

RELIGIOUS EDUCATION IN CANON LAW

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Concluding his autobiography entitled *The Story of My Experiments with Truth* and bidding "Farewell" to his readers, Mahatma Gandhi wrote: "Those who say that religion has nothing to do with politics do not know what religion means." By religion GANDHI did not mean idol worship, temple prayers, animal sacrifices and the like, but dedication to God-realization. And God, for GANDHI, was Truth with a capital T. "God can never be realized by one who is not pure of heart," he declared, adding "identification with everything that lives is impossible without self-purification." This is an arduous task, continued Gandhi. "I must reduce myself to zero. So long as a man does not of his own free will put himself last among his fellow creatures, there is no salvation for him... Identification with

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everything that lives is impossible without self-purification.”¹ It can be tempting to seek points of contact with the teachings of Jesus Christ, who annihilated himself making himself a servant of all and taught that one has to deny oneself to be his disciple; that to see God one must be pure of heart; and that to love God one must love one’s neighbour, too.

§1. Religion

If religion is understood as it was understood and taught by Jesus Christ and by Gandhi, there should be no opposition to it. And one would agree with GANDHI that “those who say that religion has nothing to do with politics do not know what religion means.” But many do not want any religion in politics. Even outside politics not a few reject religion for themselves, for their family. They oppose it as a cultural heirloom that has not kept pace with the progress of science. And logically they are opposed to the teaching of religion in schools. Proud of science and free thought many heirs of the Enlightenment declare that they have no use for God or religion. They see religion as dogmatic and opposed to progress. Gandhi’s close friend Jawaharlal Nehru, for example, declared that his temples were the factories built by modern technology for the benefit of the people. But Gandhi, who knew NEHRU very closely, said of him, “he is more religious than you or me,” meaning that there is a way of being religious without affiliation to any organized religion. Some see Jesus also as advocating being religious thus when he told the woman of Samaria that true worship was not a matter of place, whether Samaria or Jerusalem. “True worshippers will worship the Father in spirit and truth, for the Father seeks such as these to worship him” (John 4: 19, 23). Gladly enlisting this Jesus in their club, those who are opposed to all organized religion will also be opposed to the teaching of religion in schools.

There is no need to tarry here to give a precise definition of religion. For our present purpose we can be satisfied with an exemplificative definition, that is, by naming a few well-known religions like Hinduism, Buddhism, Islam, Judaism and Christianity. Whatever social phenomenon with a comparable belief system, worship and code of moral conduct, will come under religion for our present purposes.

¹ MOHANDAS K. GANDHI, *An Autobiography: The Story of My Experiments with Truth*, translated from the Gujarati (1927-1929) by Mahadev Desai (1940), Boston: Beacon Press, 1957/1972, pp. 504-505.

No one is born with a religion; like language, including one's mother tongue, religion is something acquired. Just as even without school education some practical knowledge of a language can be acquired to some extent, so also without formal religious education one can acquire from life a working knowledge of religious beliefs and practices. But just as most people and societies do not rest satisfied with such a minimum knowledge of languages, so also they are not content with a minimum of knowledge of religion and informal religious education. There is, however, great variety in the idea, practice and law of religious education.

§2. The Concordat System and Religious Education

The situation is not the same or uniform everywhere of course. Italy is in many ways special by reason of its 1929 concordat with the Holy See. In article 9 of this concordat, provision was made for the teaching of religion in the state schools in Italy. This model of teaching the Catholic religion in state schools obtains today only in very few other countries like Germany and some Latin American countries. In the worldwide context one may say that the concordat model is rather the exception than the rule. With most other countries like India the Holy See has diplomatic relations but no concordat. In my paper I shall be discussing mostly such a situation, in which the teaching of religion in schools is not regulated by any concordat with the Holy See. Such a situation, too, is in place in a symposium like the present one devoted to the Apostolic See and the CCEO.

Let me note here in passing that these two terms, the Holy See and the Apostolic See, although interchangeable in many contexts, are not always so. Concordats are made with the Holy See, not with the Apostolic See. And historically the See of Rome is not the only Apostolic See, for which there is the precise qualification "Roman Apostolic See" both in the Second Vatican Council and in the Code of Canons of the Eastern Churches,² although these are rare expressions.

In a pluralistic society, the teaching of religion raises certain specific problems. It can be argued that if education is to be integral it must involve also religion. But which religion? If a democratic state makes room for the teaching of one religion, should it not make room also

² *Unitatis redintegratio*, Decree on Ecumenism, n. 19; *Optatam totius*, Decree on Priestly Formation, n. 16; CCEO can. 904 § 1.

for the teaching of other religions? This is not to affirm that all religions are equal, but to recognize that all human beings have equal right not to be discriminated against on the ground of religion.

