

Academic Freedom and Catholic Higher Education: Bridging the Gap of a Conundrum

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Abstract

Academic freedom has been a hallmark of higher education, including Catholic colleges and universities, for several generations. However, in the post-Vatican II era an almost palpable and tangible diminution of Catholic identity for many Catholic colleges and universities in the United States has prompted some to call into question the absoluteness of academic freedom. Can academic freedom be absolute in Catholic colleges and universities when the mission of the institution is threatened?

This essay argues that while both institution and individuals need the freedom to operate, the Catholic mission of colleges and universities and their maintenance of a fair presentation of Church teaching must be equally inviolate. When conflict arises it is the task of administrators, both boards of trustees and on-campus officers, to promote the Catholic identity and maintain the institution's mission through procedures and, as necessary, discipline to individuals who willingly threaten or abuse that mission.

Key Words: Academic Freedom, Catholic education, Vatican II

During the height of the nineteenth century immigrant Church in the United States, Catholics faced a perennial question from their Protestant neighbors: How is it possible to be both Catholic and American? The presumption on the part of the questioner was that because the norms of American democracy and republicanism appeared to be in conflict with the earlier European view of Church and State acting as one, it was impossible for Catholics in the United States to connect their faith to American ideals. However, as certain individuals, such as Isaac Hecker, founder of the Paulist Fathers, fervently proclaimed and as history has demonstrated, Catholics have not only integrated themselves into American society but have thrived, being the single largest religious denomination in the country since approximately 1850. Catholics have not only demonstrated how one can be a strong proponent of American values while still adhering to the teachings of the Faith, they have provided a model for bridging ideas that, at least to many, seem irreconcilable.

The post Vatican II era of American Catholic higher education has seen a similar question of apparent incompatibility in the area of academic freedom. One of the deans of American Christian history, Martin Marty, has written, "Academics seek academic freedom; without it they cannot be effective. Religious people seek spiritual freedom; without it they cannot be fulfilled. What happens when there is an apparent conflict between the two freedoms? What happens when a teacher, researcher, or student is caught in the crossfire between upholders of each freedom?" (Marty, 1998) The scholar of education, Cyril Orji, has more recently synthesized the basic dilemma:

There are those who claim that academic freedom means that professors and researchers, because they search for truth, cannot be brought under the jurisdiction or control of the magisterium. They argue that to be made to submit to the magisterium amounts to compromising the truth. There are also those who argue that a college or university operating within the Catholic tradition ought to recognize the place and role of the Pope and the magisterium as legitimate interpreters of this ecclesial and intellectual tradition. (Orji, 2013)

As with the great question of the nineteenth century, simultaneously being Catholic and American found resolution, so too there exists a bridge that can connect this apparent unnegotiable gap. This essay argues that a college or university can be both Catholic, as defined by loyalty to magisterial teaching, and at the same time an educational institution which seeks the truth through all avenues of academic pursuit. Academic freedom should not restrict what is taught, but professors must be mindful to teach accurately and fully, in ways that are not disparaging of Catholic theology, tradition, and magisterial teaching on any and all issues raised in the classroom. Academic freedom is essential, but it comes with an inherent responsibility to respect the religious mission of the institution. There is a bridge to the academic freedom-magisterial allegiance gap, and it can and must be traversed.

Academic Freedom: An Historical Overview

Although academic freedom has roots as early as the medieval universities,¹ its present manifestation began to find better definition and clarity beginning in the mid-twentieth century. In 1953 Professor Charles Stephenson defined academic freedom as,

the freedom of professionally qualified persons to inquire, discuss, publish and teach the truth as they see it in the field of their competence, without any control of authority except the control of authority of the rational methods by which truth is established. (Quoted in Wuerl, 1989)

More recently, the scholar Frederick Crosson speaks of a two-faced concept of academic freedom, freedom of the institution and the individual. While related, the two ideas, as will be demonstrated, seek different goals, but both with appropriate limits. Freedom of the institution to operate without interference from the magisterium is paired with the autonomy of the professor to control the content and pedagogy of the classroom environment. In both cases, however, Crosson suggests absolute freedom and autonomy for religious-based institutions, specifically Catholic, is not possible if they are to maintain the mission of their college or university. (Crosson, 1994) Crosson's ideas were recognized as early as 1940 by the American Association of University Professors (AAUP), which stated concerning hiring procedures for faculty, "Limitations in academic freedom because of religious and other aims of the institution should be clearly stated in writing at the time of appointment." (Quoted in Heft, 1999)

