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Context of Enugu Diocese

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Christian Education in Nigeria and Ethical Challenges

Context of Enugu Diocese

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Ernest Anezichukwu Obodo

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TABLE OF CONTENTS

Dedication **11**

Acknowldgements **13**

Abstract **17**

Abbreivations **19**

Literature Review **33**

Preface **37**

I Introduction **39**

1. Motivation *39*

2. Orientation *40*

3. Research Questions *41*

4. Research Limitation *41*

5. The Originality of This Work *42*

6. Research Methodology *42*

7. The Expected Result *43*

8. Structure of the Work *43*

II Definition of Terms **49**

1. Introduction *49*

1.1. Understanding Church as Concept 50

1.2. Etymological and Biblical Sense 57

1.3. A Short Insight into the Beginnings 61

1.4. The Concept Church in Vatican II 63

1.5. The Church Today 72

1.6. The term “Church” as Used in this Dissertation 81

1.7. Finding the Meaning of Education 82

2. Education: African Perspective *96*

2.1. Traditional Education in Nigeria 96
2.2. Education: Igbo-African Viewpoint 97

3. Education: Christian Perspective *107*

3.1. Christian Education: Definition and Nature 107
3.2. The Right of Parents to Give Christian Education to their Children 113
3.3. The Church has a Right to Teach; All Christians Have Right to be Educated 114
3.4. Christian Education is Integral in Nature 116
3.5. Christian Education and Education From Other Viewpoints 120
3.6. Contents of Christian Education 123

III Canonical Foundations of Christian Education in History 149

1. General Introduction *149*
2. Pre-Vatican II Documents on Christian Education *151*

2.1. The 1917 Code on Christian Education 151
2.2. Christian Education in Divini Illius Magistri 167

3. Second Vatican Council *178*

3.1. Vatican II on Christian Education: Gravissimum Educationis 178

4. Christian Education in Other Vatican II Documents *198*

4.1. General Introduction 198

5. Post Vatican II Documents *230*

5.1. Introduction 230

6. Christian Education in the 1983 Code *255*

6.1. Introduction 255

7. Christian Education in other Documents After the 1983 Code ... *290*

7.1. The 1997 General Directory for Catechesis (GCD) 290
7.2. Pope Francis Evangelii Gaudium of 2013 295

IV Christian Education in Nigeria: Efforts of a local Church 299

1. General Introduction *299*
2. Church-State Relation in Education in Nigeria *300*

2.1. Christian Education: How it Came to Nigeria 300

3. Christian Education through Parish Catechesis *331*

3.1. Parish Catechesis in Nigeria 333

4. Religious Freedom and the 1999 Constitution of Nigeria *341*

4.1. School Religious Instruction in Public and Private Schools as an Aspect of Religious Freedom 343
4.2. School Religious Instruction in Nigeria 343
4.3. Basic Information on School Religious Instruction in Nigeria 345
4.4. Syllabus for Religious Studies in Nigerian Schools 346

5. Contributions of the Nigerian Bishops' Conference to Christian Education *349*

5.1. Introduction 349
5.2. African Synods Influence C.B.C.N on Education 352
5.3. C.B.C.N's Ratio Fundamentalis: On Priestly Formation 353
5.4. Seminary Training in Nigeria 355
5.5. Various Communiques on C.B.C.N on Education 358
5.6. C.B.C.N. and Catholic Policy on Education 360

6. A Look at the Austrian System *361*

6.1. Introduction 361
6.2. The Austrian School System 362
6.3. Brief History of Religious Education in Austrian Schools ... 365
6.4. Legal Foundation of Religious Education in Austria 368
6.5. Article 17 of the 1867 Austrian Constitution Law, Fundamental to the School System 371
6.6. Austrian Constitution and Religious Freedom 373
6.7. Vatican-Austrian Concordat and the Private Schools 374
6.8. Religious Education in Public and Private Schools in Austria 377
6.9. Training of Teachers of Religion in Austria 379
6.10. Management of Catholic Schools in Austria 380

V Christian Education in Enugu Diocese-Nigeria: the Challenges 397

1. General Introduction *397*
2. The Rot in our Education System *398*

2.1. Catholic Education in Enugu, How Things Stand 398
2.2. ESSPIN Offers a Help 410

3. The Church Demands a Hand-Over *413*

3.1. Hand-Over of Schools: Objections 414
3.2. Hand-Over of Schools: Answer to Objections 417
3.3. The Transfer Act 420
3.4. Church-State Agreement on School Management 425
3.5. Problems Posed by State Funding and Staff Employment in Catholic Schools 427
3.6. Control and Supervision 429
3.7. Admission of Pupils/Students 429

4. Laying new Foundation: What the Church is Currently Doing to Establish a New Foundation *431*

4.1. Enugu Diocesan Synod on Christian Education 431
4.2. African Synods and Their Influence on the Enugu Diocesan Synods 443
4.3. Enugu Diocesan Synods 446
4.4. Formulation of a New Mission-School Philosophy 458

Conclusion: Finding a Solution 469

1. Introduction *469*
2. Lessons from Austria *469*

2.1. Comparison Between Austrian and Nigerian System 469
2.2. Lessons from Austria in the Management of Catholic Schools 471

3. Recommendations *492*

3.1. Training of Expert Managers of Mission Schools 492
3.2. St. Bernard Nchatancha 494
3.3. Diocesan Seminary and Christian Education 495
3.4. Further Training of Priests 497
3.5. Formation of Lay Theologians 502
3.6. Catholic Chaplaincies 505
3.7. Establishment of Technical Schools 505

4. Awaiting Success *509*

4.1. The Expected Result 509

5. Evaluation and Conclusion *515*

5.1. Brief Summary of the Work 515
5.2. Models that Gave the Work its Shape 515
5.3. Assessment and Appraisal of this Work 521

6. Conclusion: The Way Forward *522*

Bibliography 527

1. Primary Sources *527*

1.1. Collections, Manuals 527
1.2. Documents From the Teaching Authority of the Church 530
1.3. Civil Law 546

2. Secondary Sources *551*
3. Further Sources *594*
4. Internet Sources *600*
5. Interviews *605*
6. Unpublished *607*

DEDICATION

This Dissertation is dedicated to all children who are denied access to education which is their fundamental Human Right; to all pupils, students and researchers who are pursuing knowledge in truth and to all teachers who transmit knowledge to the young; inspiring them by their personal life examples to face the challenges of life.

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ABSTRACT

This dissertation takes as its theme: The challenges to the Church in Enugu Diocese, Nigeria with regard to Christian education, with special reference to the Decree *Gravissimum Educationis* of the Second Vatican Council and c. 795 CIC/1983. It analyses the variety of problems facing Christian education in Nigeria, taking Enugu Diocese as its starting point. Many Church documents expressly single out three agents of education: Parents, Church and State. Among these, Canon Law recognizes parents as having the primordial, primary, natural and inalienable right to educate their children; a right which no human power or institution can deny them without being culpable of wrongdoing. But because parents lack all it takes to give their children an integral education; they require and deserve the help of Church, State and various cultural groups. By her vocation, the Church has the mandate to teach all the nations and is, therefore, canonically entitled to educate. Education is also an obligation and duty of the State, owing to her resolve to provide its citizens with security of life. It should not be an enterprise for the State alone but rather a joint-venture business. Nationalization of schools and monopoly of control are forms of state-imposed secularism and moral relativism.

In this dissertation, we are making the case that inculturating the African perspective of education which requires collaboration between the family and society; and borrowing a leaf from the Austrian system in which there is a good collaboration between Church and state; and has had a longer and successful historical existence, will help reshape our education system in Nigeria. This work is a contribution to the search for the liberation of Africa from the shackles of ignorance. Africa is not

destined to be poor and a theater of war, hunger, exploitation and ignorance. Only an education which is integral in form can open the eyes of the people to their rights and privileges and help them to struggle to reshape their destiny. The various cultures, religions and ethnic nationalities in Africa must work together in the area of education and through this, learn to live in peace with one another. Christian education does not sound the note of discrimination. A part of its contribution is to present a Christian view to the world, with a view to heal the wounds of relativism and give meaning to human existence.

ABBREIVATIONS

1 Cor	First letter of St. Paul to the Corinthians
1 Jn	First letter of St. John
1 Kgs	First Book of Kings
1 Pet	First letter of St. Peter
1 Sam	First Book of Samuel
1 Tim	First letter of St Paul to Timothy
2 Cor	Second letter of St. Paul to the Corinthians
2 Tim	Second letter of St Paul to Timothy
A.N.C.O.P.S	All Nigerian Conference of Principals of Secondary Schools
AAp	Adhortatio Apostolica
AAS	Acta Apostolicae Sedis. Rome 1909 ff.
AB	Ausschussbericht
abgedr	Abgedruckt
Abs.	Absatz, Absätze
Acts	Acts of the Apostles
AD	Anno Domini, the year of the Lord, counted from the birth of Jesus Christ
AfkKR	Archiv für katholisches Kirchenrecht. Innsbruck 1856-1861, Mainz 1862-1998, Paderborn 1999 ff.
AFW.T	Austria: Forschung und Wissenschaft: Theologie
AG	*Ad Gentes Divinitus*, Vatican II: Decree on the Church's Missionary Activity, 7 December, 1965.
AHS	Allgemeinbildende Höhere Schule
Alloc.	Allocutio
AnGr.C	Analecta Gregoriana: Series Facultatis Iuris

	Canonici. Roma 1930 ff.
ApC	Apostolic Constitution
ApE	Apostolic Exhortation
art. / Art.	articulus / Artikel
ASS	Acta Sanctae Sedis, Rome 1865-1908.
ATR	African Traditional Religion
Aufl.	Auflage(n)
Bd. / Bde.	Band / Bände / Volumes
bearb.	bearbeitet
BG	Bundesgesetz / State Law
BGBl.	Bundesgesetzblatt
BHS	Berufsbildende Höhere Schule
B-SchAufG	Bundes-Schulaufsichtsgesetz / School Supervision Law
BThS	Bamberger Theologische Studien. Frankfurt am Main u.a. 1995 ff.
B-VG	Bundes-Verfassungsgesetz referring to the Constitution of the Federal Republic, Austria
BzMK	Beihefte zum Münsterischen Kommentar. Essen 1986 ff.
BZThS	Bonner Zeitschrift für Theologie und Seelsorge. Düsseldorf 1924-1931.
C Cler	Congregatio pro Clericis / Congregation for the Clergy
C Ep	Congregatio pro Episcopis / Congregation for Bishops
C GentEv	Congregatio pro Gentium Evangelizatione / Congregation for the Evangelization of peoples
C InstCath	Congregatio de Institutione Catholica / Congregation for Catholic Education
c. / C.	Canon

C.A.N	Christian Association of Nigeria
C.B.C.N / CBCN	Catholic Bishops' Conference of Nigeria
C.C.D	Confraternity of Christian Doctrine
C.I.D.J.A.P	Catholic Institute for Development, Justice and Peace, in Enugu Diocese
C.M.S	Church Mission Society
C.S.Sp / CSSp	Congregation Sancti Spiritus / Congregation of the Holy Spirit or Spiritans
Cap.	Capitulum
Cc./cc.	Canones
CCEO	Codex Canonum Ecclesiarum Orientalium / Code of Canon of the Eastern Churches, 18 October, 1990.
CIC/1917	Codex Iuris Canonici / Code of Canon Law, 27 May,1917.
CIC/1983	Codex Iuris Canonici / Code of Canon Law, 25 January, 1983.
CIC-Fontes	Codicis Iuris Canonici Fontes, hg. v. *Gasparri*, Petrus / *Serédi*, Josephus, Vol. I (1926), II (1928), III (1925), V. Roma 1930.
CLSA	Canon Law Society of America
CLSN	Canon Law Society Newsletter
CLSt	Canon Law Studies. Washington/DC 1916 ff.
Com	Communicationes. Vatican 1969 ff.
Const.	Constitution
CSU	Catholic Students' Unions
CT	*Catechesi Tradendae*, Catechesim of our time, of *John Paul II*, 16 Oct. 1979.
D.C. / DC	District of Columbia
D.I.M	*Divini Illius Magistri*, Encyclical of *Pius XI*, 31 December 1929.

DBK Deutsche Bischofskonference / German Bishops' Conference

DDB Die Deutschen Bischöfe / The German Bishops

de ref. de reformatione

Decr. Decretum / Decree

ders. Derselbe / the same

DFID Department for International Development

DH *Denzinger*, Heinrich / *Hünermann*, Peter (Hg.): Enchiridion symbolorum et definitionum, quae de rebus fidei et morum a conciliis oecumenicis et summis pontificibus emanarunt – Kompendium der Glaubensbekenntnisse und kirchlichen Lehr-entscheidungen, Freiburg im Breisgau / Basel / Rom / Wien ^{42}2009.

Didasc. Didascalia

dies. dieselbe(n)

Diss. Dissertation

DPM De Processibus Matrimonialibus

Dr Doctor

Dt Book Deuteronomy

dt. Deutsch (e, en, er, es) / German

DV *Dei Verbum*, Dogmatic Constitution of Vatican II, 18 November, 1965

E.C.E *Ex Corde Ecclesiae*, Apostolic Constitution of *John Paul II*, 15 August, 1990

E.D.C.E.S Enugu Diocesan Catholic Education Secretariat

E.S.C.E.S Enugu State Catholic Education Secretariat

ebd. / Ebd. Ebenda / ibidem

et alii with other editors

ed. editor

eds. editors

Einf. Einführung / Introduction

EN *Evangeli Nuntiandi*, Apostolic Exhortation of *Paul VI*, 8 December, 1975

Enc Encyclical / Enzyklika

engl. englisch(e, en, er, es)

ENS Enugu State

EpA Epistola Apostolica / Apostolic Letter

Eph Letter of St Paul to the Ephesians

esp. especially

ESSPIN Education Sector Support Program in Nigeria, a UK sponsored program working in partnership with the Federal Government of Nigeria to improve the education system of Nigeria

EU European Union

Ex The Book of Exodus

Exhort. Exhortation

Ez Book of Ezechiel

f. folgende (Seite) / and the next page

FC *Familiaris Consortio*, Apostolic Exhortation of *John Paul II*, 22 November, 1981

FF Forward

ff. folgende (Seiten) / and the next pages

Fr Father

FThSt Freiburger Theologische Studien. Freiburg im Breisgau 1910 ff.

FVKS Freiburger Veröffentlichungen aus dem Gebiete von Kirche und Staat

FzK Forschungen zur Kirchenrechtswissenschaft. Würzburg 1986 ff.

G.C.D General Catechetical Directoy of 1971, in: AAS 64 (1972), pp. 97-176.

Gal Letter of St Paul to the Galatians

GE *Gravissimum Educationis*, the Declaration of Vatican II on Christian Education

Gen The Book of Genesis, the first book of the Bible

GG Grundgesetz

GP Gestionsprotokoll

GrNKirchR Grundriß des nachkonziliaren Kirchenrechts, hg. v. *Listl*, Joseph / *Müller*, Hubert / *Schmitz*, Heribert. Regensburg 1980.

HdbKathKR[1] Handbuch des katholischen Kirchenrechts, hg. v. *Listl*, Joseph / *Schmitz*, Heribert, 1. Aufl. Regensburg 1983.

HdbKathKR[2] Handbuch des katholischen Kirchenrechts, hg. v. *Listl*, Joseph / *Schmitz*, Heribert, 2. Aufl. Regensburg 1999.

HdbStKirchR[2] Handbuch des Staatskirchenrechts der Bundesrepublik Deutschland, hg. v. *Listl*, Joseph / *Pirson*, Dietrich, Bd. 2. Berlin 1995.

Hebr Hebrew, Letter to the Hebrew

hg. herausgegeben / edited

Hg. Herausgeber / the editor(s) of a book

HIV Human Immunodeficiency Virus

Hl. Heilig(e, en, er, es) / Saint

Hrs Hours

HThK-VatII 3 *Hünermann*, Peter / *Hilberath*, Bernd Jochen (Hg.): Herders Theologischer Kommentar zum Zweiten Vatikanischen Konzil, Bd. 3, Freiburg im Breisgau / Basel / Wien 2005.

HThK-VatII 5 *Bausenhart*, Guido u.a. (Hg.): Die Dokumente des Zweiten Vatikanischen Konzils: Theologische Zusammenschau und Perspektiven, Bd. 5,

	Freiburg im Breisgau / Basel / Wien 2006.
i.d.g.F.	In der geltenden Fassung, according to the following law.
i.e.	id est / for example
I.E.C.E	Institute of Ecumenical Education, established by Enugu Diocese.
Ibid.	Ibidem / a repeated citation; with the same information with the previous reference
IkaZ	Internationale katholische Zeitschrift Communio. Frankfurt am Main 1972 ff.
Inc.	Incorporated
Instr.	Instruction
ISDP	Integrated School Development Planning
ital.	italienisch(e, en, es, er)
iVm / i.V.m.	in Verbindung mit / in conjunction with
J.A.M.B	Joint Admissions and Marticulations Bord, Nigeria. Board responsible for admission into Nigerian universities
Joh / Jn	John, referring to the Gospel according to St. John
Jh.	Jahrhundert(e, en, s), century (ies).
JHSN	Journal of the Historical Society of ***Nigeria***
Jurist	The Jurist. Washington/D.C. 1941 ff.
Kgs	Kings, referring to the book of Kings
KomTheo	Kommunikative Theologie. Ostfildern 2002 ff.
KRB	Kirchenrechtliche Bibliothek
KStKR	Kirchen- und Staatskirchenrecht
KStT	Kanonistische Studien und Texte. Bonn (Amsterdam) 1928 ff.
KuR	Kirche und Recht. Beihefte zum Österreichischen Archiv für Kirchenrecht. Wien 1962 ff.

lat. lateinisch(e, en, er, es)

lat.-dt. lateinisch-deutsch(e, en, er, es)

LC Litterae circularis / Circular letter

Leonis XIII. Acta Leonis XIII. Pontificis Maximi Acta, 23 Bde. Romae 1881-1905 (unveränderter Nachdruck, Graz 1971)

LG *Lumen Gentium*, referring to the Dogmatic Constitution on the Church, 21 Nov. 1964

Lk Luke, the Gospel according to St. Luke

LKB Linzer kanonistische Beiträge. Linz 1995 ff.

LKStKR Lexikon für Kirchen und Staatskirchenrecht, hg. v. *Campenhausen*, Axel Freiherr von / *Riedel-Spangenberger*, Ilona / *Sebott*, Reinhold, 3 Bde. Paderborn / München / Wien / Zürich 2000-2004.

LThK[1] Lexikon für Theologie und Kirche, 1. Aufl., hg. v. *Buchberger*, Michael, 10 Bde., Freiburg im Breisgau [2]1930-1938.

LThK[2] Lexikon für Theologie und Kirche, 2. Aufl., hg. v. *Höfer*, Josef / *Rahner*, Karl, 10 Bde., Freiburg im Breisgau 1957-1967.

LThK[3] Lexikon für Theologie und Kirche, 3. Aufl., hg. v. *Kasper*, Walter u.a., 11 Bde., Freiburg im Breisgau u.a. 1993-2001.

LXX The Septuagint, the Hebrew bible legendary translated by seventy Jews

M.O.E Ministry of Education

Mag. Magister, Masters: referring to Masters degrees.

Mio. Million

Mk Mark, the Gospel according to St. Mark

MK CIC Münsterischer Kommentar zum Codex Iuris

	Canonici, Hg. v. *Klaus Lüdicke*, Loseblattsammlung. Essen 1985 ff.
MOU	Memorandum of Understanding
MRB	***Marburger religionsgeschichtliche Beiträge***. Münster / Hamburg 2000 ff.
Msgr.	Monsignore
Mt	Matthew, the Gospel according to St. Matthew
MThS.K	Münchener Theologische Studien: Kanonistische Abteilung. München 1950 ff.
MThZ	Münchener Theologische Zeitschrift. München 1950 ff.
n. / nn.	numeri / numero / number(s)
N.E.C.O	National Examination Council
Neh	Book Nehemia
N.F.	Neue Folge
N.T.I	National Teachers Institute
N.U.T	Nigerian Union of Teachers
NCCB	National Conference of Catholic Bishops
NR	Nationalrat
NT	New Testament
o. O.	ohne Ortsangabe / without location
ÖAKR	Österreichisches Archiv für Katholisches Kirchenrecht. Wien 1950 ff.
ÖARR	Österreichisches Archiv für Recht & Religion. Wien 1999 ff.
ÖBK	Österreichische Bischofskonferenz / Conference of Bishops of Austria
OEAD	Österreichischer Austauschdienst
OFM / O.F.M.	Ordo Fratrum Minorum / Franciscan Friars
ÖK	Österreichisches Konkordat, referring to the Concordat between the Holy See and the Repub-

lic of Austria, 1885 and 1933/1934.

OR L'Osservatore Romano. Città del Vaticano 1849 ff.

p. Page

P.G.D.E Post Graduate Degree in Education

P.P.M.S Post-Primary Schools Management Board

PDV *John Paul II*, PostAp *Pastores Davo Vobis* on the formation of priests in the circumstances of our present day, 25. March 1992, in: AAS 84 (1992), pp. 657-804.

Philm Letter of St Paul to Philemon

PontConsLaic Pontificium Consilium Pro Laicis, Pontifical Council for the Laity.

PostEpA Postsynodalia Epistola Apostolica / Postsynodal Apostolic Letter

PostExA Postsynodalia Exhortatio Apostolica / Postsynodal Apostolic Exhortation

pp. Pages

PrivSchG Privatschulgesetz / Austrian law on private schools

Ps Psalm / Book of the Psalms

Publ. Published

QD Quaestiones disputatae, hg. v. *Rahner*, Karl / *Schlier*, Heinrich. Freiburg im Breisgau / Basel / Wien1958 ff.

RelUG Religionsunterrichtsgesetz / Austrian law on Religious education

RelUGNov Religionsunterrichtsgesetz-Novelle / Novell on Religious Education Law

Rescr. Rescriptum / Rescript

Resp. Responsio, Responsa, Responsum

RFIS	*SC InstCath*, Grundordnung für die Ausbildung der Priester „Ratio fundamentalis institutionis sacerdotalis“ v. 6. 1. 1970, in: AAS 62 (1970), S. 321-384.
RGBl.	Regierungs-Gesetzblatt / Reich-Gesetzblatt
RK	Reichskonkordat
Rn.	Randnummer(n)
Rom	Letter of St Paul to the Romans
RSW	Rechts- und Staatswissenschaften
RelUG	Religionsunterrichtsgesetz / Religions Instruction Law
RV	Regierungsvorlagen
S.	Seite(n)
s.	siehe
SBMC	School Based Management Committees
SC GentEv	Sacra Congregatio per l’Evangelizzazione Gentium / Sacred Congregation for the Evangelization of peoples
SC InstCath	Sacra Congregatio pro Institutione Catholica / Sacred Congregation for Catholic Education
SchOrgG / SchOG	Schulorganisationsgesetz / School Organization Law
SchulV	Schulvertrag, school contract law
sec.	section
SEGKTh	Schriften der Europäischen Gesellschaft für Katholische Theologie
Sekr. DBK	Sekretariat der Deutschen Bischofskonferenz / Secretariat for the German Bishop’s Conference
SJ	Societas Jesu / Jesuits
SKG	Schule-Kirche-Gesetz / Austrian law on Mission schools

SLP	State Level Program
sp.	Spalte(n)
SPIIEE	St. Paul's International Institute of Evangelization Emene
SSIT	School Improvement Team
St.	Sanctus / Saint
StCan	Studia canonica. Ottawa 1967 ff.
StGG	Staatsgrundgesetz / State Constitutional law, referring to the Constitution of the Fedeal Republic of Austria
SUBEB	State Universal Basic Education Commission
T.O.R	Terms of Reference
TG.C	Tesi Gregoriana: Serie diritto canonico
ThBer	***Theologische Berichte***. Zürich / Köln 1972 ff.
theol. / Theol.	theologisch(e, en, er, es) / Theologie / theological / theology
Tit	Letter of St Paul to Titus
TPPR	Tübinger Perspektiven zur Pastoraltheologie und Religionspädagogik. Tübingen 1999 ff.
TRE	Theologische Realenzyklopädie, hg. v. *Krause*, Gerhard / *Müller*, Gerhard. Berlin / New York 1976 ff.
TThZ	Trierer Theologische Zeitschrift. Trier 1888 ff.
u.a.	und andere, unter anderem / meaning among others, given where there are more authors or editors
U.B.E	Universal Basic Education
U.B.E.C	Universal Basic Education Commission
U.P.E	Universal Primary Education
UK	United Kingdom
UN	United Nations

Univ. University
Univ.-Prof. Universitätsprofessor(in)
UNO United Nations Organization
unpubl. unpublished
UR *Unitatis Redintegratio* – Vatican II: Decree on Ecumenism, 21 November, 1964.
USA United States of America
UTB Uni-Taschenbücher
v. vom/n, vor / from / before
v.a. vor allem / especially
VApSt Verlautbarungen des Apostolischen Stuhls, hg. v. Sekr. DBK. Bonn 1975 ff.
VatII Vatican Council II, this refers to the Second Vatican Ecumenical Council
VatII AA Vatican Council II, Decr. „Apostolicam actuositatem“, in: AAS 58 (1966), pp. 837-964.
VatII AG Vatican Council II, Decr. „Ad gentes“, in: AAS 58 (1966), pp. 947-990.
VatII CD Vatican Council II, Decr. „Christus Dominus“, in: AAS 58 (1966), pp. 673-696.
VatII DV Vatican Council II, Dogmatic Const. „Dei Verbum“, in: AAS 58 (1966), pp. 817-836.
VatII GE Vatican Council II, Decl. „Gravissimum educationis“, in: AAS 58 (1966), pp. 728-739.
VatII GS Vatican Council II, Pastoral Const. „Gaudium et spes“, in: AAS 58 (1966), pp. 1025-1115
VatII IM Vatican Council II, Decr. „Inter mirifica“, in: AAS 56 (1964), pp. 145-177.
VatII LG Vatican Council II, Dogmatic Const. „Lumen gentium“, in: AAS 57 (1965), pp. 5-75.
VatII OT Vatican Council II, Decr. „Optatam totius“, in:

	AAS 58 (1966), pp. 713-727.
VatII PC	Vatican Council II, Decr. „Perfectae caritatis“, in: AAS 58 (1966), pp. 702-712.
VatII PO	Vatican Council II, Decr. „Presbyterorum ordinis“, in: AAS 58 (1966), pp. 991-1024
VatII SC	Vatican Council II, Const. „Sacrosanctum Concilium“, in: AAS 56 (1964), pp. 83-138.
VatII UR	Vatican Council II, Decr. „Unitatis redintegratio“, in: AAS 57 (1965), pp. 90-107.
Vol.	Volume / Volumen (Volumina)
W.A.E.C	West Africa Examinations Council, referring to the Board which oversees the organization of the final examination for College students in English speaking West Africa
WdF	Wege der Forschung. Darmstadt 1956 ff.
WuR	Wissenschaft und Religion
Z.	Zeile(n) / Ziffer(n)
zit. / Zit.	zitiert / Zitat(e)
ZKTh	Zeitschrift für Katholische Theologie. (Innsbruck) Wien 1877 ff.
ZSRG.K	Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung. Weimar 1911 ff.
ZusatzV	Zusatzvertrag

LITERATURE REVIEW

The research carried out for the production of this dissertation received the help of both primary and secondary sources. As a canonical dissertation focused on Christian education, with special reference to the publications of the Second Vatican Council and the 1983 Code on this topic, it has as its primary sources the *Gravissimum Educationis* of the Second Vatican Council and the 1983 Code of Canon Law as well as other magisterial publications. The Declaration of the Second Vatican Council on Education, *Gravissimum Educationis* represents the thoughts of this Council on Education. Since its publication on 28 October, 1965, it formed the stimulating force of other papal documents on this topic. The 1983 Code could be seen as a codification of the deliberations of the Second Vatican Council. In this light, other codes or papal documents on education published before it could be regarded as its sources. Other magisterial documents used as primary sources include the 1917 Code, the Catechism of the Catholic Church, the publications of the Congregation for Catholic education where we obtained primary information about the official teachings of the Church on Christian Education. Papal Encyclicals dealing on education which we consulted include the famous Encyclical of Pius XI on education: *Divini Illius Magistri*. This epoch-making document on education was written in 1929 and could be interpreted as a socio-pastoral document designed to help pastors to apply the 1917 Code on Christian education. His other Encyclical on education was published on 31 May, 1931 and was known as *Deus Scientiarum Dominus.* It has as its theme *Catholic Universities and Faculties*. Paul VI wrote the famous Encyclical, *Evangelii Nuntiandi* in 1976. It was aimed at proclaiming the Gospel to the people of today. It offered

a deep insight into Christian Education in our modern times. The *Catechesi Tradendae* of John Paul II published in 1979 was directed towards teaching Catechism anew in our modern time. This pope was the originator of the concept of New Evangelization. His *Catechesi Tradendae* was monumental with regard to Christian education. We consulted many other writings of this famous Pope of Evangelization as well. His wonderful interest on Christian education manifested itself in his many publications on this subject among which included: *Familiaris Consortio* published in 1981 dealing with Christian education in the families. His *Ex Corde Ecclesia* published in 1990 dealt with Catholic Universities. In 1991, John Paul II equally published *Redemptoris Missio* centered on the sending of Christians to preach the Good News. The Apostolic Exhortation, *Pastores Dabo Vobis* published in 1992 has as its topic *the formation of priests in the circumstances of our present day*. It is a good instrument for studying Christian Education because it deals with the formation of priests who are primary evangelizers. The Apostolic Exhortation of Pope Francis, *Evangelii Gaudium* published on 24 November, 2013 formed a part of our sources on Christian Education. Its contents are an encouragement to all Christians to be co-evangelizers in our modern world. The various publications of the Sacred Congregation for Catholic Education among which included the *Catholic Schools* of 24 June, 1977, *Lay Catholics in Schools: Witnesses to faith*, published on 15 October, 1982 and *the Instrumentum Laboris: Education Today and Tomorrow, A Renewing Passion*, published on 7 April, 2014 were very useful to our work. These documents could be interpreted as further explanations and applications of *Gravissimum Educationis.* The Catholic Bishops' Conference of Nigeria had a number of publications on Christian Education. Among these numerous publications, *the Catholic Church Policy on Education in Nigeria* published on 2 September, 2005 offer a good guide and indicates the official stand of the Church in Nigeria on Christian Education. Other primary sources include original doc-

uments from the Archives of the Congregation of the Holy Spirit (C.S.Sp) in Chevilley, France; the Diocesan Archives in Enugu and the Government Archives, Enugu, Nigeria. The documentations of these archives with regard to education in Nigeria are enormous and were very useful to our work.

Numerous publications and documents were offshoots of these primary sources. They were published either as further clarifications or commentaries to these primary documents. We used them as secondary sources. Among these secondary sources include Canon law commentaries as well as important publications by theologians dealing on our subject matter. We consulted them in our research. The many publication of Professor Wilhelm Rees on the topic of our interest, especially "*Der Religionsunterricht und die Katechetische Unterweisung in der Kirchlichen und Staatliche Rechtsordnung"*, published in 1986, gave a good treatment of our topic and shed light on the canonical implication of Catholic education.

The primary and secondary sources above consulted during the course of our research add to the numerous other Commentaries on Canon Law, other books on education, Encyclopedias, Journals, Magazines, articles on the Internet, oral interviews and other relevant web-site publications which we consulted. These reshaped our ideas on this topic and convinced us more on the fact that Christian education remains no doubt the integral education for humanity.

PREFACE

An academic pursuit devoid of religion is the emphasis of Secularism. It cannot be described as integral because it is only a one-sided form of education. It often asks questions like *what, which* and *how* while often avoiding the basic question of *why*. In this sense, it does not help one to ask basic questions regarding the ultimate meaning of life. On the other hand, Christian education involves an integral formation of the human being. Since the age of enlightenment, science and technology have led the human person to a high degree of human progress. The discovery of the computer and the Internet propel this progress with a jet-speed. But this is counter-productive without an ethical understanding of their *raison d'être***.** Christian Religious education provides this needed answer. It searches through the findings of science and technology to discover meaning of the ultimate cause of existence which is God. Education is, therefore, fundamentally religious because religious education leads one to the ultimate knowledge of the *why* of existence. It is this form of education that we canonically accept as integral. For it to be integral, education must be rational, moral, religious, cultural and biblical. In this sense, there is a biblical, rational and necessary connection between evangelization and education.

Catholic schools and catholic education are often seen by some as standing against the pluralistic nature of our society. This is why Christian Religious Education in public schools in Nigeria is inter-denominational. We assert that inter-denominational Religious Instruction produces only a marginal result in children because of its shallow nature. If Religious Instruction is to be considered an important issue in both private and public schools, it should be made compulsory and de-

nominational. The State should be willing to provide supportive laws to accommodate it as well as provide funding. This is because parents are entitled both by the 1948 *United Nations Universal Declaration of Human Rights* as well as the 1983 *Code of Canon Law* to raise their children in accordance with their own world-view and religious conviction. The Church of Enugu Diocese is challenged to carry out the mandate of the universal Church in her local environment. This research agrees that she has all it takes to overcome her challenges.

INTRODUCTION

1. Motivation

The present situation of the school system in Nigeria calls for a sober reflection and requires immediate solution to bring it out of the woods. The history of this decadence goes back to the 1970s when the then military government took over schools from missionaries and other private agencies that have nurtured the system from infancy and have contributed much to its development. This action of government is known as nationalization of schools. The state blamed missionaries for sowing seeds of discord among its people through the unhealthy rivalry that existed among the different Christian denominations in Nigeria. They were accused of implementing a foreign policy on education unsuitable for the growth of indigenous education which the country required for self-actualization. So the state took over schools. It wanted uniformity in the education industry and began to build Federal Government Colleges as unity schools. In implementing its policy of uniformity through these schools, the state failed to pay attention to the plural constitution of today's society and the need for private participation in Education. It took over the building, management and control of schools and the school system; depriving the Church in Nigeria of her inherent right to educate; a mission entrusted to her by her founder, Jesus Christ. Forty years later, these schools taken over by the State became dilapidated and non-functional. Hence the decision of many states in Southern Nigeria to return mission schools to their owners. As an aggrieved mother, the Church in Enugu Diocese has agreed to take

back her abused child in order to restore to it its bruised dignity. This is a herculean task and it is the motivation of this doctoral thesis.

2. Orientation

Our goal is to find a solution to the various problems militating against Christian education in Enugu-Nigeria. The return of mission schools in Enugu State is not accompanied with a firm guarantee on the part of the State, to fund them in perpetuity. Christian education must represent the evangelization motive of Jesus Christ "to bring the Good News to the poor" (Lk 4:18). Today, this form of education faces the great challenge of funding. If Catholic schools cannot bring down cost due to lack of government support, parents will be forced to choose public schools because they are affordable. But this is often contrary to their religious wish to train their children in catholic schools and this is morally unwelcome. We have evidence that most Catholic and even many non-Catholic parents would want to train their children in Catholic schools. Their reasons have been identified as security, discipline, academic and religious.[1]

The Church in Enugu cries out for justice. Her schools should be maintained with public funds because Catholic parents; and the parents whose children are in Catholic school are tax payers. Pupils and students in Catholic schools are also citizens of the state who should benefit from the free education declared by the state. Failing public and costly private

[1] *Kevin E. Schmiesing*, Catholic Education and the promise of school choice. Grand Rapids/Michigan 2009, p. 45.

Some Notes on the bibliographic information in the comments of the footnotes: The references made in the first mention of any reference gives a complete information of the work consulted (*first name, surname*, complete main title, any subtitle, place of publication, year of publication, pages), otherwise – only shortened renewed nomination – on the background of the abbreviation list and the detailed bibliography by Single and short title.

schools are always the talk in many countries.[2] In the case of government's insistence not to fund Catholic schools, what must the Church do to fulfill her promise on Christian education? Parishes and other Church organizations should be sensitized to realize their roles in supporting Catholic education. Education Trust Funds, Investments for Catholic education and individual financial help to poor parents are among the various options suggested by this work as a help for Catholic education in Enugu Diocese.

3. Research Questions

The goal is set and a solution must be found. But what means are available to the local Church of Enugu Diocese to achieve her noble objectives in Christian education? How can we relate the official teachings of the Church on education found in many Church documents to the real life situation in the Diocese of Enugu? How can we integrate culture, faith and life into our education system, such that maintaining academic excellence and strong Christian morality, our pupils and students are culturally integrated into their environment while remaining orthodoxy in Catholic beliefs? How can we establish a link between our primary and secondary schools; our tertiary institutes and our Catholic private university in Enugu, such that Christian education is sustained throughout the system and good Catholic teachers are produced to maintain the system?

4. Research Limitation

This dissertation is not all-encompassing. It is limited in many ways. First, it is written in English language because it is going to be used in an environment where this English is the official language. It is not

[2] *Schmiesing*, Catholic Education and the Promise of School Choice, p. 41.

meant to address the general problems confronting education in the world today. Although it has its focus on Nigeria, it takes Enugu Diocese as appoint of reference and is, therefore, limited to finding solutions to the problems militating against laying a strong foundation for Christian education in Enugu Diocese. It also concerned itself about how to develop a strong Catholic character in the schools handed over to the Church and make them fulfill their reason for attracting parents' choice to send their children there. It is also meant to help this local Church fulfill her role as mother and teacher to all her faithful. This includes what she should do to impart Christian religious education to all Catholic pupils and students who are not enrolled in Catholic schools as well as providing Catholic education for all those who are out of school.

5. The Originality of This Work

Many works have been written on education in general as well as Christian education in particular. None has addressed itself to the current problems facing Christian education in Enugu Diocese. The view in this work: that Christian education should integrate cultural education to make it useful to the local environment is also archetypal. The African form of education has a lot of positive elements which Christianity in Africa should inculturate to make students authentically African Christians as well orthodox.

6. Research Methodology

A combination of both Experiential/Inductive and Critical/Analytical approach has been used for this work. Documents from Archives and relevant books on my topics were read, critically analyzed and constructively applied in this research. Every theoretical postulation has relevance only when it is practically applied and every practical action is

born of a theoretical postulation. This was why the opinions of those in field work were very important to us. We interviewed many pastors, pastoral assistants, religious teachers and educators and benefited from their experiences. The Christian thoughts on education in various ages have been critically analyzed and used to review the present educational situation in Enugu Diocese. As a dissertation focused on Canon law, many sources for both the 1917 and 1983 Codes were analyzed and constructively used to promote the result of this research.

7. The Expected Result

We desire that this research will be put into use by the Catholic Diocese of Enugu. If the recommendations of our research are put into use, we expect that we shall develop and run excellent Catholic schools in our diocese. These schools will in turn provoke competition among both private and public school owners and the parents will benefit from this healthy competition because their choice of schools for the best education for their children will widen. A long-term result of this research will be the growth of a more active local Church in Enugu. This is because our research is geared towards giving catechesis a strong pastoral emphasis.

8. Structure of the Work

This dissertation is divided into five chapters; each chapter consisting of a number of sections. Chapter one consists of four sections and dwelt basically on the definition of basic terms used in this work. The two most important words employed in this dissertation included *Church* and *education*. Section one gave various descriptions and definitions of the term Church. We used *Church* in this work to mean a socio-spiritual community present in this world. Borrowing from the definition of Church as used in *Lumen Gentium*, in the Catechism of the Catholic

Church and c. 204 § 2 of the 1983 Code, we assert that the concept *Church* means the new people of God; a body of the faithful who are baptized into Christ.[3] It is a gathering of the believers in Christ made real in a liturgical assembly both at the local or universal level, governed as a society in this world by the successor of St Peter and the bishops with him (c. 204 § 2 CIC/1983). She is a society structured with hierarchical organs, the mystical body of Christ; a visible society and a spiritual community.[4] In this dissertation we have applied the word *education* in the German senses of *Erziehung* and *Building*. In this sense it is applied to formation, parental, moral/cultural upbringing; learning, being cultured, child and college education. In finding a deeper meaning for education, we dealt in section three on the African perspective of education and in section four, on the Christian perspective of education.

Chapter two dealt with the history of canonical foundations of Christian education. It is developed into six sections; each section dealing with a foundational theme on education from canonical perspectives. In section one; we discussed the topic of Christian Education in some Pre-Vatican documents. The 1917 Code was a very important legal legislation on Catholic Education and was a major topic in this section. Included in this section was the monumental Encyclical of Pius XI *Divini Illius Magistri* which made an outstanding contribution to Christian education. Section two treated the thoughts of the Second Vatican Council on Christian Education. *Gravissimum Educationis* was a land mark document of Vatican II which has continued to serve as a reference point to other thoughts on this topic since its publication. In section three, we examined eleven other Vatican II documents and x-rayed their contribution to Christian Education. These documents included: *Lumen Gentium, Unitatis Redintegratio, Christus Dominus, Optatam Totius, Nostrae*

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[3] *John Paul II*, Catechism of the Catholic Church. New York / London / Toronto / Sydney / Auckland 1995, p. 251, n. 871.

