

**BEFORE THE  
NATIONAL LABOR RELATIONS BOARD**

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**In the Matter of**

**MANHATTAN COLLEGE,**

**Employer,**

**and**

**MANHATTAN COLLEGE ADJUNCT  
FACULTY UNION, NYSUT,  
AFT/NEA/AFL-CIO,**

**Petitioner.**  
\_\_\_\_\_

**Case No. 02-RC-23543**

**BRIEF FOR *AMICI CURIAE* ASSOCIATION OF CATHOLIC COLLEGES AND  
UNIVERSITIES, LASALLIAN ASSOCIATION OF COLLEGE AND  
UNIVERSITY PRESIDENTS, AND ASSOCIATION OF JESUIT COLLEGES  
AND UNIVERSITIES IN SUPPORT OF EMPLOYER**

Elizabeth Meers  
HOGAN LOVELLS US LLP  
555 Thirteenth Street, NW  
Washington, DC 20004  
(202) 637-5600

April 25, 2011

Stanley Brown  
HOGAN LOVELLS US LLP  
875 Third Avenue  
New York, NY 10022  
(212) 918-3000

*Counsel for Amici Curiae*

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## **STATEMENT OF INTEREST**

The Association of Catholic Colleges and Universities (“ACCU”), founded in 1899, is the collective voice of Catholic higher education in the United States. ACCU represents 191 accredited Catholic institutions of higher learning in the United States, including Manhattan College. ACCU’s membership comprises almost 90 percent of such institutions. ACCU’s mission includes strengthening the mission and character of Catholic higher education, and ACCU is often involved in educating the general public on issues relating to Catholic education.

The Lasallian Association of College and University Presidents (“LACUP”) consists of the presidents of all six Lasallian colleges and universities in the United States and several Lasallian colleges and universities in other countries. The Lasallian colleges and universities in the United States are LaSalle University (Philadelphia), St. Mary’s College of California (Moraga), Manhattan College (New York City), Christian Brothers University (Memphis), St. Mary’s University of Minnesota (Winona and Minneapolis), and Lewis University (Romeoville, Illinois). The Lasallian colleges and universities were established by the De La Salle Christian Brothers, a Catholic religious order of lay male teachers. The order was founded by Saint John Baptist de la Salle, “a French priest in the 17th century who came from a well-to-do family and was on the fast-track of a priestly career when he became involved with a group of men who were teaching poor children in parish charity schools. Within about five years he became completely devoted to the education of these children and to the training of these men, forming them into a dedicated, competent, committed, and holy group of educators whose whole lives were dedicated to the ministry of teaching, to the students entrusted to their care, to each other,

and through all of these . . . to God.” <sup>1/</sup> He was canonized in 1900 and named the patron saint of teachers in 1950. In keeping with the Christian Brothers’ mission, all of the U.S. Lasallian colleges and universities offer degrees in education as well as other fields. Today approximately 25,000 students attend LACUP member institutions. LACUP focuses on plans, programs, challenges and opportunities that are common to Lasallian higher education.

The Association of Jesuit Colleges and Universities (“AJCU”), founded in 1970, is a national organization serving the 28 Jesuit colleges and universities in 19 states throughout the United States, and furthering the mission of Jesuit higher education. AJCU represents its member institutions among its various constituencies, provides a forum for exchange of information and experiences in Jesuit higher education, and encourages and facilitates collaborative initiatives among its members. These initiatives include academic programming, fostering Jesuit, Catholic identity and mission, education for a faith that does justice, internationalizing our campuses, international collaboration, professional and leadership development, and an online education network.

Thus, amici and their members have a significant interest in the Board’s jurisdictional tests as they are applied to religious education in the United States and in the related constitutional issues.

## **SUMMARY OF ARGUMENT**

At the outset, ACCU notes that the arguments set forth in this Brief are about the jurisdiction of the National Labor Relations Board (“Board”), not the natural rights of employees.

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<sup>1/</sup> De La Salle Brothers of the Christian Schools, Our Founder, <http://www.brothersvocation.org/howeare/founder.asp>. A religious order is a society whose members make public vows and live in community. See Codex Iuris Canonici, 1983 Code c.607, §2. Excerpts from the Code of Canon Law are appended as Attachment A for the convenience of the Board.

The Catholic Church has long supported the moral right of workers to organize and bargain collectively. Catholic colleges and universities respect and support those teachings.

Nevertheless, under the First Amendment, Catholic colleges and universities must have the freedom to pursue those goals without excessive government entanglement. Assertion of Board jurisdiction in this case has already created and will inevitably create such entanglements.

Amici submit that the decision of the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) in University of Great Falls v. NLRB, 278 F.3d 1335 (D.C. Cir. 2002), strikes the right balance between the Board's statutory responsibility to oversee labor relations and religious-affiliated institutions' First Amendment rights. The Board's “substantial religious character” test improperly requires Board officials to probe the nature and authenticity of an institution's religious identity, contrary to the Supreme Court's teaching in NLRB v Catholic Bishop of Chicago, 440 U.S. 490 (1979) (“Catholic Bishop”). As the Supreme Court and numerous lower courts have recognized, the First Amendment prohibits such “trolling through a person's or institution's religious beliefs.” Mitchell v. Helms, 530 U.S. 793, 828 (2000) (plurality opinion); Univ. of Great Falls, 278 F.3d at 1342–43. In short, the “substantial religious character” has the same infirmities as the “completely religious”/“merely religiously associated” test rejected in Catholic Bishop.

The Regional Director misunderstood the nature of Catholic higher education in the United States, thus illustrating the constitutional pitfalls of the substantial religious character test. Catholic colleges and universities are committed to a broad-gauged education. In keeping with Church doctrine, many Catholic colleges and universities have concluded that they can best advance their religious missions by eschewing a narrow focus on religious indoctrination in favor of engagement with culture and a commitment to the broader search for truth. Many



Catholic colleges and universities view it as part of their religious mission to serve non-Catholic students as well as Catholic students. Yet the organizational independence and broad educational mission of many Catholic colleges and universities does not mean those institutions are not “Catholic” or “religious.” To the contrary, Catholic colleges and universities are formally recognized by the Catholic Church and are committed to Catholic teachings, ideals, principles, and attitudes. The choice of some institutions to promote Catholic beliefs “with a velvet glove rather than an iron fist,” Univ. of Great Falls, 278 F.3d at 1346, is in furtherance of their religious mission.

The Regional Director misunderstood these points, essentially concluding that an institution has a secular purpose unless it aggressively indoctrinates students and shields them from non-Catholic persons and influences. That misunderstanding was an inevitable consequence of the substantial religious character test. By its very nature, the substantial religious character test invites government officials to substitute their views about an institution’s “religious character” for the judgment of the institution and its religious community. Such government “second-guessing” of institutions’ religious identities is precisely what the Religion Clauses were designed to prevent. Colorado Christian Univ. v. Weaver, 534 F.3d 1235, 1245 (10th Cir. 2008).

To avoid these constitutional problems, the Board should abandon its current jurisdictional test and adopt the test articulated by the D.C. Circuit in University of Great Falls. That test exempts from the Board’s jurisdiction an institution that: (1) holds itself out to the public as a religious institution, (2) is non-profit, and (3) is religiously affiliated. Id. at 1347. Manhattan College easily satisfies those criteria. The Board should therefore decline to exercise jurisdiction over Manhattan College in this case.

## ARGUMENT

### I. THIS APPEAL CONCERNS FREEDOM OF RELIGION AND THE PROPER SCOPE OF GOVERNMENT AUTHORITY, NOT THE NATURAL RIGHTS OF WORKERS

The instant case is about the Board’s jurisdiction, not the natural rights of employees.

The Catholic Church has “long supported the moral right of workers to organize and bargain collectively, and the moral duty of employers to bargain.” Douglas Laycock, Towards a General Theory of the Religion Clauses: The Case of Church Labor Relations and the Right to Church Autonomy, 81 Colum. L. Rev. 1373, 1398 (1981); see Pontifical Council for Justice and Peace, Compendium of the Social Doctrine of the Church, § 305 (2004) (“The Magisterium recognizes the fundamental role played by labor unions, whose existence is connected with the right to form associations or unions to defend the vital interests of workers employed in the various professions.”). <sup>2/</sup> Catholic colleges and universities respect and support the Church’s teaching on human work.

Nevertheless, support for the moral rights of workers does not require support for government control over all labor matters. Principles of religious freedom and church autonomy secure the right of religious institutions to be free of state interference in establishing “their own rules and regulations for internal discipline and government.” Serbian Eastern Orthodox Diocese v. Milivojevich, 426 U.S. 696, 724 (1976). As a leading commentator has observed:

Even if government policy and church doctrine endorse the same broad goal, the church has a legitimate claim to autonomy in the elaboration and pursuit of that goal. Regulation may be thought of as taking the power to decide a matter away from the church and either prescribing a particular decision or vesting it elsewhere—in the executive, a court, an agency, an arbitrator, or a union. And regulation takes away not only a decision of general policy when it is imposed, but many more decisions of implementation when it is enforced.

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<sup>2/</sup> The document is appended as Attachment B.

Laycock, supra, at 1399.

These concerns are particularly acute in the context of higher education, where bargaining over the terms of employment inevitably “transmutat[es]” into bargaining over academic policy. Catholic Bishop of Chicago v. NLRB, 559 F.2d 1112, 1123 (7th Cir. 1977), aff’d, 440 U.S. 490 (1979). Government superintendence of these matters will necessarily, if unintentionally, lead to government influence over “the very process of forming the religion as it will exist in the future.” Laycock, supra, at 1391. 3/

## II. THE SUBSTANTIAL RELIGIOUS CHARACTER TEST REQUIRES IMPROPER GOVERNMENT INQUIRY INTO MATTERS OF RELIGION AND BELIEF

The Supreme Court held in NLRB v. Catholic Bishop of Chicago that “serious First Amendment questions . . . would follow” from the exercise of Board jurisdiction over lay faculty at Catholic high schools. 440 U.S. at 504. To avoid those constitutional difficulties, the Court construed the National Labor Relations Act not to cover parochial school teachers. See id. at 507. Although Catholic Bishop involved “church-operated” secondary schools, it is undisputed that the First Amendment protections recognized in that decision extend to all religious-affiliated schools, irrespective of the level of education provided or the degree of formal church control. See Office of the General Counsel, National Labor Relations Board, An Outline of Law and

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3/ Consider, for example, Manhattan College’s requirement that all employees “respect the College’s Catholic identity and Lasallian tradition” and its preference in hiring for members of the De La Salle Christian Brothers. See Regional Director’s Decision at 5. Those practices, and others that might be implemented in the future, could easily become the subject of mandatory collective bargaining and/or an unfair labor practice charge. Good intentions by government and third parties cannot avoid their inevitable entanglement with—and influence over—Manhattan College’s religious mission. See Catholic Bishop, 440 U.S. at 502.

Procedure in Representation Cases, § 1-403, at 20 (Aug. 2008) (citing St. Joseph's College, 282 NLRB 65 (1986), and Jewish Day School of Greater Washington, 283 NLRB 757 (1987)).

“Since Catholic Bishop, the Board has decided on a case-by-case basis whether a religion-affiliated school has a ‘substantial religious character’ and whether it is subject to the NLRB's jurisdiction and to the requirements of the National Labor Relations Act.” Univ. of Great Falls, 278 F.3d at 1339 (quotation marks and citation omitted). <sup>4/</sup> This “substantial religious character” test calls for an evaluation of such factors as “the involvement of the affiliated religious group in the school’s day-to-day affairs, the degree to which the school has a religious mission, and whether religious criteria play a role in faculty appointment and evaluation.” Carroll College v. NLRB, 558 F.3d 568, 572 (D.C. Cir. 2009). An “integral part” of the analysis is “whether indoctrination, proselytizing, or . . . ‘propagation of a religious faith’ is part of a school’s purpose . . . .” Regional Director’s Decision at 20; see also Livingstone College, 286 NLRB 1308, 1309–10 (1987) (“The absence of a religious mission, and the absence of a requirement that the faculty propagate or conform to a particular religious faith, significantly diminishes any risk of impermissible constitutional infringement posed by asserting jurisdiction over the College.”). The substantial religious character test thus requires Board officials to probe the nature of an institution’s religious mission and ultimately to judge the authenticity of an institution’s religious identity and beliefs. See Univ. of Great Falls, 278 F.3d at 1343 (“[T]he nature of the Board’s inquiry boils down to ‘is [the institution] sufficiently religious?’”).

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<sup>4/</sup> The Board has also asked whether the school’s “purpose and function in substantial part are to propagate a religious faith.” Jewish Day School, 283 NLRB at 761. It is unclear whether this formulation functionally differs from the substantial religious character test. Either way, both inquiries suffer from the flaws identified here.

Time has proven that the substantial religious character test does not solve the problems identified by the Supreme Court in Catholic Bishop, but instead has continued them. The Supreme Court recognized in Catholic Bishop that the “very process of inquiry” into matters touching on religion “may impinge on rights guaranteed by the Religion Clauses.” 440 U.S. at 502. As then-Judge Breyer explained in Universidad Central de Bayamón v. NLRB, the Catholic Bishop Court:

rejected the Labor Board's pre-existing distinction between “completely religious schools” and “merely religiously associated schools.” In doing so, it sought to minimize the extent to which Labor Board inquiry (necessary to make the “completely/merely-associated” distinction) would itself entangle the Board in religious affairs.

793 F.2d 383, 402 (1st Cir. 1986) (en banc) (opinion of Breyer, J., for half of an equally divided court). The substantial religious character test is but another “finely spun . . . distinction[] that will [itself] require further court or Labor Board ‘entanglement’ as [it is] administered.” Id. The D.C. Circuit has agreed with this analysis, twice concluding that the substantial religious character test requires an intrusive inquiry into religious matters “so similar in principle to the approach rejected in Catholic Bishop” that it too must be rejected. Univ. of Great Falls, 278 F.3d at 1341; accord, Carroll College, 558 F.3d at 572. Indeed, the current distinction between institutions that “indoctrinate[e], proselytize[e], or . . . ‘propagate[e] a religious faith,’” Regional Director’s Decision at 20, and religious-affiliated institutions with a “secular purpose,” id., is nearly identical to the Board’s previous distinction between “completely religious” schools and “merely religiously associated” schools—which the Supreme Court expressly rejected in Catholic Bishop. See 440 U.S. at 495. Moreover, as the D.C. Circuit observed, the type of inquiry required under the substantial religious character test “is the exact kind of questioning

into religious matters which Catholic Bishop specifically sought to avoid.” Univ. of Great Falls, 278 F.3d at 1343 (citing Catholic Bishop, 440 U.S. at 502 n.10 & 507–08).

To avoid these problems, the D.C. Circuit articulated a “bright-line” test for determining Board jurisdiction over religious-affiliated institutions. Id. at 1345. Under that test, the Board must decline to exercise jurisdiction over an institution that: (1) “holds itself out to the public as a religious institution”; (2) “is non-profit”; and (3) “is religiously affiliated.” Id. at 1347. The test “allow[s] the Board to determine whether it has jurisdiction without delving into matters of religious doctrine or motive, and without coercing an educational institution into altering its religious mission to meet regulatory demands.” Id. at 1345. We ask the Board to adopt the D.C. Circuit’s test, which properly leaves matters of religious identity to the institutions and their religious communities.

The D.C. Circuit is not alone in recognizing that governmental inquiry into an institution’s religious identity raises serious First Amendment concerns. To the contrary, “[i]t is well established, in numerous other contexts, that courts should refrain from trolling through a person's or institution's religious beliefs.” Mitchell, 530 U.S. at 828 (plurality opinion). Many Supreme Court and other judicial decisions, including University of Great Falls, 278 F.3d at 1342–43, confirm this longstanding First Amendment principle. <sup>5/</sup> The decision of the U.S.

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<sup>5/</sup> See, e.g., Hernandez v. Comm’r, 490 U.S. 680, 694 (1989) (noting, in connection with a proposal that would require courts to distinguish between “religious” and “secular” benefits and services, that “pervasive monitoring for the subtle or overt presence of religious matter is a central danger against which we have held the Establishment Clause guards” (quotation marks and citation omitted)); New York v. Cathedral Academy, 434 U.S. 125, 133 (1977) (Litigation “about what does or does not have religious meaning touches the very core of the constitutional guarantee against religious establishment . . . .”); Cantwell v. Connecticut, 310 U.S. 296, 307 (1940) (striking down state statute that conditioned availability of solicitation licenses on “a determination by state authority as to what is a religious cause”); Americans United for Separation of Church & State v. Prison Fellowship Ministries, Inc., 509 F.3d 406, 414 n. 2 (8th

Court of Appeals for the Tenth Circuit (“Tenth Circuit”) in Colorado Christian University v. Weaver, 534 F.3d 1235 (10th Cir. 2008), provides an apt illustration. That case involved a Colorado law that denied public scholarship funds to students who attended “pervasively sectarian” universities. 534 F.3d at 1250. Among other criteria, the law required state officials to determine whether an institution required any courses in religion or theology that “tend to indoctrinate or proselytize” and whether the institution required attendance at “religious convocations or services.” Id. at 1251. The Tenth Circuit held that these inquiries were impermissible under the First Amendment, concluding that they “threaten[ed] to embroil the government in line-drawing and second-guessing regarding matters about which it has neither competence nor legitimacy.” Id. at 1265; see also id. at 1262 (“The line drawn by the Colorado statute, between ‘indoctrination’ and mere education, is highly subjective and susceptible to abuse.”). The same is true of the substantial religious character test.

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Cir. 2007) (“An inquiry into an organization’s religious views to determine if it is pervasively sectarian ‘is not only unnecessary but also offensive.’” (quoting Mitchell, 530 U.S. at 828)); Espinosa v. Rusk, 634 F.2d 477, 481 (10th Cir. 1980) (“The setting up of a city agency to make distinctions as to that which is religious and that which is secular so as to subject the latter to regulation is necessarily a suspect effort.”), aff’d without opinion, 456 U.S. 951 (1982); Catholic Charities of Diocese of Albany v. Serio, 808 N.Y.S.2d 447, 462 (N.Y. App. Div. 2006) (“[E]xcessive entanglement between church and state may occur when the government performs an individualized inquiry into whether a particular entity’s activities are religious or secular, ‘because [the inquiry] involves [government] officials in the definition of what is religious.’” (quoting Espinosa, 634 F.2d at 481)), aff’d, 7 N.Y.3d 510 (N.Y. 2006); Montrose Christian School Corp. v. Walsh, 770 A.2d 111, 129 n.10 (Md. 2001) (“For courts to determine whether positions in religious organizations perform ‘primarily’ religious functions . . . would involve a significant ‘degree of entanglement’ in the affairs of religious organizations.”); Holy Spirit Ass’n for Unification of World Christianity v. Tax Comm’n of City of N.Y., 435 N.E.2d 662, 665 (N.Y. 1982) (“When . . . particular purposes and activities of a religious organization are claimed to be other than religious, the civil authorities may engage in but two inquiries: Does the religious organization assert that the challenged purposes and activities are religious, and is that assertion bona fide?”).

The shortcomings of the substantial religious character test are catalogued in University of Great Falls, 278 F.3d at 1340–47, and vividly illustrated in the transcript appended to the decision of the U.S. Court of Appeals for the First Circuit in Universidad Central de Bayamón, 793 F.2d at 406–08. It suffices to observe that, all told, the Regional Office’s hearings on the Board’s jurisdiction in this case lasted many weeks and delved into questions of religious doctrine and authority. See, e.g., Employer’s Br. at 27–28 (describing testimony of Professor Fahey regarding Catholic doctrine). Needless to say, that sort of “searching case-by-case analysis” of whether an institution is religious or secular “results in considerable ongoing government entanglement in religious affairs.” Corp. of Presiding Bishop of Jesus Christ of Latter-day Saints v. Amos, 483 U.S. 327, 343 (1987) (Brennan, J., concurring in the judgment). The First Amendment forbids such entanglement. For this reason, and for the additional reasons described below, we ask the Board to abandon the substantial religious character test and adopt the test articulated by the D.C. Circuit in University of Great Falls.

### III. THE SUBSTANTIAL RELIGIOUS CHARACTER TEST INVITES GOVERNMENT OFFICIALS TO IMPOSE ON RELIGIOUS-AFFILIATED INSTITUTIONS THEIR OWN VIEWS OF WHAT RELIGIOUS EDUCATION “IS” OR “SHOULD BE”

The necessity of inquiry into matters of religion and belief is not the only defect of the substantial religious character test. The test also invites government officials to impose on religious-affiliated institutions their own views of what religious education “is” or “should be.” This role is patently inconsistent with the First Amendment, under which “the government is not permitted to have an ecclesiology, or to second-guess the ecclesiology espoused by our citizens.” Colorado Christian Univ., 534 F.3d at 1265; see also id. at 1263 (“The First Amendment does not permit government officials to sit as judges of the ‘indoctrination’ quotient of theology classes.”). As the D.C. Circuit correctly recognized, one danger of the substantial religious



character test “is that when the Board seeks to assert jurisdiction, it will minimize the legitimacy of the beliefs expressed by a religious entity.” Univ. of Great Falls, 278 F.3d at 1345.

The decision below illustrates the constitutional pitfalls of the substantial religious character test. After evaluating Manhattan College’s Catholic and Lasallian identity, the Regional Director concluded that Manhattan College has a “secular purpose” because its “stated purpose does not involve the propagation of a religious faith, [its] teachers are not required to adhere to or promote religious tenets, a religious order does not exercise control over hiring, firing, or day-to-day operations, and teachers are given academic freedom . . . .” In so concluding, the Regional Director misunderstood the nature of Catholic higher education in the United States.

Catholic colleges and universities in the United States (“CCUs”) have offered a broad-gauged education since their earliest days. See Philip Gleason, Contending With Modernity: Catholic Higher Education in the Twentieth Century 4–6 (1995). <sup>6/</sup> In 1990 Pope John Paul II issued the Apostolic Constitution Ex corde Ecclesiae as the “magna carta” for Catholic higher education around the world. See John Paul II, Apostolic Constitution Ex Corde Ecclesiae (1990) (“Ex corde Ecclesiae”). <sup>7/</sup> The Catholic Bishops of the United States subsequently approved The Application of Ex corde Ecclesiae for the United States to implement Ex corde Ecclesiae in this country. See United States Conference of Catholic Bishops, Ex Corde Ecclesiae: The

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<sup>6/</sup> An excerpt is appended as Attachment C.

