

# CATHOLIC EDUCATION AND THE FORMATION OF CONSCIENCE

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## INTRODUCTION

Before all else, Catholic schools are “a place to encounter the living God who in Jesus Christ reveals his transforming love and truth. This relationship elicits a desire to grow in the knowledge and understanding of Christ and his teaching.”<sup>1</sup> Accordingly, Catholic schools are called to assist in the formation and development of their students’ moral conscience. This, in turn, necessitates an inclusive environment; one that emphasizes human dignity in all its forms.

This Essay proceeds in two parts. Part I provides a short reflection on the Catholic Church’s commitment to inclusive education. Part II then discusses how this commitment relates to the mission of Notre Dame Law School, as well as some of the values that should continue to be emphasized. Ultimately, the Essay makes one simple point—when building a more inclusive environment, Notre Dame Law School should continue to emphasize the formation of conscience, which lies at the heart of its identity as a Catholic school.

### I. THE CATHOLIC COMMITMENT TO A FAITH-BASED EDUCATION FOR ALL

Diversity and inclusion are core values in Catholic education. In fact, Catholic schools first developed in the United States largely as a response to the lack of diversity and inclusion found elsewhere. These schools

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1 Pope Benedict XVI, Address of His Holiness Benedict XVI at a Meeting with Catholic Educators (Apr. 17, 2008) (citation omitted), [http://www.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf\\_ben-xvi\\_spe\\_20080417\\_cath-univ-washington.html](http://www.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080417_cath-univ-washington.html).

encountered widespread discrimination, bigotry, and prejudice.<sup>2</sup> However, despite these sentiments, Catholic schools quickly began to create educational opportunities for other neglected groups. Two examples immediately come to mind: Saint Elizabeth Ann Seton and Saint Katharine Drexel.

Saint Elizabeth Ann Seton joined the Catholic Church in the early part of the nineteenth century, shortly after losing her husband to tuberculosis.<sup>3</sup> After moving to Emmitsburg, Maryland, and founding the country's first Catholic community for religious women,<sup>4</sup> Saint Elizabeth created the St. Joseph Free School for Girls.<sup>5</sup> Not only did this school provide an early opportunity for women to receive religious education, but it was also the first free Catholic school in the United States.<sup>6</sup> Eventually the school's influence spread throughout the nation, serving as a bedrock for the parochial school network that stands to this day.<sup>7</sup>

Elizabeth Ann Seton was canonized on September 14, 1975, making her the "first citizen born in the United States to be given the title of 'Saint.'"<sup>8</sup> She is now the patron saint of Catholic schools and her influence continues to shape Catholic education. Saint Elizabeth's devotion to helping underserved communities and providing education to those without equal opportunity demonstrated an early commitment to diversity and inclusion in American Catholic education.

Similarly, Saint Katharine Drexel made a lasting impact on both the meaning and purpose of Catholic education in the United States. Following her father's death, Katharine Drexel chose to dedicate her life to serving Native Americans and African Americans.<sup>9</sup> After taking her religious vows in 1891, Saint Katharine established the Sisters of the Blessed Sacrament.<sup>10</sup> Together, Saint Katharine and the Sisters of the Blessed Sacrament developed their first boarding school in Santa Fe, New Mexico, which was committed to

2 See, e.g., *Espinoza v. Mont. Dep't of Revenue*, 140 S. Ct. 2246, 2268–74 (2020) (Alito, J., concurring) ("Catholics were considered by such groups not as citizens of the United States, but as 'soldiers of the Church of Rome,' who 'would attempt to subvert representative government.' Catholic education was a particular concern." (quoting TYLER ANBINDER, *NATIVISM AND SLAVERY: THE NORTHERN KNOW NOthings AND THE POLITICS OF THE 1850s* 110 (1992) (emphasis deleted) & PHILIP HAMBURGER, *SEPARATION OF CHURCH AND STATE* 206 (2002))).

3 *The Life of Saint Elizabeth Ann Seton*, SETON SHRINE, <https://setonshrine.org/elizabeth-ann-seton/> (last visited Jan. 31, 2021).

4 *Id.*

5 *Our History*, MOTHER SETON SCH., <https://www.mothersetonschool.org/about/our-history> (last visited Jan. 31, 2021).

6 *St. Elizabeth Ann Seton*, CATH. ONLINE, [https://www.catholic.org/saints/saint.php?sa\\_int\\_id=180](https://www.catholic.org/saints/saint.php?sa_int_id=180) (last visited Jan. 31, 2021); see also *Our History*, *supra* note 5.

