

The Catholic School According to the Code of Canon Law

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For close to three decades, his Eminence Zenon Cardinal Grocholewski, worked at the Supreme Tribunal of the Apostolic Signatura as notary, chancellor, secretary and prefect. A professor, scholar, and canonist of exceptional ability, he is considered one of the world's most prominent experts on the Code of Canon Law. In light of his competence and experience, The Servant of God Pope John Paul II, appointed his Eminence as Prefect of the Dicastery for Catholic Education in 1999. This rare combination and manifestation of intellect, expertise, and dedication is witnessed in the oration presented for publication, The Catholic School According to the Code of Canon Law delivered by His Eminence, as Prefect of the Congregation of Catholic Education on May 28, 2008 at Fordham University, New York. [Prelude by Gerald M. Cattaro, professor and executive director of the Catholic School Leadership program at Fordham University, Graduate School of Education]

Introduction

I feel truly honoured to receive an Honorary Doctorate of Humane Letters from the prestigious Fordham University: the Jesuit University of New York. Saint Ignatius of Loyola—with his life of holiness, his love for the Church, his impressive obedience to the Successor of Peter, and his consequent fruitful apostolate—bequeathed to the Religious Institute he founded a shining and demanding message, which, if actualized faithfully, bears much fruit. From the first time I arrived in Rome, I have been continuously united with the Society of Jesus: first, as a student at the Pontifical Gregorian University; then, as a teacher at the same Centre of Studies; and, finally, as its Grand Chancellor. In that alma mater, so dear to me, I have known outstanding people, who have helped me to love the Church and to serve her with love. These are the values of great apostolic dynamism, which make me happy to receive an honorary doctorate from this Fordham University of the Jesuits.

My joy is motivated, too, by the fact that this Centre of Studies—in conferring an honorary doctorate on the Prefect of the Dicastery of the Roman Curia that expresses the solicitude of the Roman Pontiff for the promotion of Catholic education throughout the world, and indeed acts “in his name and by his authority”¹—clearly demonstrates that it shares the concerns of the Roman Pontiff in the field of education and that it wants to realize its mission in accordance with the abundant Magisterium of the Church in the matter.

I sincerely thank all those who have contributed to granting me such an honour, and therefore especially the promoters of the initiative, the School of Education, the President, and the Board of Trustees of this university.

I am grateful for the kind words that have been said about me. I feel honoured by the presence of so many eminent persons.

May the Lord bless this university—which, from this moment, is also my alma mater—so that it may grow and, with its creative contribution of thought and action, may enrich the Church, the United States of America, and the whole world.

May He bless all those who, in this circumstance, have shown me friendship.

Since this year we celebrate the 25th anniversary of the Code of Canon Law, promulgated in 1983, I should like today to present a reflection on the principles of this Code concerning education, limiting myself, however, for reasons of time, to the question of Catholic schools.

First of all, I should mention that the current Code of Canon Law faithfully reflects the teaching of the Second Vatican Council and, in the matter to which we now refer, particularly the Declaration on Christian Education *Gravissimum educationis* (28 October 1965), to the point where Pope John Paul II could indicate the Code as the “final document of the Council,”² which “crowns the work of the Second Vatican Council”;³ as a document to be placed

1 Code of Canon Law, can. 360. Cf. also SECOND VATICAN COUNCIL, Decree *Christus Dominus* (28 October 1965), 9; JOHN PAUL II, Apostolic Constitution *Pastor bonus* (28 June 1988), art. 1 and the introduction, nn. 7-12.

2 “It is the Code of the Council and, in this sense, it is the ‘last document of the Council’, which undoubtedly will constitute its force and its value, its unity and its radiant quality” (JOHN PAUL II, Speech to the participants in the Course on the New Code held by the Pontifical Gregorian University, 21 November 1983, n. 2 (unofficial translation). On another occasion, the Pontiff said, “Last document of the Council, the Code will be the first to insert the whole Council into the whole of life” (Id., Speech to the participants in a Course on the New Code of Canon Law, 9 December 1983, n. 3 (unofficial translation).

