

---

## THE MEANING OF THE *MANDATUM*: A REPORT ON THE DIALOGUE BETWEEN ONE ARCHDIOCESE AND A CATHOLIC UNIVERSITY FACULTY OF THEOLOGY

JAMES L. HEFT, S.M.

*University of Dayton*

*In response to John Paul II's Apostolic constitution, Ex Corde Ecclesiae, the bishops proposed a number of requirements, which were approved by the Vatican. One of the requirements was that Catholic theologians teaching courses in Catholic theology request a *mandatum* from their local bishop. This article examines the *mandatum* and its impact on Catholic higher education in general and on one university in particular.*

For over a decade the American bishops and Catholic universities have been thinking through how best to implement the Apostolic constitution on Catholic higher education, *Ex Corde Ecclesiae* (John Paul II, 1990). The bishops took a decisive step in 1999 when they agreed—after the Vatican rejected their first proposal, which emphasized dialogue and reflected a pastoral tone—to adopt a second proposal that includes more explicit requirements (National Conference of Catholic Bishops, 2000), some of which were included in the revised code of Church (canon) law published in 1983 (Canon Law Society, 1998). The Vatican approved the second proposal, which includes, among others, the following requirements: (1) the expectation that half the faculty as well as the board of trustees should be Catholics, (2) that the president should make explicit his or her commitment to Catholicism, and (3) that Catholic theologians teaching courses in Catholic theology should request a *mandatum* from their local bishop. This last expectation has caused some of the greatest concern. Even though in the long run it will likely turn out not to be the most important issue, it deserves careful reflection.

First, some background. One quarter of all the Catholic colleges and universities in the world are in the United States. There are 179 dioceses in the United States, 101 of which have at least one Catholic college or university.

Roughly 85% of all Catholic colleges and universities are east of the Mississippi River, most of those in the Northeast (Froehle & Gautier, 2000). Some are well-endowed; most are not.

After the 1999 approval, the U.S. bishops were asked to hold discussions about the *mandatum* with theologians at all these very diverse colleges and universities. The University of Dayton, one of the 10 largest Catholic universities, is located in the Archdiocese of Cincinnati. In 2001, our Archbishop, Daniel Pilarczyk, also happened to be the chair of the episcopal committee charged with working out how the *mandatum* would be implemented. When he visited with the faculty to talk about the *mandatum*, he began by saying: "There is no debate as to whether or not we will have the *mandatum*. The question we are now facing is 'how best can we make it work?'" By nearly everyone's admission, the *mandatum* creates an awkward arrangement in the American system of higher education. The drawbacks are many and have often been pointed out. But, as the archbishop said, it is now here to stay. Can there be any benefits if we find wise and thoughtful ways of working with it?

More pointedly, are there ways theologians could think about the *mandatum* that will recognize it as at least potentially a positive step, not only for the Church, but also for theologians? I believe four positive developments are possible. First, a theologian's acceptance of it could make clearer than is currently the case that theology is not exactly like most other disciplines and that a genuine, if occasionally rocky, relationship to the faith of the larger Church articulated by the bishops constitutes an integral part of a correct understanding of the nature of Catholic theology. Faculty rightly complain about people who presume to judge their academic work, even though they themselves have no professional qualifications to do so. Catholic theologians, however, take as their starting point the faith of the whole Church, a faith whose broad outlines are drawn by the experience and commitment of those living it—the vast majority of whom are not academics and certainly not theologians. Catholic theology, in this regard, is a different sort of discipline from most other disciplines.

Second, a *mandatum* makes clearer that theologians, and almost all academics for that matter, are not completely neutral in presenting their subjects. While theologians should not proselytize, they should want their students to become interested in and even enthusiastic about what they teach (something all good teachers have in common, whatever the subject), to learn about the faith not just with their hearts but also with their heads. At the same time, if a sort of academic neutrality is not possible for a theologian, academic rigor is—a rigor coupled with a critical care for the tradition. It should be added that most theologians in the United States should emphasize more than they have their need to appropriate theological traditions in their fullness, just as most bishops should support more than they have the legitimacy of the role of criticism in doing theology.