[4] *Ibid*., p. 221.

Aetate, Dei Verbum, Apostolicam Actuositatem, Dignitatis Humane, Ad Gentes, Presbyterorum Ordinis and *Gaudium et Spes.*

Section four examined other post-Vatican II documents like the General Catechetical Directory of 1971, the *Evangelii Nuntiandi* of Paul VI, the *Catechesi Tradendae* and *Familiaris Consortio* both of John Paul II. In section five, we examined the 1983 Code on Christian Education. Issues concerning Catholic universities; Ecclesiastical universities and Faculties were pointed out in order to show the link between Catholic Education and the formation of Catholic teachers who are expected to pass on the baton of faith through teaching of Christian Religious Education in our primary and secondary schools. Section six dwelt on the documents that came after the 1983 Code. These included the General Directory on Catechesis and the Apostolic Exhortation of Pope Francis, *Evangelii Gaudium.*

Chapter three has as its heading: Christian Education in Nigeria, efforts of a local Church. In line with this heading, we outlined the various efforts being made by the Catholic Bishops' Conference of Nigeria and indeed the local clergy and Christians towards Christian Education. This chapter consists of five sections. Apart from situating Christian education within the framework of the advent of the Christian Missionaries to Nigeria in sections one; we saw the development of Christian education in Nigeria within the framework of the education laws of the Nigerian Government which led to their nationalization of the school system. In section two, we discussed the efforts of the local clergy, religious and lay faithful of Nigeria in imparting catholic Education through Parish Catechesis. This was as a consequence of the Government take-over of mission schools. Section three tries to find out the fundaments of Christian education through religious freedom as outlined in the 1999 Constitution of the Federal Republic of Nigeria. Section four described the contributions of the Catholic Bishops' Conference of Nigeria to Christian education. This is with reference to the influence which the African

Synods have on this Conference. In section five, we took up a model for the Nigerian education system: the Austrian model. Our choice of Austria stems from the fact of its good integration of education with religion. In Austria the Church-State relationship in Education is worth emulating. Austria is a secular state which adopts no religion as a state religion and despite the separation of power between Church and State, both systems work for the common good of bringing up children who would become useful both to the State and the Church.

Chapter four has as its heading, Christian Education in Enugu Diocese-Nigeria: the Challenges. It tries to identify the present problems besieging Christian Education in Nigeria and attempted to proffer solutions. This chapter consisted of three sections. Section one enumerated the rot in both primary and secondary schools as well as in our university system. *Education Sector Support Program in Nigeria* (ESSPIN) was employed by the Federal Government to find new ways of solving the problems of Education in Nigeria. We evaluated the positive contributions of ESSPIN and what the Church can learn from it. Section two entitled: "The Church demands a Hand-over" evaluated the *Transfer Act* through which the State handed over schools to the Church and underscored the challenges posed by the Church-State agreement. One of these challenges was seen in the lack of will by the State to fully fund Catholic education.

Section three will seek the possibility of laying a new foundation. Three things are being posited by this dissertation as the new foundations to Christian Education in Enugu. First is the organization of a Diocesan Synod which had as its topic: Integral Education. As an organ of advice to the Bishop, this Synod has suggested a number of new approaches to Christian Education in the Diocese. Added to this, it has projected the organization of a Diocesan Education Summit which would establish a Blue-Print for Christian Education. The last step in laying a new foundation is the establishment of Catholic Education

Secretariat by the Diocese of Enugu. Upon its shoulder lies the management and administration of catholic schools in the Diocese. It is equally charged with the responsibility of staff welfare and discipline; supervision of schools, curriculum development, research and further training for teachers.

Chapter five entitled *finding the solution* is the concluding segment of this dissertation and is divided into four sections. Section one casts a look back at the Austrian system which we have taken as our model and sieved out some lessons which we could learn from that system. Among these lessons will include: the strengthening of Church-State relationship in the area of education, enacting new education laws which will respect Parents and children's right to education; making religious education in public schools denominational and ensuring Catholic Character in Catholic schools. Section two will offer a number of recommendations to the Diocese. Among these will include the training of the agents of evangelization, catechesis and catholic teachers for school religious instruction. To ensure catholic character in our Catholic schools, the management of these schools must maintain a close rapport with the local Church. Catechetical and religious education taught in them must have curriculum approved by the Church. The most important will be to develop a system of producing catholic teachers who would pass on the faith. To do this, this dissertation will recommend the establishment of a department of Catholic Religious Education in our Bishop Godfrey Okoye University, Enugu. Section three will anticipate the results of this research. When the lessons from our research are outlined and the recommendations made and are taken, we believe that the result will be as we are going to outline them in this dissertation. Section four which is the last in the series will deal with the evaluation of the entire work. It is intended to provide an appraisal of the whole work

I

DEFINITION OF TERMS

1. Introduction

Before one begins to build a fence, it is often necessary to determine what should belong inside and what belongs outside. A definition sets limit to and clarifies the usage among other conflicting connotations of a concept. Chapter one of this work will consist of four sections and will dwelt basically on the definition of basic terms used here. The two most important terms employed in this dissertation included *Church* and *education*. Section one will give various descriptions and definitions of the term Church. The meaning of this word is essential our work given the various confusing meanings attached to the term in various quarters and at various times. As Siegfried Wiedenhofer stressed, the Church has a deeper dimension which can only be found if one digs into God's relationship to humanity in history, especially in the revelation of the incarnate Son of God, Jesus Christ.[5]

There are also various meanings attached to the word, education by scholars. In this dissertation we want to narrow down its meaning to suit our topic of research. In finding a deeper meaning for education, we shall deal in section three with the African perspective of education. This is important to us because it is only when we find a system of education suitable to our cultural environment in Africa that real evangeli-

[5] *Siegfried Wiedenhofer*, Ekklesiologie, in: *Theodor Schneider* (Hg.), Handbuch der Dogmatik, Bd. 2. Düsseldorf 2009, pp. 47-153, here p. 91.

zation and development can take root. In section four, we shall look at the Christian perspective of education. The quintessential contribution of the Church to education in history makes Christian education a compelling force to reckon with in the general discussion of this concept. We shall, therefore, de-limit the meaning of these two basic terms in this dissertation to the various perspectives set out here. This research will therefore focus its result on the meanings assigned to these terms as defined in this dissertation. We shall begin by defining the concept *Church*.

1.1. Understanding Church as Concept

The root of canon law[6] lies in the catholic understanding of the Church not only as a spiritual entity but as Hugo Schwendenwein holds,

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[6] In the opinion of *Libero Gerosa*, Canon Law is not just an adaptation of a judicial system of order; it does not just see the Church as a society. It should be seen as the belief in the Church as that community of the word of God and the sacraments which strives to live under law and order. „… Eine Adaption juristischer Ordnungssysteme und Schlussfolgerungen auf die Kirche als menschliche Gesellschaft, sondern vielmehr den Glauben an die Kirche als seine vom Wort Gottes und den Sakramenten gewirkte Gemeinschaft auch durch rechtliche Ordnung erfahrbar machen wolle." See the review of *Libero Gerosa's* work by *Wilhelm Rees* in: *Wilhelm Rees*, Rezension zu: *Libero Gerosa*, Kirchenrecht, in: ZKTh 124 (2002), pp. 486 f. The Congregation for Catholic Education insists also that the Canons should be explained "in the light of the ecclesiology of the Second Vatican Council" See: *C InstCath*, Decr. "Novo Codice Iuris Canonici" for the revising the order of studies in the faculties and departments of canon law, 2 Sept 2002, in: AAS 95 (2003) pp. 281-285, AfkKR 171 (2002), pp. 488-491, here Introduction. It is in this same sense that *Bonaventure Kloppenburg* O.F.M argued that the Catholic Church maintains a balance between the visible and invisible Church more than the Protestants who deny the "visible, external, juridical, institutional, and hierarchic Church and retained only an invisible, internal, and charismatic Church." See: *Bonaventure Kloppenburg*, Ecclesiology of Vatican II. Chicago/Illinois 1974, p. 3.

also as an organization with a human outlook which has its root in God.[7] In the words of Wilhelm Rees, "the Church is not something purely spiritual. She does not exist in Cyberspace but lives and fulfills her existence here and now, within a particular culture and within a concrete state".[8] In accordance with this thought, Joseph Listl described the Church as a society whose identity is related to the concepts of faith, salvation and law.[9] This Church sent by Jesus Christ with full authority to teach all nations; even though guided by the Holy Spirit is composed of human beings who are in need of law to organize itself. In his Apostolic Constitution, *Sacrae Disciplinae Leges*, John Paul II noted that in the Church, the purpose of the law is not to replace faith, grace, charism and above all charity but to achieve order in an ecclesial society.[10]

For Joseph Ratzinger, the Concept, *Church* does not fit into a single image, a single term.[11] It is a multifaceted[12] one. It means many things

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[7] *Hugo Schwendenwein*, Ökumenische Perspektiven des neuen kirchlichen Gesetzbuches, in: *ders.*, Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 395-412, here p. 397.

[8] *Wilhelm Rees*, Das Verhältnis von Staat und Kirche und die Bereiche Religionsunterricht, Kirchenfinanzierung und Eherecht aus theologisch-kirchenrechtlicher Sicht, in: *ders*. (Hg.), Katholische Kirche im neuen Europa. Religionsunterricht, Finanzierung und Ehe in kirchlichem und staatlichem Recht – mit einem Ausblick auf zwei afrikanische Länder (AFW.T 2). Wien / Berlin 2007, pp. 1-48, here p. 1; see also: *Konrad Hartelt*, Katholische Kirche, in: LKStKR II, pp. 402-404.

[9] *Joseph Listl*, Die Lehre der Kirche über das Verhältnis von Kirche und Staat, in: GrNKirchR, pp. 831-875, here p. 832.

[10] *John Paul II*, Sacrae Disciplinae Leges, in*: ders*., The Code of Canon Law, Vatican 1983, pp. xi-xvi.

[11] *Joseph Ratzinger / Benedikt XVI*., Zur dogmatischen Konstitution über die Kirche „Lumen gentium", in: *ders*., Gesammelte Schriften, hg. von *Gerhard Ludwig Müller*, Bd. 7/2: Zur Lehre des Zweiten Vatikanischen Konzils. Formulierung, Vermittlung, Deutung. Freiburg im Breisgau / Basel / Wien 2012, pp. 645-713, here p. 647.

to many people. A description or definition of this term will easily fall into the following categorization: ecclesiastical, scriptural, theological, historical, spiritual, or socio-political. But no one singular definition may be adequate. Some people use the Concept Church to mean simply an institution standing out there, a building. In this sense, the Church means *this or that building out there* where people gather every Sunday or occasionally to celebrate the Liturgy or to praise God. For the people with this opinion, the Church is a historical entity, built in time but whose meaning and significance outlive temporality. For some others, the Church means the office holders, an authority-structured entity or simply those responsible for the administration of this institution – the Pope, Bishops, priests, deacons, Catechists and other Church administrators.[13] Indeed, as a human society, the Church needs leadership.[14] Matthias Pulte described the Church as an institution with a divine foundation.[15] For Thomas E. Woods, the picture which some people have of the Church in the Western world is that of oppression, repression and

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[12] *Stefan Schima*, Das Verhältnis von Schule und Kirche in der Zeit der Aufklärung, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 57-94, here p. 59.

[13] *Christoph Ohly*, Der Dienst am Wort Gottes. Eine rechtssystematische Studie zur Gestalt von Predigt und Katechese im Kanonischen Recht (MThS.K 63). St. Ottilien 2008, p. 386.

[14] *Wilhelm Rees*, Rezension zu: Hans-Jürgen Abromeit u.a. Laien in der Kirche, in: DPM 14 (2007), pp. 294-296.

[15] *Matthias Pulte*, Von der Societas-Perfecta Lehre zur wechselseitigen Anerkennung der Autonomie von Kirche und Staat. Das Verhältnis von Kirche und Staat aus katholischer Sicht im 19. und 20 Jahrhundert, in: *Thomas Holzner / Hannes Ludyga* (Hg.), Entwicklungstendenzen des Staatskirchen- und Religionsverfassungsrechts. Ausgewählte begrifflich-systematische, historische, gegenwartsbezogene und biographische Beiträge (KStKR 15). Paderborn / München / Wien / Zürich 2013, pp. 143-160, here p. 144.

stagnation.[16] Indeed, the Catholic Church has contributed greatly to world civilization. Many authors are of the opinion that the whole of the European School system owes its origin to the convent, mission and Cathedral Schools of the middle ages.[17] The Church has shed light on such areas as cosmology, history, philosophy, theology, ethics, language, literature and music.[18] This is why Pope John Paul II says that "the Church not only played a decisive role in founding the first universities, but throughout the centuries, she has been a workshop of culture, and continues in the same direction today through the Catholic universities and various forms of presence in the vast world of higher education".[19] As Joseph Listl noted, despite the separation of Church and State, many countries in the Western world still recognize the importance of the Church, especially in the areas of education and social-caritative works and her contributions to the culture of the people.[20] The regard which the State still has for the Church can still be located in

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[16] *Thomas E. Woods*, How the Catholic Church Built Western Civilization. Washington/DC 2005, p. 1.

[17] *Helmut Engelbrecht*, Kirche als gestaltende und ordnende Kraft im Bildungswesen (auf dem Boden des heutigen Österreich), in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 13-44; see also *Alfred Rinnerthaler*: Der Religionsunterricht als Relikt des Schulmonopols der Katholischen Kirche, in: *Franz Pototschnig / ders.* (Hg.), Im Dienst von Kirche und Staat. In memoriam Carl Holböck (KuR 17). Wien 1985, p. 39-103.

[18] *Marcus Holden / Andrew Pinsent*, The Catholic gift to civilization. London 2011, pp. 7 ff.

[19] *John Paul II*, Message on the occasion of the 8th International Youth Forum, in: *PontConsLaic*, Youth and University: Witnessing to Christ in the University. Vatican 2005, pp. 17 f.

[20] *Joseph Listl*, Staat und Kirche in der Bundesrepublik Deutschland. Wandlungen und neuere Entwicklungstendenzen im Staatskirchenrecht, in: *Paul Mikat* (Hg.), Kirche und Staat in der neueren Entwicklung (WdF 566). Darmstadt 1980, pp. 240-266, here p. 250.

some privileges[21] which the Church still receives from the government of the Western world like the Church-tax, benefits for Church buildings especially in the sense of protection of Churches as important monuments in the State.[22]

Authors generally agreed that not just the Catholic Church but religion, generally, played a role in the production of most *art* and *architecture,* in the world prior to the Enlightenment. The Pyramids of Egypt, the Temples of ancient Rome and Greece, the Terracotta Army in Xian, the churches' paintings and manuscripts of medieval Europe – all of these are products of religion. One wonders how poor the world would be without such treasures![23]

The negative understanding of the Church is compounded by yet another concept of the Church as merely clerically constituted. Michael de la Bedoyere sees the Church present outstandingly in the higher Clergy, a situation where they constitute and determine everything in the Church, the laity having basically no meaning in the Church. He says that the *Church* has always meant simply the Cardinals, bishops and other prelates; the ordinary priest is present only as representing one of these; and the laity are not only not eligible as representatives, they have been, on the contrary, as commonly thought of, in these perspectives, as a danger to the Church. According to him, they are the world in which

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[21] *Benjamin Ortmeyer*, Die Privilegierung der christlichen Religion, in: *Wolfgang Böttcher / Otto Herz* (Hg.), Schulrecht und Christentum. Gibt es eine Privilegierung der christlichen Tradition in bundesdeutschen Schulgesetzen? Eine Dokumentation. Witterschlick / Bonn 1994, p. 14 f., here p. 15.

[22] *Ulrich Scheuner*, Der Bestand Staatliche und kommunale Leistungspflichten an die Kirchen (Art. 138, Abs. 2 WRV), in: *Paul Mikat* (Hg.), Kirche und Staat in der neueren Entwicklung (WdF 566). Darmstadt 1980, pp. 267-286, here p. 269.

[23] *Richard Cahill*, Why Christians should study Islam – Pedagogical Considerations for a Christian Approach to the Study of Islam, in: *Rainer Flasche / Fritz Heinrich / Carsten Koch* (Hg.), Religionswissenschaft in Konsequenz (MRB 1). Münster / Hamburg / London 2000, pp. 49-60, here p. 50.

the Church has to be present, the *state* which the Church must influence.[24]

Some others see the Church as a merely social organization, a society with its structure and leadership; a Movement.[25] This conception led Joseph Listl to ask the question whether the Church is just an organization or association among other organizations.[26] The answer is no. The definition of the Church should include identity and mission because her identity derives from her mission.[27] Pope John Paul II bemoaned this vision of the Church as just one of the organizations among other organizations when he said that, "the Christian religion is often regarded as just one religion among many or reduced to nothing more than a social ethic at the service of men".[28] For Pope Francis, the Church transcends any mere institutional expression. She is the people which God has chosen and called to himself.[29] Some see the Church only in terms of spirituality; as transcending the concept of Society. John Howard Yoder, for instance, argued against the traditional differentiation between Spirit and Body, Ordained and Lay members of the Church, insisting that the Church should be seen from a spiritual dimension. For him, the actual distinction should consist of what personal relationships one has with the founder and author of Christianity; between the basic personal pos-

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[24] *Michael de la Bedoyere* (ed.), Objections to Roman Catholicism. London 1964, p. 50.

[25] *Josephus Flavius*, Antiquities of the Jews Book 18:63, in: *John Dominic Crossan*, The Birth of Christianity: Discovering what happened in the years immediately after the execution of Jesus. San Francisco 2006, p. xiii.

[26] *Listl*, Staat und Kirche in der Bundesrepublik Deutschland, p. 249.

[27] *Joseph A. Komonchak*, The Catholic University in the Church, in: *John P. Langan* (ed.), Catholic Universities in Church and Socity: A Dialogue on Ex cored Ecclesiae. Washington/D.C. 1993, pp. 35-55, esp. p. 35.

[28] *John Paul II*, PostExA *Pastores Dabo Vobis*, 25 March 1992, in: AAS 84 (1992), pp. 657-804, Art. 46.

[29] *Francis*, ApE *Evangelii Gaudium*, 24 November 2013, in: AAS 105 (2013), pp. 1019-1137, Art. 111-113.

tures of men and women, some of whom confess and the others of whom do not confess that Jesus is Lord.[30] This purely spiritual conception of the Church is also the picture painted especially in the middle Ages in what Siegfried Wiedenhofer described as the Church of spiritual dominion.[31] This is quite contrary to the sociological conception. The Sociologist deals with empirical realities and experiential figures. He goes about sampling opinions in order to draw his conclusion on issues of scientific relevance. For instance the Sociologist may sample opinions on the relevance of having a state rather than a federal-controlled Police in a Federal-system of Government. For the Sociologist, the Church is simply a social institution that exists in different cultural Constellations; an organization where men relate with fellow men, teaching, administering, leading or being led. In this sense, the Church is a societal and historical reality; an organization which is primal to what (human beings) men are.[32] This opinion does not see the Church as a divinely created reality and has not, therefore, established whether the Church has a divine origin or not. If one follows this view and asserts that the Church is incorporated in Society, we would be giving only a worldly interpretation of this concept and this may imply an abuse. We recognize that the Church exists as a human society here on earth but her origin is beyond her societal organization and appearance. She has a divine origin and a destiny beyond this terrestrial existence.

The definition of the concept, Church by c. 204 § 2 CIC/1983 as that "established and ordered in this world as a society" and which "subsists in the catholic Church governed by the successor of Peter and the Bishops in communion with him" may appear to many people as exclusive

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[30] *John Howard Yoder*, The Royal Priesthood: Essays Ecclesiological and Ecumenical. Michigan 1994, pp. 170 f.

[31] *Wiedenhofer*, Ekklesiologie, p. 75.

[32] *Osmund Schreuder*, Revolution in der Kirche? Kritik der Kirchlichen Amtsstruktur. Osmund Schreuder antwortet Eberhard Simons (Das theologische Interview 3). Düsseldorf 1969, p. 9.

because in today's pluralistic society this concept has become a multi-faceted one. Turning to paragraph one of this same Canon, which treats of the incorporation into the Church through baptism,[33] a clear picture can be seen in its meaning. This is because the constitution of any society should answer the fundamental question about incorporation as well as the juridical question of rights, privileges and obligations. However, the Etymology, history and theology of the word *Church* will bring us to a clearer definition.

1.2. Etymological and Biblical Sense

In discussing the etymological and biblical meaning of the word *Church*, the old Greek word, ***Κύριος*** which means *Lord* is usually the word that comes immediately to mind. Leland M. Haines recalls that after the death and resurrection of Jesus, the early Christians borrowed this word from the Greek and applied it to their Master. They were ordinary Jews and like their Jewish counterparts, they used to pray in the temple (Acts 3:1). Due to persecution (Acts 8:1-3), the disciples usually gathered together in secret in private houses to pray (Acts 12:12). This place of gathering was often referred to as ***Κυριάκος*** – the House of the Lord. They would often say the prayer which Jesus taught them which in Greek was called, *κυριακή προσευχή* – The Lord's prayer. The standard Greek word *έκκλησία* was a later concept referring to the gathering of people. It stems from the root word *έκ* or *ex* which means *from* or *out of* and *kaleow* meaning *called*. Put together *έκκλησία* means *taken out of* or *called out from.*[34] The disciples were people selected or called out together from the gathering of the other followers of Jesus (Mt 4:18-22; Mk 1:16-20; Mk 3:13-19; Lk 5:1-11; Jn 1:35-51). The Gospel according

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[33] *Hartelt*, Katholische Kirche, pp. 402-404.

[34] *Leland M. Haines*, The Biblical Concept of Church. Goshen/Indiana 1988, p. 3.

to Mark was clear on the call of the Twelve Disciples by Jesus. "He now went up the mountain and summoned those he wanted. So they came to him and he appointed twelve; and they were to be his companions" (Mk 3:13-14). It is clear from this passage that Jesus summoned many of his followers to himself and from among them he called or chose twelve. We should make the distinction between the multitude who followed Jesus during his ministries (Mk 7-12), his other disciples [for example the seventy-two disciples (Lk 10:1-16)] and the Twelve Apostles (Mt 10:2-4).

The Igbo understanding of this *setting-apart* is may also be important to our understanding the concept, *Church*. This meaning is seen in the word *osu*; a word which is used for those who have been dedicated to an idol or a deity. This group does not command the same respect or enjoy the same privilege as the *apostles* in the New Testament. They are called apart or separated from the people either by a direct call by the gods or by their being offered to the idols by someone. To avoid persecution, one may also voluntarily dedicate oneself to the deity by running to it for protection after which no one may lay hands upon him or her. During the period of the slave trade some people ran to the gods for protection and slave merchants would not dare to touch them. In this sense, they lived in the shrine and were messengers of the gods or goddesses. Everything which belonged to them was also set apart and nobody would touch them or their properties without incurring the wrath of the gods. If one killed an animal belonging to an *Osu*, one becomes himself an *Osu*, that is, 'if he survives the wrath of the deity.' No girl belonging to the *Osu* could be married to a free-born. Only the people in this caste-system intermarry. In some places in Igbo land where the *Osu* caste system was practiced, the traditional Priest or Priestess of a deity may call anybody, young or old through the inspiration of the deity to come and become a messenger of the deity. Nobody reserved the right to refuse such summons without negative consequence which included

death. When one answers the call, one is called *Nwa-Osu-* a child set-apart or *Nwa-Agbara-* a child of the Agbara deity. Although this caste-system has suffered a heavy blow in Igbo land by the Christian Gospel Message, some people still practice it. So this group of people was set-apart for the service of the deities just as the early followers of Jesus were set-apart for the service of their Lord and master. They later became the Church of the early times.

In the biblical sense, this *calling out of* or *setting apart* became clearer in Acts 13.2 when the Holy Spirit spoke to the gathering of the disciples in Antioch and said: "Set apart for me Barnabas and Paul for the work to which I have called them". ***Εκκλησία***[35] could be used both in a secular as well as in a religious sense. To this end Jonathan J. O'Rourke wrote:

> "In the profane Greek ἐκκλησία (ekklesia) denoted an assembly of the people as a political force; it was used in this meaning in Acts 19.32,39,41; its meaning in 1 Cor 11.18 was coloured by its profane signification. In the Septuagint (LXX) ἐκκλησία designated an assembly convoked for religious purposes, Dt 23.2-3; 1 Kgs 8.5, 14, 22; Ps 21 (22).26). It is used 81 times to translate the Hebrew term qähäl, and four times derivatives of qähäl (1 Sam 19.20) Neh 5.7; Ps 25 (26). 12, 67 (68).27). Qähäl was used in most cases to designate a religious assembly, a usage especially of the Deuteronomists, the biblical chronicler and book of Psalms. The word qähäl was translated by other words in the LXX, in particular by συναγωγή (synagogue) which, however, more frequently translated 'êdâ, 'a gathering': There is a little

[35] *Joseph Ratzinger* / *Benedikt XVI.*, Ursprung und Wesen der Kirche, in: *ders.*, Gesammelte Schriften, hg- von *Gerhard Ludwig Müller*, Bd. 8/1: Kirche – Zeichen unter den Völkern. Schriften zur Ekklesiologie und Ökumene. Freiburg im Breisgau / Basel / Wien 2010, pp. 220-243, here pp. 230-232 (Die Selbstbezeichnung der Kirche als ἐκκλησία).

> doubt that the similarity in meaning of qähäl and ἐκκλησία, 'That which is called forth' influenced the translators who produced the LXX."[36]

This later connotation of *ἐκκλησία* as a religious gathering is clearer in 1 Cor 15:9, Gal 1:13 where the early Christian Community called itself ***ἐκκλησία*** *τοῦ θεοῦ*.[37] The forgoing author, Jonathan J. O'Rourke is of the opinion that in the Old Testament it was the gathering together of Jahweh's people (Deut 23:2-9). In this New Testament sense this *ἐκκλησία* is to be seen as the gathering of the true people, the new people of God, the true Israel.[38] This reference to the new people is to be inferred already in Mt 21:44: "Therefore, I tell you, the Kingdom of God shall be taken away from you and given to a new people who shall bring forth fruit." In time, *ἐκκλησία* came to mean a community gathered together in a place for worship. It could be seen here as a local Church, situated in a place where believers gather together to praise God. It is not an ordinary gathering but a gathering of a people set apart. Paul Addressed the Corinthians using this sense of *ἐκκλησία*: "… to the church of God in Corinth, to those who have been consecrated in Christ Jesus and called to be God's holy people …" (1 Cor 1:2). Due to persecution, this consecrated people used to gather together even in private houses to pray: "… the Church that meets in your house" (Philm 2).[39] The Church is used here not in the sense of the universal Church but in the sense of a Church in a place; a local Church.[40]

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[36] *Jonathan J. O'Rourke*, Church in the Bible, in: *Bernard L. Marthaler / et alii* (eds.), New Catholic Encyclopedia, Vol. 3. Washington/D.C. [2]2003, p. 575.

[37] "Ekklesía Gottes" means *The Church of God.*

[38] *Gerhard Lohfink*, Wie hat Jesus Gemeinde gewollt? (Herderbücherei 1798). Freiburg / Basel / Wien 1993, p. 91.

[39] *Karl Kertelge*, Kirche. I. Neues Testament, in: LThK[3] V (1996), pp. 1453-1458, here p. 1454.

[40] *Ibid.*

1.3. A Short Insight into the Beginnings

It is good to note that Christianity started out as a little off-shoot of Judaism and has eventually conquered the (World).[41] Bernhard Körner would see the Church as an event of God's entrance into history in the person of Jesus Christ.[42] As John Dominic Crossan would put it:

> "it began with the vision of a dead man, a dead man still bearing the wounds of execution as horrible as hate could devise and contempt accomplish. And it happened outside the city walls, where dogs and crows waited for an unburied body. There was also a story and it told of a community, conceived in heaven but born on earth. It told of a Kingdom standing in opposition of the other Kingdoms of the World. It told of an individual, Peacemaker and Lord, Saviour and son of God, who proclaimed that Kingdom's advent as gospel, good news for all the earth."[43]

Christianity arose from the life, preaching, death and resurrection of Jesus of Nazareth.[44] As Bernhard Nacke would emphasize, there must always be connection between the Church and the Bible as source or responsibility and value.[45] The early Christians lived their lives as other

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[41] *Hershel Shanks* (ed.), Christianity and Rabbinic Judaism: a parallel history of their Origins and Early Development. Washington/D.C 1992, p. xv.

[42] *Bernhard Körner*, Wie Handelt Gott durch die Sakramente? Spirituelle und theologische Erkundungen, in: ZKTh 12 (2006), pp. 431-450.

[43] *John Dominic Crossan*, The Birth of Christianity: discovering what happened in the years immediately after the execution of Jesus. San Francisco [13]2006, p. XII.

[44] *William Hugh Clifford Frend*, The Rise of Christianity. Philadelphia/Pa. [2]1989, p. 12.

[45] *Claudia Martini*, Der kirchliche Beitrag für eine Umweltverantwortung aus staatlicher Sicht, in: *Bernhard Nacke* (Hg.), Kirche in Staat und Gesellschaft. Grundlegungen – Erfahrungen – Perspektiven. Mainz 1998, pp. 139-146, here p. 142.

normal Jews. They never saw themselves as forming a new Religion. Some authors believe that Jesus never founded a Church[46] and as the historian, Josephus would say, there was only a movement led by a certain wise man:

> "… if indeed one ought to call him a man. For he was one who wrought surprising feats and was a teacher of such people as accept the truth gladly. He was over many Jews and many of the Greeks. He was the Messiah. When Pilate, upon hearing him accused by men of the highest standing among us, had condemned him to be crucified, his followers who had in the first place come to love him did not give up their affection for him. On the third day he appeared to them restored to life, for the prophets of God had prophesied these and countless other marvelous things about him. And the tribe of the Christians, so called after him, has still to this day not disappeared."[47]

The early Christians read and prayed with the Jewish Scriptures. Only after the difference between Christians and Jews had become definitive did the use of the Word *Ekklesia* become a purely Christian term and Synagogue a Jewish terminology.[48] Like the Parable of the Mustard seed, Christianity spread within a few years beyond the borders of Palestine. The conversion of the learned Apostle to the Gentiles, Paul was a turning point in the historical development of the Church. His personal conversion-experience spelt out the actual relationship between Christ and his Church. His letters to the many Christian communities where he proclaimed the Gospel of the risen Lord gave many descriptions of this

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[46] *Lohfink*, Wie hat Jesus Gemeinde gewollt?, p. 7.

[47] *Josephus Flavius*, Antiquities of the Jews, translated by *Louis H. Feldman* (The Loeb classical library 456). London / Cambridge/Mass. 2004, 18:63.

[48] *Francis X. Lawlor / Dennis M. Doyle*, Church, II: Theology of, in: *Bernard L. Marthaler / et alii* (eds.), New Catholic Encyclopedia, Vol. 3. Washington/D.C. [2]2003, pp. 580-590, here p. 587.

new group and a clearer definition of the concept, Church. The various images used by Paul to describe the relationship between Christ and his followers are still relevant in the theological discussion of the term, Church. For Paul, the Church is God's plantation, whose growth depends upon the help of God who makes the Plantation to grow (1 Cor 3:6-9). It is in this sense that Pope Leo XII defined the Church as a human society which is from God; which through the law of Christ is a society in her own right, and is the necessary means and milieu of man's eternal salvation.[49] Since we are not dealing with history of the Church here, we want to single out the understanding of the Church by Second Vatican Council since this Council is a water-shed in Church history.

1.4. The Concept Church in Vatican II

While the First Vatican Council (1869-1870) had a more anti heretical stance; concerning itself with questions of papal primacy and papal infallibility, the Second Vatican Council made an inward retreat and tried to ask question of the Church's personal identity.[50] The documents of the Second Vatican Council sought to define the Church anew. "Church of Christ, what do you say of yourself"[51] was a basic question

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[49] These words of *Leo XIII* were quoted in: *Reinhold Sebott*, Religionsfreiheit und Verhältnis von Kirche und Staat. Der Beitrag John Courtney Murrays zu einer modernen Frage (AnGr.C 206: B 40). Roma 1977, pp. 74 f.

[50] *Peter Hünermann*, Theologischer Kommentar zur dogmatischen Konstitution über die Kirche, Lumen gentium, in: HThK-VatII 3, pp. 264-582, here, p. 271.

[51] *Walter M. Abbott*, The Church Today, introduction to the Pastoral Constitution on the Church in the Modern World, Lumen Gentium, in: *ders.* (ed.), The Documents of Vatican II. London [6]1972, pp. 183-198, here p. 184. *Roman Siebenrock* also reinterated the fact that, for the Church to speak of itself means her readiness to bear withness of her essence and existence before humanity. See: *Roman Siebenrock*, „Das Geheimnis der Kirche skrupulant erforschend …". Die Entdeckung des Mysteriums Israels im Kontext der Wahrnehmung der Pluralität der Religion im Zweiten Vatikanischen Konzil inmitten einer hoch

raised by the Second Vatican Council at the beginning of its sessions on 4 December, 1962. This radical and basic question helped fathers of this council to formulate two basic perspectives of what Walter Abbott termed "ad intra and ad extra perspectives" that worked out for them throughout their deliberations. The first question called for introspection into the true nature and internal constitution of the Church while the second tried to consider how the Church is seen vis-à-vis the world. Roman Siebenrock sieved out the definition of the Church by the Second Vatican Council as the 'universal sacrament of salvation'[52] to be an elementary theology of this council.[53] Hugo Schwendenwein beautifully described three ecclesiological images created by the theology of the Second Vatican Council. These were: the pro-Episcopal tendency, the pro-laity tendency and the tendency from recessive legality towards pastoral actions.[54]

This Second Vatican Council changed how the Church sees herself and how she is seen by the world. Among its publications, four Consti-

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konfliktiven Welt, in: IKaZ 39 (2010), pp. 428-439, here p. 432; see also: *Hünermann*, Theologischer Kommentar zur dogmatischen Konstitution über die Kirche, Lumen gentium, pp. 264-582.

[52] See: *Joseph Ratzinger / Benedikt XVI.*, Die Kirche als Heilssakrament, in: *ders.*, Gesammelte Schriften, hg. von *Gerhard Ludwig Müller*, Bd. 8/1: Kirche – Zeichen unter den Völkern. Schriften zur Ekklesiologie und Ökumene. Freiburg im Breisgau / Basel / Wien 2010, pp. 244-257, here p. 244. *Roman Siebenrock* discussed the theme of the Church as the universal sacrament of salvation in his article; see: *Roman A. Siebenrock*, Kommunikativ-dramatische Zeichen des angehenden Reiches Gottes. Die Sakramente der Kirche als Kriteriologie unserer Rede vom Handel Gottes in: *ders. / Christoph J. Amor* (Hg.), Handeln Gottes. Beitrag zur aktuellen Debatte (QD 262). Freiburg / Basel / Wien 2014, pp. 238-264, here p. 247.

[53] *Siebenrock*, „Das Geheimnis der Kirche skrupulant erforschend …", p. 428.

[54] *Hugo Schwendenwein*, Rechtsentwicklungen im neuen Kirchenrecht, in: *ders*., Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 293-297, here p. 295.

tutions emerged: The Constitution on the Sacred Liturgy, *Sacrosanctum Concilium* published on 4 December, 1963; The Dogmatic Constitution on the Church, *Lumen Gentium* published on 21 November, 1964; The Dogmatic Constitution on Divine Revelation, *Dei Verbum*, published on 18 November, 1965 and the Pastoral Constitution on the Church in the modern world, *Gaudium et spes*, published on 7 December, 1965. These four constitutions defined the new understanding which the Church has of herself and the world.[55]

The Congregation for the Clergy painted this picture as follows:[56] *Sacrosanctum Concilium posited* the sacred liturgy as the "source and summit towards which the activities of the Church is directed".[57] Even though *Lumen Gentium*, presented the Church as hierarchical,[58] it saw her as the people of God who share in a communion with one another through their baptism and who have a common priesthood. *Dei Verbum* brought the word of God at the center of the meaning of the Church. She exists only to "faithfully preserve, expound and spread it abroad by her preaching".[59] Finally, *Gaudium et Spes*, created an image of a caring Church which sees the "joy and hope, the grief and anguish of the men of our time, especially of those who are poor or afflicted in any way as the joy and hope, the grief and anguish of the Church". She is a Church

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[55] *Karl Rahner*, Das neue Bild der Kirche, in: *ders*., Sämtliche Werke, Bd. 21/2: Das Zweite Vatikanum. Beiträge zum Konzil und seiner Interpretation, bearb. von *Günther Wassilowsky*. Zürich / Freiburg / Basel / Wien 2013, pp. 807-825, here p. 807.

[56] *C Cler*, General Directory for Catechesis, August 11, 1997. London 1997, pp. 36 f.; http://www.vatican.va/roman_curia/congregations/cclergy/documents/rc_con_ccatheduc_doc_17041998_directory-for-catechesis_en.html (5.5.2015).

[57] Art. 10 VatII SC.

[58] Art. 18 VatII LG.

[59] Art. 9 VatII DV.

that has a fellow-feeling; who reads the signs of the times, but most especially who is in communion with the sons and daughters of God our Father.

The Church as *Communio*,[60] especially as *hierarchical communion* was an very import ecclesiological image of the Second Vatican Council. In fact, Knut Wenzel called it the leading idea of this Council.[61] This idea was extensively used by the Second Vatican Council and is a very important sociological interpretation of the Church. It means that there is both a vertical and a horizontal communion in the Church.[62] The Church communicated vertically with the Three Persons in one God and horizontally with human society. The three Persons in one God is a relationship of undivided unity. The Church communicates with the Trinity of Persons and her communion has its foundation in the trinity. This expression was beautifully summarized by the Sacred Congregation for Catholic Education when it asserted that:

> "When Christians say *communion*, they refer to the eternal mystery, revealed in Christ, of the communion of love that is the very life of God-Trinity. At the same time we also say that Christians

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[60] *Winfried Aymans*, Begriff, Aufgabe und Träger des Lehramts, in: HdbKathKR^2, pp. 659-669, here p. 666; *Joseph Ratzinger / Benedikt XVI.*, Kommunion – Kommunität – Sendung, in: *ders.*, Gesammelte Schriften, hg. von *Gerhard Ludwig Müller*, Bd. 8/1: Kirche – Zeichen unter den Völkern. Schriften zur Ekklesiologie und Ökumene. Freiburg im Breisgau / Basel / Wien 2010, pp. 308-332; *Richard Puza*, Kanonistisches zur Streitkultur in der kirchlichen Communio, in: *Albert Franz* (Hg.), Was ist heute noch Katholisch? Zum Streit um die innere Einheit und Vielfalt der Kirche (QD 192: SEGKT 5). Freiburg im Breisgau / Basel / Wien 2001, pp. 135-159. *Paul Josef Cordes* discussed the relationship between koinonia and Kommunio. See: *Paul Josef Cordes*, Communio – Utopie oder Programm? (QD 148). Freiburg im Breisgau / Basel / Wien 1993, pp. 23-42.

[61] *Knut Wenzel*, Kleine Geschichte des Zweiten Vatikanischen Konzils. Freiburg im Breisgau / Basel / Wien 2005, p. 54.

[62] *Siebenrock*, „Das Geheimnis der Kirche skrupulant erforschend …", p. 428.

> share in this communion in the Body of Christ which is the Church (cf. Phil 1: 7; Rev 1: 9). Communion is, therefore, the "essence" of the Church, the foundation and source of its mission of being in the world *the home and the school of communion*, … to lead all men and women to enter ever more profoundly into the mystery of Trinitarian communion and, at the same time, to extend and strengthen internal relations within the human community. In this sense, *the Church is like a human family, but at the same time it is also the great family of God, through which he creates a place of communion and unity through all continents, cultures and nations.*"[63]

Communio as an ecclesiological terminology has its foundation in the biblical expression of the *Body of Christ.* When St Paul said in the first Letter to the Corinthians (1 Cor 10:16): "the cup of blessing that we bless, is it not a participation in the blood of Chris; the bread that we break, is it not a participation in the body of Christ; it was a pointer to a *communio* which Bernd Jochen Hilberath associated with the term *Koinonia*.[64] This is the kind of relationship which the members of the Church should share with one another. God is in Himself a relationship. There exists an undivided relationship of love between the Trinity. We human beings also exist only in a relationship because no man is an island. We cannot exist without a relationship; first to God and then to one another. This is the relationship which the Church has to God and to her members. The Church makes a journey through human society in-

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[63] *C InstCath*, ***Educating Together*** in ***Catholic Schools***. A shared mission between consecrated persons and the lay faithful, 8 September, 2007, Art. 10, at: http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20070908_educare-insieme_en.html (5.5.2015).

