

APPENDIX A

STATEMENT OF THE BOARD OF DIRECTORS OF THE CATHOLIC THEOLOGICAL SOCIETY OF AMERICA ON ECCLESIASTICAL ACADEMIC LEGISLATION

I. INTRODUCTION

At its Fall meeting on October 15, 1976, in Toronto, Canada, the Board of Directors of the Catholic Theological Society of America (CTSA) adopted the following statement on proposed ecclesiastical academic legislation. The statement is based on a report prepared by a special committee made up of the following: David Burrell, C.S.C., Chairman of the Department of Theology at the University of Notre Dame; James Coriden, Academic Dean of the Washington Theological Coalition; Frederick McManus, Dean of Graduate Studies at the Catholic University of America; and John Padberg, S.J., President of the Weston School of Theology.

The committee received its mandate from a resolution approved by the CTSA Board of Directors at its meeting of June 10, 1976, in Washington, DC:

Resolved that the CTSA establish a committee with the immediate mandate of responding to the proposals of the Sacred Congregation for Catholic Education on the preparation of legislation for academic centers of ecclesiastical studies in time for the meeting in Rome in November, and with the longer term mandate of studying the implications and modalities of accountability in the theological enterprise.

In the preparation of this statement a conscious effort was made to represent the views and interests of Catholic theologians and their professional association. The members of the CTSA serve in diverse categories of institutions, from pontifical faculties officially erected to state universities and private colleges. Despite their varied teaching positions, in secular and religious institutions of all kinds, the members share a concern for the Catholic faith and excellence in theological reflection.

II. GENERAL REACTION TO THE PROPOSALS OF THE SACRED CONGREGATION FOR CATHOLIC EDUCATION

We welcome warmly the challenge to study and deliberate on the vital question of theological accountability in the community of faith. We view this as a positive opportunity to improve the quality

of the theological enterprise and to give assurance of our responsible service to the Church. We intend to pursue the study of the "implications and modalities of accountability" in concert with the episcopal conferences and other appropriate and interested parties.

However, it is our conviction that the present project of formulating and promulgating ecclesiastical academic legislation must be thoroughly reappraised and indefinitely deferred. We have come to this position because many of the proposals made by the Congregation (in the communications of June 1, 1975), if enacted, would gravely harm or seriously jeopardize the rapport between Church authority and the theological community which we hope to see improved.

These are the reasons why the proposed ecclesiastical academic legislation will not achieve the desired goal, and the reasons why the entire project must be radically reconsidered:

- A. The legislation is not needed. There is no clamor or groundswell for updating *Deus scientiarum Dominus* or for making *Normae quaedam* more complete and definitive. Unnecessary legislation should be avoided. The Second Vatican Council gave no mandate for new universal legislation. *Normae quaedam* could well remain in effect for another decade or two. Local or regional needs should be addressed individually or locally.
- B. The proposed legislation does not pay sufficient attention to the intrinsic criteria of the sacred sciences, the principles of professional competence, and the processes of peer review. Those primarily responsible for the effective and faithful function of theological centers, namely, the administration, faculty, and students, must be deeply involved if accountability is to be effective.
- C. The cultural adaptability so strongly urged by the Second Vatican Council is impossible without a vigorous application of the principle of subsidiary function. The problems of different academic "worlds" can only be addressed effectively from within those worlds.
- D. The legislation is hobbled by excessive specificity. *Deus scientiarum Dominus*, *Ordinationes*, *Normae quaedam*, and the new proposals are all far too detailed and culturally conditioned for universal application. It is vain and counterproductive to attempt to regulate for the whole Catholic world such matters as the composition of examinations, the style of lectures and

- other teaching methods, the role of administrators, the criteria for faculty promotions, and the content and title of courses.
- E. The "closed system" implied in the legislation (i.e., only those trained in our approved institutions can be permitted to teach in them) creates a serious ecumenical barrier and runs counter to the *Ecumenical Directory* (Part II, April 16, 1970).
- F. Academic freedom is inadequately reflected in the legislation. That mature exercise of responsibility which the Council urged must be provided for and protected. "Only in freedom can man direct himself toward goodness." (*Gaudium et spes*, n. 17; cf. also *Gaudium et spes*, n. 62, *Dignitatis humanae*, n. 7, and the address of Pope Paul VI at the opening of the second session of the Council, September 29, 1963.) Responsibility is quite literally impossible without freedom, and this is as true in theological teaching and research as it is elsewhere in human life.
- G. In the legislation Catholic theologians find themselves segregated into caste systems: those who have gained their academic degrees or who teach in "canonically erected or approved institutions" and those not in that condition. Yet it is a matter of evident fact that theologians of great competence are prepared at non-canonical institutions and that theologians of eminence also teach at such schools. In addition, the legislation creates a further unfortunate division: between those who teach in "properly academic" centers and those on the faculties of professional theologates where candidates are prepared for ministry. Both of these distinctions are unrealistic, artificial, and unfounded. In practice they are prejudicial and dysfunctional; they should be abandoned.

III. SPECIFIC RESPONSES

A. *Substantive*

1. The assertion that sacred studies are by their nature exclusively subject to the authority of the sacred hierarchy (*Insertum* II, I,A,2) is a statement which needs far more research before it can stand as here stated, research about the ecclesiastical nature of the theological science and research into the charism and responsibility of theologians. Those engaged full-time, with doctoral preparation, and with professional competence in reflection upon revelation have both a great gift and grave task of caring for the integrity, quality, and health of theological studies and of the faculties devoted to them.

