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# COMMUNICATING IDENTITY AND THE CHALLENGE OF *EX CORDE ECCLESIAE*

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*Arguing that the current challenge in Catholic higher education to implement the norms of Ex Corde Ecclesiae is largely a conflict of different world views, the author describes three competing visions of Church—pistic, charismatic, and mystical—and offers three “lenses” to clarify each vision: functional, interpretive, and post-modern. A textual analysis of Ex Corde Ecclesiae and the 1993 and 1999 drafts of ordinances of the National Catholic Conference of Bishops (NCCB) reveals a world view at odds with most Catholic universities.*

In the 10 years since Pope John Paul II (1990) promulgated *Ex Corde Ecclesiae*, there have been debates and questions raised about issues of Catholic identity in American Catholic higher education, concern on the part of administrators, and fear on the part of a number of faculty, both Catholic and non-Catholic. These questions, concerns, and fears are very real. This document is seen by some as supportive of Catholic universities and by others as the death of academic freedom at these institutions. The differences in interpretation flow from two sources, a series of negative experiences that are a part of the landscape of American Catholic history, and the differences in how different groups articulate their own understanding of what it means to be Catholic today.

This essay analyzes *Ex Corde Ecclesiae* and the two implementation plans proposed by the National Conference of Catholic Bishops in 1993 and 1999. The goal of this analysis is to examine the undergirding model of Catholic identity proposed within *Ex Corde* and the implementation docu-

ments and to describe some of the potential pitfalls that arise from these models as bishops and university presidents attempt to implement *Ex Corde* in the United States.

The textual analysis of these documents uses the theoretical framework of Franz Jozef van Beeck, S.J. (1985), who proposed a model of examining the variety of interpretations of Catholic identity since the Second Vatican Council. The data derived from this analysis will then be examined within the frameworks of American Catholic history and studies in organizational identity.

## VAN BEECK'S MODELS OF CATHOLIC IDENTITY

The issue of Catholic identity has been among the most contentious issues in the post-Vatican II Church. In *Catholic Identity After Vatican II: Three Types of Faith in the One Church* (1985), van Beeck identified three descriptions of Catholic identity. These descriptions form three helpful models for examining the content of *Ex Corde Ecclesiae* and the implementation documents. What follows is a description of these three models: the pistic, the charismatic, and the mystical.

The term *pistic* comes from the Greek, *pistikos*, "meaning 'faithful' or 'believer'" (van Beeck, 1985, p. 24). The pistic experience of Catholic identity has been shaped by the Church's historical association with the politics of Western Europe. From the Edict of Constantine through contemporary times, church and state have been intertwined. Feudalism, as a political institution, impacted the Latin Church's distinction between clergy and faithful, a distinction that remains normative to the current day. It is possible to see the influence of a legislative and judicial approach to governance in the Church's doctrinal, moral, and liturgical perspectives. The New World's missionaries, influenced by cultural and political factors, were as much representatives of the state as they were preachers of the Gospel. These roles were so intertwined that it was difficult for conscientious missionaries to stand up against oppressive political colonial structures. By the end of the Counter Reformation the internal boundaries of Roman Catholicism were firmly set.

This traditional association of faith with political structures has a counterpart at the level of doctrine, life, and worship. The church's teaching, typically spread by means of catechisms, used to be conceived in terms of *definitions*. Catholic life, with its many distinguishing marks, was strongly regulated by *precepts* and *commandments*, something that favored the practice of the passive virtues. And the Church's worship was strongly characterized by *rules* and obligations and rubrics. (van Beeck, 1985, pp. 26-27)

There are four characteristics of the contemporary pistic experience. First, the pistic experience is characterized by an inappropriate dependency of the laity upon the clergy. This occurs when the laity are passive and responsive only to the clergy. Second, this vision of Catholicism is inherently totalitarian and clerical. If the laity are passive and at the command of the clergy, then the cleric can fill the void by abusing the power at his control. Third, the pistic experience is structurally impatient and inhospitable. The pistic individual is not tolerant of the world and what it offers and is unwilling to be open or welcoming to those outside the group. In essence, there is a ghetto mentality, marked by suspicion and fear of the outside world. Finally, the pistic experience looks to the past as its golden era. There is an attempt to return to some idealized past era. The vision of the pistic church is past- rather than future-oriented (van Beeck, 1985).

The charismatic experience of Catholicism is situated within the framework of the diaspora experience. The groups that form within this experience are usually outside the "official" Church. According to van Beeck, charismatic individuals view themselves as blazing new frontiers. Second, they tend to be actualists. They are "motivated by the call of the moment," viewing faith as an "active life of responsibility and involvement" (1985, p. 38). Third, charismatics are personalists. They search for authenticity and agonize over the difficulty of the search. They resent being told what to do or believe. The charismatics characterize their vision of ministry as wide and taking many forms. Ministry is seen as compassionate, not authoritative. The charismatic views the functions of ministry as "their ministry," rather than as the work of "personnel of the institutional church" (1985, p. 39).

There are four risks in the charismatic vision of Catholic identity. First, there is the risk that Catholic identity will become diffuse and subject to compromise. This diffusion and compromise create a situation in which Catholic identity and values erode in the name of toleration and civil liberty. Effectively, charismatics are ready to hand over their own tradition to prove their commitment to tolerance and civil liberty. Second, there is a diminishment of the tradition that results from the spirit of unbridled compromise. The tradition becomes an albatross around the neck of the charismatic. They prefer to work from a frame of "experience" rather than authority. Third, charismatics, precisely because of their sense of compromise and unlimited toleration, move toward a dismissal of the tradition. This is characterized by mild, unintentional slips into heresy. They quickly quote their favorite authorities, chosen individuals with whom they agree. The strength of the charismatic experience is that the believers choose for their faith, but the inherent weakness is that their faith may be selected, rather than chosen. Finally, there is a tendency to adopt a completely moralistic version of Catholic faith and identity. According to van Beeck, membership in the Church may be reduced to being nothing more than a part of a movement. This results in the person of

Christ being diminished to the role of a movement leader. Another risk is that the tolerance shown to others is not manifested to the weaker brother or sister in the Church who is in disagreement with them.

Both the pistic and charismatic experiences share some common limitations. First, neither the pistic nor the charismatic is interested in the future. The pistic is focused on the past, while charismatics, ignoring the past, place their sights on the present. Second, both groups are judgmental. Pistics are judgmental against the world, and charismatics are judgmental in their sense of permitting and condoning various types of activities. There is an arrogant use of power at the heart of either experience. Finally, both are structurally impatient and inhospitable: the pistics with the outside world and the charismatics within and among themselves. Effectively, both groups fail to provide an identity experience that includes openness as an integral part of their own identity.

Van Beeck's third model of Catholic identity is that of the mystical experience of faith. The mystical experience, based in the resurrection of Jesus Christ, is eschatological, future-oriented, and global. This experience of faith finds expression in worship and witness. The two must be taken together if they are to embody Catholic identity and openness. While worship is seen as the essential ingredient in each Catholic identity experience, it falls into meaningless religiosity without witness. Worship prevents witness from becoming a type of preaching marked by fundamentalist authoritarianism. Unlike the pistic or charismatic experiences, the mystic experience of the Kingdom of God places all causes into an eschatological perspective. Thus the Kingdom is something that was inaugurated in the past and worked toward in the present but doesn't reach its perfection until the end of time. This experience of faith motivates the Church to stand in awe of God, its worship moves the Church toward a hope of things yet to be, and it provides the Church with a sense of the gift of identity. Van Beeck specifically uses the term "gift of identity" to emphasize that the "Church's true life is hidden with Christ in God" (1985, p. 64) and that this identity is not the Church's possession, but rather a true gift from God. The gift of identity counteracts both the pistic and charismatic experiences of identity by stating that there is an identity that is unique but that the Church does not possess this identity, rather it is received as a gift.

## **LENSES FOR UNDERSTANDING IDENTITY IN ORGANIZATIONS**

Whetten and Godfrey (1998) have summarized three potential understandings of organizational identity: functional, interpretive, and postmodern. Each of these three lenses describes how theorists understand and potential-

ly use organizational identity. Each also provides an alternative methodology for studying the identity of organizations.

The functionalist lens focuses on the construction of a stable organizational identity. Identity has an enduring quality that would allow comparison over time. While institutional identity might be changeable, it is in reality difficult to change. Organizational identity from the functionalist perspective is seen as a series of variables that can be manipulated to better manage an organization or by which the organization presents itself to internal and external constituencies. The primary research methodology employed with the functionalist lens is essentially objective and quantitative in nature (Whetten & Godfrey, 1998). Organizational identity as it is understood from the functionalist lens is capable of being promulgated and legislated.

Making use of the interpretivist lens, the researcher works to construct the organization's identity carefully and to represent the interpretations of its members accurately. This is accomplished in two ways: first by representing the organizational identity with the actual words and symbols of the members themselves, and second by building a grounded, theoretical explanation for the patterns observed in the informants' words, symbols, and representations of the identity. These interpretations create rich and deep narrative accounts (Whetten & Godfrey, 1998). The interpretivist lens views identity as the outgrowth of the lived experience of members of the organization, rather than the legislated experience.