[64] *Bernd Jochen Hilberath*, Bei den Menschen sein. Die letzte Chance für die Kirche. Ostfildern 2013, p. 56.

fluencing its affairs with the supernatural grace of her founder. According to Francis X. Lawlor and Dennis M. Doyle,

> "the term (*Communio*) appears 27 times in the English text of Lumen Gentium alone, and eight times in the 'Preliminary Note of Explanation' to that document, intended to clarify that the Church is a hierarchical Communion. The mystery of the Church is presented as rooted in the Trinity. The universal Church is described as 'a people made one from the unity of the Father and the Son and of the Holy Spirit a people established by Christ in a common life, love and truth; one holy Community, Sacerdotal and prophetic in which all the faithful scattered throughout the world lead a common life with the rest in the Holy Spirit' and which all, both labor and pray that the fullness of the world be transformed into the people of God, the Body of the Lord and the temple of the Holy Spirit".[65]

In this character of hierarchical communion of the Church, each part plays its role and each makes available to the whole its talent for the development of the whole Church.

This relationship of *communio* is further strengthened by the concept of People of God[66] who have one God, one faith and one Baptism (Eph 4:5). The Church is the People of God, a Sacrament of Communion with God and unity of all men. The *People of God* concept employed by St

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[65] *Lawlor / Doyle*, Church, II: Theology of, p. 590.

[66] *Heinz Bude* opined that one of the things which society stands to gain from the Second Vatican Council is that the self-examination of the Church which this Council did made the Church to de-emphasize the the ecclesiological concept of the Church as a perfect society and began to see emphasize the Church as *People of God*. See: *Heinz Bude*, Das gesellschaftliche Erbe des Zweiten Vatikanischen Konzils, in: *Christoph Böttigheimer* (Hg.), Zweites Vatikanisches Konzil. Programmatik – Rezeption – Vision (QD 261). Freiburg im Breisgau / Basel / Wien, pp. 65-84, here p. 75.

Peter to refer to the people of the new Covenant who were brought together by Christ, the Cornerstone, from nothingness into: a chosen race, a kingdom of priests, a holy nation, a people to be a personal possession to sing the praises of God (1 Pet 2:9-10), was adopted by the Fathers of the Second Vatican Council to define the Church.[67] Their realization of their being the people of God is only through their communion with one another. Winfried Aymans takes the people of God image of the Second Vatican Council to be an important image of the Church painted by the dogmatic constitution on the Church *Lumen Gentium*. This, according to him is because; this concept stresses the aspect of the salvation history. She is not the people of God because of her own achievement but because God has called her to be His chosen people.[68] Joseph Ratzinger noted that this concept *people of God* of the New Testament did not originally refer to the Church but to the people of Israel.[69] The community of the early Church were referred with the then existing concept borrowed from the Roman language, ***ἐκκλησία***. She is the people of God under the leadership of Jesus Christ which lives in the world, in time and history.[70] The apostolic link of the Church is represented in the descrip-

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[67] *Peter Hünermann*, Theologischer Kommentar zur dogmatischen Konstitution über die Kirche *Lumen gentium*, in: HThKVat II 2, pp. 263-582, here pp. 372-374.

[68] *Winfried Aymans*, Die Kirche – Das Recht im Mysterium Kirche, in: HdbKathKR^2, pp. 3-12, here p. 3. He noted: "Insofern ist die Kirche erst recht Volk allein aus geistlicher Berufung; sie ist als Gottesvolk aus Gottes Willen konstituiert, von Gott her hat sie ihre innere Zielsetzung, und aus dieser Grundbefindlichkeit kann sie nicht ausscheiden …" See also: *Wiedenhofer*, Ekklesiologie, p. 65. In this context, Siegfried Wiedenhofer holds this concept of People of God as signifying a community of believers who live in Christ as the body of Christ (1 Cor 1:30). So is the Church seen as a community of many believers who are united by the same Spirit despite their differences. See also: *Wenzel*, Kleine Geschichte des Zweiten Vatikanischen Konzils, p.61.

[69] *Ratzinger / Benedikt XVI.*, Ursprung und Wesen der Kirche, p. 230 f.

[70] *Heinrich Fries*, Aspekte der Kirche. Stuttgart 1963, p. 31.

tion of the Church by Siegfried Wiedenhofer as a fundamental laid on the apostles.[71] This People of God have one Lord, one faith and one Baptism (Eph 4:5) and as Knut Wenzel said, she has a common dignity which comes from their common baptism and common Priesthood of all the faithful which are founded on their sharing in the priestly office of Christ.[72]

Another basic concept employed by this revered council was the concept of the Church as *Sacrament*. In their words, "the Church is a Sacrament, a sign and instrument of communion with God and of unity among all men".[73] That means that the Church is a mystery, visible in the world as a sign. The idea of *Mystery* is clearly spelt out in the definition of the Church by the Second Vatican Council. This idea points out the character of the Church as a union of the ideas of the visible and invisible, discernible and concealed. This is why the first article of this Council on the Church used the Augustinian idea of a Sacrament, a mystery – an outward sign of inward grace. In this sense, the Church is a sign and instrument for the heartfelt unity both with God and mankind.[74] The Church is herself not the grace but an outward sign of the grace of God. The mystery of the Holy Church of God is manifested in the very way it was formed (Mk 1:15; 4:14; Mt 4:17); in the miracles of Jesus (Lk 11:20; Mt 12:28). The mystery is revealed principally by the person of Christ, the servant king. The Church is the Kingdom of Christ already present in mystery. She has her origin in the blood of Christ which

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[71] *Wiedenhofer*, Ekklesiologie, p. 65.

[72] *Wenzel*, Kleine Geschichte des Zweiten Vatikanischen Konzils, p.63.

[73] Vatican II, *Lumen Gentium*, in: *Austin Flannery* (ed.), Vatican Council II: The Conciliar and Post Conciliar Documents. Mumbai 2010, pp. 320-397, here n. 1.

[74] *Karl Rahner / Herbert Vorgrimler* (Hg.), Kleines Konzilskompendium. Sämtliche Texte des Zweiten Vatikanischen Konzils. Allgemeine Einleitung – 16 spezielle Einführungen – ausführliches Sachregister. Freiburg im Breisgau / Basel / Wien [35]2008, pp. 105-107.

flowed from his open side (Jn 19:34).[75] The Council used other images to buttress the fact that the Church is a mystery. They include: sheepfold (Jn 10:1-3), a cultivated field, the tillage of God (1 Cor 3:9), a structure built upon Christ the Cornerstone (Eph 2:20), a house of God and the Gate of heaven (Gen 28:17), a vineyard (Mt 21:33-43), a bride prepared to meet her husband (Rev 21:2), the Jerusalem above (Gal 4:26), a spotless Lamb (Rev 19:7) and the body of Christ. The "body of Christ" image (1 Cor 10:16), according to René Löffler was a new identity of the Church in the New Testament which pointed to the Eucharistic meal where the different communities, Jews and Gentiles were brought together in Christ through participating in the Eucharist.[76]

The saving history of the Church as destined from the beginning of creation and fashioned for the whole of humanity is an important opinion of the Second Vatican Council on the idea of the Church. This is expounded in chapter two of *Lumen Gentium*. The Church is a universal sign of the salvation of all men[77] whose duty it is to announce the kingdom of God to all human beings on earth. The Council Fathers sees the Church as present in figure at the beginning of the world, prepared in a marvelous fashion in the history of the people of Israel and established in this last age of the world and manifested in the outpouring of the Holy Spirit (Art. 2 VatII LG). Although the Church subsists in the Catholic Church (c. 204 § 2 CIC/1983) and is necessary for salvation (Art. 14 VatII LG), all those who seek God with a sincere heart and know him through the dictates of their conscience may be saved. So the Council created no exclusive entrance which allows only its members to have access to the God of all creation. In this sense, not only the baptized who

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[75] Art. 2 VatII LG.

[76] *René Löffler*, Gemeindeleitung durch ein Priesterteam. Interpretation des can. 517 § 1 CIC/1983 unter besonderer Berücksichtigung der deutschen Rechtslage (BzMK 31). Essen 2001, p. 81.

[77] *Siebenrock*, „Das Geheimnis der Kirche skrupulant erforschend …", p. 428.

exercise good deeds in charity and the catechumens who desire to be joined to Christ in baptism may be saved. Even separated Christians, Jews, Moslems, and all those who seek God with a sincere heart and know him through the dictates of their conscience, "may be saved" (Art. 14-16 VatII LG).

To fully understand the Second Vatican Council's meaning of the Church, one must understand the spirit of this council, which Roman Siebenrock identified in the 'pastoral and aggiornamento' bend of this council.[78] In a systematic reflection, Siegfried Wiedenhofer identified and summarized the various concepts of the Church which one could attribute to the Second Vatican Council to include the Church as: community of trinity, people of God, body of Christ, Temple of the Holy Spirit, Sacrament of salvation, the reign of God, sign of God's creation, fullness of salvation, community of subjects of the whole people of God, Charismatic and hierarchy, ordained Hierarchy, witness, People of God gathered in a liturgical assembly, service of love, denominational and inter-denominational unity, holy, united, catholic and apostolic; community living together, family of God, local community, local and universal.[79]

1.5. The Church Today

Writing on the theme "The present situation of the Church in its historical context" in his book, Ecclesiology of Vatican II, Bonaventure Kloppenburg O.F.M. pointed out that most of the Councils before the Second Vatican Council were merely anti heretical. In a few instances "certain doctrines … were heavily emphasized simply because some people had denied them…".[80] The Second Vatican Council should not,

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[78] *Ibid*., pp. 428-439.

[79] *Wiedenhofer*, Ekklesiologie, pp. 90-153.

[80] *Kloppenburg*, Ecclesiology of Vatican II, p. 6.

however, be seen as anti heretical. It was more ecumenical in tone, opening its arms to the Children of God in other Religions. This is attested to by its pronouncement in *Unitatis Redintegratio* that "the restoration of unity among all Christian is one of the principal concerns of the Second Vatican Council" (Art. 1 VatII UR). Although the Church is in the world and not of the world,[81] she must be open to the world in order to evangelize it. The Church today[82] is an off-shoot of the vision of the Second Vatican council. The various ecclesiological images used by the Second Vatican Council (some of which include: the Church as community of believers, people of God, Body of Christ, Temple of the Holy Spirit, sign of salvation of God in the world, Kingdom of God, sacrament of salvation),[83] and so on, help us to assess how people view the Church today. In his opinion about the responsibility *of the Church in the world today*, Gerald Kallenbach holds that the outlook of the Church today should reflect the issues of the dignity of human beings, the meaning of human society and the meaning of creation. She must be able to read and interpret the signs of the times. This action, according to Christoph Theobald means hearing, interpreting and deciding the problems of our time. It means using the revealed truth to address the problems of our time.[84] The Church should concern herself more about the human

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[81] *Walter Kardinal Kasper*, Kirche – in der Welt, nicht von der Welt, in: *Jürgen Erbacher* (Hg.), Entweltlichung der Kirche? Die Freiburger Rede des Papstes. Freiburg im Breisgau / Basel / Wien 2012, pp. 34-37.

[82] *Wiedenhofer*, Ekklesiologie, pp. 47-153, see also: *Abbott*, The Church Today. pp. 183-198; *Maximilian Heinrich Heim*, Joseph Ratzinger – kirchliche Existenz und existentielle Theologie. Ekklesiologische Grundlinien unter dem Anspruch von Lumen gentium (BThS 22). Frankfurt am Main / Wien u.a. ^{3}2014; *Siebenrock*, „Das Geheimnis der Kirche skrupulant erforschend …", p. 430.

[83] *Wiedenhofer*, Ekklesiologie, pp. 90-100.

[84] *Christoph Theobald*, Zur Theologie der Zeichen der Zeit. Bedeutung und Kriterien heute, in: *Peter Hünermann* (Hg.), Das Zweite Vatikanische Konzil und die Zeichen der Zeit Heute. Karl Kardinal Lehmann in Dankbarkeit und Verbundenheit zum 70. Geburtstag. Freiburg im Breisgau / Basel / Wien 2006,

being who is created in the image and likeness of God. She should try to help human beings in answering questions concerning themselves. The Church should equally concern herself with how the Christian faithful should share in the responsibility of preaching the Good News to all peoples and which means are available to her to fulfill her duties without losing sight of her heavenly vision.[85] Bernd Dennemarck holds that the new order in the Church of today is an after-match of secularism which has forced the Church to alter her stance from a monarchical to a democratic outlook.[86] Secularism, individualism and especially democracy, which has gained upper hand as the major system of government in the world today among other things, have contributed to the changes of how people view the Church today. There are various mental-constructs

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pp. 71-85; *Giuseppe Ruggieri*, Zeichen der Zeit. Herkunft und Bedeutung einer christlich-hermeneutischen Chiffre der Geschichte, in: *Peter Hünermann* (Hg.), Das Zweite Vatikanische Konzil und die Zeichen der Zeit Heute. Karl Kardinal Lehmann in Dankbarkeit und Verbundenheit zum 70. Geburtstag. Freiburg im Breisgau / Basel / Wien 2006, pp. 61-70; see also: *Peter Hünermann*, „Gestern und Heute. Eine kontrastierende Relecture der Situation des Menschen in der heutigen Welt" in: *ders.* (Hg.), Das Zweite Vatikanische Konzil und die Zeichen der Zeit Heute. Karl Kardinal Lehmann in Dankbarkeit und Verbundenheit zum 70. Geburtstag. Freiburg im Breisgau / Basel / Wien 2006, pp. 29-60; *Dietmar Mieth*, Zeichen der Zeit-eine theologisch-ethische Betrachtung, in: *Peter Hünermann* (Hg.), Das Zweite Vatikanische Konzil und die Zeichen der Zeit Heute. Karl Kardinal Lehmann in Dankbarkeit und Verbundenheit zum 70. Geburtstag. Freiburg im Breisgau / Basel / Wien 2006, pp. 85-102.

[85] *Gerald A. Kallenbach*, Ein Kirchenamt im Dienst der Verkündigung. Die Rechtsstellung des Religionslehrers (TG.C 42). Roma 2000, pp. 195-208.

[86] *Bernd Dennemarck*, Die rechtliche Neuordnung der katholischen Kirche nach der Säkularisation, in: *Thomas Holzner / Hannes Ludyga* (Hg.), Entwicklungstendenzen des Staatskirchen- und Religionsverfassungsrechts. Ausgewählte begrifflich-systematische, historische, gegenwartsbezogene und biographische Beiträge (KStKR 15). Paderborn / München / Wien / Zürich 2013, pp.161-191, here p. 161.

which the people of today have about what the Church should be. Among them are the following:

1.5.1. A Service-Oriented Church

In his book "Bei den Menschen sein, the letzte Chance für die Kirche"[87] Bernd Jochen Hilberath reported the sayings of Alfred Delp who, on the way to his death from the Hitler regime noted that the only chance for survival left for the Church is to pinch her tent with humanity.[88] By humanity, Delp meant the abandoned, the sick, the lonely, the unloved, the poor and the suffering humanity. That was the meaning of the words of Jesus: "The son of man did not come to be served but to serve and to give his life as a ransom for many" (Mk 10:45). This spirit of sacrifice and service is what Bernd Jochen Hilberath called "Diakonie".[89] The Church must set herself at the service of humanity. That is her call and her identity. That the Church should be service-oriented is the central message of Pope Francis. That is why he insists that "an evangelizing community should get involved by word and deed in people's daily lives; it should bridge distances, it is willing to abase itself if necessary, and it embraces human life, touching the suffering flesh of Christ in others".[90] It is the direct appeal of Gaudium et spes and the meaning of what it called "the signs of the times" (Art. 4 VatII GS).The thoughts on women emancipation all over the world can no longer be ignored and the call of Pope Francis that the world should stand up and say no to the economy of exclusion[91] should be taken seriously by all Christians. For here lies the identity of the Church as a mother with an

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[87] Translated into English, this title means: "To be with humanity, the last chance for the Church."

[88] *Hilberath*, Bei den Menschen sein, p.12.

[89] *Ibid.*

[90] *Francis*, ApE *Evangelii gaudium*, Art. 24.

[91] *Ibid*., Art. 53.

open heart.[92] She is the Church that should concern herself with the dignity of the human being; what Knut Wenzel called a theological anthropology.[93]

1.5.2. Church as Family of God and of Men

The Church today must pay attention to the family which is the basic Church. The Church is the family of God.[94] The effort of Pope Francis in organizing the Synod of Bishops in Rome in October 2014, was geared towards finding some solutions to the problems besieging marriage and family life in our time. This effort brings the Church into the limelight of what an author called the serving Church.[95] It is unfortunate that the Church is gradually becoming unreal to a secular and modern world that is almost losing the sense of the sacred and of religion. In the explanation of Siegfried Wiedenhofer, the modern man seems to have taken a distance from the Church. He needs her no more for his existential life as a citizen. The truth of the Christian faith makes no sense to him anymore.[96] For the modern humanity, the anthropological and conservatistic ecclesiological concepts of God as incomprehensible and the Church as mysterious are senseless and anti-modern. This is why Siegfried Wiedenhofer opined that the characteristic of the Church as One, Holy Catholic and Apostolic must shine out anew for the modern world to understand her.[97] If the Church is to be seen as a family of human

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[92] *Ibid*., Art. 46.

[93] *Wenzel*, Kleine Geschichte des Zweiten Vatikanischen Konzils, p.182.

[94] *Lothar Lies*, Rezension von „Friedrich Bechina, Die Kirche als 'Familie Gottes'. Die Stellung dieses theologischen Konzeptes im Zweiten Vatikanischen Konzil und in den Bischofssynoden von 1974 bis 1994 im Hinblick auf eine ‚Familia-Dei-Ekklesiologie' (AnGr 272). Rom: Editrice Pontificia Università Gregoriana 1998", in: ZKTh 127 (2005), pp. 101-104.

[95] *Karl Heinz Neufeld*, Kirche und Jesuiten, Echtes Gespür und Kritik, in: ZKTh 128 (2006), pp. 183-204.

[96] *Wiedenhofer*, Ekklesiologie, p. 84.

[97] *Ibid*., p. 88.

beings and of God, she must possess the heart of a mother. This does not, however, mean that the Church should be forced to accept the new concepts of the family being presented by secularism. It means that the Church should enter into dialogue with modernity and let the light of the Gospel shine anew in the hearts of men. Just like Christ her master, while not approving of sin, she should be tolerant and patient with the sinner (Jn 8:1-11).

1.5.3. A Charity Oriented Church

The Church of today must be charity oriented. She must help bridge the gap between the poor and rich. Addressing residents of the Caritas shelter in the diocese of Rome, Pope Francis reminded Christians that, "Poverty is the great lesson that Jesus gave us when He went down into the waters of the Jordan to be baptized by John the Baptist. He didn't do so out of a need for penitence, for conversion; He did so to put himself in the midst of the people, the people in need of forgiveness, in the midst of us sinners, and to take upon himself the burden of our sins".[98] The Church must, therefore, identify with the poor and be charitable to them. Many people would want to see a Church ready to enter into a sincere dialogue[99] with the modern world; a communicative Church.[100] In the many problems besieging society today, the Church must not stand aloof

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[98] *Francis*, Video message for Caritas of Rome, April 28, 2015, in: http://w2.vatican.va/content/francesco/en/messages/pont-messages/2015/documents/papa-francesco_20150428_video-messaggio-caritas-roma.html (5.5.2015).

[99] *Abbott*, The Church Today, p. 187.

[100] *Franz Weber*, Spannungsreiche und konfliktträchtige Katholizität. Interkulturelle Lernerfahrungen in Universitätslehrgang, Kommunikative Theologie, in: *Raymund Schwager / Józef Niewiadomski* (Hg.), Religion erzeugt Gewalt – Einspruch! Innsbrucker Forschungsprojekt „Religion – Gewalt – Kommunikation – Weltordnung" (Beiträge zur mimetischen Theorie 15). Münster / Thaur 2003, pp. 271-301.

preaching an arm-chair theology. As a mother with an open heart,[101] she must participate, as *Gaudium et Spes* suggested, in the joys and hopes, the griefs and anxieties of the modern world (Art. 1 VatII GS). In this sense, she must be seen trying to find solutions to the problems besieging society today. She must speak out in defense of human dignity and focus her attention more to issues of justice, truth and love. The Church today is seen as one that should understand its nature as an organization that promotes both spiritual as well as integral human development as well as a Church that treats all human beings as equals. This understanding of the Church today does not underplay the hierarchical nature of the Church. But hierarchy and authority in the Church must be seen by all Christians, both lay and clergy in terms of service. Christians should be seen trying to outshine each other in the service of their neighbor. Where hierarchy and authority are seen as mutual respect for the fundamental and basic baptismal call which we all share as Christians, then the Church will really reflect a community of believers. The Church today should promote integral human development through education, promotion of human culture and the encouragement of freedom of research by scientists with whom she should corroborate.

1.5.4. A Communio-Oriented Church

Bernd Jochen Hilberath remarked that *communio* is not a superficial relationship; it is a relationship that presses deep into our existence as human beings. He further says that the Church is *Communio* because she is a community of human beings who are in communion with God.[102] The Sacred Congregation for Catholic Education beautifully summarized the human vocation to *communio* when it holds that:

> "Every human being is called to communion because of his nature which is created in the image and likeness of God (cf. Gen

[101] *Francis*, ApE *Evangelii gaudium*, Art. 6.

[102] *Hilberath*, Bei den Menschen sein, pp. 56-58.

> 1:26-27). Therefore, within the sphere of biblical anthropology, man is not an isolated individual, but a *person*: a being who is essentially relational. The communion to which man is called always involves a double dimension, that is to say vertical (communion with God) and horizontal (communion with people). It is fundamental that communion be acknowledged as a gift of God, as the fruit of the divine initiative fulfilled in the Easter mystery."[103]

This *Communio* is chiefly realized in the Eucharist where we share in the body and blood of Jesus. The Church of today must be communio-oriented. She must be a Church where the members are near one to another in spreading the Good News. Applying the term *communio* in understanding the term Church would depict it as a community of people who have the same origin and destination. Communio is an important concept for the African Church. The Igbo term *Umunna* with which one can translates the small Christian community of the New Evangelization is a term which best describes this communio aspect of the Church. The *Umunna* is a group of people who have the same descent and destiny. It speaks of a people with the same blood who share a lot of things in common. The strength of the *Umunna* lies in its common way of doing things. That explains the Igbo expression: *Umunna bu ike* – The community is the strength of each individual. That means that each individual receives his or her strength from the community. Even though in the actual *Umunna* setting, blood relationship is what explains their origin, even foreigners who live in the same vicinity and who share the same vision and destiny are taken as members of the *Umunna*. This is why the Small Christian Community in the Igbo speaking world is designed to follow the *Umunna* pattern. Unlike the Igbo *Umunna* con-

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[103] *C InstCath*, ***Educating Together*** in ***Catholic Schools, Art.*** 8.

cept, the Church community shares her *communion;* not derived from human blood-relationship but from the body and blood of Christ.

1.5.5. A Church with an Active Laity

The Church of today must recognize the place of the laity in the process of Evangelization. The common Priesthood of all the faithful places all Christians in an equality of dignity (Art. 10 VatII LG),[104] but the laity must be given their rightful role in evangelization. The term, Christ's faithful or People of God includes all the baptized, clergy, religious and the lay members of Christ's faithful alike (Art. 30 VatII LG). Through Baptism, the laity, like the clergy and religious have their calling in the priestly, prophetic and kingly office of Christ (Art. 31 VatII LG) and as Knut Wenzel suggested, must also participate in their own way in the building up of the Body of Christ.[105] This is because the grace of God is not limited only to the hierarchy. Lay members of Christ's faithful equally have the grace of their office to make Christ known throughout the world especially in their places of work. They are not the world to which the clergy is sent to preach the Good News.[106] They are also the preachers of the Good News "through the witness of their life and work" (Art. 35 VatII LG).

To build up an active laity is an urgent need, especially of the African Church where the Church is still seen as a clerical-Church, *Uka-Fada.*[107] With the canonical stipulation that Bishops should establish at

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[104] *Wenzel*, Kleine Geschichte des Zweiten Vatikanischen Konzils, p. 64.

[105] *Knut Wenzel*, Das Zweite Vatikanische Konzil. Eine Einführung. Freiburg im Breisgau / Basel / Wien 2014, p. 82.

[106] *John M. Todd*, The Worldly Church; political bias, autocracy and legalism, in: *Michael de la Bedoyere* (ed.), Objections to Roman Catholicism. London 1964, pp. 49-72, here p. 50.

[107] In the Igbo language, the Catholic Church is still being referred to as "Uka fada" – the Priest's Church. This was a term she gained during the time of the early missionaries. While the Protestants empowered their converts and gave them authority in their Church, in the Catholic Church every power and authori-

least a chair of theology where lectures are given to lay students (c. 811 § 1 CIC/1983), there is a challenge on the African Church to focus its attention on the training of lay people in theology. This was why the Congregation for the Clergy in the *General Directory for Catechesis* in 1997 directed that local Churches open up Centers for higher learning for experts in Catechesis.[108] The laity is further encouraged to engage in apostolic actions aimed at strengthening the structures of evangelization.[109] Since this concept *Church* has a lot of connotation, let us now set a limitation to it as we shall apply it throughout this dissertation.

1.6. The Term "Church" as Used in This Dissertation

So when we use the concept, Church in this dissertation, we mean the new people of God; a body of the faithful who are baptized into Christ;[110] a gathering of the believers in Christ made real in a liturgical assembly both at the local or universal level; governed as a society in this world by the successor of St Peter and the bishops with him (c. 204 § 2 CIC/1983). She is a society structured with hierarchical organs; the mystical body of Christ; a visible society and a spiritual community.[111] This socio-spiritual community among persons makes inroads into their hearts as well as advancement into cultures and nations. This is in response to the missionary mandate of her founder to: "Go, therefore, make disciples of all nations; baptize them in the name of the Father and of the Son and of the Holy Spirit, and teach them to observe all the

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ty rested on the priest. See: *Uchenna Killian Maduka*, Diocesan Temporal Goods and its Administration in the Light of the 1983 Code of Canon Law: With Particular Reference to the Church in Igboland, Nigeria. Aachen 2008, pp. 268 f.

[108] *C Cler*, General Catechetical Directory (1997), Art. 248.

[109] *John Paul II*, PostExA *Ecclesia in Africa*, 14 September 1995, in: AAS 88 (1996), pp. 5-82, here n. 99.

[110] *John Paul II*, Catechism of the Catholic Church, p. 251, n. 871.

[111] *Ibid*., p. 221.

commands I gave you. And look, I am with you always; yes to the end of time" (Mt 28:19-20). Let us consider the meaning of the word *education* which is the principal duty assigned by Christ to his disciples as stated in the quotation above.

1.7. Finding the Meaning of Education

1.7.1. Meaning of the Concept Education

Education today is a complex, vast, and urgent task[112] and the field of education and the school is truly immense.[113] A lot of meanings are given to this concept. Eugene U. Igboaja argued that it is targeted at the rational being called man[114] and not at irrational or non-beings. The human being is a rational being. It is only education that makes him realize his true nature as a rational being. Take education away from him and what remains of him is nothing but instincts. Eugene Igboaja put it this way:

> "If an infant were left to grow on its own, cut off from its human kind, it would hardly develop into a human being and, in fact, it would quickly perish. But even if it were fed and protected, it would grow into only a half-human, half-animal creature. It is

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[112] *C InstCath*, LC to the Presidents of Bishop's Conferences on Religious Education in schools, 5 May, 2009, Art. 4, http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_200
90505_circ-insegn-relig_en.html (5.5.2015).

[113] *C InstCath*, Presentation of "Consecrated Persons and their Mission in Schools. Reflections and Guidelines" October 28, 2002, http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccath
educ_doc_20021119_press-release_en.html (5.5.2015).

[114] *Eugene U. Igboaja*, The Rise and Fall of Education today: The Roll of Mission and Private Schools in Educationally Decadent Nation. Enugu 2010, p. 6.

> education that trains and disciplines it into a person and perhaps pushes it to the level and height of a supreme thinker or powerful personality."[115]

The nature of education is such that when it is integral and holistic, it takes care of the three domains of man: the cognitive, the affective and the psychomotor domains. When we train the mind with knowledge, the cognitive domain is taken care of; the affective domain is taken care of by training the soul through morality and religion while the psychomotor is taken care of through training the body in physical exercise.[116] This analysis presumes the scholastic understanding that man is a composite being made up of body, mind and soul. But it is good here to dig into the meaning of this concept, education through its etymology.

1.7.2. Education: Etymological Meaning

The Latin infinite-verb *educere*[117] simply means *to lead out of* and comes from the basic Latin noun-form *educatio* meaning breeding, rearing or bringing up. It stems from: *duco-ducere-duxi-ductum* – to lead. This underscores the basic fact that education deals with leading man out of ignorance to knowledge. It is a systematic learning of a branch of knowledge.[118] It denoted personality building.[119] The German language has a descriptive tendency. Many German words are related to the con-

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[115] *James Henry Snowden*, The Meaning of Education. New York 1921, p. 16.

[116] *Igboaja*, The Rise and Fall of Education today, p. 9.

[117] *Innocent Nwokenna Iheanyichukwu*, Education in Faith: a study of canon 796 with particular reference to "Redemptoris missio" chapter seven. Romae 1997, pp. 46 f.

[118] *Ernest Caparros / Michel Thériault / Jean Thorn* (eds.), Codex Iuris Canonici – Code of Canon Law Annotated: prepared under the responsibility of the Instituto Martín de Azpilcueta. Montreal ^{2}2004, p. 617.

[119] *Erwin Dirschel*, Erziehung, in: *Wolfgang Beinert / Bertram Stubenrauch* (Hg.), Neues Lexikon der katholischen Dogmatik. Freiburg / Basel / Wien ^{6}2012, pp. 187-189.

cept of education. The German word *Erziehung* is normally applied to the education[120] of children and youths. It refers to parental upbringing, or forms of moral or cultural upbringing given to young people as they grow up. The other German word *Bildung* is applied to youths or more grown up people.[121] It means learning, erudition, being cultured. Here one thinks of such synonyms as: academic education, basic education, child education, college education, philosophical education. *Bildung* is also used in the sense of establishment, setting-up, and formation,[122] as in the sense of academic formation, college formation or university education. It is in this sense that we use the phrase *seminary* or *priestly formation* to imply a transformation from crudity into a well formed character. A teacher in a catholic Seminary is called a *Seminary-formator*. He is expected to turn the young men entrusted to him into finished products; into a finished form as priests.[123] The other German word *Ausbildung* refers to training in trades and professions such as training in business management or shop keeping, as a mason or in craftsmanship. The German word *Unterricht* refer to instruction, lesson, setting up of classes to learn a new language. It is in this sense that catechetical instruction is used. The other German synonym for education is *Schulung* which means training, instruction. The concept, Education, therefore has the following connotations: development, breeding, generation, formation, edification, culture, attainment, acquirement, conformation, knowledge[124] or instruction, schooling, learning, practice (usually under supervision), training, acquisition. In this dissertation we will

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[120] *Gerd Schmitz*, Bildung: Allgemein, in: LKStKR I, pp. 256-258.

[121] *Aymans-Mörsdorf-Müller* KanR III, p. 94.

[122] *Ibid.*

[123] *Timothy Costello*, Forming a priestly identity: anthropology of priestly formation in the documents of the VIII Synod of bishops and the apostolic exhortation Pastores dabo vobis (AnGr 287). Roma 2002, pp. 298 f.

[124] *Paul Hemetsberger*, Bildung, at: http://www.dict.cc/german-english/Bildung.html (5.5.2015).

apply the word *education* in the German senses of *Erziehung* and *Building*.

Education is primarily the responsibility and right of parents and means for them, care, training and education of their children; a personal responsibility. For Dieter Weiß, the content of parental education of their children includes care which in turn means the nurturing of the child. It includes the unfolding of its physical abilities.[125] It also means the care for the formation, training and education of the child through the unfolding of its abilities.[126]

1.7.3. Education: Some Definitions

For the Sacred Congregation for Catholic Education insists that the issue of education in modern times is becoming more and more complex.

> "(It) is made more difficult by rapid social, economic, and cultural changes. Its specific mission remains the integral formation of the human person. Children and young people must be guaranteed the possibility of developing harmoniously their own physical, moral, intellectual and spiritual gifts, and they must also be helped to develop their sense of responsibility, learn the correct use of freedom, and participate actively in social life."[127]

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[125] See: *Dieter Weiß*, Das Recht der religiösen und weltanschaulichen Kindererziehung. Staatliche und kirchliche Regelungen (LKB 5). Linz 1995, pp. 52-55; *Fritz Ossenbühl*, Das elterliche Erziehungsrecht im Sinne des Grundgesetzes (Soziale Orientierung 2). Berlin 1981, p. 48.

[126] *Theodor Schramm*, Staatsrecht, Bd. II: Grundrechte und ihre verfassungsrechtliche Absicherung. Köln 1971, p. 99, quoted in: *Weiß*, Das Recht der religiösen und weltanschaulichen Kindererziehung, p. 48.

[127] *C InstCath*, LC on Religious Education in schools, May 5, 2009, n. 1.

Education is much more than knowledge.[128] Franz Pototschnig sees it as the systematic and possibly comprehensive unfolding of all mental and spiritual as well as religious values in a person.[129] The Oxford dictionary of English defines it as "the process of receiving or giving systematic instruction, especially at school or university. It is a body of knowledge acquired while being educated. It is also an enlightening experience".[130] In platonic sense, education has the purpose of giving to both the soul and body of man all the beauty and perfection of which they are capable. This is why John Stuart Mill stressed that education includes whatever we do for ourselves and whatever is done for us by others for the express purpose of bringing us nearer to the perfection of our nature.[131] Education can also mean the process of self determination, where one gains insight and information about things, not just for himself alone but for others as well.[132] In Canon Law, education is used in the pedagogical sense of Child education (German: *Erziehung)* and formation (German: *Ausbildung*).[133]

For Adiele Eberechukwu Afigbo, It is the means and process by which human beings ensure the transmission, from generation to generation and from society to society, of what is considered relevant ways and means of knowing and doing at the mental, societal and material levels. Thus, education not only helps to create culture, or to preserve it, it also helps to change it.[134] It is not only aimed at transmission of what is con-

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[128] *Ökumenischer Rat der Kirchen in Österreich – Ecumenical council of Churches in Austria*, Sozialwort: The Social Mission Statement of the Ecumenical Council of Churches in Austria. Vienna 2006, p. 20.

[129] *Franz Pototschnig*, Das Bildungswesen, in: HdbKathKR^{2}, pp. 721-734.

[130] *Angus Stevenson* (ed.), Oxford Dictionary of English. Oxford ^{3}2010, p. 559.

[131] *Snowden*, The Meaning of Education, p. 15.

[132] *Schmitz*, Bildung, pp. 256-258.

[133] *Magdalena Seeliger*, Bildung: katholisch, in: LKStKR I, pp. 258-261.

[134] *Adiele Eberechukwu Afigbo*, Culture, Education, Indigenization and Development in Africa: Some Comments, in: *Theophilus Okere / Chukwudi Anthony*

sidered relevant in a culture, it is a process both formal and informal, adopted by a given people to acquire knowledge that will facilitate the attainment of their individual and corporate survival in all aspect of life, social, economic and political.[135] Generally, education is both the process and the result of the process. A child undergoing the process is being educated and the person who has attained a great deal of training is seen as educated person. This continues until death. Huxly did not define but described education as follows:

> "That man, I think, has had a liberal education who has been so trained in youth that his body is the ready servant of his will, and does with ease and pleasure all the work, as a mechanism, it is capable of; whose intellect is a clear, cold, logic engine, with all its parts of equal strength, and in smooth working order; ready, like a steam engine, to be turned to any kind of work, and spin the gossamers as well as forge the anchors of the mind; whose mind is stored with knowledge of the great fundamental truths of nature and of the laws of her operations; one who, no stunted ascetic, is full of life and fire, but whose passions are trained to come to heel by a vigorous will, the servant of a tender conscience; who has learned to love all beauty, whether of nature or of art, to hate all vileness, and to respect others as himself."[136]

The above philosophical definitions as well as descriptions of education need further clarification. Here we shall deal with the various forms

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Njoku (eds.), Towards Indigenization of Education in Africa. Owerri 2006, pp. 12-22, here p. 13.

[135] *Uchenna D. Anyanwu*, Western Education and social Change in Nigeria: The Igbo Experience, in: *Theophilus Okere / Chukwudi Anthony Njoku* (eds.), Towards Indigenization of Education in Africa. Owerri 2006, pp. 103-131, here p. 105.

[136] *Snowden*, The Meaning of Education, pp. 16 f.

of education. But before then, let's see education as an evolution of culture.

1.7.4. Education as Culture and Evolution

> "Education … is the most important of human interests, since it deals with the preservation of the culture and efficiency that we have inherited and with their extension and development …."[137]

It is in this sense that Roman Siebenrock noted that education should render a service connected to the development of societal values. In this way, it should not just be understood as an integral formation of the youth but a preparation of the human being to the participation in social, economic and political life in the society.[138] The Latin derivative of the term, culture, refers to growing, cultivation and as the author Peter Rule says,

> "… the 15th century English meant 'tilling' and is still evident in terms such as 'agriculture', 'aviculture' and 'bioculture'. The meaning of the term 'culture', expanded from cultivation of the soil to cultivation of the mind. This is a shift from 'base' structure to 'superstructure' in Marxist terms. It is also a shift from relationship between people and the soil to relationship among people."[139]

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[137] *Nicholas M. Butler*, The Meaning of Education and other Essays and Addresses. New York 1906, p. vii.

[138] *Roman A. Siebenrock*, Theologischer Kommentar zur Erklärung über die Christliche Erziehung *Gravissimum Educationis*, in: HThK-VatII 3, pp. 551-590, here p. 565.

[139] *Peter Rule*, Intercultural Dialogue, Education and Transformation: An African Perspective, in: *Tina Besley / Michael A. Peters* (eds.), Interculturalism, Education and Dialogue (Global studies in education 13), New York/NY, Vienna u.a. 2012, pp. 330-344, here p. 331.

In his work, *Intercultural Dialogue, Education and Transformation: An African Perspective*, Peter Rule explained that at the superstructure level, culture deals with the handing on of traditions of the past to the present generation. There is a beautiful connection between education and culture. Although the idea of culture existed since the beginning of human history, it was the Greek word *'**παιδεία**'* (*paideia)* and the Roman word *humanitas* first employed by Goethe[140] that made clearer the use of the term. Peter Rule described how a Roman Patrician living in the country side gave his male child a legal, military and agricultural training and sent him to the city of Rome to obtain an *urbanitas* – literally translated to mean *city-ness*, *being polished*, *cultured* or *pretty*. In this sense, he wanted his son to be civilized. So the education which that young boy was to get in the city of Rome was equated with being *cultured*. This was the initial use of the word, culture. So, to become cultured literally means to be polished; to have a pretty character. An educated man is a cultured man; a polished man; a man of pretty character or education: The training or education of the younger generation means to hand-on pretty character or traditions imbibed from the older generation. In this process of handing on of past traditions, education is implied.

The process of education can be related to the process of evolution; to organic social evolution; to the evolution of the human being from infancy to adulthood. This was why Joseph Ratzinger identified the goal of education in the formation ad unfolding of all the the gifts which lie hidden in the human being as well as directing the same to eternal salvation.[141] In the view of Peter Rue, the human being as a higher animal comes into this world different from the simpler animals.

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[140] *Rule*, Intercultural Dialogue, p. 332.

[141] *Joseph Ratzinger / Benedikt XVI.*, Das Menschenbild des Konzils in seiner Bedeutung für die Bildung, in: *ders*., Gesammelte Schriften, hg. von *Gerhard Ludwig Müller*, Bd. 7/2: Zur Lehre des Zweiten Vatikanischen Konzils. Formu-

> "The simpler animals are brought into this world already able to take care of themselves. At birth, they already begin to live the lives of their parents. Most of them can already walk, eat and jump. In fact, they perform certain reflex actions with accuracy. But unfortunately, such animals neither develop any complex system of actions which their forebears have not done, nor do they have a history. History has to do with different actions or events performed by different *animals* at different times. We may not regard the actions of these lower animals as history since they are nothing but a repetition of those of their forbears without any change or improvement. Such a complex animal as human appears weak at birth although born with a complex structure."[142]

He further holds further that human beings bring with them into this world a lot of developed reflex actions but underdeveloped potentialities. While the other simple animals have very shout infancy, the human being has a prolonged infancy[143] and as Nicholas Butler puts it,

> "the meaning of that period of helplessness or infancy lies, … at the bottom of any scientific and philosophical understanding of the part played by education in human life. Infancy is a period of plasticity; it is a period of adjustment and then adjustment on a far larger and broader scale. This fitting of the organism to its environment on the larger and broader scale is the field of education".[144]

Education is growth and as James H. Snowden says: "We are all born as a bundle of possibilities, a germ that has in it the capacity of

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lierung, Vermittlung, Deutung. Freiburg im Breisgau / Basel / Wien 2012, pp. 863-886, here p. 879.

[142] *Rule*, Intercultural Dialogue, pp. 332 f.

