

Michele Riondino

*Professor of Canon Law and Children's Rights, Thomas More Law  
School, Australian Catholic University*

**The Magisterium of the Church on higher education  
and its reflection in the Code of Canon Law.**

**An overview\* \*\***

**Il Magistero della Chiesa sull'educazione superiore e il suo  
riflesso nel Codice di Diritto Canonico**

**SUMMARY: 1. Introduction. 2. Catholic universities in the Code of Canon Law. 3. The conciliar declaration *Gravissimum Educationis*. 4. The apostolic constitution *Ex Corde Ecclesiae* and the recent Magisterium of the Church on universities. 5. The apostolic constitution *Veritatis Gaudium*. 5. Conclusion.**

*1. Introduction.*

It is a great privilege for me to speak at this international congress, hosted by Australian Catholic University, which brings together scholars and experts from different countries. I would first like to express my gratitude and to thank the organisers for the opportunity to provide and to share some reflections on Catholic higher institutions of education, which are at the service of knowledge, especially in the light of some recent documents from the Magisterium<sup>1</sup> of the Catholic Church. Therefore, several

---

\*The article has been double blind peer reviewed.

\*\* The following text refers to a speech I delivered at the international conference, "*Freedom, Autonomy and Responsibility*", promoted by Australian Catholic University on 22 May 2019 in collaboration with the University of Notre Dame (USA), the Congregation for Catholic Education (CEC) and the European Association for Education, Law and Policy.

<sup>1</sup> At the outset I would like to explain that a detailed analysis of the Church's Magisterial documents on the subject of high culture institutions will not be the subject of this study, both because they fall outside my competence and also because they are not directly relevant to the subject matter. However, as the Magisterium of the Catholic Church is an integral part of its juridical regulation, I considered it appropriate to highlight the reflections that the Catholic social teaching had in the Code of Canon Law, particularly in Book III. For further details about the centrality and the evolution of the Magisterium in the development of the Church, see: Y. Congar, *Storia del termine "Magisterium"*, in *Concilium* 12 (1976), pp. 1193-1209.

references to meta-legal principles will be included in the wider legal reflection of the Church, with appropriate references to canonical codification.

There are two documents from the Magisterium of the Church that I would like to outline at the beginning of my speech: the importance of *Gravissimum Educationis* (hereinafter referred to *GE*) and the centrality of *Ex Corde Ecclesiae* (hereinafter *ECE*). Moreover, the issue of today's conference is closely linked with the work at the universal Church level, which the Congregation for Catholic Education has carried out and which saw the results in the *Instrumentum Laboris* "Educating today and tomorrow. A Renewing Passion", published in 2014. I already had the opportunity to share some reflections on this issue in 2015, during an international conference hosted by Heythrop College, University of London<sup>2</sup>. We cannot help but recall how the Church has continuously made its mark on the history of education and culture through the centuries<sup>3</sup>, according with the Gospel message "Go, therefore, and make disciples of people of all the nations" (Mt 28: 19-20). That is, in the Church tradition, culture and education have never been considered only as mere tools for evangelisation over the centuries, but tools to affect all the dimensions of a human being, aimed at the flourishing of every single person<sup>4</sup>.

The origins of Catholic universities are not easy to discern, however, the Alexandrian School (*Didaskaleion*) is a clear and significant early influence. It was established in the 2<sup>nd</sup> century AD with the dual aim of critiquing the culture of the time and countering the pervasive challenge of Gnosticism. Later this led to the transformations of monasteries and convents to cultural circles, especially in Europe. For example, we recall the expertise and the commitment to the preservation and restoration of

---

<sup>2</sup> See M. Riondino, *Reflections on Fifty Years of Church Teaching on Universities*, in S. Whittle (ed.), *Vatican II and New Thinking about Catholic Education*, London – New York, 2017, pp. 207-214.

<sup>3</sup> According to the idea put forward by Coriden, the *prophetic function* of announcing the good news is deeply correlated with the teaching function of the Church through the centuries; see J.A. Coriden, *The teaching function of the Church. Introduction*, in J. P. Beal – J. A. Coriden – Th. J. Green (eds.), *New Commentary of the Code of Canon Law*, New York – Mahwah, 2002, p. 911.

<sup>4</sup> See P. Parolin, *L'Église catholique et l'éducation*, in *Educatio Catholica* 1 (2005), pp. 35-46.

manuscripts dating back to Greek and Latin philosophers and orators, who created centres for the transmission of knowledge. These were then continued by many monasteries and convents as a result of events, such as the fall of the Western Roman empire<sup>5</sup>. Without the contribution of great teachers like St. Benedict, St. Bernard, St. Anselm and St. Dominic, the numerous European communities at service of culture would not have developed. These communities created *workshops of civilizations*, which contributed not only to the growth and development of the European continent, but also to the solid humanistic culture that has come to characterise Europe<sup>6</sup>. The first universities are testaments of this, as they arose thanks to the work of the Church and its temporal power, especially during the medieval period<sup>7</sup>. Throughout the ages, this commitment to culture never lessened despite obstacles and adversity stemming from states antagonism towards the Church. Hindrances to the establishment of universities, academies of higher education or specialised centres of study promoted by the Church, have always been present<sup>8</sup>. Many religious orders and congregations (male and female) have prevailed due to their charisms, as they founded and built schools and universities in different continents and regions, thereby providing the possibility of easier access

---

<sup>5</sup> J. Le Goff, *Gli intellettuali nel medioevo* (translation by C. Giardini), Milano, 1981, pp. 65-73; M. Deanesly, *A History of the Medieval Church 590-1500*, London, 1969, pp. 111-130.

<sup>6</sup> M. Riondino, *L'Università cattolica nell'ordinamento canonico e nel Magistero della Chiesa*, in *Studium* 112 (2016), pp. 52-64.

<sup>7</sup> See M. Heim, *Introduzione alla storia della Chiesa* (translation by C. Asso), Torino, 2002, pp. 77-81.

