Catholic education in the United States was initially avowedly catholic: its purpose was to train catholics, and it rested on the purpose that there would always be enough religious personnel to staff the institutions. The G.I. Bill of Rights and federal funding for higher education were instrumental in providing growth capital for catholic institutions. These events also precipitated (1) a serious shortage of priests, brothers and sisters to assume the increased responsibilities, and (2) a cost squeeze when federal funds had to be matched. Catholic colleges went public for recruitment of faculty, students, board members and eventually administrators. As they did so, they became much more secular institutions. The sixties saw the beginning of the radical questioning of Catholic institutions, as the call for ecumenicism that flowed from Vatican II began to have its impact on Catholic institutions of higher education. Prominent Catholic educators debated the functions and role of the Catholic college in these moves to secularity, and it is the thesis of this paper that colleges that are public in their charters, goals, purposes, governance, and in their recruitment of students, faculty, and administrators, are not church-related. (AF)
Secularization — Public Trust: The Development of Catholic Higher Education in the United States

Joseph P. Kelly

It is a difficult task to present a paper concerned with society and particularly with two of societies most significant and turbulent institutions ... colleges and churches. As society becomes more complex every institution is being called upon to give an account of its stewardship. We are all aware of the stresses and strains of our time. These are largely the result of technology, affluence and the rising expectation of involvement in institutions most closely touching our lives. Ours is an age of politics, and the traditional frames in which politics takes place no longer obtain. An uneven, unplanned discussion about the quality and composition of our lives has been under way in the formulation of public policy since the early 1960's. This paper is primarily concerned with the period 1945--1969 ... the first quarter century of this era of politicization. No longer can the conservative polarize politics by decrying the invasion of the federal government into his life ... no longer can the liberal hold that all that is needed is more government funding.

We have found that government—federal, state, and local—touch our lives every day. Education, like politics, became almost suddenly, it seems, an all pervasive factor in our lives. Our economy and the promise of a good life for all has made us the first nation in history to hold out the promise of a college education for all of our youth.

It is in this context that the reevaluation of Catholic higher education has been taking place. This paper will pertain specifically to changes in Catholic colleges and universities. The disorientation that these events has caused within the Catholic church has been much more intensive as well as extensive than has occurred in other denominations. However, the pattern of growth and change toward secularization occurring here is essentially the same as that which occurred in Protestant institutions in an earlier era.
I believe there is in the United States a natural evolution from the sponsoring denominational institution to its progeny—the private institution. The recent policy changes authored by St. Louis University, Notre Dame University, and most Catholic colleges and universities support this contention. It is in this way that the churches...Catholic and Protestant...have made their greatest and most significant contribution to the nation, or...to the people of God. Professor Charles E. Peterson traces this development in his paper, The Church-Related College: Whence Before Whither. The record, as he describes it, however, is largely the history of other than Catholic institutions.

The contribution that churches have made to the American nation cannot be overestimated and need not be explained...the record is clear, from Harvard and Yale to St. Louis University and Notre Dame University. It is difficult to imagine higher education in the United States without this hallowed tradition. It is, however, less difficult to imagine the United States of 2001 with a system of higher education that will include only state institutions. The agenda of all private education should include this possibility as a high priority as we plan for the future.

The Beginning—A Total System

Catholic education, from elementary to the university, was the product of an immigrant people who came to live in a nation where institutions and values were predominantly Protestant. There was a unity of purpose and function that underlay this self-contained structure. Its relationship to the general public was consistent. It paid its own way...it was avowedly Catholic...its purpose was to train Catholics. There is, and can be no question of the contribution this educational system has made to the United States. The system, however, rested upon the premise that there would be, at all times, a sufficient number of religious (priests, brothers and sisters) to staff the schools and colleges. Growth of the institutions and the integration of the Catholic population into the United States were to be key factors in all aspects of change within the Catholic church.

The limits of this paper preclude discussion of the parochial schools in the United States. However, I want to mention the
problem of staffing with religious. It is the same problem that has contributed to a tremendous increase in operating costs at the college and university level. The shortage of sisters to staff parochial schools has placed great financial burdens on the system. It is inevitable that the parochial school system will be radically changed, curtailed or perhaps even phased out. The remaining vestige of it will most likely be prep-type high schools that are expensive and bear little, if any, resemblance to the basically democratic parish or diocesan parochial school. There is a close parallel here to what is happening in Catholic colleges and universities.

