

Theology of Canons in Catholic Universities?*

IVÁN FEDERICO MEJÍA A., I.C.D., Th.D.**

ABSTRACT

Is it useful today, or necessary, an interpretation of the Code of Canon Law from Christology? The article examines some opposition which consider as inappropriate to search for foundations or links from "outside" the Code itself and the normal legislative living tradition of the Catholic Church. The Second Vatican Council and Pope John Paul II sponsored a theological interpretation of the Code, and this article summarizes some features of the validation, method, and the successful application of an interdisciplinary "hermeneutic model" of the Theology of the Canon Law (Christology, anthropological co-references, moral theology, and the process of production and implementation of the Canons) in Catholic universities.

Key words: *Theology, Canon Law, Hermeneutic Model*

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** *Licenciate in Iure Canonico* (1988), Pontificia Universitas Gregoriana (Roma); *Doctor in Iure Canonico* (1996) and *Doctor in Theologia* (2008), Pontificia Universidad Javeriana (Bogotá). Member of the *Consociatio internationalis studio iuris canonici promovendo*; currently, Associate Professor of the Department of Theology in Pontificia Universidad Javeriana (Bogotá); legal representative ("*stabilis patronus*") in the Inter-diocesan Tribunal of First Instance of Bogotá. E-mail: imejia@javeriana.edu.co

¿TEOLOGÍA DE LOS CÁNONES EN LAS UNIVERSIDADES CATÓLICAS?

Resumen

¿Hoy día resulta útil, o necesaria, una interpretación del Código de la Ley Canónica de la Cristología? El artículo examina cierta oposición que considera como inapropiada la búsqueda de bases o relaciones desde "fuera" del Código mismo y la tradición legislativa viva normal de la Iglesia Católica. El Segundo Concilio Vaticano y el papa Juan Pablo II respaldaron una interpretación teológica del Código, y este artículo resume algunos aspectos de la validez, metodología y aplicación exitosa de un "modelo hermenéutico" interdisciplinario de la teología de la Ley Canónica (cristología, correferencias antropológicas, teología moral y el proceso de producción e implementación de los Cánones) en universidades católicas.

Palabras clave: *Teología, Ley canónica, modelo hermenéutico*

A TEOLOGIA DO CÂNONE NAS UNIVERSIDADES CATÓLICAS?

Resumo

Hoje é necessária a interpretação do código da lei canônica da cristologia?, Este artigo procura a oposição que acha inapropriada a procura das bases ou relações desde «fora» do código mesmo e a tradição legislativa viva da igreja Católica. O Concílio Vaticano II e o Papa João Paulo II apoiaram uma interpretação teológica do código; A finalidade deste artigo é fazer o resumo de alguns aspectos da metodologia e a aplicação com sucesso dum modelo hermenéutico da teologia, e da lei canônica (a Cristologia, as referências antropológicas, a teologia moral, junto ao processo da produção e implementação do cânone) nas universidades católicas.

Palavras chave: *Teologia, lei canônica, modelo hermenéutico*

PRECEDENCE OF THE QUESTION

1.

The universal knowledge, which was documented, by the way, in China, as well as in Greece, Rome and ancient Israel, shows us the existence of schools, academies and other advanced training centers which were attended by masters and disciples. From that point of view, one can only affirm: the existence of the catholic universities is today a fact in the history of humanity, and, in addition, a legal fact, in most cases perfectly verifiable, but it does not respond definitive and sufficiently to the question about the uniqueness, if it exists, of the catholic universities. It does not seem to reflect “the deepest and truer motivations of the ecclesiastical legislation” regarding to, at least, the Catholic universities.

So, I have asked myself: Does the Christological doctrine of the Catholic faith affect canons that talk about the catholic universities? An if it does so, how does it influence them and, therefore, how does it engage, or, at least, should engage this doctrine with the identity, vision, mission, and the academic daily practice of those universities that call and consider themselves, “Catholic”, as well as other institutes of higher studies that are related to them?

Since the Code contains regulations inspired by the *Ius divinum naturale et positivum*, maybe this new perspective would demand a revision or would propose a contribution to the present treatment of the theological-canonical quandary of the *Ius divinum*.¹ Nevertheless, I must make the observation that the hermeneutic model does not work in isolation, but that it is located in line with what was indicated in the dogmatic Constitution regarding the divine revelation, especially in N. 6:

Through divine revelation, God chose to show forth and communicate Himself and the eternal decisions of His will regarding the salvation of men. That is to say, He chose to share with them those divine treasures, which totally transcend the understanding of the human mind.

As a sacred synod has affirmed, God, the beginning and end of all things, can be known with certainty from created reality by the light of human reason (see Rom. 1:20); but teaches that it is through His revelation that those religious

¹ Jiménez, “El *Ius divinum*: Noción, grados y lógica de su estudio”, 41-76.

truths which are by their nature accessible to human reason can be known by all men with ease, with solid certitude and with no trace of error, even in this present state of the human race.

2.

On the other hand, in effect, the II Vatican Council already stated: "Likewise let the other theological disciplines be renewed through a more living contact with the mystery of Christ and the history of salvation." Furthermore, it established:

Special care must be given to the perfecting of moral theology. Its scientific exposition, nourished more on the teaching of the Bible, should shed light on the loftiness of the calling of the faithful in Christ and the obligation that is theirs of bearing fruit in charity for the life of the world. Similarly the teaching of canon law... (OT 16d)

3.

