

Whither Traditional Catholic Institutions?

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In recent years, concerns about “identity” have increasingly arisen at what may be called traditional Catholic institutions. These colleges and universities, most of long standing, typically were founded by orders of religious men and women (Jesuits, Christian Brothers, Franciscans, Dominicans, Augustinians, Sisters of Mercy, etc.), often at the request of local diocesan bishops. In some cases, the institutions were founded by bishops themselves and operated as units of their respective dioceses. As has been chronicled rather fully in recent studies,¹ many of these institutions now face serious questions about what, precisely, it means for them to be Catholic, about how and by whom answers to such questions are to be reached, and about the implications of all this for their standing in the larger American higher education community. I myself have been occupied with these questions for some time;² but it was not until contacted by *Overheard* editor Bernard Prusak that I explicitly adverted to the connections between such questions and ones raised by the U. S. Supreme Court decision in *Yeshiva*. My contribution to the present symposium will focus on these connections.

1. To begin on a personal note, in May 2010 I completed my fortieth year of full-time service in American Catholic higher education. I first encountered issues about faculty roles in college and university governance in the early 1970s, while employed as an assistant professor at Saint Louis University, sponsored by the Society of Jesus (or Jesuits). After two consecutive years of financial distress at the university – resulting in no faculty salary increases – a movement developed to form a union, with the local chapter of the AAUP to be designated as collective bargaining agent under the National Labor Relations Act. Unsurprisingly, this movement was aggressively opposed by the university administration. (I remember being button-holed on campus by a prominent Jesuit, who warned darkly that unionization of the faculty would mean the end of collegiality at our institution.) For whatever reason or constellation of reasons, the movement failed to gain sufficient support.

During that time I understood rather little about pertinent issues (although, as Prusak suggests in his introduction, “collegiality” certainly sounded like something good and important, not to be recklessly jeopardized). Now, having served many years in both teaching and administrative ranks, including a stint at one institution with a faculty collective bargaining agreement, I have developed more perspective on the matter. As noted, I also have developed serious concerns about what are, for many Catholic

institutions, important related issues (although ones that barely appeared on the radar in the early '70s) – namely, issues of “Catholic identity.”

2. At the end of that decade came *Yeshiva*.³ The majority opinion (which surely was applauded by my button-holing Jesuit mentor) noted that universities typically are organized in a manner different from that of the “pyramidal hierarchies of private industry;” instead, they operate according to a “model of collegial decision-making.” Thus the majority held that full-time faculty members are, in the sense pertinent to NLRB concerns, “managerial” employees – and accordingly not protected under the National Labor Relations Act. This opinion, of course, was strongly opposed by the minority, which argued that the majority’s view of faculty status in the modern university was distorted by a “rose-colored lens” and that, given governance structures as they actually exist in the academy (which seemed to the minority more like those of “any large industrial organization”), faculty indeed should enjoy collective bargaining rights.

The decision involved a 5–4 split. By now, we are used to such outcomes. However, unlike many cases, the *Yeshiva* split did not bespeak strongly held, and opposed, matters of principle. Rather, the main disagreement was over the interpretation of facts – i.e., the actual operation of American colleges and universities. Seen in that context, a closely divided court should have come as no surprise. Indeed, as it seems to this writer, in a number of instances the facts tended to support the majority opinion, while in a number of others they tended to support the minority opinion; moreover, points about institutional operations could be adduced on both sides of the issue.

3. Today, thirty years later, relevant facts about college and university governance and other pertinent issues are changing – and their implications for *Yeshiva* still seem subject to dispute. (Certainly, the percentage of recent non-tenure-track faculty hires, as cited in the introduction, seems to call for a re-evaluation of some basic assumptions.) As indicated, I wish to focus on a set of governance issues in flux in distinctive ways within one particular set of institutions – those we have identified as traditional Catholic colleges and universities.

There are over two hundred such institutions across the country. A handful of them – led by Notre Dame and Georgetown – hold Carnegie status as doctoral-granting, are genuinely national in their recruiting bases, and have excellent overall academic reputations. If annual *U. S. News and World Report* rankings are to be credited,⁴ many regional “comprehensive” or “master’s level” Catholic schools also are of very high quality and are recognized as such by their American institutional peers. (For example, among universities under Catholic sponsorship, the recently released 2011 *U. S. News* rankings list Villanova, Providence, Loyola of Maryland, and Fairfield among the top ten regional universities in the East; Belmont and Loyola of New Orleans among the top ten in the South; Creighton, Xavier of Ohio, and John Carroll among the top ten in the Midwest; and Santa Clara, Loyola Marymount, Gonzaga, Seattle, and Portland among the top ten in the West.) A similar profile emerges for regional liberal arts colleges. The

reputations in question have been earned; nonetheless, it seems doubtful that these results would have been achieved by traditional Catholic institutions if they had not, beginning in the late 1960s, adopted governance models in keeping with the norm in American higher education – i.e., ones that were more “collegial,” as well as ones that rendered the institutions independent of juridical relationships with the Catholic Church.⁵