The postmodern lens views identity as a myth or an illusion. Methodologically, it is similar to the interpretivist lens, but posits that identity is not stable over time. From the postmodern perspective, organizational identity is extremely subjective. From this lens, organizational identity is construed as a fiction that is perpetuated by those in power to affirm their power base. Because identity is subjective, personal, and fluid, the post-modern lens would state that organizations consist of multiple and often contradicting identities (Whetten & Godfrey, 1998).

## **ANALYSES OF *EX CORDE ECCLESIAE* AND THE IMPLEMENTATION DOCUMENTS**

The apostolic constitution *Ex Corde Ecclesiae* was written as a positive attempt to raise the question of the nature of Catholic identity in Catholic higher education. It is divided into two sections: The first section is very pastoral in tone, while the second tends to sound more juridical.

In the introduction, Pope John Paul II described his vision of the nature of Catholic identity on Catholic university campuses. He begins by stating that Catholic universities come from "the heart of the Church" and that the role of the university is "to unite existentially by intellectual effort two orders of reality that too frequently tend to be placed in opposition as though they

were antithetical: the search for truth and the certainty of already knowing the fount of truth" (1992, p. 413). The role of the university within the context of the Church is described as "instilling the Gospel message of Christ in souls and cultures" (1992, 416). The presupposition is that the Catholic university, precisely as Catholic, is involved in the evangelizing mission of the Church. Therefore, the first segment of this document highlights those areas of Catholic higher education that would assist the Church in its mission of evangelization while remaining true to the university's identity.

A recurring theme in the pastoral section of *Ex Corde Ecclesiae* is witness. This witness is manifest in a number of ways. On a basic level, professors and administrators act as witnesses of the Christian message by their own living out of the academic vocation. Pastoral ministry in the university provides an opportunity for students, staff, faculty, and administration to "integrate religious and moral principles with their academic study and nonacademic activities, thus integrating faith with life" (John Paul II, 1992, p. 425). This provides all who are interested with the possibility of spiritual development and integration. Catholic universities witness by their immersion into human society. Catholic higher education "as an extension of its service to the church, and always within its proper competence, it is called on to become an ever more effective instrument of cultural progress for individuals as well as for society" (1992, p. 423). In a yet larger sense, the university also gives witness to the culture of its geographic place by examining it from the perspective of faith. The purpose of the dialogue between the Church and society

is the need to examine and evaluate the predominant values and norms of modern society and culture in a Christian perspective, and the responsibility to try to communicate to society those ethical and religious principles which give full meaning to human life. (1992, p. 423)

The role of witness in the university, according to *Ex Corde Ecclesiae*, is to provide: (1) an opportunity for students, faculty, and staff to develop their own personal faith life, (2) outreach to Church and society in terms of research and service, and (3) a critique of contemporary culture. While the overall tone of the first section seems to be much more mystical in the terms of van Beeck (1985), there is an underlying feeling that *Ex Corde Ecclesiae* aims to set the boundaries of Catholicity in Catholic higher education. In the Church's attempts to engage society, it seeks to transform society, while remaining unchanged by the encounter. In reality, this is impossible. The boundary issues become much more apparent in the second section of the document. The second section, entitled "General Norms," becomes much more specific about the Church's expectations for Catholic identity at the university.

Depending on the reader's perspective, the intention of *Ex Corde Ecclesiae* can be interpreted in one of two ways. It might be seen as a document that seeks to protect the voice of Catholic thought in academic dialogue by safeguarding the identity of Catholic higher education or as a document that attempts to stifle and control those who have a view that deviates from the orthodoxy of the magisterium.

The norms are straightforward. Articles 2 and 3 are concerned with the nature of Catholic universities and by extension how one goes about establishing a Catholic university. In Article 2, Catholic universities are called to define their identity in their mission statements and other public documents. More importantly,

Catholic teaching and discipline are to influence all university activities, while the freedom of conscience of each person is to be fully respected. Any official action or commitment of the university is to be in accord with its Catholic identity. (John Paul II, 1992, p. 429)

Catholic universities are guaranteed the autonomy required to develop a unique mission and identity; and academic freedom—in terms of both teaching and research—is recognized in the same article.

Article 4 speaks of the role that the university community plays in promoting Catholic identity. According to the norm, the twofold way in which Catholic identity will be preserved “is essentially linked to the quality of its teachers and to respect for Catholic doctrine” (John Paul II, 1992, p. 430). This article also contains two statements that further protect the Catholicity of the institution.

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.

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. (John Paul II, 1992, p. 430)

These propositions are among the most directly invasive of those proposed in the document. They strike to the heart of the problems that university personnel have had with *Ex Corde Ecclesiae*: Who is responsible for the hiring and evaluation of faculty in a Catholic university? Article 4 implies that the Church, along with the faculty, should have input in hiring decisions.

In Article 5, the authority to safeguard Catholic identity at Catholic universities is given to the bishop.



*Each bishop has a responsibility to promote the welfare of the Catholic universities in his diocese and has the right and duty to watch over the preservation and strengthening of their Catholic character* [italics added]. If problems should arise concerning this Catholic character, *the local bishop is to take the initiatives necessary to resolve the matter* [italics added], working with the competent university authorities in accordance with established procedures and, if necessary, with the help of the Holy See. (John Paul II, 1992, p. 431)

The norm provides the local bishop with authority over the university in matters of mission and identity and gives the bishop canonical authority not only to intervene, but to take the lead position in resolving these matters. Effectively, this norm could clearly give bishops a legal (ecclesiastical law) right to interfere in the internal matters of the university. This norm opens the university to a vision of Catholic identity that can be highly boundary-laden.

Articles 6 and 7 deal with issues of pastoral ministry and collaboration in research and other projects among Catholic universities, state universities, and governmental agencies. Both articles are fairly self-evident. The exhortation to “promote the pastoral care of all members of the university community,” especially those who are Catholics, and the provision that there be sufficient qualified personnel to deal with this pastoral ministry are both right and sensible (John Paul II, 1992, p. 431). Collaborative projects among Catholic universities and with other universities and public agencies have long been a hallmark of the university structure. This type of cooperation is a constitutive marker of the university’s identity. These two issues are fairly straightforward and not controversial in the context of Catholic identity.

If one were to evaluate the model of Catholic identity implicit in *Ex Corde Ecclesiae*, it would seem to be schizophrenic. The first part of *Ex Corde* seems to move between van Beeck’s pistic and mystical models of identity. The language that is used in this part of the document exudes the senses of witness and worship that are the hallmarks of the mystical model of Catholic identity. However, just below the surface one can hear the palpable concerns of the pistic experience. This is especially evident in the language surrounding how Catholic universities will assist the Church in engaging the world. *Ex Corde Ecclesiae* speaks of engagement, but on whose terms? The document does not speak of wrestling with the issues of the contemporary world with the eyes of faith, but rather of converting and transforming the world into the Church’s vision. It seeks to re-create Christendom rather than engage contemporary society on its own terms and reflect on it in the light of faith. The document uses van Beeck’s mystical language, but tends to live on the outskirts of the pistic experience of Catholic identity.

This becomes evident upon examining the norms for implementing the document. The concerns of Catholic identity are no longer issues of a community witnessing and worshiping, but rather of a community seeking to set

boundaries about jurisdiction and authority, determining which individuals may collaborate and the conditions for their collaboration. Clearly, this is a concern about protection of the university from outside forces. It is also another example of the pistic nature of *Ex Corde Ecclesiae*.

The document mandated that National Conferences of Bishops develop ordinances in line with the spirit of *Ex Corde Ecclesiae*. In carrying out this request, the U.S. bishops (1993) sought the counsel of the presidents of American Catholic universities. The first draft provided eight ordinances (see Appendix A). The 1993 Draft of Ordinances stands in stark contrast to the norms of *Ex Corde Ecclesiae*. The U.S. Ordinances describe Catholic colleges and universities as those that “freely commit themselves to the Christian message as it comes to us through the Catholic Church” (National Conference, 1993, p. 475). The bishops recommended that the integration of Catholic identity within the university’s life would be evaluated by an internal review completed by the university itself. These ordinances placed the issue of the identity of Catholic higher education in the hands of the American Catholic institutions. The eighth ordinance, which deals with campus ministry programming, is written more as an admonition than a regulation. It requires that campus ministry programs be marked by the qualities of witness and worship, and that they be given high priority on the campus. The language in these ordinances is in the spirit of van Beeck’s mystical model of Catholic identity.

The focal concern presented in the 1993 ordinances is the teaching of Catholic theology in alignment with the Church’s magisterium. The fourth, fifth, and sixth ordinances describe how the university’s theology faculty, administration, and the local bishop would work in collaboration to foster an accurate interpretation of Catholic teaching. This collaboration includes the expectation that Catholic theology professors request from the Church a mandate to teach (National Conference, 1993). By far, this was, and remains, the most contentious issue for all university faculty, both Catholic and non-Catholic. The seventh ordinance deals with issues of due process when disputes between the university and its bishop arise. The due process procedures are standard canonical procedures. If one were to judge solely from the content of these ordinances, the evaluation would fall on the side of a pistic vision of Catholic identity. However, these ordinances dealing with the mandate are written in a style that is much more in line with the mystical vision than the pistic.

The 1993 ordinances failed to receive approval from the Vatican. The reason for rejection was that the ordinances were not sufficiently juridical. The bishops of the United States began the process of redrafting the implementation policies and approved that second draft on November 17, 1999. The Vatican gave its approval or *recognitio* of the 1999 norms on May 3, 2000 (see Appendix B).

