

FATHERS' RECREATION ROOM  
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PRIVATE ROOM

# Jesuit Educational Quarterly

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**JURIDICIAL SUBSTRUCTURES  
OF AMERICAN JESUIT EDUCATIONAL INSTITUTIONS**

**A SURVEY OF AMERICAN JESUIT PRIESTS**

**A SUGGESTION  
FOR THE ACADEMIC COUNSELING OF JESUITS**

**JESUIT INSTITUTIONS OF HIGHER EDUCATION  
IN LATIN AMERICA**

**THEOLOGY AND LITERATURE**

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**Volume 31, Number 2**

**October 1968**

**(FOR PRIVATE CIRCULATION)**

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THE JESUIT EDUCATIONAL QUARTERLY, published in June, October, January, and March by the Jesuit Educational Association, represents the Jesuit secondary schools, colleges, seminaries, and universities of the United States, and those conducted by American Jesuits in foreign lands.

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JESUIT EDUCATIONAL QUARTERLY

# Juridical Substructures of American Jesuit Educational Institutions

JOSEPH K. DRANE, S.J.

We can still conjure up a picture of the typical American Jesuit College as it looked before the rise of the accrediting associations around the year 1921. Under one and the same roof it housed the quarters of the religious community with refectory and chapel, the school facilities: the classrooms, library, gym, theater,—and sometimes even the living accommodations of the resident students. One roof sheltered Jesuit community life and apostolic work coordinated by the simple authority structure of the religious institute. Father Rector meted out his authority on a sliding scale suited to the capacity of his assistants. He appointed the temporal care of the community to his Father Minister, financial affairs to Father Procurator, and the conduct of the school to a Prefect of Studies. School administration was hardly other than a simple extension of the authority structure of the religious community to its *'familiares'*.

Later, strains appeared in the authority structure. As the school moved under separate cover, engaging significant numbers of lay teachers, the Jesuit institutions adapted much of their organizational and administrative patterns to what was praiseworthy in other private institutions. They also began to experience new conflicts of authority. Continuing growth increased the work loads, and occasioned experiments with the offices of Rector, President and Superior. By 1929 Jesuit delegates to the annual NCEA meeting were discussing with other Catholic educators a growing list of organizational problems.<sup>1</sup> Many of the Jesuit groups had long before acquired civil charters, presumably to gain status as civil entities before the law of the land. Officials of the religious community had become incorporators and trustees. Lay teachers began to work for the institutions under contracts that were potentially subject to civil adjudication. Some of our present problems were already in the making.

It is outside the scope of this paper further to detail the historical antecedents of our present problems of organization. Our present purposes are: I. to supply an introductory exposition of the notions

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<sup>1</sup> "Proceedings of Annual Meeting," *Bulletin of the National Catholic Education Association*, XXVI (November, 1929), 124 f.

that bear upon the relationships of school and religious community to the organized societies of both Church and State; II. to explain some of the larger issues that rise out of the relations between school and religious community; III. to offer suggestions about further examination of the issues.

## I. BASIC NOTIONS

### *Artificial Persons as Subjects of Rights*

The natural subject of rights and correlatively of obligations is the individual physical person. In the order of juridic entities the word 'person' means simply a 'subject of rights.' The natural person's basic human rights derive from his very humanity. His rights in any particular society stem from the manner in which he becomes a legitimate member of that society, from the process in which he becomes a citizen of a country, or from the Baptism by which he becomes a member of the Church.

To secure certain conveniences for society, jurists have conceived of another subject of rights, the artificial person, as contrasted with the natural. This device enables a group of people to act before the law like an individual subject of rights, and empowers this subject of rights to retain a continuing identity even as membership in the group changes. Generally the society which establishes them holds these artificial persons to be distinct subjects of rights, distinct from all physical persons. Some competent authority must endow them with existence, with rights and privileges required for functioning in the creating society. Competent authority endows them with their attributes, delimits their powers, and regulates their activities. Both Church and State employ such devices, the Church calling them 'moral persons,' and the State naming them 'corporations.' They are distinct artificial entities. No two of them are alike. They call for individual treatment if their actions come under scrutiny. Their existence is not *ipso facto* acknowledged outside the sphere of the society that creates them.

In our country Federal, State, county and municipal governments may establish corporations on behalf of citizen groups. Each jurisdiction regulates the status and activities of its corporations. Several jurisdictions may also reciprocate with mutual recognition of corporations, sometimes not without preferential status for the local corporation, or seeming discrimination against outside (v.g. out of state) corporations.

By definition, the corporation then is a subject of rights, distinct from all physical persons, receiving its being from civil government, and capable of acting before its law. Ecclesiastical society, the Church, defines its 'moral person' as 'a juridic entity constituted by an act of competent authority, existing independently of other persons and endowed with the capacity of exercising rights as well as contracting obligations, by the means and to the extent determined by competent authority.'<sup>2</sup>

### *Artificial Subjects of Rights in the Church: Collegiate and Non-collegiate Moral Persons*

In the Code of Canon Law the Church claims herself, and also the Apostolic See, to be 'moral persons' by divine institution. Besides these, the Code provides for the establishment of two kinds of subordinate moral persons in the Church. The collegiate moral person results from an association of physical persons. Dioceses, parishes and many other religious institutions receive the status of 'collegiate' moral persons.<sup>3</sup> The canons provide that religious orders, their provinces, and religious communities or houses may be constituted moral persons. Those moral persons which pertain to religious orders are, as provided by the Code, to be regulated according to the approved norms of their own constitutions.

An 'aggregation of specified goods or property' can be constituted in the Church as a subject of rights (e.g., seminaries, hospitals, churches, benefices).<sup>4</sup> Non-collegiate moral persons must be designated as such by competent ecclesiastical authority. The affairs of non-collegiate moral persons are to be administered by formally appointed administrators according to statutes regulating the administration of goods.<sup>5</sup> According to Father John J. McGrath, most seminaries have been canonically erected as non-collegiate moral persons. This same canonist claims that among the American higher institutions of learning other than seminaries, only Catholic University and Niagara University have been accorded the status of non-collegiate moral persons.

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<sup>2</sup> Abbo, John A. and Hannan, Jerome D., *The Sacred Canons*. St. Louis, Mo., B. Herder Book Company, 1952, Vol. I, p. 144.

<sup>3</sup> *Codex Juris Canonici*, cn. 99.

<sup>4</sup> Abbo and Hannan, Vol. I, p. 144.

<sup>5</sup> CJC, Cn. 101, #2.

Abbo and Hannan, Vol. I, p. 149.

See also McGrath, John J., *Catholic Institutions in the United States: Canonical and Civil Law Status*. Washington, D. C., The Catholic University of America Press, 1968, pp. 13 and 14.

Thus, the rights which these distinct and individualized 'moral persons' possess are rights defined and limited by ecclesiastical authority as expressed in the Code, in the constitutions of religious institutes, and in the decrees of competent ecclesiastical authority.

Whatever the divinely constituted status of the Church and the Apostolic See vis-a-vis American government, the subordinate 'moral persons' in the Church do not have *ipso facto* recognition as corporations before American law.

To become a 'subject of rights' in American law and gain the advantages of existence in the eyes of civil law, the 'moral person' must also become a corporation. It must become a dual personality, exercising rights granted by both societies, but not without undertaking the correlative obligations imposed in each society.<sup>6</sup>

### *Ownership*

At this point it will be useful to consider the notion of ownership. The state extends ownership rights to corporations and the Church to 'moral persons.' Ownership is a right over the control of an object. If this right were unbounded it would be an exclusive right to possession, use and disposal of the object. But ownership must always be exercised in an environment of order which prescribes limits upon what an owner can do with his possessions. The owner may contract obligations which yield to another a degree of possession or use in disposal of his parcel of goods. One man may receive possession of funds under an obligation to use them for the benefit of another individual or a group of persons. These then have a beneficiary interest in goods or properties without title actually to gain possession of the goods. The complexities which may ensue frequently call for adjudication by competent authority.

### *Ownership by Moral Persons in Church Law*

The Code of Canon Law affirms the right of the Church and the Apostolic See, without restriction and independent of the civil authority, to acquire, own, and administer temporal property in the prosecution of the ends for which they were established.<sup>7</sup> In

6 Abbo and Hannon, Vol. I, p. 146: "Subordinate ecclesiastical moral persons may, however, and ordinarily should avail themselves of the incorporation laws of the respective states and thereby obtain juridic personality recognized by them."

7 CJC, Cn. 1495 and see Abbo and Hannon, Vol. II, pp. 704 ff.



accordance with the norms of the Sacred Canons, the right of acquiring, owning, and administering property belongs also to individual persons by ecclesiastical authority. Some canonists express the opinion that these provisions are more or less in conformity with the view of St. Thomas Aquinas to the effect that all ecclesiastical property belongs to the Supreme Pontiff only as the principal dispenser, but not as the owner or possessor. Temporal property, both immovable and movable corporeal property and incorporeal property, which belongs either to the universal Church and the Apostolic See or to some other moral person in the Church, is 'ecclesiastical property.' Moral persons in the Church may acquire property for their legitimate purposes by any legitimate means. The owner is that moral person which legitimately acquired the property, but of course the administration of the property is subject to regulation by duly constituted ecclesiastical authority. The transfer of ecclesiastical property even from one ecclesiastical moral person to another, i.e., alienation, may be completed only under the administrative guidance of properly constituted authority.

The Society of Jesus, its Provinces, and many of its Communities are duly constituted moral persons in the Church. Hence, by common law they can own temporal goods. But they must provide for the administration of their community property according to the limitations of its religious or charitable purposes and under the norms provided by the institute of the Society.

The ownership here in question is not that of the individual Jesuit. It is that of property owned by the religious community, the moral person, as a subject of rights distinct from any of our individual selves. Community ownership as well as that of the individual is subject to the limitations imposed by the Society's norms on poverty. And the Society provides regulations for the temporal administration of its community property.

#### *Ownership and Temporal Administration: Jesuit Norms*

The religious poverty of the Society is evangelical (guided by Gospel principles) and apostolic (applying our possessions to apostolic work).<sup>8</sup> All Jesuit houses (except 'dependent' houses) are capable of possessing property, distinct from the property of

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<sup>8</sup> The materials under the title "Ownership and Temporal Administration: Jesuit Norms" were taken from the following two documents: *Statutes on Poverty, S.J.*, Promulgated for Private Reference by Authority of the 31st General Congregation, S.J.,—September 15, 1967, Part III, pp. 15 and 19 and *An Instruction on Temporal Administration*, London, The Manresa Press, 1950, pp. 12, 62, 63, 64.

other Jesuit houses. What Jesuits acquire as alms, income, or remuneration for work done, they acquire for the Society, usually for the house to which they belong. Where Jesuits must make use of larger buildings, travel, or instruments for their work, these should really be, and as far as possible clearly appear to be, necessary instruments intended solely for the Jesuit apostolate.

Jesuit colleges for externs may have stable property and fixed revenues, and in fact may have, by endowment or through tuition charges, sufficient income to support as many scholastics as there are priests and scholastics serving the college.

The supreme power of administration in the Society, according to the Jesuit Constitutions, is exercised by Father General. Father Provincial acts for the Province as a deputy of the General, in some cases only with explicit approval. He has the immediate administration of the property belonging to the *Arcae* of the Province, and supervises the temporal administration of Local Superiors over their individual houses.<sup>9</sup> Thus the powers of temporal administration in the Society are graded in extent according to the rank of the Superior.

The Local Superior must superintend the temporal administration of the possessions of his house in exactly the same way as he superintends all other matters within his jurisdiction. Therefore he must give careful and particular instruction to officials, especially to the Minister and Procurator, as to the manner in which they are to fulfill their office, but in such a way that these officials have reasonable liberty in the actual execution of his directions.

Both Minister and Procurator must know from the Superior the exact limits of their jurisdiction in ordinary matters. In extraordinary cases they must first consult the Superior. In all acts of temporal administration of any moment, the Superior must use the advice of the Minister and Procurator.

Local Superiors then and their assistant officials are admonished constantly to bear in mind the following considerations: first, the nature of these possessions which are administered by them; they are the "special possessions of Our Lord, Jesus Christ and the patrimony of His poor;" they come under the heading of "ecclesiastical property," the preservation of which Canon Law protects with special precautions even with censures; and second, the title by which these possessions are committed to their care. They are

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<sup>9</sup> *An Instruction on Temporal Administration*, p. 76, No. 189 A.

to administer them "not as owners according to their own wishes, but as stewards" who are bound to act in accordance with the intentions of the owner.

What is suggested here is that if a religious community, as a subject of rights in the Church proposes an arrangement by which it can effectively posit legal actions in the civil sphere while retaining the integrity of its internal religious government, then the same persons who have charge of the local temporal administration of the community should be the officials of its civil corporation. If the civil law will allow this, such a civil corporation would best accommodate to the internal government of the Society.