4. However, the cutting of juridical ties, and the movement from top-down decision-making structures (with members of the founding religious orders and/or local bishops at the top) to more typical American models, came with an institutional price: the opening of these schools to a possible decline in their Catholic identity. This opening has been potentiated by several other factors – in particular, a reduction in the number of religious order members among these institutions’ faculty and staff; a concomitant increase not only in instructors who were lay men and women, but ones who had no prior personal affiliation with Catholic higher education; and the rise in federal regulation of American colleges and universities, as well as the increasing demands of professional and regional accrediting agencies.

During the past few years, a number of difficult issues related to Catholic identity have arisen on the campuses in question. Without claiming to be exhaustive, I suggest that most of them can be grouped under three headings: a) determinations of curricular offerings and requirements; b) sponsorship of outside speakers and other para-curricular events; and c) hiring of faculty and academic administrators. Some concrete cases involving these issues have been handled rather smoothly; others have not – with accompanying uproar and public embarrassment to the institution. Our concern here is not so much with the details of individual cases as with the range of answers, and the institutional methods of arriving at answers, to which these issues seemed to admit; and also, mindful of *Yeshiva*, with the different answers’ implications for an assessment of faculty roles in institutional governance.

5. Let us consider briefly salient examples from each category. Regarding the first, concerning curriculum, a most salient fact also is a near-universal one: change in the “core” or “general education” requirements for the Bachelor’s degree. At Catholic colleges and universities in the 1960s, such requirements typically included four or more courses each in theology and philosophy. Today, while there is considerable variation, the standard seems to be one or two each – and sometimes philosophy is folded into a more general requirement in the humanities. Now, arguably, a keystone of the Catholic intellectual tradition has been high regard for – indeed, insistence upon – the study of philosophy and theology, with the latter itself conditioned by its interaction with natural or philosophical reason.⁶ The reduction in curricular requirements in recent decades seems to entail a diminution of Catholic identity. But how if at all might this result have been forestalled – and how is further diminution to be prevented? It should be noted that significant pressure has been placed on core curricula by increased requirements from professional accrediting agencies – e.g., for students of chemistry, the ACS (American

Chemical Society); for students of business, the AACSB (Association of American Colleges and Schools of Business); and so on. Still, there is little doubt that in many cases the curtailment of core requirements in philosophy and theology has been driven by concerns of faculty (and their students) in other disciplines – in particular, by a perceived unfairness in allotting such a large share of the curriculum to these two departments. Such a perception in part has stemmed from the idea that, as regards the core curriculum, all disciplines are essentially equal. This idea is a common one within American higher education; that it should have become influential at Catholic colleges and universities reflects the faculty diversification noted above. But, I would argue, it also reflects the loss of the traditional organization of courses within philosophy and theology programs themselves, as well as a general loss of commitment – by faculty of Catholic as well as other backgrounds – to these institutions’ historical missions. All this has been compounded by lack of nerve (or implicit agreement) among many academic administrators, who might have rejected the faculties’ new curricular models and called for retention of serious theological and philosophical study. Absent direct intervention by senior officials or boards of trustees, or renewed fervor among faculty with traditional Catholic commitments (and colleagues who also recognize the value of these disciplines), there is little reason to suppose that this trend will be reversed.

Perhaps less significant overall, but often highly publicized when they occur, are issues about particular courses. A current case involves a course on Gay Marriage being taught at Seton Hall University in the Fall Semester of 2010. The developer and instructor of the course is a tenured member of the political science department; he also is a gay man who previously upset people concerned about the institution’s Catholic character by writing and making public remarks that not only went against Church teaching on marriage but, in the judgment of the individuals in question, subjected it to overt ridicule. Now, Seton Hall is somewhat distinctive in that the local Catholic “ordinary” (i.e., diocesan bishop) has a formal role in the governance structure of the institution. In this case, the bishop determined last spring to try to have the Gay Marriage course cancelled – in part, he said, because the issue of same-sex marriage already has been settled in the negative by authoritative church teaching. At its June 2010 meeting, the Board of Regents debated the matter but was unable to reach a decision. Thus the course, which had passed through regular academic approval channels, remained on the fall schedule.⁷ By any account, this situation is an extraordinary one; it raises questions about the extent to which senior administrators, the board and even local bishops are prepared to “reach down” into the details of curricular offerings. Such persons, it is true, have a responsibility to ensure that core traditions at the school are maintained. But instructors at Seton Hall, as well as at other institutions where such moves might be contemplated, understandably will ask: “If the faculty, through regular academic channels, cannot make determinative judgments about the courses taught in our curriculum, about what *can* we make determinative judgments?”