Not surprising, the tone of the 1999 document is significantly more legalistic than the prior document. The particular norms proposed in this version of the implementation plan mirror *Ex Corde Ecclesiae's* norms and expand upon them. The first article defines the nature of the norms. Essentially, it states that Catholic universities are to follow the provisions of *Ex Corde* and the implementation documents. At the same time, those sponsoring or establishing Catholic universities must "make certain that they will be able to carry out their canonical duties in a way acceptable under relevant provisions of applicable federal and state law, regulations and procedures" (National Conference, 1999, p. 405). In Article 2, the bishops have tried to balance the issues of personal religious and academic freedom, institutional autonomy, and the institution's obligation to "strengthen its Catholic nature and character" (1999, p. 406). In Article 3, dealing with the establishment of a new Catholic university, the bishops have reserved their canonical right to approve its status as Catholic before the institution can declare itself to be so.

Once again, a contentious article is Article 4, dealing with the university community. It begins with the presupposition that the "responsibility for safeguarding and strengthening the Catholic identity of the university rests primarily with the university itself" (National Conference, 1999, p. 406). It goes on to list the responsibilities of board members, administrators, faculty, and students in the Catholic university. The norms recommend that the president and a majority of board members be Catholic and that both take seriously their responsibility for the institution's Catholic identity. Those board members or administrators who are not Catholic are to be informed of the Catholic nature of the university from the outset of their association with the university. Within these first three paragraphs of Article 4 are two regulations that call the board and administration to specific tasks around Catholic identity: first, "that the university periodically undertakes an internal review of the congruence of the mission statement, its course of instruction, its research program and its service activity with the ideals, principles and norms expressed in *Ex Corde Ecclesiae*" (National Conference, 1999, p. 406); second, that "the administration should be in dialogue with the local bishop about ways of promoting Catholic identity and the contribution that the university can make to the life of the church in the area" (1999, p. 406). The paragraph on faculty reiterates that "to the extent possible, those committed to the witness of the faith will constitute a majority of the faculty," and that "all professors are expected to exhibit not only academic competence and good character but also respect for Catholic doctrine" (1999, p. 406). The heart of this paragraph deals with the issue of the mandate to teach Catholic theology. The mandate is recognition that the individual professor is committed to and responsible for teaching authentic Catholic doctrine and will not misrepresent Catholic magisterial teaching. The document is quick to point out that the mandate "should not be construed as an appointment, authorization, delegation or

approbation of one's teaching by church authorities" (1999, p. 407). The remainder of the section on faculty deals with the technicalities of who should approach the bishop for this mandate and how the mandate is both given and withdrawn.

The paragraph dealing with the students essentially provides a listing of their rights as students in a Catholic university. They have a right to the sacraments and spiritual support, courses in Catholic doctrine and practice, and a curriculum that speaks of the role and value of professional ethics and the moral issues related to their profession and the secular disciplines (National Conference, 1999). These points are reiterated in Article 6, which deals with the pastoral care programs of the university.

The ordinances in Article 5 suggest that the university's mission "communicate and develop the Catholic intellectual tradition, is of service to the church and society, and encourages the members of the university community to grow in the practice of the faith" (National Conference, 1999, p. 407). In return the bishop is to be the source of support for the Catholic university. This support includes, but is not limited to, "regular dialogues" and supporting "the institution's Catholic identity if it is unjustifiably challenged" (1999, p. 407).

The implementation drafts, like *Ex Corde Ecclesiae*, have elements of both the mystical and pistic models in them. The 1993 draft tended more toward the mystical, while the 1999 draft moved toward a more markedly pistic stance. This makes sense, since the 1999 draft is written in a much more legalistic framework than the 1993 draft, and it sought to make the guidelines for determining Catholic identity more explicit and measurable.

## CONCLUSIONS

Catholic identity, as it is expressed in *Ex Corde Ecclesiae* and the implementation documents, tends to be concerned with the types of boundary issues that are related to the pistic model of identity. As demonstrated above, the overwhelming concern in these documents is regulating and bounding the experience of Catholic identity on the Catholic campus. While the language in large parts of these documents demonstrates a concern with witness and worship (the hallmarks of the mystical model), the dominant model is pistic.

Many Catholic university presidents and administrators have an experience of Catholic identity that is closer to the charismatic model of Catholic identity than to the mystical model. Murphy (1991) described the internal values of five Catholic colleges and universities during the late 1980s and early 1990s. His description of Catholic identity was that it was catholic, with a lower-case *c*. According to Murphy, the core values of lowercase *c* catholic, are "expressions of academic quality, respect for people, caring for people, and reaching out to the underprivileged" (1991, p. 194). Both Burtchaell

(1998) and Gleason (1995), while not agreeing with it, support this assertion. Thus many Catholic colleges and universities can best be interpreted in the charismatic frame. This framework puts a perspective on the struggles that have been taking place between faculty and administrators of Catholic universities and the bishops.

*Ex Corde Ecclesiae* and the two drafts of the implementation document are marked by the classical hallmarks of the functionalist lens. Clearly, *Ex Corde* and the implementation drafts were establishing causal relationships between Catholic identity and specific variables. Through the control of specific administrative behaviors—such as the percentages of Catholic faculty, types of research and service, quality and types of pastoral ministry, and the mandate for professors of Catholic theology—the hierarchy felt that they would be able to fine tune the Catholic identity of their universities. Whetten and Godfrey (1998) state that the functionalist approach is often accused of overemphasizing management issues rather than those issues that are of greatest interest to the organization's employees.

While the hierarchy views through the functionalist lens, most of the faculty and administration of universities tend to use an interpretive or post-modern model. Murphy (1991) found that administrators, faculty, and students at Catholic institutions in the 1980s saw themselves building an ever-changing identity focused on their Catholic tradition. Their conception of Catholic identity is a lived experience in the current moment, not a series of discrete issues legislated from any ecclesiastical or academic hierarchy. It is not surprising that faculty and administrators of Catholic universities and the Roman Curia tend to be distrustful of one another. They are speaking two different languages. The curial view of Catholic identity is pistic and functionalist while the university community's vision of Catholic identity tends to be charismatic and interpretivist.

The fact that the Church's hierarchy and the universities are speaking two different languages should not diminish the importance of the issues raised in *Ex Corde Ecclesiae* and the implementation documents. Questions of whether Catholic doctrine is accurately represented by faculty or the quality of university ministry programs are truly important issues that administrators and theology faculties at Catholic universities must address. In the end, the persisting problems center on understanding and trust. The future will depend on whether or not the local bishop and the university community within his diocese can communicate effectively and confidently with one another.

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## APPENDIX A

### DRAFT ORDINANCES

National Conference of Catholic Bishops Committee to Implement the  
Apostolic Constitution, *Ex Corde Ecclesiae*

Date: May 4, 1993

To: Archbishops and Bishops  
Presidents of Catholic Colleges and Universities

From: Bishop John Leibrecht

In 1990, the President of the National Conference of Catholic Bishops, Archbishop Daniel Pilarczyk, appointed a Committee to Implement the Apostolic Constitution *Ex Corde Ecclesiae* promulgated by Pope John Paul II that same year. The Committee of seven Bishops is assisted by eight Catholic college and university presidents as consultants. Several resource persons also took part in the Committee's deliberations. The task of the Committee, in response to the Apostolic Constitution itself, is to begin the process of drawing up national ordinances by applying the Constitution's general norms to the United States.

The enclosed draft of ordinances is sent as part of a national consultation with bishops and presidents of Catholic colleges and universities. All bishops in the United States are invited to submit recommendations on the enclosed draft, especially if there are Catholic colleges and universities in their archdioceses. They are asked to consult with any advisors they believe helpful. Presidents are invited to consult with their boards, faculties and others asso-

ciated with their colleges and universities. Where applicable, they are asked to seek comments from provincials of religious communities which sponsor their institutions.

The Committee sending this draft of ordinances strongly recommends that bishops and presidents in each diocese meet together in order to benefit from one another's insights before comments are sent to the Committee. Some bishops and presidents may wish to make joint recommendations in addition to individual ones. The Association of Catholic Colleges and Universities has offered to facilitate regional opportunities for dialogue between bishops and presidents.

The draft text is from the bishop members of the Committee. Presidents and resource people participated fully in all discussions prior to the bishops' decisions about the text of the draft. On some matters during discussion, bishops and presidents agreed—both about what particular issues should be addressed in the ordinances for the United States and the wording of individual ordinances. In some cases, bishops and presidents found themselves unanimously with opposing views on a particular proposal. In some discussions neither the bishops nor presidents were among themselves unanimous in their opinions. Votes among the bishops were unanimous on the ordinances finally presented in the accompanying draft. This draft is also being sent for comment to Catholic learned societies in the United States.

After recommendations have been received, the *Ex Corde Ecclesiae* Implementation Committee will draw up a revised document to be considered by the full assembly of the National Conference of Catholic Bishops. After NCCB action, the document will be sent for review to the Apostolic See.

The enclosed evaluation form is meant to be of assistance in making your recommendations.

Your recommendations to the Committee are due no later than December 31, 1993.

