and to collaborate in the mission of the local church. At USF the School of Education offers a Master of Arts in Catholic School Teaching with an Emphasis in Secondary Religious Education. The goal of the program is to graduate students who will have an important influence on the Catholic identity and mission of their schools. Similarly, the Department of Theology and Religious Studies, in addition to programs on its main campus, offers its Master of Arts in Theology to qualified students in Phoenix, thereby making graduate

theological education available to qualified students in one of several western states with no Catholic university.

As in other Jesuit universities, the Jesuit community actively supports projects which encourage faculty creativity and involvement in USF's mission. Recently, the community established the Jesuit Foundation to promote the integration of faith and the promotion of justice within the life of the academy. Endowment income from this gift of the Jesuit community is used to fund grants for various types of activity.

An interesting example is the project of Lois Ann Lorentzen, Professor in the Theology and Religious Studies Department. Lois, as principal investigator, received a three year, \$600,000 grant from the Pew Charitable Trust for the Religion and Immigration Project. The Project investigates the role of religion in the lives of new immigrants. San Francisco, following Los Angeles and New York, is one of the country's most ethnically diverse cities, serving as one of seven "gateway" cities for new immigrants to the United States. Researchers from China, Taiwan, the Philippines, Vietnam, Mexico and El Salvador collaborate with San Francisco-based researchers in analyzing transnational religious communities and networks.

Funds from the Jesuit Foundation give needed support for the training of ethnic minority researchers in the Archdiocese of San Francisco. The Project has the strong support of San Francisco Archbishop William Levada and his staff. In a letter to the President of USF, the Archbishop comments:

"The fruitful collaboration of the University and the Archdiocese has resulted in a joint proposal to implement the 2000 United States Conference of Catholic Bishops' pastoral statement entitled *Welcoming the Stranger Among Us: Unity in Diversity*. I am grateful to the University of San Francisco for this partnership which will directly benefit our local church and, at the same time, have an impact on the Church in the United States as a whole."³

Like other Jesuit universities, USF collaborates

with the local church in sponsoring a number of joint ventures. Each year USF hosts the Archbishop Quinn Colloquium on Catholic Social Teaching, a gift of the priests of the Archdiocese on the former Archbishop's retirement. Recently the university, at the request of Archbishop Levada, hosted an interreligious dialogue in conjunction with Pope John Paul II's initiative at Assisi. Each year it co-sponsors the Paul Wattson lecture with the Franciscan Friars of Atonement. This year the topic was a favorite focus of Pope John Paul II: "One Body in Christ; The Restoration of Eucharistic Communion between East and West."

In these and similar ventures the members of the USF community, like those in other Jesuit universities in the United States, are exemplifying the vision of a university with a Catholic identity as described in the apostolic constitution *Ex Corde Ecclesiae*. (An apostolic constitution is a very solemn form of the exercise of papal authority.) As Sister Karen Kennelly, former president of Mount St. Mary's in Los Angeles and a consultant to the U.S. Bishops' *Ex Corde Ecclesiae* Implementation Committee, puts it, most Catholic colleges and Universities in the United States do respond positively to what she names as the "call" of *Ex Corde Ecclesiae* to promote dialogue between faith and culture, between faith and reason. But on another level, the response to the apostolic constitution is cautious, if not negative.⁴

Largely due to the insistence of the Roman Curia on juridical norms for its implementation, *Ex Corde Ecclesiae* does not have a particularly positive image on USF's religiously and ethnically diverse campus. USF, like many American universities, sees the possibilities of ecumenical and interreligious dialogue and collaboration in a positive light and therefore tends to respond negatively to stipulations that call for most trustees and faculty to be Catholic. At USF, as at other Catholic universities governed according to the American model, stipulations that governing documents be submitted to ecclesiastical authority for approval, that presidents take an oath of fidelity to the Church when they are inaugurated, and that professors of theology be expected to secure a mandate (or *mandatum*) from the local bishop are not favorably received. The very existence of Vatican-imposed

juridical norms gives the impression that an authority external to the university is involving itself in university governance and can override established university customs and procedures, especially in matters perceived to involve "orthodoxy." Such juridical norms are simply not helpful to those trying to support the broad and in many ways admirable vision of *Ex Corde Ecclesiae* in the U.S. academic, legal, and cultural context.