6. Regarding the second category – sponsorship of outside speakers and other campus events – readers will remember the controversy in the spring of 2009 when the University of Notre Dame invited President Obama to be commencement speaker and receive an honorary degree.⁸ Although the university has a long history of welcoming sitting American presidents to campus, a significant number of the nation’s Catholic bishops, as well as many lay people (including many Notre Dame alumni), protested the university’s decision because of Obama’s aggressive stances on abortion-rights and related issues. (The local ordinary boycotted the commencement ceremony.) Perhaps a more important – because more common – example involves the annual performance, at a number of Catholic as well as other institutions, of the play called “The Vagina Monologues.” This play (or, strictly, staged reading of parts) was developed by its author to call attention to the plight of women who are subjected to sexual mistreatment or to discrimination because of their sexual orientation. Unsurprisingly, its themes often are expressed in language that is graphic and, by many standards, obscene. Diocesan bishops and others – notably the Cardinal Newman Society,⁹ which focuses on maintaining and enhancing Catholic identity at church-affiliated institutions – have called for performances of the play to be halted. To date, the results have been mixed – in some cases successful, in others not (and, in either event, sometimes with a residue of hard feelings all around).

Another relevant incident took place a couple of years ago at my present institution, Creighton University. The Center for Health Policy and Ethics, which sponsors an annual “Women in Health” lecture series, had invited a prominent feminist who devotes considerable attention to issues about health care in this country. A few weeks before her scheduled appearance, the invitation was cancelled by the university president. He explained that, while persons are welcome to express a variety of points of view at Creighton, in this case the speaker’s history (which, it turned out, included an essay in the *Los Angeles Times* detailing her participation in an assisted suicide, and defiantly challenging anyone who might object on moral grounds¹⁰) made university sponsorship via a prestigious lecture incompatible with our Catholic mission and identity. This move, which pleased officials of the Omaha archdiocese, produced considerable consternation on campus. Similar cases occur rather frequently across the country. Happily, in the present instance, the occasion was used constructively to develop, through an all-university committee, an explicit set of policies regarding the selection of outside speakers. Questions pursued by this committee have significance for all traditional Catholic schools: What are the implications of an institution’s Catholic identity in choosing which speakers and events to sponsor? In cases where the events are arranged by academic departments and programs, how much scrutiny by institutional officials is to be expected and recognized as legitimate?

7. The third category of difficult issues – related to the hiring of faculty and academic administrators – came to wide public attention in spring 2010. At Marquette University, a year-long search for a new Dean of the College of Arts and Sciences yielded the

recommendation of a candidate who had been a successful department chair at another Jesuit institution, but one who is a lesbian living openly with her partner and who focuses, as a scholar in sociology, on gay and lesbian sexuality and its treatment in American public policy. One of the writings on her resume (by no means an isolated instance) is titled, "Seeking Normal? Concerning Same-Sex Marriage." In this article, she indicated her belief that public recognition of such marriages is virtually inevitable; but, as one directly affected, she wondered whether gay and lesbian couples should even aspire to participate in an institution so deeply corrupt. At first, Marquette's president approved the search committee recommendation, but then – after a contract for the deanship already had been sent to the candidate – he reversed himself and rescinded the offer. In an interview with *The New York Times*,¹¹ the president insisted that the candidate's personal sexuality was not a major factor in his decision; rather, it had been discovered that some of her writings were incompatible with Catholic teaching. A press release added that a person who had produced such writings could not credibly lead the University's arts college, whose dean in a special way must represent Marquette's Catholic identity. Predictably, the rescinding of the deanship offer led to great uproar on campus. Marquette's Faculty Senate passed a resolution condemning the president's action and declaring that the episode sullied the reputation of the university and gave reason to wonder whether it in fact was committed to diversity and collegial operation.¹² No one – including the university officials involved – regards this issue as having been handled well. (To the further chagrin of many faculty members, it later emerged that Milwaukee's archbishop had privately expressed to the president grave concerns about the appointment – although the archbishop recognized that the decision was the university's to make.) But, whatever should or should not have been done in the present case, the more general question raised concerns the role and autonomy of duly established university bodies, especially those with a preponderance of faculty, when they are directly concerned with the institution's academic mission and operation. In what types of cases, and for what types of reasons, should senior administrators and boards feel free to reject such committees' findings and recommendations?

Less-publicized cases occur with some frequency on Catholic campuses in the hiring of full-time faculty. The reason is not difficult to discern. Consider that a modern liberal education hardly can avoid exposing students to the writings of, e.g., Karl Marx, notwithstanding the fact that Church authorities have been cool or even hostile to Marx – in part because of his declared atheism, but also because of the notorious totalitarian regimes that have claimed his writings as their inspiration. In some cases this curricular need, along with other considerations (e.g., the range of courses to be offered in a department's graduate program), will entail hiring a specialist in Marx. Now, such a specialist will not necessarily agree with everything Marx wrote; but he or she is unlikely to be without sympathy for the author's basic themes. How, and by whom, are the subtleties of this situation to be negotiated – and, if necessary, explained to the Catholic

institution's various publics? Similar questions arise in connection with the hiring of expert faculty to teach evolutionary biology, feminist literature, and a range of other important topics. Each spring such questions can become the daily bread of Catholic college and university deans and academic vice presidents, as well as (if they are alert to the issues) departmental search committees.