Please return them to:

Bishop John J. Leibrecht, Chair

*Ex Corde Ecclesiae* Implementation Committee

National Conference of Catholic Bishops

2133 4th Street, NE

Washington, DC 20017-1194

## PROPOSED ORDINANCES FOR CATHOLIC COLLEGES AND UNIVERSITIES IN THE UNITED STATES—1993

### PART ONE: INTRODUCTION

In the introduction to his Apostolic Constitution *Ex Corde Ecclesiae* (August 15, 1990), His Holiness Pope John Paul II says, "I desire to share with everyone my profound respect for Catholic Universities" [No. 2]. He notes that the Catholic university shares with every other university that "*gaudium de veritate*," so precious to Saint Augustine, which is that joy of searching for, discovering and communicating truth in every field of knowledge. But the Catholic university, according to the Holy Father, also has the "privileged task" to unite two orders of reality that too often remain connected and "frequently tend to be placed in opposition as though they were antithetical," namely, the orders of faith ("the certainty of already knowing the fount of truth") and reason ("the search for truth") [No. 1].

The "honor and responsibility," as Pope John Paul II puts it, of the Catholic university is to "consecrate itself without reserve as to the cause of truth" [No. 4]. And in doing so, the Holy Father says, the Catholic college or university is serving both the dignity of the human person and the good of the Church.

"If it is the responsibility of every university to search...for meaning," observes the Pope, "a Catholic university is called in a particular way to respond to this need: its Christian inspiration enables it to include the moral, spiritual, and religious dimensions in its research, and to evaluate the attainments of science and technology in the perspective of the totality of the human person" [No. 7].

*Ex Corde Ecclesiae* identifies four characteristics that "necessarily" belong to research conducted by a Catholic university: "(a) the search for an integration of knowledge, (b) a dialogue between faith and reason, (c) an ethical concern, and (d) a theological perspective" [No. 15].

Of particular interest to the Catholic university, writes the Pope, "is the dialogue between Christian thought and the modern sciences. This task requires persons particularly well versed in the individual disciplines who are at the same time adequately prepared theologically, and who are capable of confronting epistemological questions at the level of the relationship between faith and reason" [No. 46]. The apostolic constitution recalls for its readers the purpose of Catholic higher education as articulated in the Second Vatican Council's declaration on Christian education: that "the Christian mind may achieve as it were, a public, persistent and universal presence in the whole enterprise of advancing higher culture..." [No. 9].



According to *Ex Corde Ecclesiae*, “the objective of a Catholic university is to assure in an institutional manner a Christian presence in a university world confronting the great problems of society and culture” [No. 13]. Hence, the Holy Father regards the work of Catholic colleges and universities as “irreplaceable” [No. 10] in the life of the Church. He concludes the apostolic constitution by saying to Catholic colleges and university educators: “The Church and the world have great need of your witness and of your capable, free, and responsible contribution.”

The purpose of the following ordinances is to provide implementation guidelines that embody both the vision and the spirit of *Ex Corde Ecclesiae*. These ordinances do not apply to ecclesiastical faculties, which are governed by the Apostolic Constitution *Sapientia Christiana* (1979), but they do apply to all the rest of the remarkable set of Catholic institutions of higher learning in the United States to which Pope John Paul II looks for their “capable, free, and responsible contribution” to the future of both church and culture.

## **PART TWO: ORDINANCES**

The ordinances on Catholic higher education for the dioceses of the United States are complementary to and in harmony with Canons 807-814 of the Code of Canon Law and the general norms of the Apostolic Constitution *Ex Corde Ecclesiae* (part II), both of which in their entirety are part of the universal law of the Church.

### **Ordinance 1.**

Catholic colleges and universities are those which, through their governing boards, freely commit themselves to the Christian message as it comes to us through the Catholic Church, and together with the bishops, seek to preserve and foster their Catholic character and mission.

### **Ordinance 2.**

Catholic colleges and universities are to identify themselves as belonging to one of the descriptive categories on the list appended to these ordinances (see Appendix) and include the appropriate identification in their governing documents [Gen. Norms, 1:3] or statements of mission [Gen. Norms, 2:3].

### **Ordinance 3.**

Periodically, and at least every ten years, each Catholic college or university is to undertake an internal review of the congruence of its research program [Nos. 7, 15, 18, 45], course of instruction [Nos. 16, 17, 19, 20], and service activity [Nos. 21, 31, 32, 34, 36, 37, 38] with the ideals and principles expressed in *Ex Corde Ecclesiae* [Gen. Norms 2 and 5].

**Ordinance 4.**

As a manifestation of their common desire to maintain the Catholic identity of the college or university, institutional authorities and the diocesan bishop, according to their own proper roles, will seek to promote the teaching of Catholic theological disciplines in communication with the church [Gen. Norms, 4:3].

**Ordinance 5.**

The mandate granted to those who teach theology in Catholic colleges and universities should be understood as recognition by the competent ecclesiastical authority of Catholic professor's suitability to teach theological disciplines (Gen. Norms, 4:3).

**Ordinance 6.**

Catholic professors of theological disciplines are to be advised by academic officials of the Church's expectation that they request the mandate from the competent ecclesiastical authority, normally the diocesan bishop or his delegate (cf. Canon 812). Accordingly, the bishop is to invite the Catholic professor to request the mandate and, after appropriate review, the bishop is to respond to the request.

**Ordinance 7.**

If a dispute arises between the competent ecclesiastical authority and a Catholic college or university, or individuals or groups within such institutions, it is to be resolved according to procedures that respect the rights of persons in the Church (for example, Canons 208-223, 224-231, and 273-289), the autonomy of the academic institution (I, n. 12: II, art. 2, par. 5, art. 5, par. 2), and the responsibility of church authorities (I, n. 28-29, II, art. 4, par. 1; art. 5 par. 2) to assist in the preservation of the institution's Catholic identity. Such procedures are also to follow the principles and, to the extent applicable, the procedures of the documents of the National Conference of Catholic Bishops *On Due Process* (1972) in administrative matters and *Doctrinal Responsibilities* (1989) in matters of differences in doctrine.

**Ordinance 8.**

Governing Boards, in appropriate collaboration with the administration of the college or university, should provide for an adequately staffed campus ministry program and suitable liturgical and sacramental opportunities under the moderation of the local bishop [Gen. Norms, 6:1-2].

The ordinances, as particular law for the dioceses of the United States, become effective at the beginning of the academic year following their enact-

ment by the National Conference of Catholic Bishops and communication from the Congregation for Catholic Education that they have been reviewed by the Apostolic See (Gen. Norms, 1:2).

## **APPENDIX - DESCRIPTIVE CATEGORIES OF CATHOLIC COLLEGES AND UNIVERSITIES**

### **CATEGORY 1.**

Ecclesiastical Faculties/Universities.

### **CATEGORY 2.**

Canonically Established (by the Holy See).

### **CATEGORY 3.**

Established by a Diocese:

- (a) governed by a board of trustees with some powers reserved to the diocese;
- or
- (b) independent governing board with no powers reserved to the diocese.

### **CATEGORY 4.**

Established by a Religious Community:

- (a) governed by a board of trustees with some powers reserved to the religious community; or
- (b) independent governing board with no powers reserved to the religious community.

### **CATEGORY 5.**

Established by other ecclesiastical or lay initiative:

- (a) governed by a board of trustees with some powers reserved to the founding entity; or
- (b) independent governing board with no powers reserved.

Institutions in this faith category may call themselves "Catholic" by consent of the competent ecclesiastical authority.

## APPENDIX B

# ***EX CORDE ECCLESIAE: AN APPLICATION TO THE UNITED STATES (1999)***

## INTRODUCTION

Catholic higher education in the United States has a unique history. The opening of Georgetown in 1789 and subsequent growth into 230 Catholic colleges and universities is a remarkable achievement for the Church and the United States.

Catholic colleges and universities are related to the ecclesial community, to the higher education enterprise of the United States and to the broader society. Founded and developed principally by religious communities of women and men, they now involve lay administrators, professors and trustees who are Catholic and not Catholic, all committed to the vision of Catholic higher education.

Catholic colleges and universities, where culture and faith intersect, bring diversity to American higher education. Diversity is present among the institutions themselves: two-year colleges and graduate program universities; liberal arts colleges and research universities; schools for the professions and schools for technical education.

To all participating in Catholic higher education, the bishops of the United States express their admiration and sincere gratitude, knowing that both the national and ecclesial community are affected by their commitments and talents. Bishops want to maintain, preserve and guarantee the Catholic identity of Catholic higher education, a responsibility they share in various ways with sponsoring religious communities, boards of trustees, university administration, faculty, staff and students.

## **PART 1: THEOLOGICAL AND PASTORAL PRINCIPLES**

### **I. *Ex Corde Ecclesiae***

On Aug. 15, 1990, Pope John Paul II issued an apostolic constitution on Catholic higher education titled *Ex Corde Ecclesiae*.<sup>1</sup> The apostolic constitution described the identity and mission of Catholic colleges and universities and provided general norms to help fulfill its vision.

The general norms are to be applied concretely by Episcopal conferences, taking into account the status of each college and university and, as far as possible and appropriate, civil law. Accordingly, recognizing that the apostolic constitution *Ex Corde Ecclesiae* is normative for the church throughout the world, this document seeks to apply its principles and norms to all Catholic colleges, universities and institutions of higher learning within the territory encompassed by the National Conference of Catholic Bishops.