Such canons, in the official translation into the English language, are expressed this way:

C. 748 § 1: This is one of the introductory canons of Book III of the Code:

All persons are bound to seek the truth in those things which regard God and his Church and by virtue of divine law are bound by the obligation and possess the right of embracing and observing the truth which they have come to know.²

C. 809: About the canons on the Catholic universities and other institutes of higher studies, it is written:

If it is possible and expedient, conferences of bishops are to take care that there are universities or at least faculties suitably spread through their territory, in which the various disciplines are studied and taught, with their academic autonomy preserved and in light of Catholic doctrine.³

C. 811 § 2: The canons on the catholic universities and other institutes of higher studies say: "In individual Catholic universities, there are to be classes

² My Spanish translation: "*Todos los hombres están obligados a buscar la verdad en aquellas cosas que miran a Dios y a la Iglesia; y, una vez conocida, en razón de la ley divina, están urgidos a, y gozan del derecho de, acogerla con los brazos abiertos y mantenerse en ella.*"

³ My Spanish translation: "*Las conferencias de los obispos, si pudiera hacerse y se pusieran a punto todas las cosas, preocupense por que existan en su territorio universidades o, por lo menos facultades, distribuidas convenientemente y con enlace armonioso entre ellas; en las cuales se indaguen y se transmitan mediante la enseñanza las variadas disciplinas, teniendo en cuenta la doctrina católica y ciertamente manteniendo intacta la científica autonomía que ellas poseen.*"

which especially treat those theological questions which are connected to the disciplines of their faculties.”⁴

C. 820: In addition, makes reference to the catholic universities, and, further, to all types of universities:

The moderators and professors of ecclesiastical universities and faculties are to take care that the various faculties of the university offer mutual assistance as their subject matter allows and that there is mutual cooperation between their own university or faculty and other universities and faculties, even non-ecclesiastical ones, by which they work together for the greater advance of knowledge through common offer, meetings, coordinated scientific research, and other means.⁵

Therefore, we are talking about a perspective that directly concerns no less than twenty-two universities in Colombia, more than eighty in Latin America, and at least 214 in the world: a community of nearly four million students.

4.

According to what we have stated, we are speaking, as a minimum, of a triple narrative, a triple language or manner of expression, in the understanding of Michael L. Cook, S. J.⁶: first, the way the evangelical texts had condensed the teachings of the Apostles to the first Christian communities about Jesus; second, the way the Council of Chalcedon⁷ expressed itself, when it explained the faith in the theological language of the Fathers of the Church in order to cla-

⁴ My Spanish translation: *“En todas y cada una de las universidades católicas ha de haber asignaturas en las cuales sean tratadas, reflexionadas y académicamente gestionadas ante todo aquellas problemáticas teológicas que están lógicamente encadenadas con las disciplinas de las mismas facultades.”*

⁵ My Spanish translation: *“Las autoridades no menos que los profesores de las universidades y facultades eclesiásticas preocupense de que las diversas facultades de la universidad se pongan al servicio mutuamente en la medida que el asunto lo permita, y de que exista una cooperación mutua entre la propia universidad o facultad y otras universidades y facultades, incluso no eclesiásticas, por medio de la cual ellas mismas se pongan de acuerdo para (lograr) efectivamente, en acción conjunta, un mayor incremento de las ciencias, mediante congresos, investigaciones científicas coordinadas y por otros medios.”*

⁶ Cook, *Christology as Narrative Quest*, 32-39.

⁷ Among other foundations, this dogma of the faith was defined by Council of Chalcedon in year 451, nowadays Kadiköy, Turkey. This Council was attended by more than five hundred bishops, one of most numerous of the Christian antiquity.

rify the monophysite controversies; and third and finally, the legal expression in which the above mentioned canons are expressed.⁸

At first sight, it would look as if we were before three very different subjects, with no connection to one another. Nevertheless, what we call the “*Hermeneutic model*”, moves us in an orderly and reasonable fashion⁹ from the Gospel of Jesus to the canons of today; it brings us from Jesus to the Catholic universities of our time; it shows a totally opposite fact, that is to say, that an effective connection really exists, and more than that, a “living” connection between Him, “Ἐπιστατες και Αλήθεια” and the existence and identity of these institutions.

METHODOLOGY

5.

So, it is necessary to say that our investigation has two main parts: first, a “more theoretical” one, dedicated to explain the justifications and the arguments of the way we proceeded with the hermeneutic model; this first part concludes with a strategic chapter, canonically important, which allows us to focus our attention within the canonical legal system, on the Catholic universities on which this model will be applied, while it also serves as a transition between the two mentioned parts. The second part, the “more practical” one, is devoted to the application or the development of the hermeneutic model.

6.

Briefly, let us explain some of the premises of the hermeneutic model applied.

A. First at all, by “model” I understand “a system or theoretical scheme of a complex reality elaborated to facilitate its understanding and the study of its behavior” (fourth meaning of the *Diccionario de la Lengua Española*¹⁰). In the

⁸ The elaboration, as well as the interpretation of the canons of the Catholic Church, has been generally governed, mainly since Saint Thomas Aquinas, from his explanation about the law (cfr. *Summa Theologiae* I-IIae, qq. 90-108).