Let us consider a recent chronicle. Some time back, on 18 October 2009 the media flashed the news of a proposal by certain Italian politicians to introduce in the syllabus of schools, both public and private, an hour of the Islamic religion, facultative and alternative to the teaching of the Catholic religion. Some saw this as the choice of a lesser evil, namely, to prevent the sprouting and spread of *madradas* and other fundamentalist Islamic schools in Italy, where there are five million Muslim immigrants. It was argued that the state should take steps to bring about their social integration and prevent the formation of ghettos, which clandestinely turn into nurseries of terrorism. It was proposed that Islam could be taught not only by competent Italians but also by immigrant imams listed on an approved album. An alternative proposal was "an hour of the history of the three great monotheistic religions."³ But this proposal had to answer the following criticism. Why restrict religious education to these three religions ignoring other great religions like Hinduism and Buddhism? If the idea is "to promote the knowledge of the culture and the religion to which the students belong," logically there should be provision to teach not only the so-called three great monotheistic religions but whatever religion the students profess. Logic leads to a cult of pluralism that can turn out to be impossible in practice.

His Eminence Cardinal Angelo Bagnasco, President of the Italian Conference of Bishops, intervened in the public discussion countenancing no pluralistic opening to other religions at all. He was reported as having stated as follows:

L'ora di religione cattolica, nelle scuole di Stato, si giustifica in base all'articolo 9 del Concordato, in quanto essa è parte integrante della nostra storia e della nostra cultura. Pertanto, la conoscenza del fatto religioso cattolico è condizione indispensabile per la comprensione della nostra cultura e per una convivenza più consapevole e responsabile. Non si figura, quindi, come una catechesi confessionale, ma come una disciplina culturale nel quadro delle finalità della scuola. Non mi pare che l'ora di religione ipotizzata

³ The ex-interior minister GIUSEPPE PISANU quoted in *Corriere della Sera*, 18 ottobre 2009, pp. 1 and 9.

[cioè islamica] corrisponda a questa ragionevole e riconosciuta motivazione.⁴

According to this explanation given by the President of the Italian Conference of Bishops, article 9 of the concordat did not make a confessional choice of the Catholic catechesis but articulated the need for an education in which the Catholic religion is regarded as an integral part of the history and culture of the country. What is envisaged, therefore, is a cultural discipline and not a confessional catechesis. Logically, such a cultural discipline should be taught in Catholic schools also, which could not be content with mere confessional catechesis.

We may note in this connection that this reference to culture has a parallel in the insistent proposal of the Holy See a few years ago to mention the Christian roots of European culture in the Constitution of the European Union, a motion that was opposed by many members and finally rejected in spite of the warm support given to it publicly and repeatedly by His Holiness Pope JOHN PAUL II in person.

Such a reference to culture can have logical consequences, too. For example, in India and in a future constitution of the union of the countries of South Asia, which are heirs to the Hindu culture, mention would have to be made of Hindu cultural roots on the suggested European model. Secondly, Hinduism as a cultural discipline would have to be taught not only in all state schools but in others as well including Catholic schools. Mere confessional catechesis would not be enough.

Traditionally, Italy is a Catholic country and was legally so till 1984, when the 1929 concordat between the Holy See and Italy was reformed⁵. Italy agreed to continue to maintain the teaching of the Catholic religion in state schools, which had been state law in the 1920's when two Italian philosophers, Benedetto Croce and Giovanni Gentile, were minister of education one after the other. Both regarded Christianity as an integral part of the cultural heritage of

⁴ L'intervista, *Corriere della Sera*, 18 ottobre 2009, p. 5.

⁵ Cf. CECCARELLI MOROLLI D., "Brevi Riflessioni sul significato del Concordato in Italia", in *International Bilateral Legal Relations between the Holy See and States: Experiences and Perspectives*, Atti del Convegno Internazionale di Studi patrocinato dal Ministero degli Affari Esteri della Repubblica Slovacca - Pontificio Istituto Orientale - Ambasciata della Repubblica Slovacca presso la S.Sede, Roma, Pontificio Istituto Orientale 12-13 dicembre 2001, Città del Vaticano 2003, pp. 189-193.