The Second Vatican Council (1962-1965) had a dramatic effect on many aspects of Roman Catholicism, including Catholic higher education. Promotion of the laity as equal partners with priests and religious in all aspects of Church life was one of a series of factors that led to the onset of canonical alienation, the process of removing full control of Catholic colleges and universities from their founding religious groups. Beginning in 1967 at the University of Notre Dame and Webster College, Catholic colleges and universities across the United States began to cede control (canonical alienation) of their institutions to boards of trustees comprising both religious and lay men and women. This shift of control, coming in the 1960s, an era of greater openness and secularization on all fronts, was prompted by, in addition to the Council's ideas, a desire for government funding, the recognition for Catholic institutions to be recognized as places of true scholarly inquiry, and a greater need to be accepted within secular society. (Fogarty, 1998) This movement, described by the American Catholic Church historian, David O'Brien as, "the Catholic academic revolution," sought to realize the long-perceived goal in Catholic centers of higher learning, namely the achievement of a high level of professional excellence. While intended to make Catholicism an influential and constructive force in American life by making confident and faithful Catholics major players in the centers of power, O'Brien admits, "Yet after 30 years of enormous effort, the outcome of this remarkable project remains uncertain." (O'Brien, 2003) The economic and institutional pressures to enter into the mainstream of higher education, and the simultaneous move toward modernity at Vatican II, dictated that Catholic higher education would never be the same. The historian of American Catholic higher education, Alice Gallin, O.S.U., concedes that while religious communities recognized the need for their institutions to adapt to societal changes in the United States and to update their mode of operation, "These changes became far more radical than one had anticipated." With respect to academic freedom she concludes,

Anxious to be included in the wide world of American higher education, administrators of Catholic colleges had to confront the twin pillars of academic culture—academic freedom and institutional autonomy. Limits imposed by hierarchical authority on control or method of teaching in such disciplines as philosophy, theology, and the natural or social sciences were now restricted as inappropriate for a college or university. (Gallin, 1999)

In the wake of Vatican II and canonical alienation, academic freedom began to take on a new understanding in the minds of many associated with the apostolate of Catholic higher education. This development was inaugurated in large measure and certainly greatly advanced by the 1967 Land O'Lakes Statement. The declaration by the assembled Catholic educators begins by advancing a new emphasis for Catholic institutions of higher learning:

The Catholic University today must be a university in the full modern sense of the word, with a strong commitment to a concern for academic excellence. To reform its teaching and research functions effectively the Catholic University must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself. To say this is simply to assert that institutional autonomy and academic freedom are essential conditions of life and growth and indeed of survival for Catholic universities as for all universities.

While the statement shortly thereafter suggests that “the Catholic University must be an institution ... in which Catholicism is perceptively present and effectively operative,” the initial thrust and overall understanding of this foundational document pushed the concept of academic freedom away from its earlier understanding which imposed strictures, from appropriate authoritative sources, on the presentation of Church teaching. (Found in Gallin, 1992) This new direction for academic freedom was consistent with the new approach of the AAUP which, in 1982, found it necessary to criticize colleges that placed limits on academic freedom in its document, “Recommended Institutional Regulations on Academic Freedom and Tenure.” It states “[A] college or university is a marketplace of ideas, and it cannot fulfill its purpose of transmitting, evaluating and extending knowledge, if it requires conformity with any orthodoxy of content and method.” (Heft, 1999) Indeed, the eminent American Church historian, Gerald Fogarty, S.J., captured the thought and perception of the framers of the statement: “The Land O'Lakes statement may have been a *de facto* description of what Catholic universities had to be, if they were to survive.” (Fogarty, 1998)

While this shift in understanding of academic freedom was clearly accepted by most professor and administrators involved with Catholic higher education, cautions associated with this new direction were voiced. Bishop (now Cardinal Archbishop of Washington) Donald Wuerl accurately described the new understanding:

Today academic freedom has also come to include not only freedom of investigation and of expression, but also freedom to teach and to advocate a way of action. As presented today, the concept of academic freedom carries with it the idea of unlimited, unfettered freedom to express any thought, with its inherent consequences, and the concomitant right to propose theories as the basis for personal action. (Wuerl, 1988)