*Catholic Colleges, Public Funds, Growth and Secularization*

World War II was a great watershed for Catholic higher education. Following that war, the right to a college education for the more than 12 million veterans who served in that war, was embodied in the G. I. Bill of Rights. It was written to enable the individual to use his stipend at whatever college or university he wished. Under provisions of the law, veterans were able to use the stipend for seminary education as well. The impact this had on all private and church-related, as well as state institutions, is difficult to exaggerate. In the future, it may well be seen that this has had a greater social, economic and political effect on society than the Morrill Act of 1863. However, the concept of tax money going to private and church-related institutions was established. It is interesting to note that there was little or no discussion concerning its constitutionality.

Other breakthroughs in federal funding took place in the 1950's. Laws such as the Public Facilities Act of 1957 are the type to which I refer. These laws were also enacted with no significant analysis of educational priorities. The constitutionality of federal funds to church-related institutions was not questioned to any important degree. The expenditure of tax money for higher education will not be enacted so quickly or so broadly in the future. The survival of public-private institutions may depend upon our ability to meet the demands of the “new politics” of educational financing.
We are a people hard put to place priorities for national policy in any context other than national defense.* After the Soviet Union put Sputnik into space, the American people became more fearful of our security. The reaction of national leaders was that our system of education had fallen far behind Russia in science and technology. A hurried, superficial analysis of our educational system was conducted. One result was another infusion of federal money into higher education. The intent of the law was to buttress our national defense. Once again tax money was made available to private as well as state institutions. This was, of course, during the Eisenhower Administration.

The infusion of federal money into Catholic higher education was instrumental in providing growth capital for these institutions. The G. I. Bill of Rights had a great effect on coeducational and men's institutions. The Facilities Act and other laws brought the Catholic colleges owned and operated by religious sisters' congregations into the pattern of growth and development of secularization. During this same period, private foundations began to grant “seed money” to all varieties of colleges and universities.

These events precipitated a serious shortage of priests, brothers and sisters to assume the increased responsibilities. Along with the shortage of religious to staff the colleges and universities, came an ever accelerating increase in operating costs. The government matching grants for facilities proved to be a mixed blessing. It provided basic growth money, but in order to match the grant it required a corresponding increase in the whole area of development, i.e., fund-raising. It was during this period that Catholic institutions took a great leap forward, with little or no analysis of costs, consequences or priorities for their institutions or religious orders.

Catholic educators thought matching grants (government and foundations), and increased student bodies would inevitably produce economically viable colleges and universities. Before any one takes umbrage at this last statement... the haphazard

*The rationale for the expenditure of federal money to assist students and to build highways (in the same period) was that our national defense would be strengthened. The result was that these interesting titles are seen in print every day: The National Defense Educational Act and the National Defense Highway Act.
funding of all higher education has entrapped all educators and institutions. Even state universities are caught in the competition for the tax dollar. They have some obvious advantages, however, so we need not sympathize with them.

During this time the pressing problems of Catholic higher education appeared to be matters concerning growth and progress. The questioning of the nature of Catholic institutions had not yet surfaced. When it became an issue, however, its core had little to do with separation of church and state. The inability of Catholic colleges and universities to define their institutional governance and policy with some precision clouds the status of private higher education in the formation of public policy. This could be an important factor in the future of college and university education in the United States.

When the effect of the cost squeeze and the decrease in religious vocations began to intensify, Catholics increasingly went to state legislators for assistance for parochial systems. These questions have at their core interpretations of the First Amendment and the "new politics" of educational funding. It appeared then that Catholic colleges and universities were not to be caught in this same squeeze of cost or constitutionality. It was only after Vatican II that deeper questions of the nature and function of Catholic universities overshadowed, for a time, the issue of aid to beleagured parochial school parents.

As Catholic colleges and universities went to the public for support, as they went public for recruitment of faculty, students, board members, and eventually administrators, they became public or secular institutions. This "going public" is often viewed as being solely for economic reasons. This is too narrow a view of the complex development of church-related institutions. It really underestimates, in my opinion, the genuine desire on the part of Religious to serve mankind in the world rather than "save or convert."