<sup>8</sup> For the contribution of the Church to the development of schools and universities during the medieval period, particularly in Europe, see P. Grossi, *L'Europa del diritto*, Roma – Bari, 2007, pp. 37-47. See also, O. Pedersen, *The First Universities: Studium Generale and the Origins of University Education in Europe*, Cambridge, 1997, pp. 92-153; M. Bellomo, *Il medioevo e l'origine dell'Università*, in L. Stracca (ed.), *L'Università e la sua storia*, Torino, 1993, pp. 13-25; J. Verger, *Le università nel medioevo* (translation by M. D'Andrea), Bologna, 1982; P. Delhaye, *L'organisation scolaire au XII siècle*, in *Traditio* 5 (1947), pp. 211-268; H. I. Cicognani, *Ius canonicum; primo studii anno in usum auditorum excerpta*, Romae, 1925, p. 272. For the origins, the early history and the development of the Schools of Law in Europe, see A. García y García, *The faculties of Law*, in H. de Ridder-Symoens (ed.), *A History of the University in Europe*, vol. I, Cambridge, 1992, pp. 388-408. Finally, for more details about the legal jobs connected with the importance of Canon Law background, particularly during the Middle Age, see J. A. Brundage, *The Medieval Origins of the Legal Profession. Canonist, Civilians, and Courts*, Chicago, 2008, pp. 78 ff.

to education, including access for those belonging to lower socio-economic classes.

## *2. Catholic universities in the Code of Canon Law.*

Book III of the current Code of Canon Law (hereinafter *CIC*) is titled *The Teaching Function of the Church*. Catholic universities are governed by Title III, Chapter II of Book III of the *CIC* whose canons are a clear reflection of all the missionary and evangelising activity of the Church<sup>9</sup>. Title III, Chapter I is dedicated to *Schools*, particularly Catholic schools, and provides a clear and strong assertion of the Church's right to establish and direct any type of school (see canon 800)<sup>10</sup>. In this chapter the *CIC* also remarks on the importance of collaboration between the families and the Church in the education of the young people<sup>11</sup>, that is, the principle that the primary duty of education, including religious education according to the Christian values, belongs to parents<sup>12</sup>. This idea is also

---

<sup>9</sup> See I. Ting Pong Lee, *De actione Ecclesiae missionali in novo Codice Iuris Canonici*, in *Commentarium pro Religiosis* 64 (1983), pp. 97-106.

<sup>10</sup> See J. P. Boyle, *Church's teaching authority in the 1983 Code*, in *The Jurist* 45 (1985), pp. 136-170.

<sup>11</sup> For more details on the juridical aspects of Catholic Schools and on the rights and duties of parents in the education of children, see Z. Grochowski, *The Catholic School According to the Code of Canon Law*, in *Catholic Education: A Journal of Inquiry and Practise* 12 (2007), pp. 148-159; G. Dalla Torre, *La questione scolastica nei rapporti fra Stato e Chiesa*, Bologna, 1989, 2<sup>nd</sup> ed., pp. 11-26; A. G. Urru, *La funzione di insegnare della Chiesa*, Roma, 1989, pp. 92-99; G. Damizia, *La funzione di insegnare nella Chiesa*, in AA. VV., *Il nuovo codice di diritto canonico*, Roma, 1983, pp. 285-288.

<sup>12</sup> This pillar of the Catholic social teaching is also recalled by John Paul II, in no. 37 of the post-synodal apostolic exhortation *Familiaris Consortio*, in AAS 74 (1981), pp. 81-191. For a theological overview see: D. Tettamanzi, *La famiglia nel mistero della Chiesa. Fecondità teologico-pastorale di Familiaris Consortio*, in *La Rivista del Clero Italiano* 12 (2010), pp. 822-837. In the recent Magisterium of the Church, see the entire chapter VII of the apostolic exhortation *Amoris Laetitia (AL)*, where Pope Francis stresses the unchangeable function of the family in the education of offspring. For more details, see: M. Gronchi, *Amoris Laetitia. Una lettura dell'Esortazione apostolica postsinodale sull'amore nella famiglia*, Cinisello Balsamo, 2016, pp. 139-158. For the implications of *AL* in the Code of Canon Law, see: M. J. Arroba Conde, *La recente esperienza sinodale in prospettiva canonica*, in *Commentarium pro Religiosis* XCVI (2015), pp. 263-286.

present in the *Charter of the Rights of the Family*, which was promulgated in 1983 by the Holy See<sup>13</sup>.

Let us now turn our attention to universities. Let us compare the Pio-Benedictine Code of 1917 (hereinafter *Codex*) with the *CIC* Title III, Chapter II. We find here a distinction worth mentioning regarding universities, which are approved or recognised by the ecclesiastical authority<sup>14</sup>. The *CIC* distinguishes ecclesiastical universities (see canons 815-821) from Catholic ones (canons 807-814). It is also well known that the apostolic constitution *Sapientia Christiana*, promulgated by John Paul II in 1979, considered ecclesiastical universities often as academic institutions within the set of Catholic universities<sup>15</sup> (following the idea in no. III of the Foreword of *Sapientia Christiana*). Previously, the document on ecclesiastical centres of studies was the 1931 apostolic constitution *Deus scientiarum Dominus*, written by Pius XI, which was the first important step for an organic reform of all the ecclesiastical faculties<sup>16</sup>.

Several documents after the promulgation of this apostolic constitution have provided changes and updates for the ecclesiastical institutions and for the ecclesiastical program of studies<sup>17</sup>. The last significant reform was adopted in 2017 with *Veritatis Gaudium*, which will be the subject of further information in the last section of this study. Today, and in many cases, ecclesiastical faculties are still an integral part of Catholic

---

<sup>13</sup> Article no. 5 of the Charter decrees: “*Since they have conferred life on their children, parents have the original, primary and inalienable right to educate them*”. Also in the following letters *a* and *b* the Charter remarks that the parents have the right to educate the children, according to their moral and religious convictions and the right to choose (freely) any type of schools. It is a clear recall to article no. 7 on anti-discrimination in both religious matters and religious education. For more details on this topic, see: M. Riondino, *The right to education: a fundamental and universal right*, in *Jus* LXIII (2016), pp. 287-300. See, also: M. Ferrero, *La libertà dei genitori di assicurare l'educazione religiosa e morale dei loro figli conformemente alle proprie convinzioni*, in L. Navarro – F. Puig (eds.), *Il fedele laico. Realtà e prospettive*, Milano, 2012, pp. 297-313.