8. Given the various factors at play, it is predictable that – now and for the foreseeable future – issues related to mission and identity, as well as the question of how and by whom the issues are to be resolved, will loom large for traditional Catholic institutions. In practice, the modes of resolution can take an indefinite number of concrete forms; moreover, such forms can evolve over time. In theory, however, the general types of resolution seem to this writer to reduce to three. Before exploring them, let us summarize the relevant constellation of forces currently affecting traditional Catholic colleges and universities.

First, as noted, there are powerful forces pushing these institutions toward greater and greater secularization. Beginning in the late 1960s, there has been, in most cases, a severing of juridical ties between the college or university and the institutional Church. Further, in virtually every case, there has been a severe reduction in the number of faculty and staff who are members of the founding religious order. These individuals' places sometimes have been taken by lay Catholic men and women who are imbued with the spirit of the founders; but often – and increasingly – they have been taken by persons who have little or no prior exposure to the Catholic intellectual tradition. Adding to the effect is a sometimes noticeable loss of fervor among the (generally older) Catholic faculty who remain. Finally, along with increased funding of higher education by federal agencies has come increased regulation (and thus a tendency toward homogenization); further pressure along these lines has come from program accrediting bodies. In light of these factors, it should be no surprise that traditional Catholic institutions face challenges to their missions and identities.

As our illustrative cases reveal, in many concrete instances the challenges are vigorously met by countervailing forces – ones seeking to promote a return to a strong sense of Catholic identity. Sometimes, however, these forces involve what are perceived as heavy-handed moves by senior administrators and boards, as well as by persons and groups that are not formally part of the institution – in particular, local bishops and organizations such as The Cardinal Newman Society.

The upshot of all this can be confusion – and even open conflict – as to who is responsible for and who actually determines the school's identity and mission. Such confusion and conflict takes a heavy toll on the morale of all stakeholders: students, faculty, administrators, boards of trustees, and, often, diocesan chanceries. A certain amount of ambiguity about these matters probably is inevitable, given the complexity of the institutions in question. And the natural tendency toward inertia that characterizes all institutions of higher education can be expected to manifest itself, at a number of

Catholic schools, in continued “temporizing” and issue-avoidance. (However, recent events make it seem unlikely that this mode of operation will continue to be viable for very long.)

Among Catholic colleges and universities that do address their identity issues squarely, it is to be expected that varying approaches will be undertaken. Moreover, as noted, very likely there will be some evolution of approach in individual cases. But a sketch of the general types of resolution available should help to clear the air, as well as to concentrate the mind.

9. As indicated earlier, the general types of resolution to issues about Catholic identity seem to reduce to three.

i) First would be to continue and even to strengthen the trajectory suggested by the rescinding of the dean hire at Marquette and, at least in terms of the local bishop’s intention and effort, the elimination of an approved course at Seton Hall. Institutions that choose such a trajectory would, to be sure, solidify their *bona fides* as Catholic; but this approach also would hark back to the “top-down,” pre-1970s model of institutional governance and perhaps even lead to re-establishing formal, juridical ties with the local diocese. As suggested at the outset, it is difficult to believe that traditional Catholic institutions could do this without losing a good deal of their hard-won standing in the American academic community. If this option were adopted, instructional staff would come to be viewed simply as another category of employees – ones engaged by the institution to deliver a curriculum more or less prescribed by institutional leaders. This doubtless would negatively impact the morale of many faculty members on the campuses in question. Of these, a significant number who could leave and find full-time employment elsewhere surely would do so.¹³

ii) Second, it might come to be acknowledged – with or without the intervention of local bishops – that full secularization at certain historically Catholic colleges and universities either already has occurred or is inevitable. From the standpoint of Catholic orthodoxy, these institutions will be seen as “too far gone”; thus they may as well be set free to pursue their own paths in American higher education. As happened in many (of course not all) schools founded by Protestant religious bodies, there no longer would be allegiance to, or serious education in, themes of a Christian and Catholic nature.¹⁴ No special emphasis would remain, for example, on the role of natural reason in conjunction with religious faith in students’ coming to develop a matrix for personal choices and discussions of public policy. Such schools might retain optional religious services, as well as a skeleton team of campus ministers, but they no longer would provide an environment dedicated to the holistic development of students (intellectual, emotional, social, and spiritual) in line with Catholic traditions.

iii) The third general possibility would be to rebuild an explicitly Catholic culture on the campuses. Such a culture would be expressed in many ways, including ones related to the areas of concern discussed earlier. Institutions that pursued this third model once

again might come to be imbued with the spirit of Catholicism; this would display itself, *inter alia*, in these institutions' curricular offerings, their policies regarding outside speakers and events, and their administrative and faculty hires. Rather clearly, such a renewal of campus culture could come only from *inside* the institution; it could not be imposed by external fiat. It also would need to proceed, so to speak, organically – growing in influence on various dimensions of campus life as opportunities and circumstances permit.