⁹ “These truths, in the investigation of Catholic doctrine, illustrate the Divine Spirit’s particular inspiration for the Church’s deeper understanding of a truth concerning faith and morals, with which they are connected either for historical reasons or by a *logical relationship*.” (John Paul II, “*Motu proprio Ad tuendam fidem*”, No. 3)

¹⁰ Real Academia Española, *Diccionario de la Lengua Española*. See also the meanings 11 and 12 in “model”, *Merriam-Webster Online Dictionary* 2009, <http://www.merriam-webster.com/dictionary/model> (January 8, 2009).

same way, I understand by “hermeneutic” the “typically human process by which a person - and, even, a collectivity - interprets himself, his history and the world”.

B. Second, it is well known that when somebody studies in depth the Laws or Constitution that shape the countries, one has to study the philosophy which lies as the foundation of that Law or Constitution. In addition, when one considers the rules or canons of the Church, it is necessary to know their theology, because the only way to understand the Church essentially, fundamentally, perfectly and properly, is to be found in Jesus Christ, the Son of God, true God and true Man.

C. Moreover, in order to demonstrate my hypothesis, it is absolutely essential to emphasize throughout all the process the elements corresponding to the Christian faith in its characteristic dialogue with reason, the first never occurring without the other, but, in such a way, that the original contents of the Revelation (DV 6) are shown to be relevant and incisive when dealing with the people, their communities and institutions.

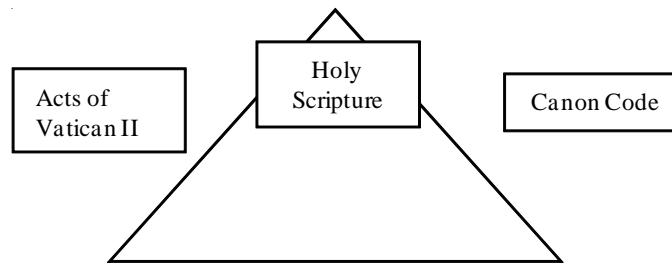
Furthermore, in my investigation I have observed that the Christian revelation, in its specific *motivating* and at great length *renovating* capacity, also sketches the masterful lines which could determine how people and advanced studies institutions behaved themselves. These masterful lines have to be assumed more generously and widely, not only from the moral but also from the canonical point of view, if somebody wants to be an authentic follower of the Master; indeed, the Catholic universities are an integral and peculiar segment of the Church that walks towards God.

D. The Code of Canon Law, which celebrates 26 years since its promulgation, has been considered by Pope John Paul II, its legislator, “the last document of the Council”. In effect, between the conclusion of the Second Vatican Council and the promulgation of the Code have passed eighteen years of untiring work on the part of bishops and worldwide experts; this hard work led to the fulfillment of one of the desires expressed by Pope John XXIII when the Council was summoned in 1959: the reform of the previous canon Code of 1917.

Pope John Paul II formulated at that moment two ideas that were extremely clarifying to me: first, the process that had been developed on the part of the Bishops and the experts and that was crowned by the solemn promulgation, had been an intense task, “a great effort to translate this same

conciliar doctrine and ecclesiology into canonical language". Moreover, John Paul II thought that, as the 1917 Code presented the "peculiar, own ecclesiological conception of its time", also, it was necessary for the new ecclesiological conception of the Vatican II to be strictly "translated" into the new Code.¹¹

E. On the other hand, the Pope talked about the necessity to continue a "more widely theological" study of both the Council documents and the Code. For him this was the only way in which "the deepest and truer motivations of the ecclesiastical legislation could be found".



In addition, he based these "motivations" in the "superior vertex" of an ideal triangle: "on top of it, the Sacred Scripture is to be found; on one side, the Acts of Vatican II and on the other, the new Canon Code": "the Holy Scripture, and, in it, singularly, the Gospel of Christ", because "it is necessary that the Church ascends on the sides of this triangle, from these vertices, from these two books", "in an orderly fashion, coherently" to reach that one, "which is the supreme and irreplaceable vertex".¹² Therefore, what I want to do is to elaborate and develop a new perspective or a new hermeneutic to manage and understand the *logic* of that "translation" of the Gospel, of the "mind" of Christ, into the Code.¹³

F. For that motive it is possible to go back to the Gospel, since we have in the Church history a legitimate way that allows us, in a positive and reasonable form, through different kinds of documents, to follow the historical footsteps and the background of our Catholic universities, from its reference in the Code of 1917, through the *Decretales* and *Constitutiones* of the Pontiffs before and after the Reformation, and up to Pope Gregory IX, in 1228, and his epistle

¹¹ John Paul II, "Speech for the official presentation of the new Code of Canon Law", No. 6.

¹² *Ibid.*

¹³ *Idem*, "Apostolic Letter *Rosarium Virginis Mariae*", 15a.

Ab Aegiptiis to Paris' theologians, in which he requested them to keep the terminology and the theological tradition. And, following the Parisian tracks, we can find the initiators of theology, those who culminated the patristic age, such as Beda, the venerable, Saint John of Damascus and Saint Isidore of Seville; and, through them, in the early traditions of the East and the West, up until the Apostles and to our Master Jesus Christ.