Italy, which they maintained was the function of the school to hand over to each new generation. These philosophers were not concerned so much with the Catholic faith as with the culture of the country, which as a matter of fact had been shaped by the Catholic religion. No one could be a cultured Italian citizen without some knowledge of this religion. This conviction found expression in article 9 of the Concordat between the Holy See and Italy, signed by Cardinal Pietro Gasparri and Benito Mussolini in 1929. Later on laicist, secularist and irreligious forces would fret at the teaching of religion in state schools and succeed in making class attendance a free option of the students cum parents: the choice belongs to the parents till their children complete seventeen years of age, after which the students have the option to take the course of religion or not.

According to the statistics furnished by the Italian Bishops' Conference, the percentage of students of state schools, from the primary to higher education, who chose to attend the Catholic religion class in the scholastic year 2007-2008 is 91.1%. This means, according to comparative analysis, that in the last fifteen years 2.4% have renounced to attend the Catholic religion class. There is, however, considerable difference in the statistics zonewise and regionwise. In the south the percentage of the students who renounced the religion class is 1.7%, in the centre 9.7%, while in the north it is 14.5%. Regionwise, Tuscany scores the highest percentage, 17.8%, while in Campania it is 1.3%. These local variations can be of interest even to outsiders inasmuch as they would seem to point to certain coefficients: first, in the more economically advanced areas religion class is less appreciated; second, areas where clericalism was once dominant as in the Pontifical States score the highest percentage of student renunciation of the religion class.

§3. Teaching of Religion and Catechesis

Let us now focus more closely on the above-mentioned distinction between the teaching of religion as a cultural discipline, not as confessional catechesis. This distinction is akin to the distinction between religion and faith and is implied in a canon of the Eastern Code, which I have undertaken to comment on in my paper. CCEO Canon 637 reads:

In schools in which Catholic instruction is lacking or, in the judgment of the eparchial bishop, is inadequate, this deficiency must be made good for all the Catholic students with true Catholic formation.

This is my own translation from the original Latin text, since it is not translated correctly in the current English translation. First let us look at the Latin text, which runs as follows.

In scholis, in quibus institutio catholica deest vel ad iudicium Episcopi eparchialis non sufficit, supplenda est vera formatio catholica omnium alumnorum catholicorum.

This is rendered as follows in the current English translation.

In schools in which Catholic instruction is lacking or, in the judgment of the eparchial bishop, is deficient, there is a need to provide genuine Catholic formation for all Catholic students.⁶

What is stated here is true, but it is not what the canon says. That “there is a need to provide true Catholic formation for all Catholic students” is a truism. It is simply the observation of a fact, “there is a need.” This is a sociological statement, not a precept of law. The law prescribes or commands that the deficiency must be compensated for or made good. The canon imposes an obligation to make good what is lacking (*supplenda est*). This is not a mere observer’s report that “there is a need to provide true Catholic formation” but the legislator’s command. Latin grammar tells as much: *supplenda*, the gerundive of the verb *supplere*, has the prescriptive sense, not the meaning of a sentence in the indicative merely making a statement. In other words, the canon enjoins that what is lacking in Catholic instruction must be supplied, the deficiency must be made good. This was made sufficiently clear by a paraphrase of the canon given already in 1983 in *Nuntia* as follows.

Nelle scuole, ove manchi l’insegnamento catechistico cattolico del tutto oppure ove è, a giudizio del vescovo del luogo, insufficiente, esso deve essere supplito per gli alunni cattolici in modo adeguato.⁷

The first translation of the Eastern code done into English and published in 1992 contained quite a number of inaccuracies. Although its revision published nearly a decade later improved much on the first edition, it still contains a few inaccuracies. They could have been eliminated if more attention had been paid to

⁶ *Code of Canons of the Eastern Churches*, Latin-English Edition, Canon Law Society of America, Washington, 2001, p. 245, can. 637.

⁷ *Nuntia* 17 (1983), p. 34, under can. 41.

certain pre-code sources like the *Nuntia* or the Italian translation of CCEO.⁸

Now as regards the contents of CCEO canon 637 let us note that it envisages situations in which there is no religious instruction at all or provides for particular cases where the religious instruction imparted is not adequate from the point of view of true Catholic formation. In such cases what is lacking in true Catholic formation must be made good (*supplere*: “to fill up, make full or whole, to make good, to complete, supply”)⁹. This obligation is incumbent on all who have the duty to impart catechetical formation, starting with the parents (cc. 617-620). There can be differences of opinion about the quality of the education imparted. Any dispute about the adequacy of the instruction is canonically subject to the judgement of the eparchial bishop.

A terminological note is in order here. Canon 637 uses both the expressions “*institutio catholica*” and “*formatio catholica*.” These two terms “*institutio*” and “*formatio*” are often used as synonymus, as in the law on monks and other religious.¹⁰ However, in the present context the former (*institutio*) seems to be understood to mean rather restrictively “instruction” (“insegnamento”, in Italian), while the latter is taken for the more ample “formation.”