3 JOHN PAUL II, Speech to the participants in a Course on the New Code of Canon Law, 9 December 1983, n. 1 (unofficial translation).

“next to the Book containing the Acts of the Council,”⁴ observing that “what constitutes the substantial ‘novelty’ of the Second Vatican Council...constitutes likewise the ‘novelty’ of the new Code”⁵ and exclaiming, “*Studium Codicis, Schola Concilii*.”⁶ We should not marvel, therefore, that among the sources (“*fontes*”) of the current Code, the documents of the Council are frequently cited.⁷

The precepts of the Code of Canon Law concerning our subject, which are presented in a few short canons, could be illustrated, over and above the documents of the Council, by the abundant Magisterium of the Church, too. However, in this brief speech, I shall only be able to take this Magisterium into partial consideration.

The Catholic School

The Code, in canon 803 § 1, determines that we deal with the Catholic school in three cases: (a) when it is directed by “a competent ecclesiastical authority,” for example, by the bishop or the pastor; (b) when it is directed by “a public ecclesiastical juridic person,”⁸ for example, by a religious order; and (c) when it is directed by other persons, but has been recognized as Catholic by an “ecclesiastical authority...through a written document.”

Regarding this third case, the same canon, at § 3, establishes that, “even if it is in fact Catholic, no school is to bear the name Catholic school without the consent of competent ecclesiastical authority.”

4 JOHN PAUL II, Speech for the official presentation of the new Code of Canon Law, 3 February 1983, n. 9c (unofficial translation). In the same speech, the Holy Father added, “But above and before these two Books, we must place, as the summit of eminent transcendence, the eternal Book of the Word of God, whose centre and heart is the Gospel. In conclusion, I should like to sketch for you, as an indication and reminder, like an ideal triangle: at the top, there is Holy Scripture; on one side, the Acts of the Second Vatican Council; and on the other, the new Code of Canon Law. And to move upwards in an orderly manner, coherently from these two Books, produced by the Church of the twentieth century, up to that supreme and indeclinable summit, one will have to pass along the sides of such a triangle, without neglecting or omitting anything, respecting the necessary things to be remembered: the entire Magisterium—I mean to say—of the preceding Ecumenical Councils as well as (omitting, naturally, norms that have fallen into desuetude or have been abrogated) that patrimony of juridical wisdom which pertains to the Church” (unofficial translation).

5 JOHN PAUL II, Apostolic Constitution *Sacrae disciplinae leges*, 25 January 1983, in AAS 75 (1983), pars II, pp. VII-XIV: XII.

6 JOHN PAUL II, Speech to the participants in the Course on the New Code, 21 November 1983, n. 2.

7 Cf. PONTIFICIA COMMISSIO CODICI IURIS CANONICI AUTHENTICE INTERPRETANDO, *Codex Iuris Canonici fontium annotatione et indice analytico-alphabetico auctus*, Libreria Editrice Vaticana 1989.

8 The Code distinguishes between *public* juridic persons and *private* juridic persons. “Public juridic persons [...] are constituted by competent ecclesiastical authority so that, within the purposes set out for them, they fulfill in the name of the Church, according to the norm of the prescripts of the law, the proper function entrusted to them in view of the public good; other juridic persons are private (can. 116 § 1). “Public juridic persons are given this personality either by the law itself or by a special decree of competent authority expressly granting it” (§ 2).

I should like to note that religious institutes too, which are public ecclesiastical persons (I am referring to the second case), need the consent of the diocesan bishop to found a school (can. 801); however, in such a case, the consent regards only the possibility of having a school, and not that it be Catholic. In fact, a school, if directed by a public ecclesiastical juridic person, can only be Catholic. Public juridic persons, according to the norm of can. 116 § 1, fulfil their mission “in the name of the Church”: therefore, all the activities they carry out have to have such a dimension.