[143] *Ibid.*

[144] *Ibid*, p. 339.

endless development. An ignorant man is not yet fully born, he is not yet unpacked; and the whole process of education from infancy to the end of life consists in unpacking, unfolding these latent faculties into fully developed power."[145] It is only education that helps to develop these undeveloped potentialities. Even though education begins by the gathering of experiences and, therefore, begins with the child and while receiving extra support from religion and society, the major experience is imparted by those who live in the same environment. Thus education begins in the family.

1.7.5. Education Begins in the Family

In his Speech in Aparecida, 13 May 2007, Brazil, Pope Benedict XVI recalled the age-old importance which the Church attached on the family when he called the family the *Patrimony of humanity* which must have a priority in the area of catechesis and Christian education. According to him, "the family was and is the school of faith, the training ground for human and civil values; the hearth in which human life is born and is generously and responsibly welcomed".[146] When a child is

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[145] *Snowden*, The Meaning of Education, pp. 18 f.

[146] *Benedict XVI*, In inauguratione operum V Coetus Generalis Episcoporum Americae Latinae et regionis Caribicae – Apostolic Journey of His Holiness Benedict XVI to Brazil on the occasion of the fifth General Conference of the Bishops of Latin America and the Caribbean. Inaugural Session of the fifth General Conference of the Bishops of Latin America and the Caribbean. Conference Hall, Shrine of Aparecida, Sunday, 13 May 2007, Art. 5, in: AAS 99/6 (2007), pp. 445-460, here p. 455: "lla ha sido y es escuela de la fe, palestra de valores humanos y civicos, hogar en el que la vida humana nace y se acoge generosa y responsablemente." engl. Translation in: http://w2.vatican.va/content/benedict-xvi/en/speeches/2007/may/documents/hf_ben-xvi_spe_20070513_conference-aparecida.html (5.5.2015); see also: *General Conference of the Bishops of Latin America and the Caribbean*, Disciples and missionaries of Jesus Christ, so that our Peoples may have life in Him "I am the Way and the Truth and the life" (Jn 16:4) Concluding Document, Aparecida, 13-31 May 2007. Aparecida 2007. pp. 3-14, here p. 10.

born into an environment, it is the family and society that helps it to understand and adapt to its environment. Parental upbringing often begins in the form of imitation, the mother often playing the vital role.[147] The parents are often the children's mirror of the world before them. They are exemplar and ideal standing before them.[148] The wonder of child evolution is noticed in the progressive acquisition of the mother tongue. The child begins first to mutter or utter sounds in terms of diphthong, then a word, then a simple sentence and much later a complex sentence. It utters for instance the diphthong, *ma*; then the word; *mama*; then the simple sentence *mama come* and much later *mama I would like that you buy me biscuits when you go to the market*. Such is the evolution and development of language among infants. The learning of a foreign language also follows this pattern. The language structure follows the simple to complex pattern of formation. Parents have the most important role to play in the language development as well as the education of their children.

There are several Canons in the 1983 Code of Canon Law which speak of this basic right and responsibility of parents to educate their children. The first paragraph of c. 793 CIC/1983 speaks of the fundamental obligation and responsibility which parents have to educate their children. It says, "Parents as well as those who take their place are obliged and enjoy the right to educate their offspring …" (c. 793 § 1 CIC/1983). This is a simple statement of natural law and it is derived from the fact that parents who confer life to their children also have the obligation to help these children to adapt to their environment. This right and obligation also devolve upon those who legitimately take the place

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[147] *Pauline E. Aligwekwe*, The Continuity of Traditional Values in the African Society: The Igbò of Nigeria. Bloomington/Indiana [2]2008, p. 40.

[148] *Alfons Goppel*, Christliche Erziehung. Verpflichtung und Aufgabe, in: *Hermann Maier* (Hg.), Aspekte christlicher Erziehung in der Schule. Regensburg 1978, pp. 43-50.

of parents, for example, foster parents and guardians. It is a statement of a fundamental, basic right and obligation of parents.[149] Giving life to children is both a gift as well as a responsibility. They have received the gift of life from God through their parents and so the responsibility for full development of this life lies first on parents and later on the society.

C. 226 § 2 CIC/1983 stress this obligation and right of parents. C. 776 CIC/1983 speaks of the role of Christian parents in family Catechesis while c. 851 § 2 CIC/1983 speaks of the role of parents in the process of baptism. After baptism, parental obligation continues in the process of preparing their children for the sacrament of confession as well as helping them to receive the First Holy Communion. The 1983 Code, therefore, states as follows: "it is primarily the duty of parents and of those who take their place, as it is the duty of the parish priest, to ensure that children who have reached the use of reason are properly prepared and, having made their sacramental confession, are nourished by this divine food as soon as possible …" (c. 914 CIC/1983).

Another very important Canon with regard to parental education of their children is c. 774 § 2 CIC/1983 which states: "Parents above others are obliged to form their children in the faith and in the practice of the Christian life by word and example; godparents and those who take the place of parents are bound by an equivalent obligation c. 774 § 2 CIC/1983. They (parents) "have the most serious obligation and the primary right to do all in their power to ensure their children's physical, social, cultural, moral and religious upbringing" (c. 1136 CIC/1983). Even during the preparation for the sacrament of confirmation, "parents and pastors of souls, especially parish priests, are to see that the faithful

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[149] *James A. Coriden / Thomas J. Green / Donald E. Heintschel* (eds.), The Code of Canon Law: A Text and Commentary. London 1999, p. 564; see also: *Sharon A. Euart*, Catholic Education (cc. 793-821), in: *John P. Beal / James A. Coriden / Thomas Joseph Green* (eds.), New Commentary on the Code of Canon Law. New York/NY / Mahwah/NJ 2000, pp. 953-971, here p. 953.

are properly instructed to receive the sacrament and come to it at the opportune time" (c. 890 CIC/1983).

The phrase, *by word and example* of c. 774 § 2 CIC/1983 denotes cultural, religious, sociological and technological as well as formal and informal education of the children. As Butler says, "all education must start from the child but must lead him into human civilization. All education must start from the traditional past but must be adapted to the child.[150] The child contributes something in the learning process, but much depends on parents, who lead it into civilization and adapt it into the family and cultural tradition of his forebears. Even education among primitive peoples has this parental content and as Wilfrid Dyson Hambly reports, parental examples and caution were methods applied in primitive times to train youths. He insists that many customs among primitive race often had reasons behind them even though they may seen odious when compared with the current education system.[151]

It is universally understood that parents are the ones who introduce their children to the understanding and conquest of their environment which is the basic meaning of education. But it must be stressed that although it falls on them by natural law to be the first educators of their children,[152] the Church has in a special way the right to provide a Catholic education for her children (c. 794 CIC/1983). The State is also a co-operator in the education process. By this foregoing, it must be stressed that the duty to educate falls principally, first on parents, then, on the Church and finally on the state;[153] and by extension, the larger society.

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[150] *Butler*, The Meaning of Education, p. 15.

[151] *Wilfrid Dyson Hambly*, Origins of Education among Primitive Peoples: a comparative study in racial development. London 1926, pp. xii-xiii.

[152] *Joseph T. Martín de Agar*, Elementi di diritto canonico – A handbook on canon law. Montréal 1999, p. 123.

[153] *Wilhelm Rees*, Der Religionsunterricht und die Katechetische Unterweisung in der kirchlichen und staatlichen Rechtsordnung. Regensburg 1986, p. 27.

Suffice it to discuss here the various forms of education. We want to see the connection between education, culture and tradition.

1.7.6. Cultural, Traditional / Indigenous Education

It is the view of Paul Tillich[154] that traditional education deals with the insertion or introduction of Adolescents into the traditional world views of a people; into the society or institutions of the people. Traditional education substantially deals with the development of the possibilities and potentialities of the individuals. It prepares the individual to donate him or herself to the group in order to belong entirely to it. Adolescents are groomed to grow into the cult and art of their people; how questions are answered and how to go about life in general. It is in traditional education that we properly see the process of handing on of culture. The wisdom of the ancients, their taboos and sciences are handed on to the younger generation for the sake of preservation and onward transmission. It may involve the process of indoctrination and initiation into the cult of the people. In the views of Mkpa A. Mkpa:

> "Indigenous education represents the type of education offered in the pre-literate era, within the community, by community members who possessed specialized skills or abilities in various fields of human Endeavour. In most communities, prior to the introduction of formal education, boys were brought up to take to whatever occupation their fathers engaged in. In some other cases, the boys were sent to other masters as apprentices to learn various vocations and life etiquette."[155]

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[154] *Paul Tillich*, The dynamics of faith – Wesen und Wandel des Glaubens (Weltperspektiven 8: Ullstein-Buch 318). Frankfurt am Main u.a. 1966, p. 318.

[155] *Mkpa A. Mkpa*, Overview of Educational Development: Pre-Colonial to Present Day, in: Online Nigeria, Saturday, September 13, 2014, http://www.onlinenigeria.com/education/?blurb=534 (5.5.2015).

The boys were trained in various occupations such as wrestling, farm work, craft-work, trading, fishing, cattle rearing, wine tapping, traditional medicine, blacksmithing, tree climbing, while the girls were trained in arts like domestic chores: cooking, sweeping, weeding farmland, hair weaving, body decoration, dye production. This type of education covered such areas as intellectual, social, vocational as well as physical development. The only disadvantage lay in the fact that the lack of written tradition forces them to transmit all the ideas only through retentive memory.[156] Nigeria is a multi-cultural country, but it is good to note that each part reflects the others quite closely. We shall pick Igbo education as an example of traditional education in Nigeria. One may ask what relevance a study of the Igbo traditional education has on the study in the Christian education in Nigeria. The answer is clear. It would enable us to see the foundations of Christian education in Nigeria. Even today, the native culture of the Nigerian people has a lot of influence on the pattern of Christianity they practice. One must, therefore, understand the cultural and religious world-view of the local African people before one studies the Christian religion which they imbibed.

2. Education: African Perspective

2.1. Traditional Education in Nigeria

Nigeria is a multi-cultural country whose beauty lies in unity in diversity. A Federal Republic, Nigeria is located in West Africa, its capital city is Abuja while the old Federal capital was Lagos. After nearly 100 years of colonization, Nigeria won its independence from Great Britain on 1 October 1960 and in 1963 she became a Republic. Presently, Nigeria has 36 states with a population estimate for 2011 of two hundred million, based on the last count in 2006 of about 150 million people.

[156] *Ibid.*

Despite the diverse nature of Nigeria's polity, and culture, one notices many cultural patterns running through the whole country. Due to this cultural similarity observed in the many cultural groups in Nigeria, we have chosen to discuss traditional education in Nigeria using the Igbo culture as an example.

2.2. Education: Igbo-African Viewpoint

Western form of education is a new comer in Africa. But as Roman Siebenrock mentioned, the theme, Education is not just a central and direct introduction of the time of Enlightenment in Europe. It is rather an act of all cultures and peoples.[157] The reason, according to this author, is because man is not born as a finished product but grows in his culture with his language, rites, world views and orientations.[158] Before the advent of this form of education, Africans had their own peculiar form of education. They lived in their society and had meaningful ways of educating their children. Because of intercultural migration and secularization, some of the African societies stand at a cross-road. They have lost grasp of their peculiar education system and yet cannot boast of having a grip on the foreign education system which has been brought to them. This is cultural identity crises. We shall try in this section to point out the various ways through which African societies educated their children and how an Inculturation of the traditional education system could help in assuming an authentic Christian education.

2.2.1. Igbo-African Education through Socialization

The world view, religious values and the cultural heritage of the Igbo people are important factors in understanding the approach to education

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[157] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 558.
[158] *Ibid.*

in Igbo culture.[159] Traditional education in the pre-colonial Igbo land was basically done through the process of socialization. Michael Okoh[160] saw the nuclear and extended family systems as the starting point of traditional education in Igbo land. It was through interaction between its parents, relations, friends, age-group members, and different social and religious groups like the Umunna, Umuada (Kins men and women), masquerade and dancing groups that a child becomes gradually introduced and integrated into the society. These cultural institutions were "for the pre-colonial Igbo society what nursery and primary schools are to the formal education system."[161] Imitation of parents, relations, peer group and social as well as religious groups form the basic part of this learning process. Male children learnt much at the bosom of their fathers. During the cold Harmatan period, elders often gather early in the morning around a bonfire made with firewood to warm themselves in their *Nkolo or Ogbaje*-common house of the Umunna or extended family. Apart from these usual early morning brief warming up, which occur from time to time, emergency or scheduled meetings are also held in that house. When somebody dies, a wooden gong is used to assemble the people, the size of the wooden gong and the number of times it is beaten determines what has happened. A growing child is taught to know the philosophy of life behind this system. When a notable warrior dies, the big wooden gong is used because his death concerns the whole community. When a war is to be declared, it is usually the *Ikoro* – the highest wooden gong that summons the people to war. When one hears the sound of the Ikoro, one does not need to be told that the town is in a war situation. Like the ancient Greeks who used

[159] *Michael Okoh*, Fostering Christian Faith in Schools and Christian Communities through Igbo traditional values: towards a holistic approach to Christian religious education and catechesis in Igboland (Nigeria) (TPPR 45). Berlin / Wien 2012, p. 74.
[160] *Ibid.*, p. 79.
[161] *Ibid.*

to gather in their *Agora* for arguments, it was in this common *Umunna*-family house or the community common house, *Nkoro* that political issues were discussed. All the male children of the *Umunna* or community must attend. Fathers always came with their young male children especially when they were growing into adolescence. It was here that the young ones listened to the wisdom of the elders who always spoke in riddles and proverbs. Those who are able to speak in proverbs and cite the ancient laws and decrees of their village through making references to history are known as village orators. By listening to elders, children are trained to be great speakers and orators. However, the views of orators are not normally taken because they are orators but because the contents of the speech are true. Such forum affords the growing children opportunities to learn the wisdom of the elders. This was a way of transmitting knowledge in Igbo land before our contact with western education. One still finds this form of education in some rural areas. We shall further discuss other means of transmitting cultural/traditional knowledge in Igbo land.

2.2.2. Igbo-African Education through Storytelling

Children learn a lot at the foot of the elders through proverbs, wise sayings and storytelling. This is why Martina Kraml holds that handing on of the faith and tradition especially to children happens best through story-telling.[162] Sometimes, storytelling takes the forms of: myths, proverbs, parables and folklore, traditional and cultic songs. Proverbs and organized instruction are sometimes the responsibility of the community.

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[162] *Martina Kraml*, Glaubenstradierung zwischen Heilig und Tabu, eine christliche Perspektive, in: *Daniela Kästle / dies. / Hamideh Mohagheghi* (Hg.), Heilig-Tabu, Christen und Muslime wagen Begegnungen (KomTheo 13). Ostfildern 2009, pp. 39-52.

2.2.3. Education through Myths

From the Latin noun *mýthus*, or Greek *μύθος* meaning fable, a myth is defined by the Oxford English Dictionary as a traditional story, especially one concerning the early history of a people or explaining a natural or social phenomenon, and typically involving supernatural beings or events. Elizabeth Ishichei called myths, *true fictions.* She opined that Scholars have come to realize that in their concrete nature, myths are closer to the specificity of life than abstract statements about reality.[163] According to John Middleton, "A myth is a statement about society and man's place in it and in the surrounding universe. Such a statement is, in general, a symbolic one, so that an important anthropological (and theological) problem becomes one of understanding the reality that the statement is used to symbolize".[164] George Dumezil, sees myth as the dramatic expression of the fundamental ideologies of every human society.[165] Even when the biblical creation story is held by some theologians to be non-historical, its theological import that the world has an origin is, nonetheless, not put in doubt by theologians. In another instance, one of the traditional stories about the origin of Rome explained it in mythological terms. This myth of origin points to Romulus and Remus as the founding fathers of Rome. They were twin sons of one Rhea Silvia and Mars, the god of war and were abandoned at birth near the River Tiber by the servants who were ordered to kill them because of certain prophecy that they would overthrow their uncle Amulius. They were suckled

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[163] *Elizabeth Allo Isichei*, The Religious Traditions of Africa: A History. Westport/Conn. / London 2004, p. 299.

[164] *John Middleton*, Introduction, in: *ders*. (ed.), Myth and cosmos: readings in mythology and symbolism (American Museum sourcebooks in anthropology Q5). Garden City/NY 1967, pp. ix-xi, here p. x.

[165] *Mircea Eilade / Joan P. Couliano*, Dictionnaire des religions – Handbuch der Religionen. Zürich / München 1991, p. 21.

by a female wolf until they were discovered by a certain shepherd Faustulus who took care of them as his own sons.[166]

In the pre-literate age, myths are the strongest means of preserving and transmitting historical, as well as religious beliefs.[167] A myth is the "clear presentation of the outlook of life of people living in communities. It is their objective and permanent philosophy of life.[168] They have their setting in the far distant past. In the traditional Igbo society they are stories believed to give philosophical or theological answer to the origin of many of life-enigmas. For example the Igbo myth of the origin of death is a story which illustrates man's desire for imperishability and immortality. The concern was that God would bring man back to life if he dies. It was the story about a dog and a toad who were asked by our forebears to go to *Chineke* (God) to request that man should not die but live forever on earth.[169] The toad was the messenger of death who would ask *Chineke* that man should not come back to life if he died. The dog would ask *Chineke* that men should live forever and if he died, he should come back to life on earth. The bet was that who among the two animals would be the first to reach the abode of *Chineke* would have his questions answered and the answer would stand true for all times. The dog naturally ran faster than the toad who hopped slowly. Unfortunately the dog could not run straight to *Chineke*. He was often hungry and would branch to hunt for game in the forest. The toad only drank from the streams on his way to *Chineke*; hopped slowly and steadily and eventually reached the abode of *Chineke* before the dog. He requested from *Chineke*: that man should neither live forever nor return to the

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[166] *Friedrich Maier*, Latein – ganz leicht. Ismaning 2007, p. 84.

[167] *Emefie Ikenga Metu*, God and Man in African Religion: A Case Study of the Igbo of Nigeria. London 1981, p. 3.

[168] *Hermann Baumann*, Schöpfung und Zeit des Menschen im Mythus der Afrikanischen Völker (Berlin 1936, 1964), zit. in: *Metu*, God and Man in African Religion. p. 2.

[169] *Metu*, God and Man in African Religion, p. 14.

earth if he died. He received a positive answer. When the dog eventually arrived and presented his request, *Chineke* told him that the first voice has been heard on this issue and His answer has already been given. This is the Igbo mythical explanation of the philosophical enigma of the origin of death; an answer to the question: why death? Some authors[170] basically classify myths in the traditional Igbo society into two: *creation and non-creation* myths; the former dealing with origin of life on earth while the latter deal with the origin of some sociological and cultural rites and observances in Igbo land. In the traditional Igbo society, children learn myths in storytelling by their parents or during moon-light gatherings when they cluster in groups either to tell stories or to dance.

2.2.4. Proverbs, Parables and Folklore

The Oxford English Dictionary meaning of proverb is "a short, well-known pithy saying, stating a general truth or piece of advice". In the absence of written tradition, how does a society preserve the great deposit of their creativity, philosophy, history religion and politics? The Igbo traditional society provides a good example of an *unwritten tradition*. Among the Igbo, great historical events, philosophy and other aspects of their culture were preserved through the use of proverbs, parables and folklore. Frederick Chidozie Ogbalu, noted in the introduction to his important collection of Igbo proverbs that "Proverbs constitute a language of diplomacy among the Igbo. It is the language of settling disputes among nations or rather towns; it is a language of settling bride price, commerce and in short, oratory. Certain towns among the Igbo have the special reputation of being able to do all their conferences

[170] *Obiakoizu A. Iloanusi*, Myths of the Creation of Man and the Origin of Death in Africa: A Study in Igbo Traditional Culture and Other ***African*** Cultures. Frankfurt am Main / Wien u.a. 1984, pp. 125-134; see also: *Okoh*, Fostering Christian Faith, p. 84.

and discussions in nothing but proverbs.[171] Elizabeth Isichei added that "Proverbs encapsulate and fossilize folk wisdom, and often express insights of enduring significance".[172] Despite the existence of many dialects, when proverbs are spoken in any part of Igbo land, they are generally understood by the people. In the Igbo traditional society and even until modern times, animals and human characters are usually used to put across general truths or pieces of advice in proverbs, parables and folklore. The tortoise often depicted a crafty, funny or wise personality; the lion often depicted strength and courage while the toad often depicted slow movement. An example of an Igbo proverb using an animal is: "Awo adighi agba oso ehihie n'efu"; literally meaning, "a toad does not run in vain in the afternoon". This is used to depict that every effect has a cause; as the English would say, "no smoke without fire".

A parable is defined by the Oxford English Dictionary as: a simple story used to illustrate a moral or spiritual lesson. In the biblical New Testament, Jesus used many parables to teach his moral and spiritual lessons. The parable of the prodigal son in the gospel of Luke chapter 15 is a moving story about the relationship between God and the sinful person. The Igbo people have parables that pass on moral messages for every situation in life. When parents want to admonish their children about the need to be clever and wise they may for instance employ the parable of the sheep and the goat who were invited by their neighbor to a big feast. The host has a narrow entrance to his house. The sheep noticed this as they entered the house and as the feasting continued, she would test her size on the gate to know if she could still pass through. When she realized that she had taken enough food, she simply left for home. The goat, however, continued to eat until at last she realized she could no longer pass through the gate of the compound. Everyone

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[171] *Frederick Chidozie Ogbalu*, Ilu Igbo: The Book of Igbo Proverbs. Onitsha 1965, p. 4.

[172] *Isichei*, The Religious Traditions of Africa, p. 307.

laughed at her because she was unwise. Such parables are used to impart the knowledge on the growing children that they should be clever, wise and astute in their dealings.

Folklore is defined by the Oxford English Dictionary as traditional beliefs, customs and stories of a community, passed through the generations by word of mouth. Folklore may consist of legends, proverbs, jokes, popular beliefs, fairy tale. They may appear in forms of music, oral history, stories and customs that are the traditions of a culture, subculture or group. It is also the set of practices through which those expressive genres are shared. This word first appeared in 1846 and is attributed to the English antiquarian, William Thomas.[173]

During the full moon gathering, children learn a lot about life in general through listening to folklore. Each of them would tell in turn the fables and folklore they learned from their parents. These parables, myths and folklore are designed to teach a lesson about life. There is for instance an Igbo folklore told by C. N. Ugochukwu about the need for children to obey their parents without question and it goes thus:

> "There was once a woman who had an only daughter named Obaraedo. One day as she was going to a distant market, she gave Obaraedo a piece of yam and a snail to prepare for lunch. She advised her to roast the yam first before the snail, because the snail on being roasted, could give out much water that could put out the fire. She also warned her not to step out of the house as there was a demon that roamed the land in the day and that struck all those who encountered it with leprosy. However, Obaraedo ignored the two instructions. First she attempted to roast the snail first, the result of which was that the snail put out enough water to quench the fire. In a bid to find fire to complete the roasting of her lunch, Obaraedo wandered out of the house

[173] *Robert A. Georges / Michael Owen Jones*, Folkloristics: An Introduction. Bloomington/Indiana 1995, p. 20.

> and as was feared, encountered the demon, which engaged her in altercations and struck her with leprosy which among other things quickly consumed her nose thus forcing her to speak in a guttural tone like a ghost. On finding what tragedy had befallen their daughter, the father travelled to a distant land to fetch a powerful medicine man. When the latter arrived, he engaged the demon in a contest of occult spells, vanquished it and restored Obaraedo to her condition ante. The result was the transformation of Obaraedo and all the children of the community leading to the situation in which Igbo children thereafter obey their parents without question."[174]

Through such folk stories, children share the wisdom of the ancients and learn how to order their lives. Apart from proverbs, parables and folklore, the Igbo also often use riddles which are puzzling and figurative in nature to teach children how to reason fast. The riddles in Igbo are called gwam, gwam, gwam and literally translated it means, *tell me, tell me, and tell me*. An example of Igbo Riddles is: *gwam, gwam, gwam, gwam oti nwata ihe n'iru nne ya*? – aguu?! (Tell me that which beats a child in front of its mother? – The answer is hunger).[175]

Moonlight folk-stories teach the children many lessons. Through them, they learn how to build their own families and how to preserve order in the society. They equally learn the names of all the plants and

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[174] *Clifford N. Ugochuwu / Teresa Meniru / Pamela Oguine / Emmanuel Nolue Emenanjo* (eds.), Ọmalinze: ***a book of Igbo folk-tales***. Ibadan / New York 1977, pp. 19-21.

[175] Mothers are always protective of their children and children are often very confident when they are before their mothers. It is difficult to think of somebody or something which will begin to beat a child before its mother. When the child is hungry and the mother is incapable of giving it something to eat, it is always a tragedy. This riddle speaks of the tragedy of hunger among the famished people of Africa and encourages parents to do all in their power to defeat this enemy of their children.

animals. This could be equated to the present day study of biology in modern schools. They equally learn the relationship between the gods and humans. This we can equate with the modern day study of religion. The boys in their own moonlight gatherings would be told stories of the heroes of their tribes and the spoils of warriors of yesteryears. They would gradually be introduced and initiated into the masquerade cult and the sciences and secrets of their ancestors. The German word for *Masquerade* would mean (*verkleidete Kuns*t) *to dress in funny clothes, carnival* but in the traditional Igbo, it meant something deeper. It has the meaning of a cult, magic, science and technology. In Igbo land, the making of masquerades, exhibits the people's wisdom, science and technology. Because of the deep secrecy involved, only the men are initiated into the Masquerade Cult. They swear to keep the masquerade secrecy till death. This form of education was as much functionalistic as it was utilitarian.[176]

We can, therefore, affirm that the African educational system is community-oriented. It begins in the immediate family but involves the members of the larger society. This is in line with the provisions of *Gravissimum Educationis* number five which encourages mutual cooperation between families, teachers and various associations for the promotion of cultural, civil and religious life, civic society and the entire community. Roman Siebenrock noted that this call by *Gravissimum Educationis* was necessary so that we do not see the school merely as a warehouse from where knowledge is distributed.[177]

Traditional education in Igbo land would also include understanding the Igbo world view such as the belief in God Chukwu as the supreme being; the Igbo value system such as respect for God and divine things,

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[176] *Aliu Babatunde Fafunwa*, History of Education in Nigeria. London [2]1975, pp. 15-17.

[177] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 570.

respect for life and elders as well as co-operation among community members expressed in communalism. We shall avoid going into details about these themes to avoid missing our line of thought. Let us now discuss a type of education very close to our discussion: Christian education.

3. Education: Christian Perspective

3.1. Christian Education: Definition and Nature

In this dissertation we shall be using the terms Religious, Christian or Catholic education[178] interchangeably.[179] For the law giver in accordance with the 1983 Code, Christian education handles three issues: the right of all Christians to acquire Christian education, the right of parents to educate their children and the right of the Church to educate. This is confirmed by Wilhelm Rees when he stated that the fundamental basis for catholic education is located on three facts: the right which all the faithful have to receive catholic education (c. 217 CIC/1983), the right of parents to educate their children (cc. 793 § 1, 1136 CIC/1983) and the right of the Church to educate her faithful.[180] Other indivisible aspects of Christian education[181] would include themes such as *Religious Instruc-*

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[178] For further readings on this topic see: *Goppel*, Christliche Erziehung, pp. 43-50; *Otto Wenger*, Rechtliche Aspekte christlicher Erziehung in der Schule, in: *Hermann Maier* (Hg.), Aspekte christlicher Erziehung in der Schule. Regensburg 1978, pp. 253-271; *Georg Schwaiger*, Christliches Bildungswesen im Wandel der Zeit, in: *Hermann Maier* (Hg.), Aspekte christlicher Erziehung in der Schule. Regensburg 1978, pp. 9-19; *James A. Coriden*, An introduction to Canon Law. New York/NY / Mahwah/NJ 1991, p. 108.

[179] Some authors have also applied this concept interchangeably. See: *Nwokenna Iheanyichukwu*, Education in Faith, pp. 31-34; see also *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 27.

[180] *Ibid.*

[181] *Schwaiger*, Christliches Bildungswesen, p. 9.

tion, catechesis, Catholic schools and adult religious Education. These are aspects also emphasized in Christian education in accordance with the 1983 Code of Canon Law.[182] In this section we shall concentrate our effort on defining and treating the general nature of Christian education, religious Instruction and catechesis. These topics touch directly on the theme of our dissertation and that informs the reason why we have chosen to stress on them. Because we treated the theme *catholic schools* in more details in later sections of this dissertation,[183] we shall only mention it by way of definition in this section. The co-operation between Church and state in education is a very important aspect of Christian education. In fact, one could say that it is a *condition sine qua non* for the implementation of a successful Christian education. This is spelt out most significantly in state laws that guarantee freedom of thoughts, conscience and religion. It is also guaranteed in the state laws in many countries of Europe which allow Churches and various religious bodies to build and own denominational schools and manage them as private schools as well as parents right to hand on their world-views to their

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[182] *Wilhelm Rees* mentioned that the law giver in the 1983 Code handled the theme of Christian education under three themes: The right of all Christians to education, the right of parents to educate their children and the right of the Church to educate. The law giver simply underlined the duty of the state to encourage the Catholic Church in its duty to educate by underpinning the fact that the state should ensure the religious freedom of all peoples. See: *Wilhelm Rees*, Beaufsichtigung und Finanzierung kirchlicher Privatschulen und die Existenz von gesetzlichen Interessenvertretungen an diesen Einrichtungen, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Wien u.a. 2007, pp. 345-416, here p. 407; see also cc. 217, 793 § 1, 794 § 1 CIC/1983.

[183] The theme on catholic schools will be treated in three different sections in chapter two. In section one of chapter two we shall treat this subject under the 1917 Code on Christian education; see 2.3.1.4.3. In section two we shall treat this subject matter under *Gravissimum* Educationis; see 2.4.1.4.3 and in section five under the 1983 Code on Catholic education; see 2.7.1.5.1.

children.[184] The obligation which the state has to ensure that parents give their children education according to their conscience and in line with their religious beliefs is spelt out in chapter three of this work under the treatment of *Christian education: the efforts of a local Church*.

Christian education as it is discussed in the third Book of the 1983 Code is mainly addressed to children and youths when we view it in a narrow sense. But in a wider sense, it applies to the Catholic education[185] of all the faithful.[186] It means formation in the Christian faith and in canonical sense, it is an integral process (c. 795 CIC/1983) which undertakes not just forming the child in the faith but the development of the whole person;[187] a total human formation. Through it, the teachings of the Church are exposed to the pupils and students in schools (c. 761

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[184] *Wilhelm Rees* discussed this topic under the sub-theme "*Religiöse Erziehung durch den Staat"*. He stressed that in Germany (this obtains also in Austria as well as in Nigeria) the Churches have the opportunity and right to operate denominational schools as private schools and these private schools could stand as alternative to public schools. It is his opinion that the state cannot exclude the religious question in matters of education if she will fulfill her duties well. See: *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, pp. 45 f. In another article entitled „*Das Verhältnis von Staat* und *Kirche und die Bereiche Religionsunterricht, Kirchenfinanzierung und Eherecht aus theologisch-kirchenrechtlicher Sicht"*, Rees stressed the importance of this relationship. See: *Rees*, Verhältnis von Staat und Kirche, pp. 1-48. *Franz Pototschnig* called this cooperation between Church and state in education, a subsidiarity principle. See *Pototschnig*, Bildungswesen, 722.

[185] *Seeliger*, Bildung, pp. 258-261.

[186] *Aymans-Mörsdorf-Müller* KanR III, pp. 94 f.; see also: *Wilhelm Rees*, Allgemeine Einführung. Christliche Erziehung und elterliches Erziehungsrecht, http://www.uibk.ac.at/praktheol/kirchenrecht/ru-recht/texte/originaltexte/ru-allgemein.2002-12.html (5.5.2015).

[187] *Nwokenna Iheanyichukwu*, Education in Faith, pp. 31-34.

CIC/1983).[188] In accordance with the 1983 Code, the efforts of both parents[189] and the Church in providing religious instruction should be supplemented by the provision of religious and moral instruction in schools (c. 799 CIC/1983). This canon suggests that where the provision for such instructions in schools is not made, it is the duty of Christ's faithful to strive to secure that the laws of society regulate on this. The Bishops' Conference has the duty of forming regulations on religious instruction in their region and the diocesan Bishops in their dioceses (c. 804 § 1 CIC/1983).

In his commentary to *Gravissimum Educationis*, Roman A. Siebenrock noted that the plural nature of society mirrors itself in catholic schools and posits challenges to its understanding because in these schools, not only catholics but non-catholic children receive eduction.[190] So the plural nature of today's society challenges us to justify the need for catholic education and the existence of catholic schools.[191] Wilhelm Rees agrees that Religious Instruction and catholic schools are very important concepts in discussing the theme *Christian education*. He stated that Religious Instruction and catholic schools help the realization of the saving mission of the Church and has a great meaning for the

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[188] *Rees*, Verhältnis von Staat und Kirche, p. 25; *Joseph Listl*, Der Religionsunterricht, in: HdbKathKR[1], pp. 590-605, quoted in *Rees*, Verhältnis von Staat und Kirche, p. 25.

[189] For the duty and right which parents have in teaching Religious Instruction to their children read: *Gerlinde Katzinger*, Die Privatschule als Ausformung des aus dem Elternrecht abgeleiteten Erziehungsanspruchs in kanonischen Recht, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 269-285.

[190] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, pp. 551-590.

[191] *SC InstCath*, The Catholic School, March 19, 1977. Vatican 1977, n. 2.

educational mission of the Church.[192] Schools form the most veritable means which help parents to fulfill their natural obligation of educating their children (c. 796 § 1 CIC/1983). This is why parents are encouraged by the 1983 Code to send their children to those schools which provide catholic education for them (c. 798 CIC/1983). This speaks of catholic schools. The co-operation between parents and teachers to whom they enthrust their children is an important point in ensuring the Christian education of children.

Joseph T. Martín de Agar defined Catholic Education as "that which proposes a Christian view of reality, integrating the revealed truths and the moral demands which they carry with them into the knowledge that is transmitted".[193] The Christian view of reality as is meant here is a view that is both horizontal and vertical; a view which does not neglect this mundane world in which we live but is not consumed by it. It is a view that is both transcendental as well as immanent. Christian education prepares its recipients to face the world and its challenges with affective maturity, prudence, vigilance and responsible freedom with a view to change it. Its contents and sphere should be all-embracing. Catholic Policy on education should not be limited to primary education alone. It should begin from homes; pass through the nursery schools to university so as to form students who have indeed Christian minds. This is the ideal proposed in 1948 to the Bishops of Nigeria, the Principals, Supervisors and Manages of Schools by Father J. Jordan, the then Catholic Education Advisor in Nigeria.[194]

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[192] For further readings on this topic see *Wilhelm Rees*, Allgemeine Einführung. Christliche Erziehung und elterliches Erziehungsrecht, http://www.uibk.ac.at/praktheol/kirchenrecht/ru-recht/texte/originaltexte/ru-allgemein.2002-12.html (5.5.2015).

[193] *Martín de Agar*, A handbook on canon law, p. 123.

[194] *John Jordan*, Catholic Education Policy: Annual Conventions, Onitsha, 4 August, 1948, CSE: 556/VII, zit. in: *Nicholas Ibeawuchi Omenka*, The School in

Writing under the topic: From *de scholis catholicis* to *de Educationis Christiana*, Innocent Nwokenna clarified the fact that the change of the theme of education from the topic d*e Scholis Catholicis* in the 1917 Code to de *Educationis Christiana* in the 1983 revealed the change of emphasis of the two councils. While the first Vatican Council canons on education were narrowly conceived, the 1983 canons showed the spirit of openness and manifested how this Council conceived education as relating to social progress, ethics, science and technology.[195] In the opinion of Brigitte Schinkele, it goes without saying that education has been a core area of the Church over the centuries.[196] In the words of Jeanne Knoerle, Catholic Education helps shape intellectual, cultural and civic life.[197] In this sense, it is fundamentally the role of the parents who used other institutions like the Church and the State as subsidiary means of help.[198] The canonical implication of Catholic education should take care of two basic questions: Who has the right and duty to educate and what are the means by which this task is accomplished?[199] This shall constitute our future task in this dissertation. At this point, let us discuss the duty which the Church has to teach and that which all Christians have to receive Christian education.

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the Service of Evangelization: The Catholic Educational Impact, in eastern Nigeria 1886-1950 (Studies on religion in Africa 6). Leiden 1989, p. 186.

[195] *Nwokenna Iheanyichukwu*, Education in Faith, p. 33.

[196] *Brigitte Schinkele*, Umfang und Bedeutung des kirchlichen Privatschulwesen im österreichischen Schulsystem, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 287-314, here p. 289.

[197] *Jeanne Knoerle*, Catholic Education: Helping shape intellectual, cultural and civic life, in: *John G. Deedy / John C. Cort* (eds.), The Catholic Church in the twentieth century: renewing and reimaging the city of God. Collegeville/Minn. 2000, pp. 101-111.

[198] *Seeliger*, Bildung, pp. 258-261.

[199] *Martín de Agar*, A handbook on canon law, p. 123.

3.2. The Right of Parents to Give Christian Education to Their Children

The right which Parents have to educate their children has a preeminent place in Christian education. In the order of importance, it stands first in comparison with the right which all Christians have to demand and receive Christian education and the duty and right which the Church has to educate. This was why Alfons Goppel stressed that Parents' right to educate their children is not considered as a privilege granted by the state, but to the contrary, it is from nature, a fundamental right.[200] Parent's right to educate their children (c. 793 § 1 CIC/1983)[201] includes also a responsibility on their part and is seen as parallel to other canons like cc. 226 § 2, 774, 776, 851 § 2, 890, 914 and 1136 CIC/1983.[202] Art. 3 of *Gravissimum Educationis* equally stressed this role and responsibility of parents as the first educators of their children. It is a right and responsibility which they should discharge in total freedom. This freedom which parents have to introduce their children into their own religious world-view was perfectly echoed in Declaration of the Second Vatican Council on Religious Liberty (*Dignitatis Humane*), when it declared thus: "Every family, in that it is a society with its own basic rights, has the right freely to organize its own religious life in the home under the control of parents These have the right to decide in accordance with their own religious beliefs the form of religious upbringing which is to be given to their children" (Art. 5 VatII DH). We shall dwell more elaborately on this topic in the treatment of both *Gravissmum Educationis* and the 1983 Code on Christian education. Let us see the second very important aspects of Christian Education which are the right the

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[200] *Goppel*, Christliche Erziehung, p. 46.

[201] See also the article on the right of parents to educate their children by *Wilhelm Rees* entitled, Eltern, http://www.uibk.ac.at/praktheol/kirchenrecht/urecht/texte/originaltexte/eltern.html (5.5.2015).

[202] *Coriden / Green / Heintschel*, The Code of Canon Law, p. 564.

Church has to teach and that which all Christians have to receive Christian Education.

3.3. The Church has a Right to Teach; all Christians have Right to be Educated

The law giver in the 1983 Code gave the Church the right to educate (c. 794 CIC/1983) which James A. Coriden referred to as a "supernatural warrant" by which the Church aids everyone in finding their way to Christ,[203] and all Christians the right to seek for Christian education (c. 217 CIC/1983). Gravissmum Educationis stressed that it is not because the Church is a society that she is recognized as an educator but because she has the duty of proclaiming the way of salvation to all peoples (Art. 3 VatII GE). Pope John XXIII in his Encyclical Letter *Mater et Magistra* of 15 May, 1961 described the Church as a mother and a teacher to whom is entrusted by her holy Founder the two fold task of giving life to her children and of teaching and guiding them both as individuals and as nations with maternal care.[204] The soteriological attribute of Motherhood reflects the Church's function of giving spiritual birth to her children through the sacraments and her continued spiritual care of her members.[205] In baptism which is described in canonical terms as the gateway to the sacraments (c. 849 CIC/1983) the human person is born again of water and the Holy Spirit and begins the journey into Christian life (Jn 3:5). By it people are "freed from sin, born again as children of God and made like-unto-Christ by an indelible character and are incorporated into the Church" (c. 849 CIC/1983). Because of the very close relationship between mother and child, she is often the first

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[203] *Ibid*., p. 565.

[204] *John XXIII*, Encyclical Letter *Mater et Magistra*, 15 July, 1961, in: AAS 23 (1961), pp. 401-464, Art. 1.

[205] *Heinrich Mussinghoff*, Einf. vor c. 793/1, Rn. 2, in: MK CIC (Stand: Mai 1986).

teacher of her child. In this sense the Church as a good mother has the duty to nurture her children with the word of God and the mandate to proclaim the Good news of salvation to all creation. Heinrich Mussinghoff underscores this responsibility of the Church on the reason of her being a society of human beings capable of education.[206] The fathers of the Second Vatican Council asserted that the Church is concerned with education not simply because she is a human society, capable of educating but because she received this as a duty from her Lord.[207] As a mother, she is under the obligation to teach her children. This duty and obligation of the Church to teach[208] all peoples was summarized by Pope Pius XI as having a double title in the supernatural order.[209]

The Church received from her Lord the three offices of teaching, sanctifying and ruling which correspond to the three *Munera*[210] of Christ as Teacher, Prophet and King. This is the topic of Dogmatic Constitution on the Church *Lumen Gentium* Art. 12.[211] This duty belongs to "the

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[206] *Ibid*.