### *Artificial Subjects of Rights in American Bodies of Law: Corporations and Corporate Ownership in American Law*

Even though in the past as at present canonists have recommended civil incorporation of subordinate ecclesiastical moral persons, a precautionary note is in order here. Fundamental to the understanding of corporations in American law is that, however much they display individualizing features, civil legislation tends to classify them, and in turn to regulate them according to classification. But from state to state classification and regulation of corporations is not uniform. From time to time legislation may modify the powers and privileges of one class of corporation in one way and other classes of corporation in other ways. Doubts about what a particular corporation can or cannot do, or about how the corporation's managers must proceed call for expert legal counsel, and sometimes for court decisions. The measure of the powers and duties of any corporation must be determined by legal experts only with constant reference to State statutory and decisional law as that law itself develops. H. L. Oleck puts it this way:

"Statutory classification . . . have a directly important result. Once a given organization has been classified . . . it automatically falls under the particular statute or group of statutes governing that class of organization. The classification of an organization determines also how it must be operated, or dissolved, and what supervision it may expect from the public authorities."<sup>10</sup>

A. *Corporations for Profit.* American bodies of law provide the opportunity for several individuals, or a group of persons, to pool

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<sup>10</sup> Oleck, Howard L., *Non-Profit Corporations, Organizations, and Associations*. Englewood Cliffs, N.J., Prentice Hall, Inc., pp. 11 and 12.

their holdings for common business purposes. If by this shared use of their holdings the group benefits, the profits may be shared. If losses are incurred, the losses must be shared. To give continuity to such organizations against changes in its membership and the consequent redrafting of articles of agreement for every change in membership, jurists have employed the artificial person device, attributing to this new judicial entity the capacity of acting as a single person through its designated officers and agents. Through them the entity may take and hold property, make contracts in its own name, sue and be sued. This is the business-for-profit corporation. Ownership title to its holdings is vested in the corporation itself. Its profits are shared proportionately with the stock held by individual members. The stockholders have an interest in the profits, and upon dissolution or liquidation, in the distribution of its assets after liabilities have been met.

B. *Non-Profit Corporations*. A separate classification and differing legislation provide, in the several states, for the regulation of corporations *not conducted for the profit of the individual members or officers*. Non-profit corporations may underlie organizations that are merely social, or recreational. The membership of a Yacht Club may incorporate their project not for financial gain distributable to members but for the convenience of operating their project to provide better yachting for the membership.

1. *Non-Profit Religious Corporations*. Many Jesuits have in the past referred to incorporation as a mere matter of setting up a front to act before civil law for some project of the Society or for one of its communities. Some jurisdictions provide for such a corporation:

“Religious corporations include not only churches, but corporations created for religious purposes . . .

“Insofar as religious matters are concerned, the ecclesiastical supervisors and tenets govern such organizations. In other respects statute law and general law govern them. Special provisions for each of the various denominations (as to incorporation and management) are found in some states. Management is by trustees (with specially limited powers).”<sup>11</sup>

2. *Charitable Corporations*. Non-profit corporations may also be ‘charitable’,—and here the term charitable has a technical legal

<sup>11</sup> Oleck, pp. 558, 559. See also McGrath, p. 11.

meaning in American law. Charity is legally such, not when it is a dime given to an individual, but only when it is a gift intended for the public good, or for the good of a large segment of the public, an indefinite number of persons. Non-profit educational corporations fall into this class.

### *Ownership and the Charitable Corporation*

“The law” in the words of Father Joseph M. Snee, S.J., “looks with special favor upon charitable corporations. Because of their benefit to the public, they are given special privileges and exemptions. But they are also regarded as having definite purpose, they are also regarded as wards of the State, over whom, through its officers and courts, it exercises a special supervision as *parens patriae* to ensure that these purposes are fulfilled and that the powers of the corporation are not abused nor its funds misused.

“While a charitable corporation, such as a university or college, holds the legal title to its property, neither the corporation itself nor its directors are the equitable or beneficial owner. The property is held and must be used for the benefit of the public in accordance with the purposes stated in the corporate charter or articles of incorporation. The directors of the college corporation have the right to manage them so as to promote the purposes for which the corporation exists. The Board of Directors of the university may vote to sell a piece of property owned by the university, but they must devote the proceeds to university purposes. They may not divert its property or funds to any other purpose, however good in itself.”<sup>12</sup>

### *Charitable Corporations and their Boards of Control*

(1) Non-Membership Corporations. Jesuit institutions will be particularly interested in the structuring of control and management of educational corporations, since two types (at least) are represented among our Jesuit schools.

The more usual arrangement is that of total control by a single Board of Trustees which is self-perpetuating (elects the Board

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<sup>12</sup> Snee, S.J., Joseph M., *The Charitable Corporation in American Law*, Wernersville Proceedings, unpublished, March 10-12, 1967, p. 13.

members) and self-regulatory (writes and amends its by-laws). The Board operates within the limits of the corporation charter, or articles of incorporation, the by-laws, and applicable legislation. This arrangement does not make provision for corporation 'members.'

(2) Membership Corporations. Other charitable corporations have adopted the use of dual power control groups. These organizations provide for a 'membership in the corporation' and as distinct from the 'members' a Board of Directors (Trustees, Managers). The corporation members, successors by election to the original incorporators, reserve to themselves the power to elect (usually from outside their own group) the managing board. Likewise the corporation members reserve to themselves to establish and modify the by-laws that are binding upon the managing board.

The corporation members then turn over the management of corporation affairs to the Board of Directors. Obviously the powers of this Board of Directors are limited—in fact, sometimes beyond what is considered good practice.<sup>13</sup> Concurrence of the corporation members is sometimes required for certain actions of the managing board. In effect, the corporation members can reserve to themselves the legal title to the corporation possessions.

If the question of utilizing the expertise of lay personnel were to be considered in this connection in a Jesuit institution, it would seem that greater ownership control could be safeguarded to the Society through a corporation with exclusively Jesuit members and a Board of Directors to which the corporation members would elect lay persons. This arrangement, however, would not be without its disadvantages. For instance, if the Society were to continue imposing its norms for temporal administration, the Board of Directors would be faced with the delays which sometimes accompany the process of seeking permissions for extraordinary expenditures and for property transactions, and with the subjection to a too direct exercise of ecclesiastical authority.

## II. SOME BROADER ISSUES

### *The Question of Alienation*

It has been asserted that the American Jesuit educational institutions were not formally erected as non-collegiate moral persons in

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<sup>13</sup> For the disadvantages of control by a dual power group, see Oleck, pp. 348, 349.

the Church and therefore did not become 'ecclesiastical' property under this formality.<sup>14</sup> It might possibly be asked whether the historical position of the Society in respect to the erection of colleges with Jesuit constitutional norms for their administration by specified Superiors and officials might have sufficed, under church legislation prevailing at the time of establishment, to accord to their properties the status of non-collegiate moral persons.<sup>15</sup>

But the Jesuit *religious communities* do appear to have been established as *collegiate* moral persons in the Church, capable of owning and administering properties according to canonical norms and the particular law of the Society.<sup>16</sup> Such properties as they acquired for community life and for their educational apostolate would then under this title be 'ecclesiastical' goods.

In any case, the communities formed 'corporations' and vested in these entities the title to the properties of the religious community. They made no distinction, as far as we know, between goods acquired for the subsistence of the religious community and the properties acquired for their educational apostolate.

Did they then, in fact, with or without permission alienate ecclesiastical property? This would need to be verified in each individual case. Jesuit communities may have, at the time of civil incorporation, alienated ecclesiastical goods to the civil entities, even though by retaining Jesuits on the managing boards they maintained control over the administration of these goods.<sup>17</sup> Alienation, in the strict sense, is the juridical transfer, with or without compensation, of the ownership of property to another. The term is applied in a wider sense to the diminution of the Church's (even a subordinate moral person's) rights in a property. It is applicable even when both parties involved are ecclesiastical moral persons. The Code posits conditions under which the alienation of ecclesiastical goods can be licit and valid.<sup>18</sup> Our com-

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14 McGrath, p. 17.

15 McGrath, p. 16: "Not one writer offers an opinion as to what constitutes the formal decree necessary to establish those moral personalities not already established by the law itself. They simply adhere to the wording of the canons, and say that a formal decree which expressly, or at least equivalently, grants juridic personality is required. The decree is 'equivalent' to granting juridic personality when those words are used which necessarily suppose a juridic personality. Such a supposition is valid when it is evident that the corporate entity in question is recognized as being able to acquire and possess property or sue or be sued in a court of law."

16 CJC, Cn. 531, Cn. 532 #1. See also Abbo and Hannan, Vol. I, pp. 545 and 546.

17 McGrath, p. 24, especially the final paragraph.

18 Abbo and Hannon, Vol. II, p. 735, Vol. I, p. 549.

munities may have placed their religious possessions and school properties under corporate-ownership legislation which governs charitable corporations—possibly diminishing the ownership rights of the religious community over its educational properties. Whether it was the intent of Jesuit communities to establish themselves as ‘religious’ corporations under civil law, whether they so established themselves at a moment in the history of their local civil legislation in which the public trust feature of local legislation had not exerted any impact on the nature of the corporation, whether later developments in legislation by applying the public trust feature to educational corporations actually modified the conditions of ownership, is a matter that can be determined only by a careful expert scrutiny of each individual case.<sup>19</sup>

But there is a difficulty about maintaining that past acts of incorporation were simply devices employed exclusively to secure legal protection of properties, because the ‘subject of rights,’ the juridical entities, to which these titles were ceded, especially if they were classified legally as charitable corporations, are subject to all pertinent civil legislation. The charitable corporation, retaining the attributes and powers displayed in its charter, is, unlike the ‘religious’ corporation, totally a creature of civil government. Modifications of its attributes or restrictions of its purposes cannot be unilaterally effected by the corporation itself.

In the case of corporations chartered by the civil jurisdiction for education available to the lay public, the conditions of ownership are such that the owning corporation must be regarded as managing a public (charitable) trust. The ownership title is vested in the corporation, and the corporation may, in fact, hold possession of the goods, but the use, fruits, and disposal of its goods is restricted by civil law to those purposes for which the corporation was chartered.<sup>20</sup> Moreover, the general public has a beneficiary or equitable interest in the uses, fruits, and disposition of the possessions of this kind of corporation. The responsibilities of the charitable corporation to fulfill its trust can be enforced through action in American courts. Upon dissolution of such a corporation, the courts would be expected to direct the application of its assets as closely as possible to the purposes for which the corporation was founded, even though these goods might now be handed

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19 Father McGrath’s position (p. 24) that ‘since the institutions were not themselves established as moral persons and *since no other moral person holds title to their properties*, therefore, these assets are not ecclesiastical property’ has not received full support.

20 Snee, S.J., p. 13, as quoted above in this paper on p. 75.



over for administration to another lawfully existing group.<sup>21</sup>

Although the above statements have general applicability, it is urgent that legal counsel examine and advise upon the status of each individual institution and its charter and bylaws. Unless careful legal examination of a particular school or college charter or articles of incorporation reveals evidence to the effect that the charter legally described a strictly 'religious' corporation, we may be compelled to conclude that the civil juridical entities which hold the properties in question are classified as charitable corporations. Any further disposition of such properties must conform to American civil legislation for charitable corporations.

### *The Problem of Control*

Usually the ultimate internal authority and responsibility in the charitable corporation is reposed by American law and practice in its board of managers (trustees, directors) acting according to the bylaws by which they manage the corporation.<sup>22</sup> This ultimate internal authority and responsibility is conveyed to the board of managers, within the limits of the charter agreement, by the governmental jurisdiction which issues the charter. Hence, the only external authority to which the corporation as such is subject is civil, that exercised by legitimate governmental legislation and court action. The exercise of any direct ecclesiastical jurisdictional authority over the corporation as such would be regarded by the courts as unwarranted.

This does not mean that an educational corporation cannot operate under the influence of a sponsoring group, v.g., a religious denomination. It does mean that the sponsoring group that wishes to guide a corporation towards its legitimately chartered goals may

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21 O'Connor, S.J., James I., *The Restructuring of Governing Boards and the Separate Incorporation of Institutions and Jesuit Communities* (an unpublished paper presented May 20, 1967 at St. Louis University.) pp. 17 and 18. Father O'Connor cites two cases of Catholic institutions, one a hospital, the other a college, as follows: "In the case of the hospital, the Sisters decided to close the hospital and sell all its property for what they could get. Somehow word of the plan reached the capitol of the State in which the hospital was located. The Sisters were notified that the only money they could take out of the sale price was what they could prove they had contributed from the community to the hospital. Since all other monies or their equivalent were given to conduct the hospital as a public service, all money derived from the sale after deducting money the religious community could prove it contributed, had to be turned over to the State for disbursement to other health facilities for the public.

"In the case of the college, a like decision regarding closing and sale was arrived at by the Sisters. In this instance also word of the plan reached the State capitol. Similarly the Sisters were notified that all they could take from the sale price was what they could prove they had contributed. Moreover, the only persons to whom they could sell the institution were either another educational organization which would take over the operation of the college or the State itself which would then take steps for the continued operation of the college."

22 Blackwell, Thomas Edward, *College Law*. Washington, D. C., American Council on Education, 1961, p. 40.

exercise through its articles of incorporation the precaution of placing upon the board of managers, truly committed, competent and responsible members of its own group. These may exercise only that authority granted in the charter and bylaws and required by civil legislation. They are by civil law expected to foster in the corporation the pursuit of the ideals of the sponsoring group. Jesuits acting as members of the governing board of a public educational trust may, in the management of the project, interpret for the institution the ideals of the sponsoring group, i.e., the Church and the Society. Civil law imposes upon them responsibility towards the corporation charter and its bylaws. As a member of the board or even as president of the institution, it would appear that the Jesuit cannot wield ecclesiastical jurisdictional authority over the charitable corporation as such, or over any employee as such, of the corporation. Neither can any ecclesiastical authority external to the corporation legally wield direct ecclesiastical jurisdiction over that corporation which represents a public trust.