As one sees it, this significant and exact verification inserts us in one of the channels of the torrent of the living Tradition but it does not respond neither definitive nor sufficiently our question about the uniqueness of the Catholic universities. It does not seem that this single verification, as mentioned before, is one of "the deepest and truer motivations of the ecclesiastical legislation" regarding the Catholic universities, their identity and actions.

7.

In fact, these "deepest and truer motivations" could only be found in the evangelical and Christological foundations and in their relation with the Christian-anthropological question. This is the key part of our study and my proposal, to continue that "more widely theological" study of the Council documents and of the Code.

However, an obstacle exists, now on our trip back to the present:

A. The texts of the New Testament, and more in particular, the Gospels' narrative, were written in circumstances, in many cases, very different from ours. To solve intricate problems about genetics and the respective bioethics, for example, or questions relative to the democratic models in postmodern time and the corresponding social moral, by citing single Biblical quotations, is often insufficient. On the other hand, the Gospels are neither Canon Law nor Theology handbooks, about the Catholic universities. Although these commentaries can sound exaggerated, it is not infrequent to hear similar formulations.

B. Being that so, and if at the same time the Vatican II perspective continues to be valid, how to proceed? It was necessary to find a way, a link that would be truly adequate and theologically convincing, and that would allow us to "jump" through time, between Jesus of Nazareth and the Christ of faith, and us, and His relation to the Canon Code and its norms on the Catholic universities. Let us see the two faces of the process:

(i) The basic reason proposed by Vatican II was the Incarnation of the Word, central affirmation of the New Testament faith, which was defined by the first centuries' councils, and especially by the Synod of Chalcedon. According to this affirmation, a "*communicatio idiomatum*" exists, and it is one of the most interesting consequences of the mystery of the Incarnation of the Word, in relation to the theological method as much as to the theological language.

This *communicatio idiomatum* proposes that the qualities of the unique Son, those that He has as God, can be attributed to the man Jesus Christ, and the qualities that He has as a man can be attributed to the eternal Word. As the Vatican Council II said, "the truth is that only in the mystery of the incarnate Word does the mystery of man take on light" (GS 22a).

I will not analyze the details that justify and delimit this New Testament and theological key, but just say that, under this criterion, I have examined evangelical texts, mainly of Luke and John (with its limitations on certain subjects, but with enormous possibilities in others), in the perspective of a narrative Christology, along the whole New Testament, and in the perspective of the insights of the so called systematic Christology because its elaboration and order, always within the possibilities offered by Lonergan's view of Theological Method.

Today, to understand better the human being, in a serious manner, "scientifically", is already a complex, arduous and controversial matter. Nevertheless, this scientifically acquired knowledge, thus perfectible, represents for us an invaluable assistance when carrying out Christological studies. In regard to the *communicatio idiomatum* postulate, in the investigation about Jesus of Nazareth, for example, the discreet contribution that natural, social or human sciences offered us was useful, thanks to the high level of knowledge that they have obtained about the human being and from the relations that he/she has with his/her environment.

The philosophical studies and even popular wisdom equally contribute, especially when they formulate their incisive questions about the final sense of human activity, or when they share with us their studies on the culture in its most pristine comprehension. Thus, this has happened, for example, with the archaeological, geographic and historical investigations, that are today essential to us when we want to speak of Jesus, and this in spite of the distances of space and time which I have alluded to before, and that we can never avoid;

and in the same manner, in spite of the circumstances that encompassed Him, when we want to study the exclusive individuality and the personality of Jesus himself –at least as the texts elaborated by the apostolic communities tell us– subject which we cannot exclude. Excellent contemporary projects of Christology depend on these presumptions, which are not free from obstacles.

(ii) But this glance, which is extremely positive, “after the tracks of the true Jesus”, of the “historical Jesus”, is thus, very conscientious and productive, yet, insufficient. It is necessary to complement it with the reflection that elaborates the “systematic Christology”, the “Christology of the faith”: not only to obtain the array of contents which we have in the deposit of faith, that historically took place by means of the dogmatic definitions, but also to contribute to its necessary balance with Christology, since the mystery of Jesus Christ is only pictured completely, as true man but also true God. These are intrinsic reasons to Christology and the faith. It is the other face of the process.

C. Christology should be considered a central piece in our puzzle. The other is man himself, the person with whom God has established an interpersonal dialogue: the one who was made and remade “in Christ”, “to His image, according to His similarity”: we, human beings, women and men: as it is said in our Creed:

For us *men* and for our salvation he came down from heaven, and by the Holy Spirit was incarnate of the Virgin Mary, and became man. For our sake he was crucified under Pontius Pilate, he suffered death and was buried, and rose again on the third day in accordance with the Scriptures. He ascended into heaven and is seated at the right hand of the Father. He will come again in glory to judge the living and the dead and his kingdom will have no end. (DS 150)

He did all this for *us*, the human race, on our behalf, for our salvation.