Speaking for myself – but also, I believe, for many academics of long-standing at traditional Catholic institutions – I have little interest in being part of an educational endeavor that involves either the first or the second model. At the same time, however, I am concerned about the practical possibilities of implementing the third. Let us explore what would be involved in a transformation of institutional culture, as well as the difficulties this effort predictably would face.

10. What would be required in rebuilding an institution's Catholic culture? As I see it, at least the following:

Initially, and crucially, there would need to be renewed fervor for the school's traditional mission – updated in light of the needs of contemporary students – among a sizeable number of faculty, staff, and administrators who are Catholic, as well as colleagues who might be recruited to this cause.

Excellence in teaching and research is of course to be highly valued in whomever it is manifested. (The same is to be said for excellence in counseling students, preparing and monitoring institutional budgets, the provision of campus food services, etc.) However, the coalition here envisioned would constitute a necessary foundation for, and a principal resource in pursuing, other things required for cultural change, including a gradual re-expansion of the numbers of Catholics employed, especially in direct teaching roles. (One of the more difficult provisions contained in Pope John Paul II's 1990 document on Catholic higher education, *Ex corde Ecclesiae*,¹⁵ is that a majority of instructional personnel at the institutions in question themselves should be faithful Catholics. At many Catholic-sponsored institutions in the U. S. today, the percentage of faculty members who embrace and follow the religious tradition is well under that mark.)

For there to be an expansion of the number of Catholic instructors at a college or university, the institution would need to be quite intentional in its hiring policies; moreover, given reasonable legal restrictions on according preference to candidates with a particular religious profile, the institution would need to be explicit about this matter in position advertisements posted through various media. As suggested, such an expansion also would need to be gradual; and in any given year important instructional positions may need to be filled for which no Catholics with excellent credentials make application. Hard-won academic reputations should not be sacrificed even for the good here envisioned.

There also would be required a return to a well-conceived core curriculum – and in particular, well-sequenced sets of courses in philosophy and theology. This would not require the numbers of courses that characterized pre-1970s curricula; but it is difficult to see how basic elements of these crucial areas of Catholic tradition could be effectively communicated via fewer than two or three courses in each department. The design and implementation of these core sequences would fall primarily to the departments themselves. However, the whole faculty has a stake in an institution’s core curriculum; thus the voices of interested and knowledgeable persons across the college or university also should be heard. Given typical academic approval processes in American higher education, it is almost certain that they would be.

Let me offer two specific observations and recommendations. Regarding theology, although this discipline in no way should relinquish its critical function, students are ill-served by a steady diet of historical and form-critical studies of Scripture, social science based approaches to ecclesiology, and “revisionist” accounts of ethics (according to which there is no basis, natural or supernatural, for judging any type of act to be intrinsically wrong). The views of those who dissent from the Catholic *magisterium* should be presented as having the gravity they in fact have. However, students also must be exposed to the best work of theologians who “think with the Church” (Latin *sentire cum Ecclesia*), not least regarding moral issues of sexuality and family life.¹⁶ Somewhat similarly, philosophy core offerings once again should come to exemplify, not the “Introductions” that typify general education across American colleges, but rather an ordered sequence that gives students access to the reflective thought on which the Church’s understandings of the world, human persons, and God, as well as the foundations of morality, in part are based.¹⁷ These courses also should make students aware of, and encourage them to grapple with, challenges to these understandings posed by aspects of contemporary intellectual culture (relativism, scientism, fideism, etc.).

Finally, the renewal of Catholic culture on the campuses would require the development and maintenance of offices of campus ministry that are fully oriented toward Christ and the Church. Such offices would take as their primary mission helping students develop spiritually in keeping with Catholic teaching and practice. Of course, students of all faiths and of none should continue to be welcomed at these institutions; and, insofar as this can be accomplished, arrangements should be made to address all students’ spiritual needs. However, in many and varied ways – e.g., through prominent displays of religious symbols, regular availability of Catholic worship services and sacraments, frequent weekend retreats, and faith-inspired service programs to assist the poor – it once again must become clear that the spirit imbuing the campus is the spirit of Catholic Christianity.