Nevertheless, juridical norms have been imposed and are part of the reality of the world of Catholic universities today. Given this situation, it seems important at this particular moment of history for the administration and faculty of Jesuit universities in the United States to keep in mind the counsel of Ignatius of Loyola.⁵ When dealing with the institutional

MAP (Marquette Action Program) trip to Appalachia



Photo Courtesy of Marquette University Office of Public Affairs

church, he cautioned, proceed with a warm heart and a clear eye.

The history of the discussion leading to the current juridical norms gives the distinct impression that much of the time the parties involved, presidents of U.S. Catholic colleges and universities on the one hand and officials of the Roman Curia on the other, were talking past each other. On the one hand, the Roman Curia insisted on juridical norms based on the European model of Church-university relations as essential to "Catholic identity." On the other, the U.S. presidents appealed to the unique circumstances of

Catholic institutions in the United States and pressed for non-judicial norms and the recognition of the universities' institutional autonomy and academic freedom:

We cannot speak for Catholic institutions in other lands; their circumstances and culture differ from ours. We can only say that juridical, canonical, statutory relationships which would infringe upon proper institutional autonomy are not in keeping with our circumstances, and would make no positive contribution to our efforts to maintain and strengthen Catholic higher education and its service to the American Church.⁶

Of particular concern in these discussions was the requirement of a "mandate." The 1983 Code of Canon Law included Canon 812, which required a "mandate" for teachers of theological disciplines "in any university whatsoever." The inclusion of this requirement was vigorously fought by presidents and members of the Association of Catholic Colleges and Universities who argued, with some frustration, that the inclusion of this canon was incompatible with academic freedom as understood and practiced in the United States and could jeopardize the accreditation status of their institutions and eligibility for federal funding.⁷ Nevertheless, the canon was included, to the distress of the universities and of Catholic theologians teaching in them.

Initially, the U.S. bishops, by a vote of 224-6, supported the presidents' argument that juridical norms, including the requirement of a "mandate," were not helpful in the United States context and argued for a pastoral approach to the relationship between bishops and Catholic universities in this country. This approach was rejected by the Curia. Finally, the bishops submitted and received the *recognitio* for "*Ex Corde Ecclesiae: An Application to the United States*," which included the required juridical norms. Subsequently, bowing to Curial insistence, they developed procedures for the implementation of the "mandate" requirement, now called *mandatum*.⁸

So now what? At this juncture it seems important

to keep in mind that the interpretation and application of canon law is different from the way U.S. civil law is typically applied. Canon law proposes an ideal. It is understood that as an ideal it cannot possibly be implemented literally in every national and cultural context. It is meant to be adapted to local situations, and in some situations the law is not applied at all. There is a recognized history of canonical regulations that are not "received" or implemented by local churches.⁹

A recent example of the non-reception of a law is the apostolic constitution of Pope John XXIII, *Veterum Sapientiae*. Addressed to the worldwide church, *Veterum Sapientiae* required that all seminarians be taught the Latin language, that professors use textbooks written in Latin, and that those professors who could not teach in Latin should be replaced by those who could. Despite the papal authority of this legislation, it was deemed not helpful by the people of God as a whole, and it soon became a dead letter.

Loyola College - Mass of the Holy Spirit



Photo Courtesy of Loyola College of Maryland

If we look at the history behind the development of juridical norms for U.S. Catholic colleges and universities, it seems likely that a similar fate awaits the kind of juridical norms mentioned above, and particularly the requirement of a *mandatum* for theologians. Given the U. S. constitutional situation, the requirements of accreditation, the possibility of time-consuming and expensive lawsuits over tenure and promotion, it seems inadvisable for U.S. Catholic colleges and universities to make the *mandatum* a requirement for appointment, rank and tenure. Indeed, the "Application" itself does not require it.

