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Alice Gallin O.S.U.

The College of New Rochelle

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Academic Freedom and the Catholic College/University

During the past few years, American Catholic higher education has received a disproportionate amount of media attention. There are several reasons for this: the proposed Schema on Catholic universities; the revised Code of Canon Law; the case of Father Charles Curran; Dan Maguire's interaction with several institutions and, on the sidelines, such non-university issues as Archbishop Hunthausen, Mike Buckley S.J.'s appointment to USCC/NCCB, various questions about the process of granting an imprimatur. All of these issues reflect a fundamental difference in people's understanding of the Church, and none of them are settled by easy recourse to laws and penalties.

We are, by definition, both Catholic and university. Our task is to explore the meaning of each term and to have conversations about the points of tension between the two. A recent speaker summed it up by saying the Church to which we belong is infallible while the university necessarily is fallible. That is somewhat over-simplified but it does contain a grain of truth. Although we have entitled this talk "Academic Freedom", it might simply be better to speak of the freedom needed for our task of being a university and the freedom needed for us to be Catholic -- and where the freedoms may intersect.

Universities, from their beginning, have had to define their freedom against both State and Church. Such institutional freedom was seen as necessary if the individual scholar teacher and the individual student were to be free to carry out their vocation to learn and to teach. Such a concept of freedom clearly antedates the AAUP red book and yet is at the root of it. In an address last year, Father Timothy Healy of Georgetown University dwelt on the fact that teaching, of itself, required freedom. For both teacher and learner, the process leads to self-actualization and that is a process that can only be carried on in freedom. He quoted Rahner in this context: ...freedom is not the ability to do this or to do that, but the power to decide about and actualize ourselves. Father Healy went so far as to suggest that because "teaching summons and supports authentic freedom for ourselves and our students it can fairly be called sacramental."

In the Roosevelt era, we spoke of the "four freedoms" -- two were freedoms "from" (want, fear) and two were freedoms "of"
(speech, worship) ... but the further question was "freedom for what?" As Americans, we take for granted a freedom which we know is not enjoyed in many other places around the world. Whether speaking of national or international affairs, we often assume that freedom is worth fighting for. Our battle hymns and our civil right songs insist that in the end, freedom will be our great gift. It has not always been so clear what we intended to use our freedom for.

I think that the same may be true of our universities, both secular and denominational -- and the many kinds in between. We defend academic freedom as the necessary prerequisite to scholarly achievement and we often sound as if it is something that exists apart from any political realities. But all freedom exists within a community, and we need only read Ellen Schrecker's No Ivory Tower to discover how little academic freedom was protected in the 1950's when McCarthyism was the political and social context and even the AAU and AAUP failed to defend those who dissented from mainstream American philosophy. As American Catholics, we have suffered our share of bigotry in the universities of an earlier period, treatment that was not seen by those in power there as a denial of their academic freedom. So, this is a very fragile gift of which we speak.

Unfortunately, religious institutions have also not been exempt from the temptation to impose their views on others and, in the process, have violated the freedoms which they upheld theoretically. At times a false choice has been suggested: truth or freedom. I think that we must refuse to accept this choice. Freedom is precisely for the sake of truth. Bernard Haring wrote that the renewal of the Church after Vatican II was marked by a freedom of dialogue which included the capacity to learn and to unlearn while guaranteeing a genuine continuity of life in Christ Jesus. That is the authentic meaning of tradition, and learning and unlearning is unquestionably what goes on in education at all levels. There is an obligation to hand on what we have learned -- in history, physics, literature, theology, political science, etc. -- but to do so critically.

The tools of scholarly analysis have such criticism as their precise purpose; were I to continue teaching that George Washington cut down the cherry tree when there was evidence to suggest he did not, I would be deemed an irresponsible and incompetent teacher. So, the freedom of the teacher is predicated not only on the knowledge he or she has acquired through study and experience but also on the ability to use the tools of critical analysis, careful reflection, logical thought, and clarity of expression. The sacred "freedom" being defended by academia must acknowledge the responsibility of the scholar/teacher. The student's right to be empowered to learn and to be respected in
his/her search for truth likewise must be protected. Pedagogy always takes into account the nature of the receiver since all that is received is received according to the mode of the receiver.