## II. The Ecclesiological Concept of Communion

The church is made up of individual faithful and communities linked with one another through many active ecclesial relationships. A true understanding of these dynamic relationships flows from the faith conviction that God the Father, through his incarnate Son, Jesus Christ, has revealed his desire to incorporate all people into the life of the Trinity. It is in the church, through the indwelling of the Holy Spirit, that this relationship of all persons and communities with the triune God takes place. This body of dynamic relationships held together by the unity of faith is aptly described in the theological concept of communion.<sup>2</sup>

The dynamic of communion unites on a deeper and more productive level the various communities in the church through which so much of her mission of salvation, and consequently human progress, is carried out. More specifically, ecclesial communion furnishes the basis for the collaborative relationships between the hierarchy and Catholic universities contemplated in *Ex Corde Ecclesiae*: "Every Catholic university is to maintain communion with the universal church and the Holy See; it is to be in close communion with the local church and in particular with the diocesan bishops of the region or the nation in which it is located."<sup>3</sup> The Catholic university is a vital institution in the communion of the church and is "a primary and privileged place for a fruitful dialogue between the Gospel and culture."<sup>4</sup>

The richness of communion illuminates the ecclesial relationship that unites the distinct, and yet complementary, teaching roles of bishops and Catholic universities. In the light of communion, the teaching responsibilities of the hierarchy and of the Catholic universities retain their distinctive autonomous nature and goal, but are joined as complementary activities contributing to the fulfillment of the church's universal teaching mission. The communion of the church embraces both the pastoral work of bishops and the academic work of Catholic universities, thus linking the bishops' right and obligation to communicate and safeguard the integrity of church doctrine with the right and obligation of Catholic universities to investigate, analyze and communicate all truth freely.

The communion of all the faithful with the triune God and with one another is a theological reality expressing the will of God. It is by understanding and living this communion that bishops and Catholic universities can most effectively collaborate to fulfill their proper mission within the church. In carrying out its mission to search for truth, the Catholic university is uniquely situated to serve not only the people of God but the entire human family "in their pilgrimage to the transcendent goal which gives meaning to life."<sup>5</sup>

### III. The Catholic University's Twofold Relationship

Catholic universities are participants in the life of the universal church, the local church, the higher education community of the United States and the civic community. As such, they "are called to continuous renewal, both as 'universities' and as 'Catholic.'"<sup>6</sup> This twofold relationship is described in the May 22, 1994, joint document of the Congregation for Catholic Education and the pontifical councils for the Laity and for Culture, which states that the Catholic university achieves its purpose when "it gives proof of being rigorously serious as a member of the international community of knowledge and expresses its Catholic identity through an explicit link with the church, at both local and universal levels—an identity which marks concretely the life, the services and the programs of the university community. In this way, by its very existence the Catholic university achieves its aim of guaranteeing in institutional form a Christian presence in the university world."<sup>7</sup>

One of the ways this relationship is clarified and maintained is through dialogue that includes faculty of all disciplines, students, staff, academic and other administrative officers, trustees and sponsoring religious communities of the educational institutions, all of whom share responsibility for the character of Catholic higher education. The bishop and his collaborators in the local church are integral parties in this dialogue.

The Catholic university is related to the local and universal ecclesial community<sup>8</sup> as well as to the broader society<sup>9</sup> and the higher education academy.<sup>10</sup> In this document we are directing special attention to the relationship between universities and church authorities. *Ex Corde Ecclesiae* provides one of the ecclesiological principles to address this specific relationship.

"Bishops have a particular responsibility to promote Catholic universities, and especially to promote and assist in the preservation and strengthening of their Catholic identity, including the protection of their Catholic identity in relation to civil authorities. This will be achieved more effectively if close personal and pastoral relationships exist between university and church authorities, characterized by *mutual trust, close and consistent cooperation and continuing dialogue*. Even though they do not enter directly into the internal government of the university, bishops 'should be seen not as external agents but as participants in the life of the Catholic university'"[italics added].<sup>11</sup>

Each of these elements in the pastoral relationship of bishops with Catholic universities warrants attention.

### IV. Mutual Trust Between University and Church Authorities

Mutual trust goes beyond the personalities of those involved in the relationship. The trust is grounded in a shared baptismal belief in the truths that are rooted in Scripture and tradition, as interpreted by the church, concerning the

mystery of the Trinity: God the Father and Creator, who works even until now; God the Son and incarnate redeemer, who is the way and the truth and the life; and God the Holy Spirit, the Paraclete, whom the Father and Son send. In the spirit of *communio*, the relationship of trust between university and church authorities, based on these shared beliefs with their secular and religious implications, is fostered by mutual listening, by collaboration that respects differing responsibilities and gifts, and by a solidarity that mutually recognizes respective statutory limitations and responsibilities.

### **V. Close and Consistent Cooperation Between University and Church Authorities**

Collaborating to integrate faith with life is a necessary part of the “close personal and pastoral relationships”<sup>12</sup> to which universities and bishops are called. Within their academic mission of teaching and research, in ways appropriate to their own constituencies and histories, including their sponsorship by religious communities, institutions offer courses in Catholic theology that reflect current scholarship and are in accord with the authentic teaching of the church.

Many cooperative programs related to Gospel outreach already flourish throughout the country. It is highly desirable that representatives of both educational institutions and church authorities jointly identify, study and pursue solutions to issues concerning social justice, human life and the needs of the poor.

Allocation of personnel and money to assure the special contributions of campus ministry is indispensable. In view of the presence on campus of persons of other religious traditions, it is a concern of the whole church that ecumenical and interreligious relationships should be fostered with sensitivity.

A structure and strategy to insure ongoing dialogue and cooperation should be established by university and church authorities.

### **VI. Continuing Dialogue Among University Representatives and Church Authorities**

Dialogues occasioned by *Ex Corde Ecclesiae* may be graced moments characterized by:

- (a) A manifest openness to a further analysis and local appropriation of Catholic identity;
- (b) An appreciation of the positive contributions that campus-wide conversations make; and
- (c) A conviction that conversation can develop and sustain relationships.

A need exists for continued attention and commitment to the far-reaching implications—curricular, staffing, programming—of major themes within *Ex*

*Corde Ecclesiae*. These include Catholic identity, *communio*, relating faith and culture, pastoral outreach, the new evangelization and relationship to the church.

## VII. Catholic Identity

Catholic identity lies at the heart of *Ex Corde Ecclesiae*. In 1979, Pope John Paul II, in an address to the Catholic academic community at The Catholic University of America, stressed the importance of the Catholic character of Catholic institutions of higher learning:

“Every university or college is qualified by a specified mode of being. Yours is the qualification of being Catholic, of affirming God, his revelation and the Catholic Church as the guardian and interpreter of that revelation. The term Catholic will never be a mere label either added or dropped according to the pressures of varying factors.”<sup>13</sup>

Catholic universities, in addition to their academic commitments to secular goals and programs, should excel in theological education, prayer and liturgy, and works of charity. These religious activities, however, do not alone make a university “Catholic.” *Ex Corde Ecclesiae* highlights four distinctive characteristics that are essential for Catholic identity:

1. Christian inspiration in individuals and the university community.
2. Reflection and research on human knowledge in the light of the Catholic faith.
3. Fidelity to the Christian message in conformity with the magisterium of the church.
4. Institutional commitment to the service of others.<sup>14</sup>

Catholic universities cherish their Catholic tradition and in many cases the special charisms of the religious communities that founded them. In the United States, they enjoyed the freedom to incorporate these religious values into their academic mission. The principles of *Ex Corde Ecclesiae* afford them an opportunity to re-examine their origin and renew their way of living out this precious heritage.

Catholic universities enjoy institutional autonomy: As academic institutions their governance “is and remains internal to the institution.”<sup>15</sup> In order to maintain and safeguard their freely chosen Catholic identity, it is important for Catholic universities to set out clearly in their official documentation their Catholic character and to implement in practical terms their commitment to the essential elements of Catholic identity, including the following:

- Commitment to be faithful to the teachings of the Catholic Church.
- Commitment to Catholic ideals, principles and attitudes in carrying out research, teaching and all other university activities, including activities of officially recognized student and faculty organizations and associations, and with due regard for academic freedom and the conscience of every individual.<sup>16</sup>



- Commitment to serve others, particularly the poor, underprivileged and vulnerable members of society.
- Commitment of witness of the Catholic faith by Catholic administrators and teachers, especially those teaching the theological disciplines, and acknowledgment and respect on the part of non-Catholic teachers and administrators of the university's Catholic identity and mission.
- Commitment to provide courses for students on Catholic moral and religious principles and their application to critical areas such as human life and other issues of social justice.
- Commitment to care pastorally for the students, faculty, administration and staff.
- Commitment to provide personal services (health care, counseling and guidance) to students as well as administration and faculty in conformity with the church's ethical and religious teaching and directives.
- Commitment to create a campus culture and environment that is expressive and supportive of a Catholic way of life.

Catholic universities should make every effort to enhance their communion with the hierarchy so that through this special relationship they may assist each other to accomplish the mission to which they are mutually committed.