<sup>14</sup> See F. R. McManus, *Ecclesiastical Universities and Faculties*, in J. P. Beal – J. A. Coriden – Th. J. Green (eds.), *New Commentary*, cit., pp. 972-976.

<sup>15</sup> See M. Sanchez Vega, *El régimen jurídico de las Universidades eclesiásticas y la Constitución Apostólica “Sapientia Christiana”*, in *Apollinaris* 53 (1980), pp. 341-374.

<sup>16</sup> See V. Del Giudice, *Nozioni di diritto canonico*, Milano, 1970, pp. 138-140.

<sup>17</sup> For an overview of the juridical reforms after *Sapientia Christiana*, see: D. G. Astigueta, *Sapientia Christiana y la legislación posterior*, in *Seminarium* 44 (2004), pp. 403-457.

universities, which is expressly required by the constitution *ECE*, which I shall focus on later. In this regard, canon 820 of the *CIC* mentions that, as far as possible and convenient in regard to teaching, professors and lecturers of ecclesiastical universities are to encourage academic networking, creating partnerships or agreements with other centres (including State universities or the academic institutions founded by Governments according to different countries' legislation). This is to better respond in qualified terms in both the scientific and humanistic fields, thereby favouring mutual cooperation in shared investigation and research. In the *Codex*, normative references to Catholic and ecclesiastical universities were located in Book III (*De rebus*), Title XXIII, entitled *De Scholis*, particularly in canons 1375, 1376, 1379 and 1380. However, in the new codification, a particular and unique place is reserved for the juridical discipline regarding schools and universities, highlighting the important role that they have in the ecclesiastical and social community<sup>18</sup>.

Canon 807, which opens up Chapter II of Book III of the *CIC*, is entitled *The Catholic universities and other Institutions of Higher Studies*. It establishes a principle of public ecclesiastical law present in subsequent books of the Code (such as, in Books V, VI and VII). This principle is based on the idea that the Church, which is *independent from the concession of civil authorities*, holds the native right to establish and administer universities with the aim of contributing to the culture and to promote the development and growth of each person<sup>19</sup>. As already explained, the same affirmation exits for Catholic schools. The Church, indeed, in the exercise of the *munus docendi* explicitly claims this innate and proper right to found and establish universities and colleges, under the principle that Catholic universities are born from within the Church and constitute institutions that promote scientific activities and higher culture enlightened by the faith.

---

<sup>18</sup> See P. De Pooter, *L'université catholique: au service de l'Eglise et de la société*, in *Ius Ecclesiae* 4 (1992), pp. 45-78.

<sup>19</sup> See J. A. Silva, *Universidad Católica*, in J. Otaduy – A. Viana – J. Sedano (eds.), *Diccionario general de derecho canonico*, vol. VII, Navarra, 2012, pp. 765-768; A. Mantineo, *Le università cattoliche nel diritto della Chiesa e dello Stato*, Milano, 1995, pp. 3-41; P. Valdrini, *Les universités catholiques: exercice d'un droit et contrôle de son exercice (canons 807-814)*, in *Studia Canonica* 23 (1989), pp. 445-458.

The distinction made by the legislator regarding *Catholic* and *ecclesiastical* universities responds to the different fields of study<sup>20</sup>. Catholic universities explore and deepen the *profane sciences*, though canon 811 of the *CIC* determines that the legitimate ecclesiastical authority is to ensure the establishment of a faculty, an institute or at least a chair of theology. Ecclesiastical universities, however, are to contribute to the deepening of the *Sacred Sciences*. As can be seen from canon 808 of the *CIC*, the expression “Catholic university” maintains within itself a legal status clearly detailed and defined. It stipulates, that: “*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*”. The reason for this explicit clarification is based on the fact that the Catholic university, defined as such, must respect and guarantee a special bond with the Apostolic See and the Episcopal Conferences<sup>21</sup>.

Pio Laghi, one of the former Prefects of the Congregation for Catholic Education, around thirty years ago, wrote that the Catholicity of a university is a privilege to be recognised not only by the individual (or founder) that promotes a university institution, but by the entire academic community. This community is made up of people who institutionally identify with the universal principles and values behind Catholic teaching and doctrine<sup>22</sup>.

There is also a special mention to the teaching staff in canon 810 of the *CIC* where two basic requirements are considered as inseparable and are essential for the appointment of professors and lectures. The canon appropriately uses the term of “*scientific and pedagogical suitability*” together with “*the integrity of doctrine and probity of life*”. Without a harmonious combination of these two requirements, we run the risk of undermining the intent, which is at the base of a catholic institution: to be at the service of truth and knowledge, always in fidelity to Tradition and the Magisterium<sup>23</sup>.

---

<sup>20</sup> See F. J. Urrutia, *Ecclesiastical Universities and Faculties*, in *Studia Canonica* 23 (1989), pp. 459-469.

<sup>21</sup> See, once again: M. Riondino, *L'Università cattolica nell'ordinamento canonico*, cit., pp. 54-56.

<sup>22</sup> See P. Laghi, *The catholic university as university and as catholic*, in *Seminarium* XXXV (1995), pp. 369-376.

<sup>23</sup> See M. J. Arroba Conde – M. Riondino, *Introduction to Canon Law*, Milano, 2019, pp. 98-103.