The board of managers of the corporation exert *their* policy-making authority over the educational institution through an agent selected for this purpose. He is the president of the institution responsible in American law to the board of trustees and he is their chief executive officer.<sup>23</sup> If, at the same time, he be also a religious superior of the community that serves the educational institution, e.g., a Rector, he cannot legally exert his ecclesiastical authority over the corporation or its board of managers (to which he is subject as president). Such an individual is in the embarrassing position of being subject to the board according to American law, but their Superior according to Church law if the board be composed of his religious subjects. Hence, it becomes necessary to disentangle the lines which carry into the institution, the entangled authorities of Church and State. This is urged as one of the reasons why distinct individuals should occupy the positions of Rector of the religious community and President of the educational institution.

### *Proposal to Incorporate the Religious Community*

The proposal to provide a corporation for the religious community as distinct from the corporation of the educational insti-

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<sup>23</sup> Blackwell, p. 40.

tution has these objectives: (1) to enable the religious moral person, the community, to have civilly valid title to those possessions to which it is entitled in the code of canon law and the constitutions of the Society of Jesus, with a minimum of inconvenience to the internal government of the Society; (2) to enable the religious community to direct its apostolic works and the fruits thereof (i.e., the donation of some portion of surplus of income after expenses) to the educational apostolate in the institution; (3) to enable the religious community to enjoy the benefit of a full-time Superior, and (4) to create for the community an opportunity to enhance its public image as an apostolic team serving the educational institution.

In some cases there seems to be vested in the legal charitable (i.e., the educational) corporation, the title to *all* properties, even those which seem more rightfully to pertain in use and disposal to the religious community apart from their educational works.

The problem here is that of creating for the community, a valid legal title to its own rightful possessions as distinct from those possessions which the educational corporation now holds as a public charitable trust, and to strengthen for the religious community its organization as an apostolic group applying its labors, its professional academic services, its religious activities, and at least some of its resources towards its apostolic goals in the institution. The solution would have to recognize such factors as the need to help community members to achieve academic standing commensurate with the needs of their particular apostolate, a care for the future health and welfare of the community itself and of its individual members, and a special interest in the community as a religious community witnessing to the Church as followers of Christ and serving the institution as apostles of Christ, by example and influence without controlling it by *fiat* or decree.

Can legal counsel conceive and set up a corporation for the religious community such as would serve these needs? Would there not recur the entire gamut of difficulties and some new ones besides? Apparently the 'religious' type of corporation would serve the needs of the community but not without generating some new problems for it and for the educational corporation.

It is difficult to reconcile *past* acts of incorporation of *schools* with their classification in American law as merely 'religious' corporations since they often have broad educational goals as their expressed founding purposes. Yet our Jesuit communities seem to

have exerted upon their corporations the control appropriate to, and permissible for the 'religious' corporation. At a given place and at a given moment there may have been no legal provision for incorporating except as a charitable institution.

Relevant statements, discussions, and comment as presented at a number of Jesuit meetings suggest that, if a Jesuit community should now seek incorporation distinct from that of the educational institution, the following features would be well worth considering for inclusion in the charter or articles of incorporation.

The charter ought to be that of a non-profit, tax-exempt 'religious' corporation accommodated, of course, to local legislation. It should be brief and simple, not overly specific or detailed except in the enumeration of the legal actions which the corporation is empowered to perform. It should provide for a non-membership entity because the controlling decisions of the religious corporation should derive exclusively from the Society's existing machinery. It should provide for a self-perpetuating board of trustees, i.e., electing to the Board persons appointed by higher Superiors to offices in the religious community. The board should be composed exclusively of approved members of the Society of Jesus. Preferably the officers of the board should be the same officials who are designated by the Society for the government of the religious community. The charter should provide that whatever bylaws should be originally written or later amended shall always conform with, and tend to preserve intact, the internal religious government of the Society of Jesus. What about the trend in the Society towards more democratic shared decision-making processes? Such processes should not be foisted upon the Society by a civil charter.

If the 'religious' corporation can be arranged for the religious community, then the religious community should be fully apprised about the special character of the corporation. It does not replace the Society's government, but merely places its civil actions.

If incorporation of the Jesuit community proves to be a feasible way of working towards the solution of this problem, then the two corporations should plan agreements in advance to cooperate in that kind of union which would derive from the integration of their efforts towards shared goals rather than from their juridical substructure. One problem here for legal counsel will be to work out procedures whereby the religious community can legally make

contributions for the support of education in its sister corporation.

The objective for the institution should be to preserve a legitimate and unquestioned orientation towards Catholic and Jesuit educational ideals without accomplishing this through the exercise of direct ecclesiastical jurisdiction.

The educational institution should be expected to gain these advantages: (1) The institution could then enjoy the services of a full-time president; (2) The president, deriving this authority over the institution from its Board of Trustees, would be able to exercise that authority as it is understood in American law and as it is understood in the academic profession, i.e., in a manner appropriate to an autonomous institution; (3) The Board of Trustees, by recognizing the Society of Jesus as the sponsoring group, could interpret for the president and for the institution Jesuit ideals and goals and principles, thus carrying the Catholic and Jesuit influence into the corporation without involving direct exercise of ecclesiastical jurisdiction; (4) The individual Jesuit, nourishing his religious apostolic life in the community, would enjoy an improved status in which to develop himself professionally, and would have the opportunity to carry his apostolic influence horizontally into the institution.

A further question will be whether this solution can be uniformly applicable for *all* types of Jesuit educational institutions. It is at least doubtful whether any uniform solution can be applied to seminaries, houses of studies, theological schools, minor seminaries, secondary schools for lay students (where the interests of the parent clientele as a true segment of the sponsoring group is of greater importance), and colleges and universities. Granting then for the moment that the solution by a second community corporation may not be uniformly applied to all these different types of Jesuit educational institutions, it should become clear that each separate institution and community group ought to share under guidance of higher superiors the responsibility for working out with expert legal advice its own solution to the problem, especially in view of the fact that different relationships of *ecclesiastical* jurisdiction apply to the different types of institutions, different problems of autonomy and academic freedom affect the different types of institutions, and different responsibilities to the sponsoring group apply to institutions of differing levels and differing aims.

*Autonomy and Academic Freedom in American Higher Institutions*

The problems of autonomy and academic freedom are agitating all American institutions of higher education. These problems have a special impact upon Jesuit higher institutions that engage large lay faculties and have large lay student bodies.<sup>24</sup>

The basic reason for this special impact is this: That the pursuit of truth at higher levels of education is regarded by the academic profession generally as itself a public trust in which society at large has a beneficiary interest. A reputable higher academic institution must, therefore, enjoy the autonomy that frees it for the pursuit of truth. The institution, if sponsored by a particular segment of the public, must still not subordinate the pursuit of truth to interfering domination by the sponsoring group. Besides this, there are strong movements both on the part of the organized academic profession and the organization of student bodies in higher education to press for a voice in the governance of their institutions. The strength of the faculty position is such that through their professional organizations they may be able in the courts of the nation to compel the recognition of certain rights in individual faculty members which would be incompatible with either the interference from outside the institution of higher ecclesiastical authority, or the exercise of ecclesiastical authority within the institution. It will be the managing board of the institution that will have to answer to the courts in cases of this kind. Similarly, the gradual development and formulation of student rights as against control of certain aspects of their lives by the educational institution is such that court action is likely to involve the board of managers of the institution or at least the agents who are employed to exercise their authority and carry out their policy. Under these circumstances, the interposition of the authority of the religious superior or of a member of the hierarchy would be regarded by the courts as unwarranted.

Whether we like it or not, this double press for participation in the governments of institutions of higher learning is very likely going to modify the management of a public educational trust

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24 ——— "The Idea of the Catholic University: Statement on the Nature of the Contemporary Catholic University" (A statement prepared by Seminar Participants) Land O' Lakes, Wisconsin, July 23, 1967, p. 1: ". . . To perform its teaching and research functions effectively the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself. To say this is simply to assert that institutional autonomy and academic freedom are essential conditions of life and growth and indeed of survival for Catholic universities as for all universities."

even where the entire group of the institutional family is religiously homogeneous.

Even though the courts would support the rights and efforts of a religious sponsoring group to explore religious truth, to integrate it with existing cultural developments, and to fuse their own contribution into the environment of the academic world, the courts themselves would not be in a position to support the exercise of ecclesiastical authority over an exclusively civil juridical entity. An institution of higher learning that would be exposed to this subjection to specifically religious jurisdiction runs the risk of being downgraded in the estimate of the academic profession. Reputable members of the academic profession are not likely to continue to seek positions on a faculty whose reputation for lack of autonomy and academic freedom has suffered a downgrading.

### III. *JESUIT SECONDARY EDUCATION*

On June 27th to 29th, 1967, the JEA Commission on Secondary Schools met at North Aurora, Illinois, to discuss among other topics the administrative structure of Jesuit secondary institutions. The minutes of this meeting show that many aspects of the incorporation problem were discussed. A perusal of these minutes will reveal that many of the secondary school problems of administration and organization point towards a focus in the hybrid juridical substructures of the schools. Their charters appear to be those of educational corporations, but their management appears to be basically the management of the typical 'religious' corporation. The minutes of the Secondary Schools Commission refer to the possibility of separate incorporation of the community from the secondary institution. They urge all Rectors to investigate carefully the legal situation of their own schools.<sup>25</sup>

The remaining paragraphs will be an attempt to illustrate how the problems of alienation, control, separate incorporation and autonomy have application to Jesuit secondary institutions.

There is, however, a prior consideration. It is that of involving as many as possible of the Jesuits in a community in a local self-examination of each secondary school's institutional goals as these goals are distinguished from theoretical educational objectives. This self-study should include review of the juridical substructure. It would be a mistake to expect from the contributions of scholarly

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<sup>25</sup> Minutes, JEA Commission on Secondary Schools, June 27-29, 1967, pp. 7-10.

legal experts and canonists a formula uniformly applicable in the investigation of the basic corporate structure of all our institutions and communities, if indeed there should really prove a need for revision in every case. The best decision for any individual institution can come only if there is local cooperation. The best implementation of that decision can not come without extensive local collaboration.

There are reasons to believe that not all of our secondary schools need follow precisely the same course in the matter of incorporation. For instance, a minority report among the position papers of the 1966 JEA Workshop on the Christian Formation of Jesuit High School Students proposes the possibility of a comprehensive high school.<sup>26</sup> If such were attempted, would the existing articles of incorporation of the present institution be apt? It has also been suggested that some of our secondary schools may by default of manpower or pressure of circumstances become diocesan. There is, further, some possibility that the 'Board Movement' in diocesan secondary education may exert influence upon the relationships between the diocese and the Jesuit secondary school.<sup>27</sup>

### *Alienation*

If the religious community that operates a secondary school is chartered as a charitable institution with broadly expressed educational goals, then the beneficiary interest of the public in the corporation's assets could possibly be sustained by the courts. If so, the proprietary rights conceded to the religious community by canon law may be shown to have become restricted by incorporation under civil law. The contest about alienation may prove to be of only academic interest unless the time comes to dissolve the corporation. Even if a court decision were to judge the corporation to be a 'secular one,'<sup>28</sup> the history of the institution should show that the chief segment in the beneficiary public is the Catholic parental clientele. By choosing the school and by supporting it this clientele has affirmed a claim to have the corporation and its

26 ——— *The Christian School—A New View* (JEA Workshop Position Papers) Washington, Jesuit Educational Association, 1966. See the Minority Report, pp. 65 and 66.

27 ——— *Voice of the Community: The Board Movement in Catholic Education*. Washington, D. C., The National Catholic Educational Association, 1967—passim.

See also the letter (January 13, 1968) on the structure of Catholic education, of Reverend Jerome A. Petz, S.J., Provice Director of Education, Detroit Province, to Very Reverend Monsignor James C. Donahue, United States Catholic Conference.

28 McGrath, p. 26: ". . . The corporation must still be operated pursuant to the law of its being as embodied in its charter or articles of incorporation, and any sectarian control cannot alter its legal character as a secular corporation."



educational program conducted under Catholic auspices. Theoretically this claim would merit the consideration of the courts. Would the goods and properties acquired for the sustenance of the religious community have been more securely protected under the "religious" type of corporation described above?

### *Control*

In contrast with their treatment of the 'religious' corporation, civil laws regulating the charitable corporation do not expressly assure to a religious community the privilege of governing the corporate operations according to the ways of the religious institute. Nonetheless our own religious communities appear to have supposed that their corporations have enjoyed the 'dummy front' role which has been ascribed to the 'religious' corporation.<sup>29</sup>

Before the civil law the Board of Trustees exclusively (or in case of a membership corporation—with some degree of concurrence of corporation members) carries basic responsibility for the sound management of a private independent school. "The Board, in turn, should hold the Headmaster fully responsible for the school's administration."<sup>30</sup> The head of the school should not be also the President of the Board of Trustees,—but rather the executive agent of the Board. In approved practice the Board deals with major matters. It establishes objectives and policies, and should see to the selection of competent personnel for school administration and instruction. The Headmaster is responsible for developing (subject to the approval of the Board) the long-range plans for the school in all of the following areas: enrollment, admissions, dismissal of students, discipline, scholarship, relations with faculty, publicity, financial affairs, maintenance of properties, student health and welfare, fund raising.<sup>31</sup>

Is there any way in which a Jesuit secondary school, presently incorporated as a charitable corporation, can (without further diminishing the Society's ownership and control of its property and without jettisoning the Society's supervision of the educational program) arrange: (1) board management of the educational

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29 McGrath, p. 11: "The religious corporation is another statutory creature that has come into the law of American corporations. Its sole purpose is to hold the property of ecclesiastical entities such as dioceses, parishes, religious societies. . . ."

30 Parkman, Francis and Springer, E. Laurence, *The Independent School Trustee*. Boston, National Association of Independent Schools, 1964, p. 9.

31 Parkman and Springer, pp. 25-29.

institution; (2) administration by a Headmaster directly responsible to the board?