When we assume the necessity for this kind of fundamental freedom for both teacher and student we can then ask: what kinds of actions interfere with it? No responsible citizen would claim that people should be free to do whatever they want to -- the old example from the courts "no one can claim to be free to shout fire in a crowded theatre." Freedom is not unlimited nor can it be defined exclusively in terms of law. It is a gift to each human person because the essence of the Creator is the perfect freedom by which He did what He did, and this kind of freedom precedes all human law. Yet, common sense tells us that it has parameters set by the very nature of society as communal. My freedom is limited by yours and vice versa. But the concept of freedom with regard to the human mind goes beyond that. Its only limit is the limit of truth. We are not free to hold to something when we know that it is not true. Such interior freedom manifests itself in the way that we respect one another's search for truth and in the humility of all great scholars who always remain ready to admit to error.

The legal concept of academic freedom is a bit different but it is not unrelated. Universities early in their history found it necessary to defend their Masters against attack from state and/or Church officials. Politics often played a large part in appointments and charges of heresy could cost a professor his position. The German universities, which became models of our own, in the 19th century insisted that the State change its earlier perception of the university as a training ground for civil and church officials and refrain from interfering with the prerogatives of the faculty with regard to both teaching and research. The AAUP came on to the American scene in 1915 to protect academia against political attacks against socialist or anti-war professors but was often overcome by its own patriotism. At the same time, the new organization carefully linked the protection of academic freedom with the willingness of the professors to monitor their own behavior. The classic statement of its position is the 1940 statement of principles: "The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights."

The limitations on this freedom, suggested in the AAUP statement, are not surprising: the teacher "should be careful not
to introduce into his teaching controversial matter which has no relation to his subject; while his right to speak as a citizen is to be safeguarded, yet "his special position in the community imposes special obligations." In such instances he "should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that his is not an institutional spokesman."

These are limitations on our freedom that strike us as quite reasonable. But there was a further limitation mentioned in the 1940 statement that is relevant to our discussion here today. "Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment." It is important to note that in 1969 the AAUP issued interpretive comments on the 1940 statement and, with regard to the last point, stated "Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 statement, and we do not now endorse such a departure."

Much had happened in American Catholic higher education between 1940 and 1969, and I suspect that this interpretive comment did not meet with any overt resistance from our colleges and universities. We had moved into "mainstream" higher education; we had survived the witch hunts of the McCarthy era; we had new perspectives from Vatican II on individual freedom and responsibility. We had been told by Gaudium et Spes that we were to be the presence of the Church in the world of the academics and not to fear the exploration of sciences and letters for ultimately, faith and reason are not contradictory. The interpretive comment of AAUP was heard in that context, and our colleges and universities may have concluded that there was no difference at all between our institutions and other universities. When you add to that the need to demonstrate our eligibility for federal and state funding in the 1960's and 70's which required that we not be "narrowly sectarian" it is easy to understand why today we are suddenly reexamining our Catholicity. As you know, the Congregation for Catholic Education -- at the request of the Pope -- drew up a draft document on the role of the Catholic university and sent it around the world for comment. This in itself, was probably a first: previous documents have generally been developed with only the input of experts, but this time it was sent to all of our college and university presidents. A response, based on the comments from our presidents, was submitted to the Congregation in February 1986. In this Schema, another freedom is being asserted: the freedom of the Church to have universities, and to have Catholic theologians teaching in them who teach in the name of the Church. In the light of the nationalization of Catholic universities in Africa and the continued harrassment of Catholic universities in many countries around the world, such a
defensive posture is understandable. But, in the United States our situation is quite different. Fortunately, our professors are not appointed by the State nor is curriculum dictated by political forces. From the beginning, our history has been different; our institutions were not founded by the official Church hierarchy but in most cases by religious communities of women or men. Consequently, those who govern our universities are clearly in sympathy with the mission and purpose of the institution, and what they struggle with is not the question of whether to be Catholic colleges, but how to be. We are gifted with the needed freedom to choose our identity and to figure out how to enhance it. There is a wide range of mission among our 235 Catholic colleges and universities in the United States, but they all express their mission in terms of three words: research, teaching and service and they all insist on their distinctiveness among institutions of higher learning in the USA. Otherwise, why support Catholic colleges? The distinctiveness has something to do with an added dimension, "faith."