2. It is not at all obvious that academic degrees in sacred sciences should be conferred only by faculties which are governed by the academic law of the Church (letter of June 1, 1975; Prot. No. 113/66/G). This assertion flies in the face of present practice. Some of the finest and most esteemed theological faculties are not governed by the academic law of the Church, and that makes them neither better nor worse than those which are. Excellence or the lack of it is not determined thereby.
3. The role of the local Ordinary in granting the canonical mission to teach and in safeguarding orthodoxy of doctrine and sound morals (II,A,1 and 2) is not clear. The very concept of a "canonical mission to teach" is ambiguous and inadequate. It does not well express the relation of the theologian to Church authority. A mission to teach might be given to everyone from missionary catechist or first grade teacher to a research scholar. Surely the teaching missions are different, differently assumed and exercised. In addition, that role either presupposes in the bishop an extraordinary grace of office or arbitrarily assigns to him an exceptional weight of responsibility.
4. The authority of major religious superiors (also Ordinaries) to make similar judgments and to exercise a like vigilance in the institutions subject to them is seriously neglected. This is prejudicial and offensive to many members of religious communities.
5. The need to have an academic degree conferred by a faculty which has been canonically erected or explicitly approved in order to teach ecclesiastical studies in a seminary or school of higher studies (III,A; VII,A,1) is not only not demonstrated, it is dangerously isolationist policy. It represents a kind of academic inbreeding which better educational institutions try to avoid. In the long run it will cause a decline in theological vitality. In terms of the ecumenical dialogue at the theological level it is disastrous both in substance and in symbol.
6. The prior *nihil obstat* of the Holy See for the promotion of professors to the two higher ranks of a faculty (VII,A,6) is an unwarranted and outrageous intrusion. It is a violation not only of academic integrity but also of ecclesial autonomy. A prior approval by any outside agency is simply unheard of in our academic tradition.
7. There is no recognition given to the need for due process, fundamental fairness, and canonical equity in dealing with disputes involving theological faculty members or in judging their orthodoxy. Church authority, in the rightful exercise of its

responsibilities, must act with the highest kind of justice and avoid even the semblance of arbitrary or preemptory judgment. (Cf. IV, below.)

8. The principle of collegial responsibility is inadequately represented at several levels. Faculties, acting as dedicated groups of professional scholars, have primary responsibility for the quality and correctness of their teaching and research. Theologians, as competent and professional colleagues, are also responsible for a constant healthy criticism of the research and ideas which their fellow theologians publish and teach. The bishops as a college are finally responsible for both fostering theological reflection and preserving the integrity of the faith. These are all communal, collegial tasks, and they may not be assumed or preempted by individuals. (Cf. *Normae quaedam*, footnote n.3.)

B. *Procedural*

1. Not all of the "agreed norms" (*puncta acquisita*), which form the heart of the proposed legislation, were the object of any common discussion or mutual agreement outside the Congregation. They are said to have been jointly arrived at by the academic centers and the Congregation over the period of the seven years since *Normae quaedam* with the help of legitimate interpretation or natural explicitation. This process is entirely unsatisfactory and is a very poor example of consultation. The result is that the "agreed norms" do not at all express a consensus of those in ecclesiastical academic centers.
2. The process for preparing the proposed legislation leaves much to be desired. If new legislation was required, a procedure such as that employed by other ecclesial bodies, e.g., the Commission for Revision of the Code, the Council for the Public Affairs of the Church, etc., would have been preferable. A special commission should have been selected to formulate a draft of proposed legislation in the light of the experiences under *Deus scientiarum Dominus* and *Normae quaedam*, the draft circulated for careful study and measured response, and another draft composed in view of those reactions. Such a process might have better called forth sustained study and serious deliberation on the part of those closely acquainted with and dedicated to the advance of the sacred sciences. The resulting norms would have been the product of consensus and therefore more readily received and observed.

IV. POSITIVE RECOMMENDATIONS

As our positive recommendations will suggest, the manner of monitoring theological education on the part of ecclesiastical authorities should follow that outlined in the National Catholic Educational Association statement on Relations of American Catholic Colleges and Universities with the Church. That model was one of communication and collaboration. Where there can be legitimate differences of concern as well as certain conflicts of jurisdiction, a standing body whose members learn to work with one another can develop that degree of prudential wisdom which always escapes legislative statements.

- A. If the International Congress is to weigh academic legislation, the theological associations should take part. The CTSA and similar professional organizations of those devoted to the practice and fostering of the sacred sciences should be invited to select and send representatives to the International Congress in Rome.
- B. The Sacred Congregation, with its staff and central position, could and should perform many functions in exercise of its mandate to moderate Catholic faculties of ecclesiastical studies instead of preparing academic legislation. For example, it should survey schools for practices, developments, and trends, and make the information known. It should form task forces to investigate, analyze, and suggest solutions to specific problems. It should provide a forum for the open discussion of theological education, perhaps even sponsoring a journal for this purpose, e.g., an improved version of *Seminarium*. It should conduct scientific studies of the results of theological education and constantly stimulate excellence in teaching and research. There are many similar tasks which the Sacred Congregation could perform which would be better suited to a modern method of coordinating and moderating, and of greater service to the high standards and continual advancement of the sacred sciences.
- C. Those responsible for the shape of theological studies in our region, i.e., deans, presidents, and the faculty of theology schools, should select representatives to join with representatives of the national conferences of bishops to form a working group on our longer term mandate: "the implications and modalities of accountability in the theological enterprise." Such a working group would have the opportunity to appreciate dif-

ferences in perspective as well as to respond to legitimate concerns. Again, such a committee would embody the model of communication and collaboration between higher education and ecclesiastical authority developed by the NCEA statement on relations of American Catholic Colleges and Universities with the Church.