(i) Then, if there exists a “Christological density” in the canons and it is oriented toward us, according to the revelation, it means not only that, by the true incarnation of the Word He has assumed our humanity, but that, simultaneously, He has made us participants, women and men, in His divinity, ontologically speaking. Along with this “Christological density”, and depending on it, the canons have an implicit conception, an anthropological perspective of us, human beings, which must be made explicit.

In effect, this vision of the total Christ, *Christus Totus*, forces us to reassess from the faith, the words and facts referred in the Gospels and to evaluate them from an anthropological perspective.

(ii) But, taking into account the established relationship between the *communicatio idiomatum* and the sciences¹⁴, the anthropological perspective postulates also the need to determine the *anthropological co-references*. In effect, it must emphasize the importance of *knowing how to relate* this “project of the human being, woman and man, daughter and son of God”, that is completed in Christ and extends from Christ to each one of us on Earth throughout all of our history, with all the scientific findings which are accurate and verifiable and with reference to other human experiences and cultural knowledge, including those which are the result of our introspection. This is why these relationships become a key in the development of this investigation. These, which I call “anthropological co-references”, are the key for the verification of my hypothesis. I have dedicated a generous chapter to this subject.

8.

However, people, as well as the institutions that they create, also act. They, not only in the light of the mystery of Jesus Christ, the Church and man, find a reason for their existence and a sole place in Church and in society, but also they are called to do specific, necessary and irreplaceable tasks, especially when *Christian wisdom* is required, above all in nonexistent or unexplored circumstances. ¿In what manner could the following of Jesus Christ be expressed today?

To elaborate a proposal of moral theology according to the Christological and anthropological presumptions¹⁵ that I have specified is not an easy matter, indeed it is a much disputed one and it surely may be considered a very ambitious effort being such an extensive subject. I grant reason to those who could have this opinion. However, I would want to explain, at least, some reasons for my audacity and to present some delimitation on the matter.

First of all, there is a reason of method: because the elements previously exposed are very indicative of the conduct of Christians, and they provide, in a manner of speaking, very suggestive motivations at the time of proposing the problems, at the time of discerning and deciding on them. But our moral reason is capable of more, and demands that those pre-morals and pre-legal principles (“anthropological co-references”) be made the object of precision,

¹⁴ Saint Thomas Aquinas, *Summa contra gentiles*, lib. II, cap. III.

¹⁵ Demmer, “Cristología, antropología y teología moral”, 779-788.

of concretion, having the social reality in which we live today as a point of reference. In this way, they stop being vague perceptions, so to speak, and we make it possible to turn them into ethical values which will definitely guide our conduct. However, in many cases, only a horizon will be sketched for the process of decision and action.

A second reason is of content. The legal values are born, among others, from the moral values, according to criteria of coherence, necessity and of opportunity, in processes in which the legislator takes part and, in different forms, the recipient community. For this reason, if one wants to search the history and the logic of production of the canons in their standing version of the Code, it will be necessary, mainly, and this has been the praxis and the constant criterion of the Church, to go to the moral norms on which they sustain themselves.

And so, with all these described elements, we arrive to the last step in the hermeneutic model: the canon process for the establishing of the Law.

RESULTS

9.

The second and “more practical” part is destined to the application or the development of the hermeneutic model.

A. By means of the search made along Luke’s and John’s texts, in spite of their own limitations and those which I accepted when choosing them, the narrative Christology demonstrated, first of all, that Jesus made his human, personal, and authentic search of the truth in reason of and in regard to His relationship with God, His Father, and with his Kingdom, and not without it; this search and encounter of the truth also concerned radical human questions, that He certainly considered during the temptations, but also during all of His life, especially throughout His ministry.

Also, during this period Jesus discovered His vocation and profession as a true “*Teacher of theology*”, among other circumstances, indeed when He paid maximum attention to the problems related to health and life in all its complexities. Jesus considered these authentic human values as achieved means to find the truth concerning humankind. By means of actions, gestures and words, Jesus demonstrated the intention to form a community whose activities

included, in a substantial and irrevocable way, the search for the truth, and took the steps conducive to form that community.

He announced the Kingdom of God¹⁶ as the essence and process of the teaching-learning relationship to the truth in reference to the relations of the people with nature and the development of the human being in his entirety and of all human beings. He gave us His personal testimony of the truth about God and His Kingdom, emphasizing the Trinitarian nature of God; and, finally, when celebrating Passover, He bequeathed those who wanted to take up the cross and follow Him, the demand to pose the integral problem, always old and new, of the truth.

The search led us to the encounter with a Jesus who showed in his personal experience, which he taught back then but that he continues teaching today, the most original and deep reality about man: that our condition is not only of creatures of God, but that in all humankind exists a remarkable reason for the greatest possible dignity to him/her: the condition of sons and daughters of God. For this reason, He manifests himself, indeed, as the "Teacher" (unsatisfactory translation of *Επιστατες*, as Luke prefers to call Him instead of the *Rabbi* of the other two synoptic Gospels: for Luke, Jesus is more than a *Αιδάσκαλος*: He is a very unique *Επιστατες*).¹⁷

How did Jesus come to reveal this, His deepest, definitive, and dynamic truth to the Apostles, and to us? This came about due to the perspective that He provided regarding the relationship with His *Abba*, and His Kingdom. Looking into Himself and into His actions the way God continues creating, He opened to us a very clear route, but also essential, for the discovery of ourselves in the perspective of the creative action of God. As one can see, it is an important, and extremely definitive key of interpretation, inclusively, because, acting in this manner He revealed to us not only His Truth, but our *truth*: that women and men are called and are enabled, ontologically and ethically, and not only gnoseologically or epistemologically, for the truth.