7 Pope Benedict XVI, *supra* note 1.

8 *The Life of Saint Elizabeth Ann Seton*, *supra* note 3.

9 *St. Katharine Drexel*, CATH. ONLINE, [https://www.catholic.org/saints/saint.php?sa\\_int\\_id=193](https://www.catholic.org/saints/saint.php?sa_int_id=193) (last visited Jan. 31, 2021).

10 *Id.*

the education of Native Americans.<sup>11</sup> “By 1942, she had [created] a system of black Catholic schools in [thirteen] states, plus [forty] mission centers and [twenty-three] rural schools.”<sup>12</sup> Saint Katharine spent the remainder of her life serving communities that were mistreated by society.<sup>13</sup> She did this even in the face of violent segregationists, who threatened and harassed her mission, going so far as to burn down one of her schools.<sup>14</sup>

Saint Katharine Drexel became the second American-born person to be canonized.<sup>15</sup> Today, the Sisters of the Blessed Sacrament continue their tradition of helping those unjustly excluded from opportunity.<sup>16</sup> As their mission statement reads, “[g]uided by the spirit of Katharine Drexel,” the Sisters of the Blessed Sacrament “are called to share the Gospel message with the poor, especially among the Black and Native American peoples, and to challenge all forms of racism as well as the other deeply rooted injustices in the world today.”<sup>17</sup> Saint Katharine made a tangible impact on Catholic education by devoting her life to the creation of a more inclusive educational system.

As Pope Benedict XVI described, Saint Elizabeth Ann Seton and Saint Katharine Drexel tower over the Catholic educational system in the United States and throughout the world.<sup>18</sup> Importantly, though, this commitment to inclusion is not limited to just saintly persons. “Countless dedicated Religious Sisters, Brothers, and Priests together with selfless parents have, through Catholic schools, helped generations of immigrants to rise from poverty and take their place in mainstream society.”<sup>19</sup> This is the tradition that Notre Dame Law School and all Catholic schools are called to uphold.

In April 2008, Pope Benedict XVI met with a group of Catholic educators at the Catholic University of America in Washington, D.C., to discuss the importance of their calling.<sup>20</sup> His Holiness described Catholic education as an inclusive and transformative institution, stating that “[n]o child should be denied his or her right to an education in faith, which in turn nurtures the soul of a nation.”<sup>21</sup> All children should have access to this faith-based education not only because of the opportunities created therein, but also because of how Catholic education develops moral conscience. Accordingly,

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11 *See id.*

12 *Saint Katharine Drexel*, FRANCISCAN MEDIA, <https://www.franciscanmedia.org/saint-of-the-day/saint-katharine-drexel> (last visited Jan. 31, 2021).

13 *See id.*

14 *Id.*

15 *See St. Katharine Drexel*, *supra* note 9.

16 *See Sisters of the Blessed Sacrament*, SISTERS OF THE BLESSED SACRAMENT, <https://www.katharinedrexel.org/sisters-of-the-blessed-sacrament/> (last visited Jan. 31, 2021).

17 *Id.*

18 *See Pope Benedict XVI*, *supra* note 1.

19 *Id.*

20 *Id.*

21 *Id.*

“Christian educators can liberate the young from the limits of positivism and awaken receptivity to the truth, to God and his goodness. In this way [educators] will also help to form their conscience which, enriched by faith, opens a sure path to inner peace and to respect for others.”<sup>22</sup>

In other words, a properly formed moral conscience, as informed by the Catholic faith, understands the importance of inclusive educational opportunities. As a result, Catholic institutions must seek to provide inclusive educational opportunities, which will, in turn, form and instill values in the conscience of each student. These values are created by the school’s recognition of the God-given value of each person and the power of Christ’s example and command to love as God has loved. All of this is born out of the understanding that each person is made in the image and likeness of God.<sup>23</sup> It is an emphasis on the unique qualities of each person and the ultimate equality of all people. As Pope Benedict XVI stated:

God’s revelation offers every generation the opportunity to discover the ultimate truth about its own life and the goal of history. This task is never easy; it involves the entire Christian community and motivates each generation of Christian educators to ensure that the power of God’s truth permeates every dimension of the institutions they serve.<sup>24</sup>

Thus, in developing a more inclusive environment, Catholic schools must always reflect inwardly to ensure that their faith and mission predominate.