3. *The conciliar declaration Gravissimum Educationis.*

The *GE*, approved unanimously by the Vatican Council Fathers on 28 October 1965, confirmed the traditional principles of Catholic teaching in a similar view to the *Divini Illius Magistri* (promulgated on 31 December 1929 by Pope Pius XI). One substantial point is that while in this earlier document the first subject of education is *every baptised* person, in *GE* the subject of education is *any person*. Every human person holds this fundamental right to education, which can be elaborated to mean that every person ought to receive whatever help is needed in order to fully develop his/her capacity so as to achieve his/her natural and spiritual objectives. The educational dimension becomes a necessary and essential means for the development of every human person, particularly the education in religious matters<sup>24</sup>. This sets straight the obsolete approach that sees education as a tool to be reserved only for young people. *GE*, in fact, highlights in an incontrovertible manner that the educational process embraces the entire existential dimension of all persons (no. 1), although it is to be calibrated according to the individual stages of life.

The conciliar declaration stresses that education is of primary importance, especially for young people. It states that “*all those who hold a position of public authority or who are in the charge of education*” (no. 1) are to ensure that youth are never deprived of this sacred right. We must remember that the youth are called the “*hope of the Church*” (no. 2). Given the principle that all Christian Faithful have the right to receive an education, according to both the principles proper of the Church and the Code of Canon Law, inspired by the no. 2 of *GE*, reconciling an inalienable right to all members: that of receiving a compliant education to the Gospel message. Every educational activity carried out by the Church, according to the main idea under the canon 795, is not only about a

---

<sup>24</sup> See M. Miele, *Educazione religiosa del minore*, in M. Cerato – F. Turlon (eds.), *Scuola, Famiglia e Minori. Profili normativi e psicologici*, Pisa, 2018, pp. 401-425. It is interesting to note, how decades prior to the promulgation of ECE, reputable doctrine had highlighted relevant rights and duties that derive from the right of religious freedom. This doctrine linked the right to education of all, without any kind of discrimination, to the choice for parents to educate their children according to their religious ideas, while still respecting the natural inclination of every child; for more details, see A. C. Jemolo, *Lezioni di diritto ecclesiastico*, Milano, 1962, pp. 138-139.



mature participation in the ecclesial life but also in the social life<sup>25</sup>. It is precisely in the field of education where the new role of the laity in the Church emerges. In fact, it was the Vatican II that re-evaluated and promoted clearly the apostolate of the faithful, especially in the different spheres of social coexistence<sup>26</sup>.

The right to education, for every person, regardless of *sex, race or age* is also accepted by many international treaties such as, the Universal Declaration of Human Rights (article no. 26) and the UN Convention on the Rights of the Child of 1989 (article no. 28)<sup>27</sup>. This Convention has now been ratified by 196 different States. The Holy See is among the first subjects of international law to have supported the UN Convention in the name of the *best interest of the child* (a principle that we can find in article no. 3 of the Convention). This principle is fully and responsibly accepted by the secular Magisterium of the Church<sup>28</sup>.

The *GE*, after affirming the most solemn obligation that rests with each parent by virtue of having given life to their children and to educate them, echoes in canon 226 §2 of the CIC, which reminds all people of goodwill

---

<sup>25</sup> For more details about the right to education according to the Code and about the new roles of the Christians Faithful, particularly after the Vatican II, see: G. Feliciani, *Il popolo di Dio*, Bologna, 2001, 3<sup>rd</sup> ed., pp. 35-36 and pp. 104-108; J.A. Coriden, *What Became of the Bill of Rights*, in *Canon Law Society of America Proceedings* 52 (1990), pp. 47-60; E. Corecco, *I laici nel nuovo Codice di diritto canonico*, in *La scuola cattolica* 112 (1984), pp. 194-218; S. Berlingò, *La funzione dei laici*, in *Monitor Ecclesiasticus* 107 (1082), pp. 509-550; O. Fumagalli Carulli, *I laici nella normativa del nuovo Codex Iuris Canonici*, in *Monitor Ecclesiasticus* 107 (1982), pp. 491-508. For an overview on the contribution of the Christian Faithful in the Church and in the society, according to the 1917 Code of Canon Law, see: G. Dossetti, *I laici e l'apostolato*, in F. Margiotta Broglio (ed.), *"Grandezza e Miseria" del diritto della Chiesa*, Bologna, 1996, pp. 217-241.

<sup>26</sup> See P. Bellini, *Libertà e dogma. Autonomia della persona e libertà di fede*, Bologna, 1984, pp. 157-161.

<sup>27</sup> See E. Verhellen, *Convention on the Rights of the Child*, Antwerp, 2006, 4<sup>th</sup> ed., pp. 63-87 and pp. 105-111; A. Castaldo, *Il diritto del minore all'istruzione*, in M. R. Saulle (ed.), *La Convenzione dei diritti del minore e l'ordinamento italiano*, Napoli, 1994, pp. 118-134; M. Freeman, *Taking Children's Rights More Seriously*, in *International Journal of Law and the Family* 6 (1992), pp. 52-71; S. Detrick, *The United Nation Convention on the rights of the child*, London, 1992, pp. 247 ff.; J. Goldstein – A. Freud – A. J. Solnit – S. Goldstein, *In the best interest of the child*, New York, 1989, pp. 2-25.

<sup>28</sup> See M. Riondino, *La tutela del minore nelle fonti di diritto internazionale*, in M. Cerato – F. Turlon (eds.), *Scuola, Famiglia*, cit., pp. 220-224; Id., *Famiglia e Minori. Temi giuridici e canonici*, Città del Vaticano, 2011, pp. 93-121.

that the family be the first and irreplaceable “*school of social virtues, which all society is in need of*” (no. 3). The family, in fact, is the most important place in which all its members, and not just children, are called to formation and to contribute in the building of values. These values are not the prerogative of a culture, or of a particular religion or confession, but are irreplaceable pillars to refer to in view of a mature inclusion in the social and ecclesial community<sup>29</sup>. We can find a clear transposition of the main ideas of *GE* in the Code of Canon Law, particularly in the first three canons of the third Title of Book III<sup>30</sup>.