And because He himself lived His human-divine reality to the end¹⁸, He is the "Truth" (*Αλήθεια*, as John's community wanted to call Him), also in the

¹⁶Sabourin, *El Evangelio de Lucas*, 32ss.

¹⁷Lk 5:5; 8:24; 8:45; 9:33; 9:49; 17:13.

¹⁸Barrett, *El Evangelio según San Juan*, 816-819; Mercier, *El Evangelio según el discípulo a quien Jesús amaba*, II 446-465.

same way we, in Him, have been created and continue to be created so that we can discover our authentic reality as *children of God*, our *teleíosis*¹⁹, and put it into action: like new women and men, who are called, *constituently and vocationally*, to be genuine and accomplished in the development of our dimensions and of our innumerable potentialities from this world, in our contingent history, but that will find their completion at the end of the world in Christ and in His life and love in abundance.

Moreover, this, which was valid for all the human beings of the past and for His contemporaries, is equally certain and valid in the present, as well as it will be for the human beings of the future. Still more, He affirms that being children of God, the relationship between us is, indeed, one of *brothers*.

B. The systematic Christology, considered in its four typical mysteries, contributed with important results to the investigation:

First, the exploration of the resurrection of Jesus²⁰, as the foundation of the Christian faith, preaches to us about Jesus Christ's glorious dimension; but, in relation to us, it teaches that this personal mystery of His is the foundation also of an anthropological principle which is denominated *historical*, according to which, *we, constituently, are called and destined* for the search, knowledge, adhesion and maintenance of the Truth in relation to God, His Church and the human being. And, if we are sincere in this vocation, it is necessary to discover and to cultivate the human goodness or the values of the gift of ourselves and of life, in all its extension, and to accomplish them.

(i) The incarnation of the Son of God indicates the human-divine dimension of Jesus Christ and it shows us the *revelatory* principle that derives from His mystery. This principle emphasizes another necessary approach to pose the search, knowledge, adhesion and maintenance of the Truth about God, His Church and man: the need to discover the excellence that stands out specially in the values relative to: our belonging to the physical, biochemical and biological nature, and to our emergence from it; the meaning that is hidden in the examination of this subject in depth, and human communication in all its extension.

¹⁹ González, *La humanidad nueva. Ensayo de cristología*, 594-602; 241-279.

²⁰ Kasper, *Jesús, el Cristo*, 21-26.

(ii) The kenosis refers us to the soteriological dimension and to the principle of *pursuit* of the Servant Jesus derived from His mystery. In this case, the principle provides also a fundamental and necessary approach to establish the search, knowledge, adhesion and maintenance of the Truth about God, His Church and man emphasizing the inherent values of walking, as Jesus, in obedience towards His Father and his Kingdom, particularly by means of the exercise of human solidarity.

(iii) Finally, the synopsis or *anakephalaiosis* of everything in Christ, Who is the Fullness of the times, refers us to the formal, verifying and synthetically dimension of Jesus Christ and to the *universality* principle derived from His mystery. This principle provides us with an approach also necessary to integrally ascertain the search, knowledge, adhesion and maintenance of the Truth about God, His Church and man: the invitation to become aware of the creative, maintaining, renewing, reconciling and recapitulating action that each person of the Trinity has carried out, and will continue to carry out, in the Church and in the whole universe "*ad modum recipiendi*".

10.

About the anthropological co-references I mention, at least indicatively, some of its more outstanding elements:

A. The incarnation possesses radical repercussions in reference to Christian anthropology²¹: the Incarnation affirms that the project of God for human beings consists of the fact that we are His children and brothers to each other. Jesus Christ, by His Incarnation, has validated and authenticated, if it is accepted, our humanity. This way, consequently, it emphasizes human properties without which the human being should not exist, and that must be truly and effectively assumed and achieved during life: the corporeality, the dignity, the reasonability in our thoughts and behavior, the equality, the capacities for mediation, communication and communion.

An important moment of this process that I organize consists of the examination of the "dimensions, potentials and constituent vocations of the human person: the concrete historical horizon of its accomplishment according

²¹ Ladaria, "Antropología", 78-79.

to the will of God". It is "an interdisciplinary glance"²² on the most characteristic and perhaps representative aspects of what at present we understand as "human", but considered in its integrality and universality, and in its processes of becoming human ("*hominización*") and to be human ("*humanización*").

B. The kenosis, on the other hand, gives an absolutely particular emphasis to the Christian anthropological proposal: as I said, the kenosis draws attention to our condition of justified and righteous beings that practice a lifestyle as the one of Jesus, and, therefore, who try to walk the pathway of the project of God. In effect, this is a demanding path, which distinguishes those who will be considered "good administrators", faithful administrators, due to the exercise of their freedom, of the virtues and of their responsibility in spite of their personal, social and cultural limitations, insufficiencies and fragilities.