<sup>7/</sup> Available at [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/apost\\_constitutions/documents/hf\\_jp-ii\\_apc\\_15081990\\_ex-corde-ecclesiae\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae_en.html). The document is appended as Attachment D.

Application to the United States (2000) (“Application”). <sup>8/</sup> Both documents affirm CCUs’ commitment to the broader search for truth and to engagement with culture. “A Catholic university,” in the words of Ex corde Ecclesiae, “is a place of research, where scholars scrutinize reality with the methods proper to each academic discipline, and so contribute to the treasury of human knowledge.” Ex corde Ecclesiae ¶ 15. Academic freedom is an “essential component” of this identity. Application art. 2(2). CCUs must therefore “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.” Id.

Catholic higher education’s commitment to independent inquiry is buttressed by an equally strong commitment to institutional independence. CCUs must possess “that institutional autonomy necessary to perform [their] functions effectively,” Ex corde Ecclesiae ¶ 12, and that autonomy “must be respected and promoted by all, so that the university may effectively carry out its mission of freely searching for all truth,” Application art. 2(1). The organizations that accredit colleges and universities, including CCUs, typically require the accredited institutions to demonstrate that they have independent governing boards. See, e.g., Southern Association of Colleges and Schools, Commission on Colleges, The Principles of Accreditation: Foundations for Quality Enhancement 3.2.4 (2010 ed.) (the governing board of an accredited institution must be “free from undue influence” from external bodies and must “protect[] the institution from such influence”). Moreover, because CCUs generally are organized as non-profit corporations under state law, their trustees are under a fiduciary obligation to exercise independent judgment and act solely in the best interest of the university. See Committee on Nonprofit Corporations,

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<sup>8/</sup> Available at [http://www.usccb.org/bishops/application\\_of\\_excordeecclesiae.shtml](http://www.usccb.org/bishops/application_of_excordeecclesiae.shtml). The document is appended as Attachment E.

American Bar Association, Guidebook for Directors of Nonprofit Corporations 20-21 (2d ed. 2002).

This independence has allowed a great variety of institutional characteristics and missions to flourish among CCUs. Some institutions have many Catholic students; others have few. Some are women's institutions, focusing on urban women who are the first in their families to attend college. Others are two-year colleges in rural corn fields serving the local population. Some are powerful, well-known research institutions contributing to the understanding of the world's great social questions. Many are broad-based institutions, often serving a student body that is less wealthy than the students served by the public university in the same region.

Yet the organizational independence and broad educational mission of many CCUs does not mean those institutions are not "Catholic" or "religious." Inter-faith dialogue is an essential aspects of the Catholic Church's mission to engage the world. Church institutions do not lose their religious identity by carrying out that mission; to the contrary, they fulfill one of their core religious functions by serving as "a primary and privileged place for a fruitful dialogue between the Gospel and culture." Ex corde Ecclesiae ¶ 43; see also id. at ¶ 26 (noting that "[t]he university community of many Catholic institutions includes members of other Churches, ecclesial communities and religions, and also those who profess no religious belief"). That dialogue is mutually beneficial: it both offers the "rich experience of the Church's own culture" to the outside world and enables the Church "to come to a better knowledge of diverse cultures, discern their positive and negative aspects, to receive their authentically human contributions, and to develop means by which it can make the faith better understood by the men and women of a particular culture." Id. ¶¶ 43-44.

As the D.C. Circuit recognized in University of Great Falls, many religious-affiliated institutions—including many CCUs—prefer to promote religious beliefs ““with a velvet glove rather than an iron fist,”” as they are privileged to do under the First Amendment. 278 F.3d at 1346 (quoting Laurence Tribe, Disentangling Symmetries: Speech, Association, Parenthood, 28 Pepp. L. Rev. 641, 648–49 (2001)). Religious faith and values are transmitted at such institutions by example, acculturation, and reasoned discussion, rather than by “hard-nosed proselytizing.” Id.; see also Ex corde Ecclesiae ¶ 20 (“In the communication of knowledge, emphasis is . . . placed on how human reason in its reflection opens to increasingly broader questions, and how the complete answer to them can only come from above through faith. Furthermore, the moral implications that are present in each discipline are examined as an integral part of the teaching of that discipline so that the entire educative process be directed towards the whole development of the person.”). For CCUs, the “essential elements of Catholic identity” include a commitment to be faithful to the teachings of the Catholic Church, to adhere to Catholic ideals, principles, and attitudes in carrying out research, teaching, and all other university activities, and to create a campus culture and environment that is expressive and supportive of a Catholic way of life. Application pt. 1, § 7.

The decision of many CCUs to employ non-Catholic (or non-Lasallian, non-Jesuit, etc.) faculty does not diminish those institutions’ commitment to their religious mission. To the contrary, it strengthens their commitment to the “continuous quest for truth through . . . research,” which is an integral part of their religious mission. Ex corde Ecclesiae ¶ 30. Moreover, as one commentator explains,

[n]ot every religious school can or will insist that every teacher actively promote religion. But nearly all will at least require every teacher not to interfere. A religious school might hire a nonbelieving math teacher, but it is not likely to

permit him to flaunt his nonbelief, to denigrate the church that runs the school, or to set a bad example. Thus, even the nonbelieving math teacher has some intrinsically religious responsibility.

Laycock at 1411. The Catholic Bishops of the United States call for “a commitment of witness of the Catholic faith by Catholic administrators and teachers, especially those teaching on theological disciplines, and acknowledgement and respect on the part of non-Catholic teachers and administrators of the university’s Catholic identity and mission.” Application pt. 1, § 7.

The religious identity of a CCU has formal aspects as well: All CCUs are recognized by the Catholic Church, and some, including Manhattan College, are also sponsored by Catholic religious orders. Canon law requires a CCU to obtain “the consent of competent ecclesiastical authority”—typically, the Bishop—before bearing the title or name of Catholic university. Codex Iuris Canonici, 1983 Code c.808. <sup>9/</sup> Moreover, “[e]very Catholic University is to make known its Catholic identity, either in a mission statement or in some other appropriate public document, unless authorized otherwise by the competent ecclesiastical Authority.” Ex corde Ecclesiae art. 2, § 3; accord, Application art. 2(5) (“A responsibility of every Catholic university is to affirm its essential characteristics, in accord with the principles of Ex corde Ecclesiae, through public acknowledgement in its mission statement and/or its other official documentation of its canonical status and its commitment to the practical implications of its Catholic identity . . . .”). The Catholic Bishops of the United States recently began a 10-year review of The Application of Ex corde Ecclesiae for the United States through discussions with CCU Presidents concerning implementation of Ex corde Ecclesiae, focusing on Catholic identity, mission, ecclesial communion, service rendered by the university, and continued cooperation

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<sup>9/</sup> An excerpt is appended as Attachment F.

between the bishop and president. See Press Release, United States Conference of Catholic Bishops, Bishop Curry Announces the 10 Year Review of the Application of Ex Corde Ecclesiae for the United States (Jan. 20, 2011). [10/](#)

At most Catholic higher educational institutions, including Manhattan College, Catholic identity derives from affiliation with a particular religious order. Each order has its own charism—a distinctive spirituality, ministry, and set of traditions that informs the affiliated institutions’ implementation of their Catholic mission and identity. For example, the De La Salle Christian Brothers emphasize the vision, traditions, and teachings of Saint John Baptist de la Salle, the patron saint of teachers. But the founding order’s charism is necessarily an expression of a deeper Catholic identity. Thus, to distinguish between an institution’s Jesuit, Dominican, or Lasallian identity and its Catholic identity—as when the Regional Director apparently understood “Lasallian” to mean something other than fully Catholic, see Regional Director’s Decision at 22–23—is to draw a false distinction. They are part of a single religious identity, which is recognized by the Church, expressed in public documents, and actualized in daily life within the university community.

The Regional Director misunderstood these points, essentially concluding that an institution has a secular purpose unless it aggressively indoctrinates students and shields them from external persons and influences. That misunderstanding was not a chance error. Rather, it was an inevitable consequence of the substantial religious character test. By its very nature, that test invites government officials to substitute their judgment about an institution’s “religious character” for the judgment of the institution and its religious community. Government officials,

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[10/](#) Available at <http://www.usccb.org/comm/archives/2011/11-017.shtml>. The document is appended as Attachment G.

however, are inherently ill-positioned to gauge an institution's religious character. See Watson v. Jones, 80 U.S. 679, 729 (1872) ("It is not to be supposed that the judges of the civil courts can be as competent in the ecclesiastical law and religious faith of [church] bodies as the ablest men in each one in reference to their own."). Government officials may tend to rely on their own conceptions of what a religious institution "is" or "should be." Such government "second-guessing" of institutions' religious identities is precisely what the Religion Clauses were designed to prevent. Colorado Christian Univ., 534 F.3d at 1261; see also Milivojeovich, 426 US at 708 (holding that the Illinois Supreme Court "impermissibly substitute[d] its own inquiry into church polity and resolutions" for the church's inquiry); Univ. of Great Falls, 278 F.3d at 1346 ("To limit the Catholic Bishop exemption to religious institutions with hard-nosed proselytizing, that limit their enrollment to members of their religion, and have no academic freedom, as essentially proposed by the Board in its brief, is an unnecessarily stunted view of the law, and perhaps even itself a violation of the most basic command of the Establishment Clause—not to prefer some religions (and thereby some approaches to indoctrinating religion) to others." (citing Larson v. Valente, 456 U.S. 228, 244 (1982))).

We respectfully submit that, to avoid these constitutional problems, the Board's inquiry under Catholic Bishop must be limited to whether an institution (1) holds itself out to the public as a religious institution, (2) is non-profit, and (3) is religiously affiliated. Univ. of Great Falls, 278 F.3d at 1347. That test properly leaves matters of religious identity in the hands of the institutions, their affiliated churches, and the relevant religious community. Moreover, as the D.C. Circuit pointed out, institutions will not pretend to be religious merely to avoid Board jurisdiction because it can be disadvantageous for an institution to hold itself out as providing a religious educational environment. See id. at 1345.

The Board must, of course, determine whether an institution meets the D.C. Circuit’s test on a case-by-case basis. But the test establishes a bright-line rule that does not call for detailed inquiry. Manhattan College, like the University of Great Falls, “easily satisfies” that test, id. at 1345—it is organized as a non-profit corporation, it is recognized by the Catholic Church and sponsored by the Christian Brothers, and it holds itself out as a Catholic and Lasallian institution. In this regard, the Regional Director’s alternative and unsupportable conclusion that Manhattan College does not hold itself out as a Catholic institution is a repetition of just the kind of inquiry which the D.C. Circuit found that “Catholic Bishop forbids.” Carroll College, 558 F.3d at 573. We will not repeat the thorough refutation of the Regional Director’s conclusions in Manhattan College’s brief. See Employer’s Br. at 41–43. Suffice it to say that Manhattan Colleges holds its Catholic identity out to the public in numerous ways, including but not limited to its Mission Statement, Sponsorship Covenant, Catalogue, and job advertisements. The Board should therefore decline to exercise jurisdiction over the present dispute. 11/

## CONCLUSION

For the foregoing reasons, and for the reasons identified in the Employer’s memorandum, the Regional Director’s finding of jurisdiction in this case should be reversed.

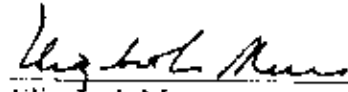
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11/ It is not sufficient for the Board to assume without deciding that the D.C. Circuit’s test controls, as the Board has done in past cases. See, e.g., Catholic Social Services, 355 NLRB No. 167 (2010) (order denying review); Salvation Army, 345 NLRB 550, 550 (2005). Hearing Officers, Administrative Law Judges, and other officials will continue to apply the substantial religious character test until the Board formally overrules it. See Butterworth Mortuary, 270 NLRB 1014, 1020 (1984); Iowa Beef Packers, Inc., 144 NLRB 615, 616–17 (1963). In so doing, they will visit upon institutions the constitutional harms that follow from the “very process of inquiry,” Catholic Bishop, 440 U.S. at 502, even if the Board ultimately reaches the same conclusion it would reach under the D.C. Circuit’s test.



Dated: April 25, 2011

Respectfully Submitted,



Elizabeth Meers  
HOGAN LOVELLS US LLP  
555 Thirteenth Street, N.W.  
Washington, D.C. 20004  
Telephone: 202-637-5600  
Telecopier: 202-637-5910

Stanley Brown  
HOGAN LOVELLS US LLP  
875 Third Avenue  
New York, NY 10022  
Telephone: 212-918-3000  
Telecopier: 212-918-3100

*Counsel for Amici Curiae*

## APPENDIX

- Attachment A: Codex Iuris Canonici, 1983 Code c.607, § 2.
- Attachment B: Pontifical Council for Justice and Peace, Compendium of the Social Doctrine of the Church, § 305 (2004).
- Attachment C: Philip Gleason, Contending With Modernity: Catholic Higher Education in the Twentieth Century 4–6 (1995).
- Attachment D: John Paul II, Apostolic Constitution Ex Corde Ecclesiae (1990).
- Attachment E: United States Conference of Catholic Bishops, Ex Corde Ecclesiae: The Application to the United States (2000).
- Attachment F: Codex Iuris Canonici, 1983 Code c.808.
- Attachment G: Press Release, United States Conference of Catholic Bishops, Bishop Curry Announces the 10 Year Review of the Application of Ex Corde Ecclesiae for the United States (Jan. 20, 2011).

## **ATTACHMENT A**

[Help](#)

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## Code of Canon Law

IntraText - Text

- BOOK II. THE PEOPLE OF GOD LIBER II. DE POPULO DEI
  - PART III. INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE
    - SECTION I: INSTITUTES OF CONSECRATED LIFE
      - TITLE II. RELIGIOUS INSTITUTES (Cann. 607 - 709)

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### TITLE II.

#### RELIGIOUS INSTITUTES (Cann. 607 - 709)

Can. 607 §1. As a consecration of the whole person, religious life manifests in the Church a wonderful marriage brought about by God, a sign of the future age. Thus the religious brings to perfection a total self-giving as a sacrifice offered to God, through which his or her whole existence becomes a continuous worship of God in charity.

§2. A religious institute is a society in which members, according to proper law, pronounce public vows, either perpetual or temporary which are to be renewed, however, when the period of time has elapsed, and lead a life of brothers or sisters in common.

§3. The public witness to be rendered by religious to Christ and the Church entails a separation from the world proper to the character and purpose of each institute.

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## **ATTACHMENT B**

# COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH



PONTIFICAL COUNCIL  
FOR JUSTICE AND PEACE

COMPENDIUM  
OF THE SOCIAL DOCTRINE  
OF THE CHURCH



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United States Conference of Catholic Bishops  
Washington, D.C.

252. The starting point for a correct and constructive relationship between the family and society is the recognition of the subjectivity and the social priority of the family. Their intimate relationship requires that "society should never fail in its fundamental task of respecting and fostering the family."<sup>572</sup> Society, and in particular State institutions, respecting the priority and "unreciprocity" of the family, is called to guarantee and foster the genuine identity of family life and to avoid and fight all that alters or wounds it. This requires political and legislative action to safeguard family values, from the promotion of intimacy and harmony within families to the respect for unborn life and to the effective freedom of choice in educating children. Therefore, neither society nor the State may absorb, substitute or reduce the social dimension of the family; rather, they must honor it, recognize it, respect it and promote it according to the principle of subsidiarity.<sup>573</sup>

253. Society's service of the family becomes concrete in recognizing, respecting and promoting the rights of the family.<sup>574</sup> This means that authentic and effective family policies must be brought about with specific interventions that are able to meet the needs arising from the rights of the family as such. In this sense, there is a necessary prerequisite, one that is essential and indispensable: the recognition — which entails protecting, appreciating and promoting — the identity of the family, the natural society founded on marriage. This recognition represents a clear line of demarcation between the family, understood correctly, and all other forms of cohabitation which, by their very nature, deserve neither the name nor the status of family.

254. The recognition on the part of civil society and the State of the priority of the family over every other community, and even over the reality of the State, means overcoming merely individualistic conceptions and accepting the family dimension as the indispensable cultural and political perspective in the consideration of persons. This is not offered as an alternative, but rather as a support and defence of the very rights that people have as individuals. This perspective makes it possible to draw up normative criteria for a correct solution to different social problems, because people must not be considered only as individuals but also in relation to the family nucleus to which they belong, the specific values and needs of which must be taken into due account.

## CHAPTER SIX

# HUMAN WORK

## I. BIBLICAL ASPECTS

### a. The duty to cultivate and care for the earth

255. The Old Testament presents God as the omnipotent Creator (cf. Gen 2:2; Job 38:41; Ps 104; Ps 147) who fashions man in his image and invites him to work the soil (cf. Gen 2:5-6), and cultivate and care for the garden of Eden in which he has placed him (cf. Gen 2:15). To the first human couple God entrusts the task of subduing the earth and exercising dominion over every living creature (cf. Gen 1:28). The dominion exercised by man over other living creatures, however, is not to be despotic or reckless; on the contrary he is to "cultivate and care for" (Gen 2:15) the goods created by God. These goods were not created by man, but have been received by him as a precious gift that the Creator has placed under his responsibility. Cultivating the earth means not abandoning it to itself; exercising dominion over it means taking care of it, as a wise king cares for his people and a shepherd his sheep.

In the Creator's plan, created realities, which are good in themselves, exist for man's use. The wonder of the mystery of man's grandeur makes the psalmist exclaim: "What is man that you are mindful of him, and the son of man that you care for him? Yet you have made him little less than god, and crown him with glory and honor. You have given him dominion over the works of your hands; you have put all things under his feet" (Ps 8:5-7).

256. Work is part of the original state of man and precedes his fall: it is therefore not a punishment or curse. It becomes toil and pain because of the sin of Adam and Eve, who break their relationship of trust and harmony with God (cf. Gen 3:6-8). The prohibition to eat "of the tree of the knowledge of good and evil" (Gen 2:17) reminds man that he has received everything as a gift and that he continues to be a creature and not the Creator. It was precisely this temptation that prompted the sin of Adam and Eve: "you will be like God" (Gen 3:5). They wanted absolute dominion over all things, without having to submit to the will of the Creator. From that moment, the soil becomes miserly, unrewarding, sordidly hostile (cf. Gen 4:12); only by the sweat of one's brow will it be possible to reap its fruit (cf. Gen 3:17,19). Notwithstanding the sin of our progenitors, however, the Creator's plan, the meaning of His creatures — and among these, man, who is called to cultivate and care for creation — remain unaltered.

<sup>572</sup> John Paul II, *Apoverale Ecclesiazione Familiare* (Compendio 43), AAS 74 (1982), 136.

<sup>573</sup> Cf. Catechism of the Catholic Church, 2211.

<sup>574</sup> Cf. John Paul II, *Apoverale Ecclesiazione Familiare* (Compendio 46), AAS 74 (1982), 137-139.



257. *Work has a place of honor because it is a source of riches, or at least of the conditions for a decent life, and is, in principle, an effective instrument against poverty* (cf. Pr 10:4). But one must not succumb to the temptation of making an idol of work, for the adulate and definitive meaning of life is not to be found in work. *Work is essential, but it is God — and not work — who is the origin of life and the final goal of man.* The underlying principle of wisdom in fact is the fear of the Lord. The demand of justice, which stems from it, precedes concerns for profit: "Better is a little with the fear of the Lord than great treasure and trouble with it" (Pr 15:16). "Better is a little with righteousness than great revenues with injustice" (Pr 16:8).

258. The apex of biblical teaching on work is the commandment of the Sabbath rest. For man, bound as he is to the necessity of work, this rest opens to the prospect of a fuller freedom, that of the eternal Sabbath (cf. Heb 4:9-10). Rest gives men and women the possibility to remember and experience anew God's work, from Creation to Redemption, to recognize themselves as his work (cf. Eph 2:10), and to give thanks for their lives and for their subsistence to him who is their author.

The memory and the experience of the Sabbath constitute a barrier against becoming slaves to work, whether voluntarily or by force, and against every kind of exploitation, hidden or evident. In fact, the Sabbath rest, besides making it possible for people to participate in the worship of God, was instituted in defence of the poor. Its function is also that of freeing people from the antisocial degeneration of human work. The Sabbath rest can even last a year: this entails the expropriation of the fruits of the earth on behalf of the poor and the suspension of the property rights of landowners: "For six years you shall sow your land and gather in its yield; but the seventh year you shall let it rest and lie fallow, that the poor of your people may eat; and what they leave the wild beasts may eat. You shall do likewise with your vineyard, and with your olive orchard" (Ex 23:10-11). This custom responds to a profound intuition: the accumulation of goods by some can sometimes cause others to be deprived of goods.

## b. Jesus, a man of work

259. In his preaching, Jesus teaches that we should appreciate work. He himself, having "become like us in all things, devoted most of the years of his life on earth to manual work at the carpenter's bench" (57) in the workshop of Joseph (cf. Mt 13:55; Mk 6:3), to whom he was obedient (cf. Lk 2:51). Jesus condemns the behavior of the useless servant, who hides his talent in the ground (cf. Mt 25:14-30) and praises the faithful and prudent servant whom the Master finds hard at work at the duties entrusted to him (cf. Mt 24:46). He describes his own mission as that of working: "My Father is working still, and I am working" (Jn 5:17), and his disciples as workers in the harvest of the Lord, which is the evangelization of humanity (cf. Mt 9:37-38). For these workers, the general principle according to which "the laborer deserves his wages" (Lk 10:7) applies. They are therefore authorized to remain in the houses in which they have been welcomed, eating and drinking what is offered to them (cf. Lk 10:7).

57) John Paul II, *Encyclical Letter Laborem Exercens*, 6, AAS 73 (1981), 591.

260. In his preaching, Jesus teaches man not to be enslaved by work. Before all else, he must be concerned about his soul, gaining the whole world is not the purpose of his life (cf. Mk 8:36). The treasures of the earth, in fact, are consumed, while those in heaven are imperishable. It is on these latter treasures that men and women must set their hearts (cf. Mt 6:19-21). Work, then, should not be a source of anxiety (cf. Mt 6:25, 31, 34). When people are worried and upset about many things, they run the risk of neglecting the Kingdom of God and His righteousness (cf. Mt 6:33), which they truly need. Everything else, work included, will find its proper place, meaning and value only if it is oriented to this one thing that is necessary and that will never be taken away (cf. Lk 12:40-42).