The topic of Catholic universities is a central theme in no. 10 of *GE*, entitled *High Schools*. In the four sections that make up this number, the conciliar declaration reaffirms right from the start that the Church takes care of all institutes of learning, whether they are universities or faculties, and Catholic ones in particular. It also recommends that there be, within the different ecclesiastical regions, an equitable distribution of Catholic universities which respond effectively to social needs of the various cultural realities. The key issue is to reiterate such attention, which is repeatedly crystallised in *GE* and in numerous subsequent magisterial pronouncements, to a religious and human significant meaning, which is at the heart of our reflection. The recommendation that Catholic universities must never cease to inquire the deeper truths that belong to the human being, in order to bring about an encounter between faith and reason, is a basis and a foundation of the conciliar declaration. In fact, only a wise and mature combination of these two forms of *learning* will enable the promotion of men and women to positions of influence, and enhance their performance so that they can contend with difficult challenges faced by communities and broader society.

---

<sup>29</sup> See S. Gherro, *Diritto Canonico. II-Diritto matrimoniale*, Padova, 2012, 3rd ed., pp. 332-340; M. Foster, *The Promotion of the Canonical Rights of Children*, in *Canon Law Society of America Proceedings* 59 (1997), pp. 163-203; R. Castillo Lara, *La condizione e lo statuto giuridico del minore nell’Ordinamento della Chiesa*, in *Salesianum* LII (1990), pp. 257-275; F. Petroncelli Hübler, *Diritti e doveri della famiglia nell’educazione cristiana*, in *Monitor ecclesiasticus* 112 (1987), 101-111.

<sup>30</sup> See M. Riondino, *La tutela dei minori nell’ordinamento canonico*, in G. Dammacco (ed.), *La Chiesa tra economia e famiglia*, Bari, 2015, pp. 181-193; M. E. Alberti Casellati, *L’educazione dei figli nell’ordinamento canonico*, Padova, 1990, pp. 91-137; F. G. Morrissey, *The rights of parents in the education of their children*, in *Folia Canonica* 23 (1989), pp. 429-444.

Finally, one cannot ignore the upgrading of various specialisations in Catholic universities, especially those dedicated to the care of institutions and research centres dedicated to the progress of science. The conciliar declaration, examining the faculties of Sacred Science, reminds us that “*there may be a deeper realization [sic] of the harmony of faith and science*” (no. 10). It is also stressed that the Faith and the Science cannot be considered as two parallel lines that never meet, but rather as two important resources which, together, can lead to the height of knowledge.

#### 4. *Ex Corde Ecclesiae and the recent Magisterium of the Church on universities.*

As mentioned in the opening section, the second stage of our discussion coincides with a very important moment for the academic world and culture (and not only Catholic) that could be defined as a starting point – and not merely as a point of arrival – of the commitment of the Church on the subject of higher education. The promulgation of *ECE* was in 1990 by the express wish of Pope John Paul II. The *magna carta* on Catholic universities presents the strengths that every Catholic academic institution should have, particularly regarding its identity and its unique and irreplaceable contribution in the society<sup>31</sup>. I omit here the numerous speeches delivered by John Paul II to the world of culture, universities and students he met in his many apostolic visits during the twenty-seven years of his pontificate. Karol Wojtyła demonstrated great commitment and personal care for academic and cultural aspects during his years as a young priest. He taught Ethics at the Catholic University of Lublin for several years, and right from the start of his ministry, as the Bishop of Rome, he never ceased to reiterate that the University should identify itself with a workshop of culture in order for it to be understood as a privileged place of encounter and dialogue. His hope was based on the desire that Catholic universities would train eminent men who would be able, through their knowledge, to exercise demanding functions in society. In this way, a human and Christian witness could be given in the service of the common good.

---

<sup>31</sup> See J. M. Miller, *Catholic Universities and their Catholic Identity*, in *Origins* 15 (2015), pp. 451-458.

In both Parts that make up the constitution *ECE* we find many of the teachings of Pope John Paul II, especially in the first Part, which is dedicated to the identity and mission of the Catholic university<sup>32</sup>. The second Part, composed of eleven articles, mainly focuses on general and legal norms<sup>33</sup>. According to the orientation of this symposium, I think it is more fitting to focus on the first Part of the pontifical document.

The Pontiff emphasises from the title that the Catholic university is founded *in the heart of the Church*, which has developed over the centuries. As the constitution itself affirms, one of the principle tasks of the university is the integration of revealed Truth with Knowledge that can be reached by human endeavour. This is a delicate task, and it requires not only training in theology but also a high competence in human science and as well in scientific matters. The apostolic constitution also points out how the university, without fear and animated by courage, should put itself at the forefront of engaging all ways of knowledge in order to reach that *Sapientia (knowledge)* which is able to guide and enlighten the world (no. 4). In its vocation, the “*Universitas magistrorum et scholarium*” is divided into three fundamental but unified values dedicated to research, teaching and training of students, and sharing, even with other universities, joy and truth – an Augustinian matrix that belongs to every field of human knowledge (no. 1).

The mission of a Catholic university cannot be anything other than a *mission of service* to the ultimate Truth (no. 33), and therefore its research cannot be exhausted in an exclusively technical business. Rather, it must take into account, at the cost of a methodological collapse, that “*inner tension which the Christian tradition and theological reflection have always interpreted and understood*” (no. 5), and as such, research must aspire to these higher aims. The task of the university professor is certainly not easy, for it should consist in its final analysis of being a true master of wisdom, as well as one who is proven in the field of science, thereby demonstrating to learners a continuous intellectual humility and

---

<sup>32</sup> See H. Provost, *The canonical aspects of catholic identity in the light of Ex corde Ecclesiae*, in *Studia Canonica* 25 (1991), pp. 155-191.