In a secular world the strong Catholic identity of our institutes of higher learning is invaluable in witnessing to the relationship of truth and reason, the call of the revealed word and the authentic meaning of human life. "The present age is in urgent need of this kind of disinterested service, namely of proclaiming the meaning of truth, that fundamental value without which freedom, justice and human dignity are extinguished."<sup>17</sup>

## **PART 2: PARTICULAR NORMS**

The chief purpose of the following norms is to assist Catholic colleges and universities in their internal process of reviewing their Catholic identity and clarifying their essential mission and goals. They are intended to provide practical guidance to those committed to the enterprise of Catholic higher education as they seek to implement the theological and pastoral principles of *Ex Corde Ecclesiae*. Accordingly, the norms follow the basic outline of the general norms found in *Ex Corde Ecclesiae* and provide concrete steps that will facilitate the implementation of the Holy Father's document in the context of the relevant sections of the Code of Canon Law and complementary church legislation.<sup>18</sup>

### **Article 1. The Nature of the Particular Norms**

1. These particular norms are applicable to all Catholic colleges, universities and institutions of higher learning within the territory encompassed by the NCCB, contrary particular laws, customs or privileges notwithstanding.<sup>19</sup>

2. Catholic universities are to observe the general norms of *Ex Corde Ecclesiae* and the following particular norms as they apply to their individual institutions, taking into account their own statutes and, as far as possible and appropriate, relevant provisions of applicable federal and state law, regulations and procedures.
  - a. Those universities established or approved by the Holy See, by the NCCB, by other hierarchical assemblies or by individual diocesan bishops are to incorporate, by reference and in other appropriate ways, the general and particular norms into their governing documents and conform their existing statutes to such norms. Within five years of the effective date of these particular norms, Catholic universities are to submit the aforesaid incorporation for review and affirmation to the university's competent ecclesiastical authority.
  - b. Other Catholic universities are to make the general and particular norms their own, include them in the university's official documentation by reference and in other appropriate ways, and, as much as possible, conform their existing statutes to such norms. These steps to ensure their Catholic identity are to be carried out in agreement with the diocesan bishop of the place where the seat of the university is situated.<sup>20</sup>
  - c. Changes in statutes of universities established by the hierarchy, religious institutes or other public juridic persons that substantially affect the nature, mission or Catholic identity of the university require the approval of competent ecclesiastical authority.<sup>21</sup>
3. Those establishing or sponsoring a Catholic university have an obligation to make certain that they will be able to carry out their canonical duties in a way acceptable under relevant provisions of applicable federal and state law, regulations and procedures.<sup>22</sup>

## **Article 2. The Nature of a Catholic University**

1. The purpose of a Catholic university is education and academic research proper to the disciplines of the university. Since it enjoys the institutional autonomy appropriate to an academic institution, its governance is and remains internal to the institution itself. This fundamental purpose and institutional autonomy must be respected and promoted by all, so that the university may effectively carry out its mission of freely searching for all truth.<sup>23</sup>
2. Academic freedom is an essential component of a Catholic university. The university should take steps to ensure that all professors are accorded "a lawful freedom of inquiry and of thought, and of freedom to express their minds humbly and courageously about those matters in which they enjoy competence."<sup>24</sup> In particular, "[t]hose who are engaged in the sacred disciplines enjoy a lawful freedom of inquiry and of prudently expressing their opinions on matters in which they have expertise, while observing

the submission [*obsequio*] due to the magisterium of the church."<sup>25</sup>

3. With due regard for the common good and need to safeguard and promote the integrity and unity of the faith, the diocesan bishop has the duty to recognize and promote the rightful academic freedom of professors in Catholic universities in their search for truth.<sup>26</sup>
4. Recognizing the dignity of the human person, a Catholic university, in promoting its own Catholic identity and fostering Catholic teaching and discipline, must respect the religious liberty of every individual, a right with which each is endowed by nature.<sup>27</sup>
5. A responsibility of every Catholic university is to affirm its essential characteristics, in accord with the principles of *Ex Corde Ecclesiae*, through public acknowledgment in its mission statement and/or its other official documentation of its canonical status<sup>28</sup> and its commitment to the practical implications of its Catholic identity, including but not limited to those specified in Part 1, Section VII of this document.
6. The university (in particular, the trustees, administration and faculty) should take practical steps to implement its mission statement in order to foster and strengthen its Catholic nature and character.<sup>29</sup>

### **Article 3. The Establishment of a Catholic University**

1. A Catholic university may be established, or an existing university approved, by the Holy See, the NCCB, other hierarchical assemblies or individual diocesan bishops. It may also be established by a religious institute or some other public juridic person, or by individual Catholics, acting singly or in association, with proper ecclesiastical approval.<sup>30</sup>
2. At the time of its establishment the university should see to it that its canonical status is identified, including the ecclesiastical authority by which it has been established or approved or to which it otherwise relates.<sup>31</sup>
3. The statutes of Catholic universities established by hierarchical authority or by religious institutes or other public juridic persons must be approved by competent ecclesiastical authority.<sup>32</sup>
4. No university may assume the title Catholic without the consent of the competent ecclesiastical authority.<sup>33</sup>

### **Article 4. The University Community**

1. The responsibility for safeguarding and strengthening the Catholic identity of the university rests primarily with the university itself. All the members of the university community are called to participate in this important task in accordance with their specific roles: the sponsoring religious community, the board of trustees, the administration and staff, the faculty, and the students.<sup>34</sup> Men and women of religious faiths other than Catholic on the board of trustees, on the faculty and in other positions can make a

valuable contribution to the university. Their presence affords the opportunity for all to learn and benefit from each other. The university should welcome them as full partners in the campus community.

## 2. *The Board of Trustees*

- a. Each member of the board must be committed to the practical implications of the university's Catholic identity as set forth in its mission statement or equivalent document.
- b. To the extent possible, the majority of the board should be Catholics committed to the church.
- c. The board should develop effective ways of relating to and collaborating with the local bishop and diocesan agencies on matters of mutual concern.<sup>35</sup>
- d. The board should analyze ecclesiastical documents on higher education such as *Ex Corde Ecclesiae* and this application, and develop specific ways of implementing them appropriate to the structure and life of the university.
- e. The board should see to it that the university periodically undertakes an internal review of the congruence of its mission statement, its courses of instruction, its research program and its service activity with the ideals, principles and norms expressed in *Ex Corde Ecclesiae*.

## 3. *Administration and Staff*

- f. The university president should be a Catholic.<sup>36</sup>
- g. The administration should inform faculty and staff at the time of their appointment regarding the Catholic identity, mission and religious practices of the university and encourage them to participate, to the degree possible, in the spiritual life of the university.
- h. The administration should be in dialogue with the local bishop about ways of promoting Catholic identity and the contribution that the university can make to the life of the church in the area.

## 4. *Faculty*

- a. In accordance with its procedures for the hiring and retention of professionally qualified faculty and relevant provisions of applicable federal and state law, regulations and procedures, the university should strive to recruit and appoint Catholics as professors so that, to the extent possible, those committed to the witness of the faith will constitute a majority of the faculty. All professors are expected to be aware of and committed to the Catholic mission and identity of their institutions.
- b. All professors are expected to exhibit not only academic competence and good character but also respect for Catholic doctrine.<sup>37</sup> When these qualities are found to be lacking, the university statutes are to specify the competent authority and the process to be followed to remedy the situation.<sup>38</sup>

- c. Catholic theology should be taught in every Catholic university and, if possible, a department or chair of Catholic theology should be established. Academic events should be organized on a regular basis to address theological issues, especially those relative to the various disciplines taught in the university.<sup>39</sup>
- d. Both the university and the bishops, aware of the contributions made by theologians to church and academy, have a right to expect them to present authentic Catholic teaching. Catholic professors of the theological disciplines have a corresponding duty to be faithful to the church's magisterium as the authoritative interpreter of sacred Scripture and sacred tradition.
- e. Catholics who teach the theological disciplines in a Catholic university are required to have a *mandatum* granted by competent ecclesiastical authority.<sup>40</sup>
  - 1) The *mandatum* is fundamentally an acknowledgment by church authority that a Catholic professor of a theological discipline is a teacher within the full communion of the Catholic Church.
  - 2) The *mandatum* should not be construed as an appointment, authorization, delegation or approbation of one's teaching by church authorities. Those who have received a *mandatum* teach in their own name in virtue of their baptism and their academic and professional competence, not in the name of the bishop or of the church's magisterium.<sup>41</sup>
  - 3) The *mandatum* recognizes the professor's commitment and responsibility to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the church's magisterium.
  - 4) The following procedure is given to facilitate, as of the effective date of this application, the process of requesting and granting the *mandatum*. Following the approval of the application, a detailed procedure will be developed outlining the process of requesting and granting (or withdrawing) the *mandatum*.
    - (a) The competent ecclesiastical authority to grant the *mandatum* is the bishop of the diocese in which the Catholic university is located; he may grant the *mandatum* personally or through a delegate.<sup>42</sup>
    - (b) Without prejudice to the rights of the local bishop,<sup>43</sup> a *mandatum*, once granted, remains in effect wherever and as long as the professor teaches unless and until withdrawn by competent ecclesiastical authority.
    - (c) The *mandatum* should be given in writing. The reasons for denying or removing a *mandatum* should also be in writing.<sup>44</sup>

## 5. *Students*

With due regard for the principles of religious liberty and freedom of conscience, students should have the opportunity to be educated in the church's moral and religious principles and social teachings and to participate in the life of faith.<sup>45</sup>

- a. Catholic students have a right to receive from a university instruction in authentic Catholic doctrine and practice, especially from those who teach the theological disciplines. They also have a right to be provided with opportunities to practice the faith through participation in Mass, the sacraments, religious devotions and other authentic forms of Catholic spirituality.
- b. Courses in Catholic doctrine and practice should be made available to all students.
- c. Catholic teaching should have a place, if appropriate to the subject matter, in the various disciplines taught in the university.<sup>46</sup> Students should be provided with adequate instruction on professional ethics and moral issues related to their profession and the secular disciplines.