261. During his earthly ministry Jesus works tirelessly, accomplishing powerful deeds to free men and women from sickness, suffering and death. The Sabbath — which the Old Testament had put forth as a day of liberation and which, when observed only formally, lost its authentic significance — is reaffirmed by Jesus in its original meaning: "The Sabbath was made for man, not man for the Sabbath" (Mk 2:27). By healing people on this day of rest (cf. Mt 12:9-14; Mk 3:1-6; Lk 6:6-11, 13-10; 17, 14:1-6), he wishes to show that the Sabbath is his, because he is truly the Son of God, and that it is the day on which men should dedicate themselves to God and to others. Freeing people from evil, practising brotherhood and sharing: these give to work its noblest meaning, that which allows humanity to set out on the path to the eternal Sabbath, when rest will become the festive celebration to which men and women inwardly aspire. It is precisely in orienting humanity towards this experience of God's Sabbath and of his fellowship of life that work is the inauguration on earth of the new creation.

262. Human activity aimed at enhancing and transforming the universe can and must unleash the perfections which find their origin and model in the uncreated Word. In fact, the Pauline and Johannine writings bring to light the Trinitarian dimension of creation, in particular the link that exists between the Son — Word — the Logos — and creation (cf. Jn 1:3; 1 Cor 8:6; Col 1:15-17). Created in him and through him, redeemed by him, the universe is not a happenstance congregation but a "cosmos."<sup>58</sup> It falls to man to discover the order within it and to heed this order, bringing it to fulfilment: "In Jesus Christ the visible world which God created for man — the world that, when sin entered, 'was subjected to futility' (Rom 8:20; cf. Jbd. 8:19-22) — recovers again its original link with the divine source of Wisdom and Love."<sup>59</sup> In this way — that is, bringing to light in ever greater measure "the unsearchable riches of Christ" (Eph 3:8), in creation, human work becomes a service raised to the grandeur of God.

263. Work represents a fundamental dimension of human existence as participation not only in the act of creation but also in that of redemption. Those who put up with the difficult rigors of work in union with Jesus cooperate, in a certain sense, with the Son of God in his work of redemption and show that they are disciples of Christ bearing

58) John Paul II, *Encyclical Letter Redemptio Humana*, 1, AAS 71 (1979), 257.

59) John Paul II, *Encyclical Letter Redemptio Humana*, 8, AAS 71 (1979), 270.

his cross, every day, in the activity they are called to do. In this perspective, work can be considered a means of sanctification and an enlivening of earthly realities with the Spirit of Christ.<sup>570</sup> Understood in this way, work is an expression of man's full humanity, in his historical condition and his eschatological orientation. Man's face and responsible action reveals his intimate relationship with the Creator and his creative power. At the same time, it is a daily aid in combating the disfigurement of sin, even when it is by the sweat of his brow that man earns his bread.

### c. The duty to work

**264.** The awareness that "the form of this world is passing away" (1 Cor 7:31) is not an exonerating from being involved in the world, and even less from work (cf. 2 Thes 3:7-15), which is an integral part of the human condition, although not the only purpose of life. No Christian, in light of the fact that he belongs to a united and fraternal community, should feel that he has the right not to work and to live at the expense of others (cf. 2 Thes 3:6-12). Rather, all are charged by the Apostle Paul to make it a point of honor to work with their own hands, so as to "be dependent on nobody" (1 Thes 4:12), and to practice a solidarity which is also material by sharing the fruits of their labor with "those in need" (Eph 4:28). Saint James defends the trampled rights of workers: "Behold, the wages of the laborers who mowed your fields, which you kept back by fraud, cry out; and the cries of the harvesters have reached the ears of the Lord of hosts" (Jas 5:4). Believers are to undertake their work in the style of Christ and make it an occasion for Christian witness, commending "the respect of outsiders" (1 Thes 4:12).

**265.** The Fathers of the Church do not consider work as an "ignis servilis" — although the culture of their day maintained precisely that such was the case — but always as an "opus humanum," and they tend to hold all its various expressions in honor. By means of work, man governs the world with God; together with God he is its lord and accomplishes good things for himself and for others. Idleness is harmful to man's being, whereas activity is good for his body and soul.<sup>571</sup> Christians are called to work not only to provide themselves with bread, but also in acceptance of their poorer neighbors, to whom the Lord has commanded them to give food, drink, clothing, welcome, care and companionship<sup>572</sup> (cf. Mt 25:35-36). Every worker, Saint Ambrose contends, is the hand of Christ that continues to create and to do good.<sup>573</sup>

**266.** By his work and industriousness, man — who has a share in the divine art and wisdom — makes creation, the cosmos already ordered by the Father, more beautiful.<sup>574</sup> He stimulates the social and community energies that increase the common good.<sup>575</sup>

<sup>570</sup> Cf. Catechism of the Catholic Church, 2427; John Paul II, Encyclicals *Laboris Unio*, no. 27; AAS 73 (1981), 644-647.

<sup>571</sup> Cf. Saint John Chrysostom, *Homilies on Acts*, in *Acts Apostolicorum Homiliae* 18, 3; PG 62, 258.

<sup>572</sup> Cf. Saint Basil, *Regulae fratrum* 42; PG 31, 1023-1027; Saint Augustine, *Life of Saint Anthony*, ch. 3; PG 26, 646.

<sup>573</sup> Cf. Saint Ambrose, *De officiis* 10, in *Opera Ambrosiana* 62, PL 16, 1435.

<sup>574</sup> Cf. Saint Bernardus Abbasque Helensis, 5, 12, 2; PL 7, 1218-1219.

<sup>575</sup> Cf. Theobaldus of Caen, *De civitate Dei*, *Contra* 5, 7; PG 83, 625-626.

above all to the benefit of those who are neediest. Human work, directed to charity as its final goal, becomes an occasion for contemplation, it becomes devout prayer, vigilantly rising towards and in anxious hope of the day that will not end. "In this superior vision, work, a punishment and at the same time a reward of human activity, involves another relationship, the essentially religious one, which has been happily expressed in the Benedictine formula: *ora et labora*! The religious life confers on human work an enlivening and redeeming spirituality. Such a connection between work and religion reflects the mysterious but real alliance, which intervenes between human action and the providential action of God."<sup>576</sup>

## II. THE PROPHETIC VALUE OF RERUM NOVARUM

**267.** The course of history is marked by the profound transformation and the exhilarating conquests of work, but also by the exploitation of so many workers and an offence to their dignity. The Industrial Revolution presented for the Church a critical challenge to which her social Magisterium responded forcefully and prophetically, affirming universally valid and personally relevant principles in support of workers and their rights.

For centuries the Church's message was addressed to agricultural societies, characterized by regular cyclical rhythms. Now the Gospel had to be preached and lived in a new "metaphysic," in the tumult of social events in a more dynamic society, taking into account the complexities of new phenomena of the unimaginable transformations brought about by mechanization. At the centre of the Church's pastoral concern was the ever urgent worker question, that is, the problem of the exploitation of workers brought about by the new industrial organization of labor, capitalistically oriented, and the problem, no less serious, of ideological manipulation — socialist and communist — of the just claims advanced by the world of labor. The reflections and warnings contained in the Encyclical *Rerum Novarum* of Pope Leo XIII are placed in this historical context.

**268.** *Rerum Novarum* is above all a heartfelt defence of the inalienable dignity of workers, connected with the importance of the right to property, the principle of cooperation among the social classes, the rights of the weak and the poor, the obligation of workers and employers and the right to form associations.

The orientation of ideas expressed in the Encyclical strengthened the commitment to realize Christian social life, which was seen in the birth and consolidation of numerous initiatives of high civic profile: groups and centres for social studies, associations, worker organizations, unions, cooperatives, rural banks, insurance groups and assistance organizations. All of this gave great momentum to labor-related legislation for the protection of workers, above all children and women; to instruction and to the improvement of salaries and cleanliness in the work environment.

**269.** Starting with *Rerum Novarum*, the Church has never stopped considering the problems of workers within the context of a social question which has progressively taken on

576 John Paul II, Address during Pastoral Visit to Rome, 14 September 1979, 3.

CCVeneris in Patris, English edition, 1 October 1979, p. 4.

worldwide dimensions."<sup>274</sup> The Encyclical *Laborem Exercens* enhances the personalistic vision that characterized previous social documents, indicating the need for a deeper understanding of the meaning and tasks that work entails. It does this in consideration of the fact that "fresh questions and problems are always arising, there are always fresh hopes, but also fresh fears and threats, connected with this basic dimension of human existence; man's life is built up every day from work, from work it derives its specific dignity, but at the same time work contains the unceasing measure of human toil and suffering, and also of the harm and injustice which penetrate deeply into social life within individual nations and on the international level."<sup>275</sup> In fact, work is the "essential key"<sup>276</sup> to the whole social question and is the condition not only for economic development but also for the cultural and moral development of persons, the family, society and the entire human race.

### III. THE DIGNITY OF WORK

#### a. The subjective and objective dimensions of work

270. Human work has a twofold significance: *objective* and *subjective*. In the *objective* sense, it is the sum of activities, resources, instruments and technologies used by men and women to produce things, to exercise *dominion over the earth*, in the words of the Book of Genesis. In the *subjective* sense, work is the activity of the human person as a dynamic being capable of performing a variety of actions that are part of the work process and that correspond to his personal vocation. "Man has to subdue the earth and dominate it, because as the 'image of God' he is a person, capable of deciding about himself, and with a tendency to self-realization. As a person, man is therefore the subject of work."<sup>277</sup>

Work in the *subjective* sense constitutes the *contingent aspect of human activity*, which constantly varies in its expressions according to the changing technological, cultural, social and political conditions. Work in the *subjective* sense, however, represents as *stable dimension*, since it does not depend on what people produce or on the type of activity they undertake, but only and exclusively on their dignity as human beings. This distinction is critical, both for understanding what the ultimate foundation of the value and dignity of work is, and with regard to the difficulties of organizing economic and social systems that respect human rights.

271. This subjectivity gives to work its *particular dignity*, which does not allow that it be considered a simple *instrumentality* or an *instrumental element of the apparatus for productivity*. Cut off from its lesser or greater objective value, work is an essential expression of the person, it is an "*actus personae*." Any form of materialism or economic tenet that tries to reduce the worker to being a mere instrument of production, a simple labor force with an exclusively material value, would end up by *degrading* dis-

<sup>274</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 2: AAS 73 (1981), 580-583.

<sup>275</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 2: AAS 73 (1981), 579.

<sup>276</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 3: AAS 73 (1981), 584.

<sup>277</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 6: AAS 73 (1981), 580-582.

ting the essence of work and stripping it of its most noble and basic human finality. The human person is the *measure of the dignity of work*: "In fact there is no doubt that human work has an ethical value of its own, which clearly and directly remains linked to the fact that the one who carries it out is a person."<sup>278</sup>

The *subjective dimension of work must take precedence over the objective dimension*, because it is the dimension of the person himself who engages in work, determining its quality and consummate value. If this awareness is lacking, or if one chooses not to recognize this truth, work loses its truest and most profound meaning. In such cases — which are unfortunately all too frequent and widespread — work activity and the very technology employed become more important than the person himself and at the same time are transformed into enemies of his dignity.

272. Human work not only proceeds from the person, but it is also essentially ordered to and has its *final good in the human person*. Independently of its objective content, work must be oriented to the subject who performs it, because the end of work, any work whatsoever, always remains man. Even if one cannot ignore the objective component of work with regard to its quality, this component must nonetheless be subordinated to the self-realization of the person, and therefore to the *subjective dimension*, thanks to which it is possible to affirm that *work is for man and not man for work*. "It is always man who is the purpose of work, whatever work it is that is done by man — even if the common scale of values rates it as the *meanest service*," as the most mountaineers, even the most alienating work."<sup>279</sup>

273. Human work also has an *intrinsic social dimension*. A person's work, in fact, is naturally connected with that of other people. Today "more than ever, work is work with others and work for others. It is a matter of doing something for someone else."<sup>280</sup> The fruits of work offer occasions for exchange, relationship and encounter. Work, therefore, cannot be properly evaluated if its social nature is not taken into account. "For man's productive effort cannot yield its fruits unless a truly social and organic body exists, unless a social and juridical order watches over the exercise of work, unless the various occupations, being interdependent, cooperate with and mutually complete one another, and, what is still more important, unless mind, material things, and work combine and form as it were a single whole. Therefore, where the social and individual nature of work is neglected, it will be impossible to evaluate work justly and pay it according to justice."<sup>281</sup>

274. Work is also "an obligation, that is to say, a duty on the part of man."<sup>282</sup> Man must work, both because the Creator has commanded it and in order to respond to the need to maintain and develop his own humanity. Work is presented as a moral obligation with respect to one's neighbor, which in the first place is one's own family,

<sup>278</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 6: AAS 73 (1981), 582.

<sup>279</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 6: AAS 73 (1981), 583, 1. Cf. also *Letter of the Catholic Church*, 242b.

<sup>280</sup> John Paul II, *Encyclical Letter Consecratio Virginitatis*, 31: AAS 81 (1989), 832.

<sup>281</sup> John Paul II, *Encyclical Letter Quodammodo Aperi*, AAS 23 (1981), 227.

<sup>282</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 36: AAS 73 (1981), 619.

but also the society to which one belongs, the nation of which one is son or daughter, the entire human family of which one is member. We are heirs of the work of generations and at the same time shapers of the future of all who will live after us.

275. Work confirms the profound identity of men and women created in the image and likeness of God: "As man, through his work, becomes more and more the master of the earth, and as he confirms his dominion over the visible world, again through his work, he nevertheless remains in every case and at every phase of this process within the Creator's original ordering. And this ordering remains necessarily and indissoluble linked with the fact that man was created, as male and female, 'in the image of God.'"<sup>59</sup> This designates human activity in the universe, men and women are not its owner, but those to whom it is entrusted, called to reflect in their own manner of working the image of him in whose likeness they are made.

#### b. The relationship between labor and capital

276. Work, because of its subjective or personal character, is superior to every other factor connected with production; this principle applies, in particular, with regard to capital. The term "capital" has different meanings today. Sometimes it indicates the material means of production in a given enterprise, sometimes the financial resources employed to bring about production or used in stock market operations. One can also speak of "human capital" to refer to human resources, that is, to man himself in his capacity to engage in labor, to make use of knowledge and creativity, to sense the needs of his fellow workers and a mutual understanding with other members of an organization. The term "social capital" is also used to indicate the capacity of a collective group to work together, the fruit of investments in a mutually-binding fiduciary trust. This variety of meanings offers further material for reflection on what the relationship between work and capital may be today.

277. The Church's social doctrine has not failed to insist on the relationship between labor and capital, placing in evidence both the priority of the first over the second as well as their complementarities.

Labor has an intrinsic priority over capital. "This principle directly concerns the process of production: in this process labor is always a primary efficient cause, while capital, the whole collection of means of production, remains a mere instrument or instrumental cause. This principle is an evident truth that emerges from the whole of man's historical experience."<sup>60</sup> This "is part of the abiding heritage of the Church's teaching."<sup>61</sup>

There must exist between work and capital a relationship of complementarities: the very logic inherent within the process of production shows that the two must mutually permeate one another and that there is an urgent need to create economic systems in which the opposition between capital and labor is overcome.<sup>62</sup>

<sup>59</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 4, AAS 73 (1981), 596.

<sup>60</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 12, AAS 73 (1981), 608.

<sup>61</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 12, AAS 73 (1981), 608.

<sup>62</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 13, AAS 73 (1981), 605-612.

In times when "capital" and "hired labor," within a less complicated economic system, used to identify with a certain precision not only two elements of production but also and above all two concrete social classes, the Church affirmed that both were in themselves legitimate.<sup>63</sup> "Capital cannot stand without labor, nor labor without capital."<sup>64</sup> This is a truth that applies also today, because "it is altogether false to ascribe either to capital alone or to labor alone what is achieved by the joint work of both; and it is utterly unjust that the one should arrogate unto itself what is being done, denying the effectiveness of the other."<sup>65</sup>

278. In considering the relationship between labor and capital, above all with regard to the expressive transformations of our modern times, we must maintain that the "primary resource" and the "decisive factor" is at man's disposal is man himself, and that "the integral development of the human person through work does not impede but rather promotes the greater productivity and efficiency of work itself."<sup>66</sup> In fact, the world of work is discovering more and more that the value of "human capital" is finding expression in the consciences of workers, in their willingness to create relationships, in their creativity, in their industriousness in promoting themselves, in their ability consciously to face new situations, to work together and to pursue common objectives. These are strictly personal qualities that belong to the subject of work more than to the objective, technical, or operational aspects of work itself. All of this entails a new perspective in the relationship between labor and capital. We can affirm that, contrary to what happened in the former organization of labor in which the subject would end up being less important than the object, that the mechanical process, in our day the subjective dimension of work tends to be more decisive and more important than the objective dimension.

279. The relationship between labor and capital often shows traits of antagonism that take on new forms with the changing of social and economic contexts. In the past, the origin of the conflict between capital and labor was found above all "in the fact that the workers put their powers at the disposal of the entrepreneurs, and these, following the principle of maximum profit, tried to establish the lowest possible wages for the work done by the employees."<sup>67</sup> In our present day, this conflict shows aspects that are new and perhaps more disquieting: scientific and technological progress and the globalization of markets, of themselves a source of development and progress, expose workers to the risk of being exploited by the mechanisms of the economy and by the unrestrained quest for productivity.<sup>68</sup>

280. One must not fall into the error of thinking that the process of overcoming the dependence of work on material is of itself capable of overcoming alienation in the work-

<sup>63</sup> Cf. Pius XI, *Encyclical Letter Quodvultum Ait*, AAS 23 (1931), 194-198.

<sup>64</sup> Leo XIII, *Encyclical Letter Rerum Novarum*, Acta Leonis XIII, 11 (1902), 109.

<sup>65</sup> Pius XI, *Encyclical Letter Quodvultum Ait*, AAS 23 (1931), 195.

<sup>66</sup> John Paul II, *Encyclical Letter Centesimus Annus*, 32, AAS 83 (1991), 813.

<sup>67</sup> John Paul II, *Encyclical Letter Centesimus Annus*, 43, AAS 83 (1991), 867.

<sup>68</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 11, AAS 73 (1981), 624.

<sup>69</sup> Cf. John Paul II, Address to the Pontifical Academy of Social Sciences 46 March 1999, 2; *Dei Verbum*, Romano, English edition, 17 March 1999, p. 3.

place or the alienation of labor. The reference here is not only to the many pockets of non-work, concealed work, child labor, underpaid work, exploitation of workers — all of which still persist today — but also to new, much more subtle forms of exploitation of new sources of work, to over-working, to work-as-career that often takes on more importance than other human and necessary aspects, to excessive demands of work that makes hardly life unstable and sometimes impossible, to a modular structure of work that entails the risk of serious repercussions on the unitary perception of one's own existence and the stability of family relationships. If people are alienated when means and ends are inverted, elements of alienation can also be found in the new contexts of work that is immaterial, light, qualitative more than quantitative, "either through increased sharing in a genuinely supportive community or through increased isolation in a maze of relationships marked by destructive competitiveness and estrangement."<sup>83</sup>

### c. Work, the right to participate

281. The relationship between labor and capital also finds expression when workers participate in ownership, management and profits. This is an all-too-often overlooked requirement and it should be given greater consideration. "On the basis of his work each person is fully entitled to consider himself a part-owner of the great workbench where he is working with everyone else. A way towards that goal could be found by associating labor with the ownership of capital, as far as possible, and by producing a wide range of intermediate bodies with economic, social and cultural purposes. These would be bodies enjoying real autonomy with regard to public authorities, pursuing their specific aims in honest collaboration with each other and in subordination to the demands of the common good. These would be living communities both in form and in substance, as members of each body would be looked upon and treated as persons and encouraged to take an active part in the life of the body."<sup>84</sup> The new ways that work is organized, where knowledge is of greater account than the mere ownership of the means of production, concretely shows that work, because of its subjective character, entails the right to participate. This awareness must be firmly in place in order to evaluate the proper place of work in the process of production and to find ways of participation that are in line with the subjectivity of work in the distinctive circumstances of different concrete situations.<sup>85</sup>

### d. The relationship between labor and private property

282. The Church's social Magisterium sees an expression of the relationship between labor and capital also in the possession of private property, in the right to and the use of private property. The right to private property is subordinated to the principle of the universal destination of goods and must not constitute a reason for impeding the work

<sup>83</sup> John Paul II, *Encyclicale Letter Laborem Exercens*, 31: AAS 84 (1992), 844.

<sup>84</sup> John Paul II, *Encyclicale Letter Laborem Exercens*, 14: AAS 73 (1981), 616.

<sup>85</sup> Cf. Second Vatican Council, *Constitution on the Church*, 7: AAS 58 (1966), 2541-2557.

or development of others. Property, which is acquired in the first place through work, must be placed at the service of work. This is particularly true regarding the possession of the means of production, but the same principle also concerns the goods proper to the world of finance, technology, knowledge, and personnel.

The means of production "cannot be possessed against labor, they cannot even be possessed for possession's sake."<sup>86</sup> It becomes illegitimate to possess them when property "is not utilized or when it serves to impede the work of others, in an effort to gain a profit which is not the result of the overall expansion of work and the wealth of society, but rather is the result of curbing them or of illicit exploitation, speculation or the breaking of solidarity among working people."<sup>87</sup>

283. Private and public property, as well as the various mechanisms of the economic system, must be oriented to an economy of service to mankind, so that they contribute to putting into effect the principle of the universal destination of goods. The issue of ownership and use of new technologies and knowledge — which in our day constitute a particular form of property that is no less important than ownership of land or capitals — becomes significant in this perspective. These resources, like all goods, have a universal destination; they too must be placed in a context of legal norms and social rules that guarantee that they will be used according to the criteria of justice, equity and respect of human rights. The new discoveries and technologies, thanks to their enormous potential, can make a decisive contribution to the promotion of social progress; but if they remain concentrated in the wealthier countries or in the hands of a small number of powerful groups, they risk becoming sources of unemployment and increasing the gap between developed and underdeveloped areas.

### e. Rest from work

284. Rest from work is a right.<sup>88</sup> As God "rested on the seventh day from all the work which he had done" (Gen 2:2), so too men and women, created in his image, are to enjoy sufficient rest and free time that will allow them to tend to their family, cultural, social and religious life.<sup>89</sup> The institution of the Lord's Day contributes to this.<sup>90</sup> On Sundays and other Holy Days of Obligation, believers must refrain from "engaging in work or activities that hinder the worship owed to God, the just respect to the Lord's Day, the performance of the works of mercy, and the appropriate relaxation of mind and body."<sup>91</sup> Family needs and service of great importance to society constitute legitimate excuses from the obligation of Sunday rest, but these must not create habits that are prejudicial to religious, family life or health.