<sup>33</sup> For a canonical explanation, particularly regarding the second Part of *ECE* linked with the Code of Canon Law, see: S. A. Euart, *The canonical implications of “Ex Corde Ecclesiae”*, in J. P. Langan – L. J. O’Donovan (eds.), *Catholic Universities in Church and Society: A dialogue of Ex corde Ecclesiae*, Washington D.C., 1993, pp. 137-145.

a strong spirit of charity (no. 4). Pope John Paul II reiterates, to the students and professors of Catholic universities, the importance of contributing with intellectual honesty to the numerous scientific advances, so rapid and, at times not easy to understand, in the cultural context characterised by swift developments in science and technology. The requirements asked of each university for a Catholic institution coincides with an obligation that is not only academic but also moral and ethical (no. 7). This, in particular, is to be pursued in the light of the fact that no biased or self-interest political will is to hinder the objective search for truth<sup>34</sup>. The Pope, in the *Introduction to ECE*, recalls how these measures are based on the Vatican II teaching, and principles contained in the *CIC*, which are a guide to all Catholic institutions of higher education in carrying out the essential mission at the service of human kind and the Church (no. 11).

The apostolic constitution, in no. 34, asserts that Catholic universities have an essential responsibility in helping to “*promote the development of the emerging nations*”. This points out how these universities cannot be seen as mere monads who work for themselves, but rather are an integral part of society, so that they are the starting point for a nation which aspires to grow and develop. As mentioned above, the second Part of the *ECE* entitled “*General Norms*,” consists of eleven articles, which crystallise among other things, the principles in Book III of the *CIC*, which we have already had occasion to dwell upon<sup>35</sup>. In this second Part of the *ECE* there are two important topics, in my point of view, to be highlighted. The first is related to the *academic community* and its commitment to always maintain and strengthen the Catholic identity of the university. Indeed no. 4 §1 of *ECE*, in addition to enshrining a particular responsibility that falls on the academic authorities or on the university board of trustee, also contends that this responsibility be shared to a different extent by all members of the community. Lastly, a special mention to no. 5, in which it is clear that the local church is to become accustomed to its relationship with a Catholic institution of higher education. This principle, as we know, coincides with a clear

---

<sup>34</sup> See A. V. Zani, *La presenza della Chiesa nell'Università e nella cultura universitaria*, in *Seminarium* LIV (2014), pp. 87-104.

<sup>35</sup> See J. H. Provost, *A Canonical Commentary of Ex Corde Ecclesiae*, in J. P. Langan – L. J. O'Donovan (eds.), *Catholic Universities in Church*, cit., pp. 105-136.

emphasis on the centrality of the Particular Church, according to the teaching of Vatican II.

Benedict XVI, following his predecessor, emphasises how the service of Truth is the higher element and the beating heart of the university. He explains, in his speech delivered to The Catholic University of America in Washington DC (17 April 2008)<sup>36</sup>, that educational and academic institutions are to be at the cutting edge of challenges which characterise the present time, and through this they should make precious and valid contributions which enrich social and civil community. In these pursuits, institutions are called to work in ways which foster cooperation between students and their professors, and promote research of the Truth in every subject. At different points Benedict XVI remarks also that the Church's primary mission of evangelisation plays a crucial role in the development of a society worthy of the human person's dignity.

Among the many statements of the Pope-emeritus, we cannot forget the speech given in September 2006 at the University of Regensburg entitled "*Faith, Reason and the University. Memories and Reflections*"<sup>37</sup>, which was subject to partisan manipulation by some who see the ideological fundamentalism as the only way to progress. Benedict XVI noted how "*all specialisations at times make it difficult to communicate with each other,*" linking this fragmentation to the relativism of today. The arduous task of the university, in particular that of a Catholic University, should therefore coincide with an inevitable expansion of reason placing at the vertex of every human act not just science, but wisdom that is able to explore, learn and transmit<sup>38</sup>.

In more than six years of his pontificate, Pope Francis has offered numerous reflections and indications on the mission of the university. For example, in the apostolic exhortation *Evangelii Gaudium*<sup>39</sup>, promulgated in 2013, he strongly recommends developing, primarily, the social dimension of education in schools. He sets apart universities with a special mention calling them "*privileged areas to think about and*

---

<sup>36</sup>[http://w2.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf\\_ben-xvi\\_spe\\_20080417\\_cath-univ-washington.html](http://w2.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080417_cath-univ-washington.html)

<sup>37</sup> [http://w2.vatican.va/content/benedict-xvi/en/speeches/2006/september/documents/hf\\_benxvi\\_spe\\_20060912\\_university-regensburg.html](http://w2.vatican.va/content/benedict-xvi/en/speeches/2006/september/documents/hf_benxvi_spe_20060912_university-regensburg.html)

<sup>38</sup> See, once again: M. Rioldino, *L'Università cattolica*, cit., pp. 60-62.

<sup>39</sup> Franciscus, *Evangelii Gaudium*, in AAS 105 (2013), pp. 1019-1137.

*develop in an interdisciplinary and integrated evangelization [sic]*" (no. 134).

According to the main idea of our international conference, we cannot fail to mention the speech given by Francis to the world of culture on September 22 of 2013, during his pastoral visit to Cagliari<sup>40</sup>. Beginning with the gospel passage of the disciples of Emmaus, the Bishop of Rome, with the profoundness that characterises his declarations, exposes the contents of the parable highlighting three aspects related to the role of the university. First, the Pope speaks of "*the university as a place of discernment*," stressing that it is the essential place of wisdom for the formation and discernment that fosters hope, especially among young people. Subsequently he focuses on the idea of universities seen as a place where the idea of *culture of proximity* is elaborated upon. It is widely known that the Pontiff gives primacy to the culture of proximity and *encounter*. It is within a community dedicated to human and cultural growth that must triumph over the culture of dialogue, which is susceptible to exacerbating discrimination and differences. Instead, a culture of proximity and encounter is enriched through valuing diversity of the other, who should not be approached with reservations, but with the motive of further growth and knowledge. The third and final element is the idea of the university as a place "*formation towards solidarity*" recalling how this value should not be construed as a monopoly of a few but is rather a pillar for all humanity. The *culture of the meeting*, forged in solidarity, should therefore be the prerogative of all universities which, in the onerous task of training young people, can only encourage unified sharing and embracement<sup>41</sup>.