## Article 5. The Catholic University in the Church

### 1. *The Universal Church*

- a. The university shall develop and maintain a plan for fulfilling its mission that communicates and develops the Catholic intellectual tradition, is of service to the church and society, and encourages the members of the university community to grow in the practice of the faith.<sup>47</sup>
- b. The university plan should address intellectual and pastoral contributions to the mission of communicating Gospel values,<sup>48</sup> service to the poor, social justice initiatives, and ecumenical and interreligious activities.

### 2. *The Local Church*

- a. In accordance with church teaching and the universal law of the church, the local bishop has a responsibility to promote the welfare of the Catholic universities in his diocese and to watch over the preservation and strengthening of their Catholic character.<sup>49</sup>
- b. Bishops should, when appropriate, acknowledge publicly the service of Catholic universities to the church and support the institution's Catholic identity if it is unjustifiably challenged.
- c. Diocesan and university authorities should commit themselves mutually to regular dialogues to achieve the goals of *Ex Corde Ecclesiae* according to local needs and circumstances.
- d. University authorities and the local diocesan bishop should develop practical methods of collaboration that are harmonious with the university's structure and statutes. Similar forms of collaboration should also exist between the university and the religious institute to which it

is related by establishment or tradition.<sup>50</sup>

- e. "Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstandings Between Bishops and Theologians," approved and published by the National Conference of Catholic Bishops June 17, 1989, can serve as a useful guide for diocesan bishops, professors of the theological disciplines and administrators of universities to promote informal cooperation and collaboration in the church's teaching mission and the faithful observance within Catholic universities of the principles of Catholic doctrine.
- f. Disputes about church doctrine should be resolved, whenever possible, in an informal manner. At times, the resolution of such matters may benefit from formal doctrinal dialogue as proposed by "Doctrinal Responsibilities" and adapted by the parties in question.<sup>51</sup>
- g. The NCCB, through an appropriate committee structure, should continue to dialogue and collaborate with the Catholic academic community and its representative associations about ways of safeguarding and promoting the ideals, principles and norms expressed in *Ex Corde Ecclesiae*.

### **Article 6. Pastoral Ministry**

1. The diocesan bishop has overall responsibility for the pastoral care of the university's students, faculty, administration and staff.<sup>52</sup>
2. The university, in cooperation with the diocesan bishop, shall make provision for effective campus ministry programs, including the celebration of the sacraments, especially the eucharist and penance, other liturgical celebrations, and opportunities for prayer and spiritual reflection.<sup>53</sup>
3. When selecting pastoral ministers, priests, deacons, religious and laypersons to carry on the work of campus ministry, the university authorities should work closely with the diocesan bishop and interested religious institutes. Without prejudice to the provision of Canon 969, §2, priests and deacons must enjoy pastoral faculties from the local ordinary in order to exercise their ministry on campus.
4. With due regard for religious liberty and freedom of conscience, the university, in cooperation with the diocesan bishop, should collaborate in ecumenical and interfaith efforts to care for the pastoral needs of students, faculty and other university personnel who are not Catholic.
5. In these pastoral efforts, the university and the diocesan bishop should take account of the prescriptions and recommendations issued by the Holy See and the guidance and pastoral statements of the NCCB.<sup>54</sup>

### **Article 7. Cooperation**

Catholic universities should commit themselves to cooperate in a special way with other Catholic universities, institutions and professional associations in

the United States and abroad in order to build up the entire Catholic academic community.<sup>55</sup>

In collaborating with governmental agencies, regional associations, and other universities, whether public or private, Catholic universities should give corporate witness to and promote the church's social teaching and its moral principles in areas such as the fostering of peace and justice, respect for all human life, the eradication of poverty and unjust discrimination, the development of all peoples and the growth of human culture.<sup>56</sup>

## CONCLUSION

This application will become effective one year after its *recognitio* by the Holy See.

During the five years following the effective date of this application, the NCCB, in collaboration with representatives of Catholic universities, should develop a mutually agreeable process to review and evaluate the implementation of *Ex Corde Ecclesiae* and this application, particularly regarding the nature, mission and Catholic identity of the universities.

Ten years after the effective date of this application, the NCCB will review this application of *Ex Corde Ecclesiae*, joining in sentiments expressed by Pope John Paul II:

"I turn to the whole church, convinced that Catholic universities are essential to her growth and to the development of Christian culture and human progress. For this reason, the entire ecclesial community is invited to give its support to Catholic institutions of higher education and to assist them in their process of development and renewal."<sup>57</sup>

## FOOTNOTES

<sup>1</sup> Pope John Paul II, Apostolic Constitution on Catholic Universities *Ex Corde Ecclesiae*, Aug. 15, 1990, Acta Apostolicae Sedis 82 (1990) pp. 1475-1509 [cited throughout the remainder of this document as ECE]. English translation: *Origins*, CNS Documentary Service, Oct. 4, 1990. In accordance with Canon 455, §1, the National Conference of Catholic Bishops promulgates this application as a response to the special mandate of the Apostolic See (cf. ECE, II, Art. 1, §2). The application refers to Catholic universities and other institutes of higher learning (cf. Canons 807-814); excluded from the application's treatment are ecclesiastical universities and faculties (cf. Canons 815-821), which are governed by the apostolic constitution *Sapientia Christiana* (see below Footnote 19).

<sup>2</sup> See Vatican Council II, Dogmatic Constitution on the Church (*Lumen Gentium*) 4, 7, 9-29. (Chapter II: The People of God) and passim; Congregation for the Doctrine of the Faith, "Letter to the Bishops of the Catholic Church on Some Aspects of the Church Understood as Communion," *Origins*, 22 (1992), 108-112; Catechism of the Catholic Church, 787-801 and passim; 1985 Extraordinary Synod of Bishops, "A Message to the People of God," *Origins* 15 (1985), 441-444, and "The Final Report," *Origins* 15 (1985), 444-450.

<sup>3</sup> ECE, II, Art. 5, §1.

<sup>4</sup> ECE I, 43. See also ECE, I, 49. For purposes of stylistic simplicity this document, in both the "Theological and Pastoral Principles" and "Particular Norms," uses the word university as a generic term to include universities, colleges and other institutions of higher learning.



<sup>5</sup>ECE, I, 13, quoting from "The Catholic University in the Modern World," the final document of the Second International Congress of Delegates of Catholic Universities, Rome, Nov. 20-29, 1972, Sec. 1.

<sup>6</sup>ECE, Introduction, 7.

<sup>7</sup>"The Church's Presence in the University and in University Culture." II, §2, Origins, June 16, 1994, 74-80.

<sup>8</sup>ECE, I, 27-29, 31.

<sup>9</sup>Ibid., I, 32-37.

<sup>10</sup>Ibid., I, 12, 37; II, Art. 7, §§1-2.

<sup>11</sup>Ibid., I, 28. The citation at the end is from John Paul II, address to Catholic higher education leaders, Xavier University of Louisiana, 4 [Sept. 12, 1987]: AAS 80 (1988) 764.

<sup>12</sup>ECE, I, 28.

<sup>13</sup>Pope John Paul II, address at The Catholic University of America to presidents of Catholic colleges and universities and other members of the academic community, Oct. 6, 1979: AAS 71:13 (1979) 1260.

<sup>14</sup>ECE, I, 13 [quoting "The Catholic University in the Modern World," Sec. 1].

<sup>15</sup>See ECE, I, 12 and Footnote 15; Vatican Council II, Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*) 59; Declaration on Catholic Education (*Gravissimum Educationis*), 10.

<sup>16</sup>See ECE, II, Art. 2, §§4-5.

<sup>17</sup>ECE, I, 4.

<sup>18</sup>See ECE, II, Art. 1, §§1-2.

<sup>19</sup>ECE, II, Art. 11: "Any particular laws or customs presently in effect that are contrary to this constitution are abolished. Also, any privileges granted up to this day by the Holy See whether to physical or moral persons that are contrary to this present constitution are abolished." These particular norms are not applicable to ecclesiastical universities and faculties insofar as they are governed by the apostolic constitution *Sapientia Christiana*.

<sup>20</sup>See ECE, II, Art. 1, §3.

<sup>21</sup>See ECE, II, Art. 3, §4.

<sup>22</sup>See Canon 807 and ECE, Art. 3; Congregation for Catholic Education, "Directives to Assist in the Formulation of the Ordinances for the Apostolic Constitution *Ex Corde Ecclesiae*," not dated, B1.

<sup>23</sup>See above Footnote 15.

<sup>24</sup>*Gaudium et Spes*, 62. A university's commitment to Catholic ideals, principles and attitudes is not only consistent with academic freedom and the integrity of secular subjects, it requires "[f]reedom in research and teaching" and respect for "the principles and methods of each individual discipline." ECE, II, Art. 2, §5.

<sup>25</sup>Canon 218.

<sup>26</sup>See ECE, II, Art. 2, §5.

<sup>27</sup>Though thoroughly imbued with Christian inspiration, the university's Catholic identity should in no way be construed as an excuse for religious indoctrination or proselytization. See Vatican Council II, Declaration on Religious Liberty (*Dignitatis Humanae*) 2-4.