Third, instead of taking away from the credibility of theologians, the *mandatum* might well lead theologians to become more critical of some of the criteria of credibility present in the academy today. I am not calling for theologians to sacrifice all credibility in order to achieve a greater good—fidelity to theological traditions. I believe this is a false dichotomy. Rather, what is needed within the academy is an expansion of the criteria for credibility, one that will benefit both theologians and the Church. Credibility can also be lost by allowing forces outside the academy undue influence.

To the extent that the *mandatum* appears to be a process in which a nonacademic—a bishop—certifies the work of a scholar within the academy, credibility within the academy is again lost. But this characterization is, at least in part, flawed. When it comes to a Catholic university, the faith of the whole Church ought to be the touchstone; that is, that faith becomes the essential and normative context for theological reflection. And while bishops and theologians and the entire people of God contribute in different ways to the shape and expression of that faith, bishops in the Catholic Church have the right and the responsibility for its official expression. To the extent that theologians are in regular and fruitful dialogue with their bishops and bishops seek the counsel and guidance of theologians, bishops will not be best described as simply external nonacademic agents, or, as David O'Brien once suggested, as potted plants that appear on stage at graduation ceremonies. Instead, bishops will be for theologians pastors who remind them that theology needs to be attentive to "the joys and the hopes, the griefs and the anxieties of the people of this age, especially those who are poor or in any way afflicted" (Vatican Council II, 1966, #1).

In my experience, theologians and departments of theology in many Catholic universities lack credibility even within their own universities, often do not have sufficient resources to support quality scholarship, and produce majors who will make very little money in comparison to what other majors will be able to demand. Furthermore, many academics, even within Catholic universities, are tacit empiricists who assume that all really useful knowledge must have empirical proof. In their eyes, Catholic theologians—that is, faculty who affirm at the heart of their academic work the truths of the Incarnation, the Resurrection, and the Trinity—will always lack academic credibility.

Fourth and finally, there is the possibility that in time Catholics will develop a clearer sense of due process, especially one that will protect the rights of individual theologians. The guidelines approved (USCCB, 2001) for the implementation of *Ex Corde Ecclesiae* in the US recommend the use of the 1989 U.S. bishops' document for resolving disputes between a theologian and a bishop. That 1989 document resulted from extensive collaboration between several Catholic learned societies (e.g., theologians and canonists), and while not now extensively used, will likely be used more often given its

explicit endorsement by the bishops. Moreover, those guidelines also recommend that if a bishop revokes a theologian's *mandatum*, he is to put his reasons in writing. It should be added, however, that these most recent guidelines are only guidelines, and therefore an individual bishop could ignore them. Nevertheless, they could be important steps toward the creation of a much-needed formal procedure that will ensure due process for individual theologians. Hope for such developments is not utopian if the discussion held in February 2001 between the theologians at the University of Dayton and their archbishop, Daniel Pilarczyk, is any indication of how bishops understand and implement the *mandatum*.

The meeting with the archbishop was very well attended, with nearly 40 faculty, both full-time and part-time, present. Our theologians seem to be of differing minds about the *mandatum*. A number support it in principle, but at the same time recognize that many practical difficulties remain. Some are undecided as to whether they will accept it. And a few may have decided already that they will not accept it, even though some of them are confident that they teach in full communion with the Church. Discussions with each other, with the bishop, and with other colleagues nationally will no doubt influence what they decide to do about the offer of a *mandatum*.