[207] Art. 3 VatII GE.

[208] *Aymans-Mörsdorf-Müller* KanR III, p. 96; *Wilhelm Rees*, Rezension zu: Aymans-Mörsdorf: Kanonisches Recht. Lehrbuch aufgrund des Codex Iuris Canonici. Begründet von Eduard Eichmann, fortgeführt von Klaus Mörsdorf, neu bearbeitet von Winfried Aymans, Bd. III. Verkündigung und Heiligungsdienst, in: ZKTh 131/1 (2009), p. 86 f.

[209] *Pius XI*, Encyclical Letter *Divini illius magistri*, 31 December 1929, in: AAS 22 (1930), pp. 49-86, here Art. 15-17.

[210] *Munera*, singular *munus* originally means public work provided for the benefit of the Roman people by individuals of high status and wealth. It also connotes duty, obligation, expressing the individual's responsibility to provide a service or contribution to his community. In the context of Christ, it means Christ's self assumed readiness to serve the people for the salvation of their souls. This responsibility, duty and obligation was assumed and inherited by the Church. See: *Matthew Bunson*, Encyclopedia of the Roman Empire. New York/NY 2000, p. 120.

[211] "The holy people of God shares also in Christ's prophetic office: it spreads abroad a living witness to him, especially by a life of faith and love and by

whole body of the faithful who have an anointing that comes from the holy one" (1 Jn 2:20).[212] Although the task of authentic interpretation of the Word of God is entrusted to the teaching office of the Church (the Magisterium),[213] it is the duty of the whole body of Christ's faithful to announce the Good News of salvation to all Peoples; the clergy, by a faithful discharge of their ministries and the laity, "by the witness of their life, resplendent in faith, hope and charity".[214] We must add here that by their taking up appointment as professors and teachers both in schools and universities and through participation in teaching parish catechesis, the lay members of Christ's faithful share in the ministry of the word.

3.4. Christian Education is Integral in Nature

As the Congregation for Catholic Education described it, the most important contribution of catholic Education is that it is an "education truly based around the human person, in line with Christian humanist culture and tradition".[215] It seeks an understanding of the individual person as a "person in communion"; a person who truly belongs to the society. The Münsterischer Kommentar zum Codex Iuris Canonici holds the objectives of Christian education to be that of an extensive, full and

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offering to God a sacrifice of praise, the fruit of lips praising his name (Heb. 13:15)" See Art. 12 VatII LG.

[212] Art. 12 VatII LG.

[213] Art. 10 VatII DV.

[214] Art. 31 VatII DV.

[215] *C InstCath*, Educating to Intercultural Dialogue in Catholic Schools Living in Harmony for a Civilization of Love, 28 October, 2013. Vatican City 2013, http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20131028_dialogo-interculturale_en.html (5.5.2015), cap. IV, n. 45.

integral education of the human community.[216] That means physical, moral as well as spiritual harmony unfolding as the child grows in consciousness of its responsibility and freedom and in a participation in the active life in the society.[217] There are 29 canons of the 1983 Code which deal with Christian education. We have chosen c. 795 as the major focus of this work because it deals specifically with *integral education.* It underscores the nature of catholic education which is integral in nature[218] as being aimed at the improvement of the whole person whose ultimate goal is the eternal destiny of the subject. John Paul Beal noted that this Canon has its source in *Gravissimum Educationis* of the Second Vatican Council and is a reflection of its opening chapter.[219] This Council's insight into Christian education is a pointer to the fact that the Church is open to the situations in the modern world.[220] Real education of the human being as presented by Catholic education should aim at authentic development of the potentials latent in the human person. As Pope Paul VI stated, "Authentic human development concerns the whole of the person in every single dimension".[221] An education modeled only towards the development of the physical, intellectual and psychological dimensions of the human person are incomplete. It must ultimately have the perspective of eternal life because as Pope Benedict XVI underscored it, "without the perspective of eternal life, human progress in this

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[216] *Heinrich Mussinghoff*, Einf. vor c. 793/1, Rn. 2, in: MK CIC (Stand: Mai 1986); see also: *Aymans-Mörsdorf-Müller* KanR III, p. 95.

[217] *Heinrich Mussinghoff*, Einf. vor c. 793/1, Rn. 2, in: MK CIC (Stand: Mai 1986).

[218] *Wilhelm Rees*, Religionsunterricht und katholische Schule im Kontext religiöser Erziehung. Rechtsgrundlagen und gegenwärtige Diskussion, in: ZKTh 118 (1996), pp. 187-204, here p. 189.

[219] *Euart*, Catholic Education, p. 953.

[220] *Ibid.*

[221] *Paul VI*, Encyclical Letter *Populorum Progressio*, 26 March, 1967, in: AAS 59 (1967), pp. 257-299, here p. 268, Art. 14.

world is denied breathing-space".[222] The integral formation emphasized by Catholic education proves its result when the students who are *finished products* of this system excel in the promotion of the Common Good in the society as outlined by c. 795 CIC/1983. C. 796 § 1 holds schools as the primary means of assisting parents in fulfilling their function of educating their children. It presumes that education principally begins in the home and continues in the school and society. This canon which is drawn from *Gravissimum Educationis* number five, presumes the difficulties which parents would have in giving their children a full and perfect education. They would require the help of other actors and cooperators in education. Teachers are among these cooperators. The excellent job done by parents in family education will manifest itself later in life. It is always the case that when parents lay bad foundations for their children in the area of education, teachers will find it difficult to correct the error in later years. This assertion was confirmed by a renowned teacher of children, Martina Honeder who maintained that whatever foundation is not laid in the home may not be properly implemented or enforced later in life.[223] C. 796 § 2 CIC/1983 holds that "there must be the closest cooperation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with parents and willingly listen to them".

When the Catholic Missionaries established schools in Nigeria, their aim was not just the conversion of souls but an integral formation of the human person. The students were equally prepared for future life in the family. The girls were trained in hand-crafts and family-care. Young girls among them who became engaged while in school and those who could not be enrolled in schools but were soon to be married were spe-

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[222] *Benedict XVI*, Encyclical Letter *Caritas in Veritate*, 29 June, 2009, in: AAS 101 (2009), pp. 641-709, here Art. 11.

[223] *Martina Honeder*, Interview, Windhaag near Perg, Upper Austria, 7.7.2014.

cially prepared for marriage in a special home-training environment. Some exemplary Christian couples were often chosen for the training of these young women. They lived together in dormitories built for them by the local Church and they received special training in home management. Some were trained in sewing and gardening. But generally, they all learnt catechism, religious education as well as the art of building new homes. This training lasted for more than a year and was followed by the Church wedding.

The four basic areas of Priestly formation: Human, Spiritual, Intellectual and Pastoral formations, outlined by Pope John Paul II in his Post-Synodal Apostolic Exhortation, *Pastores Dabo Vobis*[224] could be taken to be the real interpretation of c. 795 CIC/1983 and the authentic meaning of Catholic Education. Catholic Education should aim at moulding the personality of the students in such a way that they assume strong, balanced and free personalities. What John Paul II spoke about the candidates to the priestly Ministry to the effect that they "need to be educated to love the truth, to be loyal, to respect every person, to have a sense of justice, to be true to their word, to be genuinely compassionate, to be men of integrity and, especially to be balanced in judgment and behavior",[225] could be taken as the ideal content of Catholic Education. This papal exhortation is the interpretation of c. 795 CIC/1983 which speaks of the objective of Catholic Education. In his exhortation to the Philippians, St. Paul outlined his ideal of a good Christian personality: "Finally, brothers, let your minds be filled with everything that is true, everything that is honorable, everything that is upright and pure, everything that we love and admire-with whatever is good and praiseworthy" (Phil 4:8). This is the ideal of objective of Catholic Education.

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[224] *John Paul II*, PostExA *Pastores Dabo Vobis*, Art. 43.

[225] *Ibid.*, Art. 43-45.

3.5. Christian Education and Education from Other Viewpoints

While religious fanatics feel that other religions should be silenced, the Sacred Congregation for Catholic Education holds that differences in religious beliefs provide great opportunity for people to live together in peace and appreciate one another in love.[226] Many other religions teach the existence of one God the creator of all things as does Christianity. This is the subject matter of the Declaration on the relation of the Church to non-Christian religions (*Nostra Aetate*). The universal community and destiny of all men make religion a basic need of humanity. *Nostra Aetate* holds that "men (human beings) look to different religions for an answer to the unsolved riddles of human existence".[227] Ecumenism deals with the unity of the Church as members of the body of Christ who are baptized in the name and spirit of Christ.[228] Although education in general leads to the full development of the natural endowments of the human person, Christian education does not end at this point. It aims at leading one to seek one's final goal. *Education in the faith* makes the major difference between Christian and secular education. As Wilhelm Rees termed it, Christian education is "education issuing from the faith and which leads to the faith".[229] Education in the true sense should be about formation not just about information.[230] Catholic education entails

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[226] *C InstCath*, Educating to Intercultural Dialogue in Catholic Schools, n. 13.

[227] Art. 1 VatII UR.

[228] *Werner Mödlhammer*, Was ist Oekumenische Theologie?, in: *Albert Biesinger / Thomas Schreijäck* (Hg.), Religionsunterricht heute. Seine elementaren theologischen Inhalte. Freiburg im Breisgau / Basel / Wien 1989, pp. 107-116, here p. 108.

[229] „Erziehung aus dem Glauben und zum Glauben" See: *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 28.

[230] *Martín de Agar*, A handbook on canon law, p. 123.

the integral formation of the human person with a view to optimal service to God, humanity and society.[231]

The basic difference between Christian education and education in other religions is the centrality of the person of Jesus Christ,[232] the incarnated Word of God who died for our salvation.[233] Christian education should lead us to the knowledge of God who created all things and entrusted the world to human beings (Gen 1:26). It is an education concerned with the knowledge of man and the world in which he lives and a reflection of the supernatural life.[234] But Christian education is not just about the acquisition of knowledge. It concerns itself with helping Children and youths to learn how to express their moral and religious customs.[235] It should help children to learn the basic teachings of other religions and help them to appreciate them. So, interreligious dialogue should form essential parts of religious instruction and indeed Christian education. The Sacred Congregation for Catholic Education stressed that "dialogue finds its *raison d'être* in searching for the patrimony of common ethical values found within the different religious traditions. In this way, believers can contribute to affirming the common good, justice and peace.[236] This is what Hubertus Halbfas called the didactics of history of religions.[237] The Congregation for Catholic Education stresses that the

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[231] *Catholic Bishops' Conference of Nigeria (C.B.C.N)*, Communique issued at the End of the Second Plenary Meeting of the Catholic Bishops' Conference of Nigeria (CBCN) at the Bishop Anthony Nwedo Pastoral Center, Umuahia, Abia State, 8th – 14th September, 2012, http://www.cbcn-ng.org/articledetail.php?tab=12 (5.5.2015).

[232] *Willibald Sandler*, Wozu ist Jesus gestorben?, in: ZKTh 132/1 (2010), pp. 409-429.

[233] *Hubertus Halbfas*, Religionsunterricht in Sekundarschulen, Lehrerhandbuch, Bd. 7. Düsseldorf ^{2}1996, pp. 310-315.

[234] *Aymans-Mörsdorf-Müller* KanR III, p. 95.

[235] *Kallenbach*, Kirchenamt, p. 220.

[236] *C InstCath*, Educating to Intercultural Dialogue in Catholic Schools, n. 13.

[237] *Kallenbach*, Kirchenamt, p. 58.

highest challenge posed by interreligious education lies in the dialogue between "one's own identity and other visions of life".[238] This is why each religious community should strive to understand its own teachings, be convienced about it before going into dialogue with others. Interreligious dialogue is not geared towards conversion but at peace, appreciation of the other's view-point and acceptance of his or her humanity. Ecumenism should also be a very important aspect of every theological study and in this sense in all disciplines of Christian education.[239] Ecumenical study teaches us that those "who have been justified by faith in baptism are incorporated into Christ (and) they, therefore, have a right to be called Christians, and with good reason are accepted as brothers by the children of the Catholic Church".[240] A difference is often made between religious and profane education. While the former is the primary duty of the Church due to her calling as mother and teacher,[241] she is also passionately involved in non-religious education because education is not the exclusive reserve of the state and as Paul VI implied:

> "More than ever before, education is a community task which must mobilize to its advantage all the dynamic forces of the community of men: the family in the first place, the teachers at all levels with their specific contribution, the socio-cultural groups and the professional associations, the ecclesial communities, all working generously and unselfishly for the advancement of this great work in the service of the common good whose guarantors are the civil authorities".[242]

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[238] *C InstCath*, Educating to Intercultural Dialogue in Catholic Schools, n. 70.

[239] *Mödlhammer*, Was ist Oekumenische Theologie?, p. 107.

[240] Art. 3 VatII UR.

[241] *Pius XI*, Enc *Divini illius magistri*, n. 17; see also: *Caparros / Thériault / Thorn*, Codex Iuris Canonici – Code of Canon Law Annotated, p. 617.

[242] *Paul VI*, Message to Mr. René Maheu, Director-General of UNESCO, to mark the closing of the International Year of Education, 8 December 1970, in:

In a pluralistic society as we have in Nigeria, Ecumenism and Inter-religious Dialogue should form a basic part of Christian education.

3.6. Contents of Christian Education

Werner Kurt Bräm sees Christian education[243] as a controversial theme.[244] A discussion on this theme may agitate some non-Christians. It would send a note of exclusion to the imagination of many people especially given our pluralistic society today. What could possibly be the content of Christian education? Does it teach hatred of other religions? Does it admit of the teaching of secular subjects as are taught in secular institutions? Could non-Christians send their children to Christian schools without the danger of forcing them to conversion? These questions are very important in discussing the contents of Christian education. Since its primary aim is a supernatural goal for human beings therefore its basic content[245] would include everything aimed at the proclamation of the message of eternal life, without neglecting life on earth. Pope Pius XI sees Christian education as the ideally perfect edu-

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OR (engl.) n. 2 (1970), pp. 6 f.; http://w2.vatican.va/content/paul-vi/en/messages/pont-messages/documents/hf_p-vi_mess_19701208_direttore-unesco.html (5.5.2015); *Davidson Nicol* (ed.), Paths to peace: the UN Security Council and its presidency. New York/NY 1981, pp. 114-119, here Art. 16.

[243] See fuller discussion on this topic in: *Aymans-Mörsdorf-Müller* KanR III, pp. 94-97.

[244] *Werner Kurt Bräm*, Religionsunterricht als Rechtsproblem im Rahmen der Ordnung von Kirche und Staat. Unter besonderer Berücksichtigung der Schulgesetzgebung in den Kantonen und der Unterrichtsordnungen der evangelisch-reformierten Kirchen der Schweiz. Zürich 1977, p. 21; see also: *DBK*, „Das katechetische Wirken der Kirche“. Arbeitspapier der Gemeinsamen Synode der Bistümer in der Bundesrepublik Deutschland, 1974, in: *Sekr. DBK* (Hg.), Nachkonziliare Texte zu Katechese und Religionsunterricht (Arbeitshilfen 66). Bonn 1989, pp. 205-277, here p. 270.

[245] *Pius XI*, Enc *Divini illius magistri*, n. 7.

cation. For him, education should aim primarily at the pursuit of one's last end since it "consists essentially in preparing one for what one must be and for what one must do here below, in order to attain the sublime end for which one was created".[246] Education ordinarily aims at the full development of human potential so that human beings can be of help to themselves and society. Christian education does not abhor or undermine this form of education but is not satisfied with it. Its goal goes beyond this form of human perfection. The relationship between Christian and secular education can be compared with that between artisans and professionals. While the former perform an act and have the *technical know-how*, they do not know exactly why they are laboring. Professionals know the *why* of the whole process of labor. They know the end to which they are working. In the same way, human rationality and science have the key that unlocks nature but they do not go beyond the natural to the supernatural. Christian education, while not neglecting natural sciences, uses knowledge gained from them to aim at Supernatural knowledge. The Fathers of the Second Vatican Council counselled all Christians that as they follow the example of Christ who worked as a craftsman, they should be proud of the opportunity to carry out their earthly activity in such a way as to integrate human, domestic, professional, scientific and technical enterprises with religious values, under whose supreme direction all things are ordered to the glory of God.[247] So, Christian education tries to pervade worldly activities with the spirit of Christ who came to make all things new (Rev 21:5). While enquiring into the world of philosophy, science and technology, Christian education embosses these fields of human learning with the spirit of Christ. The beauty of Christian education lies in the challenges it poses to the world. A humble but fantastic exposure to a Christian form of education leads the student to the assimilation of its beauty and excellence. This is

[246] *Ibid.*

[247] Art. 43 VatII GS.

often the reason why parents, Catholic and non-Catholic strive to send their children to Catholic schools. It is also often the reason why some authors accuse the Christian missionaries of establishing mission schools in order to "convert all those who came within the four walls of the mission house".[248] But we must distinguish between forceful conversion which is experienced in some religions and the appreciation of excellence which could lead one to conversion of heart in Catholic schools. Freedom of religion excludes all forms of force and fundamentalism. It offers peaceful dialogue and personal decision both to the adherents as well as admirers of the system. Christian education opens and leads the search for the truth. It is against every form of fear of confronting the truth. Mark A. Gabriel, a Christian convert who was formerly a professor for Islamic History at the Al-Azhar University in Cairo/Egypt narrated his plight when, as a professor of Islamic studies he tried to raise some fundamental questions about the Islamic religion, which some of his antagonists termed, *dangerous questions*. Those *dangerous questions* nearly cost him his life.[249]

Fundamentalists are poor students of religion because religion should issue from conviction. Fundamentalists presume to hold the only key to the truth about God and ethics and all those who fail to practice religion within their schema are termed infidels, who must be killed. True conversion is the conversion of the heart which stems from conviction. Any Christian school which uses compulsion as a means of establishing itself lacks its true identity as an institute of Christian education. Any form of education which calls itself Christian cannot be against the full development of the individual which has its foundation in human development with its goal in eternal life. One can, therefore, affirm that the basic contents of Christian education include: Proclamation of the

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[248] *Fafunwa*, History of Education in Nigeria, p. 83.

[249] *Mark A. Gabriel*, Islam und Terrorismus. Was der Koran wirklich über Christentum, Gewalt und die Ziele des Djihad lehrt. Gräfelfing [3]2005, p. 21.

Good News of salvation, the Sacraments, Liturgy, school moral and religious instruction and Catechesis, but it does not exclude secular studies.[250] School Religious Instruction and catechetical Instruction are two very important aspects of Christian education. They touch directly on our theme. We want, therefore, to single them out among other basic contents of Christian Education and treat them in some details. Let us first look briefly at school Religious Instruction.

3.6.1. School Religious Instruction

School religious instruction or school religious education is that aspect of Christian education which children are taught in schools, whether private or public.[251] It is a basic aspect of Christian education in schools which cannot simply be reduced to a neutral knowledge of religion.[252] It involves Catechesis: the deepening of the faith already received and the study and living out of the sacramental life.[253] With regard to its contents, the German Bishops Conference maintained that Religious Instruction should swing between faith and life realities. This, according to them is because faith should reflect one's life situation and life situation should be understood in the light of faith.[254] This content should revolve around the question of God, the meaning of the world; the reason and meaning of life and human ethics. It should treat of the realities of our faith and the tolerance and respect of the faith of others.[255] While Religious Instruction is basically a subject for the school, Catechesis is basically a parish affair. It is founded on pedagogy and

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[250] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 29.

[251] *Aymans-Mörsdorf-Müller* KanR III, p. 105.

[252] For further readings on this subject, see: *Rees*, Religionsunterricht und katholische Schule, pp. 198-204; see also: *Aymans-Mörsdorf-Müller* KanR III, pp. 104-106; *Seeliger*, Bildung, p. 260.

[253] *Ohly*, Dienst am Wort Gottes, p. 113.

[254] *DBK*, „Das katechetische Wirken der Kirche" (1974), p. 265.

[255] *Ibid.*

theology. In religious education, there is a personal encounter with the Christian life through a cognitive learning process.[256] The Church makes a lot of efforts to impact religious education in the Church environment but children who must spend much time in the school being exposed to other aspects of education must be reached out to. This is why Cardinal Christoph Schönborn says that School Religious Instruction remains the practical place where the Church establishes much contact with children and the youths.[257] For Rees, Religious instruction stands to the benefit of the Church in her announcing the Good News.[258] By its nature, School Religious Instruction should be denominational because it is an aid to evangelization. This accounts for the reason why the 1983 Code sees Religious Education as an aid to the Church in her evangelization mission and ascribed to all Christians the right to aspire to acquire Christian education (cc. 217 and 229 CIC/1983). The German Bishops' Conference hold that being true to one's religion which is what confessional Religious Instruction stands for does not exclude Ecumenism, Interreligious dialogue and the respect of other people's World view.[259] It falls on the Local Ordinary as a part of his mission to preach the Word of God in his diocese (c. 756 § 2 CIC/1983) to ensure the teaching of religious education in schools in his diocese. This does not apply only to

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[256] *Günter R. Schmidt*, Religionsunterricht. Begegnung mit der Selbstdarstellung des Christentums, in: *Jürgen Lott* (Hg.), Religionsunterricht. Thesen und Kommentare zu einem umstrittenen Schulfach. Frankfurt am Main u.a. 1983, pp. 31-36, here p. 31.

[257] *Christoph Schönborn*, Die Bedeutung der Katholischen Privatschulen im kirchlichen Pastoralkonzept, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 259-267.

[258] *Wilhelm Rees*, Der Religionsunterricht, in: HdbKathKR^2, pp. 734-749; see also *Heinrich Mussinghoff*, Einf. vor c. 793/1, Rn. 2, in: MK CIC (Stand: Mai 1986).

[259] *DBK*, „Das katechetische Wirken der Kirche" (1974), p. 264.

Catholic schools but also to all schools in his diocese.[260] Where it is difficult to teach religious Instruction in public schools, authorities concerned should at least make a provision for pastoral services for Catholic pupils and students in these schools or include Religious Instruction in homiletics and liturgical practices in parishes.[261] It is the thought of Winfried Aymans that although the Ecclesiastical authority has the exclusive right to oversee religious instruction in schools, it is still the right of the parents to demand that religious instruction be thought to their children.[262]

3.6.1.1. Nature of School Religious Instruction

By its nature school religious instruction is at the service of the Teaching office of the Church and, apart from Catholic schools; it is considered a veritable means of spreading the Good News especially among children and youths. For Gerald Kallenbach and Wilhelm Rees, Christian education in terms of school religious instruction has both a confessional and Church character.[263] This goes to confirm why the German Bishops stress that religion and faith are necessarily connected to confessionality. Confessionality does not only manifest itself through

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[260] *Rees*, Religionsunterricht, p. 736.

[261] *Wilhelm Gräb*, Die gestaltete Religion, Bizer'sche Konstruktionen zum Unterricht als homiletischer und liturgischer Übung, in: *ders.* (Hg.), Religionsunterricht jenseits der Kirche? Wie lehren wir die christliche Religion? Neukirchen-Vluyn 1996, pp. 69-82, here p. 78.

[262] *Aymans-Mörsdorf-Müller* KanR III, p. 105.

[263] *Kallenbach*, Kirchenamt, p. 40; see also: *Wilhelm Rees*, Konfessioneller Charakter des Religionsunterrichts, http://www.uibk.ac.at/praktheol/kirchenrecht/rurecht/texte/originaltexte/konfessionell.html (5.5.2015); *DBK*, „Der Religionsunterricht in der Schule". Ein Beschluß der Gemeinsamen Synode der Bistümer in der Bundesrepublik Deutschland, 1974, in: *Sekr. DBK* (Hg.), Nachkonziliare Texte zu Katechese und Religionsunterricht (Arbeitshilfen 66). Bonn ^{2}1989, pp. 127-160, here p. 150.

dogma and creed, it is an integral expression. Profession of faith is also not just a thing for the individual. It is a knowledge gained through membership in a community.[264] With confessional Religious Instruction, both the teacher and students are at home with the subject matter and the teacher teaches with openness which is characteristic of a believer who transmits what he or she believes in. When the State recognizes the confessionality of Religious Instruction in schools, it obliges by that, the fundamental human right and encourages religious freedom of its citizens. By that, citizens are guaranteed the freedom to practice their religion.[265] As far as Christianity remains concrete and experiential in the different denominations, the teaching of Religious Instructions brings this concreteness of the Christian faith to expression through the science of Religious Knowledge as are taught in school religious Instruction. This is why school Religious Instruction should be confessional in character.

Religious Instruction is an assignment on parents and the Church. Parents send their children to Catholic schools and trust them into the hands of the Church so that they may receive Catholic education. This does not remove the role of these parents to give them Catholic education. The Church does the work of assistance and the state has the duty to help these parents in this duty. In order to continue this natural assignment which they have towards their children, these parents should always keep a close contact with teachers in the schools where their children attend.[266] However, due to lack of interest by some parents in the Church and religion in general, many children have no fundamental

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[264] *Ibid*., p. 151.

[265] *DBK*, „Der Religionsunterricht in der Schule". Ein Beschluß der Gemeinsamen Synode der Bistümer in der Bundesrepublik Deutschland, 1974, in: *Sekr. DBK* (Hg.), Nachkonziliare Texte zu Katechese und Religionsunterricht (Arbeitshilfen 66). Bonn [1]1989, pp. 269-303, here p. 300.

[266] *Seeliger*, Bildung, pp. 258-261.

interest in Religious Instruction.[267] A lot has already been achieved by the ecclesiastical authorities in many parts of Europe in reference to the relationship between Church and State in the teaching of religious Instruction is schools. In Austria, for instance, this course is compulsory for students in schools. The Church has also the authority to employ teachers of Religion in both private and public schools.[268] By this fact, they have responded to the demands of the Second Vatican Council that the authorities concerned in regulations of Religious Instruction need to draw up a basic plan for religious instruction in schools.

3.6.1.2. The Goal of School Religious Instruction

Religious education has its goal in awakening faith and inspiring interest in religion in general. It is global in its goal because it answers human questions about life and seeks to clarify human questions and problems in the light of the Christian message. As a school academic subject which introduces the students into faith in Christ, it justifies the Christian claim that one can see the world in the light of the Christian faith. It makes the Christian faith clearer to the student who is already introduced into the faith in his or her family and makes it possible for the student from an unbelieving family to have both an intellectual as well as a spiritual encounter with the living God in Christ. It helps them to ask some basic questions about the Christian faith with the aim of gaining a clearer insight into this faith. This was why the German Bishops Conference holds that Religious Education does not just deal with cognition and knowledge but also with behaviour and attitude. It does not just offer an exact knowledge about Religion but moulds the students in faith and reason.[269] The Bishops further opined that Religious Education produces other fruits like awakening a reflection into the

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[267] *DBK*, „Der Religionsunterricht in der Schule". Bonn [1]1989, p. 278.

[268] *Rees*, Verhältnis von Staat und Kirche, p. 26.

[269] *DBK*, „Der Religionsunterricht in der Schule" (1974), p. 145.

question about God. It requests an explanation about the world; the goal of life on earth and the ethical standards of human life. It tries to familialize the students with the reality of faith and the Good News and helps them to make a personal decision about the faith which they confess. It forms the students in the act of tolerance and challenges them to a life of responsibility in the Church and society.[270] The goal of Religious Education pointed out here will help the teachers of Religion and those responsible in formulating the curriculum for this course in both primary and secondary schools. To formulate this curriculum, one must try to ask and articulate answer to such fundamental question as: What are the most fundamental and basic themes on religion which the pupils and students ought to know in order to be aware of the truths of their religion? What are they also expected to know about other religions in order to respect the religious views of others? The answers to these questions should form the basic considerations in writing the curriculum for religious instruction.

3.6.1.3. A Catholic Curriculum for Religious Instruction

A true Catholic curriculum for religious instruction should be universal enough to embrace general religious as well as ethical questions and also particular enough to enable the Catholic child to grow in the knowledge of its religious affiliation. On the general level, the study of religious instruction should enable the child to ask the basic Kantian questions of: What can I know? What can I do? What can I hope for? The child should also learn to ask other anthropological and philosophical questions related to the religious existence of man like: What is man? From where am I coming? Why are there injustice and suffering in this world? What can one do in the face of guilt? How would the reali-

[270] *Ibid.*

ties of my life correspond to my life dreams? What comes after death?[271] Klaus Wegenast agreed to this enlarged content of religious education in schools when he suggested that the contents should be fundamental enough to include social, biblical and traditional themes.[272] Such curriculum should, as Andreas Baur suggests, take into cognizance Christian life in the modern world[273] and seek ways to interpret the signs of the time. In the idea of Robert Kramer Religious Instruction should dwell on the question of human right to show the pupils how the human being is born free and how we are set free by Jesus Christ.[274] Catholic religious instruction should begin with considering what the fathers of the Second Vatican Council called the *hierarchy of the truth*.[275] This includes truth about the Trinity, incarnation and our common hope for eternal life. The *General Catechetical Directory* categorized this Truth into four basic types as follows: the mystery of God the Father, the Son and the Holy Spirit, creator of all things; the mystery of Christ the incarnate Word, who was born of the Virgin Mary, and who suffered, died and rose for

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[271] *Gerda Gstättner / Martin Jäggle / Theo Lang / et alii*, Lehrplan für den katholischen Religionsunterricht an der Volksschule, Interdiözesanes Amt für Unterricht und Erziehung. Wien 2014, n. 2.1.

[272] *Klaus Wegenast* (Hg.), Religionsdidaktik Grundschule, Bd. 1: Voraussetzungen, Grundlagen, Materialien. Stuttgart / Berlin / Köln / Manz 1983, pp. 70-91.

[273] *Andreas Baur / Friedrich Fischer / Adalbert Wegmann*, Mitten unter euch. Schülerbuch für den katholischen Religionsunterricht 9. und 10. Jahrgangsstufe. Neufassung. Donauwörth 1996, p. 178.

[274] *Robert Kramer / Siegfried Gruber / Walter Lang / Albert Schlereth* (Hg.), Grundkurs Religion. Unterrichtswerk für katholische Religionslehre in der gymnasialen Oberstufe, 3 Semester, Die Frage nach dem Menschen. München 1978, pp. 41-68; see also: *Halbfas*, Religionsunterricht in Sekundarschulen. Lehrerhandbuch, Bd. 7. Düsseldorf 1994, pp. 297-315.

[275] Art. 11 VatII UR; see also: *Albert Biesinger*, Elementare Inhalte des Religionsunterrichtes, in: *ders. / Thomas Schreijäck* (Hg.), Religionsunterricht heute, Seine elementaren theologischen Inhalte. Freiburg im Breisgau / Basel / Wien 1989, pp. 13-21, here p. 13; *DBK*, „Der Religionsunterricht in der Schule“ (1974), p. 141.

our salvation; the mystery of the Holy Spirit who is present in the Church, sanctifying and guiding it until the glorious coming of Christ, our Saviour and judge; and the mystery of the Church which is Christ's mystical body, in which the Virgin Mary holds the preeminent place.[276] Friedrich Vinzenz Reiterer added to this content, God's revelation of Himself to man in both New and Old Testament, the salvation history and liturgy.[277]

3.6.1.4. Theology as a basic Source and content of Catholic Religious Instruction

Matthias Sellmann and Norbert Mette strongly emphasized that the guidelines and curricula of Catholic Religious Instruction should be created on a theological basis.[278] This is because theology as a reflection of the revelation process makes Religious Instruction also an essential place of inspiration and production of theological knowledge. Sources of Catholic religious instruction should include the main sources of Christian revelation: the Bible, sacred tradition and the Magisterium. This was why the German Bishops' Conference stressed that as a course of study, Religious Instruction must be familiar with the spiritual traditions of the Christian faith and the message which underlies it. This, according to them, is because the Christian faith is closely related to the Christian revelation which theology takes as its basic task to explain.[279] So, the Christian tradition is a very important aspect which should be cov-

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[276] *C Cler*, General Catechetical Directory (1971), Art. 43.

[277] *Friedrich Vinzenz Reiterer*, Von Gott geleitet – für menschenwürdiges Leben gerüstet. Methodische Zugänge und zentrale Themen des Alten Testaments, in: *Albert Biesinger / Thomas Schreijäck* (Hg.), Religionsunterricht heute. Seine elementaren theologischen Inhalte. Freiburg im Breisgau / Basel / Wien 1989, pp. 22-45.

[278] *Matthias Sellmann / Norbert Mette*, Religionsunterricht als Ort der Theologie – eine Einführung, in: *dies.* (Hg.), Religionsunterricht als Ort der Theologie. Freiburg im Breisgau / Basel, Wien 2012, pp. 9-22.

[279] *DBK*, „Der Religionsunterricht in der Schule" (1974), p. 141.

ered by this course. The study of Christian tradition enables them to learn how men and women, through the ages lived out their Christian faith. Some of the different circumstances surrounding the lives of the saints in the different epochs of Christian history still persist today. For instance, Christians were persecuted after the death of Christ, they were persecuted two hundred years after his resurrection and they are still being persecuted today. The story of how these saints were able to overcome their different life situations should be presented to them as a model of Christian life today. The lives of the saints are a form of lived-out religion. The children should also be taught how they could express this lived-out religion by their active participation in the Christian life in the parishes. The Christian community is a place of holiness. They should know about the parish structure; the meaning and structure of the Holy Mass. They should learn about the Christian yearly cycle and its biblical foundation such as: Christmas (Lk 2:1-20); Easter (Lk 24:1-11); Pentecost (Acts 2:1): Christian solemnities, feasts and memorials and what they stand for.

Church history should form an important aspect of the curriculum of study of Catholic religious instruction. They should be taught how the Christian faith unfolded in history. Local and universal history of the Church should enable them to see the Church as a universal family of God. They should learn the history of their local Church and be acquainted with the Church hierarchical structure both at the local and international levels. The different organizations, societies and sodalities in the Church should be explained to them because when they grow up, they would assume different roles in these Church structures. The universality of the Church is seen in some liturgical practices carried out in the local Church. This is why liturgy should form a good part of the religious instruction. The spiritual traditions of the Christian faith expressed in the Liturgy and other sacramental celebrations accompany the Christian life. In baptism, the Christian is introduced into the faith. This

faith is strengthened and confirmed in the sacrament of confirmation. In the Eucharist, he or she shares with other Christians in the life of Christ. In the sacrament of reconciliation, God's mercy and reconciliation is received. The explanation of the importance of these sacraments in the life of every Christian is to form a part of the curriculum.

The curriculum should be organized in such a manner that children learn the parts of the Holy Mass. This would enable them to participate actively in the Mass in their different parishes. In Austria, a part of the preparation for the reception of the sacraments is taught during religious instruction in school. This is in addition to what is covered in the parishes. This is why some Pastoral Assistants or Pastoral Referents work both in the parish as well as in the schools. In the parishes, they engage the youths in different religious activities like bible quizzes and music. In the schools, they teach religious instruction proper. Angelika Sollak outlined the basic function of a pastoral assistant or referent as follows: "working with youths, and children, assisting the Mass servers and catechetical instruction especially for the first Holy Communion and Confirmation; burials; leading in the service-without-a-priest in the Church and teaching religious instruction in schools."[280]

Societal and ethical values form another aspect which is important in the study of Catholic religious instruction. Through this course, the pupil and students are being prepared to be engaged in the Church, in the service of the state and in participation in the general life of society. In this regard, they should be taught important societal values. They are also expected to penetrate the life of society with Christian values. Because of this, they are expected to have adequate knowledge of the Christian faith and values.

Other aspects include the diversity of religious world-views; human beings as an image of God; men and women as members of the family

[280] *Angelika Sollak*, Oral Interview, Pastoralreferentin, St. Theresia/Linz, Enns – Upper Austria, 29.7.2014.

of God on earth. So, books on ecumenism and interreligious dialogue[281] and other relevant books approved by relevant authorities dealing with ethical and theological questions should be recommended for this course of study. It should enable pupils and students to study other religions, the world-view of their people and their cultural traditions. However, ecumenism does not mean abandoning one's own faith to embrace the faith of others but defending and living out one's faith while at the same time understanding and respecting the faith of others. As Catholics, they also have the right to learn about their own faith (c. 217 CIC/1983). A proper study of Catholic religious education will enable them to live out their Christian life with conviction while tolerating the beliefs of others. The reason why Ecumenism should form the core subject-matter of religious instruction finds a place in the thoughts of Friedrich Schweitzer und Gabriele Faust-Siehl who stated that pupils and students should have enough information about other religions so as to live in peace in a pluralistic society.[282]

This course should also concern itself with acquiring knowledge of how to express one's religious belief through observation, communication and appreciation of one's religious feelings. Religion is expressed through prayers, celebrations, rites, language, songs, painting, religious arguments and social engagements. Studying religious instruction should help children to learn the various forms of expression of the Catholic faith. In this way, they would be cultivating these forms of religious expression through praise, thanksgiving, and petition; and in drawings and paintings.

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[281] *Ohly*, Dienst am Wort Gottes, p. 116.

[282] *Gabriele Faust-Siehl / Friedrich Schweitzer*, Religion in der Grundschule. Zur pädagogischen Begründung und Gestaltung von Religionsunterricht, in: *dies.* (Hg.), Religion in der Grundschule. Religiöse und moralische Erziehung (Beiträge zur Reform der Grundschule 92/93). Frankfurt am Main ^{3}1996, pp. 12-25.

Ethics and general knowledge of the subject-matter *religion* will help them to translate their learning into action as they grow up. They should, therefore, take a look at some modern life styles and how they affect their calling as Christians. Value for life and the striving for peace in a globalized world; the value of human freedom; origin of the races and religions with a corresponding respect for people of different races and religious orientations, would be an interesting content for religious education.[283] It should help the children to understand how God created the human being in freedom[284] and how man can destroy himself by an abuse of his human freedom. In studying ethical issues, they should raise and try to answer such questions as: How can I help out in my society? How can I care for the environment? How can I care for the sick (Lk 10:25-37); Caritas (Mt 25:31-40) and the seven works of mercy. These questions are the concerns raised by the German Bishops' Conference.[285] The different life situations and experiences of the Human being like "birth, death, hope, love, friendship, fear, luck, guilt, forgiveness, suffering, chance/accident, trust, responsibility, worry, failure, play ecstacy … feast, service, prayer … underprivilege, poverty, hunger, war, peace, justice, progress, future progress of society, and so on",[286] should form contents of Religious Instruction.

The Bible is a basic source of Christian education. Biblical themes should be so selected that the children are exposed to Christian salvation history. God's covenant with Abraham and its fulfillment in Jesus Christ is important in religious instruction. Themes could be selected systematically starting with creation, the fall of man, the call of Abram, sojourn in Egypt and their exodus to the promised land; kingship in Israel and

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[283] *Gstättner / Jäggle / Lang / et alii*, Lehrplan für den katholischen Religionsunterricht an der Volksschule (2014), n. 2.3.

[284] *DBK*, „Der Religionsunterricht in der Schule" (1974), p. 132.

[285] *Ibid*., p. 136.

[286] *Ibid*.

the role of prophets in preparing the hearts of the people for the coming of the Messiah. The incarnation forms a basic part of the salvation history. So the birth, life and ministry of Jesus are to be clearly treated such that children are led to reflect on the salvific mission of Jesus Christ. A good approach to systematic bible instruction could include storytelling, bible reading, questions and answers.

At the lower classes, rather than organizing the themes in a chronological order, from the Old to the New Testament, themes could be theologically or philosophically chosen as follows:

1. Divine choice and human freedom: God chose man: Creation, call of man;
2. Divine love: God seeks after man: The story of the prodigal son: Lk 15:1-7;
3. Divine-human relationship: I am important to God: Ps 8;
4. Divine mercy Lk 15:11-32, sacrament of reconciliation;
5. Reconciliation; Jesus the saviour reconciles us with God, Lk 22:14-24:12;
6. The person of Jesus: Mt 8:23-27; Mt 14:13-21; Mt 16:13-20;
7. Vocation: Jesus calls the people: Lk 19:1-10 (Zacchaeus); The call of the disciples, Baptism, sacrament of orders and call to religious life;
8. Divine human encounter: Jesus meets with the people, Lk 19:1-10; the Holy Eucharist;
9. Healing. Jesus heals; Mk 10:46-52 (Healing of the blind man).