This truth extends to higher education as well. In the same address, Pope Benedict XVI stated that “[a] university or school’s Catholic identity is not simply a question of the number of Catholic students. It is a question of conviction.”<sup>25</sup> It is a Catholic university’s responsibility to emphasize the human dignity of all, while teaching students “the joy of entering into Christ’s ‘being for others.’”<sup>26</sup> This is because “Catholic identity is not dependent upon statistics. Neither can it be equated simply with orthodoxy of course content. It demands and inspires much more: namely that each and every aspect of [the] learning communities reverberates within the ecclesial life of faith.”<sup>27</sup>

Lastly, His Holiness reaffirmed the value of academic freedom in the search for truth, but cautioned that freedom must not be used to change the school’s identity.<sup>28</sup> To this end, Pope Benedict XVI stated that “any appeal to the principle of academic freedom in order to justify positions that contradict the faith and the teaching of the Church would obstruct or even betray the

22 *Id.*

23 CATECHISM OF THE CATHOLIC CHURCH, ¶ 1701, at 424 (2d ed. 2000), <https://www.usccb.org/sites/default/files/flipbooks/catechism/426/>; *Genesis* 1:26 (“Then God said: Let us make human beings in our image, after our likeness.”).

24 Pope Benedict XVI, *supra* note 1.

25 *Id.*

26 *Id.* (citation omitted).

27 *Id.*

28 *See id.*

university's identity and mission."<sup>29</sup> This mission is "at the heart of the Church's *munus docendi* and *not somehow autonomous or independent of it*."<sup>30</sup> The Catholic mission to pursue truth and develop conscience must always be the center of the educational institution. This educational pursuit is, by its very nature, inclusive because it stems from the Catholic faith and its respect for human dignity. With this, Pope Benedict XVI made a final plea that all Catholic institutions would do well to remember:

Here I wish to make a special appeal to Religious Brothers, Sisters and Priests: do not abandon the school apostolate; indeed, renew your commitment to schools especially those in poorer areas. In places where there are many hollow promises which lure young people away from the path of truth and genuine freedom, the consecrated person's witness to the evangelical counsels is an irreplaceable gift. I encourage the Religious present to bring renewed enthusiasm to the promotion of vocations. Know that your witness to the ideal of consecration and mission among the young is a source of great inspiration in faith for them and their families.<sup>31</sup>

Similar understandings of the role of Catholic education have been voiced more recently by both Pope Francis and Archbishop José Gomez, among many others. In February 2020, Pope Francis addressed the Plenary Assembly of the Congregation for Catholic Education. In doing so, he went to great lengths to *define* education as an inclusive endeavor. He stated:

[E]ducation is an inclusive movement. An inclusion that reaches out to all the excluded: those who are excluded due to poverty, vulnerability caused by war, famine and natural disasters, by social selectivity, and family and existential difficulties. An inclusion that is made tangible in educational action in favour of refugees, victims of human trafficking, and migrants, without distinction on the basis of sex, religion or ethnicity. Inclusion is not a modern invention, but it is an integral part of the Christian salvific message. Nowadays it is necessary to accelerate this inclusive movement of education to counter the throwaway culture, which originates from the denial of fraternity as a constitutive element of humanity.<sup>32</sup>

This vision of education has been the central focus of Pope Francis's endorsement for a Global Compact on Education.<sup>33</sup> It is not a new perspective

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<sup>29</sup> *Id.*

<sup>30</sup> *Id.* (second emphasis added).

<sup>31</sup> *Id.*

<sup>32</sup> Pope Francis, Address of His Holiness Pope Francis to Participants in the Plenary Assembly of the Congregation for Catholic Education (for Educational Institutions) (Feb. 20, 2020) (emphasis omitted), [http://www.vatican.va/content/francesco/en/speeches/2020/february/documents/papa-francesco\\_20200220\\_congregaz-educaz-cattolica.html](http://www.vatican.va/content/francesco/en/speeches/2020/february/documents/papa-francesco_20200220_congregaz-educaz-cattolica.html).

<sup>33</sup> Pope Francis, Message of His Holiness Pope Francis for the Launch of the Global Compact on Education, (Sept. 12, 2019), <http://www.vatican.va/content/francesco>

on education, but rather an attempt to “rekindle” the dedication for the youth and renewed “passion for a more open and inclusive education.”<sup>34</sup> It is a view of education that emphasizes the values of unity and humanity, as espoused by Saint Elizabeth Ann Seton and Saint Katharine Drexel.