If the cultures at traditional Catholic institutions could be renewed in these ways, not only would there be a clarification of mission; neuralgic campus episodes of the types mentioned earlier in this essay would be much less likely to occur. Moreover, when

faculty as a matter of course approach curriculum reform with an eye to better fulfilling the college or university mission, when campus speakers and other events are carefully selected to complement academic programs (with competing viewpoints presented in a responsible manner, without derision of Catholic teaching), and when search committees are selected and educated so as to pursue their tasks realistically and conscientiously, the institution will come to model the important Catholic principle of social justice called the “principle of subsidiarity.”¹⁸ That is, decisions by and large will be made at the institutional levels best equipped to make them and carry them out, with higher levels offering assistance (Latin *subsidium*) as requested or needed.

11. But while rebuilding a school’s Catholic culture may appear the best of the three general approaches to resolving issues about institutional identity, anyone wishing to undertake it should have a sober awareness of the difficulties that in most cases would be faced.

First, the initial coalition of Catholics and other interested parties would, as such, have no institutional authority; and in the beginning their efforts are likely to be greeted with some skepticism and even ridicule. Moreover, a number of well-intentioned colleagues who do not share the Catholic faith may be genuinely if misguidedly distressed at this initiative. And questions – some of them legitimate and needing to be carefully addressed – will be raised about the legality of the hiring policies contemplated. Will the stalwarts required for such cultural change come forth in sufficient numbers? Will they express their ideas adroitly and maintain their resolve over what is likely to be a very long haul?

Further, even in the best of circumstances core curriculum reform is fraught with difficulties. And it is no easy matter to address cogently the issues here raised, especially when key members of the audience have no personal background to help them appreciate the significance of theology and philosophy. Will patient and effective communication of the need for strong core sequences be undertaken? Will what now tend to be very diverse departments in these disciplines come to agree on the design of such sequences?

Finally, as currently operated, campus ministry programs at traditional Catholic institutions often communicate somewhat heterodox messages to students. Or rather, and more charitably, the staff members involved seem to act from an inadequate notion of what the Jesuit tradition calls *cura personalis* (care for the individual student). In an effort to meet students “where they are” – i.e., as they currently think and act – campus ministers often soft-peddle Catholic teaching, especially regarding sexual morality. Thus important concerns, e.g., the “hook-up culture” on many campuses, never get meaningfully addressed.¹⁹ Will campus ministry staff be open to a more forthright presentation of Catholicism? Will college and university administrators – who sometimes strongly support the “softer” approach – come to be persuaded of the importance of promoting institutional Church teachings?

In sum, implementing this approach to the enhancement of Catholic identity indeed would be difficult; in some cases, practically speaking, it very likely would be

impossible. But in other cases such an endeavor, prudently and sensitively undertaken, would have a reasonable chance to succeed. In a recent interview, the new president of The Catholic University of America, layman and former law school dean John Garvey, expressed great hope about the Catholic character of his institution.²⁰ He correctly pointed out that in the late 1960s leaders at Catholic institutions did not think carefully enough about how they would preserve their institutional identities with the implementation of, e.g., the famous “Land O’ Lakes” statement. But he is confident that things now are different, at least at CUA. Of course, this university is unique in the U. S. in being pontifically chartered and having a board of trustees that includes a large number of American Catholic bishops, including one who serves as chair. Thus historically it has had a bulwark – although a controversial one, for which the university doubtless pays a price in its reputation among American academic peers – against classroom teaching and ministerial practice that fail to support the Catholic *magisterium*.²¹ However, it is widely recognized that, in addition to relying on formal institutional structures, the former president, Rev. David M. O’Connell, C. M. (himself now a bishop in Trenton, New Jersey), was highly resourceful in promoting the development and maintenance of a vibrant Catholic culture on campus. On this third model, obviously, the latter type of effort – institutional renewal from the inside – would serve as the pattern to follow.²²

12. Let us consider, finally, the implications of the three approaches to institutional identity sketched above for issues debated by the majority and minority opinions in *Yeshiva*.

i) On the first model (continuing and even strengthening the trajectory toward top-down control), faculty hardly could be characterized as “managerial employees.” Since the curriculum – or constraints on the curriculum – would be determined and communicated by senior administrators and boards, faculty members would be reduced to specialists who deliver various components of that curriculum. This model perhaps would be compatible with a very limited sense of collegiality on campus; and those who chafe under administrative dictates presumably would attempt to find employment elsewhere. Nonetheless, this institutional governance structure would invite *a renewal of the movement toward faculty collective bargaining*. And, although Catholic college and university administrators might object, and even file court appeals against successful attempts at unionization, it seems likely that judicial majorities would decide the matter differently than the *Yeshiva* majority did in 1980. For with a return to top-down governance the prior suppositions about faculty managerial roles clearly would not be borne out.