It may be noted further that in the Latin Code there is no canon corresponding to canon 637 of the Eastern code. Is this a deficiency? Is an important norm lacking in the Latin code? Not exactly. For what is contained in the present canon can in fact be deduced from the other norms already contained in either code. However, attentive to a rather common pastoral situation obtaining in the Christian orient, the Eastern code has provided an explicit norm, so that true Catholic formation through proper catechesis is not neglected. We recalled earlier the recent public debate about teaching Islam in the schools in Italy. Thirty years ago, when the new Latin code was being codified, Islam was hardly felt to be a significant presence in the West, much less a menace. The Eastern code was codified in the backdrop of world religions like Hinduism and Islam. Though the two post-conciliar code commissions worked in Rome and

⁸ *Codex Canonum Ecclesiarum Orientalium*, in *Enchiridion Vaticanum* 12, Part II, Bologna: Edizioni Dehoniane Bologna, 1992.

⁹ LEWIS & SHORT, *A Latin Dictionary*.

¹⁰ See the subheading “*De institutione sodalium...*” before CCEO cann. 471 and 536.

formulated the respective codes in buildings situated not far from each other, their mental horizons were generally different.

Here perhaps I may be permitted to add a personal note to illustrate this point. As Relator of the Study Group *De magisterio ecclesiastico* it devolved on me to formulate and propose a schema for discussion in the study group. I drew up and proposed the following text in the schema on catechetical instruction. I must say that the text I formulated was purposely redundant to make sure that the point was not missed. It was worded as follows.

Ubi docetur in schola publica vel in alia in pluralismo nitenti schola vel instituto de variis religionibus, inclusis diversis confessionibus christianis inter quas Ecclesia Catholica, supplenda est instructio notionalis religionis christianae alumnis catholicis tradita ope veræ formationis catechisticæ (cf. Catechesi Tradendæ, 34).

La catechesi non è riducibile alla cultura.¹¹

This text may be translated as follows.

Where the Catholic Church is dealt with as one of the various Christian confessions in the instruction given in public schools or other institutes specialising in religious pluralism, the merely notional instruction about the Christian religion imparted to the Catholic students must be completed with genuine catechetical formation.

This text was drafted against the backdrop of religious pluralism. People may attend lectures given in institutes *specialising in religious pluralism*. Schools may adopt a liberal approach to religions. It may be a public school called variously state school or government school; it may be a private school under non-Catholic management, whether Hindu, or Moslem, or some other. It may even be a nominally Catholic school, but one that provides no genuine Catholic or catechetical formation. In such schools Catholic children may miss something very important in their formation, that is, genuine catechetical formation. Sometimes Catholic parents have no real alternative option to sending their children to such schools other than simply depriving them of school education altogether. It is then question of the choice of the lesser evil. What was envisaged by the

¹¹ G. NEDUNGATT, S.J. (Relator), *PCCICOR*, Coetus De Magist. Ecclesiastico, De Catechetica institutione (Schema canonum a Relatore propositum pro revisione Protocolli 179), *PCCICOR*, Prot. 1206/79/4, p. 4. canon 9. Cited from the author's manuscript.

relator in the proposed text of the canon was the problem of genuine catechetical formation in schools as those described above.

At first there was some hesitation on the part of someone in the study group who pointed out that the Latin Code did not contain a corresponding canon. This, however, was not regarded by the study group as sufficient reason to omit the proposed canon. In fact Father IVAN □U□EK SJ, the Secretary of the Codification commission strongly supported the retention of the canon: he pointed out that Catholic education in the Christian orient was conducted under diverse conditions. And the pastoral orientation of the Eastern code justified or even required such a canon. The proposed text then was accepted for discussion, during which the above mentioned redundancy was eliminated along with the explicit mention of the public school and institutes of comparative religion. The resulting text was shorter and ran as follows.

*In scholis ubi docetur de variis religionibus, inclusis diversis confessionibus christianis inter quas Ecclesia Catholica, supplenda est instructio religionis christianae alumnis catholicis tradita ope verae formationis catechisticae*¹².

In schools in which various religions are taught including several Christian confessions among which the Catholic Church is counted as one, the instruction in the Christian religion given to the Catholic students must be completed with true catechetical formation.