### *Separate Corporations?*

It may or may not eventually be decided that the religious community ought to incorporate separately from the school in a class of corporation that would secure greater legal protection of the community's more intimate possessions, and retain intact the Society's internal government over the religious community as such.

It would be difficult to exaggerate the need of caution in the preparation of articles of incorporation, and bylaws of the corporation of the religious community. The complexities of preserving tax exemptions demand the services of highly specialized and expert legal counsel. Indebtedness will offer further obstacles. Working out satisfactory agreements between the existing educational corporation and the proposed 'community' corporation is a tedious prospect even for legal experts. Several reputable corporation lawyers have expressed reluctance to recommend separate incorporation where it is not faced as a real necessity as it appears to be in the large universities. Most secondary schools have time to study the problem and observe developments in the higher institutions before they need to act on the question.

Ought we not now speculate upon an alternative, perhaps only an interim alternative? Some of our Jesuit communities have placed ownership of their properties under corporations chartered as 'charitable' and managed by a single Board of Trustees. Other Jesuit communities have obtained charters as 'charitable corporations' with dual control groups. Where the dual control group (corporation members and managing board) already exist, could not the corporation members, reserving to themselves the right to approve major financial transactions and reserving to themselves the writing and amending of bylaws, delegate to the managing board such other powers as are needed to manage the educational institution? This managing board could be composed of Jesuits from inside and outside the local religious community, and could include some lay directors. The existing Board of Trustees would delegate to this managing board, not to the Headmaster, full supervisory capacity over the school. The managing board would then delegate to a Jesuit Headmaster the operation of the institution. This Headmaster would be the chief executive agent of the managing board. He would not be the

Superior of the religious community.

Is it possible that a community now incorporated as an educational non-membership corporation could decide to arrange a managing board, elected by the existing Board and responsible to a set of bylaws written and amended exclusively by the existing Board? This would be to equvalate the existing Board to the corporation members in a 'membership' corporation, and the new group as managers of the properties, finances, and administration of the school. The managing Board could be composed of Jesuits, from within and without the community, or could include lay persons as well. The Headmaster could be a person other than the Superior, and subject to the Board of Managers as in the non-Jesuit private independent school.

These speculations about possibilities are not attempts to solve the problems involved in the proposal to establish separate, co-operating corporations for school and religious community. If they serve to surface more of the underlying problems, perhaps our Superiors and administrators will be in a better position to submit the questions to experts whose profession it is to work out the solutions.<sup>32</sup>

### *Autonomy and Academic Freedom*

The private independent school is not part of a school system, such as the public or parochial or diocesan high school. It professes some limited autonomy. Its internal authority as far as civil law is concerned belongs to its governing board. But the responsibilities of the board must be exercised in the light of the corporation's professed goals, whether these are made explicit in the articles of incorporation, or in the determinants for eligibility upon the board. The clientele sponsoring the institution guides its destinies to the extent to which it lends it support. The parent clientele of a private independent Jesuit secondary institution presents a kind of mandate to the Church and to the Society; 'We regard you as competent to offer to our sons the kind of education we want them to have. We commission you to provide that kind of education.' If the Catholic laity persevere in their desires to have strong private independent Catholic secondary schools, how will the discharge of local responsibility by a man-

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<sup>32</sup> It has twice been proposed that a national committee be appointed to study and advise on charter, corporation, trustee problems. Father Joseph M. Snee, S.J., made such a proposal at the Wernersville Conference, March 10-12, 1967. See also Appendix M of the *Proceedings of JEA Commission on Colleges and Universities*. June 22-27, 1966, p. 116.

aging board be related to the preservation of the Catholic character of the school? Should it be interpreted that the Catholic parent clientele of such institutions is supporting the interposition of direct ecclesiastical authority upon the civil corporations or could it be interpreted that the clientele, supporting both civil and church authority in their respective spheres, wishes competent church authority to be the adjudicator of Catholic doctrine and Catholic standards of conduct in the institution? Could it develop that, as the chosen adjudicators, diocesan authorities and religious superiors might reduce the problem of the exercise of their authority to more of a procedural one? Could they have an official representative on the board of managers of the institution? Could diocesan authorities and religious superiors thus communicate to trustees their backing of the interests of the parent clientele? Could they hold up to the trustees that it is a trustee responsibility to safeguard the Catholic interests of the institution?

We might look forward to the impact upon the institution of a more strongly organized teaching profession. On its own the institution should have the machinery for a selective recruitment of teaching personnel sympathetic towards its goals. Nevertheless there is bound to be an incidence of problem cases. A strongly organized teaching profession will incline to seek support in civil courts for the rights they claim and redress against alleged wrongs. The courts may be expected to adjudicate as between the teacher and the corporation. Will diocesan authorities and religious superiors be able and willing procedurally to leave the recruitment, selection, and sometimes the dismissal of teachers, to the managing board of the Catholic institution? The case of problems with a Jesuit who has been appointed to teach in the institution can hopefully be left to ecclesiastical channels and solved within the Society's own communities.

Finally, the Jesuit Educational Institution must acknowledge that its basic relationships to human society have altered since Vatican II and since the 31st General Congregation. The Catholic school must now explore its orientation towards the social apostolate, its involvement of more lay participation in responsible roles, the extension of its social and apostolic thrust into and much beyond its student body.

# A Survey of American Jesuit Priests

JOSEPH H. FICHTER, S.J.

## *Hard-Working Jesuit Priests*

The survey on the total development of the Jesuit priest, conducted last year by Eugene Gerard, seems to have been reported only in the first volume of the *Proceedings* of the Santa Clara Conference. In it there are 212 statistical tables, about half of them dealing with Jesuit scholastics and with a bare minimum of cross-tabulations.<sup>1</sup> These data constitute a lode of valuable information waiting to be mined and refined. It seems wasteful to allow these materials to lie untapped without deriving meaningful generalizations and conclusions from them.

I assume that the purpose of the survey was a pragmatic intention to utilize the results for an improved system of training and development of American Jesuits. In helping to construct the Gerard questionnaire I had in mind a number of obvious hypotheses suggested by my own surveys of seminarians and priests, but I am not sure that a set of scientific and testable hypotheses was spelled out before the survey got under way.<sup>2</sup> In this case the next best thing is a kind of secondary analysis of the findings in what Merton has called a "*post factum* sociological interpretation."<sup>3</sup>

As a start in this direction I propose to ask some questions, and to test some hypotheses, about the work capacity of the priest respondents. Jesuit priests are stereotyped in different ways by different people, but one of the images we probably like best is that of the hard-working, fulltime, dedicated professional. Images are notoriously vague and stereotypes are never universally applicable. Our own observations within the Society have surely convinced us that some of our colleagues do reflect this professional image, and some do not. The survey data help us to clarify, and perhaps correct, these personal observations.

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1 Eugene Gerard and John Arnold, *Survey of American Jesuits*, privately circulated as volume 1 of the *Proceedings* of a conference held at the University of Santa Clara, August 6-19, 1967.

2 The main variable we are discussing in this paper, the response to the demands of work, was included in a national survey of diocesan priests. See Joseph H. Fichter, *America's Forgotten Priests* (New York, Harper & Row, 1968) "Who Works Hard?" pp. 130-134; also *Priest and People* (New York, Sheed and Ward, 1965) *passim*.

3 Robert K. Merton, *Social Theory and Social Structure* (Glencoe, Free Press, 1957) pp. 93-94. For some relevant introductory remarks on research see Alvin W. Gouldner, "Explorations in Applied Social Science," pp. 5-22 in Alvin W. Gouldner and S. M. Miller, eds., *Applied Sociology* (New York, Free Press, 1965).

One of the survey questions (Q. 46) asked the Jesuit priests to estimate to what extent their present work is making demands on their talents and abilities.<sup>4</sup> A small proportion (6.6%) of them replied that they are over-worked, their job is "more than they can handle." At the opposite pole another small proportion (4.8%) think that they are underworked, that their job "calls for little of their abilities." There appear to be many reasons why the burden of work is too great for some and too light for others, and we must be careful to recognize that neither of these categories represents the model type of the American Jesuit priest.

The largest, or modal category (62.3%) of them, and in this sense the statistical "type" of respondent, say that their current occupation is "extending them just about to their capacity." These are the men who are best utilizing their talents, training and opportunities in the work assigned to them. The remaining minority (26.3%) feel that they could do still more than they are doing because their assignment is "only partly challenging their abilities."

### *Age and Employment*

Regardless of how others may judge them, these priests hold a self-image that challenges our curiosity. Why do they appraise their work situation in this way? What else do they say about themselves? Are there any variables in the rest of the questionnaire that help to explain why one category (226 men) feel that they have more to do than they can handle, while the other group (166 men) think that they do not have enough to do? What can be said about the largest proportion (2,147 men) who are in occupations that make the best use of their talents and training? Why is there still a relatively large number (906 men) who have more to give than their job demands?

One of the first suspicions we had was that priests, like other men, slow down with age, or that the burdens placed upon them are decreased as they grow older. The correlative is that the younger men are expected to work harder. This suspicion is supported by the fact that only one in ten (9%) of the over-worked is sixty years of age or older; their average age is 47.4 years. On the other hand, four out of ten (41%) of the under-worked are sixty or above; their average age is 55.7 years. Obviously, therefore,

<sup>4</sup> Gerard Survey, Table 123, p. 128, including percentages of those who did not answer the question. All the Tables in the present paper were recalculated to omit the "no answers" from the percentages.

age is one of the factors that account for the work load that Jesuit priests carry.<sup>5</sup>

Another suspicion we had was that work expectations vary according to the different kinds of occupations to which Jesuits are assigned. The list of occupations checked off in the survey (Q. 10) provided three types of teaching and three of administration, besides parish work, studies and "other." For purposes of rough comparison we have omitted the last two items and collapsed the responses for teachers and administrators. The self-estimate of work demands, as distributed in Table 1, shows that teachers (72%), more than administrators (65%) and parish priests (57%), are likely to say that they are working up to and beyond their capacities.<sup>6</sup>

Table 1 Comparison of self-estimated work demands of teachers, administrators and parish priests

	Teachers	Adminis- trators	Parish Priests
More than can handle	7%	10%	5%
About to capacity	65	55	52
Partly challenging abilities	25	30	34
Calling for little abilities	3	5	9
	(1529)	(681)	(338)

Comparisons of this kind must not be interpreted invidiously. Perhaps there are some assignments that can be labeled "soft jobs" but maybe they are filled by priests whose age and state of health must be taken into consideration. Perhaps some types of employment are by their nature more demanding than others. We must remember that the appraisals noted here were made by the respondents themselves, and they do not provide the depth of personal and psychological explanations that interviews could elicit.

### *Training and Preparation*

After looking at age differences and kinds of employment we may test the hypothesis that training and preparation for the current occupation constitute another explanatory factor in a man's response to the demands of his job. Here we may encounter a

<sup>5</sup> The age distribution for all priest respondents is given in Gerard, Table 3, p. 4. Many of the other findings in the Gerard Report are "controlled for age." See, for example, Tables 18, 24, 32, 34 and others.

<sup>6</sup> *Ibid.*, Table 9, p. 10, for the distribution of main occupations of priests. More pertinent, however, to the present discussion is Table 126, p. 131, which shows that college administrators have the largest proportion who say that their work is "more than they can handle" and by our definition are "over-worked."

contradiction of hypotheses: on the one hand, that a well-trained man may be expected to carry a large burden of work, while on the other hand, a man may feel that he is over-worked mainly because he has not had sufficient preparation for his current assignment. The third column of Table 2 reveals that the great majority (76%) of American Jesuit priests feel they are well-prepared, but the table also presents a curious contrast between the first and second columns. The over-worked are more likely (50%) than the others to think that they are not well-prepared, while the under-worked tend (48%) to say that they got their preparation only through experience.<sup>7</sup>

Table 2 Extent of preparation for current assignment, as estimated by over-worked and under-worked and by total respondents

	Over-worked	Under-worked	All respondents
Well prepared by training	25%	19%	38%
Well prepared only by experience	25	48	38
Somewhat prepared	34	19	20
Poorly prepared	16	14	4
	(223)	(160)	(3475)

This unexpected finding, that a greater percentage of the under-worked (67%) than of the over-worked (50%) think that they were well-prepared for their main occupation, requires a further probe into the comparative data of the survey. Since so much time and energy are consumed in the training of Jesuit priests, it ought to be important to know whether this effort eventuates in competent and productive individuals in the Society. There is a hint in these research data that neither the over-worked nor the under-worked priests had adequate and intelligently planned preparation for the tasks they are currently performing. In order to follow this hint let us look at the research findings from another point of view.

In Table 3 we divided the respondents into four categories according to the different degrees of preparation they had had for their main current occupation.<sup>8</sup> The resultant comparisons are both revealing and suggestive. If we assume that the "best" work situation is one that extends a man just about to his capacity we

<sup>7</sup> *Ibid.*, Table 10, p. 11.

<sup>8</sup> *Ibid.*, Table 11, p. 12, which reveals the interesting contrast that college administrators and parish priests tend to be well prepared only through experience, while college-level teachers say they are well prepared by previous training.



find that those who were well-prepared by previous training have the largest proportion (67%) in this "best" situation. Only about one-third (32%) of the poorly prepared say this about themselves. The fourth column in the Table shows that they have a greater representation than the others as both over-worked (28%) and under-worked (18%).