The academician, James Heft, S.M. added that academic freedom had come to mean that scientific method with its necessity for information verifiable by science was the only appropriate approach in college-level curricula. (Heft, 1999) The Catholic theologian, James Hitchcock, voiced his concerns over the evolution of academic freedom that occurred between 1965 and 1975. He critiqued the new direction as one chosen with no apparent relation to previous traditions, but seeking to uncritically bow to the view of the institution. He concluded,

In the Catholic universities what emerged from a process which was at best unplanned and piecemeal was an attempt at a liberal Catholic synthesis. Under this dispensation the institution continued to claim a religious identity but also proclaims its universal openness to the larger world. (Hitchcock, 1999)

In 1967, in what now could be seen as a prophetic statement, the priest sociologist, Andrew Greeley, commented on the future of Catholic higher education:

At the precise time that the American Church is attempting to become more thoroughly American, the Universal Church is attempting to become more thoroughly contemporary. These two tensions not only are bound to have an impact on developments in Catholic higher education but are also likely to impart a special and rather interesting flavor to what is going on in Catholic colleges. Hence, the intriguing question about the change in Catholic higher education is not merely how Catholic colleges improve, but how they improve while simultaneously remaining the same. How do they shift many of their emphases and goals and at the same time maintain whatever goals are thought to be essential in order that they may continue to be Catholic? (Greeley, 1967)

Writing in the mid-1980s, the educator Edward Berbusse, concluded:

The modern Catholic college has either wholly capitulated to the modernist dogma of “academic freedom” as the foundation of its educational experience; or it has confusedly mixed its purpose that commitment to the Church and to absolute academic freedom stand side-by-side in a bad case of schizophrenia. (Berbusse, 1986)

Indeed, more generally, as Cyril Orji has commented, today the nature of a Catholic institution of higher learning is “a matter of intellectual debate.” (Orji, 2013)

The Arguments for Academic Freedom

Unquestionably a significant majority of those involved in higher education, both secular and religious, including Catholic institutions, view academic freedom as both a foundational necessity and a bulwark against interference from outside agents. While dated (1930), the philosopher Arthur Lovejoy’s definition of academic freedom continues to ring true for its supporters:

The freedom of the teacher or research worker in higher institutions of learning to investigate and discuss the problems of his science and to express his conclusions, whether through publications or in the instruction of students, without interference from political or ecclesiastical authority, or anyone else except “qualified bodies of his own profession” who might find him “clearly incompetent or working contrary to professional ethics.” (Marty, 1998)

Indeed, the AAUP suggests that a true University “places its highest value on freedom from any orthodoxy.” (Heft, 1999) During the last generation many Catholic scholars, feeling pressure to fit into the broader American perspective on higher education and to compete with secular institutions, have articulated fears concerning possible negative effects from forces outside the academy. Father James Heft suggests that academic freedom for Catholic colleges and universities must be broadened, beyond individual rights; “it has to be inclusive enough to encompass the corporate, the communal emphases of Christian tradition. Moreover, for Catholic universities, a corporate notion should be given a certain priority.” (Heft, 1999) He described his vision for Catholic higher education and academic freedom: “Catholic universities should be ‘open circles,’ that is, they should engage appreciatively and critically all that is worth knowing, including the difficult and important issues.” (Heft, 2006)

One of the principal arguments that proponents of absolute academic freedom present is the fear that ecclesiastical interference will compromise the academic integrity of institutions of higher learning. Professor *emeritus* and former President of the American Catholic Historical Association, Martin Marty, has expressed this concern in varied ways. With reference to the separate roles of church and academy, he has written: “The authorities have to know that every exercise of [church] power is perceived as a violation of the rules of the academic game—a college of the church is not the church or a church.” (Marty, 1998) Speaking more specifically about how such interference affects the individual professor, he has commented: “When ecclesiastical authority with heavy hand restricts the teacher at a church-related school, all potential for making their supplemental and enriching contributions to the rest of the academy is lost.” (Marty, 1998) Marty goes so far to say if Canon 812 were fully effectuated in the United States, “Listen for some good-bye church! and good-bye academy! farewells on Catholic campuses” (Marty, 1998) James Heft has concluded, “Nevertheless, for many secular academics the acceptance in faith of the Christian revelation appears to be an indefensible sacrifice of intellectual freedom.” (Heft, 2006) The Catholic educator, Carl Peter, has suggested that Catholic higher education would benefit from a more open approach to academic freedom:

Catholic theologians might do well to think out with specialists what would be the best way in American law to defend the distinctive nature of their disciplines as well as the freedom it needs to survive and thrive in American universities that are Catholic. (Peter, 1991)

The response of the Church to the aforementioned concerns has covered a wide spectrum. Donald Wuerl has suggested that, “Academic freedom is not a good in itself, but a necessary part of the climate in which scientific investigation and intellectual development can prosper. In every scientific process there must be the freedom to explore and develop theories as well as to test those teachings which are accepted and in place.” (Wuerl, 1998) The educator, John Richardson, has pointed out that college and university faculty have regarded “outside political limits on freedom as destructive to the pursuit of truth.” (Richardson, 2000) Professor William Hoye acknowledges that “the Church can be an opponent of academic freedom, but it is no less true that it can provide a protective canopy for freedom without betraying either the University or the Church itself.” (Hoye, 1997)

Clearly, a fairly wide spectrum of understanding on academic freedom prevails within the Church; there is no one way to view it. Bringing the topic to an academic discussion is, therefore, an important exercise, not only from the intellectual perspective, but for the needs of the Church and the future advancement of Catholic higher education.

Academic Freedom and Catholic Identity

The issue of academic freedom in Catholic colleges and universities is closely tied to the related concerns of the purpose of Catholic higher education and Catholic identity. Do Catholic colleges and universities exist to be the competition for such icons as Harvard and Berkeley or to provide an alternative model of academic excellence? Wilson Miscamble, CSC, professor of history at the University of Notre Dame, has offered an opinion:

If Catholic colleges and universities are to be faithful to their mission, as set forth so beautifully in *Ex corde ecclesia* (1990), they must certainly resist any temptation to pursue a path that might lead them to become mere training centers for those who staff the existing economic system and research facilities for American corporations. (Miscamble, 2006)

The loss of Catholic identity, arising from academic freedom, as well as the aforementioned post-Vatican II shift in control of Catholic colleges and universities, has been a subject addressed by numerous scholars. The Protestant historian, George Marsden laments the loss of religious identity in virtually all colleges and universities that were originally founded and affiliated with a particular religious tradition:

The logic of the non-sectarian ideals which the Protestant establishment had successfully promoted in public life dictated that liberal Protestantism itself should be moved to the periphery to which other religious perspectives had been relegated for some time. The result was an “inclusive” higher education that resolves the problems of pluralism by virtually excluding all religious perspectives from the nation’s highest academic life. (Marsden, 2001)

In his book *The Dying of the Light: The Disengagement of Colleges and Universities from their Christian Churches*, the theologian James Burtchaell, CSC, critiqued institutions of higher education, both Protestant and Catholic, for their drift away from their religious roots. In a related article, he addressed the drift in identity of Catholic institutions by addressing failures in the process of hiring:

The Catholic colleges, in a liberating ecumenical age, have begun one century after the Protestants did the same, to welcome an increasingly diversified faculty in which the communicants of the sponsoring church are fewer, and often a minority. But statistics tell only part of the story. The opening to non-communicants appears to reflect a spirit not so much ecumenical as indifferent. Non-Catholics are welcomed not as aliens in a religious undertaking; instead they are recruited, evaluated, appointed, and welcomed without *any* [emphasis original] frank word about religious commitment, the college’s or their own, unless by way of apology. While the remaining believers of the sponsoring church may imagine that the newcomers are being incorporated into the traditional undertaking of the college, in fact the opposite seems to be happening. Instead of their even being asked to defer to the college’s religious commitment, the college stands ready to defer to their many individual commitments or anti-commitments, out of what it calls hospitality. (Burtchaell, 2001)

A number of other scholars have noted this same drift in Catholic identity. In the late 1960s education scholars Christopher Jencks and David Riesman, conceded that Catholic institutions had already become “colleges” in the Anglo-American sense. Their fear, however, was greater: “The question is now whether the logic of their situation will allow them to remain ‘Catholic’ in any recognizable sense.” (Jencks and Riesman, 1969) Cyril Orji, referencing the Jesuit educator, Father Joseph Tetlow, has written, “If Catholic colleges and universities fail to embrace their identity, they may ‘go the way of Yale, Princeton, and Brown have gone, which may not seem too dire. But they may also go the way scores and even hundreds of others have gone— they are gone and no longer remembered at all. This possibility catches their attention.” He goes on to say, “The ideal of academic freedom and the recognition of the autonomy of the individual that was so much a part of the Protestant break from Catholicism are now the ‘heart and soul’ of American Catholic universities.” (Orji, 2013) Miscamble has commented on how this drift in identity has ill-affected students:

While their buildings are quite real, what goes on within them has increasingly lost its distinctive content and come to resemble what occurs in secular institutions of higher learning. Students emerge from Catholic schools rather unfamiliar with the riches of the Catholic intellectual tradition and their imaginations untouched by a religious sensibility. (Miscamble, 2007)

The liberal mindset which lies behind this drift in Catholic identity and its consequent ramifications for Catholic higher education in general has also been extensively addressed. James Hitchcock has accurately observed: “Liberal opinions are so deeply embedded in academic culture as to be accepted by most professors as self-evidently true, and not even to be debated.” This perspective leads directly to the idea that any ideas of religious orthodoxy would be considered inherent violations of academic freedom. (Hitchcock, 1987-88) This loss of religious centrality must be recovered for Catholic colleges and universities to reclaim their *raison d’être*.

Academic Freedom and Catholic Higher Education

For the Catholic college or university what is the ultimate rationale for academic freedom? Certainly the answer must be that it serves as a vehicle for discovering the truth. The Dominican friar, Theodore Hall, agrees with this assessment: “Academic freedom is but an instrument to a higher end: the truth.” (Hall, 1990) Edward Berbusse concurs but goes further:

Confusion arises from the belief that academic freedom is the ultimate value in any academic institution. It is forgotten that the college is in pursuit of Truth; that there are surer guides to Truth than mere uninhibited freedom. (Berbusse, 1986)

He goes on to say, “To hold academic freedom in priority of right to Eternal Truth is to prefer a failing reason of man to the Word of God.” (Berbusse, 1986) More specifically, for Catholics truth finds its starting point in revelation. Wuerl admits that in the classic definition of academic freedom no other voice than the individual can be determinant in the process. Yet, for theology revelation is the starting point. Thus, he concludes, “Any definition of freedom of investigation for the theologian includes, as internal to the process, revelation as both the starting point and the principle of verification.” He goes on to say, “Personal opinion, by itself, is not a sufficient basis for the formation of a correct Catholic conscience. Catholic teaching is.” (Wuerl, 1988) Berbusse holds a similar position: “Academic freedom, like all freedom, must only be conceived in relation to the individual’s obligation to truth. No man has a right to unlimited freedom.” (Berbusse, 1986) Pope Benedict XVI has also addressed this key issue. In an address to American Catholic educators he stated:

In regard to faculty members at Catholic colleges and universities, I wish to reaffirm the great value of academic freedom. In virtue of this freedom you are called to search for the truth wherever careful analysis of evidence leads you. Yet it is also the case that any appeal to the principle of academic freedom in order to justify positions that contradict the faith and the teaching of the Church would obstruct or even betray the university’s identity and mission: a mission at the heart of the Church’s *munus docendi*, and not somehow autonomous or independent of it. (Pope Benedict, 2013)

By nature of the institution, academic freedom for Catholic colleges and universities has a direct association with the magisterium. Donald Wuerl has accurately described this connection:

Both science and Catholic theology respect the process of intellectual investigation in a climate of academic freedom. Theology, however, includes as integral to its process both demands of revelation and the exercise of the bishops’ teaching office. (Wuerl, 1988)

The role of the bishops is not external or extraneous to the Church’s self-understanding, but an essential element; thus, Catholic colleges and universities must not only recognize, but see the magisterium as a central influence in their theological academic program. Berbusse has summarized this essential connection between institution and the magisterium: “All elements in a [Catholic] college should be in harmony with its basic philosophy which is ancillary to theology which, in turn, as the science of God has its inspiration and definitiveness of teaching within the magisterium of the Church.” (Wuerl, 1988)

As one might expect, Canon Law (#s 809-812), also addresses this important connection, laying out responsibilities for both local ordinaries and Catholic colleges and universities. Episcopal conferences of bishops are encouraged to have “suitably located universities or at least faculties in which the various disciplines, while retaining their own scientific autonomy, may be researched and taught in the light of Catholic doctrine.” (Code of Canon Law, 809) Canon 810 presents the most direct responsibility to the educational institution:

In Catholic universities it is the duty of the competent statutory authority to ensure that there be appointed teachers who are not only qualified in scientific and pedagogical expertise, but also outstanding in their integrity of doctrine and uprightness of life. If these requirements are found to be lacking, it is also the authority's duty to see to it that these teachers are removed from office, in accordance with the procedure determined in the statutes. (Code of Canon law, 810)