C. The resurrection of Jesus also contributes to Christian anthropology its own distinctiveness, because it characterizes "new" women and men as human beings who are called to transcend: it assures them that the power and the strength of God are on their side; that He enables them in such a way that they play a role in history full of an active hope, moved by a gratuitous love, opened to life, defenders of life and donors of meaning.

D. Finally, the chapter dedicated to the anthropological co-references culminates with those which are derived from the *anakephaliosis* of Christ: from its formal contribution, the chapter takes into consideration God's project in its realization and ecumenical universality, not only in human beings but also in the cosmos: to men and women it assures that they will be authentically reconciled and fulfilled; and it guarantees that they work in the construction of a genuine community and of an authentic peace, participating with Christ in the transfiguration and liberation of the cosmos, when they bring the final sense of reality to whatever they carry out.

Thus, having considered these elements which I have barely described in a few masterful lines, we affirm that from these two perspectives, the Chris-

²² "Teachers, catechists and theologians have the task of emphasizing the anthropological reasons upon which respect for every human life is based. In this way, by making the newness of the Gospel of life shine forth, we can also help everyone discover in the light of reason and of personal experience how the Christian message fully reveals what man is and the meaning of his being and existence. We shall find important points of contact and dialogue also with non-believers, in our common commitment to the establishment of a new culture of life." (John Paul II, "Letter encyclical *Evangelium vitae*", 82.

tological and the Christian-anthropological, the Catholic universities have a relationship, in their essence and in their identity, with Jesus Christ, Teacher and Truth.

11.

But the anthropological co-references contribute also to specify the activities of the Catholic universities: the moral behavior, and, from this, kindly considered our present time, the canonical one, in the canons that I have referenced.

A. Let us enter, then, without more delay, into the third moment of our hermeneutic process, to examine some elements of moral theology that are at the foundation of the selected canons.

In concordance with one of the passages in which the Conference of the Bishops in Aparecida, Brazil, was developed, wants to remain “disciple listening” of what Jesus Christ and the Holy Spirit say to the Catholic universities today. It intimately has two connected parts: following Jesus, in first term and with the aid of a brief statistical and socio-graphic analysis; it gives a glance to some of the main phenomena and events that appear in our present situation, with special mention to the Colombian context, in reference to the contents of the prescriptions of cc. 748 § 1; 809; 811 § 2 and 820 of the CIC; afterward, in second term, the process takes the anthropological co-references to their moral consequences of the following of Jesus, emphasizing fundamentally the vindication of human radical dignity by means of the accomplishment of the values concerning truth, charity and others, in order to construct Catholic university communities and, on a broader scale, to impel a more humane culture.

B. Consequently, the indicated itineraries lead me to investigate, in the first sub-section, the standing and the experience of the obligation and the right to seek the truth, especially, in those things which regard God and His Church, in the Catholic university education of our country; to identify what is currently happening in relation to research and teaching of science and arts in some Latin American Catholic universities, within the coordinates of scientific autonomy and attention to the Catholic doctrine; how many and which courses have been established, or are about to be created, for the study of those problems in which converge, or are susceptible to converge, theology and the sciences that are taught in each one of the Faculties; and, finally, to explore the services that Ecclesiastical faculties mutually give to each other in some

Colombian universities, as well as between Catholic universities and faculties in Colombia, even non-ecclesiastical, with the purpose of obtaining a greater impulse for the sciences.

C. In the second section, on the other hand, I was moved to examine those attitudes, policies and criteria that would be susceptible to stimulate the qualification, the rectification, the growth, and the development of the previous realities, mainly those which have to do with the values of truth and charity²³, since on another occasion I wrote specifically on the subject but from the perspective of social justice. The radical human dignity, indestructibly founded on our being children of God, is at the base of this proposal which I present in five main lines of action:

- (i) God and the Church as a noble object of search and adhesion for the human being. The role of theology.
- (ii) Truth and veracity in the human existence and coexistence, with special reference to the Catholic university community. The tasks of moral theological education in this setting.
- (iii) The various types of conditioning and the obstacles for the truth and sincerity, with particular reference to the Catholic universities and to the ecclesiastical universities and faculties. The rejection of the truth. The delicate and fundamental task of moral theology in these fields.
- (iv) Charity and its life experience with particular attention to the Catholic university community. Contributions of moral theology.
- (v) The construction of a new *humanism* in Latin America: the role of the Catholic universities and the ecclesiastical universities and faculties, and of men and women of science in them, in reference to teaching and to investigation, in order to obtain a culture and structures of communion and participation.

12.