Table 3 Comparison of self-estimated work demands according to the degree of preparation for current main occupation

	<i>Well-prepared</i>			
	By training	By experience	Somewhat prepared	Poorly prepared
More than can handle	4%	4%	11%	28%
About to capacity	69	61	59	32
Partly challenging abilities	25	29	25	22
Calling for little abilities	2	6	5	18
	(1296)	(1283)	(669)	(126)

Lest this kind of discovery lead us into confusion about the influence of preparation on the work expectations of Jesuit priests, we ought to investigate the question of academic training.<sup>9</sup> In Table 1 we saw that those who are in the educational enterprise, especially the teachers, tend mainly (65%) to have an occupation that extends them just about to their capacity. Then, in Table 3, we saw that the men who are well prepared by previous training also have the largest proportion (69%) who fit into this same category. Since training for the professional educator traditionally involves the earning of academic degrees, we may here compare the manner in which the demands of the current occupation are related to the level of academic training reached by these Jesuit priests.

Table 4 Comparison of self-estimated work demands according to the level of academic degree earned

	Bachelor or less	Master's degree	Doctor's degree
More than can handle	7%	6%	8%
About to capacity	57	62	67
Partly challenging abilities	29	27	23
Calling for little abilities	7	5	2
	(549)	(2061)	(793)

<sup>9</sup> *Ibid.*, Table 121, p. 125, gives the breakdown also for those who have Bachelor's and Master's degrees and who intend to work for a higher academic degree. Table 4 in the present paper collapses these six categories into three. For an analysis of parallel educational statistics on diocesan priests, see Joseph H. Fichter, *America's Forgotten Priests*, chapter 5, "Continuing Education," pp. 94-114.

The percentage differences of response in Table 4 are not as spectacular or as statistically significant as they are in the previous Tables. Yet the comparisons provide persuasive evidence that the men with the lowest academic degrees are not as likely (64%) as those with the doctorate (75%) to be pushed to work up to and beyond capacity in their current occupation. Deeper than these statistics, of course, is the question why some men were motivated to achieve graduate academic degrees and others were not. We must remember also that the statistics in Table 4 include priests who are not in the field of education. A refinement of the data to include only educators would probably increase the persuasive evidence.

### *Factors of Effectiveness*

At another point in the survey questionnaire the priests were asked to rate the principal reasons why some contemporary Jesuits are not as effective in their work as they might have been.<sup>10</sup> The Gerard report (Table 142) shows how the respondents ranked the three most important "causes" of ineffectiveness. First, they think, is a lack of self-discipline on the part of the individual. Ranked second is the lack of interest and encouragement on the part of superiors. In third place is the opinion that the individual is unsuited for the occupation to which he has been assigned.

It is the general opinion then that the first "blame" for ineffectiveness is placed on the individual who fails to discipline himself to the demands of his job. Yet the next two "causes" of ineffectiveness are found in the superiors who fail to encourage the subordinate or who place him in an occupation for which he is unsuited. It is interesting that when we break down these replies according to the four categories of work capacity we find all four agreeing on the same rank order. There is no difference of opinion here between the over-worked and the under-worked.

One would suppose that these three main "causes" of ineffectiveness could be translated positively into the main "factors" that require correction in order to increase the occupational effectiveness of American Jesuit priests. When the question was put positively in the survey, however, a different set of "factors" was proposed for developing a greater effectiveness. The third column in

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<sup>10</sup> This was asked in questions 54 and 55 in the Gerard Survey for opinions of first and second importance. Note the curious fact in Table 142, p. 147, that about one-fifth of the priests did not venture an opinion on these questions.

Table 5, taken from the Gerard report (Table 137), shows the manner in which all respondents ranked the relative importance of the proposed items.<sup>11</sup>

Table 5 Ranking of factors for greater effectiveness, as estimated by over-worked and under-worked and by total respondents

	Over-worked	Under-worked	All respondents
Deeper spiritual training	2	1	1
More concentration; less over-expansion	1	2	2
Improve course of Jesuit studies	3	6	3
More long-range planning by administrators	4	5	4
Better communication among Jesuits	5	4	5
More special studies and training	7	7	6
Freedom to use individual talents	6	3	7
Administrators' consultation of experts	8	8	8

The opinions about positive proposals for improving the work potential of Jesuits show some significant differences in the rank order of importance. Since we may say that the under-worked men, those whose main occupation calls for little of their abilities, constitute a serious problem of manpower utilization, we ought to look at the crucial difference of their opinions in this regard. In ranking the factors that they think would contribute to greater effectiveness of Jesuit work, they place less emphasis on the need to improve the Jesuit course of studies (ranking it sixth) and put more stress on the freedom of the individual to make use of his talents (ranking it third).

### *The Factor of Management*

The fact that all respondents put great importance on the superior's lack of interest and encouragement of individuals, and the fact that the under-worked complain of a lack of freedom to develop their talents, may provide a significant lead in this analysis. We may have found here one of the master keys to the problem of under-utilization of Jesuit manpower. Fortunately, the survey included three questions that allow us to probe this matter more deeply. One of them (Q. 45) asked "to what extent

<sup>11</sup> *Ibid.*, Table 137, p. 142. This was in questions 51-53 of the survey, asking for opinions of first, second and third importance. The rank order of factors is calculated from a combination of the three responses rather than only from question 51.

did superiors consider your personal preferences in deciding about the specific work you are doing?"<sup>12</sup> Table 6 distributes the answers.

Table 6 Comparative extent to which superiors considered personal work preferences of over-worked, under-worked and total respondents

	Over-worked	Under-worked	All respondents
Very much so	23%	8%	29%
Quite a bit	21	11	23
More or less	20	16	19
Hardly at all	12	15	12
Not at all	24	50	17
	(226)	(165)	(3506)

We seem to be uncovering at this point one of the classic problems of management—the failure to consult meaningfully with subordinates. In the present instance this may well be one of the “hidden,” if perhaps partial, factors explaining why some priests are not placed in jobs that best utilize their training and talents. Table 6 deals with the immediate and specific occupation in which these men are engaged. The data show that two-thirds (65%) of the under-worked answered “hardly at all” or “not at all” to this question, as compared to only three out of ten (29%) of all Jesuit priests. This is an enormously significant difference.

One may suggest that some of these immediate work situations represent particular cases where the job had to be filled and personal preferences of the job-holder had to be ignored. On the other hand, it may reflect a pattern of impersonal and negative communication between some superiors and some subordinates. The general term, “superiors,” which was used in the question discussed in Table 6 obviously included the Fathers Provincial who make the final decision about the main occupation to which a Jesuit is assigned. In order to see whether a pattern exists over a period of time for the particular respondent, the survey asked (Q. 66) “in general, has it been your experience during the years that the Fathers Provincial have taken a positive and personal interest in you?”<sup>13</sup>

12 *Ibid.*, Table 115, p. 119. When these data are controlled for age they reveal that superiors are more likely to consider the personal job preferences of the younger men than those of the older men; see Table 117, p. 121. Superiors are also more likely to consider the preferences of teachers than of administrators; see Table 118, p. 122.

13 *Ibid.*, Table 182, p. 188. It is curious that in this case the younger men are less likely than the older men to say that all or most of the Provincials have taken a positive and personal interest in them; see Table 184, p. 190.

In responding to this question the individual is not looking at his immediate work and whether his own preferences were considered for it. He is looking back "during the years" at the successive Provincials under whom he has served. The statistics in Table 7 demonstrate that a much larger proportion (62%) of the under-worked than of the over-worked (41%) and of all respondents (39%), say that few or none of the Fathers Provincial have taken a positive and personal interest in them.

Table 7 Extent to which *Provincials* have taken a positive and personal interest in the over-worked, under-worked and the total respondents

	Over-worked	Under-worked	All respondents
All of them	12%	7%	16%
Most of them	28	17	28
About half of them	19	14	17
Few of them	31	39	39
None of them	10	23	9
	(226)	(160)	(3483)

By putting the question in this way there was no appraisal made that might embarrass the Provincial in office at the time the survey was taken. This kind of personal reflection was avoided also in a further item (Q. 67) which asked: "in general, has it been your experience during the years that the Fathers Rector have taken a positive and personal interest in you?"<sup>14</sup> The Rector, or local superior of the community, has a more immediate relationship with the working subordinate. He has to deal with a much smaller number of Jesuits, and can be in more direct communication with them, than is the case with the Provincial. Yet there is an unexpectedly similar distribution of responses between Table 7 and Table 8, especially when one compares the third column of all respondents in both Tables.

Table 8 Extent to which *Rectors* have taken a positive and personal interest in the over-worked, under-worked and the total respondents

	Over-worked	Under-worked	All respondents
All of them	10%	5%	12%
Most of them	27	22	32
About half of them	22	13	19
Few of them	33	43	30
None of them	8	17	7
	(217)	(157)	(3480)

<sup>14</sup> *Ibid.*, Table 182, p. 188, but see also the breakdown by age categories, Table 185, p. 191.

It appears then that the under-worked men often feel neglected by management in the Society. They tend to say not only that superiors failed to consider their personal preferences for the current occupation but also that over the years the Provincials and Rectors did not take a personal and positive interest in them. In other words, from the point of view of the subordinate there has been an unsatisfactory relationship with superiors. The causal aspects of this relationship are surely multiple and complex, but somewhere among them there seems to be a connection between the way a man is managed and the way he interprets the demands of his occupation.

In summary then what has the Gerard Survey revealed about the work capacity of American Jesuit priests? Why is it that some work very hard and others have very little to do? By and large, the older men have less demanding jobs than the younger men, and the priests in parishes do not feel that they have to work as hard as those in the high schools and colleges. In the one case it is the man himself, his age, that tempers the work expectations. In the other case it is the nature of the occupation that tends to fix the work capacity of the individual priest.

The professional training of the Jesuit priest is an important factor in the amount of work he does in his current occupation. The over-worked perceive themselves as relatively poorly prepared while the under-worked get their preparation mainly through experience. Those who are well prepared by formal training and who have the doctoral degree are the men who seem to be making the best use of their talents and opportunities.

In eliciting opinions about "causes" and "factors" of occupational effectiveness in the Society, the survey finds an emphasis on self-discipline and spiritual training. In this sense the priests perceive a personal responsibility in the whole area of apostolic effort. High in the rank order, however, are also factors that are not under the control of the individual subordinate. These are particularly pertinent in the case of the under-worked who constitute the main example of manpower under-utilization. More than any of the others, they say that their personal preferences were not considered by superiors and that Provincials and Rectors generally have not taken a personal and positive interest in them.

## A Suggestion for the Academic Counseling of Jesuits

LOWRIE J. DALY, S.J.

As everyone knows there has been and still is considerable discussion among Jesuits about the course of our studies. Probably criticism of the first seven years has been the most popular. To many of us it seemed that the previous training of Ours in their years before philosophy was too often an unsuccessful attempt to recreate a Renaissance college. Recently changes have been made in several provinces with the result that the education which many young Jesuits are now receiving is much more like that available to a serious-minded collegian in his four years of study at a good college or university. But in regard to academic counseling there still seems to this writer to be a considerable "culture lag".

The suggestion in this article is offered in the hope of bringing about a greater communication and understanding between the younger Jesuits and the Jesuit university and college teachers in the various fields, for one of the saddest effects of the separation from college campuses of our juniorates, philosophates and theologates has been the almost complete isolation of scholastics from those Jesuits who are actively engaged in the intellectual apostolate. Very likely a great deal of the non-interest of some younger Jesuits in matters educational stems from the fact that they rarely if ever come in contact closely with Jesuits actively engaged in college or university teaching. Thus the views and opinions of many young Jesuits, especially those who have not yet had any teaching, are formed upon a fragmentary experience and more often than not this has been a vicarious one. Although Jesuit speakers are occasionally brought into our scholasticates "to bring the men up to date," many are not in the educational field at all; and of those that are, most are educational administrators rather than academic faculty members actually engaged in teaching or research. The net result of this six or seven-year isolation is that the average Jesuit scholastic at this period of his training is apt to have views and opinions that are involuntarily but necessarily distorted.

The suggestions here offered are also based upon other factors. Today the various Jesuit Manpower studies, either completed or in progress, have already made clear the need for ever larger numbers of Jesuits with a doctoral degree, whether this be in the present form including a doctoral dissertation or in a "possible future" modified type which would envisage more emphasis upon teaching than research and would be something analogous on a doctoral level to the present teaching M.A. Then there is the increasing trend to set up our colleges and universities (and possibly our high schools also) with lay boards of trustees entailing a consequent separation of the Jesuit community from the educational establishment. This will certainly bring about more interest in the academic standing of incoming members to the Jesuit community, for the salaries paid and the reception given by the local academic community will be greatly determined by their personal academic rank. Few colleges and probably no universities will long be able to afford the luxury of adding members who do not have doctoral degrees if these institutions hope to maintain their academic ranking and qualify for grants whether from private or governmental agencies. Even our high schools, if they wish to become or to remain outstanding will need some faculty members with doctoral degrees.