<sup>28</sup>See Footnote 31 for a listing of canonical categories.

<sup>29</sup>In this regard, the university may wish to establish a "mission effectiveness committee" or some other appropriate structure to develop methods by which Catholics may promote the university's Catholic identity and those who are not Catholic may acknowledge and respect this identity.

<sup>30</sup>ECE, II, Art. 3, §§1-3, cf. Canon 808. Note that under Canon 322, private associations of the faithful can acquire juridic personality by the issuance of a formal decree of competent ecclesiastical authority (§1) and approval of their statutes, retaining, all the while, their private character (§2).

<sup>31</sup>A Catholic university may be established by various ecclesiastical authorities or entities (e.g., the Holy See) or by individual Catholics. Moreover, the university may be erected as a self-standing public juridic person or it may be simply a complex "activity" or "apostolate" of a

public juridic person. The following alternatives outline different categories that describe a Catholic university from the canonical perspective.

- a. *The university as an apostolate of the Holy See.* The Holy See may erect a university or approve an already-established university as an apostolate of the Holy See itself. Such universities, which are sometimes granted the title of pontifical, are erected or approved by a decree of the Holy See and their statutes must be approved by the Holy See. The "competent ecclesiastical authority" to which such universities are related is the Holy See through the Congregation for Catholic Education.
- b. *The university as an apostolate of the NCCB.* An Episcopal conference has the right to erect a university or approve an already-established university as an apostolate of the conference itself through the issuance of a decree and approval of its statutes. The "competent ecclesiastical authority" to which such a university is related is the NCCB.
- c. *The university as an apostolate of a diocesan bishop or a group of diocesan bishops.* Diocesan bishops, acting individually or jointly, have the right to erect a university or approve an already-established university as a diocesan or interdiocesan apostolate through the issuance of a decree and approval of its statutes. The "competent ecclesiastical authority" to which such a university is related is the individual diocesan bishop or the group of diocesan bishops establishing or approving it.
- d. *The university as an apostolate of a public juridic person.* A university may be established or approved as an apostolate of a public juridic person (such as a religious institute). In such cases the consent of the bishop of the diocese in which the seat of the university is situated (or of a group of bishops, the NCCB or the Holy See) and approval of its statutes are required. Such a university relates to the public juridic person that established or approved it and to the diocesan bishop (or group of bishops, the NCCB or the Holy See) as its "competent ecclesiastical authority."
- e. *The university as public juridic person.* A university may itself be erected as a public association of the faithful or some other type of public juridic person (*universitas rerum* or *universitas personarum*). Such juridic personality requires the issuance of a decree of erection and approval of the statutes by the Holy See, the NCCB, or an individual or group of diocesan bishops.
- f. *The university established by individuals.* Individual Catholics may found a university or convert an existing university into a Catholic institution without its being established or approved by the Holy See, the NCCB, individual diocesan bishops or a public juridic person. Nonetheless, in accordance with Canon 808, such a university may refer to itself as Catholic only with the consent of the competent ecclesiastical authority.

<sup>12</sup>ECE, II, Art. 3, §4.

<sup>13</sup>Canon 808.

<sup>14</sup>ECE, II, Art. 4, §1. In these norms, the phrases *board of trustees*, *president* and *administration* are used to denote the highest bodies of governance within the university's corporate and operational structure. If, in an individual case, the university's governance uses a different structure or other titles, the norms should be applied accordingly.

<sup>15</sup>In individual situations, it may be possible and appropriate to invite the diocesan bishop or his delegate to be a member of the board itself. In other cases, arranging periodic meetings to address the university's Catholic identity and mission may prove more practical and effective.

<sup>16</sup>Upon assuming the office of president for the first time, a Catholic should express his or her commitment to the university's Catholic identity and to the Catholic faith in accordance with Canon 833, §7 (See also Congregation for the Doctrine of the Faith, "Profession of Faith and Oath of Fidelity," July 1, 1988: AAS 81 [1989] 104-106; and CDF, "*Rescriptum ex audientia SS.mi Quad Affinet*," Sept. 19, 1989, AAS 81 [1989] 1169). When a candidate who is not a Catholic is being considered for appointment as president of a Catholic university, the university should consult with the competent ecclesiastical authority about the matter. In all cases the president should express his or her commitment to the university's Catholic mission and identity.

<sup>37</sup>The identity of a Catholic university is essentially linked to the quality of its professors and to respect for Catholic doctrine. The church's expectation of "respect for Catholic doctrine" should not, however, be misconstrued to imply that a Catholic university's task is to indoctrinate or proselytize its students. Secular subjects are taught for their intrinsic value, and the teaching of secular subjects is to be measured by the norms and professional standards applicable and appropriate to the individual disciplines. See ECE, II, Art. 4, §1 and above Footnotes 24 and 27.

<sup>38</sup>Canon 810, §1.

<sup>39</sup>*Gravissimum Educationis*, 10.

<sup>40</sup>Canon 812 and ECE, II, Art. 4, §3.

<sup>41</sup>*Mandatum* is a technical term referring to the juridical expression of the ecclesial relationship of communion that exists between the church and the Catholic teacher of a theological discipline in the Catholic university. The prescription of Canon 812 is grounded in the right and responsibility of bishops to safeguard the faithful teaching of Catholic doctrine to the people of God and to assure the authentic presentation of the church's magisterium. Those with such a *mandatum* are not agents of the magisterium; they teach in their own name, not in the name of the bishop. Nonetheless, they are not separate from the church's teaching mission. Responding to their baptismal call, their ecclesial task is to teach, write and research for the benefit of the church and within its communion. The *mandatum* is essentially the recognition of an ecclesial relationship between the professor and the church (See Canon 229, §3). Moreover, it is not the responsibility of a Catholic university to seek the *mandatum*; this is a personal obligation of each professor. If a particular professor lacks a *mandatum* and continues to teach a theological discipline, the university must determine what further action may be taken in accordance with its own mission and statutes (see Canon 810, §1).

<sup>42</sup>The attestation or declaration of the professor that he or she will teach in communion with the church can be expressed by the profession of faith and oath of fidelity or in any other reasonable manner acceptable to the one issuing the *mandatum*.

<sup>43</sup>Although the general principle is that, once granted, there is no need for the *mandatum* to be granted again by another diocesan bishop, every diocesan bishop has the right to require otherwise in his own diocese.

<sup>44</sup>Administrative acts in the external forum must be in writing (Canon 37). The writing not only demonstrates the fulfillment of Canon 812, but in cases of denial or removal it permits the person who considers his or her rights to have been injured to seek recourse. See Canons 1732-1739.

<sup>45</sup>In *Gravissimum Educationis*, 10, the Vatican council expressed the hope that students in Catholic institutions of higher learning will become truly outstanding in learning, ready to shoulder society's heavier burdens and to witness the faith to the world.

<sup>46</sup>See above Footnotes 27 and 37.

<sup>47</sup>See ECE, I, 38ff. and Footnote 44.

<sup>48</sup>See ECE, I, 48-49.

<sup>49</sup>See ECE, II, Art. 5, §2. See also the responsibilities of the diocesan bishop set forth in Canons 392, §1; 394, §1; 756, §2; 810, §2; 813.

<sup>50</sup>The following are some suggestions for collaboration:

- Arranging for the diocesan bishop or his delegate and members of the religious institute to be involved in the university's governance, perhaps through representation on the board of trustees or in some other appropriate manner.
- Sharing the university's annual report with the diocesan bishop and the religious institute, especially in regard to matters affecting Catholic identity and the religious institute's charism.
- Scheduling regular pastoral visits to the university on the part of the diocesan bishop and the religious institute's leadership and involving the members of the diocese and the institute in campus ministry.
- Collaborating on evangelization and on the special works of the religious institute.
- Conducting dialogues on matters of doctrine and pastoral practice and on the development of spirituality in accordance with the religious institute's charism.

- Resolving issues affecting the university's Catholic identity in accordance with established procedures. (See ECE, II, Art. 5, §2 and ECE Footnote 51).
  - Participating together in ecumenical and interfaith endeavors.
  - Contributing to the diocesan process of formulating the quinquennial report to the Holy See.
- <sup>51</sup>See NCCB, "Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstandings Between Bishops and Theologians," June 17, 1989, Washington, D.C.: USCC, III, C, pp. 16-22. When such disputes are not resolved within the limits of informal or formal dialogue, they should be addressed in a timely manner by the competent ecclesiastical authority through appropriate doctrinal and administrative actions, taking into account the requirements of the common good and the rights of the individuals and institutions involved.
- <sup>52</sup>See Canon 813.
- <sup>53</sup>See ECE, II, Art. 6, §2.
- <sup>54</sup>See ECE, II, Art. 7, §1; NCCB, "Sons and Daughters of the Light: A Pastoral Plan for Ministry with Young Adults," *Origins*, Nov. 28, 1996, 384-402, esp. 398-401; "Letter to College Students," *Origins*, Dec. 7, 1995, 429-430; "Empowered by the Spirit," Washington, D.C.: USCC, 1985.
- <sup>55</sup>See ECE, I, 35 and ECE, II, Art. 7, §2.
- <sup>56</sup>See ECE, I, 32-35.
- <sup>57</sup>*Ibid.*, Introduction, 11.

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