Secondly, I would like to remember what Pope Francis said on 7 July 2015, in Ecuador, during his visit to the Catholic University of Quito<sup>42</sup>. The Roman Pontiff on that occasion underlined the importance of scholars as bridges to help students, as they take a qualified exit from the classroom, to transition to their fundamental social and ecclesial service.

---

<sup>40</sup>[http://w2.vatican.va/content/francesco/it/speeches/2013/september/documents/pa-pa-francesco\\_20130922\\_cultura-cagliari.html](http://w2.vatican.va/content/francesco/it/speeches/2013/september/documents/pa-pa-francesco_20130922_cultura-cagliari.html)

<sup>41</sup> See M. Riondino, *Università cattoliche alla prova delle sfide future*, in *Vita e Pensiero* XCVIII (2015), pp. 100-107.

<sup>42</sup> [http://m.vatican.va/content/francesco/es/speeches/2015/july/documents/papa-francesco\\_20150707\\_ecuador-scuola-universita.html](http://m.vatican.va/content/francesco/es/speeches/2015/july/documents/papa-francesco_20150707_ecuador-scuola-universita.html)

He also recalled that students should never identify their degree of study, in particular in a Catholic University, as a mere social raising, but as a major responsibility in the society for the attainment of ideals such as Justice, Responsibility and the Solidarity.

Finally, a mention is deserved for the speech delivered by Pope Bergoglio in Bologna<sup>43</sup> on October 1, 2017. The Roman Pontiff, turning to students and the academic world, remembers how the word “*universitas*” is closely linked to the idea of community, as well as to the close relationship between teachers and students. He remarked the importance as well that this famous university had in the world for its Law Schools (particularly for the studies in Canon Law and Civil Law); several generations of jurists and scholars formed themselves in that context and they were able to respond through the century to the needs of the society. He also praises the welcome that the University of Bologna holds for the thousands of students coming from the most diverse cultural and social contexts, sometimes even from difficult contexts (for example from a reality in which access to studies is not always guaranteed to everyone). He stressed three main points in his speech: the right to culture, the right to hope and the right to peace. The uniting thread can be found in the idea of a common house that coincides with the idea that the university is more and more a construction site of hope, where the students helped by their professors commit themselves to the realization of a better future founded on a mature responsibility for the common good in the society.

##### *5. The apostolic constitution Veritatis Gaudium.*

With the apostolic constitution *Veritatis Gaudium* (hereafter referred as *VG*), promulgated on December 2017, Pope Francis wanted to reform the ecclesiastical universities and faculties, updating some programs involved in exploring the so-called Sacred Sciences. The legislative text consists of a *Proemio* and two Parts: the first entitled *General Norms* and, a second Part, called *Special Norms*. Both are divided, in turn, into different titles and sections. The apostolic constitution, which we recall to be a document

---

<sup>43</sup> [http://w2.vatican.va/content/francesco/it/speeches/2017/october/documents/papa-francesco\\_20171001\\_visitapastorale-bologna-mondoaccademico.html](http://w2.vatican.va/content/francesco/it/speeches/2017/october/documents/papa-francesco_20171001_visitapastorale-bologna-mondoaccademico.html)



containing general norms of a legal nature and therefore valid for the universal church, closes with some final norms<sup>44</sup>.

There are many new aspects to which the almost eight hundred university and ecclesiastical faculties worldwide are called, with the relative institutes connected to them in the different geographic regions from the five continents. In fact in *VG*, ever since its *Proemio*, in which the Pontiff recalls the close connection between the “*evangelizing [sic] mission of the Church*” and the variegated and “*pluriform of ecclesiastical studies that flourished throughout the centuries by the wisdom of the people of God*” emerges the first great challenge to which teachers and learners are called: to be at the forefront and attentive to the signs of the times present in the different cultural, ecclesial and social realities in which the ecclesiastical universities operate. The prophetic spirit that must imprint itself on ecclesiastical studies, remembered almost forty years earlier by John Paul II in the apostolic constitution *Sapientia Christiana* (published in 1979), now needs more than ever to respond to new challenges, sometimes impervious, that only if illuminated by a “*skilful and courageous renewal*” will be able to realise that idea of an outward-reaching Church so dear to Pope Francis.

The Church manifests its educational charism in the social dimension by nominating cultural institutions, schools and universities as privileged areas for “*thinking and developing evangelization [sic] in an interdisciplinary and integrated way*” (see *Evangelii Gaudium*, no. 134). Everyone knows how the Pontiff, since his first speeches addressed to the world of culture, has recalled all towards a common commitment to foster a culture of proximity, starting from the university, understood as a place of reflection and discernment. The wise and “*courageous cultural revolution*” (an expression that is already found in no. 114 of the encyclical letter *Laudato si'* of 2015)<sup>45</sup> is recalled by Pope Francis in no. 3 of the *Proemio* of *VG* and is promoted as a foundation from which to foster a paradigm shift in academic training, investigation and scientific research. Universities and ecclesiastical faculties should provide fertile ground for these developments, enabling engagement at the forefront of

---

<sup>44</sup> See M. J. Arroba Conde – M. Riondino, *Introduction to Canon Law*, cit., pp. 102-103.

<sup>45</sup> Franciscus, *Laudato si'*, in *AAS* 107 (2015), pp. 847-945.

new challenges and scenarios facing society. In order to foster this, according to Pope Bergoglio's prophetic and forward-looking intentions, we must promote a fruitful dialogue between different branches of knowledge, among the different cultural institutions present in a given territory or nation, to be inclined to listen also to what is different or what, only in appearance, can be distant and far from our sensibility. These attitudes must not be understood or undertaken for utilitarian or *tactical* purposes, but rather to foster a true community experience enriched by meeting and by a mature and responsible confrontation which starts from the university and, in particular, from University and ecclesiastical faculties (no. 4, letter *b*).