The spirit of the relationship between Catholic colleges and universities in the United States and the

bishops has typically been one of informal collaboration in mission. In contemporary ecclesiastical jargon, it is described as *communio*, a relationship of mutual attention to the impulses of the Spirit of God in contemporary life. Such a relationship cannot be legislated; its basis is faith, and it requires work on both sides.

One vision of the Church views the work of the Spirit as coming from the top down, from God to the Pope to the Bishops to the local clergy to the laity, leaving the laity with little to do but "pray, pay and obey." That Vatican II moved beyond this hierarchical and juridical notion of the Church is due in large measure to the scholarly and pastoral work of many theologians. It is understood now that the Spirit of God enlivens all of the faithful, and that the work of God is best promoted in a spirit of listening, dialogue and collaboration. In this context, the non-reception of inappropriate laws can well be the work of the Spirit.

As Ignatius so well understood, when dealing with the institutional church, it is important to proceed with a warm heart and a clear eye. The challenge today is to continue to discern the work of the Spirit of God in the

world and in doing so to protect the institutional autonomy and academic freedom of our Jesuit and Catholic universities. The church needs this kind of relationship with the universities. As Cardinal Walter Kasper put it, the church "needs universities as universities need also the church, not as truth policemen or as watchdogs but as witness of this revealed truth which does not oppress but acknowledges, even defends and values, the human search for truth."¹⁰

ENDNOTES

¹"Characteristics of Catholic Universities," *Origins*, Vol. 29: No. 2 (August 26, 1999): 165-69.

²John Paul II, "Ex Corde Ecclesiae: The Apostolic Constitution on Catholic Universities," *Origins* Vol. 20: No. 17 (October 4, 1990), #12.

³Letter to Stephen A. Privett, S.J., January 14, 2002.

⁴"The Catholic Identity of the Colleges: Call and Response," paper delivered to the Board of Trustees, University of San Diego, February 19, 2000.

⁵I am indebted to John Padberg, S.J., of the Institute of Jesuit Sources at St. Louis University for this insight into the mind of Ignatius of Loyola. Conversation during lunch at the University of San Francisco, February 24, 2000.

⁶Alice Gallin, *American Catholic Higher Education: Essential Documents, 1967-1990* (Notre Dame, IN: University of Notre Dame Press, 1992): 83. See also Alice Gallin, O.S.U., *Independence and a New Partnership in Catholic Higher Education* (Notre Dame, IN: University of Notre Dame Press, 1996); and *Negotiating Identity: Catholic Higher Education Since 1960* (Notre Dame, IN: University of Notre Dame Press, 2000).

⁷M. Theresa Moser, R.S.C. J., "Between a Rock and a Hard Place: Theologians and the Mandatum," *Horizons: The Journal of the College Theology Society*, 27/2 (2000): 333.

⁸*Origins*, Vol. 30: No. 5 (June 15, 2000): 68-75; and U.S. Bishops, "Guidelines Concerning the Academic Mandatum in Catholic Universities (Canon 812)," *Origins*, Vol. 31: No. 7 (June 28, 2001):128-131. See also "Report of the Catholic Theological Society of America *Ad Hoc* Committee on the Mandatum," September 2000. The Report is available on the web at <http://www.bc.edu/ctsa>.

⁹See, for example, "James A. Coriden, "The Canonical Doctrine of Reception," *The Jurist* 50 (1990): 58-82; John M. Huels, O.S.M., "Nonreception of Canon Law by the Community," *New Theology Review* 4 (1991): 47-60; Ladislav Orsy, S.J., "Reception of Laws by the People of God: A Theological and Canonical Inquiry in the Light of Vatican Council II," *The Jurist* 55 (1995): 504-526; Thomas A. Green, Ed., "Reception and Communion Among Churches," *The Jurist* 57 (1997): 1.

¹⁰Cardinal Walter Kasper, "The Challenge of Truth in a New Cultural Context," *Origins*, Vol. 31: No. 29 (January 3, 2002): 492.

THE SPIRIT OF THE RELATIONSHIP
BETWEEN CATHOLIC COLLEGES
AND UNIVERSITIES IN
THE UNITED STATES
AND THE BISHOPS
HAS TYPICALLY BEEN ONE OF
INFORMAL COLLABORATION
IN MISSION