Canon 812, along with the controversial encyclical *Ex corde ecclesiae* (1990) states that those who teach theological subjects are to obtain a mandate from competent ecclesiastical authority in order to teach. (Code of Canon Law, 812, Toolin, 2004)

In order for Catholic colleges and universities to always seek the truth through their connection to the magisterium, certain limits on academic freedom are necessary. Wuerl, using the definition of Charles Stevenson, describes both the necessity and limitations to academic freedom:

The freedom of professionally qualified persons to inquire, discover, publish and teach the truth as they see it in the field of their competence, without any control of authority except the control of the authority of the traditional methods by which truth is established. (Wuerl, 1988)

The famous nineteenth century English scholar, John Henry Newman, clearly described the need for the Church to have a supervisory role in Catholic higher education:

It is no sufficient security for the Catholicity of a university, even that the whole of the Catholic theology should be professed in it, unless the Church breathes her own pure and unearthly spirit into it, and fashions and moulds its organization and watches over its teaching and knits together its pupils and superintends its action. (Quoted in Wuerl, 1989)

Emanating from the heart of the Church, Catholic education must hold revelation at the center of its educational philosophy and content. Scientific method sees itself as the only possible purveyor of truth. However, such an understanding totally negates the possibility of revelation as an equal player in the quest for truth. On this point, James Heft has commented:

They [promoters of scientific method] need to recognize that the scientific method can also exercise authority, as when it relegates religious belief and traditions to the realm of inferior and less reliable knowledge. The problem is not with the scientific method properly and humbly employed— it gives us real and valuable knowledge of the world. The problem is with those scientists and others who believe that it produces the only knowledge worth having. (Heft, 1999)

Academic freedom must always incorporate the basic truths of revelation, since the latter stands as the basis of Catholic truth. (Wuerl, 1988) Failure to enforce these ideas leads to the secularization of the institution and, therefore, compromising the basic rationale and mission of Catholic higher education.

Since no freedom is absolute, academic freedom in a Catholic college or University must also have its limitations. The moral theologian, Michael Baxter, has written,

Every intellectual tradition places some constraints upon academic freedom, including that liberal tradition which disavows all such constraints for this very disavowal excludes the understanding of freedom embodied in Catholic tradition. (Quoted in Heft, 1999)

While the Academy over the last half-century has moved to institutionalized academic freedom as an unmovable pillar, some in Catholic higher education have raised a red flag warning. Cyril Orji has commented, "Many advocates of Catholic education are uneasy about the idea of unlimited or unabridged freedom and the idea that the university is self-governing, self-constituting, independent and free from religious authorities." (Orji, 2013) Professors should understand that limits to academic freedom, including the accurate presentation of Church teaching and the elimination of personal opinion as fact, must exist in order to meet the mission of the institution, and not violate its *raison d'être*. The Dominican Father, Theodore Hall, has commented,

Teachers appointed by the Church are sent on a contractual mission to teach what the Church teaches. The academic freedom of the teacher is thereby limited by both the matter to be taught and the mutual agreement. A believer who by appealing to academic freedom, contests and rejects his/her Church's position does not represent and teach what the Church teaches, but abuses a contract and trust. (Hall, 1990)

Indeed, the mission of the institution must require that those in teaching positions manifest in their pedagogical content and thinking a respect for the Church. Edward Berbusse has synthesized the argument:

Since the Church must have a guiding role in relation to all matters of Faith taught and practiced in Catholic colleges, the college has a right to require of its professors—in the areas where faith is involved—a loyalty to the college’s reason for existence. (Berbusse, 1988)