This text was finally approved by the *Cætus de Magisterio Ecclesiastico* and subsequently also by the *Cætus Centralis*. It was then published in the *Nuntia*, and sent to the organs of consultation for feedback. It figured as canon 41 of the *Schema de Magisterio ecclesiastico*.¹³

Only two organs of consultation commented on the text of the proposed canon. One comment suggested to start the canon with "*In scholis, pro variis religionibus institutis...*", that is, "In schools established for various religions..." The study group which examined the feedback regarded this proposal as purely "redactional" and set it aside. Actually the proposed amendment was more than redactional as it would have altered the whole perspective of the canon. While drafting the original text of the canon I did not have in mind schools established for various religions for the simple reason that I did not know of any such school. I grew up

¹² GEORGE NEDUNGATT SJ, "The Schema De magisterio ecclesiastico - Part 2," *Nuntia* 11/1980, canon 10, p. 61.

¹³ *Nuntia* 12 (1981), canon 41, p. 23.

in the multi-religious setting of Kerala, and the schools I studied in admitted Hindus, Christians and Muslims in the same class. But I did not know of any school or college established expressly by or for these different religious communities and cater to them statutorily. In any case the suggestion to speak of such a school was set aside as an unnecessary “redactional” change. The second suggestion in the feedback was formulated in French. Its drift was that religious education in Catholic schools should respect the faith of the pupils of other Churches.

Dans les écoles catholiques où se trouvent des élèves d’autres Églises, on veillera à respecter ce qui est propre à leur foi et à les renvoyer à leur Église sur tous les sujets où la communion dans la foi n’est pas parfaite.¹⁴

The study group declined to replace the canon with this text on the ground that another canon had already taken care of it. “Il Gruppo di studio non aggiunge questo testo al canone, essendo sufficientemente indicato il modo di agire in questi casi nel can. 100 dello schema.”¹⁵ The canon 100 referred to here is a canon on ecumenism, which was formulated on the basis of the *Ecumenical Directory* of the then Secretariat for Christian Unity dated 14 May 1967 (nn. 53-54, 62-63) and which figures now as canon 907 of *CCEO*. It runs as follows.

Directors of schools, hospitals and other similar Catholic institutions are to see to it that other Christians who attend these institutions or stay there have the facilities to obtain spiritual assistance and to receive the sacraments from their own ministers.

Neither this canon nor the *Ecumenical Directory* demands or foresees catechetical or religious instruction imparted in Catholic schools to students of other Christian Churches or ecclesial communities by their own teachers. However, this feedback seems to have suggested to the study group the idea to transfer the canon from its original setting under the article on “Catechetical Instruction” to the article on “Schools, Especially Catholic Schools.” This transfer was effected subsequently;¹⁶ and its new setting was maintained when *CCEO* was finally promulgated in 1990 (can. 637).

¹⁴ *Nuntia* 17 (1981), can. 41, p. 34.

¹⁵ *Ibid.*

¹⁶ *Nuntia* 24-25 (1987), canon 634, p. 119.

It is not rare that Catholic schools are not available everywhere to Catholic students. Let us consider a situation like the following. A Catholic school situated two hundred or more kilometres away from home may be deemed to be not available, although some students may be lodged in the school hostel or on their own, or even may reach the school daily by rapid conveyance. But school attendance at such considerable cost or with so much inconvenience is to be regarded as an extraordinary case. Law envisages *communiter contingentia*, ordinary events. Close by there may be a school, whether state school, non-Catholic school, or non-Christian school which is under Hindu, Muslim, Buddhist or some other religious management or under secular management. In such a school there may or may not be the teaching of religion, or provision for genuine Catholic formation. What is meant by genuine Catholic formation in canon 637 is catechetical formation.

It is to be noted that this canon now falls under the heading Catholic education (*caput III. De educatione catholica*) whereas it was originally meant to be placed under catechetical formation dealt with in the previous chapter (*caput II. De institutione catechetica*). This is the reason why instead of "true catechetical formation," which was the original formulation, canon 637 now speaks of "genuine Catholic formation." But this change is only verbal, the meaning is the same.

Catechesis imparted elsewhere than in schools also may fall short of this goal of faith formation and so will have to be supplemented; but the canon envisages expressly only schools. And the judgement about the deficiency in any case belongs to the eparchial bishop, juridically.

§4. Catechesis and Commitment to Christ

What then is true Catholic or catechetical formation? It is different from and more than mere notional knowledge of the teaching of the Church. This was stressed already in the draft text of the relator. It is a formation in faith as is specified in CCEO can. 617, which is worded as follows.

All Churches *sui iuris*, but especially their bishops, have the grave obligation to impart catechesis, by which faith is led to grow to maturity and the disciple of Christ is formed through a deeper and more systematic understanding of the teaching of Christ and through an ever more intimate commitment to the person of Christ.