Themes from the Bible are ideal for the study of Religious Education because, in the opinion of the German Bishops' Conference, they were critical of the times and circumstances in which human beings lived and are still relevant to our lives today. They expose and debunk false claims in life and call men and women to repentance. Theology equally takes

up this task and leads it through faith, hope and love into live existence for the people of today.[287]

3.6.1.5. Religious Education in Public Schools

The teaching of Religious Instruction is schools is founded and justified on the principle of religious freedom which each individual has by law to practice his or her religion. This is why Austria as well as many European countries developed fundamental laws guiding the teaching of religion in schools.[288] Even though c. 804 CIC/1983 is the central code regarding school religious Instruction, c. 761 CIC/1983 could be regarded as the fundamental introduction to this subject matter.[289] For the supervision of Religious Instruction in school, there is a co-operation between the local and universal Church. As the moderator of the ministry of the Word in his diocese, it is the function of the Local ordinary in his diocese and the Bishops' Conference in their region to make general norms regarding religious Instruction in schools. Just as the training of Catechists is the responsibility of the Diocesan Bishop (c. 780 CIC/1983), so also is he to assure that teachers of Religion in schools are trained.[290] They are also responsible for the appointment of teachers of religion in schools (c. 804 §§ 1 and 2 CIC/1983).[291]

The Sacred Congregation for Catholic Education stated that the study of Religious education in schools is often a matter of debate.[292] The German Bishops Conference attributed the crises in Religious In-

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[287] *DBK*, „Der Religionsunterricht in der Schule". Bonn [1]1989, p. 286.

[288] For discussion regarding the legal foundation of Religious Instruction in Austria see: *Rees*, Religionsunterricht, p. 740; *Pototschnig*, Bildungswesen, pp. 721-734; *Aymans-Mörsdorf-Müller* KanR III, pp. 98 f.

[289] *Rees*, Religionsunterricht, p. 735.

[290] *Ibid.*

[291] *Aymans-Mörsdorf-Müller* KanR III, pp. 104-106; *Rees*, Religionsunterricht, p. 735.

[292] *C InstCath*, LC on Religious Education in schools, May 5, 2009, cap. I, n. 1.

struction to changes in society and the relationship of society to the Church. According to them, it would seem that the Church no longer has that great and deep meaning for many people and for some people, the God-question is now a suspicion. This is a pointer to the fact that the Church needs to prove her worth to the society anew.[293] In this sense, it has come to a point where the Church is constrained to sell her point of view to the young ones and indeed to the general public who now have a lot of choice between the Church, other religions and indeed the different world-views of modern people. Through Christian Religious Instruction in both public as well as private schools, the Church should let the world know that she still has something to offer. Education should not be left in the hands of the state alone and she has the need to include Religious Instruction in the school curriculum. The Church has a lot of contribution in this matter to contribute. The teaching of religion in public schools should be a matter that unites Church and state in their endeavour to impact education to the young people.[294] In the words of Helmut Engelbrecht, the existence of Catholic Private Schools is a sign to the world that for the Church, education and religious instruction are serious assignments.[295] In a similar vein, Cardinal Schönborn made the point that apart from her engagement in caritas activities, education is the another activity of the Church most acceptable by the general public.[296]

In Catholic schools, religious instruction forms a basic subject of study. But teaching religious instruction only in her own private schools is not enough for the Church to fulfill her duty as mother and teacher. This is because the population of catholic pupils and students in public

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[293] *DBK*, „Der Religionsunterricht in der Schule“ (1974), 132.

[294] *Sabine Demel*, Handbuch Kirchenrecht. Grundbegriffe für Studium und Praxis. Freiburg im Breisgau / Basel / Wien [2]2013, p. 538.

[295] *Engelbrecht*, Kirche als gestaltende und ordnende Kraft, p. 13.

[296] *Schönborn*, Bedeutung der Katholischen Privatschulen, p. 260.

schools most of the times surpass those who are studying in Catholic schools. This is the reason why the Church makes much effort to impact religious education also in public schools. Religious instruction is the responsibility of the Church in the world today.[297] The Church must engage herself through schools pastoral[298] and religious instruction in public schools in order that she may fulfill her spiritual responsibility to her children within the school age.

Enugu diocese is prepared to revive the schools handed over to her and raise them to an enviable position. We must state here that given the Catholic population and the distribution of schools in the diocese and other conditions, only about 10 % of Catholic children in Enugu will have access to Catholic schools. The 1983 Code states that "Catholic parents have the duty and the right to choose those means and institutes which in their local circumstances, can best promote the Catholic education of their children (c. 793 § 1 CIC/1983). This code further states that "parents are to send their children to those schools which will provide for their Catholic education. If they cannot do this, they are bound to ensure the proper Catholic education of their children outside the school" (c. 798 CIC/1983). This code envisages the difficulties which some parents may have to send their children to Catholic schools. An external or added arrangement must, therefore be made to accommodate religious instruction of these children. In recognition of this natural quest of parents to hand-on to their children the faith they received, c. 799 CIC/1983 states that "Christ's faithful are to strive to secure that in the civil society the laws which regulate the formation of the young,

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[297] *Kallenbach*, Kirchenamt, p. 208.

[298] *Etienne Verhack*, Das kirchliche Privatschulwesen – historische, rechtliche, ökonomische und pastorale Aspekte, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 485-497, here p. 493.

also provide a religious and moral education in the schools that is in accord with the conscience of the parents" (c. 799 CIC/1983).

How can parents and the Church in Enugu strive to ensure that the moral and religious instructions offered in public schools are in accordance with the conscience of the parents and the teaching of the Church? The curriculum for moral and religious education in Nigerian public schools[299] is simply inadequate in addressing the basic knowledge which the Catholic child should possess about the Catholic Church. Everything in that curriculum is geared toward giving the child the basic idea of the Bible. As a confirmation of this fact, *Gravissimum Educationis* emphasized that the Church should supervise the teaching of Moral and religious education of all her children not only those in her own schools but in public schools as well.[300] Bishop Callistus Valentine Chukwuma Onaga hinted to the fact that the diocesan education board in liaison with the state assigns priests as zonal inspectors of education to see to it that students are taught moral and religious instruction.[301] In addition to this, he said that parish priests are mandated to celebrate Masses and administer the sacraments occasionally in the schools to encourage children in their Catholic faith. By this exposition, the diocese is already working hard to fulfill her religious and canonical obligation to her children in public schools. However more could be done. As a task and mission of the Church, School Religious Instruction is a course which lies in the boundary between Theology and pedagogy. The German Bishops' Conference stress that School Religious Instruction and Parish Catechesis are indispensable tools of Catholic Education.[302] Let us look at Catechetical Instruction.

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[299] See Section on Syllabus for religious instruction in Nigerian public schools.

[300] Art. 7 VatII GE.

[301] Oral interview with Bishop *Callistus Valentine Chukwuma Onaga*.

[302] *DBK*, „Der Religionsunterricht in der Schule" (1974), 137.

3.6.2. Catechetical Instruction

3.6.2.1. Definition

Catechetical Instruction can take the form of Parish or School Catechesis. The 1983 Code of Canon Law discussed catechetical instruction in cc. 773-780. It is another very important form of the ministry of the divine word and a basic means of Christian education. John Paul Beal defined catechesis as "that form of the ministry of Divine Word which is directed to those who have heard the gospel message and responded to it".[303] In this sense, catechesis implies the strengthening of the faith which is already imbibed and is aimed at Christians of all ages. While the basic aim of preaching is the conversion of non-believers, the catechism on the other hand signifies a systematized imparting of Christian doctrine and as an author implies, it results in the initiation into the fullness of life in Christ.[304] Wilhelm Rees implies that the duty of catechesis is to inspire, illuminate and strengthen the Christian faith and to nourish a life in Christ. He stresses that through catechesis the riches of the mystery of our salvation will be deepened and strengthened. That is why he called Catechesis a personal asset of the Church. That means that that the Church is called upon to catechize.[305] Pope John Paul II agreed with the meaning of catechesis as the impacting of the Christian doctrine when he described it as "an education of children, young people and Adults in the faith which includes especially the teaching of Christian doctrine imparted … in an organized and systematic way, with a view to

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[303] *James A. Coriden*, Catechetical Instruction (cc. 773-780), in: *John P. Beal / ders. / Thomas Joseph Green* (eds.), New Commentary on the Code of Canon Law. New York/NY / Mahwah/NJ 2000, pp. 933-937, here p. 933; see also: *Coriden*, An introduction to Canon Law, pp. 106 f.

[304] *Coriden*, An introduction to Canon Law, p. 106 f.

[305] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 120.

initiating the hearers into the fullness of Christian life."[306] For Benedict XVI, Catechesis is "an important way of introducing the people of God in the mystery of Christ".[307] It is a way of leading a person to the mystery of Christ. Its definite aim is to "put people not only in touch but in communion with Jesus Christ who alone can lead us to the love of the Father in the Spirit and make us share in the life of the Holy Spirit".[308] To further buttress the fact that catechesis depicts the process of maturation of faith in Christ this Pope wrote: "within the whole process of evangelization, the aim of catechesis is to be the teaching and maturation stage, that is to say, the period in which the Christian, having accepted by faith the person of Jesus Christ as the one Lord and having given Him complete adherence by sincere conversion of heart, endeavors to know better this Jesus to whom he has entrusted himself."[309] Catechesis is not isolated from the whole process of the ministry of the word. That was why Pope Paul VI identified it as one of the remarkable elements in the whole process of evangelization.[310] Catechesis is the duty of all the baptized in the Church. C. 759 CIC/1983 which John M. Huels calls the laity canon[311] stressed the very important duty which the lay have in the ministry of the word.

3.6.2.2. Catechesis, Etymology and Biblical Sense

The phrase *instruction in the Way of the Lord* (Greek: *κατηχετυ* – katechetu) as used in Acts of the Apostle 18:25 and Rom 2:18 and some

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[306] *John Paul II*, ApE *Catechesi Tradendae* on Catechesis in our time, 31 October, 1979, in: AAS 85 (1979), pp. 1277-1340, here Art. 18.

[307] *Benedict XVI*, Apostolic Journey to Brazil, 13 May 2007, Art. 3.

[308] *John Paul II*, ApE *Catechesi Tradendae*, Art. 5.

[309] Ibid., Art. 20.

[310] *Paul VI*, ApE *Evangelii Nuntiandi*, 8 December, 1975, in: AAS 68 (1976), pp. 5-76, here pp. 17 and 22.

[311] *John M. Huels*, The Ministry of the Divine Word (Canons 756-761), in: StCan 23 (1989), pp. 325-344, here p. 337.

other verses in the New Testament[312] was used in the legal sense of *instruction in the law* or in the sense of *words of encouragement* (Acts 131:15) and differs from preaching, *κήρυγμα* (Kerygma) or *making known*[313] which simply means proclamation. It differs also from doctrinal teaching or the homily for the baptized (didascalia).[314] Rees sees the New Testament use of the word catechesis as depicting *religious instruction* in a general sense and points to further instruction in the way of the Lord. This instruction was not at that time targeted at children but adults.[315] Aymans-Mörsdorf-Müller sees the goal and objective of Catechesis as the unfolding of the faith and its application in appropriate actions in Christian life.[316] For Aymans-Mörsdorf-Müller, catechesis is principally directed towards instruction and practice or rehearsal.[317] For Oskar Stoffel, after Predigt, Catechesis is a further priority of the Church in her teaching office.[318] The missionary mandate which Jesus gave to his disciples to "go, therefore, and make disciples of all nations; baptize them in the name of the Father and of the Son and of the Holy Spirit" (Mt 28:18) is intended for the first hearers of the Good News of salvation. This could be seen as the mandate to preach. It differs from the bidding which the leader of the Church in Antioch in Pisidia made on Paul and Barnabas to kindly "address some words of encouragement to the congregation" (Acts 13:15).The New Testament presented many

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[312] See also Rom 2:18 – You have been taught by the Law.

[313] As used in Mt 12:31; Lk 11:32 or 2 Tim 4:12.

[314] *Berard L. Marthaler / et alii* (eds.), New Catholic Encyclopedia, Vol. 3. Detroit [2]2003, p. 227.

[315] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, pp. 47-49.

[316] *Aymans-Mörsdorf-Müller* KanR III, p. 78.

[317] *Ibid*.

[318] *Oskar Stoffel*, Die Verkündigung in Predigt und Katechese, in: HdbKathKR[2], pp. 669-683, here p. 674.

instances of Jesus instructing his disciples.[319] He was an acclaimed teacher of the people and taught them even in parables (Lk 13:6-9; 18-21). The Apostles continued in the way of the Lord and with their teaching and instruction, they established many Christian communities in the gentile world and carried out many conversions. St. Paul, for instance declared "what I received from the Lord, I deliver to you" (1 Cor 11:23). Catechesis is the primary responsibility of parents. They should teach their children in word and deed (cc. 774 § 2, 226 § 2, 793 CIC/1983).[320]

3.6.2.3. Sources and contents of Catechetical Instruction

The major sources of catechetical instruction throughout the history of the Catholic Church are sacred Scripture, sacred Tradition and the doctrines of the Church. Pope John Paul II instructed that catechesis should not deal with one's own teaching or the teachings of some other master but on the teaching of Jesus Christ. He called this the "Christocentricity of catechesis".[321] During the period following apostolic times; the *Didache* appeared as a great catechetical book which ordered the moral life of the early Christians. The moral pictures which were painted in the catechetical instruction of the *Didache* as analyzed in the *two ways* and the explanations of the *Shepherd of Hermas*, all took their bearing from sacred Scripture.[322] Catechetical instruction should be Centerd not just on Catholic doctrine but on the introduction into the fullness of Life in Christ.[323] The full initiation into the whole Christian life includes also the doctrines and morals taught by the Church and do not exclude Sacred Scripture. It should include the social teachings of

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[319] See also: Mk 10:1; 1:22; Mt 5:2; Mt 11:1, Lk 5:13,17; Jn 7:14.

[320] *Stoffel,* Verkündigung in Predigt und Katechese, p. 675.

[321] *John Paul II,* ApE *Catechesi Tradendae*, Art. 6.

[322] *Georg Schöllgen*, Didache = Zwölf-Apostel-Lehre. Traditio apostolica = Apostolische Überlieferung (Hippolytus), übersetzt und eingeleitet von *Wilhelm Geerlings* (FC 1). Freiburg im Breisgau / Basel / Wien 2000, pp.35 f.

[323] *John Paul II,* ApE *Catechesi Tradendae*, Art. 33.

the Catholic Church which strive to emancipate Christians from the stronghold of social injustice. Both the social encyclical of Pope Leo XIII and the Apostolic Exhortation of Pope Francis, *Evangelii Gaudium*, for instance, are revolutionary catechesis against social injustice in the world. Catechetical instruction would be relevant if it presents the message of Jesus the teacher without distortion.

3.6.3. Catholic Schools

In the 1983 Code, the law giver defined a catholic school as one which is "under the control of the competent ecclesiastical authority or of a public ecclesiastical juridical person, or one which in a written document is acknowledged as catholic by the ecclesiastical authority" (c. 803 § 1 CIC/1983).[324] Apart from the underlining principle that it must be under the control of a competent ecclesiastical authority, such school must also be catholic in terms of the type of education received there. Another distinctive characteristic[325] of a Catholic school is that the teachers and manner of life should reflect the teachings of the Catholic Church, which means, it must be imbued with Catholic spiritual heritage (c. 803 § 2 CIC/1983).[326] We shall deal with this topic in greater details in chapter two. We shall now establish in a historical sequence the canonical foundations of Christian Education.

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[324] See also a further treatment of this topic in: *Rees*, Beaufsichtigung, p. 409; *ders.*, Der Religionsunterricht und die Katechetische Unterweisung, p. 185 f.

[325] *SC InstCath*, The Catholic School, cap. VI, n. 2.

[326] *C InstCath*, Educating Today and Tomorrow: A Renewing Passion, Instrumentum laboris, 7 April 2014. Rome 2014, Introduction to Part II, engl. in: http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20140407_educare-oggi-e-domani_en.html (5.5.2015).

II

CANONICAL FOUNDATIONS OF CHRISTIAN EDUCATION IN HISTORY

1. General Introduction

Christian education as a theme has a constant reoccurrence in both the magisterial teachings[327] as well as in the patristic tradition[328] of the Church. In chapter two of this work, we want to present in a logical sequence the canonical foundations of Christian education. The two basic codes renowned for their legislation on Christian education are the 1917 and 1983 Codes. However, each of these codes have before or after them, some writings in forms of papal encyclicals, exhortations, decrees, declarations, apostolic letters or documents of synod of bishops,

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[327] Other Magisterial teachings on this subject include: The Lateran Council of 1412-1417, see: *Leo X*, ApC *Superemae Dispositionis*, 5 May, 1514 § 32, in: CIC-Fontes, n. 106; *Pius XI* Encyclical Letter, *Mit Brennender Sorge*, 14 March 1937, in: AAS 29 (1937), pp. 145-167; *Pius XII*, Encyclical Letter *Mystici Corporis*, 29 June 1943, in: AAS 35 (1943), pp. 193-248, here n. 201; *John Paul II*, ApE *Familiaris Consortio*, 22 November 1981, in: ***AAS*** 74 (1982), pp. 81-191, here n. 36.

[328] Many Saints spoke on the issue of Christian Education. Notable among them include St. Augustine, St. Philip Neri, St. Charles Borromeo, Cardinal Silvio Antoniano, *On the Christian Education of Youths*; for further reading on the contributions of these to the topic of Christian Education see: *Pius XI*, Enc *Divini illius magistri*, n. 54.

which either prepared the way for these legislation or added clarifications to them to enable pastors apply their decrees to their pastoral work.

This chapter will be made up of six sections. In section one; we shall deal with the topic of Christian Education as contained in some Pre-Vatican II documents. The legislations of the 1917 Code on education are basic and fundamental to our study of Christian education. The treatment of this code on Seminary training is an indication of the preeminence which it had on the Seminary as an institute for Christian education. This was necessary because the responsibility of imparting Christian education before the Second Vatican Council was heavily laid on Clerics and Religious. With the declining number of vocations to the priestly ministry as well as religious life in many parts of the world, it was necessary that the Second Vatican Council interpreted and clarified the general calling which all Christians have in announcing the Good News of salvation. The encyclical of Pope Pius XI on Christian education: *Divini Illius Magistri* written on 31 December, 1929 was a solid pastoral preparation for the implementation of the 1917 Code on Christian education. This will also be treated in this section. Section two treats of the thoughts of the Second Vatican Council on Christian education. This is basically found on the Declaration on Christian Education *Gravissimum Educationis* of this Council. This Declaration was especially dedicated to Christian Education. It did a comprehensive treatment on the topic of Christian education which became a reference point for all subsequent publications on this subject. Section three will sieve out the thoughts on Christian education as contained in other documents of the Second Vatican Council. These includes: *Lumen Gentium, Unitatis Redintegratio, Christus Dominus, Optatam Totius, Nostrae Aetate, Dei Verbum, Apostolicam Actuositatem, Dignitatis Humane, Ad Gentes Divinitus, Presbyterorum Ordinis* and *Gaudium et Spes.* Section four will dwell on the thoughts on Christian Education as found in some post Vatican II Documents. These documents include the General Catecheti-

cal Directory of 1971, The *Evangelii Nuntiandi* of Paul VI, and the *Catechesi Tradendae* of John Paul II as well as his *Familiaris Consortio*. In section five we shall deal with the legislations of the 1983 Code on Christian Education. We shall as well present the thoughts of this code on Catholic universities, Ecclesiastical Universities and Faculties. Even though the treatment of Catholic universities and Ecclesiastical universities does not fall directly on the topic of Christian education, we shall examine these institutions as places of formation of Catholic teachers who are expected to pass on the baton of faith through Christian Religions Education in our primary and secondary schools. Section six is the last section of this chapter. Here, we shall dwell on the documents that came after the 1983 Code. These include the General Directory on Catechesis and the Apostolic Exhortation of Pope Francis, *Evangelii Gaudium*.

2. Pre-Vatican II Documents on Christian Education

2.1. The 1917 Code on Christian Education

2.1.1. Parents Right to educate their Children

The right of parents[329] to educate their children was a basic theme of the 1917 Code of Canon Law and has been a recurrent topic in many documents, ecclesiastical and civil.[330] In the thoughts of Wilhelm Rees,

[329] *Francis Morrisey*, The rights of parents in the education of their Children (Canons 796-806); in: StCan 23/1 (1989), pp. 429-444, here p. 434; see also a discussion on this topic in: *Rees*, Religionsunterricht und katholische Schule, p. 190; *Barbara Anne Cusack*, Trends in Catholic Education: Issues of Episcopal Authority, in: CLSA. Proceedings of the sixty-fifth Annual Convention, Washington/DC 2004, pp. 93-106.

[330] Some of the civil and ecclesiastical documents on the right of parents to educate their children include: the 1948 Universal Declaration of Human Right, Art. 26, sec. 3; addition report of the European Convention on the protection of human right and fundamental freedom of 20 March 1952,

the stipulations on Christian education of the 1917 Code of Canon law are not directed on the State but rather on the freedom which other providers of Christian education, like the Church, has to establish and maintain schools.[331] C. 1372 CIC/1917 placed the most serious obligation of ensuring that their children receive Christian education on parents. This is because parents gave life to their children and are the first contact which children have upon coming into the world. Wilhelm Rees stated that the fundamental right of parents to oversee the education of their children is not just a right but also a duty which springs up from their parenthood.[332] For Roman Siebenrock it is in the recognition of the free choice which parents have both by the State and the Church and the creation of a plurality of schools that this right of parents are actualized.[333] The first world which the children encounter and the initial world-view which they imbibe is the world-view of their parents and this world-view makes a deep impression in the formation of their personality.[334] Authors would always place the parental right before and above that of any group of organizations like the Church and State.[335] The 1917 Code of Canon Law noted that parents or those who take their place have the serious obligation to undertake the Christian education of their children. It forbade parents from educating their children in a non-Catholic school. These children are not just to be educated in Catholic schools but also in those schools where nothing contrary to Catholic

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http://conventions.coe.int/treaty/
en/Treaties/Html/009.htm (5.5.2015); see also *Heinrich Mussinghoff*, Einf. vor c. 793/1, Rn. 2, in: MK CIC (Stand: Mai 1986).

[331] *Rees*, Beaufsichtigung, p. 404; *ders*., Der Religionsunterricht und die Katechetische Unterweisung, pp. 89-93.

[332] *Rees*, Religionsunterricht und katholische Schule, p. 190.

[333] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 570.

[334] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 30.

[335] *Pototschnig*, Bildungswesen, pp. 721-734.

faith and morals is taught (c. 1372 CIC/1917). Catholic children were also forbidden from attending indifferent or mixed schools. *Indifferent* here could be taken to mean a government or private school where no religion is allowed to be instructed. Parents are to do everything possible to nurture and protect the faith of their children and avoid non-Catholic schools as this would be injurious to the Catholic faith of the young children. The issue of mixed school did not come up in the 1983 Code of Canon Law. However, one could notice that even today, many mission schools still operate under this separation of the sexes.

One could understand both the mood and disposition of the 1917 Code. This code could be seen as a reaction to the spirit of its time. It was the codification of the decisions of the Council of Trent that was greatly in conflict with Protestantism. It was also a reaction to the secularist influence of the Enlightenment. However, the atmosphere changed with the Second Vatican Council and its openness to issues on Ecumenism. Based on these issues above, it is no wonder that the 1983 Code removed this clause that parents are forbidden to educate their children in non-Catholic schools. C. 793 CIC/1983 threw some more light onto the provisions of the 1917 Code. It stated that parents have both the right and the duty of choosing those means and institutions which, in their local circumstances can best promote the Catholic education of their children. This implies that parents are not to be forced to send their children to any particular form of school. This educational right of parents was earlier mentioned in c. 226 § 2 CIC/1983. As primary educators of their own children, parents reserve the right to determine in which faith their children would grow up. This cannot be denied them.

This canon could be seen as the basic argument of the Catholic Church in Eastern Nigeria when the government imposed Universal Basic Education and decreed that all children must be enrolled in Public

Schools. The Catholic Church stood their ground that only parents reserve the right to choose which schools their children would attend.[336]

C. 793 § 2 CIC/1983 further stated that parents should also avail themselves of the benefits provided by civil society in giving their children a befitting Catholic education. The benefit which the State should give to the parents is in the first place the guaranteeing of their right to send their children to schools of their choice. They should be given the privilege to run private schools if they have this capacity as well as choose between private and public schools ro the education of their children.[337] Reading through cc. 793-798 CIC/1983, one sees that the Church has always encouraged parents to do everything in their power to send their children to Catholic schools, knowing the benefits they and indeed the whole of society stand to gain from such an action. When it is difficult or even impossible for parents to secure this education in Catholic schools, they should resort to other means such as family and parish catechesis.

2.1.2. The Right of the Church to Establish Schools

A second very important point discussed by the 1917 Code in the area of Catholic education was the right which the Church has to establish schools. This right is seen by some theologians from the point of view of religious freedom.[338] C. 1375 CIC/1917 stated that the Church has the right to establish schools at all levels, in different disciplines and of different types.[339] This code stated that in a special way the canonical erection of a Catholic university as well as Catholic faculties is entirely reserved to the Holy See. Even Catholic universities and Faculties be-

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[336] *Charles Heerey*, Letter to the Obi of Onitsha, in reference to the Free Universal Primary Education, Onitsha, 13 November, 1956, C.S.Sp Archives Generales, Chevilly B/557A/09, 14.10.2013.

[337] *Rees*, Religionsunterricht und katholische Schule, p. 192.

[338] *Seeliger*, Bildung, pp. 258-261.

[339] *Rees*, Beaufsichtigung, p. 365.

longing to Religious Congregations must have their status approved by the Holy See (c. 1376 CIC/1917). Wilhelm Rees underscored what Pope Pius XI mentioned in his Encyclical, *Divini Illius Magistri*, that the whole instructions, structure and content of catholic schools should be under the control and supervision of Church leadership and the Catholic spirit should be seen reigning in these schools.[340] Treatment of the same topic came in cc. 800-803 CIC/1983. These canons have *Gravissimum Educationis* number 8 as their basic source. Education is one the basic means through which the Church fulfills her mission to evangelize. She takes after her Founder who is the eternal Master and who spent his time moving from place to place teaching the Good News of the Kingdom of heaven (Mt 4:23). His mandate to his disciples to "Go into the whole world and make disciples of all the nations …" (Mt 28:18-20), gave the Church the right to become the teacher of all nations. In fulfillment of this missionary mandate the Church establishes schools as an effective method of evangelization. C. 1375 CIC/1917 asserts, therefore, the Church's right to establish primary schools and schools at all levels, as well as of every kind. This, according to *Gravissimum Educationis*, touches the issue of liberty of conscience and the protection of the right of both parents who freely send their children to Catholic schools as well as the Church to establish them. It makes also for the advancement of culture.[341] Even many critics of the Church today still wish to send their children to mission-schools. By the provisions of c. 1375, the Church is enjoined to establish its private schools at all levels. Franz Pototschnig added that "schools of all kinds and at all levels" should include vocational, technical and general schools.[342] The importance of

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[340] *Pius XI*, Enc *Divini illius magistri*, nn. 95-101; *Rees*, Beaufsichtigung, p. 405.

[341] Art. 8 VatII GE.

[342] *Pototschnig*, Bildungswesen, 725; see also: *Herbert Kalb*, Arten von Privatschulen, deren Öffentlichkeitsrecht und die Rechtsstellung von Lehrern und Schülern – ein Überblick, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR

this canon lies on the issue of continuity. The Church knows the importance of establishing a range of schools from primary to university level. In this system, children who pass through all levels of Mission-schools are imbued with the right Catholic-spirit. Here lies the need of each diocese or province to establish its own schools, from primary school to university. To maintain a system of control, this Canon stipulates that the permission for the canonical erection of a Catholic faculty be reserved to the Holy See. It concerns also the control of all Catholic doctrines taught in schools. Today, more than ever before, the need for a Catholic presence even in public institutions is becoming more urgent. The school apostolate was the *magic wand* employed by early missionaries in Nigeria to win over to the Church a great majority of traditional Africans. Pastors of the Churches and indeed all Catholics are enjoined by *Gravissimum Educationis* to spare no efforts in helping in the establishment and maintenance of Catholics schools. Catholic doctrines and religious knowledge are the core subjects to be taught in the Mission-elementary schools as recommended by this code.

2.1.3. Bishops' Responsibilities in Catholic Education

A great obligation was laid on the office of the diocesan Bishop by the 1917 Code. C. 1379 required that the Local Ordinary establishes Catholic elementary or mediate schools were they are not in existence.[343] This is in realization of the importance of primary education. Catholic education at this tender stage of the child's development is very important because it lays a deep foundation in good morals. The establishment of a provincial or national university was recommended by the same canon. This obligation is especially pressing where the public universities lack Catholic spirit (c. 1379 CIC/1917). Other duties laid

16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 315-343, here p. 323.

[343] *Cusack*, Trends in Catholic Education, p. 98.

upon the bishop in terms of Catholic education include the supervision of the courses taught in the Catholic schools in his domain. He is to supervise the quality of both teachers and books against erroneous teaching in these schools. This control should be done even in schools owned and run by religious houses. He shall pay regular visitation to these schools. This canon does not just concern the issue of the exercise of the Bishop's authority but on his responsibility as the prime teacher of faith in his diocese. He is truly a doctor and teacher of the faithful there (c. 1326 CIC/1917).

The Bishop is obliged by this canon to select from among the priests of his diocese pious and gifted clerics and send them to Universities approved by the Church for special courses of study in Philosophy, Theology and Canon Law (c. 1380 CIC/1917). The further education of priests who are expected to specialize in both ecclesiastical and civil studies is a matter of urgent need for every diocese. The Bishop is to select and send these clerics for further studies according to the needs of the diocese and the talents of the individual priests.

Parents cannot train their children alone. They need help from the Church. The Church need to train priests who are those that have primary responsibility for Christian education apart from the parents. The 1917 Code, therefore, discussed the Seminary as an institute for Christian education. We want to discuss here the seminary as an aspect of Christian education because of the connection of this institute to the life of the priest who is an essential agent of Christian education.

2.1.4. The Seminary: an Institute for Christian Education

The seminary[344] is an institute for Christian education. The exclusive right which the Church has to educate men who desire to give them-

[344] For further reading on this topic, see: *Hugo Schwendenwein*, Das Seminarrecht des CIC/1983, in: *ders.*, Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 481-791 and in: *André Gabriels / Heinrich J. F. Reinhardt* (Hg.), Ministerium iustitiae. Fest-

selves to the ecclesiastical ministry[345] was the first focus of the 1917 Code. It is an institute with a juridical personality in the Church by virtue of the law itself (c. 238 § 1 CIC/1983). Winfried Aymans noted that the 1983 Code handled clerical training in connection to the rights of clerics.[346] Studying carefully the sense of c. 1352 CIC/1917 which states that, "it is the proper and exclusive right of the Church to educate the men who desire to give themselves to the ecclesiastical ministry." One could define the Seminary as an institution where the Church educates men who would offer themselves to the service of God and humanity. According to James A. Coriden, there are some differences between the 1917 and 1983 Codes in their discussion on seminary training.[347] These differences include in the first place the terminology. The terms *Seminaries* and *formation of clerics* make the terminological difference. The word *formation* (Latin: *institutio*) was used in *Optatam Totius* (Art. 1 VatII OT).[348] The English infinitive *to form* comes from the Latin infinitive, *formare* meaning, *to give shape to something*. This word captures

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schrift für Heribert Heinemann zur Vollendung des 60. Lebensjahres. Essen 1985, pp. 217-227; *Aymans-Mörsdorf-Müller* KanR III, p. 139; *Owen Chadwick*, The seminary (presidential address), in: *William J. Sheils* (ed.), The ministry, clerical and lay. Papers read at the 1988 summer meeting and the 1989 winter meeting of the Ecclesiastical history Society (Studies in church history 26). Oxford 1989, pp. 1-28, here p. 1 f.; *Rita F. Joyce*, Tribunal, Seminary, Clergy and Personnel Files: Is there an absolute Right to privacy? A civil and canon Law Perspective, in: CLSA. Proceedings of the seventy-third Annual Convention, Vol. 65. Jacksonville/Florida 2011, pp. 130-144.

[345] *Rudolf Weigand*, Die Ausbildung und Fortbildung der Kleriker, in: HdbKathKR^2, pp. 293-300; see also: c. 1352 CIC/1917, in: *Stanislaus Woywod* (ed.), The New Canon Law: a Commentary and Summary of the New Code of Canon Law. New York 1918, p. 278.

[346] *Aymans-Mörsdorf-Müller* KanR III, p. 121; see also: *Weigand*, Ausbildung, pp. 293-300.

[347] *Coriden / Green / Heintschel*, The Code of Canon Law, p. 174.

[348] *Nwokenna Iheanyichukwu*, Education in Faith, pp. 31-34.

exactly what should take place in the life of the candidate for the priestly ministry during his formative years in the seminary. He passes through the system and receives the impression which the whole system makes on him. All the agents of his formation: the Bishop of the diocese, the professors (usually referred to in Nigeria as *formators*), the program of formation and the entire environment make their impression on the candidate. The training or formation should so much influence his life that he leaves the seminary as a mature person; reflecting Christ who is always presented to him as his model. The major principle is that the training process should let the gifts which God has bestowed on the candidate shine out in the Church so that after ordination he becomes a useful instrument in the hands of God and the Church. One observes that while the 1917 Code focused on the seminary as an institution, the 1983 Code focused on the entire process of formation. Reflecting on this difference, James A. Coriden said that the law giver of the 1983 Code may have "reasoned that there was more to the training of persons for ordained ministry than their doctrinal education".[349]

One could locate another difference between the 1917 and 1983 Code in the position where the subject matter *seminaries* was treated. As noted above the treatment of this subject was removed from the discussion on the *Teaching office of the Church* and discussed under the *people of God* showing that the emphasis was revised from institution to the persons being trained.

2.1.4.1. Seminary: Etymology and History

In Catholic terminology, the seminary is an institute for the training of Catholic priests.[350] The etymology of this word comes from the Latin

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[349] The Revision Committee on the 1983 Code, Com 8 (1976), 108; 13 (1981), 209-302, see here: *Coriden / Green / Heintschel*, The Code of Canon Law, pp. 174 f.

[350] *Renate Wahrig-Burfeind* (Hg.), Wahrig – deutsches Wörterbuch. Mit einem Lexikon der Sprachlehre. Gütersloh / München [8]2008, p. 1348.

Seminarium, which means *semen* or *seminal*. *Seminarium* has the connotation of *seed* or *basic energy* of a plant or an animal from where the organism germinates and grows into full maturity. It is also to be linked to *seminal* which word relates to or derives from the seed of a plant. It also means *a plot of land*, a *nursery bed* where seeds are planted and nurtured for the sake of transplantation. "Seminaries as we know them today owe their existence to the legislation of the Council of Trent."[351] The 1917 Code formulated the programs of seminary training from the result of the deliberations of this council.[352] In this sense, Walter Kasper in the *Lexikon für Theologie und Kirche* noted that the reform of the Council of Trent necessitated the establishment of the Seminaries where, under the guidance of the diocesan Bishop, priests would be trained to face the challenges of the times. So the history of seminary formation would generally be traced back to this action of counter-reformation of the Council of Trent. It published in 1563 the decree: *Cum Adolescentium aetas* where it "enjoins each bishop to establish a *seminarium* located at his cathedral to prepare poor youths for the diocesan priesthood. The length of studies and content of learning were left to the bishop's determination".[353] This instruction to the bishops appears to be a return to the issue of the *Cathedral School system*, a system which was attributed to St Augustine "when he took young men interested in the priesthood into his own Episcopal residence. This school system soon spread from Africa through Europe, especially to England and Ireland. He could be called the Father of Seminaries".[354] Another system of seminary formation which followed after the Cathedral school system

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[351] *Coriden / Green / Heintschel*, The Code of Canon Law, p. 175.

[352] *Ibid*., p. 177.

[353] *Joseph M. White*, A Seminary for the Nation's Pontifical University: The founding of Theological College of the Catholic University of America, in: US Catholic Historian 28/3 (2010), pp. 19-47.

[354] *Casimir M. Peterson*, Spiritual care in the Diocesan Seminaries. A Historical Synopsis and a Commentary (CLSt 342). Washington/D.C. 1966, pp. 17-19.

was the monastic schools and was initially intended for the training of candidates for the monasteries. These were later used as preparatory schools for the priestly ministry (seminary). The local Ordinary was to be directly in charge of the formation of those in Cathedral schools.[355] The *Collegium Germanicum*, a Jesuit college established in Rome about 1552 was one of the oldest seminaries. The cardinal Archbishop of Milan, Charles Borromeo was famous among those that founded one of the earliest Seminaries. His uncle, Pope Pius VI founded the *Collegio Romano*. After this, the building of Seminaries spread like wild fire especially in the German world and in Eastern Europe.

2.1.4.2. Minor and Major Seminaries

As an institute for the training of young men for the Ministerial Priesthood, the seminary has two levels, the minor and the major seminary (Art. 3 and 4 VatII OT). The invitation to serve God in the Priestly Ministry often begins very early in life even without the young person being aware of his vocation.[356] Two good examples are the call of Samuel (1 Sam 3:1-18) and that of St John the Apostle whom the Lord called at an early age. The 1917 Code recommended the establishment of two grades of Seminaries – minor and major seminaries (cc. 1353 and 1364 CIC/1917). It recommended that each diocese establish its own seminaries[357] – minor and major where they are able to establish and maintain them. Where this is difficult or impossible candidates can be sent to other diocese or to an inter-diocesan or regional seminary established by the bishops of a particular region or province.[358] The Second Vatican Council, shifted attention from the minor to the major Seminary even though minor Seminaries still exist in many dioceses today.

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[355] *Joseph Ammer*, Art. Seminar, in: LThK^3 IX (2000), sp. 450.

[356] *John Paul II*, PostExA *Pastores Dabo Vobis*, Art. 65.

[357] *Aymans-Mörsdorf-Müller* KanR III, pp. 124 f.

[358] C. 1354 CIC/1917; see also: *Aymans-Mörsdorf-Müller* KanR III, p.127.

In accordance with the 1917 Code, a minor seminary should be a seed bird; a nursery where vocations are nurtured for onward formation in the major Seminary. It called especially upon pastors to help nurture the vocations "of boys who show signs of ecclesiastical vocation, and take pains to keep them from the contamination of the world, instruct them in piety, give them the first lesson in the study of the letters, and foster the seed of vocation in them".[359] For Aymans-Mörsdorf, the celebration of the Eucharist should be the center of the Seminary life. Added to this is the praying of the daily Office which should prepare them for a spiritual life as Priests. Praying the Rosary, regular celebration of the sacrament of penance should equally be stressed.[360] While the 1917 Code laid the responsibility of inspiring and encouraging vocations squarely on the shoulder of Pastors, the Decree of the Second Vatican Council on the training of Priests: *Optatam Totius* and the 1983 Code speak of *the entire Christian community* fostering vocation.[361] This included the family and other educators. It shows the very big respect which this Council laid on the family as the first Church where children are raised. It is clear that the basic foundation for good human training rests on what the individual has received from the family. However, Pope John Paul II put the responsibility of encouraging vocations not just on the family but also on the Parish communities, on the different Christian organizations and indeed on all the faithful. He said: "We are all responsible for Priestly Vocations."[362] The Code of Canons of the Oriental Churches (CCEO) holds that the entire Christian community should be so involved in the promotion of vocation that they are to undertake some eparchial projects for the fostering and promotion of voca-

[359] C. 1353 CIC/1917; see also Art. 3 VatII OT.

[360] *Aymans-Mörsdorf-Müller* KanR III, p. 129.

[361] C. 233 § 1 CIC/1983; see also: Art. 2 VatII OT.

[362] *John Paul II*, PostExA *Pastores Dabo Vobis*, Art. 41 and 61.

tions, encouraged by particular laws.[363] C. 1363 CIC/1917 considered admission of candidates into the Seminary;[364] that means admission into the minor as well as the major Seminaries. For the 1983 Code, it is the responsibility of the Diocesan bishop to admit candidates into the major Seminary (c. 241 §§ 1-3 CIC/1983).[365] Qualifications include among other conditions, human, physical and spiritual maturity. The candidate must have been baptized and confirmed.[366] However, *Optatam Totius* recommended that whatever in this regard is decreed about the major seminaries is to be adaptable to the minor seminaries to the extent that it is in accord with its purpose.[367]

Its entrance qualification of candidates reflected those of the decree of the Council of Trent on the training of priests *Cum Adolescentium aetas* which stipulated that the candidates for admission into priestly training be at least 12 years of age and already literate.[368] It stated that the candidates should be "boys of legitimate birth and of such a character that there is good reason to believe they will persevere and work with

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[363] C. 329 § 2 CCEO; *Aymans-Mörsdorf-Müller* KanR III, p. 124 f.

[364] *Ibid*., p. 125.

[365] *Weigand*, Ausbildung, p. 294; see also *Aymans-Mörsdorf-Müller* KanR III, p. 127.

[366] *Francis C. Bauer*, Admission to Diaconate, Seminary or Consecrated Life after Annulment, in: The Jurist 44 (1984), pp. 441-444; see also: *Gordon Read*, The Readmission to Formation of Former Seminarians and Religious, in: CLSN 109 (1997), pp. 50-55.