On the other hand the developments both present and projected in shortening the course of studies, especially in completing philosophy in two years and allowing a third year for special studies, will go far to make it possible for younger Jesuits to secure their M.A. and get a start on their doctorate much earlier than before. Such opportunities were practically chimerical ten years ago. Furthermore, if theologians are placed in urbanized areas with several universities in the neighborhood (and today's neighborhood is quite a large area due to jet transportation), the theologians will have an opportunity to take courses both during the academic year and during the summers. Most of us who went through theology sometime in the last three decades may recall the number of various projects which were classed as "extra-curricular" whether they dealt with harvesting crops or planting trees. This writer has nothing in particular against reforestation, but it would seem that in an urbanized area the same amount of time could now be spent more profitably in filling out a doctoral program. The result of such consistent programming would be that the young Jesuits of tomorrow in ever larger numbers would



finish tertianship with all their doctoral courses completed and with only the thesis to be done. We might look forward to Jesuits obtaining their doctorate before thirty-five—*mirabile dictu!*

To reduce the intellectual isolation and to establish better communication between younger Jesuits and the teachers and professors who are “on the frontline” as it were, some such plan as the following could be used. As soon as the young Jesuit begins his years of training and education, there would be assigned to him a competent Jesuit in the field of his interest, who from that time until the advisee finished his graduate work (whether M.A. or doctorate) would serve both as a kind of tutor and as permanent academic counselor. Quite possibly many of those entering the novitiate would have no particular interest in any special field, still they would be planning to obtain at least a B.A. if not an M.A. no matter what their future apostolate might be. Modern collegiate procedure assumes a certain amount of academic counseling for all students, and when they have definitely chosen an undergraduate major or area of concentration, the respective department often gives them individual counselors. Hence the use of such a counselor would merely bring the novitiate or juniorate into line with a modern college as far as the academic development of the novice or junior is concerned.

Probably our present course of studies will continue to last for seven years before regency and proceed afterwards with presumably at least three years of theology and a half year of tertianship. The greater part of this total of ten and a half years would be spent entirely in intellectual training of some type or other, although in novitiate and tertianship it would be obviously minimized. It would not seem surprising that after such a lengthy span, the exercitant should come up with an M.A. and possibly a doctorate. It would seem wise to take all possible means to enable him to do so. We see not less but more money invested each year by private and governmental agencies in schools precisely because education is more and more recognized (not least by Communist countries) as the chief formative influence on the national and international body politic. For example, those deeply interested in the Negro problem in the United States have long recognized the fundamental necessity of an adequate intellectual training for the Negro if he is to take his proper place on a basis of equality in American society. (Here by the way is an apostolate with tremendous potentialities for us in America).

It might be added for those not fully aware of the tightening bonds in the academic community, that just as an A.B. was necessary fifty years ago as a bare minimum and an M.A. in the thirties and forties, so now it is becoming increasingly clear that soon the doctorate will be a *sine qua non* for anyone involved in any form of higher education. The doctorate has also become a helpful possession for some in secondary education and appears to be developing into a status symbol for any apostolate in future America. Since most young Jesuits have the capabilities for an *average* doctorate (and the writer believes this after many years of observation of doctoral candidates), they should be encouraged to secure it.

The Jesuit advisor envisioned in this proposal should certainly have a doctorate himself. Moreover, he should be an interested and interesting scholar in his own field, actively engaged in the intellectual apostolate. During the young Jesuit's further studies (philosophy, special studies, theology, and even during regency), the Jesuit advisor would keep in touch by correspondence and conference to encourage him and to help him as much as he could. Practically this might involve such mundane things as seeing that he has sufficient desk copies of needed books, that he has access to the learned journals in his field, that he is developing a professional attitude in his work, etc. The counselor might make sure that the younger Jesuit be given permission to attend helpful conventions or specialized courses in universities other than the one he is attending. The advisor might also try to show his advisee how the various segments of Jesuit training could be more effectively related to the specialty which he is studying. This is not to say that the courses of philosophy and theology are to be minimized, but it is a plea for solid integration toward the professional development of the total scholar, an ideal which many of us doubtless feel was sadly missed in our own training. In other words this suggested procedure envisions the setting up of a very personal intellectual relationship between the professional Jesuit scholar and teacher and his potential successor in order that the same mistakes which we made and now recognize as such need not be endlessly repeated.

An obvious objection to such a proposal would seem to come from our manpower shortage. Where do we get the men to do such advising? The answer is not so difficult. Every province has a number of men in its universities and colleges who would wel-

come an opportunity to help in the training and guidance of their own successors. There is a great deal of talk about the "family spirit" in the Society, and this would be a simple way of putting a bit of it into the intellectual part of our lengthy training. Probably each Jesuit counselor in his specialty would have only a few counselees to aid in this way. Many of us are doing it every year for our many lay students, but we are never given an opportunity to aid our own men.

It may also be objected that some of the advisees will drop out of such a program. This is to be expected. It occurs in college and academic counseling both on the undergraduate and graduate levels as every counselor knows. But this is certainly no reason for dropping the whole academic counseling program.

The hope is that by some such plan as this, those who are engaged in the intellectual apostolate would be able to establish better communication with the younger Jesuits in training. It would be a communication system which would last over several years and probably would go far to bring the new, old and rare breeds into greater harmony. In any event, participating in such a program would make it possible for Jesuits in colleges and universities to give their brothers in the Society *at least* as adequate a counseling system as they have developed for the lay student!

# Jesuit Institutions of Higher Education in Latin America

JOHN E. BLEWETT, S.J.

From the origins of the Society of Jesus until its suppression in 1773 many of its members in different parts of the world were engaged in university work, chiefly at institutions for which the Society was responsible. After the rebirth of the Society in 1814 its members in North America, India, and East Asia were again to be found in increasing numbers directing Jesuit universities and teaching in them. In Europe, Jesuits did not re-appear on the University scene except occasionally as professors at state universities, as directors of seminaries of university status, or in a few smaller institutions in Belgium, France and Spain. In Latin America, too, Jesuits were almost totally absent from university life until quite recently.

Since 1930, however, in country after country of Latin America, Jesuits have again emerged as university men. Today, they are totally or largely responsible for the direction of twenty-one centers of higher education: sixteen universities; 1 technological institute (Guadalajara, Mexico); 1 semi-autonomous university affiliate separated by hundreds of miles from its mother institution (San Cristobal, Venezuela); 1 faculty of a university (Asuncion); and two clusters of individual university faculties in Brazil (Sao Paulo and Sao Leopoldo). The following list indicates where Jesuit institutions are to be found, when they were established, and how many students and full-time Jesuit professors and administrators there were in 1967.

A careful consideration of these data and some of their implications will reveal some interesting, even startling facts about the following aspects of the Jesuit university enterprise in Latin America: a) its extent; b) its recent origin; c) its student population; d) its teaching staff.

### *Extent*

With the exception of Costa Rica, French Guiana, Guyana, Honduras, Surinam and Uruguay, a Jesuit commitment to an institution of higher education has been made in every mainland country of Latin America. In most countries the institution is located in

## JESUIT INSTITUTIONS OF HIGHER EDUCATION IN LATIN AMERICA

	Year of Origin	Number of Students (1967)	Number of Jesuits (1967)
ARGENTINA			
a) Buenos Aires	1957	4,392	18
b) Cordoba	1956	2,555	12
c) Salta	1967	155	6
BOLIVIA (La Paz)			
	1966	200	2
CHILE (Antofagasta-Arica)			
	1956	1,543	8
COLOMBIA (Bogota)			
	1930 (1622)	4,060	28
ECUADOR (Quito)			
	1946	1,958	11
EL SALVADOR (San Salvador)			
	1966	536	7
GUATEMALA (Guatemala City)			
	1961	1,188	11
MEXICO			
a) Guadalajara	1957	600	7
b) Mexico City	1943	3,308	24
NICARAGUA (Managua)			
	1961	1,246	9
PARAGUAY (Asuncion)			
	1960	700	12
PERU (Lima)			
	1962	250	4
VENEZUELA			
a) Caracas	1953	4,688	21
b) San Cristobal	1960	690	3
BRAZIL			
a) Rio de Janeiro	1940	3,859	18
b) Recife	1951	2,483	13
c) Goiania	1959	1,442	12
d) S. Leopoldo	1959	1,420	18
e) S. Paulo	1946	4,828	22
		<u>42,101</u>	<u>266</u>

the capital, but in Argentina, Chile, Mexico, Venezuela, and Brazil other cities too have a Jesuit center of higher learning.

For the balanced development of the Latin American countries, practically everyone will agree that the power of the capital cities must be reduced or, put more positively, provincial and inland cities must increasingly flourish. The role of a university in helping this more balanced development is difficult to measure, but it is beyond doubt that a provincial city with a university possesses an

asset of considerable value. Some citizens of Salta, Argentina, to use one example, were convinced that the fate of their city was linked with the establishment of a university center, and for this reason prevailed on the Jesuits to assist them. The new Catholic University of Salta has celebrated only one birthday, but already there is evidence that the flow of young men from Salta to Buenos Aires is being checked. In Antofagasta in northern Chile, it is agreed by all that the Jesuit university has exercised an attractive power on hundreds of young men and by providing them with a sound education near their home has helped develop in them a feeling of regional pride. The attractiveness of Santiago, the capital far to the south, as the mecca for all who want to rise in the world has diminished.

An enterprising sociologist of marriage and the family will undoubtedly discover in 1988 that the proportion of unmarried women in their late twenties and early thirties in the Salta area is notably lower than it was in 1968. He will point to the existence of the Catholic university as one of the reasons for this change, for as more young men from the Salta area are educated at home, they will find their brides nearby instead of in Buenos Aires. Already in Antofagasta there is evidence that fewer young women are forced to forego marriage because of the non-availability of compatible young men.

No university is founded to serve as an ally of Cupid, it is true, but if good, it contributes to the balanced development of the city and area in which it is located. Cupid cannot but rejoice in this.

### *Recent Origin*

A closer look at the dates of origin of the Jesuit institutions of higher education shows that in the twenty-year period between 1930 and 1949 five were established, but from 1950 to 1968 almost one new institution was opened every year. In all likelihood, there has never been such a two-decade period of explosive growth in Jesuit history.

How is this phenomenon to be explained? It would be naive in the extreme to suppose that an order emanated from Jesuit headquarters in Rome demanding that an all-out effort on the university front be made. Although exhortatory letters do flow periodically from this source, never was such a Rome-directed campaign mounted. Indeed, one of the most famous letters in the last two decades, that of the preceding general-superior in 1948 on the

subject of choice of types of work, included strong caution against opening new schools or hastily increasing numbers of students in already existing ones.

A more prosaic explanation would take us into the homes of hundreds of parents in the cities in which Jesuit universities are now to be found. It would take us too into the study rooms of bishops, mayors, local businessmen, and opinion makers. Faced by the rapid increase in population, the need for more university openings for high school graduates, as well as the spreading unrest and turmoil in state universities, different groups from Salvador to Salta turned to the local Jesuits with their pleas. Known as secondary school educators and considered in many areas to be among the intellectual elite and financially resourceful in the Catholic Church, the Jesuits were a natural target of parental concern, civic pride, and ecclesiastical planning. Whether one interprets the large numerical increase of Jesuit universities as an unholy sellout to conservatism or as a healthy expansion of educational opportunity, the initiative for the opening of the institutions came from the local level. At first Jesuit superiors in Rome may have rejected a request for a new university or demanded fuller information on local claims of need, but in the end they approved.

I use the expression "unholy sellout to conservatism," for some advocates of sweeping changes in Latin American society depict the Jesuits as allies of those forces which wish to preserve the present situation as it is. Groups of students and younger professors at national or state universities, according to this explanation, are increasingly exposing the present order as a cesspool of injustice and are violently beginning to purify the waters by circulating through them fresh streams of thought and action. Advocacy in the classroom of the overthrow of governments is part of the new gospel of liberation which, carried into the streets, assumes the form of student protests, riots, and bloody clashes with police. In an effort to offer an alternative to the national and state universities, it is said, brutishly conservative leaders have mesmerized the Jesuits into establishing a chain of new private universities.

### *Student Population*

Before examining these serious allegations more carefully, we should glance for a moment at the figures on students. The

figure on total enrollment in 1967, 42,101, would represent perhaps five percent of the total number of Latin American students in institutions of higher education. What these figures do not reveal is that a sizable percentage, especially in Buenos Aires, Cordoba, San Salvador, Managua, Asuncion, both institutions in Venezuela, and at Goiania and Recife in Brazil, attend classes only in the evening. Many of these students work during the day. Some of the institutions use the same buildings during the day for classes for secondary-school students and at night for university students. Owing in part to these two circumstances, the typical student at a Jesuit university in Latin America can hardly be described as a wealthy young scion of a powerful family. Indeed, studies in different countries would probably bring out that there is little difference in family and socio-economic background between students at national or state and private universities.

### *Teaching Staff*

Students are only one of the partners in the intellectual marriage which is a university. What of the professors at the Jesuit institutions in Latin America? It is obvious that the small number of full-time Jesuits, indicated in the statistics above, is not sufficient to staff even the smallest of universities. The teaching in the Jesuit institutions, as in their sister institutions of the nation or political province, is largely in the hands of a very numerous part-time staff composed of businessmen, lawyers, medical doctors, engineers, and other professionals. At a typical Jesuit institution the part-time professors would outnumber full-time professors by at least ten to one.

Almost all scholarly studies on Latin American universities contain passages denouncing this preponderance of part-time professors and, even more so, the not infrequent phenomenon of absentee professors. In some countries the rector of a national university or the dean of a faculty may be a member of the legislature, sandwiching his responsibilities at the university in between political appointments. The fact that each of the Jesuit institutions has grown out of and is supported by a small number of full-time Jesuits—an average of thirteen per institution—means that some of the worst excesses of the typical part-time system are avoided.

Neither Jesuit nor lay professors, of course, are satisfied with the present situation. They readily concede that one of the un-



derlying reasons for the student unrest and violence, which are almost endemic at many universities, is the lack of contact between professor and student. The lack of contact, in turn, results in part from the lack of a larger number of professors who would be on campus and available to students through the day.