ii) On the second model (acknowledging that full secularization at certain historically Catholic colleges and universities is inevitable), the de facto manner of resolving concerns over institutional identity – i.e., by essentially eliminating such concerns – itself would be *neutral regarding issues of faculty roles in governance*. Confirmed secularization of a historically Catholic school’s mission, curricular programs, etc.,

simply would mean that, as at most American colleges and universities, other matters would provide relevant points for judicial scrutiny – e.g., levels of faculty involvement in the setting of academic standards, their roles in the selection of administrators and in the institutional budget process, etc. Diverse modes of institutional governance and day-to-day operation – some favoring the *Yeshiva* majority, some favoring the minority – all would be consistent with this outcome.

iii) On the third model (rebuilding the institution’s Catholic culture from within), there would be great hope for genuinely collegial functioning. Decisions about, say, curriculum reform would be made by those specifically trained and positioned to make such decisions, i.e., the faculty, with facilitation and final approval by deans and other appropriate academic administrators. Since faculty members themselves would be imbued with (or at least accepting of) the institution’s Catholic intellectual culture, in general they could be counted on to make judicious decisions: ones that respect and promote Catholic traditions in light of contemporary developments in the disciplines as well as the needs of their students. Senior administrators, boards of trustees, and local bishops only rarely would feel a need to intervene – and any such action should be able to avoid the heavy-handedness that has characterized recent, controversial events. In this way, the principle of collegiality in American higher education – as well as the principle of subsidiarity in Catholic social teaching – would be preserved. Moreover, supposing faculty members also come to have meaningful – although less decisive – roles in the discussion of other important issues (e.g., overall budget priorities), they will be participating in a number of appropriate ways in the management of the institution. In circumstances such as these, there would be *de facto* governance relations of the sort contemplated by the *Yeshiva* majority; accordingly, there would be *no credible or judicially sustainable basis for an effort at faculty unionization*. There also, of course, would be little perceived need among the faculty to undertake any such effort.

In the end, therefore, we come to the question: “Whither traditional Catholic institutions?” As this essay has sought to demonstrate, this question has great importance for the present and future identity of these institutions themselves; it also has implications for the question of how the operation of one significant sector of American higher education squares with the decision in *Yeshiva*.

Notes

1. See, e.g., James T. Burtchaell, C. S. C., *The Dying of the Light* (Grand Rapids, MI: Eerdmans, 1998) and Melanie M. Morey and John J. Piderit, S. J., *Catholic Higher Education: A Culture in Crisis* (Oxford and New York: Oxford University Press, 2006).
2. See my reflections on a recent episode, discussed below, that occurred at Marquette University: “Catholic Identity: Shall We Talk?” *The Catholic Thing*, May 21, 2010, <http://www.thecatholicthing.org/columns/2010/catholic-identity-shall-we-talk.html>
3. *National Labor Relations Board v. Yeshiva University*, 444 U.S. 672, 676 (1980).

4. *U. S. News & World Report*, <http://colleges.usnews.rankingsandreviews.com>.
5. A principal impetus for this development was the 1967 “Land O’ Lakes” statement, prepared at a meeting of officers of several premier Catholic universities at a Wisconsin retreat center maintained by the University of Notre Dame.
6. For a comprehensive statement, see John Paul II, *Fides et ratio* (Boston: Daughters of St. Paul, 1998). See also Alasdair MacIntyre’s recent work, *God, Philosophy, Universities* (Lanham, MD: Sheed & Ward/Rowman & Littlefield, 2009).
7. See the extensive coverage of this case on the website of *The New Jersey Star-Ledger*, www.nj.com/. The present author disagrees with the local ordinary’s reasoning; but he is sympathetic to concerns raised by this course. One solution would have been to have the course go forward, but be team-taught – with the gay activist professor’s counterpart being someone who could clearly articulate Catholic teaching on the question of gay marriage.
8. See, e.g., Tom Coyne’s article for the Associated Press: “Obama’s Notre Dame Visit Met with Controversy,” March 27, 2009.
9. See the Society’s webpage: www.cardinalnewmansociety.org/
10. Anne Lamott, “Goodbye, friend,” *Los Angeles Times*, June 25, 2006, <http://articles.latimes.com/2006/jun25/opinion/op-lamott/>.
11. Sam Dillon, “Marquette Rescinds Offer to Sociologist,” *New York Times*, May 6, 2010, <http://www.nytimes.com/2010/05/07/education/07marquette.html>
12. See, e.g., the coverage in the Milwaukee *Journal Sentinel*, available at www.jsonline.com/.
13. It should be noted that several newer Catholic institutions (e.g., Christendom College in Virginia and Ave Maria University in Florida) were formally founded upon allegiance to the Church and recruit students and faculty accordingly. Whether they will be able to achieve prominence in the minds of their peers in academia remains to be seen. In any event, the situation of these schools (and of their faculty) is rather different from that of a historically Catholic institution seeking to *regain* its identity via administrative fiat.
14. That most traditional Catholic institutions now in fact can be described in this way was the burden of a paper delivered in July 2010 by Father Michael Sweeney, O. P., president of the Dominican School of Philosophy and Theology in Berkeley. See “The Abandonment of Catholic Education,” *California Catholic Daily*, July 29, 2010, <http://www.calcatholic.com/news/newsArticle.aspx?id=36c186d5-4595-4ecb-8e00-7a16977a36bf>.
15. Available in Latin (http://www.vatican.va/holy_father/john_paul_ii/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae_lt.html) and English (http://www.vatican.va/holy_father/john_paul_ii/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae_en.html) on the Vatican website.
16. For an account of revisionist moral theology by a long-time proponent, see Charles E. Curran, *Directions in Fundamental Moral Theology* (Notre Dame, IN: University of Notre Dame Press, 1985). For a scholarly critique and a defense of the magisterial approach, see William E. May, *An Introduction to Moral Theology* (2nd ed.; Huntington, IN: Our Sunday Visitor Press, 2003), esp. chapter 4.