It cannot escape notice that these determinations, by their very nature, refer to every type of Catholic school; therefore, with reference to Catholic universities and other Catholic institutions of higher studies, they have rightly been echoed in article 3 of the Apostolic Constitution *Ex Corde Ecclesiae* (15 August 1990).⁹

The Result of Two Interlocking Requirements

In the Code of Canon Law, the Catholic school appears as the result of two interlocking requirements—that is, of two sets of rights and duties that come together: (a) *on the part of parents*, their right and obligation to give a Catholic education to their children; and (b) *on the part of the Church*, her right and obligation to offer parents the help needed to carry out this task of theirs.

Right and Duty of Parents

Regarding the first requirement, *Gravissimum educationis* remarks that, “since parents have given children their life, they are bound by the most serious obligation to educate their offspring and therefore must be recognized as the primary and principal educators. This role in education is so important that only with difficulty can it be supplied where it is lacking. Parents are the ones who must create a family atmosphere animated by love and respect for God and man, in which the well-rounded personal and social education of children is fostered. Hence the family is the first school of the social virtues that every society needs” (n. 3).

9 “§ 1. A Catholic University may be established or approved by the Holy See, by an Episcopal Conference or another Assembly of Catholic Hierarchy, or by a diocesan Bishop. § 2. With the consent of the diocesan Bishop, a Catholic University may also be established by a Religious Institute or other public juridical person. § 3. A Catholic University may also be established by other ecclesiastical or lay persons; such a University may refer to itself as a Catholic University only with the consent of the competent ecclesiastical Authority, in accordance with the conditions upon which both parties shall agree. (Note: Both the establishment of such a university and the conditions by which it may refer to itself as a Catholic University are to be in accordance with the prescriptions issued by the Holy See, Episcopal Conference, or other Assembly of Catholic Hierarchy.)”

In harmony with these remarks, the Code of Canon Law, treating of the obligations and rights of the lay faithful, prescribes: “Since they have given life to their children, parents have a most grave obligation and possess the right to educate them. Therefore, it is for Christian parents particularly to take care of the Christian education of their children according to the doctrine handed on by the Church” (can. 226 § 2). This obligation is reiterated in different points of the Code, when it treats of catechetical instruction (can. 774 § 2), the Catholic school (can. 793 § 1), and of the effects of marriage (can. 1136).

The Apostolic Exhortation of John Paul II *Familiaris consortio* (22 November 1981) qualifies this right/duty of parents to educate their children as follows: “The right and duty...

- is *essential*, since it is connected with the transmission of human life;
- it is *original*
- and *primary* with regard to the educational role of others, on account of the uniqueness of the loving relationship between parents and children;
- and it is *irreplaceable*
- and *inalienable*, and therefore incapable of being entirely delegated to others or usurped by others” (n. 36b).

It is obvious that parents, by themselves, are unable to fulfil this duty of theirs, and that therefore they need help. Such help must be given both by the State and by the Church.

Considering the need for such help, the Code of Canon Law underlines: “Catholic parents also have the duty and right of choosing those means and institutions through which they can provide more suitably for the Catholic education of their children, according to local circumstances” (can. 793 § 1).

Among these means, the Code establishes that “the Christian faithful are to hold schools in esteem,” affirming that “schools are the principal assistance to parents in fulfilling the function of education” (can. 796 § 1).

The clear precept of canon 798 is a logical consequence of these principles: “parents are to entrust their children to those schools which provide a Catholic education.” They can legitimately refrain from doing so only “if they are unable to do this”; but in that case, “they are obliged to take care that suitable Catholic education is provided for their children outside the schools.”

In this context, it is necessary to bear in mind—as John Paul II’s *Letter to Families* (2 February 1994) reminds us—that the help that the school offers parents in their serious mission of education “must always be carried out in accordance with a proper application of the *principle of subsidiarity*.” This

principle “implies the legitimacy and indeed the need of giving assistance to the parents, but [on the other hand] finds its intrinsic and absolute limit in their prevailing right and their actual capabilities” (n. 16c).