A significant development in this period was the need to make distinctions between Catholic higher education and the elementary and secondary components of that system. It came to be made upon the grounds that indoctrination takes place in the latter, but not in higher education. The need to justify
receipt of tax money for private or church-related colleges and universities precipitated this public dialogue. The record will show that the leadership in elaboration of this viewpoint came from Catholic university presidents. They spoke to the issue at the national level. It is important to note that this occurred before colleges operated by sisters’ congregations emerged into the public forum. The case can be made that priest-educators spoke for all Catholic education before 1963. Roman Catholic sisters in higher education did not emerge as “public figures” akin to their priest counterparts until after Vatican II.

Matters concerned with the growth and development of Catholic colleges and universities was further complicated by the tendency of many Catholic educators to view all three levels of Catholic education as “a system.” Many religious orders were in the business of “owning and operating” higher educational institutions, as well as elementary and secondary schools. Is it any wonder that people . . . educators and non-educators . . . as well as legislators and judges, in general, tend to view Catholic education as a totality. This confusion is a continuing problem, as I shall discuss later.

By isolating the effects of federal financing on Catholic higher education, one does violence to the complexity of institutional development. During these twenty years or so, there was an increasing diaspora of Catholics from the core cities of metropolitan America into the suburbs. In short, the American Catholic became educated and moved with a degree of affluence into the mainstream of the nation’s economic and social life. The nation in which their forebearers felt alien had come to be their country as much as that of ‘the Protestants.’

The most conspicuous and distinguished products of this educational system were the priests, sisters and brothers who were making higher education their profession. Too little note has been taken of the causes and consequences of the growing in professionalism that was occurring among professors and administrators of the Catholic colleges in the last two decades of this century. As the religious, faculty and administrators became more and more professional, i.e., secular, their relative and
absolute numbers were decreasing, and their institutions were
growing larger and more complex.

The Sixties: Politics--Vatican II and Accountability

These changes in the Catholic church took place when
technology was able to focus the nation and the world's attention
on matters that had never been reported in the media, much less
discussed openly within religious orders. Most American Catholics
took pride in one of their number being elected to the presidency
at this time. The response of Pope John XXIII to the people of
the world who were not of his faith elicited the same kind of
feelings. These events and times gave promise to be the precursor
of an “era of good feeling” in the Christian world.

This radical questioning of Catholic institutions has been all
pervasive for at least six years. The questioning of basic values
and institutions of the Catholic church had its public roots... its sanction... in Vatican II. It was in this frame that discussion
of the nature of Catholic colleges and universities began to occur.
The fact that questions pertaining to authority and obedience,
collegiality of bishops, birth control, the nature and validity of
religious life itself, and priestly celibacy, all took place at the
same time, intensified the difficulties of those whose profession of
religious vows had taken them into responsible positions in
Catholic colleges and universities. It is to the great credit of
Catholic educators and the Church, in general, that the bulk of
this discussion took place in academic circles.

The Catholic church's battle of aggiornamento was con-
ducted in an all inclusive frame, ranging from the proper length
of nun's habits to the deepest Constitutional questions of the
First Amendment's provision of separation of church and state,
to the nature of papal authority. It was almost impossible to
know whether a priest or sister spoke for the Church as a religious,
or as a university president. Rules... functions... rights... obligations... all were mixed in with almost every religious who
spoke publicly. The individual listening decided in which role
the priest or sister was speaking.

The call for ecumenism that flowed from Vatican II had
perhaps its greatest impact on Catholic colleges and universities
in three important ways: (1) The wall of separateness was greatly reduced between Catholic institutions and those in the state and private sector; (2) The principle of public debate and discussion came on the scene with a vengeance; and (3) Nearly all Catholic colleges and universities rushed with great vigor to include laymen, Catholic and others, in their support structure... all done, of course, in the relatively old “advisory board” frame. By this time, Catholic institutions had taken giant steps toward being more public than Catholic.

The debate was cast in terms of what is a Catholic college... why should they survive... are they unique... or just the same as Harvard? The irony of this question was lost on many during this heated period of discussion.