However, dialogue with the other institutions can only happen if, on the part of the ecclesiastical university institutions, there will be a real and concrete commitment to “*networking*” (no. 4, letter *d*) with other academic realities that cultivate and promote, in the different fields of knowledge and according to the cultural sensitivities of the different realities, ecclesiastical studies. Let us consider, for example, the Ecclesiastical institutions of higher education, around the world, which deliver degrees in Canon Law. Most of them have a strong connection with state universities, particularly to promote common research in comparative legal systems. Most of the Schools of Canon Law are part of academic structures in Catholic universities with some units in common with the Law School. The need for Canon Law as an autonomous discipline is one of the main points stressed in the recent instruction of the Congregation for Catholic Education, entitled “*The Study of Canon Law in light of the Reform of the Matrimonial Process*”<sup>46</sup>, and published by the Congregation on the 29<sup>th</sup> of April 2018, two days after the authorisation by Pope Francis. It goes further to suggest that, where possible, an *Institute* or *Department* of Canon Law be established in the School of Theology, and a *Chair of Canon Law* be appointed in the Law

---

<sup>46</sup> For more details on the Instruction of the Congregation for Catholic Education (CEC), see M. J. Arroba Conde, *Presentazione*, in *Istruzione. Gli studi di Diritto Canonico alla luce della riforma del processo matrimoniale*, Città del Vaticano, 2018, pp. 5-55. For the implications of VG in the curricula of Canon Law studies, see: L. Sabbarese, *Il diritto canonico nel rinnovamento degli studi ecclesiastici*, in *Veritatis gaudium. Costituzione apostolica circa le università e le facoltà ecclesiastiche*, Bologna 2018, 143-170; J. M. Huels, *Veritatis gaudium and the Canon Law on Ecclesiastical Universities*, in *Studia Canonica* 52 (2018), pp. 471-490.

School (particularly if the law degree is offered in a Catholic university, according to no. 3, section *b*, letter *c* of the aforementioned instruction).

It is also reiterated that research, as a fundamental obligation to follow in all academic centres and in all disciplines (juridical, philosophical and theological) is the only way to foster, including by promoting interdisciplinary centres and creating new and skilled poles of advanced research, an authentic *regeneration* that responds to the new and more urgent challenges “*cultural, spiritual and educational*” (no. 6). The *VG* continues, as mentioned in the opening, with two separate parts, respectively entitled: *Common rules* and *Special rules*. There are several updates, particularly in the first Part. Firstly, the fundamental role that holds an ecclesiastical university is stressed: that is to train and prepare “*at a high level of qualification*” those who attend such academic institutions, be they lay or clerics (no. 3 §2).

#### 6. Conclusion.

From the analysis carried out, albeit in summary, what has emerged with the recent Magisterium of the Church on education is in perfect continuity with what the teachings of the Vatican II Council have suggested about education and, in particular, the importance of Catholic universities in their advancement of science and knowledge. One of the most significant indicators of the increasing value placed on education is the primacy given to these matters in the new Code of Canon Law. Where the former version, promulgated in 1917, contained some provisions regarding the subject, the CIC devotes an autonomous book to juridical obligations, duties and rights in relation to the teaching function of the Church, with particular attention to Catholic primary, secondary and higher learning institutes.

There are many challenges for professors and students who *freely* choose to teach or to be taught within the Catholic universities, with the noble intention of contributing to the design of solutions to encourage the growth of the entire human community<sup>47</sup>. An important and fundamental

---

<sup>47</sup> For a brief overview, see M. Riondino, *La costituzione apostolica Veritatis Gaudium: nuove sfide per le università ecclesiastiche*, in <https://www.olir.it/newsletter/archivio/2018-06-25.html>

need is the internationalisation of university studies, which requires continuous efforts (and not just economic) for a healthy debate aimed at encouraging further attraction to students from foreign countries. Let us also think, of the great concerns which accompany entire generations of young people on the topic of placement, with the relative need to promote a real rapprochement between universities and the world of labour. Consider also the challenge, not always easy, due to the lack of funds and economic resources which force, too often, many institutions of undisputed prestige, to resize its provisions of training or, at worst, the suppression of affiliated institutions or centres, thereby unfortunately suffocating the dreams of many young people who are about to embark on a university career. It is precisely on these grounds that those in senior academic roles in an institution of higher culture must not limit themselves to being mere executors of economic interests, but must be creators and promoters of a culture that bases its values on a creative fidelity to the Tradition and to the Magisterium of the Church.

I add other challenges and urgencies due to the historical moment in which we live, characterised as it is known, with abrupt changes and changing values dictated too often by partisan interests. I think, however, that an institution which boasts of having the title of Catholic University can never be exempt from addressing challenges, even the most inaccessible, present and future. Failure to do so would betray the ultimate value of a Catholic institution: to be at the forefront or even in adverse conditions. In this game there is not only the future of many generations to consider, but the future of the whole society, too. Only by embracing this challenging and rewarding demand can we help build a *society* made up of men and women who are becoming *experts in humanity*.

Now I would like to close with some words popularly attributed to Thomas More, the Patron of the Law School where I have the honour to teach: “*Education is not the piling on of learning, information, data, facts, skills, or abilities – that is training or instruction – but is rather a making visible what is hidden as a seed*”. I think that this is a great inheritance for every kind of university and, for sure, for every Catholic university.

**Abstract:** Throughout the centuries the Church has always reserved great importance to the right to education without any discrimination of race, language, religion, ethnical background

and sex. A natural reflection of this centuries-old commitment emerges in some pontifical and conciliar documents, up to the recent modifications, made by Pope Francis in the apostolic constitution "*Veritatis Gaudium*" of 2017 on the ecclesiastical institutions of higher education. Also the Code of Canon Law, published in 1983, particularly in Book III entitled "*The teaching function of the Church*", has certain provisions for the field of education and of scholastic freedom, in order to foster the development of each member of the Christian Faithful for the acquisition and the consolidation of values such as freedom, autonomy and responsibility.

**Keywords:** University, Canon Law, Right to education, Magisterium of the Church, Scholastic freedom, Teaching function of the Church.