[367] Art. 3 VatII OT.

[368] *Concilium Tridentinum*, Decr. *De Reformatione*, 15 July 1563, Sessio XXIII, c. XVIII *Cum adolescentium aetas*, in: *Stephan Ehses* (ed.), Concilium Tridentinum, Diariorum, Actorum, Epistularum, Tractatuum Nova Collectio, Vol. 9. Freiburg im Breisgau 1965, pp. 628-630, DH ([36]1976), nn. 1767-1770, *Giuseppe Alberigo / et alii* (eds.), Dekrete der ökumenischen Konzilien, Bd. 3: *Josef Wohlmuth* (Hg.), Konzilien der Neuzeit. Konzil von Trient (1545-1563), 1. Vatikanisches Konzil (1869/70), 2. Vatikanisches Konzil (1962-1965), Indices. Paderborn / München / Zürich / Wien 2002, pp. 750-753.

success in the ecclesiastical ministry" (c. 1363 CIC/1917). However, the 1983 Code dropped entirely the issue of *freeborn or lawful birth* and only insisted that the candidate be baptized and confirmed. In c. 241 § 1 CIC/1983 it dwelt on the issue of the qualities which the candidates should possess. They should be people who are humanly, morally, spiritually and intellectually as well as physically and psychologically healthy and according to Joseph Ratzinger, they must be trained to be servants of Christ.[369] Most importantly, the candidates must possess the right intention.[370] Pope Paul VI emphasized the issue of right intention in his Apostolic Letter *Summi Dei Verbum* where he defined it as "a clear and determined desire to dedicate oneself completely to the service of the Lord".[371] According to the instruction concerning the criteria for the Discernment of Vocations with regard to persons with Homosexual tendencies, in view of their admission to the Seminary and to Holy Orders, published by the Sacred Congregation for Catholic Education, "in order to admit a candidate to ordination to the diaconate, the Church must verify, among other things, that the candidate has reached affective maturity".[372] Human maturity as a criterion for admitting candidates into

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[369] *Joseph Ratzinger / Benedikt XVI.*, Zum Dekret über Dienst und Leben der Priester „Presbyterorum ordinis", in: *ders*., Gesammelte Schriften, hg. von *Gerhard Ludwig Müller*, Bd. 7/2: Zur Lehre des Zweiten Vatikanischen Konzils. Formulierung, Vermittlung, Deutung. Freiburg im Breisgau / Basel / Wien 2012, pp. 897-917, here pp. 904-907.

[370] C. 241 § 1 CIC/1983.

[371] *Paul VI*, EpA ***Summi Dei Verbum***, 4 November, 1963: in: ***AAS*** 55 (1963), pp. 979-995, here p. 987 f.; engl. at: http://w2.vatican.va/content/paul-vi/en/apost_letters/documents/hf_p-vi_apl_19631104_summi-dei-verbum.html (5.5.2015).

[372] *C InstCath*, Instruction "In continuità" concerning the Criteria for the Discernment of Vocations with regard to Persons with Homosexual Tendencies in view of their admission to the Seminary and to Holy Orders., 4 November, 2005, in: AAS 97 (2005), pp. 1007-1013, Com 37/2 (2005), pp. 180-185, engl. http://www.

the Seminary and into the priesthood must also be evaluated regarding how the Seminarian is able to relate with both men and women. The candidate must show an ability to be a spiritual father to the Christian community. This Sacred Congregation is clear regarding Homosexual acts and tendencies if they are found in the Candidates for ordination. It stated clearly as follows: "it is necessary to state clearly that the Church, while profoundly respecting the persons in question, cannot admit to the Seminary or to holy orders, those who practice homosexuality, present deep seated homosexual tendencies or support the so-called, gay culture."[373]

2.1.5. Catholic Schools according to 1917 Code

The history of catholic education and Catholic ownership of schools[374] did not begin with the 1917 Code of Canon Law. Wilhelm Rees traced the history of catholic education to the family catechesis prevalent in the early Christian period which was in vogue until the middle ages when the Catholic Church began to organize schools.[375]

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vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20051104_istruzione_en.html (5.5.2015), here n. 3; see also: *C InstCath*, Guidelines "Ogni vocazione" for the use of psychology in the admission and formation of candidates for the Priesthood, 28 June, 2008. Vatican 2008, Com 40 (2008), pp. 322-335, engl. at: http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccath
educ_doc_20080628_orientamenti_en.html (5.5.2015), here cap. III, n. 5.

[373] *C InstCath*, Instruction "In continuità", n. 2.

[374] To the existence of Catholic schools, *Wilhelm Rees* discussed the Catholic Schools in Germany in reference to its canonical and legal background. See: *Rees*, Religionsunterricht und katholische Schule, pp. 193-198.

[375] *Rees*, Verhältnis von Staat und Kirche, p. 22.

The 1917 Code of Canon Law treated the theme of Catholic schools[376] in title XXII, part IV of its Book Three. It came directly after its treatment of the theme *seminaries* and contains twelve canons (cc. 1372-1383 CIC/1917). This code laid emphasis on such areas of Catholic education as the right of parents to educate their children, duty and obligation of the Church to establish schools, obligation of Catholics to support Catholic schools and bishops' responsibility in Catholic education. The 1917 Code emphasized the role of parents to educate their children not only in schools where nothing contrary to Catholic faith and morals are taught but in schools where religious education and moral training occupy the first place (c. 1372 CIC/1917).[377] This obligation of parents is, according to Joseph Ratzinger, an obligation in responsible freedom.[378] The situation where it is difficult to find schools with offer suitable Catholic education for children, it is the recommendation of Aymans-Mörsdorf that parishes substitute for religious instruction as happened during the communist regime in Poland.[379] The insistence that Catholic children should not be sent either to non-Catholic schools or to mixed school by the 1917 Code was seen by Rees and Schröteler not only as a wish but an express prohibition.[380] The insistence on an all-round and integral education[381] has been the ideal of all catholic education in history. Pope John Paul II seeing Catholic schools as places of

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[376] For further readings on this topic see: *Rudolf Graber,* Katholische Schule, in: *Hermann Maier* (Hg.), Aspekte christlicher Erziehung in der Schule. Regensburg 1978, pp. 31-42.

[377] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 86.

[378] *Ratzinger / Benedikt XVI.*, Das Menschenbild des Konzils, pp. 882-885.

[379] *Aymans-Mörsdorf-Müller* KanR III, p. 99.

[380] *Josef Schröteler,* Bekenntnisschule, Gemeinschaftsschule und weltliche Schule im Licht kirchlicher Entscheidungen des 19. Jahrhunderts, in: Schule und Erziehung 16 (1928), pp. 161-197; see also *Rees,* Der Religionsunterricht und die Katechetische Unterweisung, p. 89.

[381] *Pototschnig*, Bildungswesen, p. 722.

evangelization insisted that these schools should be places where "well-rounded education, Inculturation and initiation to the dialogue of life among young people … take place".[382] Franz Potoschnig noted that even when a school shows itself in reality to be catholic through its activities, it is still expected that its Catholicity should be acknowledged through the competent ecclesiastical authority.[383] Joseph Ratzinger posed fundamental questions regarding catholic schools. According to him, for a school to call itself catholic, it must ascertain if it is really catholic, if its educational principles are adequate and suitable in our time; if it does lawfully oblige the principle of peace and justice and whether it its qualities are compatible with the Church's teaching.[384] We shall at this point assess how Pope Pius XI applied the contents of the 1917 Code on Christian education in his encyclical, *Divini illius Magistri*.

2.2. Christian Education in Divini Illius Magistri

The Encyclical[385] of Pope Pius XI on Christian education: *Divini Illius Magistri* represents one of the most authoritative documents of the Church on Christian education, described by Roman Siebenrock both as a *Magna Charta* and (which today may be seen) as apologetic in nature.[386] Made up of 102 paragraphs, this documents touches on the crucial aspects of Christian education. The Pope sees the Church's funda-

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[382] *John Paul II*, PostExA *Ecclesia in Africa*, n. 102.

[383] *Pototschnig*, Bildungswesen, p. 726.

[384] *Ratzinger / Benedikt XVI.*, Das Menschenbild des Konzils, p. 883.

[385] The word Encyclical has a Greek origin and in its original form meant letter written by Princes and Judges to many people regarding laws and other temporal injunctions which are meant for their knowledge. See: *Niccolò del Re*, Art. Enzyklika, in: *ders*. (Hg.), Vatikanlexikon. Augsburg 1998, pp. 195-197.

[386] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 559.

mental claim to educate as coming from both her missionary mandate and her claim of a supernatural motherhood to the children of God.[387] He referred to the Church both as a Mistress and as teacher.[388] The early paragraphs began by discussing the nature and importance of true and perfect education to individuals, family and society, comparing the Church in this regard to Christ her *divine Master* who, as the ultimate teacher loves little children and would want them to come to him. (Hence, the title: *Divine Illius Magistri).* According to the Pope, such love for young people spurs the Church on to dedicate a lot of attention to the education of youths. The need for such attention stems from the dangers which modernity poses to and constitutes in their education; a danger which is represented in the vanity of the education methods used today. Various educational methods and theories have been expounded to prepare the young generation for a life of happiness in this earthly life. However even modern men and women have realized that material progress which these modern methods of education lead to is insufficient to produce true happiness; the impulse which is implanted in them by God. The Pope opined that the cultural world-view of the modern age which has relegated religion to the private sphere has suffered a setback. This papal statement was re-echoed by Therese D'Orsa who held that "the limits to scientific method of inquiry have become glaringly obvious".[389] The great assumption of modernity is that human beings should close their thought to the transcendent. This assumption has been humbled by the great misfortunes of the first and second world wars of the twentieth century which were a catalyst for the inventions of science and technology. Their methods always failed because they are drawn out

[387] *Niccolò del Re*, Enzyklika, p. 195.

[388] *Pius XI*, Enc *Divini illius magistri*, n. 6; *Rees*, Religionsunterricht und katholische Schule, pp. 187-204.

[389] *Therese D'Orsa*, Catholic curriculum: re-framing the conversation, in: International Studies in Catholic Education 5/1 (2013), pp. 68-82, here p. 70.

of human nature and issue from unaided human power and "because, instead of fixing their gaze on God, the first principle and last end of the whole universe, they fall back upon themselves, becoming attached exclusively to passing things of earth; and thus their restlessness will never cease till they direct their attention and effort to God, the goal of all perfection".[390] One sees in this document what Siebenrock described as the mark of the divorce between Church and State which occurred after the First World War and a direct rejection of the Enlightenment Movement by the Church.[391] By this document, the Church offers an education which is most fundamental; an education which is connected to man's last end. This is Catholic education; an education which the Pope sees as truly and ideally perfect. Christian education does not concern itself only with the development of natural talents and the acquisition of human excellence. It takes the whole of the human being.[392] The beauty of Christian education comes from its contents and goal "for it aims at securing the supreme good, which is God".[393] As Joseph Ratzinger discussed it, it is a goal directed towards personal formation and unfolding of the whole human gifts inherent in the human person.[394] She pursues this aim without neglecting what the Congregation for Catholic Education in 1977 called the need of "integrating faith, life and culture".[395] To secure this supreme goal, man begins with the acquisition of good habits. This is in line with the thoughts of John Chrysostom that there is no greater work than training and forming the habits of the

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[390] *Pius XI*, Enc *Divini illius magistri*, n. 6.

[391] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 559.

[392] *Leo XIII*, Enc *Sapientiae Christianae*, 10 January 1890, in: ASS 22 (1889/1890), pp. 385-404, here n. 95.

[393] *Pius XI*, Enc *Divini illius magistri*, n. 8.

[394] *Ratzinger / Benedikt XVI.*, Das Menschenbild des Konzils, p. 879.

[395] *D'Orsa*, Catholic curriculum, p. 69.

young.[396] *Divini Illius Magistri* sees three very important institutions as directly concerned with education: parents, the Church and civil society, each striving in its domain to impart education to the youth and whose coordinated efforts would bring out the best in the child.

2.2.1. The Family

The Second Vatican Council holds the family to be the domestic Church (Art. 11 VatII LG).[397] The family is directly instituted by God, particularly for the generation and formation of offspring; so it has priority and preference[398] of nature and therefore of right over civil society in the education of their children. If one accepts the thoughts of Aristotle that man is born *Tabula rasa*,[399] one would understand that in all cases, it was always parents or those who take their place, who first begin to fill this blank with knowledge. In this sense parents have the primordial, natural and spiritual duty and right to bring up their children.[400] The United Nations Universal Declaration of Human Rights was clear in this regard when it stated that "Parents have a prior right to choose the kind of education that shall be given to their children".[401] Christian education of their children is a responsibility of the parents. The family is the first

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[396] *Pius XI*, Enc *Divini illius magistri*, n. 8.

[397] See also: *Heinrich Mussinghoff*, Einf. vor c. 793/1, Rn. 2, in: MK CIC (Stand: Mai 1986).

[398] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 32.

[399] The concept *Tabula rasa* meaning unwritten tablet was first used by Aristotle in his book *De Anima* or 'On the Soul', Vol. III, cap. 4, to indicate the state of the mind of man at birth which is like a blank slate. See also: *Jürgen Mittelstraß*, Enzyklopädie Philosophie und Wissenschaftstheorie, Bd. 4. Stuttgart 2004, p. 198.

[400] *Leo XIII*, Enc *Sapientiae Christianae*, n. 58; see also: *Rees*, Religionsunterricht und katholische Schule, p. 192.

[401] *United Nations Department of Public Information*, Universal Declaration of Human Rights. 60th anniversary, special edition. New York/NY 2008, Art. 26 § 3.

Church where religious education begins. The Church offers her help to enable her actualize her goal of a proper cultivation of virtues and religious values for their children. Parents are not just under obligation but as well face canonical penalties if they hand over their children to be baptized or brought up in a non-catholic religion (c. 1366 CIC/1983). The family's right to educate is, however, neither despotic nor absolute especially regarding the fact that the family is not a perfect society.[402] As an imperfect society it depends of the state to help it fulfill its mission.[403]

2.2.2. The Church

The Church defends the right of parents to educate and obliges Catholic parents to pursue catholic education for their children.[404] The provisions of c. 1125 §§ 1-2 CIC/1983 oblige the Catholic partner in a mixed marriage to undertake to baptize and give catholic education to all the offspring of the marriage while the non-catholic partner is made aware of the promise of his or her partner. The Church has the right to educate[405] which springs from a supernatural order. As mentioned above, she is endowed with two supernatural titles which confer on her the authority to teach: her supernatural motherhood and the divine mandate which she received from the Lord. According to Pope Pius XI, "the

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[402] According to *Pius XI*, a perfect society is the society that has all it takes to reach its goal. The Church is a perfect society because she has all it takes to reach her ultimate end or goal which is supernatural. See *Pius XI*, Enc *Divini illius magistri*, n. 45.

[403] *Ibid*., n. 12.

[404] *Heinrich Mussinghoff*, c. 793/1, Rn. 2, in: MK CIC (Stand: Mai 1986).

[405] *Heinrich Mussinghoff*, Einf. vor c. 793/3, Rn. 6, in: MK CIC (Stand: Mai 1986). Interpreting the right of the Church to education, this author sees the canonical legal foundation of both school and higher school education as built on the Church's understanding of the dignity of the human person and the sending authority which the Church received from her Lord; *Rees*, Religionsunterricht und katholische Schule, p. 191.

Church was set by her divine Author as the pillar and ground of truth, in order to teach the divine Faith to men, and keep whole and inviolate the deposit confided to her; to direct and fashion men in all their actions individually and socially, to purify the moral integrity of life, in accordance with revealed doctrine".[406] By assuming her role as mother and teacher, the Church shares in the divine Magisterium of God and by this reason is granted the privilege of immunity from error as regard her role as teacher of the divine mysteries. The Church is in this sense independent of earthly powers in her mission as mistress and mother. This is why this encyclical refers to her as a perfect society which has both the right and means of reaching its goal and achieving its end.[407] However, the foundational principles of the Church's interest in education was interpreted by the Münsterischer Kommentar as hanging on parental right to educate their children, freedom of research and scientific autonomy which the Church respects in scientists as well as her belief that Christian education should co-operate with the teaching office of the Church.[408]

2.2.3. The State

The state or civil society is another very important institution recognized by *Divini Illius Magistri* as contributing greatly in the formation process of young people. According to this document, education is essentially a social rather than an individual activity. Being a perfect society, the state has all the means to its particular end[409] and stands to gain a lot when a good and qualitative education is given to the individual. This document pointed out that the concept school originated from the fact that the family cannot be involved in the elaborate training of

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[406] *Pius XI*, Enc *Divini illius magistri*, n. 15 and 16; see also: *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 566.

[407] *Pius XI*, Enc *Divini illius magistri*, n. 18.

[408] *Heinrich Mussinghoff*, c. 793, Rn. 6, in: MK CIC (Stand: Mai 1986).

[409] *Ibid.*

children[410] in such sophisticated branches of education as science and technology. So the school came into being as a place where many children could receive a common and useful education for the society. In this sense, the civil society does a subsidiary and complementary function; complementing what the family could not do in the education of its children. In the thoughts of Wilhelm Rees, the State should recognize the right of parents to educate their children through legislation.[411] Like the family and the Church, the state has also a natural right to educate but unlike them, the right of the state to educate comes not from fatherhood but from the authority which is bestowed on her from nature to provide for the temporal welfare of her citizens.[412] The state undertakes this function especially when the family is either morally negligent or physically incapacitated to provide a comprehensive education for its child. This is the historical origin of the school. It originated as a subsidiary and complementary institution to the family and the Church. It will tantamount to injustice if the state prohibits private concerns from running schools. Ernest Caparros maintained that the state has no monopoly of education.[413] Nationalization of schools is an unjust system whereby the state denies parents the natural rights which they have to make choice of school for their children. If the state allows private establishment of schools, it would be complying with the principle of Subsidiarity whereby she performs her role of providing security and other means of peaceful co-existence in the state while leaving individuals and other corporate bodies to participate in the provision of education. In this way the state, while contributing its quota in the education of its citizen would concentrate more on what Pius XI in his Encyclical *Quadragesi-*

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[410] *Ibid.*, Rn. 7.

[411] *Rees*, Religionsunterricht und katholische Schule, p. 196.

[412] *Heinrich Mussinghoff*, c. 793, Rn. 6, in: MK CIC (Stand: Mai 1986).

[413] *Caparros / Thériault / Thorn*, Codex Iuris Canonici – Code of Canon Law Annotated, p. 795.

mo Anno described as doing "all those things that belong to it alone because it alone can do them: directing, watching, urging, restraining, as occasion requires and necessity demands".[414]

2.2.4. Harmony of Functions

Apart from the three different institutions that are entrusted with education, the document, *Divini Illius Magistri* treated of the cordial relationship and harmony[415] which should exist between them in order to promote qualitative and integral education. This corresponds to the call of the Sacred Congregation for Catholic Education for a "Communion in the mission of education".[416] The right of the Church to educate, for instance corresponds to those of the family because both claim their right from God: the family, through fecundity and the Church through her mandate and divine motherhood of all the faithful. In a style not aimed at denigrating the right of civil authority to educate, this document insists that the State's right to teach is not on a par with those of the family and the Church. The State has the natural right to educate only in regard to its right to promote the temporal welfare of its citizens.[417] To this end, promoting and fostering the welfare of the citizens assigns the State the duty to help parents and the Church in their primary duty to educate. This duty does not empower the State to usurp the right of parents nor of the Church. The Pope declared that the mission to educate belongs both by divine and natural law primarily to the Church and family. He advocates a mutual agreement between the interest

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[414] *Pius XI*, Enc *Quadragesimo Anno*, 15 May, ***1931***, in: AAS 23 (1931), pp. 177-228, here n. 80, engl. at: http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html (5.5.2015).

[415] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 559.

[416] *C InstCath*, ***Educating Together*** in ***Catholic Schools, Art.*** 8.

[417] *Pius XI*, Enc *Divini illius magistri*, n. 43.

groups in the area of education especially between the Church and the State; a harmony which he compared to those that exist in the human body. Both of them are perfect societies in their own ranks; the Church, in spiritual matters and the State in temporal matters. The thoughts of Pope Pius XI here reflect those of Pope Leo XIII who asserted that there are two powers on earth, the Church and the State. The fathers of the Second Vatican Council would allude to this when they asserted that the purpose which Christ assigned to the Church was a religious one.[418] They went further to assert that the State and the Church are autonomous and independent of each other in their duties but work together for the benefit of man.[419]

2.2.5. True Catholic Education Divini Illius Magistri

The pope reiterated that the function of Catholic education[420] is to help correct the disorderly inclinations in youths which exist in every human being and which are the effect of Original sin. This it does by enlightening and strengthening the intellect to grasp the supernatural truth by means of grace and by training the will to control evil impulses in order to enable the child to attain the noble goal of human perfection.[421] A good system of education is not measured by its pretense to offer a frivolous "pretended self-governance and unrestrained freedom";[422] which many present systems of education tries to offer the child without recourse to correction from parents and teachers. Such system of education would only end up making the child a slave of its own blind passions and inordinate affections. This is why *Divini Illius Magistri* is against the many false methods of education which aim at

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[418] Art. 42 VatII GS; see also *Pius XII*, Alloc. to Historians and Artists, 9 March, 1956, in: AAS 48 (1956), pp. 210-216, here p. 212.

[419] Art. 76 VatII GS.

[420] *Coriden*, An introduction to Canon Law, p. 108.

[421] Art. 59 VatII GS.

[422] Art. 60 VatII GS.

using only natural means to conquer the self such as sex education and naturalism. Naturalism substitutes the supernatural order with the natural and profane order and disregards the inborn weakness of man and his inclination to sin. This document equally rejected the system of co-education and the practice of Catholic parents who send their children to non–Catholic schools. This is only advisable with the permission of the Local ordinary or "under determined circumstances of place and time, and with special precautions".[423]

In adolescence which is that delicate period of human growth when character formation is most important, prudence and modesty should be applied in youth education. Added to this, the environment in which the child is educated should correspond to the end in view of the child's education. For Pope Pius XI, the true definition of a Catholic school is that school which is regulated by the Christian spirit; which uses modern methods of education to reach its goal[424] and which is under the supervision of the Church and in which all the subjects taught are permeated by a Christian Spirit. Books which are contrary to the Catholic faith are to be read with discretion; under the guidance of the teachers. These teachers, who in the thoughts of Pope John Paul II are religious educators because they have received religious education themselves[425] should balance the study of ecclesiastical subjects like Latin and the classics with modern sciences.

Since the family is the domestic Church,[426] the Pope advocated that parents devote more time to the training of their children. He holds that if these parents could spend a lot of time in training for temporal things and for engaging in economic matters, the education of their children should occupy more of their time. Making parents realize that they are

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[423] Art. 79 VatII GS.

[424] *Ratzinger / Benedikt XVI.*, Das Menschenbild des Konzils, p. 883.

[425] *John Paul II*, PostExA *Ecclesia in Africa*, n. 102.

[426] *Ibid*., n. 92.

true vicars of Christ, the eternal teacher, in the education of their children, the document stressed the need for parents to make the right use of the authority given to them by God to educate their children. In imitation of the Apostle Paul who engaged his faithful in instruction, the Pope admonished that the pastors of souls should catechize and instruct both parents and their children. He argued that for the sake of distributive justice, it behoves the government to support Catholic schools with public funds since parents of those children who attend them pay their taxes to the government and these children are being trained to become good citizens who would help build up a healthy state. The teachers who should be employed in Catholic schools should be those fully imbued with virtues and piety, sound in knowledge and excellent in methodology. The Bishop has the right both to employ and dismiss this teacher probably on religious or moral grounds.[427] The true nature of Catholic education is that it "takes the whole aggregate of human life, physical and spiritual, intellectual and moral, individual, domestic and social, not with a view of reducing it in any way, but in order to elevate, regulate and perfect it, in accordance with the example and teaching of Christ".[428] The fruits of Christian education could be seen in history in the many saints and good men and women who advanced human civilization. Let us see how the Second Vatican Council treated the subject matter of Christian education.

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[427] *Heinrich Mussinghoff / Hermann Kahler*, c. 805/3, Rn. 7, in: MK CIC (Stand: November 2000).

[428] Art. 79 VatII GS.

3. Second Vatican Council

3.1. Vatican II on Christian Education: Gravissimum Educationis

3.1.1. Introduction

The goal of Christian education is the integral formation of children directed towards the last end as well as the good of the society (c. 795 CIC/1983; Art. 1, Abs. 1 VatII GE).[429] Ecumenical councils are always a turning point in the life of the Church.[430] The major contribution of the Second Vatican Council to the development of the Church was summarized by Hubert Jedin as "leading humanity in love back to God".[431] It was a council that signaled a great change in the teaching of the Church.[432] Given the importance which this Council attached to the theme of education, it made a Declaration on Christian education referred to as *Gravissimum Educationis;* issued on 28 October, 1965. Pöggeler called this Declaration, a "Magna Charta of education in faith".[433] Pope Pius XI in his radio message on 24 December, 1924 declared that "all men of whatever race, condition or age, in virtue of their dignity as human persons, have an inalienable right to education" (Art. 1 VatII GE).[434] Given the events of the early forties, the *United Nations Organization* (UNO) repeated this declaration of the right of all

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[429] *Katzinger*, Privatschule, p. 276.

[430] *Hubert Jedin*, Kleine Konziliengeschichte. Mit einem Bericht über das 2. Vatikanische Konzil. Freiburg im Breisgau / Basel Wien [6]1990, p. 9.

[431] *Ibid*., p. 174.

[432] *Boris Repschinski*, Aufruf zur Erneuerung. Zum 50. Jahrestag der Ankündigung des Zweiten Vatikanischen Konzils, in: ZKTh 131 (2009), pp. 1-4.

[433] *Franz Pöggeler*, Einleitung, quoted in *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 557; see also: *SC InstCath*, The Catholic School, cap. I, n. 9.

[434] *Pius XII*, Radio Message, 24 December 1924, in: AAS 35 (1943), pp. 9-24, here p. 12; see also: *Rees*, Beaufsichtigung, p. 405.

peoples to education.[435] On 10 December 1948 it declared its Charter on Human Rights. The UNO charter recognized education as a basic right of every individual. The Second Vatican Council's Declaration on Christian education, therefore, may be seen as a Catholic reflection of this universal declaration of human right by Pope Pius XI and by the UNO as well as a fresh articulation of the thoughts of the previous popes on this all-important area of education.[436] We can rightly divide this document into three parts according to the basic topics it treated which include: the right of the children of God to receive education; the agents responsible for imparting this education as well as the means of imparting it. While this Declaration rotates between personal-individual and social perspectives, on one side, and the last end of the human being on the other side, Roman Siebenrock described it as a "nature-grace model".[437] It is an education whose goal leads the Christian person step by step to the full knowledge of the salvation mystery of Christ (Art. 2 Abs. 1 VatII GE), and to the deepest *mystagogy* in the deepest secret of God's salvation in Christ through his Church.[438]

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[435] *United Nations Department of Public Information*, Universal Declaration of Human Rights. 60th anniversary, special edition. New York/NY 2008, https://www.un.org/en/documents/udhr/ (5.5.2015).

[436] The previous papal reflections on education shortly preceding the Second Vatican Council could be found especially in the following: cc. 1372-1383 CIC/1917; *Benedict XV*, EpA *Communes Litteras*, 10 April, 1919, in: AAS 11 (1919), pp. 171-174; *Pius XI*, *Divini Illius Magistri*, 31 December 1929, in: AAS 22 (1930), pp. 49-86; *Pius XII*, Alloc. to Youths of Italy, on Catholic Action, 20 April 1946, in: ***Discorsi*** e ***Radiomessaggi, Vol.*** VIII, pp. 53-57 and *John XXIII*, Message on the 30 Anniversary of *Divini Illius Magistri*, 30 December 1959, in: AAS 52 (1960), pp. 57-59; see also: *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 565.

[437] *Ibid.*, p. 566.

[438] *Ibid.*, p. 568.

3.1.2. Education as a fundamental Human Right

Education is a universal, fundamental human right and every child has a fundamental right to obtain it.[439] For Roman Siebenrock, the recognition of this fundamental human right of all persons by the Church is due to her understanding of the human anthropology and the dignity of all persons.[440] Christians, on their own part, have a right to a Christian education (c. 217 CIC/1983). The events of the First and Second World Wars brought a lot of sorrow to humanity and manifested the fact that man could use his inventive ingenuity to bring sorrow and destruction upon himself. It brings to light the truth of what Pope Pius XI described as man's false and dangerous claim to self-emancipation which only led him to become a slave of his own blind pride and disorderly affection.[441] Education without good morals is only earth-bound. This calls for proper self reflection on the issue of education. This is why the Church was challenged to present a type of education which is not lopsided but which takes account of man's last end, while not neglecting the need to alleviate man's earthly problems. It is good to note that moral and religious aspects of education cannot be divorced from the true concept of education. In fact the sacred Council reiterates the fact that the Church is obliged to engage in human promotion in response to her divine mandate. She must respond to the fundamental need for education. The Church's participation in the emancipation of the human mind through education is both in answer to her divine vocation which she received from her Master and a result of her divine motherhood of all. She has in view man's last end. The sacred Council sees true and sound education as that which leads a person to the love of God, freedom of will and right conscience. It is an education which expounds

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[439] *United Nations Department of Public Information*, Universal Declaration of Human Rights, Art. 26 § 1; see also: *Katzinger*, Privatschule, p. 270.

[440] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, pp. 566 f.

[441] *Pius XI*, Enc *Divini illius magistri*, n. 63.

to the pupils or students the mystery of salvation and prepares them to present and promote a Christian view of the world.[442] As teacher and mother, therefore, the Church is obliged to present this well-balanced form of education to the world. Christians or non-Christians, have the right as creatures of God[443] to demand this form of education from the Church. The Christian parents have the right and are as well called upon to choose to send their children to Catholic schools where this form of education is given. This is their fundamental human right.

3.1.3. Gravissimum Educationis and Agents of Education

3.1.3.1. Parents

As a domestic Church,[444] the family is the root of all education. Parents are the principal catechists of their children.[445] The right of parents[446] to educate their children[447] has been a recurrent theme in child education both by ecclesiastical and civil authorities who write or speak on this topic.[448] It is an inalienable[449] as well as a human right[450] which

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[442] Art. 2 VatII GE.

[443] *John Paul II*, ApE *Familiaris Consortio*, n. 11.

[444] *John Paul II*, PostExA *Ecclesia in Africa*, n. 92.

[445] *Clement Ikechukwu Obasi*, The Bishop: The moderator of the ministry of the Divine Word in the Particular Church Canon 756 § 2. Romae 1995, pp. 64 f.

[446] *Katzinger*, Privatschule, p. 272.

[447] Art. 3 Abs. 1 VatII GE; *Heinrich Mussinghoff*, cc. 793-795, in: MK CIC (Stand: Mai 1986); *Rees*, Beaufsichtigung, p. 405.

[448] C. 226 § 2 CIC/1983 spoke of this parental right and obligation as a primary responsibility. C. 618 CCEO made a repetition of this parental responsibility which they received from God. See also: *Matthias Jestaedt*, Das elterliche Erziehungsrecht im Hinblick auf Religion, in: HdbStKirchR^2, pp. 340-411; *Ilona Riedel-Spangenberger*, Art. Elternrecht, in: LKStKR I, pp. 586 f.; *Willi Geiger*, Kraft und Grenze der elterlichen Erziehungsverantwortung unter den gegenwärtigen gesellschaftlichen Verhältnissen, in: *Joseph Kraustscheidt / Heiner Marré* (Hg.), Essener Gespräche zum Thema Staat und Kirche, Bd. 14. Aschendorff 1980, pp. 9-28; *Katzinger*, Privatschule, pp. 272-275.

demands respect both by the State and the general human society. St Thomas Aquinas calls it a natural justice.[451] Pope Pius XI calls it *an inalienable right*.[452] For the fathers of the Second Vatican Council it is a "primary or principal responsibility which has no substitute" (Art. 3 VatII GE). The Second Vatican Council in *Dignitatis Humanae* recognized the family as a distinct society which has a natural right that cannot be reduced by any power to just a privilege. In this regard, this document held as follows:

> "Every family, in that it is a society with its own basic rights, has the right freely to organize its own religious life in the home under the control of parents. These have the right to decide in accordance with their own religious beliefs the form of religious upbringing which is to be given to their children. The civil authority must therefore recognize the right of parents to choose with genuine freedom schools or other means of education. Parents should not be subjected directly or indirectly to unjust burdens because of this freedom of choice. Furthermore, the rights of parents are violated if their children are compelled to attend classes which are no in agreement with the religious beliefs of the

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[449] *Katzinger*, Privatschule, p. 270; see also *Pius XI*, Enc *Divini illius magistri*, n. 32; *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, pp. 560-569.

[450] *Katzinger*, Privatschule, p. 273.

[451] Aquinas called it a *natural justice* "because parents give life to their children and by natural right should feed and educate them. Even if they would get help elsewhere, this help does not replace their natural right and responsibility. Aquinas named our human parents "cultivating or breeding masters" (Zuchtmeistern). See *Thomas von Aquin*, Katechismus des hl. Thomas von Aquin oder Erklärung des apostolischen Glaubensbekenntnisses, des Vater unser, Ave Maria und der zehn Gebote Gottes, übersetzt und mit Anmerkungen versehen von *Anton Portmann* und *Franz Xaver Kunz*. Kirchen/Sieg 1971, pp. 214-223.

[452] *Pius XI*, Enc *Divini illius magistri*, n. 32.

> parents or if there is but a single compulsory system of education from which all religious instruction is excluded."[453]

The implication of this statement is that the right and freedom of parents to educate their children could also include home schooling. Parents may decide to send their children to any school of their choice. They may also determine that home schooling is the best for them. The role of the state in this regard would be a supervision of the quality of this kind of education chosen by the parents. The family atmosphere opens the door to a deeper appreciation of divine love in the hearts of children. When children grow up in love among their parents they have a balanced growth. The love and kindness which they receive from their parents are also what they are expected by Christian education to share among others. Gabriele Kuby described as enormous the emotional shock which a child receives if it is separated from its parents especially the mother in the first three years of its birth.[454] The right and responsibility of the family in educating their children resounded in Pope John Paul's Apostolic Exhortation: *Familiaris Consortio.* He maintained that this parental task is rooted in their vocation as married people;[455] as co-creators with God. The family is the first Church[456] where children learn both social and cardinal virtues.[457] It prepares children towards social interaction in the wider society. The freedom of parents to choose schools for their children is a fundamental right which should be respected by the government. As a sign of this respect, *Gravissimum Educationis* suggests government support of the non-public schools so that

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[453] Art. 5 VatII DH.

[454] *Gabriele Kuby*, Verstaatlichung der Erziehung, Auf dem Weg zum neuen Gender-Menschen. Kißlegg [4]2008, p. 13.

[455] *John Paul II*, ApE *Familiaris Consortio*, n. 36; *Rees*, Beaufsichtigung, p. 405.

[456] *Pius XI*, Enc *Divini illius magistri*, n. 63.

[457] *Katzinger*, Privatschule, p. 270; see also: *Aymans-Mörsdorf-Müller* KanR III, p. 96.

parents are not hindered due to financial constraints from sending their children to private schools if they so want.[458] In Austria, this freedom which parents have with regard to the education of their children could equally entitle them to unsubscribe for them the study of religion in school as long as they are minors under 14 years of age, after which they could do so themselves.[459] The relationship of the Christian family to the sacraments especially Baptism and Matrimony is the foundation on which Christian education of the child stands. It is grounded in the sacrament of Baptism and expresses itself fully in the Eucharist.[460] "The family is the principal school of the social virtues"[461] and parents are by this fact bound to hand over their world-views to their children through their life examples.[462]

Being the primary agent of the education of children, the family is not the only and exclusive community.[463] Persons are beings who are fulfilled in community, they are social animals. As human beings and members of the Body of Christ, parents may not be able to carry out the complete education of their children alone. They are to be helped by the state and the Church in this process. In this regard, Pope Pius XI noted that the family as an imperfect society has not in itself all the means for its complete development. It needs the help of the state, the Church, and as Siebenrock further suggested, individual/private persons, friends and the general society to realize its aim in education.[464] This was why Wil-

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[458] Art. 6 VatII GE.

[459] *Aymans-Mörsdorf-Müller* KanR III, p. 113.

[460] Art. 57 VatII GE.

[461] Art. 3 VatII GE.

[462] *Aymans-Mörsdorf-Müller* KanR III, p. 79; *Axel Freiherr von Campenhausen,* Erziehungsauftrag und staatliche Schulträgerschaft. Die rechtliche Verantwortung für die Schule. Göttingen 1967, pp. 28-54.

[463] Art. 40 VatII GE.

[464] Art. 12 VatII GE; *Siebenrock,* Theologischer Kommentar zur Erklärung *Gravissimum Educationis,* p. 560.

helm Rees interpreted the thoughts of *Gravissimum Educationis* with regard to freedom of parents to choose schools for their children as an act of religious freedom[465] which must be respected by the state.[466]

3.1.3.2. Right of Parents to Choose Schools for their Children

For Gerlinde Katzinger, the existence of Catholic private schools is both an implementation of as well as a concretization of the rights of parents to educate their children,[467] because they offer parents opportunities to make a choice of which schools suit their purpose of education. C. 797 CIC/1983 expressly asserted the real freedom which parents should have for the choice of schools for their children. This is because it is the right of parents to hand down their world-views and religious convictions to their children. Since the goal of Catholic education is integral, education of children which has its last end the salvation of souls as well as contribution to the goods of society, it is parents natural right to determine this for their children. The role of the State is to see to it that the wish of parents does not go contrary to the common good of society. For instance, if parents profess a violent form of religion and desire to hand on this form of religion to their children, the state can discover and stop this intention through the process supervision and control of the entire school system. Art. 17 of the *Austrian fundamental Law* (StGG)[468] guaranteed freedom for the establishment of private schools. This parental right to educate their children is therefore grounded on this freedom. This, according to Gerlinde Katzinger, guarantees parents the freedom to make a choice between public and private

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[465] *Aymans-Mörsdorf-Müller* KanR III, p. 8.

[466] *Rees*, Beaufsichtigung, p. 405.

[467] *Katzinger*, Privatschule, p. 277.

[468] Staatsgrundgesetz vom 21. December 1867, über die allgemeinen Rechte der Staatsbürger für die im Reichsrathe vertretenen Königreiche und Länder, in: RGBl. Nr. 142/1867, i.d.g.F. in: BGBl. Nr. 684/1988 (NR: GP XVII RV 134 AB 667 S. 81. BR: AB 3596 S. 509).

schools for their children. As Wilhelm Rees said, education has its foundation in the fact that the human being came into this world as a helpless being and need the help of adults to integrate in the world.[469] The immediate adults to the child are the parents. That gives them both a divine and natural right to educate them and the right to decide which form of education that best suits the child.[470] Rees maintained that this natural right of parents is an unbroken part of the child-parents relationship[471] which should be protected by every education law. When the State grants parents the freedom to make their choices of which school to send their children, it is an expression of religious freedom and according to Gerlinde Katzinger, a respect of their fundamental human right.[472]

3.1.3.3. Christian Education through Family Catechesis: Responsibility of Christian Parents

Herman Lombaerts and Elżbieta Oswska agree that family catechesis is a wonderful way of introducing children into the mystery of God.[473] It is the duty of Christian parents to engage their children early enough in revelation of the mystery of God through family catechesis. With different forms of catechisms designed to suit the age and understanding of children, parents fulfill their obligation of imparting Christian education on their children. Other materials available to parents for this function include the bible, especially a book of interesting stories from the bible

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[469] *Rees,* Der Religionsunterricht und die Katechetische Unterweisung, p. 28.

[470] *Leo XIII*, Enc *Sapientiae Christianae*, p. 403; *Pius XI*, Enc *Divini illius magistri*, p. 58; *Rees,* Der Religionsunterricht und die Katechetische Unterweisung, p. 28.

[471] *Ibid.*, p. 32.

[472] *Katzinger*, Privatschule, p. 279.