The *Letter* presents the question in a way that is most beautiful and, at the same time, perceptive, when it affirms that, “subsidiarity thus complements paternal and maternal love and confirms its fundamental nature, inasmuch as all other participants in the process of education are only able to carry out their responsibilities *in the name of the parents, with their consent* and, to a certain degree, *with their authorization*” (ivi).

Therefore, it is logical that the Code should require that “parents must cooperate closely with the teachers of the schools to which they entrust their children to be educated; moreover, teachers, in fulfilling their duty, are to collaborate very closely with parents” (can. 796 § 2).

Right and Duty of the Church

As regards the second interlocking requirement, of which the Catholic school is a result—that is, the right and duty of the Church to offer parents help in carrying out their task of Catholic education—the teaching of the Magisterium is very clear and is easily seen, too, in the canons of the Code of Canon Law (cf. can. 747 ff.).

The fundamental task of the Church is to preach the Gospel to all nations: to enrich all people with the light of the Good News, which, by its essence, is aimed at transforming the human person and setting him or her on the path that leads to salvation. Just like all other documents of the Church, the Code treats Catholic schools precisely within this perspective of evangelization. In fact, schools are dealt with in Book III of the Code, dedicated to the “Church’s teaching office.”

Therefore, can. 794, in § 1, underlines: “The duty and right of educating belongs in a special way to the Church, to which has been divinely entrusted the mission of assisting persons so that they are able to reach the fullness of the Christian life.” In § 2, then, the text adds: “Pastors of souls have the duty of arranging everything so that all the faithful have a Catholic education.”

In the context of this task entrusted to her by Christ, the Church defends her right “to establish and direct schools of any discipline, type, and level” (can. 800 § 1).

We should not be surprised, therefore, that the Code of Canon Law:

- imposes on the *diocesan bishop* the following duty: “If schools which offer an education imbued with a Christian spirit are not available, it is for the

diocesan bishop to take care that they are established” (can. 802 § 1). The Code adds that “where it is expedient, the diocesan bishop is to make provision for the establishment of professional schools, technical schools, and other schools required by special needs” (§ 2)¹⁰;

- the Code also urges *religious institutes* “whose proper mission is education” that “retaining their mission faithfully,” they “are also to strive to devote themselves to Catholic education through their schools, established with the consent of the diocesan bishop” (can. 801);
- lastly, the canons encourage *all the faithful* “to foster Catholic schools, assisting in their establishment and maintenance according to their means” (can. 800 § 2), as well as to work so that civil society recognizes the freedom of Catholics to found such schools (cf. can. 797). And we are not dealing only with founding and supporting such schools. *Gravissimum educationis* adds: “This Sacred Council of the Church earnestly entreats pastors and all the faithful to spare no sacrifice in helping Catholic schools fulfil their function in a continually more perfect way” (n. 9c).

The *munus docendi*, that is to say, the task of teaching in the Church, belongs—as the Second Vatican Council reminded us—to the bishops who are in union with the Successor of Peter, inasmuch as they “are authentic teachers, that is, teachers endowed with the authority of Christ.”¹¹ The Code, following the Council, clearly highlights the role of the Magisterium of the Roman Pontiff and the bishops, as well as the relative obligations of the faithful.¹² The co-workers of the bishops in the episcopal order are the priests, who, together with their bishop, constitute a single presbyterate.¹³

10 This norm reflects the prescript of the Council’s Declaration *Gravissimum educationis*: “Attention should be paid to the needs of today in establishing and directing Catholic schools. Therefore, though primary and secondary schools, the foundation of education, must still be fostered, great importance is to be attached to those which are required in a particular way by contemporary conditions, such as: professional and technical schools, centers for educating adults and promoting social welfare, or for the retarded in need of special care, and also schools for preparing teachers for religious instruction and other types of education” (n. 9b). I think that today it is extremely important to prepare Catholics to work in the media.