The chief and immediate sources of this canon are the decree of the Second Vatican Council, *Christus Dominus*, n. 14 and the Apostolic Exhortation *Catechesi Tradendæ* nn. 14, 18, 19, 62, 63 of Pope John Paul II.¹⁷ It is clear from these sources as well as from the text of canon 617 that genuine catechesis goes beyond mere imparting of knowledge. It requires more than classes and lectures, which are only one factor in the growth in faith. Instruction aims at the understanding of the core message of Christ and the doctrine of the Church. This doctrine is contained in the Catholic Catechism. There is also its authoritative summary. It is not enough to explain these texts or equivalent texts prepared by the respective catechetical commission of each Church *sui iuris*. The text may be common to several such Churches *sui iuris* of the nation or region. Whatever text is used, something more than bookish knowledge is required in catechesis. This is implied already in Christ's command to "teach (those who have become disciples of Christ) to observe all that I have commanded you," as the risen Jesus expresses himself in the Gospel of Matthew (Mt 28: 20). Teach to *observe*, not simply teach *what* I have commanded. This is a practical measure, not a theoretical course.

The goal is the maturity of faith. St. Paul admonished the Corinthians that they were still children in the matter of faith and like babies had to be fed "with milk and not solid food" (1 Cor 3: 2). Christians have to outgrow that condition and tend to reach "maturity, to the measure of the full stature of Christ" (Eph 4: 13). This Christian maturity is not a matter of age or years. Besides knowledge there is need for growth in personal commitment to Christ. This is expressed in canon 617 with the Latin phrase "*per adhaesionem in dies artioorem ipsius Personæ (Christi)*." Latin has certain singular powers of expression in law, but outside that limited area it often fails to render adequately certain modern concepts. One such concept is personal commitment (*engagement*, in French). The Latin word used to render this idea is "*adhaesio*." One may adhere to a doctrine, as in "*Ecclesiae magisterio authentico adhaerentes...*" (CCEO can. 10), or adhere to a plan or to a person who is a leader. Adhesion may only be physical closeness. CICERO speaks of "*adhaesio atomorum inter se*."¹⁸ All this is far from rendering the idea of the "commitment" to Christ, about which St. Paul wrote: "I live, but not I, Christ lives in me" (Gal 2: 20). Unfortunately, the Latin "*adhaesio*"

¹⁷ "*Catechesi Tradendæ*" (16 October 1979), *Enchiridion Vaticanum* 6, nn. 1764-1939.

¹⁸ CICERO, *De Finibus* I, 6, 9.

does not render this idea. Latin is excellent as a language of law, but lacks words to express certain modern concepts. The current English translation “through closer union, day by day, to the person of Christ” is lamentably weak to render the original idea, which is latent in the sources.¹⁹

Not to provide any instruction at all in the Catholic religion would be to fail to try to achieve the very scope of a Catholic school as articulated in canon 634 § 1, namely, the growth of the “new creature” in Christ. This same canon in its § 2 speaks of Catholic schools in which the “majority of the students are non-Catholics.” Such are many Catholic schools, especially in the mission territories in Asia and Africa. It is not the number of students or of the staff that make a school Catholic. In several such “mixed” schools in India, while catechism is taught to the Catholic students, the others are taught moral science. In some cases the text of moral science is one written by a Catholic priest and approved by the state. In Italy the textbooks for use in religious instruction in the state schools need the approbation of the Catholic bishops, who also have the power to approve those who are appointed to teach this subject. These are usually priests but can also be others trained in catechesis, both men and women. These schools should not fail to provide for proper religious formation to the Catholic students.

What catechesis must seek to bring about goes beyond religious instruction. It also goes beyond mere “union with Christ.” What is to be aimed at is a personal commitment to the person of Christ. This cannot be achieved with merely teaching the Christian religion as a component of culture. Personal faith formation is needed. It is not for the canon to articulate the various means of faith formation, which can be identified in the abundant sources on which the canon is based. Among them in the first place is liturgy, by which faith is nourished and grace is infused. The parish church and community have an indispensable role here. Parishes having schools or halls for Sunday catechesis can make good or supplement the deficiency left by the other schools mentioned above. The young should also be inspired by the role models of faith and charity, the example of saints and other holy persons like Mother Teresa, the heroic dedication of missionaries and the self-sacrifice of martyrs. Audio-visual media,

¹⁹ *Code of Canons of the Eastern Churches*, Latin-English Edition, Canon Law Society of America, Washington, 2001, p. 239, can. 617.

when properly used, can exercise a powerful influence on the faith formation of the young.