<sup>86</sup> John Paul II, *Encyclicale Letter Laborem Exercens*, 14: AAS 73 (1981), 613.

<sup>87</sup> John Paul II, *Encyclicale Letter Centesimus Annus*, 43: AAS 83 (1991), 847.

<sup>88</sup> Cf. John Paul II, *Encyclicale Letter Centesimus Annus*, 32: AAS 83 (1991), 832-833.

<sup>89</sup> Cf. John Paul II, *Encyclicale Letter Laborem Exercens*, 19: AAS 73 (1981), 623-629; 1-John Paul II, *Encyclicale Letter Centesimus Annus*, 3: AAS 83 (1991), 824.

<sup>90</sup> Cf. Second Vatican Council, *Constitution on the Church*, 17: AAS 58 (1966), 1084-1086.

<sup>91</sup> Cf. *Canon of the Catholic Church*, 2184.

<sup>92</sup> *Canon of the Catholic Church*, 2185.

285. *Sunday is a day that should be made holy by charitable activity, devoted time to family and relatives, as well as to the sick, the infirm and the elderly. One must not forget the "brethren who have the same needs and the same rights, yet cannot rest from work because of poverty and misery."<sup>61</sup> Moreover, Sunday is an appropriate time for reflection, advice, study and meditation that foster the growth of the individual or Christian life. Believers should distinguish themselves on this day too by their moderation, avoiding the excesses and certainly the violence that mass entertainment sometimes occasions.<sup>62</sup> The Lord's Day should always be lived as a day of liberation that allows us to take part in "the feast of gathering and the assembly of the firstborn who are enrolled in heaven" (cf. *Hb* 12:22-23), anticipating thus the celebration of the definitive Passover in the glory of heaven.<sup>63</sup>*

286. *Public authorities have the duty to ensure that, for reasons of economic probabilities, citizens are not denied time for rest and divine worship.* Employers have an analogous obligation regarding their employees.<sup>64</sup> Christians, in respect of religious freedom and of the common good of all, should seek to have Sundays and the Church's Holy Days recognized as legal holidays.<sup>65</sup> They have to give everyone a public example of prayer, respect and joy, and defend their traditions as a precious contribution to the spiritual life of society.<sup>66</sup> Every Christian should avoid making unnecessary demands on others that would hinder them from observing the Lord's Day.<sup>67</sup>

## IV. THE RIGHT TO WORK

### a. Work is necessary

287. *Work is a fundamental right and a good for mankind,<sup>68</sup> a useful good, worthy of man because it is an appropriate way for him to give expression to and enhance his human dignity. The Church teaches the value of work not only because it is always something that belongs to the person but also because of its nature as something necessary.<sup>69</sup> Work is needed to form and maintain a family,<sup>70</sup> to have a right to property,<sup>71</sup> to contribute to the common good of the human family.<sup>72</sup> In considering*

the moral implications that the question of work has for social life, the Church cannot fail to indicate unemployment as a "real social disaster,"<sup>73</sup> above all with regard to the younger generations.

288. *Work is a good belonging to all people and must be made available to all who are capable of engaging in it. Full employment therefore remains a mandatory objective for every economic system oriented towards justice and the common good. A society in which the right to work is thwarted or systematically denied, and in which economic policies do not allow workers to reach satisfactory levels of employment, cannot be justified from an ethical point of view, nor can that society attain social peace.<sup>74</sup> An important role and, consequently, a particular and grave responsibility in this area falls to "indirect employers,"<sup>75</sup> that is, those subjects — persons or institutions of various types — in a position to direct, at the national or international level, policies concerning labor and the economy.*

289. *The planning capacity of a society oriented towards the common good and looking to the future is measured also and above all on the basis of the employment prospects that it is able to offer. The high level of unemployment, the presence of obsolete educational systems and of persistent difficulties in gaining access to professional formation and the job market represent, especially for many young people, a huge obstacle on the road to human and professional fulfillment. In fact, those who are unemployed or underemployed suffer the profound negative consequences that such a situation creates in a personality and they run the risk of being marginalized within society, of becoming victims of social exclusion.<sup>76</sup> In general, this is the drama that strikes not only young people, but also women, less specialized workers, the persons with disabilities, immigrants, ex-convicts, the illiterate, all those who face greater difficulties in the attempt to find their place in the world of employment.*

290. *Maintaining employment depends more and more on one's professional capabilities,<sup>77</sup> instructional and educational systems must not neglect human or technological formation, which are necessary for genuinely fulfilling one's responsibilities. The ever more widespread necessity of changing jobs many times in one's lifetime makes it imperative that the educational system encourage people to be open to on-going updating and re-training. Young people should be taught to act upon their own initiative, to accept the responsibility of facing with adequate competences the risks connected with a fluid economic context that is often unpredictable in the way it evolves.<sup>78</sup> Equally indispensable is the task of offering suitable courses of formation for adults seeking re-training and for the unemployed. More generally,*

<sup>61</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 28, AAS 73 (1981), 623.

<sup>62</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 43, AAS 73 (1981), 648; cf. *Catechism of the Catholic Church*, 2433.

<sup>63</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 17, AAS 73 (1981), 627-628.

<sup>64</sup> Cf. *Catechism of the Catholic Church*, 2436.

<sup>65</sup> Cf. Second Vatican Council, Pastoral Constitution *Gaudium et Spes*, 66, AAS 54 (1960), 1287, 1288.

<sup>66</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 12, AAS 73 (1981), 625-626.

<sup>71</sup> *Catechism of the Catholic Church*, 2186.

<sup>72</sup> Cf. *Catechism of the Catholic Church*, 2187.

<sup>73</sup> Cf. John Paul II, *Apostolic Letter Novo Millennio*, 26, AAS 92 (1998), 720, "In celebrating Sunday as both the first and the eighth day, the Christian is led to look at the world of eternal life."

<sup>74</sup> Cf. Leo XIII, *Encyclical Letter Rerum Novarum*, 3, AAS 10 (1877), 113.

<sup>75</sup> *Catechism of the Catholic Church*, 2188.

<sup>76</sup> Cf. Second Vatican Council, Pastoral Constitution *Gaudium et Spes*, 26, AAS 58 (1960), 1246-1247.

<sup>77</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 9, 18, AAS 73 (1981), 606, 607, 623, 625; John Paul II, *Address to the Pontifical Academy of Social Sciences*, 12, April 1987, AAS 89 (1987), 1434-1435; English edition, 14 May 1987, 8, 5, 13-14; John Paul II, *Messaggio for the 1988 World Day of Prayer*, 8, AAS 92 (1988), 322-323.

<sup>78</sup> Cf. Leo XIII, *Encyclical Letter Rerum Novarum*, 3, AAS 10 (1877), 113.

<sup>79</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 17, AAS 73 (1981), 627-628.

<sup>80</sup> Cf. Leo XIII, *Encyclical Letter Rerum Novarum*, 3, AAS 10 (1877), 113; John Paul II, *Encyclical Letter Laborem Exercens*, 24, AAS 73 (1981), 642-643; John Paul II, *Encyclical Letter Novo Millennio*, 31, AAS 92 (1998), 831-832.

<sup>81</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 16, AAS 73 (1981), 618-622.



people need concrete forms of support as they journey in the world of work, starting precisely with formalized systems, so that it will be less difficult to cope with periods of change, uncertainty and instability.

#### b. The role of the State and civil society in promoting the right to work

291. *Employment problems challenge the responsibilities of the State, whose duty it is to promote active employment policies, that is, policies that will encourage the creation of employment opportunities within the national territory, providing the production sector with incentives to this end. The duty of the State does not consist so much in directly guaranteeing the right to work of every citizen, making the whole of economic life very rigid and restricting individual free initiative, as much as in the duty to "sustain business activities by creating conditions which will ensure job opportunities, by stimulating those activities where they are lacking or by supporting them in moments of crisis."*<sup>62</sup>

292. *Given the quickly developing global dimensions of economic-financial relationships and of the labor market, there is a need to promote an effective international cooperation among States by means of treaties, agreements and common plans of action that safeguard the right to work, even in the most critical phases of the economic cycle, at the national and international levels. It is necessary to be aware of the fact that human work is a right upon which the promotion of social justice and civil peace directly depend. Impurgent tasks in this regard fall to international organizations and to labor unions. Working forces in the most suitable ways, they must strive first of all to create "an ever more tightly knit fabric of juridical norms that protect the work of men, women and youth, ensuring its proper remuneration."*<sup>63</sup>

293. *To promote the right to work it is important today, as in the days of Rerum Novarum, that there be "an open doorway by which society organizes itself."<sup>64</sup> Meaningful testimonies and examples of self-organization can be found in the numerous initiatives, business and social, characterized by forms of participation, cooperation and self-management that manifest the joining of energies in solidarity. These are offered to the market as a multifaceted sector of work activity whose mark of distinction is the special attention given to the relational components of the goods produced and of the services rendered in many areas: instruction, health care, basic social services and culture. The initiatives of this so-called "third sector" represent an ever more important opportunity for the development of labor and the economy.*

#### c. The family and the right to work

294. *Work is "a foundation for the formation of family life, which is a natural right and something that man is called to."<sup>65</sup> It ensures a means of subsistence and serves as*

<sup>62</sup> John Paul II, *Encyclical Letter Centesimus Annus*, 48; AAS 83 (1991), 853.

<sup>63</sup> Paul VI, *Address to the International Labor Organization* (10 June 1969), 23; AAS 61 (1969), 74 (1969), 333-338.

<sup>64</sup> John Paul II, *Encyclical Letter Centesimus Annus*, 16; AAS 83 (1991), 813.

<sup>65</sup> John Paul II, *Encyclical Letter Centesimus Annus*, 17; AAS 83 (1991), 817.

a guarantee for raising children.<sup>64</sup> Family and work, so closely interdependent in the experience of the vast majority of people, deserve finally to be considered in a more realistic light, with an attention that seeks to understand them together, without the limits of a strictly private conception of the family or a strictly economic view of work. In this regard, it is necessary that businesses, professional organizations, labor unions and the State promote policies that, from an employment point of view, do not penalize but rather support the family nucleus. In fact, family life and work mutually affect one another in different ways. Travelling great distances to the workplace, working two jobs, physical and psychological fatigue all reduce the time devoted to the family.<sup>65</sup> Situations of unemployment have material and spiritual repercussions on families, just as tensions and family crises have negative influences on attitudes and productivity in the area of work.

#### d. Women and the right to work

295. *The feminine genius is needed in all expressions in the life of society, therefore the presence of women in the workplace must also be guaranteed. The first indispensable step in this direction is the concrete possibility of access to professional formation. The recognition and defence of women's rights in the context of work generally depend on the organization of work, which must take into account the dignity and vocation of women, whose "true advancement . . . requires that labor should be structured in such a way that women do not have to pay for their advancement by abandoning what is specific to them."<sup>66</sup> This issue is the measure of the quality of society and its effective defence of women's right to work.*

The persistence of many forms of discrimination offensive to the dignity and vocation of women in the area of work is due to a long series of conditioning that penalizes women, who have seen "their prerogatives misrepresented" and themselves "relegated to the margins of society and even reduced to servitude."<sup>67</sup> These difficulties, unfortunately, have not been overcome, as is demonstrated wherever there are situations that demoralize women, making them objects of a very real exploitation. An urgent need to recognize effectively the rights of women in the workplace is seen especially under the aspects of pay, insurance and social security.<sup>68</sup>

#### e. Child labor

296. *Child labor, in its insufferable forms, constitutes a kind of violence that is less obvious than others but it is not for this reason any less terrible.<sup>69</sup> This is a violence that,*

<sup>64</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 12; AAS 73 (1981), 682; John Paul II, *Apostolic Exhortation Familiaris Consortio*, 23; AAS 74 (1982), 127-129.

<sup>65</sup> Cf. Holy See, *Charter of the Rights of the Family*, art. 12; Vatican Polyglot Press, Vatican City 1985, p. 13-14.

<sup>66</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 19; AAS 73 (1981), 685.

<sup>67</sup> John Paul II, *Letter to Women*, 3; AAS 87 (1995), 804.

<sup>68</sup> Cf. John Paul II, *Apostolic Exhortation Familiaris Consortio*, 24; AAS 74 (1982), 129-132.

<sup>69</sup> Cf. John Paul II, *Message for the 1996 World Day of Peace*, 5; AAS 88 (1996), 126-127.

beyond all political, economic and legal implications, remains essentially a moral problem. Pope Leo XIII issued the warning: "in regard to children, great care should be taken not to place them in workshops and factories until their bodies and minds are sufficiently developed. For just as very rough weather destroys the buds of spring, so does too early an experience of life's hard toil blight the young promise of a child's faculties, and render any true education impossible."<sup>62</sup> After more than a hundred years, the plight of child labor has not yet been overcome.

Even with the knowledge that, at least for now, in certain countries the exploitation made by child labor to family income and the national economy is indispensable, and that in any event certain forms of part-time work can prove beneficial for children themselves, the Church's social doctrine condemns the increase in "the exploitation of children in the workplace in conditions of veritable slavery."<sup>63</sup> This exploitation represents a serious violation of human dignity, with which every person, "no matter how small or how seemingly unimportant in utilitarian terms,"<sup>64</sup> is endowed.

### C. Immigration and work

297. *Immigration can be a resource for development rather than an obstacle to it.* In the modern world, where there are still grave inequalities between rich countries and poor countries, and where advances in communications quickly reduce distances, the immigration of people looking for a better life is on the increase. These people come from less privileged areas of the earth and their arrival in developed countries is often perceived as a threat to the high levels of well-being achieved thanks to decades of economic growth. In most cases, however, immigrants fill a labor need which would otherwise remain unmet in sectors and territories where the local workforce is insufficient or unwilling to engage in the work in question.

298. *Institutions in host countries must keep careful watch to prevent the spread of the temptation to exploit foreign laborers, denying them the same rights enjoyed by nationals, rights that are to be guaranteed to all without discrimination.* Regulating immigration according to criteria of equity and balance<sup>65</sup> is one of the indispensable conditions for ensuring that immigrants are integrated into society with the guarantees required by recognition of their human dignity. Immigrants are to be received as persons and helped, together with their families, to become a part of societal life.<sup>66</sup> In this context, the right of reuniting families should be respected and promoted.

<sup>62</sup> Leo XIII, *Encyclical Letter Rerum Novarum*, Acta Leonis XIII, 11 (1907), 129.

<sup>63</sup> John Paul II, *Message for the 1998 World Day of Peace*, 6, AAS 92 (1998), 134.

<sup>64</sup> John Paul II, *Message for the 1998 World Day of Peace*, 6, AAS 92 (1998), 134.

<sup>65</sup> World Summit for Children (22 September 1990), AAS 83 (1991), 967.

<sup>66</sup> Cf. John Paul II, *Message for the 2001 World Day of Peace* (1), AAS 91 (2001), 241; *Doctrinal Council of the Church*, *Practical Council for the Pastoral Care of Migrants and Itinerant People*, *Reflections on the Challenge of Solidarity*, 6, Libreria Editrice Vaticana, Vatican City 1992, p. 10.

<sup>67</sup> Cf. *Catechism of the Catholic Church*, 2241.

ed.<sup>65</sup> At the same time, conditions that foster increased work opportunities in people's place of origin are to be promoted as much as possible.<sup>66</sup>

### g. The world of agriculture and the right to work

299. *Agricultural labor merits special attention, given the important social, cultural and economic role that it continues to play in the economic systems of many countries, and also considering the many problems that need to be met in the context of an ever more globalized economy as well as its growing significance in safeguarding the natural environment.* Radical and urgent changes are therefore needed in order to restore to agriculture — and to rural people — their just value as the basis for a healthy economy, within the social community's development as a whole.<sup>67</sup>

The profound and radical changes underway at the social and cultural levels also in agriculture and in the more expansive rural world urgently call for a thorough examination of the meaning of agricultural work in its many different dimensions. This is a challenge of great importance that must be met with agricultural and environmental policies that are capable of overcoming a concept of well-being continuing from the past and of developing new perspectives for modern agriculture that is in a position to play a significant role in social and economic life.

300. *In some countries a redistribution of land as part of rural policies of agrarian reform is indispensable, in order to overcome the obstacles that an unproductive system of land tenure — condemned by the Church's social doctrine<sup>68</sup> — places on the path of genuine economic development.* "Developing countries can effectively counter the present process under which land ownership is being concentrated in a few hands if they face up to certain situations that constitute real structural problems, for example legislative deficiencies and delays regarding both recognition of land titles and in relation to the credit market, a lack of concern over agricultural research and training, and neglect of social services and infrastructures in rural areas."<sup>69</sup> Agrarian reform therefore becomes a moral obligation more than a political necessity, since the failure to enact such reform is a hindrance in these countries to the benefits arising from the opening of markets and, generally, from the abundant growth opportunities offered by the current process of globalization.<sup>70</sup>

<sup>65</sup> Cf. 14. A Sec. *Charter of the Rights of the Family*, art. 12, Vatican Publishing Press, Vatican City 1983, p. 34; John Paul II, *Apology for Excommunication Excommunicatus*, 77, AAS 74 (1982), 175, 178.

<sup>66</sup> Cf. Second Vatican Ecumenical Council, *Pastoral Constitution on the Church in the World* (1966), 1087, 1088; John Paul II, *Message for the 1993 World Day of Peace*, 4, AAS 85 (1993), 431-433.

<sup>67</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 21, AAS 73 (1981), 634.

<sup>68</sup> Cf. Paul VI, *Encyclical Letter Populorum Progressio*, 23, AAS 59 (1967), 268, 269.

<sup>69</sup> Pastoral Council for Justice and Peace, *Towards a Better Distribution of Land: The Challenge of Agrarian Reform* (23 November 1997), 13, Libreria Editrice Vaticana, Vatican City 1997, p. 13.

<sup>70</sup> Cf. Pastoral Council for Justice and Peace, *Towards a Better Distribution of Land: The Challenge of Agrarian Reform* (23 November 1997), 33, Libreria Editrice Vaticana, Vatican City 1997, p. 33.



## V. THE RIGHTS OF WORKERS

### a. The dignity of workers and the respect for their rights

301. The rights of workers, like all other rights, are based on the nature of the human person and on his transcendent dignity. The Church's social Magisterium has seen fit to list some of these rights, in the hope that they will be recognized in industrial systems: the right to a just wage;<sup>651</sup> the right to rest;<sup>652</sup> the right "to a working environment and to manufacturing processes which are not harmful to the workers' physical health or to their moral integrity";<sup>653</sup> the right that one's personality in the workplace should be safeguarded "without suffering any affront to one's conscience or personal dignity";<sup>654</sup> the right to appropriate subsidies that are necessary for the subsistence of unemployed workers and their families;<sup>655</sup> the right to a pension and to insurance for old age, sickness, and in case of work-related accidents;<sup>656</sup> the right to social security connected with maternity;<sup>657</sup> the right to assemble and form associations.<sup>658</sup> These rights are often infringed, as is confirmed by the sad fact of workers who are underpaid and without protection or adequate representation. It often happens that work conditions for men, women and children, especially in developing countries, are such that they are an offence to their dignity and compromise their health.

### b. The right to fair remuneration and income distribution

302. Remuneration is the most important means for achieving justice in work relations.<sup>659</sup> The "just wage is the legitimate fruit of work."<sup>660</sup> They commit grave injustice who refuse to pay a just wage or who do not give it in due time and in proportion to the work done (cf. Lc 19:13; Dt 24:14-15; Jos 5:4). A salary is the instrument that permits the laborer to gain access to the goods of the earth. "Remuneration for labor is to be such that man may be furnished the means to cultivate worthwhile his own material, social, cultural, and spiritual life and that of his dependents, in view of the function and productivity of each one, the conditions of the factory or workshop, and the common good."<sup>661</sup> The simple agree-

ment between employee and employer with regard to the amount of pay to be received is not sufficient for the agreed-upon salary to qualify as a "just wage," because a just wage "must not be below the level of subsistence"<sup>662</sup> of the worker; natural justice precedes and is above the freedom of the contract.

303. The economic well-being of a country is not measured exclusively by the quantity of goods it produces but also by taking into account the manner in which they are produced and the level of equity in the distribution of income, which should allow everyone access to what is necessary for their personal development and perfection. An equitable distribution of income is to be sought on the basis of criteria not merely of commutative justice but also of social justice that is, considering beyond the objective value of the work rendered, the human dignity of the subjects who perform it. Authentic economic well-being is pursued also by means of suitable social policies. The redistribution of income which, taking general conditions into account, look at merit as well as at the need of each citizen.

### c. The right to strike

304. The Church's social doctrine recognizes the legitimacy of striking "when it cannot be avoided, or at least when it is necessary to obtain a proportionate benefit,"<sup>663</sup> when every other method for the resolution of disputes has been ineffectual.<sup>664</sup> Striking, one of the most difficult victories won by labor union associations, may be defined as the collective and concerted refusal on the part of workers to continue rendering their services, for the purpose of obtaining by means of such pressure exerted on their employers, the State or on public opinion either better working conditions or an improvement in their social status. Striking "as a kind of ultimatum"<sup>665</sup> must always be a peaceful method for making demands and fighting for one's rights; it becomes "morally unacceptable when accompanied by violence, or when objectives are included that are not directly linked to working conditions or are contrary to the common good."<sup>666</sup>

## VI. SOLIDARITY AMONG WORKERS

### a. The importance of unions

305. The Magisterium recognizes the fundamental role played by labor unions, whose existence is connected with the right to form associations or unions to defend the vital interests of workers employed in the various professions. Unions "grew up from the struggle of the workers — workers in general but especially the industrial workers

<sup>651</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 19, AAS 73 (1981), 625-629.

<sup>652</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 19, AAS 73 (1981), 625-629.

<sup>653</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 19, AAS 73 (1981), 629.

<sup>654</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 19, AAS 73 (1981), 629.

<sup>655</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 19, AAS 73 (1981), 622-625.

<sup>656</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 19, AAS 73 (1981), 625-629.

<sup>657</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 19, AAS 73 (1981), 625-629.

<sup>658</sup> Cf. Leo XIII, *Encyclical Letter Rerum Novarum*, Acta Leonis XIII, 11 (1902), 133; Pius XI, *Encyclical Letter Quinque annos*, Acta, 1, AAS 23 (1931), 156; Pius XII, *Encyclical Letter Humani generis*, AAS 34 (1942), 645; John XXIII, *Encyclical Letter Pacem in Terris*, AAS 33 (1961), 62-63; Second Vatican Council, Pastoral Constitution on the Church in the Modern World, 68, AAS 65 (1966), 1086-1087; John Paul II, *Encyclical Letter Laborem Exercens*, 20, AAS 73 (1981), 629-632.