11 SECOND VATICAN COUNCIL, Dogmatic Constitution *Lumen gentium*, n. 25a.

12 Cf. canons 747-755. I consider it opportune to cite here at least canons 753-754, which are particularly important in view of what we are considering. Can. 753: “Although the bishops who are in communion with the head and members of the college, whether individually or joined together in conferences of bishops or in particular councils, do not possess infallibility in teaching, they are authentic teachers and instructors of the faith for the Christian faithful entrusted to their care; the Christian faithful are bound to adhere with religious submission of mind to the authentic Magisterium of their bishops.” Can. 754: “All the Christian faithful are obliged to observe the constitutions and decrees which the legitimate authority of the Church issues in order to propose doctrine and to proscribe erroneous opinions, particularly those which the Roman Pontiff or the college of bishops puts forth.”

13 Cf. *Lumen gentium*, n. 28.

Consequently, there needs to be a close link, as well as a harmonious and intense collaboration, between the Catholic school and the ecclesiastical authority.

Gravissimum educationis describes, in the following way, the specific character of the Catholic school: “No less than other schools does the Catholic school pursue cultural goals and the human formation of youth. But its proper function is to create for the school community a special atmosphere animated by the Gospel spirit of freedom and charity, to help youth grow according to the new creatures they were made through baptism as they develop their own personalities, and finally to order the whole of human culture to the news of salvation so that the knowledge the students gradually acquire of the world, life, and man is illumined by faith” (n. 8a). With regard to this description of the school’s proper character, the Council adds: “So indeed the Catholic school, while it is open, as it must be, to the situation of the contemporary world, leads its students to promote efficaciously the good of the earthly city and also prepares them for service in the spread of the Kingdom of God, so that by leading an exemplary apostolic life they become, as it were, a saving leaven in the human community” (ivi).

In this description, we see how the Catholic school is inserted into the work of evangelization, and has certain tasks that, by their nature, must be carried out under the guidance of the Church’s pastors. Therefore, the Directory for the Pastoral Ministry of Bishops *Apostolorum Successores* (22 February 2004), published by the Congregation for Bishops, justifies the need for the school to “operate in complete harmony with the pastors” by the fact that it “has received a *mandate from the Hierarchy*” (n. 133a).

Therefore, the Code of Canon Law, on the one hand, prescribes that, “the instruction and education in a Catholic school must be grounded in the principles of Catholic doctrine; [and] teachers are to be outstanding in correct doctrine and integrity of life” (can. 803 § 2). On the other hand, it underlines the duties of the bishop toward Catholic schools, specifying: “The diocesan bishop has the right to watch over and visit the Catholic schools in his territory, even those which members of religious institutes have founded or direct. He also issues prescripts which pertain to the general regulation of Catholic schools; these prescripts are valid also for schools which these religious direct, without prejudice, however, to their autonomy regarding the internal direction of their schools” (can. 806 § 1; cf. also § 2). The aim of these prescripts and visitations by the bishop regarding Catholic schools is “so that

their apostolic spirit may grow and the work of teaching may take its proper place within the overall pastoral activity of the diocese.¹⁴

As an aside, I should like to note that what I have said regarding the characteristic marks of Catholic schools also goes for those schools attended by non-Catholics, even by a majority of non-Catholics. In fact, a non-Catholic who freely enrolls his or her children in a Catholic school cannot claim that the school, for that reason, should change its identity or cease to be Catholic; just as a Catholic who enrolls his or her children in a Buddhist school cannot claim that that school should cease to propagate Buddhism. If, having the possibility of choosing, parents send their children to a Catholic school, they obviously must accept its specific identity and its educational plan.

Evidently, a Catholic school, in accepting non-Catholics, must respect their freedom of religion and of conscience. It cannot impose the Catholic faith on anybody. Expounding and proposing, in fact, do not mean imposing. And the Catholic school, by its very nature, being part of the work of evangelization, cannot forgo expounding and proposing the Good News, and cannot forgo forming its students in the light of that same Good News.¹⁵

Responsibility of the Catholic School

The requirements that I have described, which derive from the rights/duties both of parents and of the Church, highlight the great mission and, at the same time, the responsibility of the Catholic school. It must give an integral education of the human person, in which religious formation must fulfil a role of primary importance. In fact, such religious formation enriches all other dimensions of education, too: not only the human and intellectual dimensions, but also the professional dimension, inasmuch as it helps prepare persons to be responsible in the future exercise of their learned profession—persons, that is, who seek and know how to use what they have learned not for ill or only to earn money, but for the true good of society.