Finally, this view of education has long been emphasized by leaders of the faith like Archbishop Gomez, who has referred to this most important goal as the “‘Catholic vision’ of life.”<sup>35</sup> Similar to those mentioned before, Archbishop Gomez has emphasized that the Church must be “committed to providing an education that goes far beyond facts and figures and information.”<sup>36</sup> While these realities are important, so too are the “virtues and values that make life ‘real’ and truly worth living. The virtues and values that help . . . children grow up with a ‘transcendent’ perspective. That help them to see with the eyes of Jesus.”<sup>37</sup>

In short, the value of a Catholic education stems from its commitment to the development of conscience and its respect for human dignity. Such commitments are informed by faith and strike at the core of an institution’s Catholic identity. Diversity and inclusion are values inherent to this understanding of education; values that must permeate every corner of an institution, both internally and externally.

## II. REALIZING INCLUSION THROUGH NOTRE DAME LAW SCHOOL’S CATHOLIC IDENTITY

The University of Notre Dame has a long tradition of seeking truth and promoting equality through education. When building a more inclusive environment at Notre Dame Law School, one should first look to the school’s Catholic identity and the tradition that instills these values. Throughout its more than 170-year history, the University has taken fearless stands for civil rights, international human rights, religious freedom, and coeducation. Such stands have been embodied by towering figures like Father Theodore Hesburgh, who used his influence to help the civil rights movement and fight for international human rights. Notre Dame’s commitment is a fundamental understanding that “[t]he intellectual interchange essential to a university requires, and is enriched by, the presence and voices of diverse scholars and

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/en/messages/pont-messages/2019/documents/papa-francesco\_20190912\_messaggio-patto-educativo.html.

<sup>34</sup> *Id.*

<sup>35</sup> Archbishop José H. Gomez, *The Catholic Vision of Education*, ANGELUS NEWS (Aug. 21, 2013), <https://angelusnews.com/uncategorized-on-import/the-catholic-vision-of-education/>.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

students.”<sup>38</sup> Although imperfect in practice, this commitment is—and must always be—informed by the Catholic faith’s understanding of human dignity.

The formation of character and conscience must be the foundation upon which this environment is built. This sentiment was perhaps best summarized by Coach Lou Holtz when he famously said, “You don’t go to Notre Dame to learn something, you go to Notre Dame to be somebody.”<sup>39</sup> This is precisely what Notre Dame Law School professes in its slogan—“Educating a different kind of lawyer.”<sup>40</sup> Here, the crossroads of faith and profession meet at one perfect junction, that is, vocation.

It is a Catholic school’s duty to always remain committed providing a faith-based education for all. This commitment stems from the Catholic faith and the belief that all are made in the image and likeness of God.<sup>41</sup> It transcends the politics of the day and demands more than mere lip service. At bottom, it is a willingness to make someone else’s cause your own.<sup>42</sup> This commitment extends from conception until natural death, and it is an uncompromising respect for all life. While Catholic schools must focus on instilling this moral understanding in all who enter through their doors, it is best realized through a combination of internal and external institutional commitments.

Internally, Notre Dame Law School must be in a perpetual state of self-reflection, “ensur[ing] that the power of God’s truth permeates every dimension of the institutions they serve.”<sup>43</sup> This calls for important institutional commitments. Among these are the respect for the individuality of every person, the diversity of the student body, and the free exchange of ideas. First, respect for the individuality of every person requires the equality of opportunity for every student who enters Eck or Biolchini Hall. However, this respect extends far beyond the students on campus. A culture of inclusion requires the recognition of professors, staff, administrators, alumni,

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38 *Mission*, UNIV. OF NOTRE DAME, <https://www.nd.edu/about/mission/> (last visited Jan. 31, 2021).

39 See, e.g., Mike Penner, *Stop Holtz If You’ve Heard These Before*, L.A. TIMES (June 16, 1995), <https://www.latimes.com/archives/la-xpm-1995-06-16-sp-13798-story.html>; Jerome Bettis, (@JeromeBettis36), TWITTER (Oct. 15, 2020, 8:46 AM), <https://twitter.com/JeromeBettis36/status/1316722117937950723>; See also Franciscan University of Steubenville, *Lou Holtz: Undergraduate Commencement Address 2015*, YOUTUBE (May 13, 2015), [https://www.youtube.com/watch?v=M3L0o\\_Ccyws](https://www.youtube.com/watch?v=M3L0o_Ccyws) (discussing the keys to a good and moral life).