17. See the September 2008 study by R. E. Houser, “A Rekindling of the Light: The Past, Present and Future of a Catholic Core Curriculum,” The Center for the Study of Catholic Higher Education, <http://www.catholichighered.org/Portals/3/docs/Houser%208-18-08%20Web.pdf>. (Incidentally, in neither theology nor philosophy would this enhancement of core offerings mean an abandonment of excellent, up-to-date majors in the disciplines – although it would, in some cases, strain departmental resources and call for additional faculty “lines.”)
18. For an account of the principle of subsidiarity, see the Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* (Washington, D.C.: U. S. Conference of Catholic Bishops, 2005), 81–83.
19. On the “hook-up culture,” see Donna Freitas, *Sex and the Soul: Juggling Sexuality, Spirituality, Romance, and Religion on America’s College Campuses* (New York: Oxford University Press, 2008).
20. See “New CUA president reflects on greater calling for Catholic higher ed.,” Catholic News Agency, August 17, 2010, <http://www.catholicnewsagency.com/news/new-cua-president-reflects-on-greater-calling-for-catholic-higher-ed/>.
21. Perhaps the most famous manifestation of this bulwark was the much-celebrated and much-decried 1986 dismissal from his tenured position in the CUA School of Theology of the above-noted “revisionist” moral theologian Rev. Charles E. Curran.
22. After the present essay was completed and submitted, news broke of the statement by the U. S. Conference of Catholic Bishops’ Committee on Doctrine regarding the book by Creighton University theology professors Todd A. Salzman and Michael G. Lawler, *The Sexual Person: Toward a Renewed Catholic Anthropology* (Washington, D. C.: Georgetown University Press, 2008). The penultimate paragraph of the Bishops’ twenty-three-page critique (“Inadequacies in the Theological Methodology and Conclusions of *The Sexual Person: Toward a Renewed Catholic Anthropology* by Todd A. Salzman and Michael G. Lawler,” Committee on Doctrine, United States Conference of Catholic Bishops, September 15, 2010, http://www.usccb.org/doctrine/Sexual_Person_2010-09-15.pdf) declares that “neither the methodology of *The Sexual Person* nor the conclusions that depart from authoritative Church teaching constitute authentic expressions of Catholic theology.” From the standpoint of the issues treated in this essay, the public release of the Bishops’ document must be regarded as an instance of the first model discussed – i.e., as being (in intention) top-down and interventionist – rather than of the third model promoted here. (The event also tends to confirm that the time for temporizing about Catholic identity is nearly over.) In connection with the public release, both Omaha ordinary Archbishop George Lucas and Creighton University issued official statements the morning of September 22, 2010. Archbishop Lucas said he was “confident Creighton University officials would address the Catholic bishops’ concerns with Salzman and Lawler in a manner consistent with the mission of a Catholic University” (“CNS Asks Creighton President to Clarify Academic Freedom Remarks and Consider Canon Law Requirements,” The Cardinal Newman Society, September 24, 2010, <http://www.cardinalnewmansociety.org/Home/tabid/36/ctl/Details/mid/435/ItemID/840/Default.aspx>.) For their part, university officials’ opening gambit was to affirm that “as a Catholic University, Creighton – in accord with *Ex Corde Ecclesiae* – presents to its

students as Catholic doctrine only that which is deemed to be true doctrine” (“U. S. bishops criticize book by two Creighton theologians,” *Catholic Voice Online*, October 1, 2010, <http://www.catholicvoiceomaha.com/main.asp?SectionID=9&SubSectionID=9&ArticleID=14380>.) Now, as far as I am aware, neither Professor Salzman nor Professor Lawler ever has presented his views about sexual morality as Catholic doctrine. However, in the book in question they certainly claim that their methodology and conclusions constitute – to say the least – “authentic expressions of Catholic theology;” and thus they stand in formal conflict with the Bishops’ doctrinal committee as quoted above. The manner in which university officials, Church authorities, and the two authors negotiate this matter will have implications far beyond the Archdiocese of Omaha.