If Catholic parents, concerned for the religious education of their children, entrust them to a Catholic school, the school must not disappoint them. Just as, on the other side, the school must not disappoint the Church, which entrusts it with such an important mission.

I should like to cite here the remark that Pope John Paul II made in his Apostolic Exhortation *Catechesi tradendae* (16 October 1979): the Catholic school “would no longer deserve this title if, no matter how much it shone

14 CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops *Apostolorum Successores*, 22 February 2004, n. 133a.

15 Cf. CONGREGATION FOR CATHOLIC EDUCATION, *The Religious Dimension of Education in a Catholic School*, 7 April 1988, n. 6.

for its high level of teaching in non-religious matters, there were justification for reproaching it for negligence or deviation in strictly religious education” (n. 69a). At the same time, the Pontiff noted: “The special character of the Catholic school, the underlying reason for it, the reason why Catholic parents should prefer it, is precisely the quality of the religious instruction integrated into the education of the pupils. While Catholic establishments should respect freedom of conscience, that is to say, avoid burdening consciences from without by exerting physical or moral pressure, especially in the case of the religious activity of adolescents, they still have a grave duty to offer a religious training suited to the often widely varying religious situations of the pupils” (ibid.).

Pope Benedict XVI underlined the same, in his speech to Catholic educators at the Catholic University of America, Washington, DC, on 17 April of this year (2008), when he said: “First and foremost every Catholic educational institution is a place to encounter the living God who in Jesus Christ reveals his transforming love and truth.” The Pontiff highlighted how this personal *encounter* with Christ in Catholic educational institutions must be followed by *knowledge* and *witness* (par. 2-3).

Catholic School—The Ideal Place to Realize These Two Requirements

I would like to observe that the true reason for which the Catholic school appears as an ideal place to realize the aforementioned two interlocking requirements has been shrewdly indicated in can. 795: “Since true education must strive for complete formation of the human person that looks to his or her final end as well as to the common good of societies, children and youth are to be nurtured in such a way that they are able to develop their physical, moral, and intellectual talents harmoniously, acquire a more perfect sense of responsibility and right use of freedom, and are formed to participate actively in social life.” In other words, religious education must be inserted and organically harmonized with the whole of education. The Catholic school, by its nature, can and must guarantee such a harmonious and integral Catholic education.

This dimension of an integral education on the part of the Catholic school has been heavily emphasized by the *Directory for the Pastoral Ministry of Bishops*, published by the Congregation for Bishops in 2004: “The Catholic school occupies an important place in the Church’s saving mission, since it offers a complete personal formation, educating students in the fullness of the faith and in a true Christian spirit... The Catholic identity of the school leads to the promotion of the *whole human person*, because it is in Christ, the perfect man, that all human values find their fullest realization and therefore

their unity. For this reason, the Catholic school should strive to achieve a synthesis between culture and faith, and between faith and life, by integrating the content of different areas of human knowledge in the light of the Gospel message, and by developing those virtues which characterize the honest citizen and the good Christian.”¹⁶

It is useful to note that this *Directory*, while bearing in mind the need for teachers to co-operate with parents in carrying out the same educational plan, insists that the Catholic school take care “to provide the means of Christian formation not only for the benefit of the students, but for *parents, teachers and staff* as well.”¹⁷

Scholastic Freedom

Bearing in mind the principle of subsidiarity, the Code of Canon Law defends the right of parents “to that assistance, to be furnished by civil society, which they need to secure the Catholic education of their children” (can. 793 § 2).