<sup>659</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 19, AAS 73 (1981), 625-629.

<sup>660</sup> *Catechism of the Catholic Church*, 2434, of Pius XI, *Encyclical Letter Quinquagesimo anno*, 1, AAS 23 (1931), 198-202.

<sup>661</sup> Second Vatican Council, Pastoral Constitution on the Church in the Modern World, 68, AAS 65 (1966), 1086-1087.

<sup>662</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 20, AAS 73 (1981), 629.

<sup>663</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 20, AAS 73 (1981), 629.

<sup>664</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 20, AAS 73 (1981), 629.

<sup>665</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 20, AAS 73 (1981), 629.

<sup>666</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 20, AAS 73 (1981), 629.

<sup>662</sup> Leo XIII, *Encyclical Letter Rerum Novarum*, Acta Leonis XIII, 11 (1902), 131.

<sup>663</sup> *Catechism of the Catholic Church*, 2435.

<sup>664</sup> Cf. Second Vatican Council, Pastoral Constitution on the Church in the Modern World, 68, AAS 65 (1966), 1086-1087; John Paul II, *Encyclical Letter Laborem Exercens*, 20, AAS 73 (1981), 629.

<sup>665</sup> *Catechism of the Catholic Church*, 2432.

<sup>666</sup> John Paul II, *Encyclical Letter Laborem Exercens*, 20, AAS 73 (1981), 632.

<sup>667</sup> *Catechism of the Catholic Church*, 2435.

— to protect their just rights vis-à-vis the entrepreneurs and the owners of the means of production.<sup>607</sup> Such organizations, while pursuing their specific purpose with regard to the common good, are a positive influence for social order and solidarity, and are therefore an indispensable element of social life. The recognition of workers' rights has always been a difficult problem to resolve because this recognition takes place within complex historical and institutional processes, and still today it remains incomplete. This makes the practice of authentic solidarity among workers more fitting and necessary than ever.

306. The Church's social doctrine teaches that relations within the world of work must be marked by cooperation, hatred and attempts to dominate the other are completely unacceptable. This is also the case because in every social system both "labor" and "capital" represent indispensable components of the process of production. In light of this understanding, the Church's social doctrine "does not hold that unions are no more than a reflection of the 'class' structure of society and that they are a mouthpiece for a class struggle which inevitably governs social life."<sup>608</sup> Properly speaking, unions are promoters of the struggle for social justice, for the rights of workers in their particular professions: "This struggle should be seen as a normal endeavor 'for' the just good . . . not a struggle against others."<sup>609</sup> Being first of all instruments of solidarity and justice, unions may not misuse the tools of contention; because of what they are called to do, they must overcome the temptation of believing that all workers should be union members, they must be capable of self-regulation and be able to evaluate the consequences that their decisions will have on the common good.<sup>610</sup>

307. Beyond their function of defending and vindicating, unions have the duty of acting as representatives working for "the proper arrangement of economic life" and of educating the social consciences of workers so that they will feel that they have an active role, according to their proper capacities and aptitudes, in the whole task of economic and social development and in the attainment of the universal common good.<sup>611</sup> Unions and other forms of labor associations are to work in cooperation with other social entities and are to take an interest in the management of public matters. Union organizations have the duty to exercise influence in the political arena, making it duly sensitive to labor problems and helping it to work so that workers' rights are respected. Unions do not, however, have the character of "political parties" struggling for power, and they should not be forced to submit to the decisions of political parties nor be too closely linked to them. "In such a situation they easily lose contact with their specific role, which is to secure the just rights of workers within the framework of the common good of the whole of society; instead they become an instrument used for other purposes."<sup>612</sup>

<sup>607</sup> John Paul II, Encyclical Letter *Laborum Exercens*, 20, AAS 73 (1981), 629.

<sup>608</sup> John Paul II, Encyclical Letter *Laborum Exercens*, 20, AAS 73 (1981), 630.

<sup>609</sup> John Paul II, Encyclical Letter *Laborum Exercens*, 20, AAS 73 (1981), 630.

<sup>610</sup> Cf. *Constitution of the Catholic Church*, 2433.

<sup>611</sup> Cf. Second Vatican Ecumenical Council, Pastoral Constitution *Gaudium et Spes*, 68, AAS 59 (1966), 3092.

<sup>612</sup> John Paul II, Encyclical Letter *Laborum Exercens*, 20, AAS 73 (1981), 631.

## F. New forms of solidarity

308. The modern socio-economic context, characterized by ever more rapid processes of economic and financial globalization, prompts unions to engage in renewal. Today, unions are called to act in new ways,<sup>613</sup> widening the scope of their activity of solidarity so that protection is afforded not only to the traditional categories of workers, but also to workers with non-standard or limited-time contracts, employees whose jobs are threatened by business mergers that occur with ever increasing frequency, even at the international level; to those who do not have a job, to immigrants, seasonal workers and those who, because they have not had professional updating, have been dismissed from the labor market and cannot be re-admitted without proper re-training.

Given the changes that have taken place in the world of work, solidarity can be recovered, and perhaps with a firmer foundation in respect to the past, if the effort is made to rediscover the subjective value of work: "there must be continued study of the subject of work and of the subject's living conditions." For this reason, "there is a need for ever new movements of solidarity of the workers and with the workers."<sup>614</sup>

309. Pursuing "new forms of solidarity,"<sup>615</sup> workers' associations must focus their efforts on the acceptance of greater responsibilities not only in relation to the traditional mechanisms for redistribution but also in relation to the production of wealth and the creation of social, political and cultural conditions which will permit all who are able and willing to work to exercise their right to work in full respect for their dignity as workers. The gradual obsolescence of organizational models based on salaried workers in big business makes it fitting to update the norms and systems of social security that have traditionally protected workers and guaranteed their fundamental rights.

## VII. THE "NEW THINGS" OF THE WORLD OF WORK

### a. An epoch-making phase of transition

310. The phenomenon of globalization is one of the most important causes of the current change in the organization of work. This phenomenon brings about new forms of production where plants are located away from where strategies are decided and far from the markets where the goods are consumed.<sup>616</sup> There are two primary factors driving this phenomenon: the extraordinary speed of communication no longer limited by space or time, and the relative ease with which merchandise and people are transported from one part of the world to another. This entails a fundamental consequence for processes of production, as prosperity is ever further removed and often

<sup>613</sup> Cf. John Paul II, Address to the International Conference for Union Representatives (2 December 1998), 4, *L'Osservatore Romano*, English edition, 11 December 1998, p. 8.

<sup>614</sup> John Paul II, Encyclical Letter *Laborum Exercens*, 8, AAS 73 (1981), 597.

<sup>615</sup> John Paul II, Message to the Participants in the International Symposium on Work (14 September 2001), 4, *L'Osservatore Romano*, English edition, 17 October 2001, p. 3.

indifferent to the social effects of the decisions made. On the other hand, if it is true that globalization is neither good nor bad in itself, but depends on how it is used, then it must be affirmed that a globalization of safeguards, minimum essential rights and equity is necessary.

311. One of the most significant characteristics of the new organization of work is the physical fragmentation of the cycle of production, promoted in order to obtain greater efficiency and greater profits. In this perspective, the traditional space-time coordinates within which the cycle of production formerly took place undergoes an unprecedented transformation that determines a change in the structure of work itself. All of this has significant consequences for the life of individuals and communities subjected to radical changes both on the level of material conditions and of culture and values. On the worldwide and local levels, this phenomenon presently involves millions of people, independently of their profession, social standing or cultural preparation. The reorganization of time, its standardization and the changes currently underway in the use of space — comparable in extent to the first Industrial Revolution insofar as they involve every sector of production, on every continent, independent of their level of development — are therefore to be considered a crucial challenge, also at the level of ethics and culture, in the area of defining a renewed system for the defence of work.

312. The globalization of the economy, with the liberalization of markets, the softening of competition, the increase of specialized businesses in providing goods and services, requires greater flexibility in the labor market and in organizing and managing production processes. In making an evaluation in this delicate area, it seems appropriate to lend greater moral, cultural and planning attention to giving direction to social and political activity concerning issues connected with the identity and content of new work, in a market and an economy that are themselves new. In fact, the changes in the labor market are often an effect of the change to which work has been subjected, and not one of its causes.

313. Work, above all within the economic systems of the more developed countries, is going through a phase that marks the passage from an industrial-type economy to an economy essentially built on services and technological innovations. In other words, what is happening is that services and activities with a predominant informational content show a much greater rapidity of growth than traditional primary and secondary sectors. This entails far-ranging consequences for organizing the production and exchange of goods, defining job requirements and providing effective social protection.

Thanks to technological innovations, the world of work is being enriched with new professions while others are disappearing. In fact, in the present phase of transition there is a continuous movement of workers from the industrial sector to that of services. As the economic and social models connected with big factories and

with a homogeneous working class lose ground, the employment prospects in the third sector improve. In particular, there is an increase in job activity in the area of personal services, in part-time, temporary and "non-traditional" employment, that is, work that does not fit into a category that would classify the job-holder either as an employee or as self-employed.

314. The transition currently underway signals the move from dependent work with no prescribed time limit, understood as a stable job, to a series of jobs characterized by many kinds of work activities, from a world of a unified, definite and recognized concept of work to a universe of jobs where there is great variety, fluidity and a wealth of promises. There are also many questions of concern, especially with regard to the growing uncertainty of work, the persistent presence of structural unemployment and the inadequacy of current systems of social security. The demands of competition, technological innovation and the complexities of financial fluxes must be brought into harmony with the defence of workers and their rights.

This uncertainty and instability involve not only the labor conditions of workers in more developed countries but affect also, and above all, the less advanced economic realities in developing countries and countries with economies in transition. This latter category, besides the complicated problems associated with changing models of the economy and of production, must deal daily with the difficult adjustment required by the current phenomena of globalization. The situation is particularly dramatic for the world of work, affected by vast and radical cultural and structural changes in contexts that are often without legislative support and lack programmes of professional training and social assistance.

315. The decentralization of production, which assigns to smaller companies several tasks previously undertaken by larger production interests, gives vitality and new energy to the area of small and medium-sized businesses. In this way, alongside traditional artisans there emerge new businesses characterized by small production interests at work in modern production sectors or in decentralized activities of larger companies. Many activities that yesterday required the hiring of employees are today carried out in new ways that encourage independent labor and are therefore marked by higher risk and greater responsibility.

Work in small and medium-sized businesses, the work of artisans and independent work can represent an occasion to make the actual work experience more human, both in terms of the possibility of establishing positive personal relationships in small-sized communities and in terms of the opportunities for greater initiative and industriousness. In these sectors, however, there are more than just a few cases of unjust treatment, of poorly paid and, above all, uncertain work.

316. In developing countries, moreover, there has been an expansion in recent years of "informal" and "hidden" economic activities. This represents a promising sign of economic growth and development, but it raises many ethical and legal problems. In fact, the significant increase in job opportunities in the context of such activities is owed to the lack of specialization in a large segment of the local work force and to disorderly growth in formal economic sectors. Large numbers of people are thus

forced to work under seriously distressing conditions and in situations that lack the rules necessary for safeguarding workers' dignity. Levels of productivity, income and living standards are extremely low and often inadequate for guaranteeing to workers and their families the minimum level of subsistence.

#### b. Social doctrine and the "new things"

317. Given these impressive "new things" in the world of work, the Church's social doctrine recommends first of all to avoid the error of assuming that the current changes take place in a deterministic manner. The decisive factor and "reference" of this complex phase of change is none more the human person, who must remain the true protagonist of his work. He can and must take on in a creative and responsible fashion the present innovations and re-organizations, so that they lead to the growth of the person, the family, society and the entire human family.<sup>67</sup> Enlightenment for all can be found in the appeal of the subjective dimension of work, which according to the teaching of the Church's social doctrine must be given due priority, because human work "proceeds directly from persons created in the image of God and called to prolong the work of creation by subduing the earth."<sup>68</sup>

318. Mechanistic and economic interpretations of the activity of production, however prevalent and influential they may be, have been outdated by scientific analyses of the problems connected with work. More today than in the past, these conceptions are seen to be completely inadequate for interpreting the facts, which everyday demonstrate more and more the meaning of work as a free and creative activity of the human person. Concrete findings should also provide the impetus for the immediate dismissal of theoretical perspectives and restrictive, insufficient operative criteria concerning the present dynamics. These prove to be intrinsically incapable of identifying the broad spectrum of concrete and urgent human needs that go well beyond merely economic categories. The Church is well aware and has always taught that men and women, unlike every other living being, have certain needs that are not restricted merely to "having,"<sup>69</sup> because their nature and vocation are inextricably linked with the Transcendent One. The human person faces the adventure of the transformation of things through work in order to satisfy requirements and needs that are first of all material, but he does so in obedience to an impulse that pushes him ever further beyond the results obtained, to the quest of what will correspond most intimately to his vital inner needs.

319. The historical forms in which human work is expressed change, but not its permanent requirements, which are summed up in the respect of the indelible human rights of workers. Faced with the risk of denying these rights, new forms of solidarity must

<sup>67</sup> Cf. John Paul II, *Encyclical Letter Laborem Exercens*, 10, AAS 74 (1981), 620-622.

<sup>68</sup> Catechism of the Catholic Church, 2447.

<sup>69</sup> Cf. Second Vatican Ecumenical Council, Pastoral Constitution *Gaudium et Spes*, 33, AAS 58 (1966), 1051; Paul VI, *Encyclical Letter Populorum Progressio*, 10, AAS 59 (1967), 266-267; John

Paul II, *Encyclical Letter Laborem Exercens*, 22, AAS 73 (1981), 629-631; John Paul II, *Encyclical Letter Sollicitudo Rei Socialis*, 26, AAS 82 (1988), 548-552.

be envisioned and brought about, taking into account the interdependence that unites workers among themselves. The more substantial the changes are, the more decisive the commitment of intellect and will to defend the dignity of work needs to be, in order to strengthen, at different levels, the institutions involved. This perspective makes it possible to orient the current transformations for the best, in the direction — so necessary — of complementarities between the local and the global economic dimensions, the "old" and the "new" economic, technological innovation and the need to safeguard human work, as well as economic growth and development compatible with the environment.

320. Men and women of science and culture are called to make their particular contribution to solving the vast and complex problems connected with work, which in some areas take on dramatic proportions. This contribution is very important for coming up with the proper solutions. This is a responsibility that requires that they identify the occasions and risks present in the changes taking place, and above all that they suggest lines of action for guiding change in a way that will be most beneficial to the development of the entire human family. To these men and women falls the important task of reading and interpreting the social phenomena with wisdom and with love of truth, leaving behind concerns misused by special or personal interests. Their contribution, precisely because it is of a theoretical nature, becomes an essential point of reference for the concrete action prescribed by economic policies.<sup>70</sup>

321. The present scenario of profound transformation of human work call even more urgently for an authentically global development in solidarity that is capable of involving every region of the world including those less advantaged. Regarding these less advantaged regions, the start of a process of wide-ranging development in solidarity not only represents a concrete possibility for creating new job opportunities, but is also seen as a genuine condition for the survival of entire peoples. "Solidarity too must become globalized."<sup>71</sup>

Economic and social imbalances in the world of work must be addressed by restoring a just hierarchy of values and placing the human dignity of workers before all else. "The new realities that are having such a powerful impact on the productive process, such as the globalization of finance, economics, trade and labor, must never violate the dignity and centrality of the human person, nor the freedom and democracy of peoples. If solidarity, participation and the possibility to govern these radical changes are not the solution, they are certainly the necessary ethical guarantee so that individuals and peoples do not become tools but the protagonists of their future. All this can be achieved and, since it is possible, it becomes a duty."<sup>72</sup>

<sup>70</sup> Cf. John Paul II, *Message to the Participants in the International Symposium on Work* (14 September 2001), 5, *Discorsi e Discorsi*, Roma, English edition, 17 October 2001, p. 3.

<sup>71</sup> John Paul II, *Creeting after the Mass for the Jubilee of Workers* (1 May 2002), 2, *Discorsi e Discorsi*, English edition, 10 May 2002, p. 4.

<sup>72</sup> John Paul II, *Homily at the Mass for the Jubilee of Workers* (1 May 2002), 3, *Discorsi e Discorsi*, English edition, 10 May 2002, p. 5.

322. There is an ever greater need for a careful consideration of the new situation of work in the present-day context of globalization, in a perspective that values people's natural tendency to establish relationships. In this regard it must be affirmed that universality is a dimension of human beings, not of things. Technology may be the instrumental cause of globalization, but the universality of the human family is its ultimate cause. For this reason, work too has a universal dimension, insofar as it is based on the relational nature of human beings. Technology, especially electronics, has allowed the relational aspect of work to spread throughout the world, giving to globalization a particularly rapid rhythm. The ultimate foundation of this dynamism is the working person, who is always the subjective — and never the objective — element. Therefore, globalized work too originates in the anthropological foundation of the inherent relational dimension of work. The negative aspects of the globalization of work must not damage the possibility opening up for all people: that of giving expression to a *humanism of work* on a planetary scale, to solidarity in the world of work on this same level, so that working in similar contexts, spread throughout the world and interconnected, people will understand ever better their one, shared vocation.

## CHAPTER SEVEN

# ECONOMIC LIFE

### 1. BIBLICAL ASPECTS

#### a. Man, poverty and riches

323. In the Old Testament a twofold attitude towards economic goods and riches is found. On one hand, an attitude of appreciation sees the availability of material goods as necessary for life. Abundance — not wealth or luxury — is sometimes seen as a blessing from God. In Wisdom literature, poverty is described as a negative consequence of idleness and of a lack of industriousness (cf. Prov 10-4), but also as a natural fact (cf. Prov 22:2). On the other hand, economic goods and riches are not in themselves condemned so much as their misuse. The prophetic tradition condemns fraud, usury, exploitation and gross injustice, especially when directed against the poor (cf. Is 58:3-11; Jer 7:4-7; Hos 4:1-2; Am 2:6-7; Mic 2:1-2). This tradition, however, although looking upon the poverty of the oppressed, the weak and the indigent as an evil, also sees in the condition of poverty a symbol of the human situation before God, from whom comes every good as a gift to be administered and shared.

324. Those who recognize their own poverty before God, regardless of their situation in life, receive particular attention from him: when the poor man seeks, the Lord answers; when he cries out, the Lord listens. The divine promises are addressed to the poor: they will be heirs to the Covenant between God and his people. God's saving intervention will come about through a new David (cf. Ezek 34:22-31), who like King David — only more so — will be defender of the poor and promoter of justice; he will establish a new covenant and will write a new law in the hearts of believers (cf. Jer 31:31-34).

When sought or accepted with a religious attitude, poverty opens one to recognizing and accepting the order of creation. In this perspective, the "rich man" is the one who places his trust in his possessions rather than in God, he is the man who makes himself strong by the works of his own hands and trusts only in his own strength. Poverty takes on the status of a moral value when it becomes an attitude of humble availability and openness to God, of trust in him. This attitude makes it possible for people to recognize the relativity of economic goods and to treat them as divine gifts to be administered and shared, because God is the first owner of all goods.

325. Jesus takes up the entire Old Testament tradition even with regard to economic goods, wealth and poverty, and he gives them great clarity and fullness (cf. Mt 6:24, 13:22; Lk 6:20-24, 12:15-21; Rom 14:6-8; 1 Tim 4:4). Through the gift of his Spirit

## **ATTACHMENT C**

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# CONTENDING WITH MODERNITY

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*Catholic Higher Education  
in the Twentieth Century*

PHILIP GLEASON

*New York    Oxford*  
Oxford University Press  
1995

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## The Old-Time Catholic College

The ambiguous academy/college status of Catholic colleges in 1900—and universities too, except for the Catholic University of America—was a direct inheritance of the past. Most American colleges had preparatory departments in the nineteenth century, so their presence in Catholic institutions was not in itself distinctive. But whereas non-Catholic educators thought of secondary and collegiate work as belonging to two different levels, with the college being properly confined to strictly post-secondary work, Catholics were heirs to the Continental tradition in which the college functioned as a combined secondary-collegiate institution whose course of studies lasted for six years or so and was followed (for the few who continued their education) by specialized professional studies at the university level. Coming out of this tradition, nineteenth-century Catholic educators tended to regard the college as a school that offered in a continuous unified program the same level of work that was done at the French *lycée* or the German *Gymnasium*. Hence it was a difference in basic assumptions about organizational structure, rather than the physical presence of prep-level students as such, that differentiated the old-time Catholic college from its non-Catholic counterpart.

The Catholic arrangement for clerical education—ideally, six years of study in a minor seminary followed by six years in a major seminary—perpetuated into the third quarter of the twentieth century the structural model that Catholics had earlier assumed was the normal sequence of college and university study. But the old-time Catholic college was not based on, or copied from, the seminary as a structural model. Both, rather, derived from the generally prevailing Continental arrangement, with the organizational plan adopted by the Jesuits being the single most influential source. More on that in a moment, but first an additional word about seminaries.

Seminaries are mentioned only occasionally in what follows for several reasons. The most basic is that by the twentieth century seminary education was institutionally quite separate from education for lay persons. That differed markedly from the situation in the first half of the nineteenth century when many, if not most, Catholic colleges took in clerical prospects as well as lay students of all ages. Practical necessity dictated this "mixed" arrangement, which was symbiotically beneficial to both kinds of schools: the lay students supported the institution as a whole; informal theological study could be provided for aspirants to the priesthood, and they in turn served as instructors and proctors for the college. Only in the middle decades of the nineteenth century did free-standing seminaries begin to appear, and what came to be regarded as the traditional seminary program was not fully worked out until the Third Plenary Council of Baltimore in 1884. Though significant linkages did, indeed, exist, college and seminary proceeded thereafter along independent tracks, with the latter being far more effectively insulated from the broad social and educational forces that exerted irresistible pressures for change on the colleges. Since Joseph M. White and Christopher J. Kauffman have recently clarified the main lines of Catholic seminary history, we can focus here on institutions for lay

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students, giving attention to clerical education only where it impinges directly on the story of the colleges.<sup>2</sup>

The full story of Catholic colleges in the nineteenth century is yet to be told, but it is certainly safe to say that the Jesuits were by far the most influential Catholic teaching order.<sup>3</sup> Not only did they have more personnel and more colleges than any other group, they also had the longest tradition as specialists in education, the most fully elaborated educational philosophy and pedagogical system, and the distinction of operating the oldest Catholic college, Georgetown (est. 1789), whose founder, John Carroll, was the first American bishop. Carroll himself was educated by the Jesuits, joined the Society of Jesus, served for several years in Jesuit schools in the Low Countries, and drew directly on that experience in setting up what was first called an "Academy at George-Town on the Patowmack-River." This kind of pre-eminence made the Jesuit version of the Continental model all the more influential among Catholic educators, and the Jesuits themselves did their best to maintain it in the novel American setting.<sup>4</sup>

For our purposes, the main points to be noted about the Jesuit system are its organizational structure and its classical-rhetorical emphasis.<sup>5</sup> As it was canonically set forth in the *Ratio Studiorum* (plan of studies) of 1599, the Jesuit educational plan comprised three successive stages: humanistic, philosophical, and theological. The third was the culminating stage toward which the other two were oriented, but it is not relevant here since the Jesuit college in this country developed from the humanistic cycle and a shortened version of the three years of philosophy prescribed by the *Ratio*. The goal of the humanistic cycle was *eloquentia perfecta*, the ability to speak Latin fluently and with persuasive power. Greek, too, was studied, but much less intensively than Latin, mastery of which was a practical necessity for advancement in lay, as well as clerical, careers after the humanists of the Renaissance introduced this kind of educational program.