Professor Peterson says in his survey of the American experience of church-related colleges, that as Protestant denominational colleges went “secular” it was generally within the framework of localism, and occasioned no great uproar among the denominations that had originally sponsored the institutions. This is definitely not the case in the Catholic pattern of growth, development and definition. There was to be no blessed anonymity for the Catholic institutions and religious orders as they made the public transition to secularity.

The conditions in which this trend has been taking place among Catholic church-related colleges exhibited several major differences when compared to other denominations. First, the Protestant churches were in no way as binding in authority and obedience as was the Catholic church. Second, was the fact the Catholic school system was so interwoven into the fabric of the lives of Catholics—elementary, high school, colleges and universities—that any change in one area triggered a response in other parts of the Catholic constituency. Third, only a few institutions like St. Louis University were deeply rooted in the local community, as Professor Peterson tells us earlier denominational colleges were. Certainly, few if any sister colleges were thought of as community assets by their immediate neighbors.

A brief survey of the continuing debate among Catholic educators will serve to show the intensity of feelings over the recent policies as espoused by such eminent educators as Father
Paul Reinert and Father Theodore Hesburgh for their institutions and religious orders. My point is not to set up straw men . . . rather it is to try to underscore this murkiness of purpose and the effect it has on questions of public policy for higher education in general, and for private institutions in particular.

An important example of one who decries recent developments in Catholic higher education is Eugene E. Grollmes, S.J., who states,

Since their founding, Catholic colleges have been concerned about salvation. Lately, however, the focus of their concern seems to have changed somewhat. Instead of the salvation of their students, Catholic colleges have become more and more concerned with their own salvation.1

He rebukes Father Paul Reinert for his statement,

The preservation and development of Catholic higher education is based on the assumption that we have something unique to offer for the benefit of American society.2

The difference between Father Reinert and Father Grollmes is basic and speaks directly to the question of the nature and governance of Catholic institutions. This difference is at the heart of the question of developing Catholic institutions, and their obvious movement into the public-private sector that characterizes all but a few Catholic colleges and universities. If Catholic colleges and universities exist that ascribe to Father Grollmes view of salvation as part of the policy, governance, counselling, and curriculum, then they can rightly be classified as church-related or Catholic. However, they would then be very different institutions than St. Louis University, Notre Dame University and Fordham University, just to mention a few.

Professor Robert B. Nordberg, Marquette University, writes in 1967,

One simply doesn’t know from day to day, any more, what it means to be a Catholic. By the same token, one doesn’t know what it means to be a Catholic institution.3

2Ibid.
Father Grollmes takes a harder tack in the following remark concerning honesty among his fellow Catholics:

If Catholic educators honestly believe these teachings are true, then it would seem they incur the obligation to act like it, and their institutions should, naturally, but unmistakably reflect this belief.4

This challenge should be directed to the religious superiors of the administrators and, apparently, faculty to whom he refers.

Professor Nordberg's view as to who should constitute the faculty of a Catholic university where a "... 'vision of the whole' permeates every part."5 is most interesting. He writes, "Those, obviously, who have this vision."6 ... in the same article he continues, "And never should it (the Catholic university) hire a faculty member who shows no evidence of having had that vision in the first place."7 It is obvious that this "selectivity" raises serious questions as to the quality, purpose as well as the right to public funds of a college or university that espouses these views as their reason for being. This leads directly into questions of the First Amendment and the Maryland Case.

Dr. Dennis Bonnett, Assistant Professor of Philosophy, Niagara University, New York, is also concerned with the condition of Catholic education. His statement illustrates the confusion I spoke of earlier when people lump the three levels of education together. He writes,

In a general pastoral letter dated nearly a century ago, the hierarchy of the United States made clear those reasons for which a Catholic educational system was necessary—thereby illustrating the evils which must be expected to fill the lacuna created by secularization. Dare we assert that 'popularized irreligion' and 'agnosticism' represent no real threat today?8

Professor Bonnett has this to say concerning his fellow educators,

Those Catholic educators who presently flee from the "stigma" of orthodoxy, and in the name of "academic freedom" would gladly

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exchange the values of Christian humanism in favor of a thoroughly secular humanism exhibit the most glaring instance of Secularism and Modernism. For, in seeking to "free" the educational process from the guidance of the Magisterium of the Church, they would cut off the training of society from the influence of true religion.  