There are two forms that such assistance takes:

The first form regards *religious formation in all schools*. Can. 799 prescribes the following: “The Christian faithful are to strive so that in civil society the laws which regulate the formation of youth also provide for their religious and moral education in the schools themselves, according to the conscience of the parents.” At the same time, the Code notes in this regard that, “the Catholic religious instruction and education which are imparted in any schools whatsoever” are subject “to the authority of the Church” (can. 804 § 1):¹⁸ only the Church, in fact, is competent to declare what is the doctrine of the Church (cf. above II, 2, b).

The second form, on the other hand, concerns the *freedom to found schools of one’s own*. Can. 800 § 1, as I have mentioned, defends the right of the Church “to establish and direct schools of any discipline, type, and level.” Can. 797 adds: “Parents must possess a true freedom in choosing schools; therefore, the Christian faithful must be concerned that civil society

16 CONGREGATION FOR BISHOPS, *Directory for the Pastoral Ministry of Bishops Apostolorum Successores*, 22 February 2004, n. 133a and c.

17 *Ibid.*, n. 133d.

18 It is worth bearing in mind the entire text of canons 804-805: Can. 804 § 1: “The Catholic religious instruction and education which are imparted in any schools whatsoever or are provided through the various instruments of social communication are subject to the authority of the Church. It is for the conference of bishops to issue general norms about this field of action and for the diocesan bishop to regulate and watch over it.”

§ 2: “The local ordinary is to be concerned that those who are designated teachers of religious instruction in schools, even in non-Catholic ones, are outstanding in correct doctrine, the witness of a Christian life, and teaching skill.”

Can. 805: “For his own diocese, the local ordinary has the right to appoint or approve teachers of religion and even to remove them or demand that they be removed if a reason of religion or morals requires it.”

recognizes this freedom for parents and even supports it with subsidies; distributive justice is to be observed.”

I should like to pause for a moment to reflect on this second form of assistance, which does not yet find its full application in the United States of America, thus sometimes leading to the closure of Catholic centres of education, which are otherwise very valuable not only for the Church but also for the nation.¹⁹ Can. 797 does not only speak of the possibility of founding one’s own schools, which is certainly guaranteed in your noble country; it also speaks of the need for civil society to recognize “true freedom” in choosing, with the observance of distributive justice and the support of subsidies. In fact, one cannot speak of “true freedom in choosing” if a determined choice is connected with a further financial burden, that is, is made impossible or burdensome to those less well off.

This claim for “true freedom in choosing” has clearly not been invented by the Code of Canon Law; but the words of can. 797 that I have cited reflect the teaching of the Second Vatican Council, which, in the Declaration on Religious Freedom *Dignitatis humanae* (7 December 1965) underlines: “Parents...have the right to determine, in accordance with their own religious beliefs, the kind of religious education that their children are to receive. Government, in consequence, must acknowledge the right of parents to make a genuinely free choice of schools and of other means of education, and the use of this freedom of choice is not to be made a reason for imposing unjust burdens on parents, whether directly or indirectly” (n. 5). This, furthermore, has been the constant teaching of the Church, and not only of the Church.

Conclusion

I am certain that Catholic schools, as well as institutions of higher studies—which, in the United States of America have a noble history and incontestable merits—in the future, too, will not disappoint Catholics, nor the Church, nor those who seek the truth, nor the nation. I pray the Lord that these schools will become ever more places of formation, first of all, of authentic Catholics with unshakeable faith, who can be courageous builders of a better world. I pray, too, that these schools may also help all other people to grow in the truth, in true freedom and in working for good. I am, in fact, convinced that the more our Catholic educational institutions will clearly conserve their own identity, the more their work will be fruitful and beneficial.

¹⁹ Benedict XVI, in his speech to Catholic educators at the Catholic University of America, Washington, DC, 17 April 2008, noted: “The Church’s primary mission of evangelization, in which educational institutions play a crucial role, is consonant with a nation’s fundamental aspiration to develop a society truly worthy of the human person’s dignity” (par. 11).