While it concentrated on language study that was thoroughly vocational in one sense, the humanistic cycle simultaneously achieved much broader educational goals. For in mastering the intricacies of language and expression the student was also analyzing subtleties of thought and acquiring refinement of taste. And the materials studied brought him—and it was, of course, "him"—into contact with the noblest minds of antiquity. On this account, classical studies defined intellectual cultivation for American Jesuits long after mastery of Latin had lost its practical value for lay students.

The humanistic cycle as set forth in the *Ratio* included five classes, which were designated Third, Second, and First Grammar, followed by Humanities, and Rhetoric. At Georgetown this had evolved by the 1830s into a seven-year program with the addition of a class at the beginning called Rudiments and one at the upper end designated Philosophy. The latter, which belonged at the university level according to the *Ratio*, was probably added to match the culminating feature of the old-time Protestant college, the Moral Philosophy course usually taught by the president. The names of the classes varied from time to time and school to school, with the three Grammar classes becoming Third,

Second, and First Humanities, or Third, Second, and First Academic, while the *Ratio*'s original Humanities class might be renamed Poetry or Belles-Lettres.<sup>7</sup>

As this exotic nomenclature indicates, the classic languages were considered the essential core of the educational program, but mathematics had also been taught from the beginning and natural science was included in the final year as the "natural philosophy" part of Philosophy. English was a standard course in this country; other modern languages, especially French, were offered, as were such "auxiliary branches" as history and geography. In response to parental demand, the Jesuits also introduced "English," or "scientific" degree programs, but they considered such non-classical studies a dilution of true collegiate education. Shorter "commercial" courses of study, which they were also forced to offer, did not rank as genuine college programs at all. One purist characterized both English and commercial courses as "humbugging." Then he conceded their necessity by adding "but *ne quid nimis* [nothing to excess]."<sup>8</sup>

Despite their pedagogical scruples, the Jesuits found it easier to introduce new course offerings than to bring the organizational structure of their colleges into line with American practice. But as academies and four-year high schools multiplied in the second half of the nineteenth century, the combined secondary-collegiate arrangement became increasingly anomalous. The earliest changes were more or less cosmetic name changes, even at places under the control of religious communities less hampered than the Jesuits by commitment to a time-honored but inflexible tradition. Thus the first three years might be styled "preparatory" and the last part "collegiate"; or the American class names (freshman, sophomore, etc.) substituted for Humanities, Poetry, Rhetoric, and Philosophy. But even at Notre Dame, which was run by a community (the Congregation of Holy Cross) founded in the 1830s and guided by a man eager to adapt to American ways (Edward F. Sorin, C.S.C.), a clear distinction between the preparatory and collegiate departments was not drawn until the 1880s, and prep-level students were not finally eliminated from the campus till the 1920s.<sup>9</sup>

The chapters in Part One trace the process by which Catholic educators awoke to the need for a restructuring of their colleges and undertook reforms that constituted their principal response to the challenge of modernity in the organizational sphere. But modernity posed ideological as well as organizational challenges, and before turning to a detailed examination of the latter, we must sketch the ideological situation as it affected Catholic higher education around the turn of the century.<sup>10</sup> This can best be done by looking at the early history of the Catholic University of America, which figured prominently in the ideological conflicts that divided that generation of American Catholics.

### The Catholic University of America

The University, which opened its doors in 1889, was a landmark in American Catholics' response to challenges of modernity on both the institutional and the ideological levels. It constituted an institutional breakthrough because it

## **ATTACHMENT D**



***APOSTOLIC CONSTITUTION  
OF THE SUPREME PONTIFF  
JOHN PAUL II  
ON CATHOLIC UNIVERSITIES***

## INTRODUCTION

BORN FROM THE HEART of the Church, a Catholic University is located in that course of tradition which may be traced back to the very origin of the University as an institution. It has always been recognized as an incomparable centre of creativity and dissemination of knowledge for the good of humanity. By vocation, the *Universitas magistrorum et scholarium* is dedicated to research, to teaching and to the education of students who freely associate with their teachers in a common love of knowledge(1). With every other University it shares that *gaudium de veritate*, so precious to Saint Augustine, which is that joy of searching for, discovering and communicating truth(2) in every field of knowledge. A Catholic University's privileged task 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"(3).

2. For many years I myself was deeply enriched by the beneficial experience of university life: the ardent search for truth and its unselfish transmission to youth and to all those learning to think rigorously, so as to act rightly and to serve humanity better.

Therefore, I desire to share with everyone my profound respect for Catholic Universities, and to express my great appreciation for the work that is being done in them in the various spheres of knowledge. In a particular way, I wish to manifest my joy at the numerous meetings which the Lord has permitted me to have in the course of my apostolic journeys with the Catholic University communities of various continents. They are for me a lively and promising sign of the fecundity of the Christian mind in the heart of every culture. They give me a well-founded hope for a new flowering of Christian culture in the rich and varied context of our changing times, which certainly face serious challenges but which also bear so much promise under the action of the Spirit of truth and of love.

It is also my desire to express my pleasure and gratitude to the very many Catholic scholars engaged in teaching and research in non-Catholic Universities. Their task as academics and scientists, lived out in the light of the Christian faith, is to be considered precious for the good of the Universities in which they teach. Their presence, in fact, is a continuous stimulus to the selfless search for truth and for the wisdom that comes from above.

3. Since the beginning of this Pontificate, I have shared these ideas and sentiments with my closest collaborators, the Cardinals, with the Congregation for Catholic Education, and with men and women

of culture throughout the world. In fact, the dialogue of the Church with the cultures of our times is that vital area where "the future of the Church and of the world is being played out as we conclude the twentieth century"(4). There is only one culture: that of man, by man and for man(5). And thanks to her Catholic Universities and their humanistic and scientific inheritance, the Church, expert in humanity, as my predecessor, Paul VI, expressed it at the United Nations(6), explores the mysteries of humanity and of the world, clarifying them in the light of Revelation.

4. It is the honour and responsibility of a Catholic University to consecrate itself without reserve to *the cause of truth*. This is its way of serving at one and the same time both the dignity of man and the good of the Church, which has "an intimate conviction that truth is (its) real ally ... and that knowledge and reason are sure ministers to faith"(7). Without in any way neglecting the acquisition of useful knowledge, a Catholic University is distinguished by its free search for the whole truth about nature, man and God. 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. By means of a kind of universal humanism a Catholic University is completely dedicated to the research of all aspects of truth in their essential connection with the supreme Truth, who is God. It does this without fear but rather with enthusiasm, dedicating itself to every path of knowledge, aware of being preceded by him who is "the Way, the Truth, and the Life" (8), the *Logos*, whose Spirit of intelligence and love enables the human person with his or her own intelligence to find the ultimate reality of which he is the source and end and who alone is capable of giving fully that Wisdom without which the future of the world would be in danger.

5. It is in the context of the impartial search for truth that the relationship between faith and reason is brought to light and meaning. The invitation of Saint Augustine, "*Intellege ut credas; crede ut intellegas*"(9), is relevant to Catholic Universities that are called to explore courageously the riches of Revelation and of nature so that the united endeavour of intelligence and faith will enable people to come to the full measure of their humanity, created in the image and likeness of God, renewed even more marvellously, after sin, in Christ, and called to shine forth in the light of the Spirit.

6. Through the encounter which it establishes between the unfathomable richness of the salvific message of the Gospel and the variety and immensity of the fields of knowledge in which that richness is incarnated by it, a Catholic University enables the Church to institute an incomparably fertile dialogue with people of every culture. Man's life is given dignity by culture, and, while he finds his fullness in Christ, there can be no doubt that the Gospel which reaches and renews him in every dimension is also fruitful for the culture in which he lives.

7. In the world today, characterized by such rapid developments in science and technology, the tasks of a Catholic University assume an ever greater importance and urgency. Scientific and technological discoveries create an enormous economic and industrial growth, but they also inescapably require the correspondingly necessary *search for meaning* in order to guarantee that the new discoveries be used for the authentic good of individuals and of human society as a whole. If it is the responsibility of every University to search for such meaning, 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 dimension in its research, and to evaluate the attainments of science and technology in the perspective of the totality of the human person.

In this context, Catholic Universities are called to a continuous renewal, both as "Universities" and as "Catholic". For, "What is at stake is the *very meaning of scientific and technological research, of social life and of culture*, but, on an even more profound level, what is at stake is *the very meaning of the human person*"(10). Such renewal requires a clear awareness that, by its Catholic character, a University is made more capable of conducting an *impartial* search for truth, a search that is neither subordinated to nor conditioned by particular interests of any kind.

8. Having already dedicated the Apostolic Constitution *Sapientia Christiana* to Ecclesiastical Faculties and Universities(11), I then felt obliged to propose an analogous Document for Catholic Universities as a sort of "magna carta", enriched by the long and fruitful experience of the Church in the realm of Universities and open to the promise of future achievements that will require courageous creativity and rigorous fidelity.

9. The present Document is addressed especially to those who conduct Catholic Universities, to the respective academic communities, to all those who have an interest in them, particularly the Bishops, Religious Congregations and ecclesial *Institutions*, and to the numerous laity who are committed to the great mission of higher education. Its purpose is that "the Christian mind may achieve, as it were, a public, persistent and universal presence in the whole enterprise of advancing higher culture and that the students of these institutions become people outstanding in learning, ready to shoulder society's heavier burdens and to witness the faith to the world"(12).

10. In addition to Catholic Universities, I also turn to the many Catholic Institutions of higher education. According to their nature and proper objectives, they share some or all of the characteristics of a University and they offer their own contribution to the Church and to society, whether through research, education or professional training. While this Document specifically concerns Catholic Universities, it is also meant to include all Catholic Institutions of higher education engaged in instilling the Gospel message of Christ in souls and cultures.

Therefore, it is with great trust and hope that I invite all Catholic Universities to pursue their irreplaceable task. Their mission appears increasingly necessary for the encounter of the Church with the development of the sciences and with the cultures of our age.

Together with all my brother Bishops who share pastoral responsibility with me, I would like to manifest my deep conviction that a Catholic University is without any doubt one of the best instruments that the Church offers to our age which is searching for certainty and wisdom. Having the mission of bringing the Good News to everyone, the Church should never fail to interest herself in this Institution. By research and teaching, Catholic Universities assist the Church in the manner most appropriate to modern times to find cultural treasures both old and new, "*nova et vetera*", according to the words of Jesus(13).

11. Finally, 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. It is invited in a special way to guard the rights and freedom of these Institutions in civil society, and to offer them economic aid, especially in those countries where they have more urgent need of it, and to furnish assistance in founding new Catholic Universities wherever this might be necessary.

My hope is that these prescriptions, based on the teaching of Vatican Council II and the directives of the Code of Canon Law, will enable Catholic Universities and other Institutes of higher studies to fulfil their indispensable mission in the new advent of grace that is opening up to the new Millennium.

## PART I

### IDENTITY AND MISSION

#### A. THE IDENTITY OF A CATHOLIC UNIVERSITY

##### 1. *Nature and Objectives*

12. Every Catholic University, *as a university*, is an academic community which, in a rigorous and critical fashion, assists in the protection and advancement of human dignity and of a cultural heritage through research, teaching and various services offered to the local, national and international communities(14). It possesses that institutional autonomy necessary to perform its functions effectively and guarantees its members academic freedom, so long as the rights of the individual person and of the community are preserved within the confines of the truth and the common good(15).

13. Since the objective of a Catholic University is to assure in an institutional manner a Christian presence in the university world confronting the great problems of society and culture(16), every Catholic University, as *Catholic*, must have the following *essential characteristics*:

- "1. a Christian inspiration not only of individuals but of the university community as such;
- 2. a continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge, to which it seeks to contribute by its own research;
- 3. fidelity to the Christian message as it comes to us through the Church;
- 4. an institutional commitment to the service of the people of God and of the human family in their pilgrimage to the transcendent goal which gives meaning to life"(17).

14. "In the light of these four characteristics, it is evident that besides the teaching, research and services common to all Universities, a Catholic University, by *institutional commitment*, brings to its task the inspiration and light of the *Christian message*. In a Catholic University, therefore, Catholic ideals, attitudes and principles penetrate and inform university activities in accordance with the proper nature and autonomy of these activities. In a word, being both a University and Catholic, it must be both a community of scholars representing various branches of human knowledge, and an academic institution in which Catholicism is vitally present and operative"(18).

15. A Catholic University, therefore, is a place of research, where scholars *scrutinize reality* with the methods proper to each academic discipline, and so contribute to the treasury of human knowledge. Each individual discipline is studied in a systematic manner; moreover, the various disciplines are brought into dialogue for their mutual enhancement.

In addition to assisting men and women in their continuing quest for the truth, this research provides an effective witness, especially necessary today, to the Church's belief in the intrinsic value of



knowledge and research.

In a Catholic University, research necessarily includes (a) the search for an *integration of knowledge*, (b) a *dialogue between faith and reason*, (c) an *ethical concern*, and (d) a *theological perspective*.

16. *Integration of knowledge* is a process, one which will always remain incomplete; moreover, the explosion of knowledge in recent decades, together with the rigid compartmentalization of knowledge within individual academic disciplines, makes the task increasingly difficult. But a University, and especially a Catholic University, "*has to be a 'living union' of individual organisms* dedicated to the search for truth ... It is necessary *to work towards a higher synthesis* of knowledge, in which alone lies the possibility of satisfying that thirst for truth which is profoundly inscribed on the heart of the human person"(19). Aided by the specific contributions of philosophy and theology, university scholars will be engaged in a constant effort to determine the relative place and meaning of each of the various disciplines within the context of a vision of the human person and the world that is enlightened by the Gospel, and therefore by a faith in Christ, the *Logos*, as the centre of creation and of human history.

17. In promoting this integration of knowledge, a specific part of a Catholic University's task is to promote *dialogue between faith and reason*, so that it can be seen more profoundly how faith and reason bear harmonious witness to the unity of all truth. While each academic discipline retains its own integrity and has its own methods, this dialogue demonstrates that "methodical research within every branch of learning, when carried out in a truly scientific manner and in accord with moral norms, can never truly conflict with faith. For the things of the earth and the concerns of faith derive from the same God"(20). A vital interaction of two distinct levels of coming to know the one truth leads to a greater love for truth itself, and contributes to a more comprehensive understanding of the meaning of human life and of the purpose of God's creation.

18. Because knowledge is meant to serve the human person, research in a Catholic University is always carried out with a concern for the *ethical* and *moral implications* both of its methods and of its discoveries. This concern, while it must be present in all research, is particularly important in the areas of science and technology. "It is essential that we be convinced of the priority of the ethical over the technical, of the primacy of the person over things, of the superiority of the spirit over matter. The cause of the human person will only be served if knowledge is joined to conscience. Men and women of science will truly aid humanity only if they preserve 'the sense of the transcendence of the human person over the world and of God over the human person'(21).

19. *Theology* plays a particularly important role in the search for a synthesis of knowledge as well as in the dialogue between faith and reason. It serves all other disciplines in their search for meaning, not only by helping them to investigate how their discoveries will affect individuals and society but also by bringing a perspective and an orientation not contained within their own methodologies. In turn, interaction with these other disciplines and their discoveries enriches theology, offering it a better understanding of the world today, and making theological research more relevant to current needs. Because of its specific importance among the academic disciplines, every Catholic University should have a faculty, or at least a chair, of theology(22).

20. Given the close connection between research and teaching, the research qualities indicated above

will have their influence on all teaching. While each discipline is taught systematically and according to its own methods, *interdisciplinary studies*, assisted by a careful and thorough study of philosophy and theology, enable students to acquire an organic vision of reality and to develop a continuing desire for intellectual progress. In the communication of knowledge, emphasis is then placed on how *human reason in its reflection* opens to increasingly broader questions, and how the complete answer to them can only come from above through faith. Furthermore, the *moral implications* that are present in each discipline are examined as an integral part of the teaching of that discipline so that the entire educative process be directed towards the whole development of the person. Finally, Catholic theology, taught in a manner faithful to Scripture, Tradition, and the Church's Magisterium, provides an awareness of the Gospel principles which will enrich the meaning of human life and give it a new dignity.

Through research and teaching the students are educated in the various disciplines so as to become truly competent in the specific sectors in which they will devote themselves to the service of society and of the Church, but at the same time prepared to give the witness of their faith to the world.

## 2. *The University Community*

21. A Catholic University pursues its objectives through its formation of an authentic human community animated by the spirit of Christ. The source of its unity springs from a common dedication to the truth, a common vision of the dignity of the human person and, ultimately, the person and message of Christ which gives the Institution its distinctive character. As a result of this inspiration, the community is animated by a spirit of freedom and charity; it is characterized by mutual respect, sincere dialogue, and protection of the rights of individuals. It assists each of its members to achieve wholeness as human persons; in turn, everyone in the community helps in promoting unity, and each one, according to his or her role and capacity, contributes towards decisions which affect the community, and also towards maintaining and strengthening the distinctive Catholic character of the Institution.

22. *University teachers* should seek to improve their competence and endeavour to set the content, objectives, methods, and results of research in an individual discipline within the framework of a coherent world vision. Christians among the teachers are called to be witnesses and educators of authentic Christian life, which evidences attained integration between faith and life, and between professional competence and Christian wisdom. All teachers are to be inspired by academic ideals and by the principles of an authentically human life.

23. *Students* are challenged to pursue an education that combines excellence in humanistic and cultural development with specialized professional training. Most especially, they are challenged to continue the search for truth and for meaning throughout their lives, since "the human spirit must be cultivated in such a way that there results a growth in its ability to wonder, to understand, to contemplate, to make personal judgments, and to develop a religious, moral, and social sense"(23). This enables them to acquire or, if they have already done so, to deepen a Christian way of life that is authentic. They should realize the responsibility of their professional life, the enthusiasm of being the trained 'leaders' of tomorrow, of being witnesses to Christ in whatever place they may exercise their profession.

24. *Directors and administrators* in a Catholic University promote the constant growth of the

University and its community through a leadership of service; the dedication and witness of the *non-academic staff* are vital for the identity and life of the University.

25. Many Catholic Universities were founded by Religious Congregations, and continue to depend on their support; those Religious Congregations dedicated to the apostolate of higher education are urged to assist these Institutions in the renewal of their commitment, and to continue to prepare religious men and women who can positively contribute to the mission of a Catholic University.

*Lay people* have found in university activities a means by which they too could exercise an important apostolic role in the Church and, in most Catholic Universities today, the academic community is largely composed of laity; in increasing numbers, lay men and women are assuming important functions and responsibilities for the direction of these Institutions. These lay Catholics are responding to the Church's call "to be present, as signs of courage and intellectual creativity, in the privileged places of culture, that is, the world of education-school and university"(24). The future of Catholic Universities depends to a great extent on the competent and dedicated service of lay Catholics. The Church sees their developing presence in these institutions both as a sign of hope and as a confirmation of the irreplaceable lay vocation in the Church and in the world, confident that lay people will, in the exercise of their own distinctive role, "illumine and organize these (temporal) affairs in such a way that they always start out, develop, and continue according to Christ's mind, to the praise of the Creator and the Redeemer"(25).

26. The university community of many Catholic institutions includes members of other Churches, ecclesial communities and religions, and also those who profess no religious belief. These men and women offer their training and experience in furthering the various academic disciplines or other university tasks.

### ***3. The Catholic University in the Church***

27. Every Catholic University, without ceasing to be a University, has a relationship to the Church that is essential to its institutional identity. As such, it participates most directly in the life of the local Church in which it is situated; at the same time, because it is an academic institution and therefore a part of the international community of scholarship and inquiry, each institution participates in and contributes to the life and the mission of the universal Church, assuming consequently a special bond with the Holy See by reason of the service to unity which it is called to render to the whole Church. One consequence of its essential relationship to the Church is that the *institutional* fidelity of the University to the Christian message includes a recognition of and adherence to the teaching authority of the Church in matters of faith and morals. Catholic members of the university community are also called to a personal fidelity to the Church with all that this implies. Non-Catholic members are required to respect the Catholic character of the University, while the University in turn respects their religious liberty(26).

28. 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 when they do not enter directly into the internal governance of the University, Bishops "should

be seen not as external agents but as participants in the life of the Catholic University"(27).

29. The Church, accepting "the legitimate autonomy of human culture and especially of the sciences", recognizes the academic freedom of scholars in each discipline in accordance with its own principles and proper methods(28), and within the confines of the truth and the common good.

Theology has its legitimate place in the University alongside other disciplines. It has proper principles and methods which define it as a branch of knowledge. Theologians enjoy this same freedom so long as they are faithful to these principles and methods.

Bishops should encourage the creative work of theologians. They serve the Church through research done in a way that respects theological method. They seek to understand better, further develop and more effectively communicate the meaning of Christian Revelation as transmitted in Scripture and Tradition and in the Church's Magisterium. They also investigate the ways in which theology can shed light on specific questions raised by contemporary culture. At the same time, since theology seeks an understanding of revealed truth whose authentic interpretation is entrusted to the Bishops of the Church(29), it is intrinsic to the principles and methods of their research and teaching in their academic discipline that theologians respect the authority of the Bishops, and assent to Catholic doctrine according to the degree of authority with which it is taught(30). Because of their interrelated roles, dialogue between Bishops and theologians is essential; this is especially true today, when the results of research are so quickly and so widely communicated through the media(31).