The Eastern Code mentions the power of icons and other images in expressing and communicating the sense of faith. "Literature and the arts, given their unique power to express and communicate the sense of faith, are to be promoted, recognizing due freedom and cultural diversity" (can. 603). Among the arts liturgical music and sacred icons have pride of place in cultivating the sense of faith. This canon has no parallel canon in the Latin code.

On 8 November the European Court of Human Rights based in Strasbourg ruled that the display of the crucifix in Italian public schools violated religious and educational freedoms. As defendant the Italian government had argued at Strasbourg that the crucifix was a national symbol of culture, history and identity, rather than an exclusively Christian symbol. But in its written decision the court stated that the presence of the crucifix could be "disturbing for pupils who practised other religions or were atheists, particularly if they belonged to religious minorities." Here we are brought to confront atheism and religious pluralism, which cannot be sidestepped in discussing religious education. Religious freedom involves the right to reject religion as well as the right to choose and practise any religion. At the same time it is to be borne in mind that a religious symbol may outlive its original religious inspiration and become a cultural or national emblem, as for example, the Star of David in Israel and the Crescent in Turkey. Although Roman Catholicism ceased to be the official state religion in Italy in 1984 with the partial reform of the 1929 Lateran Pact with the Holy See, this reform did not change an Italian law dating from the 1920's requiring the display of the crucifix in state schools. At the time of the Lateran Pact in 1929 religious pluralism was not an issue either for the Italian state or for the Holy See.

For a comparative study of the two codes of the Catholic Church, which is the methodology indicated by Pope John Paul II on the occasion of the promulgation of the Eastern Code in 1990, the following may be noted. *The Code of Canon Law* of 1917 had dealt with catechetical instruction (cc. 1329-1336) as well as Catholic schools (cc. 1372-1382). This code evinced a rather simple idea of the problem of religious pluralism in schools as it prohibited Catholic children to attend non-Catholic schools as well schools which admitted both Catholics and non-Catholic students: it was reserved to the local ordinary to tolerate any exception but always taking care

“to avoid the danger of perversion” (can. 1374). In the new *Code of Canon Law* of 1983 canon 796 directs parents to choose for their children “schools which provide Catholic education.” And canon 804 § 1 asserts that “Catholic religious education imparted in any school whatever is subject to the authority of the Church” and that “the local ordinary has the right to nominate or to approve those who teach religion in his diocese and, if required for reasons of religion or morals, to remove them or to demand their removal” (§ 2). The wording “who teach religion” and “reasons of religion” sounds as if “religion” were coterminous with the Catholic religion. Indeed, the claim of the right of the local ordinary to approve or remove “those who teach religion in his diocese” in schools looks like an unconscious extension of the concordat between the Holy See and Italy to other countries.

§5. Religious Pluralism and the Secular Model

A different model is furnished by India, which is constitutionally secular. By virtue of this secularity (which corresponds roughly to the *laicità* in Italy and to the *laïcité* in France) India neither opposes nor favours constitutionally any religion or religious denomination in particular but promotes ethical values and moral instruction in school education. As regards the teaching of religion, no religion may be excluded in principle from a state school, nor may any religion be prescribed. All religions are accorded equal status before the law and in practice as a policy, which does not necessarily imply the doctrine or the dogma of the equality of all religions. Rather, in practice, the students will be taught their own religion, or they may attend the religious instruction of their own choice or that of their parents or guardians.

On the eve of the promulgation of *CIC* in 1983 the Congregation for Catholic Education made the distinction between religious instruction and catechesis as follows. “The teaching of the Catholic religion, distinct from and at the same time complementary to catechesis properly so called, ought to form part of the curriculum of every school.”²⁰ While the former serves for the synthesis of faith and culture, the latter is aimed at growth in the life of faith. But this distinction was too late to be received expressly into the Latin code.

²⁰ CONGREGATION FOR CATHOLIC EDUCATION, “Lay Catholics in Schools: Witness to Faith,” Rome, 1982, § 56.

Christians live in a pluralistic world. Catholicism is no more the majority confession everywhere, having already yielded the first place worldwide to Islam, irrespective of the main internal division of the religion of the prophet into two blocks, the Shiite and the Sunnite. In a pluralistic world there is bound to be a pluralistic typology of religious education. Educational institutions that are strictly reserved to Catholics are fast dwindling to seminaries and formation houses of religious. It is normal for Catholic schools, even in the traditionally Catholic countries, to admit students adhering to other religions. In certain countries such students may even constitute the majority group in the Catholic schools, especially in the mission lands. Such schools are Catholic, not in terms of numbers, but by virtue of their set goal and dedication. "It is precisely the explicit reference to the Christian vision that makes a school Catholic, even if this vision is shared in different degrees by the various members of the school community; for the gospel principles become its educational norms, internal motivation and final goal."²¹ Pope Benedict XVI stated recently, "the fundamental aim of Christian education is to promote the unity of faith, culture and life."²²