One has to wonder why this complaint is not addressed to the governing board of these institutions.  

One last example from the same source is worth noting, . . . that even dogma is not allowed to stand in the way of those who would betray the teaching of the Church and secularize Her schools.  

This statement would seem to call for even a higher authority than the board of trustees when the debate over the direction of the college or university reaches "dogma . . . vision . . . salvation" it enters the realm of theological orthodoxy. Therein lies the crux of the problem of this traditional position. It is, however, this area that has not been thoroughly discussed within Catholic academic and religious communities.  

It is not my intention to take lightly the men or the ideas they espouse. Their position, on the contrary, is important because it takes issue with such outstanding Catholic educators and institutions. Their position has an internal consistency. However, it does not reflect church-related higher education development in the United States.  

The questions raised by these traditional educators does deserve more serious attention and discussion. This kind of evaluation has significance within and without the Catholic constituency. It can no longer be the concern only of the religious orders and the hierarchy. No one can fault legislators, courts and other educators in their being confused about Catholic colleges and universities. This is apt to be more crucial in the future than in the immediate past. I refer not to constitutional issues, but rather to the highly political question of the status and value private higher education is to have in national and state governmental priorities.

Father Paul C. Reinert, S.J., is by any standards, one of the United States best academic administrators. Father Theodore Hesburgh, C.S.C., is an undisputed leader in American education. They have been taken to task by Justus George Lawler,* for saying, "Legal control by boards with a majority of lay trustees is definitely the pattern for the future;" "Catholic schools have become public trusts that should reflect the interests, needs and desires of a much broader spectrum of people."11

Professor Lawler pursues his quarry further in a most vigorous manner,

If these are just the usual fund grubbing proclamations of Catholic administrators who are obsessed with competing with non-Catholic institutions on the one level when competition is foredoomed—endowment and physical plant—then such statements may be dismissed as negligibly opportunistic.12

The truth is that administrators think only in administrative categories and therefore, cannot see any other solution to the present crisis in Catholic higher education than to shift the authority to a level where they, the administrators, will still retain the accouterments of office. Whereas what is obviously demanded is that administration be reduced to the performance of its proper housecleaning functions—to maintaining the grounds neat and the buildings clean—and that the actual control of the institutions be vested in the faculty and its chosen representatives. In too many ways our universities still live in a Counter Reformation world, the military world symbolized by St. Ignatius—which is not intended to disparage the Jesuits who, quite simply, constitute the intellect of the American Church. What we have to return to is the ideal of the medieval university, to a world symbolized by Dominic and Benedict whose priories and abbeys still freely elect their own leaders.13

Does anyone really believe men like Father Reinert, Father O’Laughlin, Father Hesburgh and Monsignor John McGrath fit their diatribe? Or, that the operation of a college or university

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is as simple as Professor Lawler seems to infer? If so, then the real offenders must, of necessity, be the religious superiors of these priests.

The confusion concerning Catholic higher education, however, stems not only from the more traditional educators. Father Hesburgh takes Dr. Harvey Cox to task for stating, "... what is the role of the Church in the university?" ... and answering, "The organizational Church has no role. It should stay out."" 14

Referring in the same paper to Miss Jacqueline Grennan's concern that the Church or the hierarchy might be forced to endorse or negate the actions of a Catholic college or university, Father Hesburgh writes,

"I simply say there is no such pressure on the Church or the hierarchy under Notre Dame's present form of governance, which places it as an institution under civil, not canon law." 15 [The emphasis on "present" is the writer's, not that of Father Hesburgh.]

This policy statement by Father Hesburgh and the institutional actions of St. Louis University, Fordham University, Webster College and universities too numerous to mention, form the basis of my thesis. I received a call last week from a board member of a college operated by a sister's congregation concerning their search for a president. When asked what form of governance (ownership and control in an earlier era) they had, he replied, "We (he is a layman) are severing (terminating) legal and canon relations with the Church." He explained further, that the Board would be self-perpetuating, and would not be limited to Catholics. The Board would not be subject, in any way, to the founding order of sisters. He repeated, that the college would be "secular." When a Catholic religious order implements this policy, the college or university is a public-private institution and not church-related.*

15Ibid., p. 47.