Two questions follow from this: does the acceptance of faith as a dimension to education inhibit academic freedom? And, apart from catalogue statements, what is the reality of this dimension in our operational values?

Faith and freedom. In the beginning of this paper I spent some time on the nature of freedom. Catholic tradition has always been on the side of seeing reason and faith as complementary. The God whom Jesus proclaimed was at one and the same time perfectly free and utterly reasonable, even if we could not always understand his ways. The need for us to use our intellects in the search for truth has been underscored by most of our philosophers and theologians. The tradition of joining the love of learning to the desire for God is one of our best insights. Yet, there have been times when we have misunderstood our own tradition and have given faith a role that it did not have. We imposed the truths known by faith on the data to be examined and came up with erroneous judgments -- as in the case of Galileo. History was distorted in order to serve an apologetic purpose after the Reformation, and anthropological discoveries were submerged under missionary zeal. Yet, we see these now as mistakes and, as with all experience, we should try to learn from them.

The dimension of faith means something quite different. It means that in our institutions there is an assumption that religious experience is as valid as other types of human experience. It means that we are open to truth wherever we find it, and that we believe that truth is attainable by the human mind. We approach the task of teaching and learning with a basic belief in the value of each human person and with a sensitivity to the importance of the educational task we undertake. We want
our institutions to be places of freedom because we know -- and believe -- that ultimately only what is done in freedom is valuable. This freedom that we claim brings with it an enormous trust and a significant responsibility. It can be explored within the second question above: what is the reality of the faith dimension on our campuses?

If we are to be committed to promoting the development of each person who comes to teach or learn here, we need to think through together the mission which unites us. Given the wealth of the diverse backgrounds of most faculties, one of the most important functions of a university is to provide a forum where their ideas can be articulated and debated. Homogeneity is not to be sought since it results in a certain stagnation, but clarity, humility, and civility -- all essentials of good dialogue -- are the qualities we need. Catholic higher education continues to insist on the goal of educating the whole person and to assist students in the ultimate synthesis of what they learn in their classes with what they imbibe from the atmosphere on the campus. Faculty members must be more than competent scholars and first rate lecturers in a particular discipline; they must be teachers who assist their students in the quest for truth and goodness. As educators, they collaborate with administrators and student personnel officials to provide the atmosphere that will further the grown in freedom of all on the campus.

A fundamental way in which our colleges and universities are Catholic is that they provide the opportunity for theology or religious studies to interact with other disciplines. This will not happen accidentally nor because the Dean structures the curriculum in such a way that the relationship is promoted. It can only happen if all faculty have an openness to discussion of the significant questions of meaning wherever they arise. The psychology teacher who avoids religious motivation as a factor in human behavior or the economics teacher who never raises questions of ethical critiques of the doctrines being presented is not really committed to the mission of the college. On the other hand, the teacher of religion who does not respond with respect and interest to questions based on new scientific data is stifling the inquiring mind of the student and is no less deficient in carrying out the mission of the college. Professors who become entrapped in a special discipline so that dialogue with colleagues is seen as a waste of time are no asset to a university. Our vision of Catholic higher education requires public debate about things that really matter.

This conviction about the value of public debate is, of course, one of the reasons the American Church gets itself into so much trouble with Rome. Particularly where theologians are concerned, the dissent which might be tolerated is a private
dissent. But, as Bishop James Malone pointed out in a talk last June at Marquette University, because we live in a democratic culture most of what we say in private will become public. "Aquinas, Bellarmine or Newman never had to contend with Time, Newsweek or Dan Rather," Rather than bemoaning this 20th Century reality, we must learn how best to express our dissent so that it will be a positive contribution to the development of the faith of the Church community. Bishop Malone spoke of the role of theology in "providing an interpretation of faith in the intellectual and cultural world of our day," and suggested that it is an ecclesial discipline in that it serves the community of faith by scrutinizing the signs of the times as evidence in the experience of men and women as they seek to live the Gospel. The theologian listens to the experience of the Church, reflects on it in the light of the Catholic tradition and offers the community the fruit of this reflection to guide its future actions.