If some limitation to academic freedom is necessary at Catholic colleges and universities, then what should academic freedom mean at these institutions? Catholic colleges and universities must be free and autonomous institutions in how they operate and the academic programs they offer, yet, as the historian of American Catholic higher education, Alice Gallin, OSU, has written, “American Catholic colleges and universities cannot . . . deny the centrality of Jesus Christ to that tradition without giving up their Catholic intellectual heritage.” (Gallin 2000) Similarly, individual professors must have their autonomy in the classroom, but not to the detriment of the mission or the accurate presentation of the Catholic position or teaching on a particular subject or issue. Intellectual inquiry necessitates the introduction of various ideas, including those in opposition to Church teaching, but this is not a license to insert personal opinion or doctrine or to state such opinions that ridicule Church teaching. For example, professors should clearly state Church teaching on homosexuality (as opposed to homosexual activity), and refrain from overly biased opinions and even ridicule of Church teaching on artificial contraception, abortion, euthanasia, and alternative forms of conception. The Catholic educator, Paul O’Reilly, has addressed this issue: “The view that the Church ought not [to] determine what belongs to orthodox Catholic doctrine, that instead of this it should be determined by free inquiry supposes that the Church’s view is questionable and able to be rejected.” (O’Reilly, 1989) While the more liberal position suggests that limitations restrict academic rigor and narrow perspective, it is readily clear that such progressive thinking places its own limits on the Academy. As Berbusse has written, “The slogan ‘free speech’ becomes the arbiter of all speech and behavior; and, as it exerts its absolute permissiveness, it simultaneously denies freedom to those who oppose it.” (Berbusse, 1988)

The model of academic freedom presented in this paper faces strong and serious challenges, but there is a way forward. While certain models of academic freedom move the intellectual effort in theology away from the Church, the situation can be reversed. Administrators in Catholic colleges and universities must have the courage to act when the mission of their institutions is threatened or abused. The privilege of serving as a high level administrator carries the significant responsibility to act with sufficient strength and define policies necessary to assure the basics of revelation are not trampled or dismissed as irrelevant. This may necessitate disciplining faculty who use the classroom to personally oppose the Church and her teaching. Administrators must also have greater oversight in the process of faculty hiring, including veto power on candidates selected by faculty for vacancies in any particular department. The spirit of *Ex corde ecclesia*, that sought to provide students with accurate Church teaching on issues, by setting clear guidelines for faculty teaching in theology and religious studies departments in presenting personal beliefs as official Church teaching, must be promoted and made normative. As argued herein, academic freedom is limited in Catholic higher education; appropriate policies to insure this view must be implemented by responsible administrators.

The perspective that academic freedom must be limited when the mission of the institution is threatened or outwardly violated is presently manifested in policies utilized in Catholic colleges and universities in the United States. Franciscan University at Steubenville (FUS), for example, while promoting responsible academic freedom, including the observance of the aforementioned 1940 AAUP statement, provides clear policies with respect to the institution’s mission. Referencing classroom teaching, its “Mission and Application” statement reads in part:

The University is thereby committed to: being truly Catholic in its full submission to the teaching authority of the Catholic Church, thereby teaching as true what that teaching authority teaches as true, rejecting all propositions contrary to those truths, and promoting thereby all the truths of Revelation whether found in Scripture or Tradition as taught by the Catholic Church. (Franciscan University of Steubenville, “Mission and Application Statement.”)

The University's policy with respect to guest speakers, both those invited by academic and nonacademic personnel at the school, is equally clear, straightforward, and consistent with respect to the need of upholding the institution's mission: "FUS is committed to *The Mission* of the University and will not permit talks that undermine *The Mission* of the University, cause confusion as to the teaching of the Magisterium, or allow presentations that are otherwise inappropriate to our Christian and Catholic identity." (Franciscan University of Steubenville, "Speaker Policy.") In another place the policy reads: "The University reserves the right to deny approval for any speaker to make a presentation on campus whose appearance or presentation, in the judgment of the President or his designee, would compromise the University's Mission or 'promote propositions and values contrary to Catholic teaching.'" (Franciscan University of Steubenville, "Speaker Policy.") Franciscan University promotes free interchange of ideas with invited speakers, but with clear guidelines for sponsoring faculty members:

The sponsoring faculty member shall attend the talk and, in the event that scandal or confusion about Church teaching results, will be responsible for offering the needed clarifications. While speakers may disagree with the teaching of the Magisterium, the sponsoring faculty member and the department chair are jointly responsible for seeing that attendees are given a clear understanding of the relevant teaching of the Magisterium. (Franciscan University of Steubenville, "Speaker Policy.")