Our archbishop started the meeting with a brief review of the proposed guidelines, and then opened the floor for questions and comments. The discussion that followed was open, candid, pointed, and ultimately reassuring to many who attended. Many issues were raised, some predictable and others novel, but the exchange with the archbishop helped clarify almost all of the issues we discussed. Both the theologians and the archbishop contributed to these clarifications. Some important common understandings emerged. For example:

1. What is the meaning of "full communion with the Church"? Theologians cease to be in full communion *only* when they deny obstinately a teaching which the Church presents as infallible. For example, it is unlikely that a theologian would lose his or her mandate by questioning the opportuneness of a devotional practice recommended in a papal encyclical.
2. What about right-wing groups who have money and use the media as a way to attack theologians they believe have strayed from the true faith? Tenured professors, convinced of the scholarly validity of their work, should be able to stand up to the objections of right-wing vigilante groups. Without solid administrative support, non-tenured professors, it was noted, would be more vulnerable.
3. What is the meaning of the new category of official teaching called "definitive," and must one accept all such teachings to be in "full communion with the Church"? The archbishop noted that this was a complex matter, but did not offer an answer; most of the theologians, however, were not prepared to assign to "definitive" teachings the quality of being infallible teachings.

4. Should a university state in its statutes that a Catholic theologian should have a *mandatum*? Since the *mandatum* is a statement of personal relationship between the bishop and the individual theologian, it would not be a good idea for the university to put in its by-laws that all their theologians are required to have it.
5. If a theologian with a *mandatum* from one bishop moves to a university in another diocese, can the bishop in the new diocese revoke the *mandatum*? If a new bishop comes to a diocese and decides to revoke all *mandata* granted by his predecessor, it would seem that the bishop must first enter into a canonical process and provide in writing reasons to support his action. In other words, the granting of a *mandatum* is a juridical act and cannot be revoked without evidence and a canonical process. And, of course, the theologian may appeal.
6. What constitutes a theological discipline? And what about a theologian's personal life? The *mandatum* refers to a theologian's teaching, not to his or her personal life, unless one's personal life can be interpreted as teaching. If a professor does not teach Catholic theology, but instead teaches, for example, world religions, a *mandatum* is not required.

The conclusions we reached in our dialogue may not be the same ones that other bishops and theologians will arrive at, and that possible lack of consensus on the national level remains a matter of genuine concern. The bishops plan to work toward a common understanding of how to handle the *mandatum*. Even if they were to succeed in agreeing upon a common approach with a common interpretation of the terms of granting and withdrawing the *mandatum*, practical difficulties will surely arise in the coming years. Wisely, the bishops have already decided to review the entire situation in 5 years, once everyone has had some experience with the granting and perhaps also the withdrawing of the *mandatum*.

But problem areas remain. It is still not clear how the way Church law describes certain subjects (e.g., dogmatic theology, moral theology) compares to the way some courses are now typically taught in universities. For example, is a course on Church history the same as one on the history of Christianity? Nor is it clear in the practical order how the president of a university should answer prospective students and their parents when they ask, as some inevitably will, "How many of your theologians have a *mandatum*?" Who has and who does not have a *mandatum*, we agreed, should be made public only by the individual theologian. If the *mandatum* is a statement of a personal relationship between the bishop and the theologians, bishops should not publish lists of theologians who have accepted the *mandatum*. Some theologians fear that they might lose academic status in acknowledging that they have accepted a *mandatum*, while others will be suspicious of those who refuse them. On this delicate level of dealing with the public and even of theologians dealing with each other, many difficulties will surely arise.

There may also be good reasons for a particular theologian not to accept a *mandatum*; nor should anyone conclude that a theologian without one is, by that fact alone, not in full communion with the Church. There is an important distinction between teaching in full communion with the Church and being recognized officially as doing so by the bishop. However, if no theologians at a large Catholic university accept the *mandatum*, the university will obviously have a problem, and the bishop, the president, and the university's theologians will need to talk. Nevertheless, according to *Ex Corde Ecclesiae* (John Paul II, 1990), the bishop has no direct authority over hiring or firing a professor. Again, such a situation will undoubtedly create tensions and give rise to possible misunderstandings, not just between the bishop and the president, but also between the university and its wider clientele.