The system, however, will not be changed by merely being denounced. Until increasing financial resources flow into university coffers, part-time professors, drawing almost the whole of their salary from their profession, will continue to be more numerous than desirable. Even national and state universities, almost all will agree, are inadequately financed. Private institutions, which receive little or no assistance from tax monies, except in Chile and, to a far lesser extent, in Brazil, are, of course, in a far more miserable situation. They scrape along on the tuition fees paid by students, some benefactions from organizations or private citizens, and money borrowed from banks at more than 20 percent interest annually.

This pattern will not change until and unless the citizens of Latin American countries decide that their national development depends, in part, on a strong and expanding university system and then make their voice heard by their political leaders. Further, business organizations, civic and social groups, as well as wealthy private citizens must put increasing sums of money where their interests are—in the educational system as a whole.

Against this dark financial background, one naturally asks: Why are the Jesuits so deeply involved in such costly work as university education? Or, if they judge that this field is important, why do they not content themselves with teaching at national and state universities, thus avoiding the crushing burdens of trying to finance their own institutions? In candor, it must be stated that these questions are being asked by some Latin American Jesuits themselves.

#### *Need for Private Universities*

Those who see Jesuits as dark conspirators with the present holders of power in Latin America readily supply the answer sketched above. Others, like myself, offer a different answer to the question, along the following lines.

There has been a tragic failure in most Latin American countries in the field of higher education. Some of the particulars of that failure were described by one of the notable academic leaders of Latin America, the former rector of the Universidad de Con-

ception, Chile, as follows: uninspired teaching and insistence by professors on excessive memorization; neglect of the sciences, both in teaching and research; a lack of libraries and laboratories; excessive independence of the component schools resulting in duplication of facilities and of courses; weak central administrative bodies; too rapid turnover of academic authorities; feudalistic structures within individual schools; too many part-time professors and students; lack of real interest on the part of students in learning and excessive preoccupation with degrees; little provision for graduate studies; no academic federations of universities to serve as regulatory bodies.

This severe indictment of typical features of Latin American universities may be nuanced differently by other critics, but almost all would agree that it is not distorted. Others would emphasize that the art of academic politics has been overdeveloped, leading to intrigue and cabals on part of both professors and students.

If the above picture is reasonably fair, then a new type of university is clearly called for and a reformation of debased ones must be urged. There is a fair amount of evidence in several countries that the Jesuit institutions, despite their precarious financial situation, are meeting with success in developing a new type of university. In at least three countries national or state universities have paid nearby Jesuit institutions the high praise of imitating some of their initiatives. Further, the fact that Jesuit institutions are not plagued by student strikes that drag on for weeks and months while neighboring campuses are turned into battle grounds means that a visible alternative to anarchy exists.

The educated men and women needed in the modern world cannot come from institutions which are content with the programs of study which sufficed in the past. Education in fields such as business administration, mass media, social service, nursing, planning and public administration, for example, must flourish as the cart is replaced by the automobile. In such fields the Jesuit institutions are conspicuously active.

In a country like Bolivia the need for cooperatives of *campesinos* strikes even the most casual observer. Skilled leaders are essential if a cooperative movement is to develop soundly. For this reason the Jesuits in La Paz have begun a special two-year program for men who already have some experience or who desire to enter the field of *cooperativismo*. Socio-economic development without improved teaching of science in the secondary schools is unthinkable;

this improvement depends in part on the availability of simple laboratory equipment. In Rio de Janeiro and in Sao Leopoldo in Brazil professors of science at the Jesuit universities have teamed up with laboratory technicians and artisans to produce such equipment. These are but two examples to illustrate the flexibility and willingness to relate education to the needs of the surrounding communities that Jesuit educators do not shrink from.

In what concerns the governance of the universities for which they are responsible, the Jesuits typically are working toward centralization of services and closer unity among the constituent academic units. This leads to a lowering of costs on the one hand and more effective planning on the other. In this way, a university approaches closer to being a university rather than remaining a juxtaposition of basically isolated units. Such organization cannot succeed without discussion and compromise, two of the basic elements of modern, democratic societies. Hence, through their universities, Latin American Jesuits are contributing, if only indirectly, to the development of the type of society which the citizens of the different countries aspire to.

Another reason in support of the social value of the Jesuit, as well as other private, universities in Latin America is that their very existence proves that groups of citizens working in unison can supplement the efforts of national and state governments in cultural affairs. The healthy tension that results from limited competition among different universities can help all to become better. In countries where it is taken for granted that only a government office of cultural affairs is competent to make educational decisions and that a university by its very nature should be a government directed and tax-supported institution, citizens too often are prone to be passive and excessively diffident about the power of voluntary groups to achieve anything worthwhile. When students take for granted that their higher education is to be totally subsidized by tax monies at an actual cost usually much higher to the taxpayer than the cost at a private university, one often sees that they are unappreciative of what is being given them. When a student works in order to pay his tuition, he is not so ready to squander his precious opportunity by skipping classes, neglecting study, or failing examinations on purpose so as to remain in the ease of academe. (Studies on such "professional students" at several national universities have made clear that often they form the nuclei of student agitation and violence.)

Summarizing the above, we can say that Jesuit universities in Latin America are making a positive contribution to the balanced development of their respective countries because they are opening badly needed areas of study neglected in the past at state universities, working toward a more rational type of government within their institutions than has prevailed in the past elsewhere, and demonstrating the effectiveness of private, voluntary groups to aid in shaping the future of their country.

### *Conclusion*

It would be outrageously absurd to pretend that the Jesuit institutions under discussion are paragons of academic perfection. Weaknesses exist, not all of which can be traced to financial famine. Perhaps because, typically, they were started as responses to local needs and because the handful of Jesuit pioneers had to give their energies to organization and administration, insufficient provision was made for rounded instruction in Christian anthropology and theology. This lack is now keenly felt in several of the institutions, and qualified professors for these subjects are being sought.

At some institutions the concern of the Jesuit administrators to prevent their campuses from becoming centers for political activists may have given the impression to part of the student body that politics is dirty business, to be avoided by the intelligent. To counteract any such impression and to serve as a guideline in the future, almost all of the rectors gathered in Lima in October, 1967 and spelled out their belief on this point. "In a society such as ours," they said, "characterized by profound and accelerating changes, the university should serve as an alert and searching conscience rather than as an organ of direct political action, in order to promote and wisely guide the changes which the times demand." All well-wishers of the Jesuit institutions of higher education will applaud their efforts to sensitize their students to the great importance of political decision-making in their respective countries and to prepare them to play an active and persevering role in civic and political action after graduation.

Another weakness of these institutions has been the comparative lack of contact among them. Although all of them naturally seek to strengthen their links with other universities in their respective countries, this should not preclude an increasing exchange of opinion and interchange of personnel among the Jesuit institu-

tions themselves. As more and more national and international bodies call for regional and continental planning in Latin America, it would seem that the network of Jesuit institutions should be especially concerned to provide intellectual and cultural support to this action.

Hannah Arendt in her perceptive study, *Between Past and Future*, describes education "as the point at which we decide whether we love the world enough to assume responsibility for it and save it from that ruin which, except for renewal, except for the coming of the new and young, would be inevitable." The Jesuits in Latin America, without fanfare and headline-seeking, are showing that they do love the world and are not running away from responsibility for it.

## Theology and Literature

J. ROBERT BARTH, S.J.

To be perfectly accurate, this paper might better be entitled "Religion and Literature." I am very much aware of the fact that theology is, and must remain, itself a discipline with a methodology of its own. I have no desire to tamper with it nor to intrude upon it; it is sacred ground where I, as a "literary man," have no right to tread. My discussion joins theology only at that point—wherever it is— at which the study of theology becomes the study of religion. At Canisius, perhaps I have learned to walk near the Holy Places a bit more freely, since our Department of Theology is now a Department of Religious Studies. It is at that point of juncture, it seems to me, where theology becomes religion—where *fides quaerens intellectum* becomes *fides practica*—that theologian and literary critic often become professionally interested in some of the same objects and values. The fact of this new rapport between the two is so evident as to need little comment. From the literary side, it is clear enough that a good deal of modern criticism has moved away—or rather beyond—the now old "New Criticism."

The New Criticism, which held sway for twenty years or more, contributed richly to the study of literature; it made critics approach the literary work, more than ever before, as an organic structure. It came to see poetry as, in the words of Nathan Scott, "a function of the interrelationships that knit the terms together into the total pattern that forms the unity of the work." It reached in a new way what Cleanth Brooks has called "the pressure of the context." The New Criticism came in time, however, at least under many of its practitioners, to overemphasize the autonomy of the poetic fact—to forget that the poetic fact is not only a function of the interrelationships within the pressure of the poem, but that it is also a function of "the relationships between the terms of the poem and some reality which is extrinsic to them." Within the past decade, however, many critics, without rejecting or underrating the values of the New Criticism, have moved into what might be called a "Newer Criticism." As is usual in literary "trends," it is a matter of a new emphasis—not a rejection of the past, but a righting of the balance. Hopefully, the New Criticism will stay with us, but

it will be augmented by something it had lacked, a return to the realization that literature is a way of knowing.

There has come to be, in other words, a new realization of an old truth which seems to have been lost sight of for a time, that the religious and philosophical and moral values mediated through a work of literature are profoundly relevant to the literature itself, and hence to the work of the literary critic. This is not to say that literature and literary criticism are philosophy or theology or anything else. Literature remains uniquely literature. Nor is it to say that the "judgments of value" expressed or implied in a literary work are something distinct from its form and imagery and texture. It is to say, however, that the very structure of the work itself—its shape and imagery and organic structure—are themselves fraught with "value significance." And when the critic does his task of clarifying and interpreting, one of the most important things he clarifies and interprets is the "attitude toward reality" expressed or latent in the work of literature before him. Happily, literature and literary criticism are rejoining the rest of the world, and like the world itself, they are full of "barracking and broken bones." We have come back to the tradition of the greatest critics of our language, like Coleridge, who wrote: "I never have been able to tame down my mind to think poetry a sport, or an occupation for idle hours." [Raysor, II, 106.]

The *fact* of the rapport is perhaps equally evident from the theologian's side. One thinks, for example, of the work of Nathan Scott of the University of Chicago Divinity School, or of Amos Wilder of the Harvard Divinity School, or of Tom Driver of Union Theological School. The reasons—or the justification—of the rapport on this side, however, are probably not so evident. The reasons for the literary man's interest are clear enough—the issue has been much discussed—but the reasons for the theologian's interest are not, I think, immediately evident.

The facts, first of all, seem to be these: (1) literary critics have become interested, perhaps more than ever before, in the religious and theological dimensions of literature; (2) from the other side, certain religious and theological problems are often becoming realized, especially by students, through contact with imaginative literature. The question suggested by these facts is, I suppose, something like this: What are the principal points of tangency between the study of literature and the study of religion? Or perhaps

better, looking at it from the theologian's point of view: To what theological problems can literature possibly contribute? Although I suspect that there are many more—and perhaps these will come up in the course of discussion—I am going to suggest two possible contributions which literature might make to religious studies.

First of all, I take it that one of the problems to which modern theologians have been addressing themselves is the problem of the relevance of religious belief and doctrine to the individual believer. A great deal of recent Catholic theology is nothing if not personalist. The problem of belief, the problem of the relationship of the individual to the Church, the problem of authority, the problem of personal moral responsibility vis-à-vis the Magisterium, the emphasis on the "*opus operantis*" in sacramental theology—all these focus in one way or another on the place of the individual person in the process of salvation.

This is, I think, one of the points of tangencies between literature and religious studies. Literature, of its very nature, insists on the uniqueness of the individual person or fact or experience. Its first premise is the uniqueness of the concrete existent, and its product, the poetic fact—the epic or lyric or novel or whatever—is essentially characterized by its uniqueness. Literature wants to know man with all his particularities of time and place and national culture, of temperament and personality and disposition, of age and shape and size—every object he sees, every experience he undergoes, every prejudice and every smile, every wart and every shapely curve. Literature cares above all for—to use Hopkins' term—the inscape of an object or person or experience—of the Windhover, of Felix Randall, of "Margaret grieving over Goldengrove unleaving." His own expression of it is no doubt best:

As kingfishers catch fire, dragonflies draw flame;  
As tumbled over rim in roundy wells  
Stones ring; like each tucked string tells, each hung bell's  
Bow swung finds tongue to fling out broad its name;  
Each mortal thing does one thing and the same:  
Deals out that being indoors each one dwells;  
Selves—goes itself; *myself* it speaks and spells,  
Crying *What I do is me: for that I came.*

This is what literature cares about more than anything: individual finite realities in all their uniqueness. As Father Lynch says in *Christ and Apollo*, this is what God himself has done in the Crea-



tion: "God's imagination has in His own creative act cut through all the lines of impossibility, penetrated into the last bit of mud at the hidden bottom of the sea, to illustrate the lines of possibility and reality." [p. 27] And this is what Christ has done in the Incarnation: He took on "the dimensions and concreteness of an actual life" and of "human history." There is in Christ an "absolute specificity." If one of the tasks of the theologian today is to make Christian doctrine and theology relevant to the concrete world in which we live, he must know the temporal order in all its definiteness, in all its muddy actuality, so that he will not only know, but realize, that the world in which religious truth is to become *lived* religious truth is complex, exciting, comic, tragic, pathetic, beautiful, muddy, dynamic, and horrible—whether by turns or all together. Father Lynch apart, the best theoretician whom I have discovered on this whole matter of the relationship of religion and literature is a young Protestant theologian, Sallie McFague TeSelle, in a recent Yale University Press publication entitled *Literature and the Christian Life*. I would suggest, with Doctor TeSelle, that "theologians, particularly those involved in christological theory, might benefit from a long hard look at the reality of man as depicted in the arts, for . . . it is literature and not Christology that enables us to see concretely what the reality of man's temporal life is all about." [43] If the theologian is to make religious belief relevant to the Christian's total human experience, then he must know the nature of that experience. Literature is not religious experience; it is aesthetic experience. The one is not the other, nor can the aesthetic experience properly be a substitute for religious experience. This would be late in the day to revive Matthew Arnold's view of literature as a "surrogate for religion." The point is that both are *human* experience. They come together in the mind, or more often perhaps, in the imagination of a concrete individual. If the theologian is to address the whole man in a meaningful way, he must know the nature of that man's human experience. As Doctor TeSelle writes, "through the aesthetic object we see the true structure of reality and see it profoundly for the first time . . . A novel or a poem does not usually offer a program of action or a philosophy of life, but it does present something for our contemplation. The kind of learning gained from the arts is not information or knowledge in the usual meaning of these words, but is far closer to wisdom, understanding, or 'lived truth.' This is so because, as [Cleanth]

Brooks points out, the way statements are made in poetry (and I would add, in the novel and drama) is far closer to the way they are made in life than to the way they are made in philosophy or science." [107] If the theologian (and the student of theology) knows profoundly the nature of human experience, in all its complexity and all its definiteness, he can address himself more relevantly to the problem of relating religious truth to man's total human experience.