Culture is a deposit of values. And the values of one generation are transmitted to the next chiefly through education. Where the horizon is limited to this world and is not open to the transcendent, the education of children in human values will be problematic. World religions have traditionally embodied the noblest and highest values, which are and need to be transmitted to future generations through religious education. This proposition will be contested by those who regard religion as a negative value such as atheists and others who see religion and faith as opposed to science and progress. The Hague Convention of 1907 stated that in times of war "the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from laws of humanity, and the dictates of the public conscience." The dictates of public conscience have condemned the Nazi genocide of six million Jews. But public conscience has yet to awake and condemn the massacres of more than ninety million people schemed and perpetrated by historical

²¹ CONGREGATION FOR CATHOLIC EDUCATION, "The Catholic School," Rome, 1977, § 34.

²² Pope BENEDICT XVI, discourse to the bishops of Brazil of the regions Sul 3 and Sul 4, *L'Osservatore Romano*(Italian edition), 6 December 2009, p. 8.

communism worldwide, as has been carefully documented in ghastly detail by *The Black Book of Communism*.²³ Of this the lion's share falls to the Chinese leader Mao Zedong alone, responsible for the mass murders of seventy million in peace time, including thirty million in planned famines, as documented in a recent book, *Mao: The Unknown Story*.²⁴ The conscience of the world risks becoming callous by frequent reports of terrorist attacks resulting in the destruction of innocent lives. Public conscience condones more than seven million abortions done annually worldwide. It also tends to recognize euthanasia as legitimate and moral ever more widely. According to utilitarian ideology a life that is no more productive is best eliminated as a drag on society. Here religious education has a decisive role to play in keeping the conscience of the world sane and alert and not become callous amidst pleasure and enjoyment, riches and power.

In a democratic setup of society, the transmission of values through school education becomes problematic. For democracy functions on the majority vote, on numbers, not on values. With the majority vote law can sanction abortion up to the sixth month of pregnancy or more, gay marriage and euthanasia can become legal. Democracy is hostage to numbers; quality yields to quantity. The tyranny of numbers may condemn innocence as is proclaimed eloquently by the silent crucifix hanging on the class room wall. This is a standing lesson in the formation of conscience, not "disturbing" religious minorities and atheists as was feared by the European Court of Human Rights. Let it disturb more consciences!

There can be no greater curse for humanity than democracy galvanised by degenerate and corrupt values. Aristotle regarded it as the worst form of government: it is rule by the *demos* (mob), not government by the *laos* (people). Modernity has made Aristotle stand on his head. On the occasion of the feast of the Immaculate Conception 2009 Pope Benedict XVI spoke of the intoxication of society by the media. Catholic religious education is called to instil sound values in the light of faith and sow the seeds of a healthy counter culture.

§6. Conclusion

An education that would be satisfied with scientific knowledge and technical know-how will not be integral education corresponding to

²³ STÉPHAN COURTOIS et ALII, *The Black Book of Communism: Crimes, Terror and Repression*, Harvard University Press, 1999.

²⁴ JUNG CHANG & JON HALLIDAY, *Mao: The Unknown Story*, Knopf, 2005.

and ennobling human nature. Many persons of science with its ever expanding frontiers nurse the belief that science has the answer to all questions, or will have one day in the future. Atheism, both overt and covert, has a fascination for the media, which easily grips adolescents and youth. As the media instil cultural values, whether positive or negative, the internet education is no more a greenhouse product. "To the so-called neutrality of the school corresponds most often in practice the banishing of all reference to religion in the field of culture and education."²⁵

All education implies and presupposes a certain anthropology, immanent or transcendent. Cut loose from the transcendent and immersed in the material immanent, human being tends to sink lower than the level of the beast. This was brought home by George Orwell in his satirical novel *Animal Farm* and has been demonstrated historically by the Communist record of crimes and terror. To educate *how* is determined by the question educate *why*.²⁶ Here a sound religious outlook can make a difference. Christian students stand to gain by religious instruction, which, however needs to be completed and crowned by a genuine Christian formation.

²⁵ CONGREGATION FOR CATHOLIC EDUCATION, *La scuola cattolica alle soglie del terzo millennio*, 28 December 1997, n. 10:

²⁶ CONGREGATION FOR CATHOLIC EDUCATION, *Educare insieme nella scuola cattolica*, 18 September 2007, n. 44.