To carry out this task it is clear that the theologian must be in constant dialogue with those in the other fields of research and teaching. Catholic universities furnish this opportunity.

Finally, our freedom is used to promote the growth of ourselves and our students in wisdom, age, and grace. Faith is nurtured by the search for truth when mentors and role models are present. Vital programs of campus ministry can assist students in the process of integration of scientific facts and values based on faith. Residence hall personnel will help students develop prudence and temperance as they cope with personal conflicts and will urge them to service of others in the campus community and those outside the ivy-covered gates. Peace and Justice education crosses all these boundaries and is one area where many of our campuses have been able to communicate Church teaching by combining curriculum, experience, and Gospel reflection.

Our task then is one not only of handing on the Catholic tradition but of examining it critically and transforming it through our own dialogue as members of an academic community. We have an obligation to fight for the freedom that will allow us to do that. We have also an obligation to understand the ecclesial responsibility that goes along with such freedom. We are not, and do not want to be, places where one idea is as good as another, where there are no criteria for judgment of truth and error, where debate is pointless because every individual is his or her own criterion. We have a rich tradition from which we draw criteria; we have a community of faith from whose experience to learn. Our heritage is not one of indifference to the meaning of human existence.

All that I have said of our Catholic mission can be accomplished without violating the principles of separation of State and Church and without the imposition of some ecclesiasti-
Cal juridical structures which would link us directly to episcopal control. As we responded to the draft Schema: The goal of the Congregation is one we can agree with — namely, the strengthening and promotion of Catholic universities, but the means proposed by the document and the means proposed by our own colleges and universities are different. It is now our task to demonstrate that our institutions are not less Catholic because they are independent of ecclesiastical control. We are not choosing between our Catholicity and State funding. Utilizing the academic freedom that we enjoy, we must work as intelligently and forcefully as we can to achieve the goal we set forth: and, whatever the particular statement of Sienna College as to its mission, I suspect we can all subscribe to that of John Henry Newman in *The Idea of a University*.

It is a great point then to enlarge the range of studies which a university professes, even for the sake of the students; and, though they cannot pursue every subject which is open to them, they will be the gainers by living among those and under those who represent the whole circle. This I conceive to be the advantage of a seat of universal learning, considered as a place of education. An assemblage of learned men, zealous for their own sciences, and rivals of each other, are brought, by familiar intercourse and for the sake of intellectual peace, to adjust together the claims and relations of their respective subjects of investigation. They learn to respect, to consult, to aid each other. Thus is created a pure and clear atmosphere of thought, which the student also breathes, though in his own case he only pursues a few sciences out of the multitude. He profits by an intellectual tradition, which is independent of particular teachers, which guides him in his choice of subjects, and duly interprets for him those which he chooses. He apprehends the great outlines of knowledge, the principles on which it rests, the scale of its parts, its lights and its shades, its great points and its little, as he otherwise can not apprehend them. Hence it is that his education is called "liberal." A habit of mind is formed which lasts through life, of which the attributes are freedom, equitableness, calmness, moderation, and wisdom; or what in a former discourse I have ventured to call a philosophical habit. This then I would assign as the special fruit of the education furnished at a university...

This is the answer to our first question: what do we want to be free for? The academic freedom we claim is for the sake of the task described by Newman and, as such, it is well worth defending. Finally, as Catholic colleges and universities in the...
USA we can be heartened by the statement of the American bishops: "...Academic freedom and institutional independence in pursuit of the mission of the institution are essential components of education quality and integrity; commitment to the Gospel and the teachings and heritage of the Catholic Church provide the inspiration and enrichment that make a college fully Catholic."
FOOTNOTES


6. Ibid. p. 5.


