

## EDITORIAL

*What's Wrong With the Mandatum*

**I**t would be hard to overstate the importance of the debate that continues in American Catholic academia about the *mandatum*. It captures the top Catholic stories of the last decade in a single issue: The culture of dissent in many parts of the Church, the rejection of the Church's sexual teachings, and the consequences of that rejection that are seen so starkly in the sex-abuse cover-up crisis.

Starting in 1983, canon law required that a theologian teaching in a Catholic university receive a *mandatum* from the local bishop. When it became clear that Canon 812 was being overlooked by many dioceses, Pope John Paul II in 1990 brought it to the front of the debate again with the apostolic constitution for Catholic colleges and institutions, *Ex Corde Ecclesiae* (From the Heart of the Church). He called it a "magna carta" for Catholic universities.

It took U.S. bishops 11 more years to implement that "magna carta." Questions persist, however, about just whether the current U.S. version of the *mandatum* can be effective.

Canon 812 reads: "It is necessary that those who teach theological disciplines in any institute of higher studies have a *mandatum* from the competent ecclesiastical authority."

Neither canon law nor *Ex Corde Ecclesiae* provides a definition of what such a *mandatum* is, exactly. So the U.S. bishops defined it in their June 2001 guidelines — in a way that all but strips the *mandatum* of significant normative content.

Even the bishops' explanation of the *mandatum* seems to contradict the basic vocation of the Catholic theologian.

According to the Church's understanding, as elaborated in the Congregation for the Doctrine of the Faith's 1990 instruction "The Ecclesial Vocation of the Theologian," one who has become a Catholic theologian has "freely and knowingly accepted to teach *in the name of the Church*" (No. 38). This is why a *mandatum* from the appropriate bishop is required in the first place.

But according to the U.S. bishops' understanding of the *mandatum*, as explained in their June 2001 guidelines, "Theologians who have received a *mandatum* are not catechists; they teach *in their own name* in virtue of their baptism and their academic and professional competence, not in the name of the bishop or of the Church's magisterium." (Italics added.)

This notion that a theologian teaches in his own name reverses the Catholic understanding. That a theologian teaches in virtue of his baptism is used, strangely, to justify keeping the *mandatum* secret. Baptism is a public, ecclesial event, and there is no reason a theologian's vocation shouldn't also be public and ecclesial. Nevertheless, college presidents are claiming that there is an "agreement" with the bishops that the granting or withholding of the *mandatum* may remain secret.

The fact is that the norm of the *mandatum* as it stands is hollow: It is a norm with no visible or measurable normative effect on the renewal of the Catholic character of our colleges and universities.

As such, it is a monument to ingenuity, not authenticity. It is a canonical breakthrough, an entirely new entity in canon law: a norm devoid of normative consequences.

And it comes at a time when the grave danger of dissent from Catholic moral teaching is on display.

"The abuse of the young is a grave symptom of a crisis affecting not only the Church but society as a whole. It is a deep-seated crisis of sexual morality," said the Pope in April, addressing U.S. cardinals on the sex abuse cover-up crisis.

"People need to know that there is no place in the priesthood and religious life for those who would harm the young. They must know that bishops and priests are totally committed to the fullness of Catholic truth on matters of sexual morality," he added.

The Church no longer has the luxury to pretend that aberrant teachings are simply an exercise in esoterica.

Rather, we should be insisting that the living magisterium of the Church be brought to bear on our culture's pressing problems.

Think of what could happen if Catholic universities reconnected themselves with the living tradition of the Church. The bioethics errors that have led to a culture of death could be given a massive response from our universities, and more scientists could be brought to recognize the dignity of every person. The crisis of marriage and family could be overwhelmed by many universities thoughtfully developing and applying the Church's liberating teachings on sexuality. Social and political questions could be enlightened by the wisdom of the Church's social teaching.

If the *mandatum* were truly a *mandatum*, it could help the Church reach these noble goals. As it is, don't look to a norm that is not always required, may be kept secret, and has no penalties if ignored.