Some Catholic colleges approach the concept of limited academic freedom more directly and personally. For example Thomas Aquinas College in Santa Paula, California and Christendom College in Front Royal, Virginia, both of which are unapologetically Catholic, require professors to take an oath of fidelity to the Magisterium. In a letter to the author, the Director of College Relations at Thomas Aquinas stated with respect to faculty hiring: "In the interview process, we make it very clear that our commitment to the teaching Church is nonnegotiable." The maintenance of the Catholic mission is thus assured through a personal oath. In its "Board of Trustees Statement on Catholic Identity," Mount St. Mary's University in Emmitsburg, Maryland "reasserts the critical importance of the Catholic identity in all operations of the University," stating, "All faculty, staff, administrators, executive officers and trustees are to work in concert with and support [the] Catholic identity." (Mount St. Mary's University, "Board of Trustees Statement on Catholic Identity.") Charles W. Eaker, Provost at the University of Dallas, has written,

If the University's mission has been compromised as a result of works or actions of a professor, the administration would meet with the individual professor to address the issue. Similarly, in cases of outside speakers, we expect hosts to make good decisions about speakers to invite. If the speaker expresses views inconsistent with the Universities mission, the host has the responsibility of indicating to the audience that these views are not consistent with the University's mission and commitment to fidelity to the teachings of the Catholic Church. (Charles W. Eaker, E-mail to the author, November 15, 2016.)

In his 2008 address to American Catholic educators at The Catholic University of America, the Pope *emeritus*, Benedict XVI, summarized well the need to act when a college or university's Catholic identity is threatened:

In regard to faculty members at Catholic colleges and universities, I wish to reaffirm the great value of academic freedom. In virtue of this freedom you are called to search for the truth wherever careful analysis of evidence lead you. Yet it is also the case that any appeal to the principle of academic freedom in order to justify positions that contradict the faith and the teaching of the Church would obstruct or even betray the University's identity and mission; a mission at the heart of the Church's *munus docendi* and not somehow autonomous or independent of it. (Pope Benedict 2013)

While freedom of action and thought have always been hallmarks of the Academy, and the mission and purpose of Catholic institutions of higher education necessitate an approach that upholds these basic rights, it is equally important that the right of the magisterium and the truth of Revelation be maintained. Only by upholding both of these entities can a Catholic institution be a true college or university and at the same time maintain its mission. Change is often challenging and resisted, but if James Burtchaell, CSC's analysis is correct, namely that Catholic institutions will, if action is not taken, go the route of many famous Protestant schools and lose their religious identity, then action is necessary. (Burtchaell, 1998)

Conclusion

The dilemma of American Catholicism, manifested in the nineteenth century in the perceived incompatibility for one to be both American and Catholic has, in the post-Vatican II world been shifted in the area of education to the issue: Can institutions of Catholic of higher education be both a university and Catholic? Since the 1967 Land O'Lakes Statement, which stressed that Catholic colleges and universities were first a university, but without the diminution of their Catholic character and identity, there has been, nonetheless clear movement of institutions toward the endorsement of secular education and values and the consequent relegation of Catholic principles and tenets to a position of lesser importance on the periphery. Cardinal Donald Wuerl has addressed the problem: "The Catholic model of academic freedom faces strong and serious challenges now ... from other models of academic freedom which would empty the intellectual effort in a university setting of its theological content and direction." (Wuerl 1998) Similarly, Edward Berbusse has stated, "In trying to prove itself super-free, the Catholic college often finds itself alienated from the Church." (Berbusse, 1988). While the unsettled situation in Catholic higher education can be seen in many avenues, the battle over academic freedom serves as one of the most obvious and significant issues for the future of American Catholic colleges and universities. While the move to the more progressive position of complete autonomy for both institution and individuals is a generally accepted norm, there must be a bridge toward a more middle ground which maintains academic integrity while simultaneously maintaining the integrity of Catholic teaching. Administrators of institutions need to act in accordance with the mission of the school which for those who claim to be Catholic must obviously include a direct connection to the magisterium. Professors need the freedom to operate, but with understanding and even more importantly practicing a pedagogy that while advancing full intellectual inquiry and discussion, will present fully and accurately the Church position on any particular issue, avoiding personal opinion that pejoratively attacks the Church and its teachings. If institutions teach to their mission, academic freedom can be rightly enjoyed by all.

¹ In 1220 the fledgling University of Bologna turned to the reigning Pope, Honorius III (1216-1227) for support in a conflict he was waging with local civic officials over the latter's requirement that students pledge an oath of allegiance to the city, and thus undermine the independence of student and institution. The Pope repeatedly encouraged university officials to defend its "scholastic freedom" (*libertas scolastica*) and to take strong measures to resist the attempts of the city government to undermine the independence of academic life. Over time academic freedom gradually came to encompass various special rights explicitly granted as legal privileges by the Church or secular authorities to academic institutions.

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