## **B. THE MISSION OF SERVICE OF A CATHOLIC UNIVERSITY**

30. The basic mission of a University is a continuous quest for truth through its research, and the preservation and communication of knowledge for the good of society. A Catholic University participates in this mission with its own specific characteristics and purposes.

### ***1. Service to Church and Society***

31. Through teaching and research, a Catholic University offers an indispensable contribution to the Church. In fact, it prepares men and women who, inspired by Christian principles and helped to live their Christian vocation in a mature and responsible manner, will be able to assume positions of responsibility in the Church. Moreover, by offering the results of its scientific research, a Catholic University will be able to help the Church respond to the problems and needs of this age.

32. A Catholic University, as any University, is immersed in human society; 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. Included among its research activities, therefore, will be a study of *serious contemporary problems* in areas such as the dignity of human life, the promotion of justice for all, the quality of personal and family life, the protection of nature, the search for peace and political stability, a more just sharing in the world's resources, and a new economic and political order that will better serve the human community at a national and international level. University research will seek to discover the roots and causes of the serious problems of our time, paying special attention to their ethical and religious dimensions.

If need be, a Catholic University must have the courage to speak uncomfortable truths which do not

33. A specific priority 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*. In this way a University can contribute further to the development of a true Christian anthropology, founded on the person of Christ, which will bring the dynamism of the creation and redemption to bear on reality and on the correct solution to the problems of life.

34. The Christian spirit of service to others for the *promotion of social justice* is of particular importance for each Catholic University, to be shared by its teachers and developed in its students. The Church is firmly committed to the integral growth of all men and women(32). The Gospel, interpreted in the social teachings of the Church, is an urgent call to promote "the development of those peoples who are striving to escape from hunger, misery, endemic diseases and ignorance; of those who are looking for a wider share in the benefits of civilization and a more active improvement of their human qualities; of those who are aiming purposefully at their complete fulfilment"(33). Every Catholic University feels responsible to contribute concretely to the progress of the society within which it works: for example it will be capable of searching for ways to make university education accessible to all those who are able to benefit from it, especially the poor or members of minority groups who customarily have been deprived of it. A Catholic University also has the responsibility, to the degree that it is able, to help to promote the development of the emerging nations.

35. In its attempts to resolve these complex issues that touch on so many different dimensions of human life and of society, a Catholic University will insist on cooperation among the different academic disciplines, each offering its distinct contribution in the search for solutions; moreover, since the economic and personal resources of a single Institution are limited, cooperation in *common research projects* among Catholic Universities, as well as with other private and governmental institutions, is imperative. In this regard, and also in what pertains to the other fields of the specific activity of a Catholic University, the role played by various national and international associations of Catholic Universities is to be emphasized. Among these associations the mission of *The International Federation of Catholic Universities*, founded by the Holy See(34), is particularly to be remembered. The Holy See anticipates further fruitful collaboration with this Federation.

36. Through programmes of *continuing education* offered to the wider community, by making its scholars available for consulting services, by taking advantage of modern means of communication, and in a variety of other ways, a Catholic University can assist in making the growing body of human knowledge and a developing understanding of the faith available to a wider public, thus expanding university services beyond its own academic community.

37. In its service to society, a Catholic University *will relate especially to the academic, cultural and scientific world* of the region in which it is located. Original forms of dialogue and collaboration are to be encouraged between the Catholic Universities and the other Universities of a nation on behalf of development, of understanding between cultures, and of the defence of nature in accordance with an awareness of the international ecological situation.

Catholic Universities join other private and public Institutions in serving the public interest through higher education and research; they are one among the variety of different types of institution that are necessary for the free expression of cultural diversity, and they are committed to the promotion of

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necessary for the free expression of cultural diversity, and they are committed to the promotion of solidarity and its meaning in society and in the world. Therefore they have the full right to expect that civil society and public authorities will recognize and defend their institutional autonomy and academic freedom; moreover, they have the right to the financial support that is necessary for their continued existence and development.

## 2. Pastoral Ministry

38. Pastoral ministry is that activity of the University which offers the members of the university community an opportunity to integrate religious and moral principles with their academic study and non-academic activities, *thus integrating faith with life*. It is part of the mission of the Church within the University, and is also a constitutive element of a Catholic University itself, both in its structure and in its life. A university community concerned with promoting the Institution's Catholic character will be conscious of this pastoral dimension and sensitive to the ways in which it can have an influence on all university activities.

39. As a natural expression of the Catholic identity of the University, the university community *should give a practical demonstration of its faith in its daily activity*, with important moments of reflection and of prayer. Catholic members of this community will be offered opportunities to assimilate Catholic teaching and practice into their lives and will be encouraged to participate in the celebration of the sacraments, especially the Eucharist as the most perfect act of community worship. When the academic community includes members of other Churches, ecclesial communities or religions, their initiatives for reflection and prayer in accordance with their own beliefs are to be respected.

40. Those involved in pastoral ministry will encourage teachers and students to become more aware of their responsibility towards those who are suffering physically or spiritually. Following the example of Christ, they will be particularly attentive to the poorest and to those who suffer economic, social, cultural or religious injustice. This responsibility begins within the academic community, but it also finds application beyond it.

41. Pastoral ministry is an indispensable means by which Catholic students can, in fulfilment of their baptism, *be prepared for active participation in the life of the Church*; it can assist in developing and nurturing the value of marriage and family life, fostering vocations to the priesthood and religious life, stimulating the Christian commitment of the laity and imbuing every activity with the spirit of the Gospel. Close cooperation between pastoral ministry in a Catholic University and the other activities within the local Church, under the guidance or with the approval of the diocesan Bishop, will contribute to their mutual growth(35).

42. Various associations or movements of spiritual and apostolic life, especially those developed specifically for students, can be of great assistance in developing the pastoral aspects of university life.

## 3. Cultural Dialogue

43. By its very nature, a University develops culture through its research, helps to transmit the local culture to each succeeding generation through its teaching, and assists cultural activities through its educational services. It is open to all human experience and is ready to dialogue with and learn from

any culture. A Catholic University shares in this, enriching the rich experience of the Church's own culture. In addition, a Catholic University, aware that human culture is open to Revelation and transcendence, is also a primary and privileged place for a *fruitful dialogue between the Gospel and culture*.

44. Through this dialogue a Catholic University assists the Church, enabling it to come to a better knowledge of diverse cultures, discern their positive and negative aspects, to receive their authentically human contributions, and to develop means by which it can make the faith better understood by the men and women of a particular culture(36). While it is true that the Gospel cannot be identified with any particular culture and transcends all cultures, it is also true that "the Kingdom which the Gospel proclaims is lived by men and women who are profoundly linked to a culture, and the building up of the Kingdom cannot avoid borrowing the elements of human culture or cultures(37). "A faith that places itself on the margin of what is human, of what is therefore culture, would be a faith unfaithful to the fullness of what the Word of God manifests and reveals, a decapitated faith, worse still, a faith in the process of self-annihilation"(38).

45. A Catholic University must become *more attentive to the cultures of the world of today*, and to the *various cultural traditions existing within the Church* in a way that will promote a continuous and profitable dialogue between the Gospel and modern society. Among the criteria that characterize the values of a culture are above all, the *meaning of the human person*, his or her liberty, dignity, *sense of responsibility*, and openness to the transcendent. To a respect for persons is joined *the preeminent value of the family*, the primary unit of every human culture.

Catholic Universities will seek to discern and evaluate both the aspirations and the contradictions of modern culture, in order to make it more suited to the total development of individuals and peoples. In particular, it is recommended that by means of appropriate studies, the impact of modern technology and especially of the mass media on persons, the family, and the institutions and whole of modern culture be studied deeply. Traditional cultures are to be defended in their identity, helping them to receive modern values without sacrificing their own heritage, which is a wealth for the whole of the human family. Universities, situated within the ambience of these cultures, will seek to harmonize local cultures with the positive contributions of modern cultures.

46. An area that particularly interests a Catholic University is the *dialogue between Christian thought and the modern sciences*. This task requires persons particularly well versed in the individual disciplines and 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. Such dialogue concerns the natural sciences as much as the human sciences which posit new and complex philosophical and ethical problems. The Christian researcher should demonstrate the way in which human intelligence is enriched by the higher truth that comes from the Gospel: "The intelligence is never diminished, rather, it is stimulated and reinforced by that interior fount of deep understanding that is the Word of God, and by the hierarchy of values that results from it... In its unique manner, the Catholic University helps to manifest the superiority of the spirit, that can never, without the risk of losing its very self, be placed at the service of something other than the search for truth"(39).

47. Besides cultural dialogue, a Catholic University, in accordance with its specific ends, and keeping

in mind the various religious-cultural contexts, following the directives promulgated by competent ecclesiastical authority, can offer a contribution to ecumenical dialogue. It does so to further the search for unity among all Christians. In inter-religious dialogue it will assist in discerning the spiritual values that are present in the different religions.

#### 4. *Evangelization*

48. The primary mission of the Church is to preach the Gospel in such a way that a relationship between faith and life is established in each individual and in the socio-cultural context in which individuals live and act and communicate with one another. Evangelization means "bringing the Good News into all the strata of humanity, and through its influence transforming humanity from within and making it new... It is a question not only of preaching the Gospel in ever wider geographic areas or to ever greater numbers of people, but also of affecting and, as it were, upsetting, through the power of the Gospel, humanity's criteria of judgment, determining values, points of interest, lines of thought, sources of inspiration and models of life, which are in contrast with the Word of God and the plan of salvation"(40).

49. By its very nature, each Catholic University makes an important contribution to the Church's work of evangelization. It is a living *institutional* witness to Christ and his message, so vitally important in cultures marked by secularism, or where Christ and his message are still virtually unknown. Moreover, all the basic academic activities of a Catholic University are connected with and in harmony with the evangelizing mission of the Church: research carried out in the light of the Christian message which puts new human discoveries at the service of individuals and society; education offered in a faith-context that forms men and women capable of rational and critical judgment and conscious of the transcendent dignity of the human person; professional training that incorporates ethical values and a sense of service to individuals and to society; the dialogue with culture that makes the faith better understood, and the theological research that translates the faith into contemporary language. "Precisely because it is more and more conscious of its salvific mission in this world, the Church wants to have these centres closely connected with it; it wants to have them present and operative in spreading the authentic message of Christ"(41).

## PART II

### GENERAL NORMS

#### Article 1. *The Nature of these General Norms*

§ 1. These General Norms are based on, and are a further development of, the Code of Canon Law(42) and the complementary Church legislation, without prejudice to the right of the Holy See to intervene should this become necessary. They are valid for all Catholic Universities and other Catholic Institutes of Higher Studies throughout the world.

§ 2. The General Norms are to be applied concretely at the local and regional levels by Episcopal Conferences and other Assemblies of Catholic Hierarchy(43) in conformity with the Code of Canon Law and complementary Church legislation, taking into account the Statutes of each University or Institute and, as far as possible and appropriate, civil law. After review by the Holy See(44), these local or regional "Ordinances" will be valid for all Catholic Universities and other Catholic Institutes of



~~HIGHER STUDIES IN THE REGION, EXCEPT FOR ECCLESIASTICAL UNIVERSITIES AND FACULTIES. THESE HIGHER~~

Institutions, including Ecclesiastical Faculties which are part of a Catholic University, are governed by the norms of the Apostolic Constitution *Sapientia Christiana*(45).

§ 3. A University established or approved by the Holy See, by an Episcopal Conference or another Assembly of Catholic Hierarchy, or by a diocesan Bishop is to incorporate these General Norms and their local and regional applications into its governing documents, and conform its existing Statutes both to the General Norms and to their applications, and submit them for approval to the competent ecclesiastical Authority. It is contemplated that other Catholic Universities, that is, those not established or approved in any of the above ways, with the agreement of the local ecclesiastical Authority, will make their own the General Norms and their local and regional applications, internalizing them into their governing documents, and, as far as possible, will conform their existing Statutes both to these General Norms and to their applications.

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

§ 1. A Catholic University, like every university, is a community of scholars representing various branches of human knowledge. It is dedicated to research, to teaching, and to various kinds of service in accordance with its cultural mission.

§ 2. A Catholic University, as Catholic, informs and carries out its research, teaching, and all other activities with Catholic ideals, principles and attitudes. It is linked with the Church either by a formal, constitutive and statutory bond or by reason of an institutional commitment made by those responsible for it.

§ 3. Every Catholic University is to make known its Catholic identity, either in a mission statement or in some other appropriate public document, unless authorized otherwise by the competent ecclesiastical Authority. The University, particularly through its structure and its regulations, is to provide means which will guarantee the expression and the preservation of this identity in a manner consistent with §2.

§ 4. Catholic teaching and discipline are to influence all university activities, while the freedom of conscience of each person is to be fully respected(46). Any official action or commitment of the University is to be in accord with its Catholic identity.

§ 5. A Catholic University possesses the autonomy necessary to develop its distinctive identity and pursue its proper mission. Freedom in research and teaching is recognized and respected according to the principles and methods of each individual discipline, so long as the rights of the individual and of the community are preserved within the confines of the truth and the common good(47).

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

§ 1. A Catholic University may be established or approved by the Holy See, by an Episcopal Conference or another Assembly of Catholic Hierarchy, or by a diocesan Bishop.

§ 2. With the consent of the diocesan Bishop, a Catholic University may also be established by a Religious Institute or other public juridical person.

§ 3. A Catholic University may also be established by other ecclesiastical or lay persons: such a

§ 3. A Catholic University may not be constituted by such combination of its persons, such a University may refer to itself as a Catholic University only with the consent of the competent ecclesiastical Authority, in accordance with the conditions upon which both parties shall agree(48).

§ 4. In the cases of §§ 1 and 2, the Statutes must be approved by the competent ecclesiastical Authority.

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

§ 1. The responsibility for maintaining and strengthening the Catholic identity of the University rests primarily with the University itself. While this responsibility is entrusted principally to university authorities (including, when the positions exist, the Chancellor and/or a Board of Trustees or equivalent body), it is shared in varying degrees by all members of the university community, and therefore calls for the recruitment of adequate university personnel, especially teachers and administrators, who are both willing and able to promote that identity. The identity of a Catholic University is essentially linked to the quality of its teachers and to respect for Catholic doctrine. It is the responsibility of the competent Authority to watch over these two fundamental needs in accordance with what is indicated in Canon Law(49).

§ 2. All teachers and all administrators, at the time of their appointment, are to be informed about the Catholic identity of the Institution and its implications, and about their responsibility to promote, or at least to respect, that identity.

§ 3. In ways appropriate to the different academic disciplines, all Catholic teachers are to be faithful to, and all other teachers are to respect, Catholic doctrine and morals in their research and teaching. In particular, Catholic theologians, aware that they fulfil 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(50).

§ 4. Those university teachers and administrators who belong to other Churches, ecclesial communities, or religions, as well as those who profess no religious belief, and also all students, are to recognize and respect the distinctive Catholic identity of the University. 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.

§ 5. The education of students is to combine academic and professional development with formation in moral and religious principles and the social teachings of the Church; the programme of studies for each of the various professions is to include an appropriate ethical formation in that profession. Courses in Catholic doctrine are to be made available to all students(51).

#### Article 5. *The Catholic University within the Church*

§ 1. 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 nation in which it is located. In ways consistent with its nature as a University, a Catholic University will contribute to the Church's work of evangelization.

§ 2. 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. If problems should arise concerning this Catholic character, the local Bishop is to take the initiatives necessary to resolve the matter, working with the competent university authorities in accordance with established procedures(52) and, if necessary, with the help of the Holy See.

§ 3. Periodically, each Catholic University, to which Article 3, 1 and 2 refers, is to communicate relevant information about the University and its activities to the competent ecclesiastical Authority. Other Catholic Universities are to communicate this information to the Bishop of the diocese in which the principal seat of the Institution is located.

#### Article 6. *Pastoral Ministry*

§ 1. A Catholic University is to promote the pastoral care of all members of the university community, and to be especially attentive to the spiritual development of those who are Catholics. Priority is to be given to those means which will facilitate the integration of human and professional education with religious values in the light of Catholic doctrine, in order to unite intellectual learning with the religious dimension of life.

§ 2. A sufficient number of qualified people-priests, religious, and lay persons-are to be appointed to provide pastoral ministry for the university community, carried on in harmony and cooperation with the pastoral activities of the local Church under the guidance or with the approval of the diocesan Bishop. All members of the university community are to be invited to assist the work of pastoral ministry, and to collaborate in its activities.

#### Article 7. *Cooperation*

§ 1. In order better to confront the complex problems facing modern society, and in order to strengthen the Catholic identity of the Institutions, regional, national and international cooperation is to be promoted in research, teaching, and other university activities among all Catholic Universities, including Ecclesiastical Universities and Faculties(53). Such cooperation is also to be promoted between Catholic Universities and other Universities, and with other research and educational Institutions, both private and governmental.

§ 2. Catholic Universities will, when possible and in accord with Catholic principles and doctrine, cooperate with government programmes and the programmes of other national and international Organizations on behalf of justice, development and progress.

### **TRANSITIONAL NORMS**

Art. 8. The present Constitution will come into effect on the first day to the academic year 1991.

Art. 9. The application of the Constitution is committed to the Congregation for Catholic Education, which has the duty to promulgate the necessary directives that will serve towards that end.

Art. 10. It will be the competence of the Congregation for Catholic Education, when with the passage of time circumstances require it, to propose changes to be made in the present Constitution in order that it may be adapted continuously to the needs of Catholic Universities.

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.

## CONCLUSION

The mission that the Church, with great hope, entrusts to Catholic Universities holds a cultural and religious meaning of vital importance because it concerns the very future of humanity. The renewal requested of Catholic Universities will make them better able to respond to the task of bringing the message of Christ to man, to society, to the various cultures: "Every human reality, both individual and social has been liberated by Christ: persons, as well as the activities of men and women, of which culture is the highest and incarnate expression. The salvific action of the Church on cultures is achieved, first of all, by means of persons, families and educators... Jesus Christ, our Saviour, offers his light and his hope to all those who promote the sciences, the arts, letters and the numerous fields developed by modern culture. Therefore, all the sons and daughters of the Church should become aware of their mission and discover how the strength of the Gospel can penetrate and regenerate the mentalities and dominant values that inspire individual cultures, as well as the opinions and mental attitudes that are derived from it"(54).

It is with fervent hope that I address this Document to all the men and women engaged in various ways in the significant mission of Catholic higher education.

Beloved Brothers and Sisters, my encouragement and my trust go with you in your weighty daily task that becomes ever more important, more urgent and necessary on behalf of Evangelization for the future of culture and of all cultures. The Church and the world have great need of your witness and of your capable, free, and responsible contribution.

*Given in Rome, at Saint Peter's, on 15 August, the Solemnity of the Assumption of the Blessed Virgin Mary into Heaven, in the year 1990, the twelfth of the Pontificate.*

1 Cf. The letter of Pope Alexander IV to the University of Paris, 14 April 1255, Introduction: *Bullarium Diplomatum...*, vol. III, Turin 1858, p. 602.

2 SAINT AUGUSTINE, *Confes.* X, xxiii, 33: "In fact, the blessed life consists in *the joy that comes from the truth*, since this joy comes from You who are Truth, God my light, salvation of my face, my God". PL 32, 793-794. Cf. SAINT THOMAS AQUINAS, *De Malo*, IX, 1: "It is actually natural to man to strive for knowledge of the truth".

3 JOHN PAUL II, Discourse to the "Institut Catholique de Paris", 1 June 1980: *Insegnamenti di Giovanni Paolo II*, Vol. III/1 (1980), p. 1581.

4 JOHN PAUL II, Discourse to the Cardinals, 10 November 1979: *Insegnamenti di Giovanni Paolo II*, Vol. II/2 (1979), p. 1096; cf. Discourse to UNESCO, Paris, 2 June 1980: AAS 72 (1980), pp. 735-752.

5 Cf. JOHN PAUL II, Discourse to the University of Coimbra, 15 May 1982: *Insegnamenti di Giovanni Paolo II*, Vol. V/2 (1982), p. 1692.

6 PAUL VI, Allocution to Representatives of States, 4 October 1965: *Insegnamenti di Paolo VI*, vatican.va/.../hf\_jp-ii\_apc\_15081990\_...

Vol. III (1965), p. 508.

7 JOHN HENRY CARDINAL NEWMAN, *The Idea of a University*, London, Longmans, Green and Company, 1931, p. XI.

8 *Jn* 14:6.

9 Cf. SAINT AUGUSTINE, Sermon 43, 9: PL 38, 258. Cf. also SAINT ANSELM, *Proslogion*, chap. I: PL 158, 227.

10 Cf. JOHN PAUL II, Allocution to the International Congress on Catholic Universities, 25 April 1989, n. 3: AAS 18 (1989), p. 1218.

11 JOHN PAUL II, Apostolic Constitution *Sapientia Christiana* concerning the Ecclesiastical Universities and Faculties, 15 April 1979: AAS 71 (1979), pp. 469-521.

12 VATICAN COUNCIL II, Declaration on Catholic Education *Gravissimum Educationis*, n. 10: AAS 58 (1966), p. 737.

13 *Mt* 13:52.

14 Cf. *The Magna Carta of the European Universities*, Bologna, Italy, 18 September 1988, "Fundamental Principles".

15 Cf. VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, n. 59: AAS 58 (1966), p. 1080; Declaration on Catholic Education *Gravissimum Educationis*, n. 10: AAS 58 (1966), p. 737. "Institutional autonomy" means that the governance of an academic institution is and remains internal to the institution; "academic freedom" is the guarantee given to those involved in teaching and research that, within their specific specialized branch of knowledge, and according to the methods proper to that specific area, they may search for the truth wherever analysis and evidence leads them, and may teach and publish the results of this search, keeping in mind the cited criteria, that is, safeguarding the rights of the individual and of society within the confines of the truth and the common good.

16 There is a two-fold notion of *culture* used in this document: the *humanistic* and the *socio-historical*. "The word 'culture' in its general sense indicates all those factors by which man refines and unfolds his manifold spiritual and bodily qualities. It means his effort to bring the world itself under his control by his knowledge and his labor. It includes the fact that by improving customs and institutions he renders social life more human both within the family and in the civic community. Finally, it is a feature of culture that throughout the course of time man expresses, communicates, and conserves in his works great spiritual experiences and desires, so that these may be of advantage to the progress of many, even of the whole human family. Hence it follows that human culture necessarily has a historical and social aspect and that the word 'culture' often takes on a sociological and ethnological sense". VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, n. 53: AAS 58 (1966), p. 1075.