40 *About Educating a Different Kind of Lawyer*, UNIV. OF NOTRE DAME L. SCH., <https://law.nd.edu/about/> (last visited Jan. 31, 2021).

41 See CATECHISM OF THE CATHOLIC CHURCH, *supra* note 23, ¶ 1701, at 424.

42 See Mark 12:31 (“You shall love your neighbor as yourself.”); *Philippians* 2:3–4 (“Do nothing out of selfishness or out of vainglory; rather, humbly regard others as more important than yourselves, each looking out not for his own interests, but [also] everyone for those of others.” (alteration in original)).

43 See Pope Benedict XVI, *supra* note 1.

families, and the South Bend community. It is the truest meaning of “the Notre Dame family.”

Second, a diverse student body requires an understanding that it is beneficial to have a wide array of perspectives in truth-seeking dialogue. These perspectives are often derived from differences in race, sex, creed, socioeconomic status, and political beliefs, among others. It is a recognition that one can build community and find truth by embracing difference. But again, this difference is the individuality and uniqueness of each person, all of whom are created in the image and likeness of God. This commitment is continual and must involve frequent reevaluation by the Notre Dame Law School community.

Finally in this nonexhaustive list of internal commitments is the institutional commitment to the free exchange of ideas. Such a value must stand for more than an ideal. It must be a real dedication to an environment of honesty and dialogue. As Pope Francis explained, it takes courage to create an educational environment that “generates peace, justice and hospitality among all peoples of the human family, as well as dialogue between religions.”<sup>44</sup> Specifically, this commitment involves “the courage to place the human person at the centre,” “the courage to capitalize on our best energies, creatively and responsibly,” and “the courage to train individuals who are ready to offer themselves in service to the community.”<sup>45</sup> Catholic schools can lead the way to a “more fraternal humanity” by courageously standing for truth.<sup>46</sup>

Externally, Notre Dame Law School must continue to stand for vulnerable persons. This commitment must begin during one’s time on campus, but continue throughout one’s career. It is, in this sense, a Notre Dame lawyer’s call to vocation. Notre Dame Law School must continue to encourage alumni to use their developed moral conscience to provide a voice for the unheard. By showing respect for human dignity off campus, the Law School can reinforce its commitment on campus. All Notre Dame lawyers are called to serve justice in ways that reach beyond attorneys’ fees, notoriety, or prestige; to serve justice in ways best taught by a Catholic institution.<sup>47</sup>

This commitment is a recognition that people in our country and around the world are left without a voice often because of poverty, racial oppression, immigration, or mental condition. These circumstances affect people of all ages, and of course, the unborn. The Law School’s Catholic identity instills in it a mission to create individuals who *live* a moral conscience necessary to help those in need. In other words, Notre Dame Law School can

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44 See Pope Francis, *supra* note 33.

45 *Id.* (emphases omitted).

46 See Pope Francis, *supra* note 32.

47 See *supra* Part I.

best honor its commitment to human dignity by helping society's most vulnerable through good deeds.

Catholic schools have a robust understanding of inclusion, as informed by their faith. At a time when politics and national news seem to invade every corner of daily life, it is important that Catholic educational institutions, like Notre Dame Law School, build toward a future that is consistent with higher principles. Notre Dame Law School can realize a more inclusive and diverse environment by continuing to embrace its Catholic identity and the commitments that follow therefrom.

#### CONCLUSION

When building a more inclusive environment, Notre Dame Law School professors, students, staff, and administrators should consider the Catholic Church's commitment to faith-based education. This commitment calls for the development of conscience, which recognizes and respects human dignity. Accordingly, Catholic education values an inclusive environment. Such a commitment has been professed by popes and church leaders, lived by saints, and embodied throughout the history of the University of Notre Dame.

The Catholic faith informs every institution that the call for inclusion is a continual and comprehensive commitment. Catholic schools are distinct because of their commitment to the formation and development of moral conscience. This ideal is best realized by internal and external commitments that value human dignity. Simply put, Catholic education is a commitment to the formation of conscience, as informed by faith. When building a more inclusive environment, Notre Dame Law School should continue to embrace its Catholic identity and focus on developing the conscience of its community.