The second tangency which I see between religion and literature touches religion in terms of the current theological problem of language, which I take to be (in very general terms, I'm afraid) the problem of finding language relevant to modern man and relevant to him as a person—that is, language which somehow speaks to the whole man, not merely to the top of his head. Here again, I suggest, literature can be of service to the theologian. Literature, like all art, is directed essentially toward symbolic utterance. Its basic tool is metaphor, which at its best moves toward symbol, whose fullest form is myth. Literature works under the aegis not merely of the reason or will or senses, but of the Imagination, which comprehends all of these, and much more besides. If I may be forgiven a brief ride on one of my own particular hobby-horses, listen to Samuel Taylor Coleridge's description of the work of the poet's Imagination, from his *Biographia Literaria*:

The poet, described in *ideal* perfection, brings the whole soul of man into activity, with the subordination of its faculties to each other, according to their relative worth and dignity. He diffuses a tone and spirit of unity, that blends, and (as it were) *fuses*, each into each, by that synthetic and magical power, to which we have exclusively appropriated the name of imagination. This power, first put in action by the will and understanding, and retained under their irremissive, though gentle and unnoticed, control . . . reveals itself in the balance or reconciliation of opposite or discordant qualities: or sameness, with difference; of the general, with the concrete; the idea, with the image; the individual, with the representative; the sense of novelty and freshness, with old and familiar objects; a more than usual state of emotion, with more than usual order; judgement ever awake and steady self-possession, with enthusiasm and feeling profound or vehement; and while it blends and harmonizes the natural

and the artificial, still subordinates art to nature; the manner to the matter; and our admiration of the poet to our sympathy with the poetry. [II, 12]

At its best, the product of this poetic faculty is the symbol, which at once gives shape and emotional energy to human experience of the world. As Coleridge wrote elsewhere, in *The Statesman's Manual*, such poetic products are "the living educts of the imagination; of that reconciling and mediatory power, which incorporating the reason in images of the sense, and organizing (as it were) the flux of the senses by the permanence and self-circling energies of the reason, gives birth to a system of symbols, harmonious in themselves, and consubstantial with the truths of which they are the conductors . . . A symbol . . . always partakes of the reality which it renders intelligible; and while it enunciates the whole, abides itself as a living part in that unity of which it is the representative." [SM, Shedd, I436-8]

From symbol it is only the shortest of steps to myth, for a myth is, among other things, a system or pattern of symbols. The importance of symbol and myth in our own day might be highlighted by contrasting it with allegory, itself a form of metaphoric expression. The poet Babette Deutsch has remarked that "contemporary poets reject allegory because of the oversimplification and didacticism it risks." [77] Allegory, with its clear one-to-one correspondence between the allegorical figure and the truth it represents is primarily a teacher's tool. This is not to say that it cannot be used with beautiful effect in the hands of a teacher who happens also to be a master artist. Witness the story of Spenser's Red Cross Knight in the *Faerie Queene* or of Everyman, both of which are artistic allegories of man's spiritual pilgrimage. Generally speaking, allegory teaches—and what it commonly presumes is a certain truth already achieved by the teacher, to be conveyed imaginatively to the listener. With this in mind, perhaps it may be clear why contemporary artists are chary of allegory: today the most urgent problems which engage the attention of the artist are involved with the search for truth rather than with the communication of truth already achieved. The writer today is more likely to deal in terms of symbols: not a set of simple one-to-one correspondences, but a set of images to which cling an undefined and, practically speaking, unlimited number of connotations—as Yeats, for instance, uses the symbol of a tree or a tower. The literary artist builds up a system

of symbols which offer certain connotations or imaginative resonances, some obvious, some oblique, some deliberately and ironically distorted or ambiguous, some barely hinted at. Such literature offers us patterned reality, but in terms of a pattern which is not doctrinaire, not apodictic.

But the artist today deals, too, with myth. A symbol, of and by itself, is timeless; it does not of itself involve movement. A myth, on the other hand, as a story, allows for the passage of time, and therefore for dramatic movement: action, complication, resolution. At the same time, because a myth is built of symbols, it encloses connotations, emotions, affective responses. There whatever dramatic resolution is achieved within the myth is a resolution of things not accessible to merely rational knowledge or argument. Almost every past age seems to have had its myths, that is, imaginative stories or patterns of events which afford a matrix according to which men may be helped to order their lives, achieve some structure of values, articulate and perhaps resolve their fears and their aspirations. The myths of the gods were such for the Greeks, as the legends of the founding of Rome were for the Romans.

Since literature and the arts deal of their nature with symbol and myth, it would seem eminently useful for the theologian and the student of theology to enter deeply into this artistic world and its language. He may well find there tools not only to convey, but even to investigate, a whole congeries of problems, values, emotional responses, and imaginative insights. As I. A. Richards wrote in a famous commentary on Coleridge's theory of the Imagination: "The saner and greater mythologies are not fancies; they are the utterance of the whole soul of man and, as such, inexhaustible to meditation. They are no amusement or diversion to be sought as a relaxation and an escape from the hard realities of life. They are these hard realities in projection, their symbolic recognition, coordination and acceptance. Through such mythologies our will is collected, our powers unified, our growth collected." [171] The same is true of the greatest of the world's literature: of Homer and Vergil, of Dante and Milton, of Dostoievski and Faulkner and T. S. Eliot. The best of literature engages the whole man, and it does so by the manipulation of language; surely there is something here for the theologian in his search to find language relevant to the whole man in the world of the twentieth century.

It is possible that the aesthetic view of man, or rather an aesthetic

way of viewing man may be—in its relationship to religion—an aspect of, or shed some light on, the notion of Christ as the “Imago Dei.” Christ is at once the image of the Father and the pattern of creation. Man becomes a sharer in the creative power by shaping the world anew; and one of the ways in which man creates the world anew is by literature, by Poiesis. The aesthetic venture (again, in its relationship to religious studies) may be an aspect, too, of the much-vexed problem of the relationship of Nature and Grace. But these are probably matters for the theologian to decide.

Having suggested two ways in which literature may be of service to the theologian and the student of religion, I feel the need to add a *caveat*. Whatever the relationship between religion and literature may turn out to be, it cannot be such as to destroy or weaken the integrity of either. As Dr. Sallie TeSelle insists, “there is perhaps nothing more necessary in the business of relating religion and art than to let art be secular.” [16] The function of literature involves an “intense concentration on the finite reality of the world and man for their own sakes; the distinctive artistic apprehension is a passionate desire to see the world and man more clearly or, as T. E. Hulme says, to trace ‘the exact curve of a thing.’” [17] That there may be religious implications in a work of literature is obvious; but this is secondary to the essential fact that literature, like all the arts, is its own self. “A poem should not mean, but be.” R. W. B. Lewis puts it well—in the context of a discussion of American literature—in a *Sewanee Review* article entitled “Hold on Hard to the Huckleberry Bushes”:

The doctrines of Hawthorne and James, of Emerson and Thoreau, of Poe and Melville, like those of their twentieth century followers, are for the most part not received abstractions put into imagistic forms. They are ‘transcendental world-views’ created by the very play and pressure of the images invoked. They may contain occasionally the essences of some long-gone pieties; but their vitality is new, their foliation original; they flower freshly amidst their own huckleberry bushes. [45]

This uniqueness of the “poetic fact” puts a special burden on the literary critic. His task in this context is well summed up in a comment of the English critic F. R. Leavis:

The business of the literary critic is to attain a peculiar completeness of response in developing his response into commentary; he must be on his guard against abstract-

ing improperly from what is in front of him and against any premature or irrelevant generalizing—of it or from it. His first concern is to enter into possession of the given poem (let us say) in its concrete fullness, and his constant concern is never to lose his completeness of possession, but rather to increase it. [TeSelle, 173]

Now I see no objection to elucidating and interpreting the religious, moral, and philosophical views implicit in a work of literature, provided it is done in the right way. The problem is that it is so often not done in the right way. Doctor TeSelle, herself approaching the problem as a theologian, levels a charge against many theologians which it is difficult to gainsay. Most theologians who attempt such criticism, she says, “come with a set of categories that are extrinsic to the piece of literature under consideration and impose these external categories upon it.” [44] She continues: “To do the sort of criticism that is in keeping with these comments about the way a novel or poem manifests a ‘vision’ requires an openness to the intrinsic outlook of the work as well as a sensitivity to the vehicle that carries it—‘the play and pressure of the images’—that few theologians possess.” [45] Obviously, this is not to say that it is not possible for a theologian to possess this expertise. It is simply a matter of practical fact: the possession of such a double expertise, in *any* two fields, must be expected to be the exception rather than the rule. Meanwhile, there is the problem: when dealing with a work of literature, one must confront it on its own terms; one must “hang on hard to the huckleberry bushes.”

The answer is perhaps obvious. In dealing with a work of literature, the theologian—unless he happens to be a literary critic as well—must rely heavily on the work of the literary critic. In fact, this is perhaps the most important contribution the theologian will make to literary criticism in this whole endeavor: prodding the literary critic to do “the sort of criticism that has always been the glory of the profession—the criticism that dares to suggest *what* a work says through the *way* it says it,” in the hope that the theologian will then find the result of this work relevant and useful for his own.

It remains now to come down to concrete cases. Although there are undoubtedly many kinds of courses which might jointly involve and be accepted for credit by departments of English and of Religious Studies, I am going to suggest three for your consideration.

The first type of course is perhaps the most obvious, and I rather

suspect it is the type of course most commonly introduced already, in the places where Theology/Literature courses are already operating. I see it as primarily a thematic study. Certain themes with theological and philosophical implications—such as the problem of guilt and anxiety, the problem of contingency, the nature of belief and unbelief, the mystery of time, the nature and scope of man's freedom, the problem of the alienation of men from one another and from their community, the decline of order and ethical values in modern society, the redemptive possibilities of suffering and of love, the perennial problem of evil, and so forth—are studied in terms of the concrete experience of them in works of literature. A case in point is a course being taught by Fr. James Tyne at Canisius College. A broad cross-section of modern novels are studied in terms of the problems of alienation, guilt and contingency: novels like Faulkner's *Light in August*; Greene's *The Heart of the Matter*; Updike's *Rabbit, Run*; Malamud's *A New Life*; and Golding's *Lord of the Flies*. Providing our *caveat* is strictly observed, that the work be taken on its own terms—without the imposition of categories from without—this can be, it seems to me, an immensely valuable course.

The second type of course might be represented—if I may be “first-personal” for a moment—by a course I have proposed at Canisius. This kind of course would attempt to come to grips more directly with the interrelationship of the aesthetic experience and the religious experience themselves, especially with an eye to the way in which symbolism and the mythic dimensions of literature somehow bring together both these experiences. My particular brand of this course would deal with four modern artists—Dostoevski, Faulkner, Greene, and Kafka—writing from quite different religious and national traditions: Russian Orthodoxy, American Protestantism, English Roman Catholicism, and Continental Judaism. It would discuss and attempt to define how the nature of an artist's work is influenced by his religious background. It would then go on to focus particularly on the problem of the relationship of the religious imagination and the artistic imagination, and the concomitant problem of religious symbolism literature. One advantage of this type of course would be, I think, that—at least ideally—it could come to grips with the artistic process itself as it is related to religious values and experiences.

Finally, I would suggest the possibility of a course which would

relate literary works of a period to the religious background and writings of the same period. I realize it is similar to, and overlaps with, my previous suggestion. It differs somewhat, however, in its focus. It would focus not so much on the problem of the personal imaginative process of the artist and the concomitant problem of religious symbolism, as on the broader relationship of the artist's religious ideas to the currents of belief and controversy of his period. Such a course might focus, for example, on seventeenth century English literature—Donne, Herbert, Crashaw, Vaughan, Milton, and so forth—as it reflects and shares viewpoints with properly religious writings of Reformation England—works, for example, like Hooker's *Laws of Ecclesiastical Polity* and Milton's own treatise *De Doctrina Christiana*. It could be, probably necessarily, an occasion for team-teaching—bringing into play the distinct contributions of a theologian or an historian of religion and a literary man. Here again, our *caveat* would be very much in force, both on the part of the specialist in religious studies and on the part of the literary critic—that each deal with his own text according to his own methodology—but the mutual illumination could be well worth the necessary tight-rope walking.

Perhaps that might be a suitable image on which to close. Perhaps the whole endeavor is a matter of tight-rope walking; perilous, to be sure, but thrilling—and very rewarding when you reach the other side!



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