17 *L'Université Catholique dans le monde moderne. Document final du 2ème Congrès des Délégués des Universités Catholiques*, Rome, 20-29 November 1972, § 1.

18 *Ibid.*

19 JOHN PAUL II, Allocution to the International Congress on Catholic Universities, 25 April 1989, n. 4: AAS 81 (1989), p. 1219. Cf. also VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, n. 61: AAS 58 (1966), pp. 1081-1082. Cardinal Newman observes that a University "professes to assign to each study which it receives, its proper place and its just boundaries; to define the rights, to establish the mutual relations and to effect the intercommunion of one and all". (Op. cit., p. 457).

20 VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, n. 36: AAS 58 (1966), p. 1054. To a group of scientists I pointed out that "while reason and faith surely represent two distinct orders of knowledge, each autonomous with regard to its own methods, the two must finally converge in the discovery of a single whole reality which has its origin in God". (JOHN PAUL II, *Address at the Meeting on Galileo*, 9 May 1983, n. 3: AAS 75 [1983], p. 690).

21 JOHN PAUL II, Address at UNESCO, 2 June 1980, n. 22: AAS 72 (1980), p. 750. The last part of the quotation uses words directed to the Pontifical Academy of Sciences, 10 November 1979: *Insegnamenti di Giovanni Paolo II*, Vol. II/2 (1979), p. 1109.

22 Cf. VATICAN COUNCIL II, Declaration on Catholic Education *Gravissimum Educationis*, n. 10: AAS 58 (1966), p. 737.

23 VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, n. 59: AAS 58 (1966), p. 1080. Cardinal Newman describes the ideal to be sought in this way: "A habit of mind is formed which lasts through life, of which the attributes are freedom, equitableness, calmness, moderation and wisdom". (Op. cit., pp. 101-102).

24 JOHN PAUL II, Post-Synodal Apostolic Exhortation *Christifideles Laici*, 30 December 1988, n. 44: AAS 81 (1989), p. 479.

25 VATICAN COUNCIL II, Dogmatic Constitution on the Church *Lumen Gentium*, n. 31: AAS 57 (1965), pp. 37-38. Cf. Decree on the Apostolate of the Laity *Apostolicam Actuositatem*, passim: AAS 58 (1966), pp. 837ff. Cf. also *Gaudium et Spes*, n. 43: AAS 58 (1966), pp. 1061-1064.

26 Cf. VATICAN COUNCIL II, Declaration on Religious Liberty *Dignitatis Humanae*, n. 2: AAS 58 (1966), pp. 930-931.

27 JOHN PAUL II, Address to Leaders of Catholic Higher Education, Xavier University of Louisiana, U.S.A., 12 September 1987, n. 4: AAS 80 (1988), p. 764.

28 VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, n. 59: AAS 58 (1966), p. 1080.

29 Cf. VATICAN COUNCIL II, Dogmatic Constitution on Divine Revelation *Dei Verbum*, nn. 8-10: AAS 58 (1966), pp. 820-822.

30 Cf. VATICAN COUNCIL II, Dogmatic Constitution on the Church *Lumen Gentium*, n. 25: AAS 57 (1965), pp. 29-31.

31 Cf. "Instruction on the Ecclesial Vocation of the Theologian" of the Congregation for the Doctrine of the Faith of 24 May 1990.

32 Cf. JOHN PAUL II, Encyclical Letter *Sollicitudo Rei Socialis*, nn. 27-34: AAS 80 (1988), pp. 547-560.

33 PAUL VI, Encyclical Letter *Populorum Progressio*, n. 1: AAS 59 (1967), p. 257.

34 "Therefore, in that there has been a pleasing multiplication of centres of higher learning, it has become apparent that it would be opportune for the faculty and the alumni to unite in common association which, working in reciprocal understanding and close collaboration, and based upon the authority of the Supreme Pontiff, as father and universal doctor, they might more efficaciously spread and extend the light of Christ". (Plus XII, Apostolic Letter *Catholicas Studiorum Universitates*, with which The International Federation of Catholic Universities was established: AAS 42 [1950], p. 386).

35 The Code of Canon Law indicates the general responsibility of the Bishop toward university students: "The diocesan bishop is to have serious pastoral concern for students by erecting a parish for them or by assigning priests for this purpose on a stable basis; he is also to provide for Catholic university centers at universities, even non-Catholic ones, to give assistance, especially spiritual to young people". (*CIC*, can. 813).

36 "Living in various circumstances during the course of time, the Church, too, has used in her preaching the discoveries of different cultures to spread and explain the message of Christ to all nations, to probe it and more deeply understand it, and to give it better expression in liturgical celebrations and in the life of the diversified community of the faithful". (VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, n. 58: AAS 58 [1966], p. 1079).

37 PAUL VI, Apostolic Exhortation *Evangelii Nuntiandi*, n. 20: AAS 68 (1976), p. 18. Cf. VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, n. 58: AAS 58 (1966), p. 1079.

38 JOHN PAUL II, Address to Intellectuals, to Students and to University Personnel at Medellín, Colombia, 5 July 1986, n. 3: AAS 79 (1987), p. 99. Cf. also VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, n. 58: AAS 58 (1966), p. 1079.

39 PAUL VI, to the Delegates of The International Federation of Catholic Universities, 27 November 1972: AAS 64 (1972), p. 770.

40 PAUL VI, Apostolic Exhortation *Evangelii Nuntiandi*, nn. 18ff.: AAS 68 (1976), pp. 17-18.  
vatican.va/.../hf\_jp-ii\_apc\_15081990\_...

41 PAUL VI, Address to Presidents and Rectors of the Universities of the Society of Jesus, 6 August 1975, n. 2: AAS 67 (1975), p. 533. Speaking to the participants of the International Congress on Catholic Universities, 25 April 1989, I added (n. 5): "Within a Catholic University the evangelical mission of the Church and the mission of research and teaching become *interrelated* and *coordinated*": Cf. AAS 81 (1989), p. 1220.

42 Cf. in particular the Chapter of the Code: "Catholic Universities and other Institutes of Higher Studies" (*CIC*, cann. 807-814).

43 Episcopal Conferences were established in the Latin Rite. Other Rites have other Assemblies of Catholic Hierarchy.

44 Cf. *CIC*, Can. 455, § 2.

45 Cf. *Sapientia Christiana*: AAS 71 (1979), pp. 469-521. Ecclesiastical Universities and Faculties are those that have the right to confer academic degrees by the authority of the Holy See.

46 Cf. VATICAN COUNCIL II, Declaration on Religious Liberty *Dignitatis Humanae*, n. 2: AAS 58 (1966), pp. 930-931.

47 Cf. VATICAN COUNCIL II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, nn. 57 and 59: AAS 58 (1966), pp. 1077-1080; *Gravissimum Educationis*, n. 10: AAS 58 (1966), p. 737.

48 Both the establishment of such a university and the conditions by which it may refer to itself as a Catholic University are to be in accordance with the prescriptions issued by the Holy See, Episcopal Conference or other Assembly of Catholic Hierarchy.

49 Canon 810 of *CIC*, specifies the responsibility of the competent Authorities in this area: § 1 "It is the responsibility of the authority who is competent in accord with the statutes to provide for the appointment of teachers to Catholic universities who, besides their scientific and pedagogical suitability, are also outstanding in their integrity of doctrine and probity of life; when those requisite qualities are lacking they are to be removed from their positions in accord with the procedure set forth in the statutes. § 2 The conference of bishops and the diocesan bishops concerned have the duty and right of being vigilant that in these universities the principles of Catholic doctrine are faithfully observed". Cf. also Article 5, 2 ahead in these "Norms".

50 VATICAN COUNCIL II, Dogmatic Constitution on the Church *Lumen Gentium*, n. 25: AAS 57 (1965), p. 29; *Dei Verbum*, nn. 8-10: AAS 58 (1966), pp. 820-822; Cf. *CIC*, can. 812: "It is necessary that those who teach theological disciplines in any institute of higher studies have a mandate from the competent ecclesiastical authority".

51 Cf. *CIC*, can 811 § 2.

52 For Universities to which Article 3 §§ 1 and 2 refer, these procedures are to be established in the university statutes approved by the competent ecclesiastical Authority; for other Catholic Universities, they are to be determined by Episcopal Conferences or other Assemblies of Catholic Hierarchy.



53 Cf. *CIC*, can. 820. Cf. also *Sapientia Christiana*, Norms of Application, Article 49: AAS 71 (1979), p. 512.

54 JOHN PAUL II, to the Pontifical Council for Culture, 13 January 1989, n. 2: AAS 81 (1989), pp. 857-858.

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## **ATTACHMENT E**



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## The Application of *Ex corde Ecclesiae* for the United States

### Decree of Promulgation

On November 17, 1999, the Catholic Bishops of the United States, meeting in Plenary Session of the National Conference of Catholic Bishops, approved *The Application of Ex corde Ecclesiae for the United States* implementing the Apostolic Constitution *Ex corde Ecclesiae*, according to the norm of law.

The action was granted recognitio by the Congregation for Bishops in accord with article 82 of the Apostolic Constitution *Pastor Bonus* and issued by Decree of the Congregation for Bishops signed by His Eminence Lucas Cardinal Moreira Neves, Prefect, and His Excellency Most Reverend Francisco Monterisi, Secretary, and dated May 3, 2000.

As President of the National Conference of Catholic Bishops, I hereby decree that *The Application of Ex corde Ecclesiae* for the United States will be in force as particular law for the United States on May 3, 2001.

Given at the offices of the National Conference of Catholic Bishops in Washington, DC, on June 1, 2000.

Most Reverend Joseph A. Fiorenza  
Bishop of Galveston-Houston  
President, National Conference of Catholic Bishops

Reverend Monsignor Dennis M. Schnurr  
General Secretary

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### 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 nation 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 One: Theological and Pastoral Principles

### 1. *Ex corde Ecclesiae*

On August 15, 1990, Pope John Paul II issued an apostolic constitution on Catholic higher education entitled *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 United States Catholic Conference of Bishops.

## 2. 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>

## 3. 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.

#### 4. 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.

#### 5. 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 inter-religious relationships should be fostered with sensitivity.

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

#### 6. 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.

#### 7. 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:

5. Commitment to be faithful to the teachings of the Catholic Church;
6. 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>
7. Commitment to serve others, particularly the poor, underprivileged and vulnerable members of society;
8. 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;
9. 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;
10. Commitment to care pastorally for the students, faculty, administration and staff;
11. 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; and
12. 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 Two: 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>

### Art. 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 National Conference of Catholic Bishops, 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>

## Art. 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 the 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 One, Section 7 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>

## Art. 3. The Establishment of a Catholic University

1. A Catholic university may be established, or an existing university approved, by the Holy See, the National Conference of Catholic Bishops, 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>

## Art. 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

- a. The university president should be a Catholic.<sup>36</sup>
- b. 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.
- c. 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>
  - i. 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.
  - ii. 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>
  - iii. 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.
  - iv. 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*.
    - 1. 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>
    - 2. 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.

3. 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.

## Art. 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 inter-religious 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 National Conference of Catholic Bishops, 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*.

## Art. 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 lay persons—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 National Conference of Catholic Bishops.<sup>54</sup>

## Art. 7. Cooperation

1. 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>
2. 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 National Conference of Catholic Bishops 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 National Conference of Catholic Bishops will review this Application of *Ex corde Ecclesiae* for the United States.

The Bishops of the United States, in offering this application of *Ex corde Ecclesiae*, join 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>

## Notes

1. Pope John Paul II, *Apostolic Constitution on Catholic Universities Ex corde Ecclesiae*, August 15, 1990, AAS 82 (1990) pp. 1475-1509 [cited throughout the remainder of this document as ECE]. English translation: Origins, CNS Documentary Service, October 4, 1990. In accordance with canon 455, §1, the United States Conference of 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).
2. 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*, nn. 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.
3. ECE, II, Art. 5, §1.
4. ECE, I, n. 43. See also ECE, I, n. 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.

5. *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, November 20-29, 1972, Sec. 1.
6. *ECE*, Introduction, n. 7.
7. "The Church's Presence in the University and in University Culture," II, §2, *Origins*, June 16, 1994, 74-80.
8. *ECE*, I, nn. 27-29, 31.
9. *Ibid.*, I, nn. 32-37.
10. *Ibid.*, I, nn. 12, 37; II, Art. 7, §§1-2.
11. *Ibid.*, I, n. 28. The citation at the end is from John Paul II, *Address to Leaders of Catholic Higher Education*, Xavier University of Louisiana, U.S.A., September 12, 1987, n. 4: AAS 80 (1988) 764.
12. *ECE*, I, n. 28.
13. Pope John Paul II, Address "Ad prope et exstantes sedes Studiorum Universitatis Catholicae profectus hanc allocutionem fecit ad moderatores et doctores eiusdem Athenaei atque ad legatos Collegiorum Universitatumque Catholicarum totius Nationis," October 6, 1979, AAS 71:13 (1979) 1260.
14. *ECE*, I, n. 13 [quoting "The Catholic University in the Modern World," the final document of the Second International Congress of Delegates of Catholic Universities, Rome, November 20-29, 1972, Sec. 1].
15. See *ECE*, I, n. 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.
16. See *ECE*, II, Art. 2, §§4-5.
17. *ECE*, I, n. 4.
18. See *ECE*, II, Art. 1, §§1 & 2.
19. *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*.
20. See *ECE*, II, Art. 1, §3.
21. See *ECE*, II, Art. 3, §4.
22. 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, n. B1.
23. See above footnote 15.
24. Vatican Council II, Pastoral Constitution on the Church in the Modern World (*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.
25. C. 218.
26. See *ECE*, II, Art. 2, §5.
27. 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.
28. See footnote 31 for a listing of canonical categories.
29. 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.
30. *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).
31. 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 be 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 National Conference of Catholic Bishops.* 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 National Conference of Catholic Bishops.
  - 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 inter-diocesan 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 National Conference of Catholic Bishops, 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 National Conference of Catholic Bishops, 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.
- 32. ECE, II, Art. 3, §4.
  - 33. C. 808.
  - 34. 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.
  - 35. 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.
  - 36. 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, *Formula Professio Fidei et Iusiurandum*, July 1, 1988, AAS 81 [1989] 104-106; and Congregation for the Doctrine of the Faith, *Rescriptum ex audientia SS. mi Quod Atinet*, September 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.
  - 37. 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.
  - 38. C. 810, §1.
  - 39. *Gravissimum educationis* 10.
  - 40. C. 812 and ECE, II, Art. 4, §3.
  - 41. “*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).

- 42. 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*.
- 43. 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.
- 44. Administrative acts in the external forum must be in writing (c. 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.
- 45. 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.”

46. See above footnotes 27 and 37.
47. See *ECE*, I, n. 38 ff. and footnote 44.
48. See *ECE*, I, nn. 48-49.
49. 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.
50. The following are some suggestions for collaboration:
  - a. 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.
  - b. 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.
  - c. 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.
  - d. Collaborating on evangelization and on the special works of the religious institute.
  - e. Conducting dialogues on matters of doctrine and pastoral practice and on the development of spirituality in accordance with the religious institute’s charism.
  - f. Resolving issues affecting the university’s Catholic identity in accordance with established procedures. (See *ECE*, II, Art. 5, §2 and *ECE* footnote 51.)
  - g. Participating together in ecumenical and inter-faith endeavors.
  - h. Contributing to the diocesan process of formulating the quinquennial report to the Holy See.
51. See National Conference of Catholic Bishops, *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.
52. See canon 813
53. See *ECE*, II, Art. 6, §2.
54. See *ECE*, II, Art. 7, §1; National Conference of Catholic Bishops, “Sons and Daughters of the Light: A Pastoral Plan for Ministry with Young Adults,” *Origins*, November 28, 1996, 384-402, especially 398-401; “Letter to College Students,” *Origins*, December 7, 1995, 429-430; *Empowered by the Spirit*, Washington, D.C.: USCC, 1985.
55. See *ECE*, I, n. 35 and *ECE*, II, Art. 7, §2.
56. See *ECE*, I, nn. 32-35.
57. *Ibid.*, Introduction, n. 11.

In November 1999, Most Reverend Joseph A. Fiorenza, president of the National Conference of Catholic Bishops, petitioned the Apostolic See that these executive norms of the apostolic constitution *Ex corde Ecclesiae*, approved according to the norm of law by a plenary session of the Conference, be duly granted recognition. In May 2000, the Congregation for Bishops, after consultation with the Congregation for Catholic Education and the Pontifical Council for the Interpretation of Legislative Texts, found these norms in conformity with universal canon law and declared them valid. These norms are printed here as *The Application of Ex corde Ecclesiae for the United States*, which is authorized for publication by the undersigned.

Monsignor Dennis M. Schnurr  
General Secretary, NCCB/USCC

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## **ATTACHMENT F**

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## Code of Canon Law

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    - CHAPTER II. CATHOLIC UNIVERSITIES AND OTHER INSTITUTES OF HIGHER STUDIES

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### CHAPTER II.

#### CATHOLIC UNIVERSITIES AND OTHER INSTITUTES OF HIGHER STUDIES

Can. 807 The Church has the right to erect and direct universities, which contribute to a more profound human culture, the fuller development of the human person, and the fulfillment of the teaching function of the Church.

Can. 808 Even if it is in fact Catholic, no university is to bear the title or name of Catholic university without the consent of competent ecclesiastical authority.

Can. 809 If it is possible and expedient, conferences of bishops are to take care that there are universities or at least faculties suitably spread through their territory, in which the various disciplines are studied and taught, with their academic autonomy preserved and in light of Catholic doctrine.

Can. 810 §1. The authority competent according to the statutes has the duty to make provision so that teachers are appointed in Catholic universities who besides their scientific and pedagogical qualifications are outstanding in integrity of doctrine and probity of life and that they are removed from their function when they lack these requirements; the manner of proceeding defined in the statutes is to be observed.

§2. The conferences of bishops and diocesan bishops concerned have the duty and right of being watchful so that the principles of Catholic doctrine are observed faithfully in these same universities.

Can. 811 §1. The competent ecclesiastical authority is to take care that in Catholic universities a faculty or institute or at least a chair of theology is erected in which classes are also given for lay students.

§2. In individual Catholic universities, there are to be classes which especially treat those theological questions which are connected to the disciplines of their faculties.

Can. 812 Those who teach theological disciplines in any institutes of higher studies whatsoever must have a mandate from the competent ecclesiastical authority.

Can. 813 The diocesan bishop is to have earnest pastoral care for students, even by erecting a parish or at least by designating priests stably for this, and is to make provision that at universities, even non-Catholic ones, there

are Catholic university centers which give assistance, especially spiritual assistance, to youth.

Can. 814 The prescripts established for universities apply equally to other institutes of higher learning.

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## **ATTACHMENT G**



## USCCB News Release

11-017

January 20, 2011

FOR IMMEDIATE RELEASE

**Bishop Curry Announces the 10 Year Review of the *Application of Ex Corde Ecclesiae* for the United States**

WASHINGTON (January 20, 2011)—Bishops and Catholic university presidents across the United States will engage in conversations over the next year as a first step in the 10 year review of *The Application of Ex Corde Ecclesiae* for the United States. Auxiliary Bishop Thomas J. Curry of Los Angeles, chairman of the Committee on Catholic Education of the United States Conference of Catholic Bishops (USCCB), announced the review.

"This review will help us appreciate the positive developments and remaining challenges in the collaborative efforts of bishops and presidents to ensure the implementation of *Ex Corde Ecclesiae* in the United States," said Bishop Curry.

*Ex Corde Ecclesiae* is the Vatican document promulgated in 1990 by Pope John Paul II, which outlines the relationship between the bishops and Catholic colleges and universities. The document called for "close personal and pastoral relationships...between university and Church authorities, characterized by mutual trust, close and consistent cooperation and continuing dialogue." The U.S. bishops approved *The Application of Ex Corde Ecclesiae* for the United States which became effective May 3, 2001.

This review will consist of a conversation between a bishop and each university president within his diocese to discuss *The Application of Ex Corde Ecclesiae* for the United States. Following the local conversations, bishops will share their reflections with one another at USCCB regional meetings during the General Assembly in November 2011. The presentations will then be compiled and presented to the president of the Conference.

"Dialogue between bishop and president provides an important means to foster a mutually beneficial relationship," said Bishop Curry. "Collaboration is essential to the spirit of *Ex Corde Ecclesiae*, which is why a working group of bishops and university presidents created the review process together."

"I was pleased and grateful that the bishops invited university presidents to help shape the instrument that will guide these conversations," said Father Dennis Holtschneider, C.M., president of DePaul University and chair of the Association of Catholic Colleges and Universities. "The Church and the larger society are served well when the leadership of both the Church and higher education institutions work closely together."

The review process concentrates on Catholic identity, mission, ecclesial communion, service rendered by the university, and continued cooperation between the bishop and president.

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Keywords: Ex corde Ecclesiae, Catholic higher education, ten year review, Bishop Thomas J. Curry, Catholic Education, Catholic identity, mission, ecclesial communion, norms, service by the university, cooperation

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### CERTIFICATE OF SERVICE

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Shelley Sanders Kehl  
Kehl, Katzive & Simon LLP  
317 Madison Ave., 21st Floor  
New York, NY 10017  
sskehl@kkslegal.net

Daniel Esakoff  
New York State United Teachers  
55 Christopher St., #2  
New York, NY 10014  
desakoff@nysutmail.org

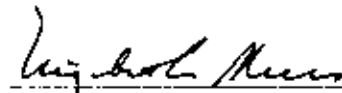
Jeffrey Berman  
Seyfarth Shaw LLP  
2029 Century Park East, Suite 3500  
Los Angeles, CA 90067  
jberman@seyfarth.com

The undersigned further certifies that a true and correct copy of this document is being served this day upon the following persons by facsimile:

Hon. Karen Fembach  
Acting Regional Director, Region 2  
National Labor Relations Board  
26 Federal Plaza, Room 3614  
New York, NY 10278  
F: (212) 264-2450

Hon. Lafe Solomon  
Acting General Counsel  
National Labor Relations Board  
Attn: Office of Appeals, Room 8820  
1099 14th St., N.W.  
Washington, D.C. 20570  
F: (202) 273-4483

Dated this 25th day of April, 2011.



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Elizabeth Meers  
Hogan Lovells US LLP  
555 Thirteenth St., NW  
Washington, D.C. 20037  
(202) 637-8676  
*Counsel for Amici Curiae*