*The status of diocesan colleges is different from those conducted by religious orders. I would guess in the long run their development will be similar. This is certain unless the diocese can provide sufficient financial support. A major difference between order and diocesan institutions is that the latter has financial support from the
The Search For Clarity

Soon after the peak was reached in the ideological furor over these moves to secularity, there appeared a definitive statement of what had been happening in Catholic academic institutions. Monsignor McGrath's short treatise, Catholic Institutions in the United States: Canonical and Civil Law Status, 1968, examines the questions involved in this paper.

Monsignor McGrath states,

...the charitable and educational institutions conducted under the auspices of the Church were recognized as civil law institutions and not subject to the canon law of the Church.

Charitable and educational institutions chartered as corporations under American law are not owned by the sponsoring body. The legal title to the real and personal property is vested in the corporation.

It is the corporation that buys and sells and borrows money. If anyone owns the assets of the charitable or educational institution, it is the general public. Failure to appreciate this fact has led to the mistaken idea that the property of the institution is the property of the sponsoring body.

He continues,

Since the institution and the sponsoring body are two separate and distinct entities, the question arises as to what makes the institution Catholic? The answer to this question lies in the influence over the institution exercised by the sponsoring body. The structure of American corporations provides four vehicles for directing and effectuating this influence: (1) the charter and by-laws; (2) the board of trustees; (3) the administration; and (4) the staff of the corporation.16

I, for one, have serious reservations about some of Monsignor McGrath's conclusions as stated above. This excellent work gives promise of clearing away a great deal of underbrush from the question of Catholic colleges and universities and their church-relatedness. However, there remains a great deal to be said by

16Monsignor John J. McGrath, Catholic Institutions in the United States: Canonical and Civil Law Status, (The Catholic University of America Press, Washington, D.C., 1968), pp. 32-33. [The emphases are the writer's, not those of Monsignor McGrath.]

institutional church. Colleges and universities operated by religious orders do not. The simple exception is the Catholic University of America. This institution receives proceeds from a yearly collection taken at Sunday Mass across the nation—November 30, was the day for that collection this year, 1969.
Catholic educators and their religious orders on this subject. There can be no question that what Monsignor McGrath has described is in process in much of Catholic higher education today. His treatise is a road map for many Catholic colleges and universities.

The thesis of this paper is that those colleges and universities opting along lines described in Monsignor McGrath's book are public-private institutions. They are public in their charters . . . goals . . . purposes . . . governance . . . in their recruitment of faculty . . . students . . . administrators . . . and in their requests for support. These requests are based upon their service to society. Institutions that clearly state their governance and institutional policy in this manner leave those who would appeal to the First Amendment or the Maryland Case with no argument. These institutions are not “church-related.” I agree with Dr. Cox and with the policy made by such great Catholic educators as Father Reinert, Father Hesburgh, Father McLaughlin, and Mrs. Jacqueline Grennan Wexler. They, like Monsignor McGrath, have led the way with courage and determination. However, their boards of trustees, i.e., their religious superiors and their orders have been the “responsible enablers.” The position they have taken that their institutions are “public trusts” and not “owned and controlled” speaks volumes about religious detachment in the secular* affairs.

Let me conclude by saying that these educators, their religious orders, and their institutions are answering the greatest need of American higher education. Their response to the demands of service to the people of their country, as well as to their chosen profession as educators, is in the best tradition of the Church in the United States. Charles F. Donovan, S.J., Academic Vice-President of Boston College, said in 1963, “The history of American higher education is a sad story of loss of faith by religious institutions.” 17 I disagree!

*A personal note: My closest, most personal spiritual counsellors and friends, as I grew up in the parochial school system, were secular priests. The word secular never held any but positive meaning for me.

I read this history in a different way . . . Another educator, Ladislas M. Orsy, S.J., chairman of the Theology Department at Fordham University, says it eloquently, "... can a university be Catholic? If the question means: can the university receive the gift of faith, hope and love? the answer is no. Only persons can receive the gift of the theological virtues. If the question means: is the community of the university assisted by the Holy Spirit, the answer is negative again. Such assistance is guaranteed to the Church only. For these reasons, theologically and logically it is no more possible to speak about a Catholic university than about a Catholic state."18