What is at stake here is the room necessary, the "elbow room" as Cardinal Newman once said, for theologians to do their critical work. *Ex Corde Ecclesiae* does not exclude such work, nor do the proposed guidelines mentioned earlier. Theologians are required to present as Catholic teaching what is Catholic teaching—to my way of thinking, a perfectly reasonable professional requirement. They are free to present other points of view as well, a necessary part of critically thinking through the Catholic faith. But, again, may they offer arguments that criticize, respectfully, some official teaching not infallibly taught?

The responsibility for effecting the intimate relationship that should develop between intellectual and religious concerns is not the responsibility of the theology faculty alone, a faculty that sadly often carries little weight in many of the major budgetary and policy decisions of too many of our universities. Focusing only on the *mandatum* and theologians might lead a faculty to forget that other very important areas remain to be addressed when dealing with the identity and mission of a Catholic university in the light of *Ex Corde Ecclesiae*. To be Catholic, a university needs more than Catholic theologians. It also needs Catholic intellectuals who teach courses in business in light of the social teachings of the Church; law professors who emphasize throughout the curriculum social justice and the common good; engineering professors who keep the needs of the poor and of the environment in mind; science professors who recognize the ever-present moral and religious issues inherent in their research as well as the limits of the scientific methods they employ; social science professors who understand the nature of the human person as both physical and spiritual, as individuals and members of a community; and humanities professors who seek to understand the truth of human existence—and indeed, theologians who are in conversation with professors in all these disciplines. Above all, faculty in Catholic universities must understand Catholicism as an intellectual force intimately related to and nourished by the faith of the Church. Catholic universities must do this within a community that welcomes not only Catholic intellectuals, without whom it is

impossible to have a Catholic university, but also, as full and equal partners, faculty and staff of other faiths and even no religious faith who nonetheless support the mission of the university.

At the end of the day, the role of Catholic theologians nevertheless remains crucial. They should not want to teach Catholic theology except in communion with the Church, with or without a *mandatum*. Difficulties remain and will always remain. Dealing well with them calls for ecclesial common sense on the part of bishops as well as theologians. If in its tenor and substance the conversation between Pilarczyk and the theologians at the University of Dayton is any indication of how such difficulties might be faced and thought through, more theologians may find it appropriate to accept the *mandatum*. In the meantime, let us concentrate on the larger scope of what needs to be done so that our universities will indeed be distinctive, precisely because of their intellectual culture and commitment to social justice.

## REFERENCES

- Canon Law Society of America. (1998). *Code of canon law, Latin-English edition*. Washington, DC: Author.
- Froehle, B. T., & Gautier, M. L. (2000). *Catholicism USA: A portrait of the Catholic church in the United States*. Maryknoll, NY: Orbis Books.
- John Paul II. (1990). *Ex corde ecclesiae*: Apostolic constitution on ecclesiastical universities and faculties. *Origins*, 20(17), 265, 267-276.
- National Conference of Catholic Bishops. (2000). *Ex corde ecclesiae*: An application to the United States (final document). *Origins*, 30(5), 68-75.
- United States Conference of Catholic Bishops. (2001). Guidelines concerning the academic *mandatum* in Catholic universities (Canon 812). *Catholic Education: A Journal of Inquiry and Practice*, 5(2), 150-156.
- Vatican Council II. (1966). *Pastoral constitution on the Church in the modern world*. (National Catholic Welfare Conference, Trans.). Boston: St. Paul Editions.

*A version of this article appeared in Volume 31, Number 2 of Bulletin of the Council of Societies for the Study of Religion. This article appears with permission.*

*James L. Heft, S.M., is university professor of faith and culture and chancellor at the University of Dayton and president and founding director of the Institute for Advanced Catholic Studies. Correspondence concerning this article should be addressed to Rev. James L. Heft, S.M., University Professor of Faith and Culture, University of Dayton, 300 College Park, Dayton, OH 45469-1549.*

Copyright of *Catholic Education: A Journal of Inquiry & Practice* is the property of Catholic Education: A Journal of Inquiry & Practice and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.