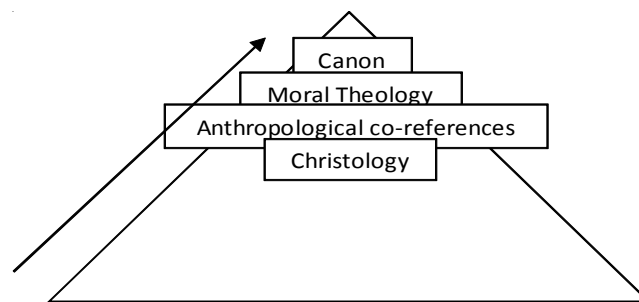
In the same way, the fourth and last step of the hermeneutic model wanted to be inspired by the Conference of Aparecida, and I have entitled it "Mission of the Catholic universities in which there are specifically involved cc. 748 § 1; 809; 811 § 2 and 820 of the CIC", so that the pastoral character of the canon

²³ Hortelano, *Moral alternativa*, 265-268; Sánchez, *La opción del cristiano*, 429-430.

norm would be perceived, but also its features of invitation to its application, with fidelity and exigency, by all means, and specially with creativity, to the interior of each one of the Catholic universities, mainly in those that have a faculty of theology. Since this is not a canonistic investigation, I circumscribed it to the essential aspects, in my opinion, from the perspective of the theology of the Canon Law, and those aspects that could be particularly useful to those who would want to use them. Consequently, I divided the matter in three subsections:

- A. I researched in the process of reform of the Code of 1917, in reference to the four canons already mentioned, by means of which the ethical nuclei were transferred into legal values.
- B. I examined some of the main theological-canonistic commentaries²⁴ about these canons, to which I added my personal contribution from the criteria indicated in the previous chapters.
- C. I elaborated a prospective glance on the matter, in relation to the four canons considering the last documents of the *Magisterium*.

The investigation concludes with some applications and more practical suggestions as a result of the application of the canon norms already commented, and, in addition to the ample and updated bibliography on all the subjects, which includes appendices in which information has been collected, processed and used mainly in the moral and Canon Law chapters of this document.



²⁴ De Echeverría, dir., *Código de Derecho Canónico*, 392; Tejero, "Comentario" (in *Código de Derecho Canónico*), 471; Urrutia, *De Ecclesiae munere docendi*, 4-5; Benlloch, "La función de enseñar de la Iglesia", 356-357; Tejero, "Comentario" (in *Comentario exegético al Código de Derecho Canónico*), 40-44; Graciano, "Disegno di salvezza e leggi della Chiesa: Il monito rivolto a tutti gli uomini a 'ricercare la verità' in 'iis quae Deum eiusque Ecclesiam respiciunt'"; González del Valle *et al.*, "Comentarios a los cc. 793-833" (in *Código de Derecho Canónico*), 503; Cito, "Comentario", 270-272.

CONCLUSIONS

13.

The important and new aspect of my work, as it has become apparent, is not based on the treatment of an individual theme in particular, but of the development of the hermeneutic model: Christology – anthropological co-references – Moral Theology – Canon Law as a whole, to adapt a translation into the canonical language of the elements of total Christology that are implicit in the canons 748 § 1; 809; 811 § 2 and 820 of the CIC. I consider that the versatility, but specially the careful and critical reasoning in the process taken, shows the possibilities that this investigative instrument encompasses.

I would like, finally, to emphasize a few fundamental constants for the Theology of the Canon Code that I discovered throughout the investigation.

- First, the importance of maintaining a continual reference to the diverse elements of the Old and New Testament, in their geographic, historical, and mainly cultural contexts: Why – and how – did Israel, and also later Jesus, and later the primitive Christian community, “test everything; retain what is good” (1 Ts 5:21), and some *people's accomplishments* were received by them without introducing any changes; while in other moments they introduced changes according to the diverse temperament of the community; and, in others, finally, those were rejected by them?
- The second constant was the necessity to dedicate permanent attention to the experience of the “*Memorial*”, in all matters that had to do with the antecedents and the Old Testament connotations of the Christology.
- In addition, the third constant was the usefulness to safeguard the dialogue with the Hellenistic-Roman world by means of the category of the “analogy”, with which the Christology has remained in its ontological characteristic.

The hermeneutic model introduces in the previous consideration an element that today is much recommended, although, in fact, little taken into practice: I am referring to the importance that an interdisciplinary dialogue, effective and efficient, has between diverse sciences and theology, and surely whose more propitious atmosphere is, or, at least, would have to be, the university environment. On the part of the Christian faith, the Council indicates, that a great confidence exists towards this dialogue with the sciences, mainly

when the responsibilities which are being examined make it even more necessary, each day, to work with logic and order, and with a vision of true totality, universality and prospective, as it is emphasized in the hermeneutic model.

When on some occasions, it is considered that the presence of the Christian faith and concretely, of a theology course is a loss of time, or an obstacle, and, even, a backward movement concerning investigation and university teaching, the Catholic universities vindicate the atmosphere for the experience of the divine filiation and brotherhood, that imply the total exercise of the human liberties, and, in particular, of the religious freedom, of the freedom for investigation and of the responsibility in teaching, only by love of the Truth, that is Jesus Christ, the Teacher.

The Christological doctrine is much more than something that belongs to the past and its reinterpretation on the part of the II Vatican Council is an equally significant criterion at the moment of elaborating the theological thinking. Now it corresponds to the Catholic universities, to the institutions of higher education and to the theologians²⁵ that represent them, to publicly welcome and to express the high exigencies, the discernments and ideals that are suggested by the doctrines formulated by these Councils and have been received in the canon norms: certainly, in their institutional documents; but, mainly, by putting them into practice, until their last consequences, in the academic way, in daily life, with specific quality control, so that the commitment and the mission to which they are called with particular urgency in our world of today, will appear.

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²⁶ Bibliography of the thesis in the original text comprises 100 pages.

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