[473] *Herman Lombaerts / **Elżbieta** Osewska*, Family Catechesis / Religious Education in 21th Century Europe, in: ***Elżbieta** Osewska, / Józef Stala* (eds.), Religious Education / Catechesis in the Family: A European Perspective. Wydawnictwo Uniwersytetu Kardynala Stefana Wyszynskiego (Education today 20). Warszawa 2010, pp. 27-47, esp. p. 36.

meant for their age; books explaining Church traditions, liturgy and life experiences of Christians especially the story of saints. The period of Protestant Reformation helped the Church to give time and attention to children's catechism. Today, when family life is disturbed by different waves of propaganda from the communication media; when young people have many different alternative activities like sport, Internet, cinema, discos, shopping and music,[474] the emphasis on family catechesis is becoming even more necessary. One may equally use the concept Religious education in the family as an alternative to family catechesis. In this sense, it could be understood as "a process of helping a person to get the religious sensitivity and slowly mature as a religious person" in the family.[475]

As it is the responsibility of all parents to lead their children into their own particular world-view, it is the duty of Christian parents to bring them up in the way of Christian living which is their own world-view. By the sacrament of matrimony, man and woman establish a partnership of their whole life which is ordered not just to their well being but gives them the obligation to educate them (c. 1055 § 1 CIC/1983). This process whereby Christian parents transmit their own world-view to their own children is in a sense Christian education. It means leading them through the various sacraments to life in Christ. Wilhelm Rees rightly remarked that marriage equips parents with the grace to care for their children not only physically but also socially, culturally and also morally, ethically and religiously.[476] Wherever the State allows the founding of Catholic private schools, a challenge as well as an obliga-

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[474] *Józef Stala*, Religious education / Catechesis in the family: A basic psychological and Church perspective, in: *Elzbieta Osewska / ders.* (eds.), Religious Education / Catechesis in the Family: A European Perspective. Wydawnictwo Uniwersytetu Kardynala Stefana Wyszynskiego (Education today 20). Warszawa 2010, pp. 49-57, esp. p. 50.

[475] *Lombaerts / Osewska*, Family Catechesis, p. 43.

[476] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 30.

tion is placed on parents to send their children to these schools for a Catholic education.[477] The law of the Church places a penalty on parents or guardians who hand over their children to be educated in a non-catholic religion (c. 1366 CIC/1983). It is treated in this new code under the offences against religion and the unity of the Church. Even where there are no Catholic schools, parents are expected by the 1983 Code to look for opportunities to give their children Catholic education (c. 798 CIC/1983). The 1917 Code forbade parents from sending their children to non-Catholic schools except through the permission of the diocesan bishop (c. 1374 CIC/1917).

3.1.3.4. The State

Gravissimum Educationis based its thoughts on the role of the state towards the education of its citizens on the principle of Subsidiarity[478] whereby each part of the social reality contributes its quota in the overall interest of the whole organization. The provision of social amenities is one of the *raison d'être* of the state. The state is expected to build basic infrastructure for the good of its citizens. Schools belong to one of these basic infrastructures to be provided by the government. Education, as Pope Pius XI pointed out, is essentially a social and not an individual activity and, as such, the state also possesses a right to educate its citizens in virtue of its authority in temporal matters. This authority it exercises through legislation and supervision of schools and the protection of the rights of both parents and their children with regard to education.[479] To these catalogues of help from the State in the training of children,

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[477] *Katzinger*, Privatschule, p. 281.

[478] See: *Helmuth Pree*, Grundfragen kirchlichen Vermögensrechts, in: HdbKathKR^2, pp. 1041-1068, here p. 1044; *Franz Pototschnig* discussed this under the fundamentals of education and child education (Grundsätzliches zu Bildungswesen). See: *Pototschnig*, Bildungswesen, p. 722; see also *Heribert Schmitz*, Der Codex Iuris Canonici von 1983, in: HdbKathKR^2, pp. 49-76, here p. 55.

[479] *Katzinger*, Privatschule, p. 278.

Roman Siebenrock added the training of teaching staff, development of appropriate educational method, quality security of studies, provision of health insurance and school supervision.[480] Although the fathers of the Second Vatican Council did not object to the state's control and supervision of the education system, it frowns at an attitude of totalitarianism and absolute control of education by some states. The recognition of the plural nature of today's society should enable the state to act with open heartedness in relation to private agencies which make their input in education.

3.1.3.5. The Church

The fathers of the Second Vatican Council recognized the Church as another important agent of education. This is why for Wilhelm Rees the thoughts of the Second Vatican Council on the relationship between the Church and state in relation to Christian education should be a situation whereby the Church has her freedom to impact Catholic education but not without the state's assistance.[481] In his very important encyclical on Christian education, Pope Pius XI presented three basic reasons why the Church is entitled to be addressed as a teacher. First, the Church is a perfect society and "has an independent right to means conducive to her end".[482] As a mother takes care of the welfare of her children, so the Church takes care of the needs of her spiritual children. She fulfills this motherhood-function by nourishing them with the sacraments and the word of life through preaching and catechesis. In line with the means available to the Church to educate, Roman Siebenrock enumerated, among other things, the catechesis, liturgy, social means of communication, youths organization, witnessing and Diakonie in line with Catholic

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[480] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 571.

[481] *Rees*, Beaufsichtigung, p. 406.

[482] *Pius XI*, Enc *Divini illius magistri*, n. 18.

schools.[483] Thirdly, the Church has a divine mandate to teach.[484] It is her call and identity. Gravissimum Educationis beckoned the faithful, therefore, to help the Church in the fulfillment of her office as educator as well as help her to fulfill her mandate to teach all peoples which she received from her Lord.[485] A well ordered collaboration between these agents of education, parents, the state and the Church is necessary so that each could play its role according to its gifts and competence to enhance the value of education.[486] They are not to be totally separated from one another in such a way that they lack coordination. Each agent has its means of reaching its goal in education. We shall now discuss the various means which the Church as an agent of education uses to arrive at her goal as stipulated in *Gravissimum Educationis.*

3.1.4. Means of imparting Catholic Education

Gravissimum Educationis outlined various means through which the Church carries out her teaching function. Among them, it singled out catechesis, instruments of social communication and catholic schools.

3.1.4.1. Catechesis

The German Bishops' Conference in their post-conciliar publication noted that catechesis is a matter that existed in the Church from her early times.[487] Oskar Stoffel named catechetical instruction as one of the most preferred form of the Ministry of the word.[488] The treatment of Catechesis in *Gravissimum Educationis* is the basic source of the 1983 Code of Canon Law on this theme which could is found in cc. 773-780

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[483] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 569.

[484] *Katzinger*, Privatschule, p. 275.

[485] Art. 6 VatII GE**.**

[486] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 568.

[487] *Paul VI*, ApE *Evangelii Nuntiandi*, Art. 6.

[488] *Stoffel*, Verkündigung in Predigt und Katechese, pp. 669-677.

CIC/1983. Rees noted that the Church's three-fold task of: introduction into the Christian message, celebration of the faith received and living it out in the Christian services are all strengthened in Catechesis[489] in accordance with the notion of the Post-conciliar documents.[490] The meaning of Catechesis for the Church has always been the strengthening of the faith already received.[491] In Catechesis, the catechist not only exposes but also expounds the mysteries of the Christian faith so that the faithful who have already been led to faith by the Holy Spirit may deepen belief in the Holy Trinity. Through catechetical initiatives in parish-catechesis, the catechumens grow by the good examples of those who have received the Christian faith before them.

3.1.4.2. Means of Social Communication

Another means of imparting Catholic education treated by *Gravissimum Educationis* is the means of social communication. Various means of social communication are available today. They preoccupy the average mind, who finds little or no time either to read the Word of God or to participate in Church activities. Such means of social communication as television, radio, the press, cinema, CD-tapes; audio-visual-cassettes, films and digital social media almost take hold of average minds today. *Gravissimum Educationis* stipulates that those involved in the education of youths should extensively make use of these media in order to reach out to them.[492] The Decree of the Second Vatican Council on the Means of Social Communication *Inter Mirifica* holds that the Church is more interested in those communication media which directly touch men's spirit,[493] which, when properly used, can contribute to the enrichment of

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[489] *Coriden*, An introduction to Canon Law, p. 106.

[490] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 120.

[491] Art. 12 VatII CD.

[492] Art. 4 VatII GE.

[493] Art. 4 VatII IM.

the human mind.[494] The Church's interest in these means of social communication is to direct men towards the goal for which they were made. The fathers of the Second Vatican Council, therefore, remind the Church leaders of their right to own and use these media and by so doing guide Christians in the right use of these materials. The Church's participation in the establishment and control of the means of social communication enables her to help mankind in establishing an objective moral order[495] which helps persons to focus on God as the creator and avoid what Pope Benedict called the *dictatorship of relativism.*[496] *Gravissimum Educationis*, therefore made references to *Inter mirifica* in its treatment of the means of imparting Catholic education. This document was published two years before it and is also the source of cc. 822-832 CIC/1983 on this subject.

3.1.4.3. Catholic Schools in Gravissimum Educationis

The task and goal of the Catholic school were the first and the Centerpiece of Gravissimum Educationis. This goal can be understood in the words of Benedict XVI that Catholic schools must be a privileged place for integral education through a lively encounter between religious ethos and cultural inheritance,[497] and a place where faith and culture are integrated.[498] In understanding the thoughts of this Declaration, one would agree with Roman Siebenrock that the theme, Catholic schools include those schools established by dioceses, parishes, religious congregations

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[494] Art. 2 VatII IM.

[495] Art. 6 VatII IM.

[496] *Benedict XVI*, Light of the World: The Church and the Signs of the Times: A conversation with *Peter Seewald*. San Francisco 2010, pp. 50-54.

[497] *Sekr. DBK* (Hg.), Aparecida 2007. Schlussdokument der 5. Generalversammlung des Episkopats von Lateinamerika und der Karibik, 13.-31. Mai 2007 (Stimme der Weltkirche 41). Bonn 2007, nn. 328-330 (cap. 6.4.6 Die katholische Ausbildung).

[498] *SC InstCath*, The Catholic School, cap. IV, n. 38.

as well as those founded and run by catholic faithfuls which possess the catholic spirit.[499] In this sense, Catholic schools "are characterised by the institutional link they keep with the Church hierarchy".[500] In these schools, it is not only academic but also a connection with the message of salvation that shall be the goal. It is in this regard that this Document encouraged the combination of faith and reason as the fundamental principle of Catholic education. Through this combination, students develop an integrated personality, human abilities and grow to personal responsibility.[501] This helps them to be useful to both the Church and society.

For these schools, parents, the Church and the State are the most important agents of education. The right which every citizen has to establish schools and partake in the education of children is a recurrent thought of many authors[502] and the constitution of many countries. Just like Pope Pius XI,[503] the fathers of the Second Vatican Council maintained that education in its *Catholic form*, that is, as taught in Catholic schools[504] should be seen and understood as the true and perfect education.[505] This is because its goal marks it out from other types or forms of education. It aims at directing man towards his ultimate end in life by imbuing its recipients with the spirit of the Gospel and expounding the saving mysteries of Christ. Catholic education prepares men to bear witness to justice and integrity in the world. The fathers reinstated the Church's right to establish and manage its schools. Distributive justice, they imply, should impel government to support mission schools so that

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[499] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, pp. 571 f.

[500] *C InstCath*, LC on Religious Education in schools, May 5, 2009, cap. II, n. 6.

[501] *Ibid*.

[502] *Kalb*, Arten von Privatschulen, p. 323.

[503] *Pius XI*, Enc *Divini illius magistri*, n. 7.

[504] *Ratzinger / Benedikt XVI*., Das Menschenbild des Konzils, pp. 882-886.

[505] Art. 8 VatII GE.

they may be affordable to both Catholic and non Catholic parents who may want to send their children to these schools. C. 1374 CIC//1917 forbade Catholic children from attending non-Catholic schools. *Gravissimum Educationis*, however, softened this stance. It exhorts pastors of souls to make Catholic schools to be Centers of excellence, where the Catholic faith is properly taught. They should as well pay attention to the non-Catholic schools that are attended by Catholic children. It encourages Catholic action; first among students and then among teachers. The formation of *Catholic Students' Unions* (CSU) exemplified in the *Young Catholic Students* in both private and public secondary schools in Nigeria, is a good example of such unions. These unions and organizations would help in establishing Catholic identity among students. This it does without destroying the spirit of Ecumenism in schools. Ecumenism in the right sense means: "asserting your faith while at the same time respecting the views of others".[506] Furthermore, in order to establish an active Catholic presence in non-Catholic schools, pastors and teachers should teach catechism in these schools. In Nigeria, the Catholic presence is established through the establishment of Catholic chaplaincies in both non-Catholic private and public schools.

Gravissimum Educationis urges the Catholic faithful to cooperate with the Church in ensuring the development of excellent systems and methods of education. The role of catholic teachers in the establishment of a good Catholic school system was greatly emphasized by this document. Benedict XVI emphasized that teachers in Catholic schools should take it as their personal projects to let Christ transform the life of the students.[507] While praising the sacrifices of these teachers, it reminds them that only by their making available their talents, can the objectives of the Catholic schools be realized. They should bear an active witness

[506] *John Paul II*, ApE *Catechesi Tradendae*, Art. 33.
[507] *DBK*, Aparecida 2007, n. 332.

by their apostolate and service.[508] Siebenrock emphasized that teachers constitute the core of Christian education in Catholic schools. According to him, being a teacher is more than just a job and a school is more than just a place where learning is given or where people are prepared for their future jobs. They have a character, a "communio" which is grounded in Christ and open for mankind. This is what he called a dialogue of friendship.[509]

3.1.4.4. Catholic Universities and Faculties

The definition of a university by *Ex corde Ecclesia* may be fundamental to our understanding of the idea of a Catholic University in Second Vatican Council. In part one number 12 this document defined a university as:

> "An academic community which, in a rigorous and critical fashion, assists in the protection and advancement of human dignity and of a cultural heritage through research, teaching and various services offered to the local, national and international communities. It possesses that institutional autonomy necessary to perform its functions effectively and guarantees its members academic freedom, so long as the rights of the individual person and of the community are preserved within the confines of the truth and the common good."

In fact, George H. Tavard, sees the words *catholic* and *university* as synonymous since the two words refer to the concept *universal.*[510] Joseph A. Komonchak insists that catholic universities differentiate them-

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[508] Art. 8 VatII GE.

[509] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, pp. 572 f.

[510] *George H. Tavard*, Comment: The nature of a university, in: *John P. Langan* (ed.), Catholic Universities in Church and Socity: A Dialogue on Ex cored Ecclesiae. Washington/DC 1993, pp. 63-68, esp. p. 65.

selves from other universities by their catholic identity which has implications for the kind of things to which they devote their research and teaching. Its catholic identity goes beyond mere presence of catholic theological faculty among its faculties. It is an instrument of cultural progress and promotion of the dignity of human life, justice and equality of life, protection of nature and search for peace and stability.[511] Joseph Ratzinger described a catholic University as a Catholic conception of education on the academic level.[512] According to Pope John Paul II, Catholic universities ensure not only that the gospel be preached in all the spectrums of the university world but that the power of the gospel permeates "thought patterns, standards of judgment and norms of behaviour"[513] of humanity.[514] *Gravissimum Educationis* advocated the establishment of Catholic universities and faculties of sacred sciences, strategically distributed.[515] Such universities should be institutions where faith and reason find their convergence.[516] The thoughts of the fathers of this council on the establishment of Catholic universities and faculties of sacred sciences are the source of the 1983 Code regarding the same topic which one finds in cc. 807-814. This thought reflects those of Pope

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[511] *Komonchak*, The Catholic University, p. 41.

[512] *Ratzinger / Benedikt XVI*., Das Menschenbild des Konzils, p. 885.

[513] *John Paul II*, Address to the "Regents" of the Catholic University of America, 13 October, 1987, https://w2.vatican.va/content/john-paul-ii/en/speeches/1987/october/documents/hf_jp-ii_spe_19871013_regents.html (5.5.2015); *ders.*, Address to a group of Bishops from the United States of America on their "Ad limina Apostolorum" Visit, 28 October 1983, in: ***AAS*** 76 (1984), pp. 383-389, here p. 387, Art. 6, engl. in: http://w2.vatican.va/content/john-paul-ii/en/speeches/1983/october/documents/hf_jp-ii_spe_19831028_usa-ad-limina.html (5.5.2015).

[514] *John Paul II*, ApC *Sapientia Christiana* on Ecclesiastical Universities and Faculties, 15 April, 1979, in: AAS 71 (1979), pp. 469-499, here Art. 1.

[515] Art. 10 VatII GE.

[516] *Pius XI*, Enc *Divini illius magistri*, nn. 28 and 56.

Pius XI which sees the Church as a path-finder in establishment of universities in the world.[517] *Gravissimum Educationis* noted the right of the Church to build her own universities and other faculties of philosophy and theology which would bear witness to the world of the perfect combination of true faith and scientific research of higher standard. Even though the Catholic universities should be Centers of excellence, the council admonishes that it should be made affordable to the children of the poor. In fact, admission into them should be open to "students of great promise but of modest resources, and especially for those from newly developed countries".[518] These universities fulfill a special role in the Church's ministry of Evangelization.[519] If the Church should preach the gospel of Christ, she must bring joy and consolation to the poor. Catholic schools and universities should be Centers of excellence but this excellence should include service to the poor. The duty of the faculties of sacred sciences would be to promote research in different fields of sacred sciences[520] to expound sacred revelation, promote the unity of knowledge as well as direct education towards its destined goal. They are a melting point between faith and reason.[521] As Roman Siebenrock stressed, the bringing of Christian spirit into the world of science would uplift the human culture to a high standard and help those attending Catholic universities to build up personalities which are ready to take up responsibilities in both Church and society.[522]

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[517] *Ibid*., n. 25.

[518] Art. 10 VatII GE.

[519] *John Paul II*, Address to the "Regents" of the Catholic University of America, 13 October, 1987, https://w2.vatican.va/content/john-paul-ii/en/speeches/1987/october/documents/hf_jp-ii_spe_19871013_regents.html (5.5.2015).

[520] Art. 11 VatII GE.

[521] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 575.

[522] *Ibid*.

4. Christian Education in Other Vatican II Documents

4.1. General Introduction

In this section, we shall try to explore the various elements of Christian education contained in some of the documents of the Second Vatican Council. Generally this council was the Church's efforts to define herself anew in the contemporary world. It was, according to Pope John XXIII, a new Pentecost of the Church; a new beginning of the Church from the root of faith.[523] This council sought to make both an internal and external revolution in the Church. This is what Roman Siebenrock called conversion of heart not only internally but also externally.[524] The various documents were in one way or the other a presentation of the Church's efforts in the area of Evangelization. We shall begin with the Dogmatic Constitution on the Church *Lumen Gentium*.

4.1.1. Lumen Gentium

The Dogmatic Constitution on the Church *Lumen Gentium* was issued on 21 November, 1964. In it, the Church articulated a new definition of herself and her evangelizing mission. Here the Church defined herself as a Sacrament, a Mystery which means a sign and instrument of communion with God and unity among all men (and women).[525] The new interpretation of the Church as a "People of God made up of a

[523] *Luigi Bettazzi*, Das Zweite Vatikanum. Neustart der Kirche aus den Wurzeln des Glaubens. Würzburg 2012, p. 55.

[524] *Roman Siebenrock*, „Siehe, ich mache alles neu!" – „Hermeneutik der Wandlung". Von der rechten Weise, das Zweite Vatikanische Konzil zu realisieren, in: *Christoph Böttigheimer* (Hg.), Zweites Vatikanisches Konzil. Programmatik – Rezeption – Vision (QD 261). Freiburg im Breisgau / Basel / Wien 2014, pp. 101-139, here p. 139.

[525] Art. 1 VatII LG.

common and ministerial priesthood"[526] was revolutionary because it expressed the efforts of the fathers of the Second Vatican Council to see the Church as a brotherhood of men and women, who have a common origin founded on Baptism.[527] Roman Siebenrock pointed out the deeper meaning of this concept when he said that the Council wanted to print the image of Christ the good shepherd in the heart of all Christians such that the Pope will be seen as a parish priest, the Bishop as a soul-saver and the theologian as a spiritual master, the lay as witnesses and the whole Church as co-pilgrim in the train of humanity in the world.[528] It was an effort to recognize the equality of dignity of all Christians. This image of the Church may be linked in this formulation to the currency of ideas streaming from the 1948 *United Nations Universal Declaration of Human Rights*. Art. 1 declared that "all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". This corresponds to the idea of the common Priesthood of all the faithful.[529] *Lumen Gentium* identifies the Church as a mystery,[530] the Sacrament of salvation. She is a sacrament; an instrument of communion with God and of unity among human beings (Art. 1 VatII LG). Roman A. Siebenrock identifies this image of the 'Church as a sacrament' as a sign whereby God uses the visible signs to accomplish an inner action. That is why, when the priest baptizes, it is God that baptizes.[531] The Church defined herself anew reckoning all her members as having not just a common origin in Baptism but are also co-carriers of responsibility in

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[526] See *Wenzel*, Kleine Geschichte des Zweiten Vatikanischen Konzils, pp. 61-66; see also Art. 9-11 VatII LG.

[527] *C Cler*, General Directory for Catechesis, Art. 27.

[528] *Siebenrock*, „Das Geheimnis der Kirche skrupulant erforschend …", p. 430.

[529] *United Nations Department of Public Information*, Universal Declaration of Human Rights, Art. 1.

[530] *Wenzel*, Kleine Geschichte des Zweiten Vatikanischen Konzils, pp. 54-66.

[531] *Siebenrock*, Kommunikativ-dramatische Zeichen, pp. 238-264.

the Church. The Lay people are no longer mere listeners to the word of God, they are called to a mutual service in charity; being now people who have rights, responsibility and privilege. So Christ shares her prophetic mission not only with the Church's hierarchy but also with lay people whom he has called through Baptism.[532] The Church is not made up of the Clergy alone. She is the people of God. To buttress this fact, Benedict XVI in His speech at the inaugural session of the fifth General Conference of the Bishops of Latin America and the Caribbean, reminded the laity that "they too are the Church, the assembly called together by Christ so as to bring his witness to the whole world …. All baptized people must … consider themselves jointly responsible for building society according to the criteria of the Gospel, with enthusiasm and boldness in common with their pastors".[533]

It is in this sharing in the prophetic mission of Christ by all the baptized that one could identify an element of Christian education *in Lumen Gentium*. Another essential element of Christian education found in *Lumen Gentium* is to be identified in its thoughts on Inculturation. The evangelizing mission of the Church makes an encounter with culture and assumes whatever good is to be found sown in them which she preserves from destruction, purifies it and raises it up to the glory of God.[534] In Inculturation, the Gospel message meets and interacts with every culture in order to redeem it. This is what Pope Francis identifies as "sowing the seed of the Gospel among cultures and shedding the light of Christ in them in order to enlighten them".[535]

Christian education is also to be identified in the way Christians take part in the sacramental life of the Church. By the sacraments of initiation, the Catechumens are welcomed into the Christian fold. They ac-

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[532] Art. 12, 32 and 35 VatII LG.

[533] *Benedict XVI*, Apostolic Journey to Brazil, 13 May 2007, Art. 5.

[534] *Ibid*., Art. 17.

[535] *Francis*, ApE *Evangelii gaudium*, Art. 68 and 74.

quire the new status of prophetic witnesses to Christ in the Church and in the world. In the various sacraments, the ministers of the Church have the opportunity to fulfill their duty and obligation to teach by preparing the Christians to receive the sacraments. By the sacrament of matrimony and family life for instance, the People of God are open to the responsibility and privilege of begetting children and the challenge of giving them parental upbringing and Christian education.[536]

4.1.2. Unitatis Redintegratio

The Decree on Ecumenism[537] of the Second Vatican Council, *Unitatis Redintegratio* dealt with the question of the disposition towards as well as the relationship of the Catholic Church with other Christian denominations. The highest form of this disposition was what *Unitatis Redintegratio* called "spiritual ecumenism whereby this council called for a change of heart , holiness of life; public and private prayer for unity among all Christians" (Art. 21 VatII UR). Actually, the division that engulfed the Church during and after the reformation caused a great chasm between Christians such that people from different faiths looked at each other with great suspicion. According to Ilona Riedel-Spangenberger, the culpability of this division is to be blamed on sides of the divide, Catholics and our separated brothers.[538]

The fathers of the Second Vatican Council noted that the division which exists among the various Christian denominations contradicts the

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[536] *Ibid*., Art. 11; see also c. 1055 § 1 CIC/1983.

[537] *Heinrich J. F. Reinhardt* presented a good explanation of the Catholic view of ecumenism since after the Second Vatican Council. See: *Heinrich J. F Reinhardt*, Ökumenische Perspektiven der katholischen Kirchenverfassung, in: *Wolfgang Bock* (Hg.), Gläubigkeit und Recht und Freiheit. Ökumenische Perspektiven des katholischen Kirchenrechts. Göttingen 2006, pp. 99-115; *Jeffrey Thomas VanderWilt*, Communion with Non-Catholic Christians, Risks, Challenges, and Opportunities. Collegeville/Minnesota 1986, pp. 16-22.

[538] *Ilona Riedel-Spangenberger*, Der ökumenische Auftrag, in: HdbKathKR^2, pp. 684-700, here p. 684; see also: Art. 1 and 3 VatII UR.

will of Christ, scandalizes the world and damages the holy cause which Christians have of preaching the Gospel to every nation. By means of this document, the Catholic Church addresses the other Christian denominations as *separated brethren* which one could interprets to mean *unity in diversity*. She now values those things which unite not separate us; desiring earnestly the restoration of unity among Christians of all denominations.[539] This is why Pope Francis clarifies that unity expresses itself in the love of God and neighbor.[540] It is the Holy Spirit working in his grace who initiates this inner desire for unity among Christians of all confessions.[541] This Council challenged Christians to strive for unity among each other. The necessity of this dialogue, according to Kurt Kardinal Koch, is real for the Church today.[542] Its highest form is what Markus Dröge called "ecumenical dialogue of experts"[543] and it is one of the highest efforts of the Church today. Pope Francis located the difficulty to visible unity of Christians in the different theological inter-

[539] Art. 1 and 2 VatII UR.

[540] Gemeinsame Erklärung von Papst Franziskus und dem Ökumenischen Patriarchen Bartholomaios I. von Konstantinopel am Sitz der Apostolischen Delegation in Jerusalem (25. Mai 2014), in: *Sekr. DBK* (Hg.), Apostolische Reise Seiner Heiligkeit Papst Franziskus ins Heilige Land, Predigten, Ansprachen und Grußworte, 24.-26. Mai 2014 (VApSt 197). Bonn 2014, pp. 40-45, here p. 41; Common Declaration of Pope Francis and the Ecumenical Patriarch Bartholomew I, Apostolic Delegation (Jerusalem) Sunday, 25 May 2014, engl. in: https://w2.vatican.va/content/francesco/en/speeches/2014/may/documents/papa-francesco_
20140525_terra-santa-dichiarazione-congiunta.html (5.5.2015).

[541] Art. 2 VatII UR.

[542] *Kurt Kardinal Koch*, Aktuelle Fragen des ökumenischen Dialogs aus der Sicht des Päpstlichen Rats zur Förderung der Einheit der Christen, in: *Wilhelm Rees* (Hg.), Ökumene. Kirchenrechtliche Aspekte (KRB 13). Wien / Berlin 2014, pp. 47-65.

[543] *Markus Dröge*, Die „Ökumene der Profile" freundschaftlich gestalten – Plädoyer für einen neuen Stil öffentlicher religiöser Diskurse, in: Kirche & Recht. Zeitschrift für die kirchliche und staatliche Praxis (2012), pp. 261-277.

pretations on what the Church is.[544] When the Second Vatican Council recognized the Eastern Christians as having "access to God the Father through the Son, and the Word made flesh" (Art. 15 VatII UR); when Karl Rahner recognized some Churches outside the Church[545] and noted that the grace of God can work outside the Church, even in *Anonymous Christians*;[546] Hugo Schwendenwein would recognize these renewed efforts of the Church towards the unity of all Christians as a bold step in the right direction.[547] The Thesis of P. Ivan Žužek, Secretary of the Commission on the Eastern Code in 1971 that, the Catholic Church recognizes the jurisdiction of the Orthodox Bishops whose root goes back to the Apostolic Succession is a theme of ecumenism;[548] a them of unity in diversity.[549]

The Second Vatican Council has brought in a deeper ecumenical spirit which helps the Church in her dealing with her other Christian brethren. This council opened a way to dialogue through *communio* which is seen in the common participation in some common liturgical celebrations by Christians. For example, under certain conditions, the

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[544] The World seen from Rome [ZE141218], Rome Friday, December 19, 2014, http://sasalecommunity.
blogspot.co.at/2014/12/ze141218-world-seen-from-rome.html (5.5.2015).

[545] *Karl Rahner*, Die Heilsfrage der Nichtchristen, in: *ders*., Sämtliche Werke, Bd. 22/2: Dogmatik nach dem Konzil. Theologische Anthropologie und Ekklesiologie, bearb. von Albert Raffelt. Zürich / Freiburg / Basel / Wien 2008, pp. 283-356, esp. pp. 283 f. (Kirche außerhalb der Kirche), here p. 283.

[546] *Ibid*., pp. 284-291.

[547] *Schwendenwein*, Ökumenische Perspektiven, p. 401.

[548] *Ivan **Žužek***, Hat die katholische Kirche die Jurisdiktion der orthodoxen Bischöfe nach dem II. Vatikanischen Konzil anerkannt oder nicht?, in: ÖAKR 22 (***1971***), pp. 109-128, here p. 121, quoted in *Schwendenwein*, Ökumenische Perspektiven, p. 401.

[549] *Martin Ebner*, Vielfalt und Einheit unter neutestamentlichen Gemeinden, in: *Karl Hillenbrand / Günter Koch / Josef Pretscher* (Hg.), Einheit und Vielfalt. Tradition und Innovation in der Kirche. Würzburg 2000, pp. 11-35.

1983 Code allowed Church funerals of a non-catholic through a Catholic minister (c. 1184 § 2 CIC/1983).[550] Hugo Schwendenwein sees this ecumenical tolerance of the Church for example by the Church merely requiring the permission of the Local Ordinary (c. 1124 CIC/1983) for a mixed marriage to take place.[551] The renewed spirit of ecumenism of the Second Vatican Council equally shines out in the provisions of c. 844 § 2 CIC/1983:

> "when necessity requires or a genuine spiritual advantage commends it, and provided the danger of error or indifferentism is avoided, Christ's faithful for whom it is physically or morally impossible to approach a catholic minister, may lawfully receive the sacrament of penance, the Eucharist and anointing of the sick

[550] *Wilhelm Rees*, Kirchenrechtliche Anmerkungen zur ökumenischen Gemeinschaft in der Feier der Sakramente und in anderen liturgischen Feiern, in: *ders.* (Hg.), Ökumene. Kirchenrechtliche Aspekte (KRB 13). Wien / Berlin 2014, pp. 161-174. A further example of the openness of the Second Vatican Council to ecumenism is the fact that under some conditions, a non-Catholic in the company of a Catholic may be allowed in the sponsorship of a Catholic Baptism (c. 874 § 2 CIC/1983).

[551] *Schwendenwein*, Ökumenische Perspektiven, p. 399; for the difference between dispensation and permission, see: *Josef Lederer*, Der Dispensbegriff des kanonischen Rechtes unter besonderer Berücksichtigung der Rechtssprache des CIC (MThS.K 8). München, 1957, pp. 66-71. C. 1061 CIC/1917 demanded that both the Catholic and non-Catholic parties promise to remove the danger of perversion of the Catholic party and that both parties should promise that all their children be baptized and brought up as Catholics while c. 1125 §§ 1 and 2 demanded only that the catholic party declare his or her readiness to remove the danger of defection from the faith and promises to baptize all the children in the catholic Church and give them Catholic Education. The other party is by the provisions of § 3 to be informed of these promises made by the catholic party and be made aware of the obligations arising from these promises. This is an ecumenical bend by the new code.

> from a non-catholic minister in whose Church these sacraments are valid."

§ 3 of the same Canon equally stipulated that:

> "Catholic ministers may lawfully administer the sacrament of penance, the Eucharist and anointing of the sick to members of the eastern Churches not in full communion with the Catholic Church, if they spontaneously ask for them and are properly disposed. The same applies to the members of the other Churches which the Apostolic See judges to be in the same position as the aforesaid eastern Churches so far as the sacraments are concerned."

Hugo Schwendenwein sees this as an improvement of the 1917 Code.[552] The Local Ordinaries as well as the Episcopal Conferences are also by the provisions of c. 755 § 1 CIC/1983 to direct ecumenical actions among all Christians.

Education in the Christian faith is made manifest in the Christian preaching which occupied the ministry of the Apostles and is still the obligation of all Christian people today.[553] It is also to be seen and encouraged by the activities of the ecumenical movements; in their common cooperation for charitable works, in common prayers as well as collaboration in theological matters. This is true in Nigeria between the different Christian Churches especially with reference to their persecution by some fundmentalistic Islamic sects.[554] Other ecumenical activities which the Church encourages include, preparing future pastors in ecumenical studies and other branches of theological studies and pre-

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[552] *Schwendenwein*, Ökumenische Perspektiven, p. 403.

[553] *Ibid*.

[554] *Ernest Obodo*, Ökumenischer Dialog zwischen römisch-katholischer und evangelischer Kirche in Nigeria, in: *Wilhelm Rees* (Hg.), Ökumene. Kirchenrechtliche Aspekte (KRB 13). Wien / Berlin 2014, pp. 195-202, here p. 201.

senting the Catholic faith in accordance with the hierarchy of truths.[555] *Unitatis Redintegratio* educates Catholics to be well grounded in their catholic faith while trying to understand the doctrines of the other Christian bodies in order to respect their religious feelings. The call to ecumenism is both and a task of all Christians.[556]

4.1.3. Christus Dominus

As Karl Rahner and Herbert Vorgrimler explained, *Christus Dominus*, issued on 28 October, 1965 was a concretization[557] of *Lumen Gentium's* proposals regarding the office of bishops in the Church and set out to help bishops in their pastoral responsibilities towards their flock. In the Catholic Church, Bishops bear the three Munera of Christ, king, prophet and priest. The 1983 Code reminds us that they are "constituted Pastors in the Church, to be the teachers of doctrine, priests of sacred worship and ministers of governance" (c. 375 § 1 CIC/1983). They are successors of the Apostles (Art. 6 VatII CD). Richard Puza sees in the three munera exercised by Bishops in the Church, the connection between authority, service and unity of the local Church.[558] James A. Coriden explained the canonical title attached to the office of a bishop as follows: the title *ordinary* is attached to his office; *proper* means that it is exercised in his own name, not vicarious; *immediate* means that it is directed to everyone in the diocese.[559] In communion with the Pope,

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[555] Art. 4, 10 and 11 VatII UR.

[556] *Nestor Tan A. Kobenan*, Die Kunst der Ökumene an der Elfenbeinküste, in: *Wilhelm Rees* (Hg.), Ökumene. Kirchenrechtliche Aspekte (KRB 13). Wien / Berlin 2014, pp. 203-209, here p. 207.

[557] *Rahner / Vorgrimler*, Kleines Konzilskompendium, p. 251.

[558] *Richard Puza*, Der liturgische Leitungsdienst aus kirchenrechtlicher Perspektive, in: *Martin Klöckener / Klemens Richter* (Hg.), Wie weit trägt das gemeinsame Priestertum? Liturgischer Leitungsdienst zwischen Ordination und Beauftragung (QD 171). Freiburg im Breisgau / Basel / Wien 1998, pp. 249-263, here p. 253.

[559] *Coriden*, An introduction to Canon Law, p. 76.

they are successors of the Apostles (Art. 6 VatII CD).[560] The Bishops form a college: the college of Bishops with the Supreme Pontiff as the head of this college (c. 336 CIC/1983). Joseph Ratzinger distinguished between two forms of collegiality of bishops, universal (Gesamtkollegium) and particular (Teilkollegium) collegiality.[561] In this body abides the apostolic body. By the virtue of their sacramental consecration, they succeed the apostolic college. Their collegiality takes its root from their sacramental ordination and their jurisdiction. A single bishop has no authority over the universal Church but over his particular Church. However, as Ratzinger maintained, he is oriented towards the universal Church by his being a member of the college of bishops united with the Pope.[562] One could ask what principle of Catholic Education there is in this document. Art. 12, 14 and 20 VatII LG which established the foundational principles of this document noted that bishops are shepherds of the Church, teachers of the true doctrine as well as ministers of sound worship. To fulfill their principal duties as teachers of the true faith and moderators of the ministry of the word (c. 756 § 2 CIC/1983),[563] they are expected to expound the mysteries of Christ to all men. Using

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[560] *Benedict XVI*, PostExA *Africae Munus*, 19 November, 2011, in: AAS 104/4 (2012), pp. 239-314, here p. 285, n. 101, engl. in: http://w2.vatican.va/content/benedict-xvi/en/apost_exhortations/documents/hf_ben-xvi_exh_20111119_africae-munus.html (5.5.2015).

[561] *Joseph Ratzinger / Benedikt XVI.*, Die bischöfliche Kollegialität nach der Lehre des Zweiten Vatikanischen Konzils, in: *ders.*, Gesammelte Schriften, hg. von *Gerhard Ludwig Müller*, Bd. 7/2: Zur Lehre des Zweiten Vatikanischen Konzils. Formulierung, Vermittlung, Deutung. Freiburg im Breisgau / Basel / Wien 2012, pp. 660-695, here pp. 676-678.

[562] *Ibid.*, p. 675.

[563] *C Ep*, Directory *Apostolorum Successores* for the pastoral ministry of Bishops, February 22, ***2004.*** Vatican 2002, n. 123, engl. in: http://www.vatican.va/roman_curia/congregations/cbishops/documents/rc_con_cbishops_doc_20040222_apostolorum-successores_en.html (5.5.2015).

preaching and catechetical instruction as chief methods of Christian education, the bishops are to ensure that doctrinal instructions are taught in schools, universities and in other public events.[564]

The Congregation of Bishops in their Directory for the pastoral ministry of bishops painted the image of Bishops as shepherds of their flock as well as the principle of unity in their dioceses.[565] As protector of orthodoxy[566] and teacher of faith, Bishops should have as sources of their preaching and catechetical instruction should include Sacred Scripture, Tradition, Liturgy and Magisterium. Bishops are to issue catechetical directives and prepare catechism books for the instruction of the faithful in the Catholic faith as means of catechetical instruction.[567] Benedict XVI reminded the bishops of Latin America to ensure that the state support integral education that is open to transcendence while developing the whole person. In these ways, they would be seen as fulfilling their responsibilities as Christian educators. It is in this sense that Benedict XVI reminded the bishops of Latin America to be teachers of the faith.[568]

4.1.4. Optatam Totius

Peter Hünermann remarked that the renewal of the Church should and must begin with the renewal of the Priestly ministry through the training of priests.[569] The Decree of the Second Vatican Council on the training of Priests *Optatam Totius* was issued on 28 October, 1965 and

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[564] Art. 12 and 13 VatII CD.

[565] *C Ep*, Directory *Apostolorum Successores*, n. 8.

[566] *Heribert Heinemann*, Schutz der Glaubens und Sittenlehre, in: HdbKathKR^2, pp. 708-721.

[567] Art. 44 VatII CD.

[568] *Benedict XVI*, Apostolic Journey to Brazil, 13 May, 2007, Art. 187.

[569] *Ottmar Fuchs / Peter Hünermann*, Theologischer Kommmentar zum Dekret über die Ausbildung der Priester *Optatam totius*, in: HThK-VatII 3, pp. 315-489; see here the introductory commentary from *Peter Hünermann* in pp. 319-389.

was directed towards the renewal of the entire priestly training for the universal Church. Even though the fathers of the Second Vatican Council encouraged Episcopal Conferences to provide a suitable program for priestly training,[570] *Optatam Totius* formulated anew the contents of priestly training for the universal Church. The priest is regarded as an expert in evangelization, so the Church always concentrates efforts on training them. This is why Rudolf Weigand reminds us that the fostering of vocations is not just the duty of pastors but that of the family which is regarded as the first seminary as well as all Christ's faithful (c. 233 § 1 CIC/1983).[571] In this way, all Christian people would be engaged in Christian education. The formation of priests, for instance, is a task left in the hands of all Christian faithful. The Diocesan Bishop is the chief formator and has as his associate formators, the seminary professors, the parish priests, and indeed the whole Christian faithful. During the ordination of priests, the Vocation Director would always be asked whether he was sure that they were worthy to be ordained as Catholic priests. His always answered: Following "inquiry from the people of God … and those in charge of their training, they have been found worthy". This shows that the formation of priests involves the family, the people of God as well as their seminary formators. It is not left only in the hands of their formators.

Pastoral formation was greatly emphasized in this newly formulated program of priestly training. Because the priesthood bears an indelible character,[572] the priestly training should have as its object to produce pastors who have profound union with Christ[573] and are shepherds of

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[570] For discussion on priestly training, see: *Weigand*, Ausbildung, pp. 293-300; see also c. 237 § 2 CIC/1983.

[571] *Weigand*, Ausbildung, pp. 293-300; see also: Art. 2 VatII OT.

[572] *Gerhard Fahrnberger*, Das Ausscheiden aus dem Klerikerstand, in: HdbKathKR^2, pp. 283-300.

[573] *Benedict XVI*, PostExA *Africae Munus*, n. 121.

souls in the manner of Jesus the good Shepherd.[574] Spiritual training of the priests is to be focused on making them develop interest in the word of God and the Blessed Eucharist as the center of their priestly ministry.[575] *Optatam Totius* was only a general principle of priestly formation. In the seminary, they are being prepared for a priestly Ordination[576] which Wolfgang Ratzmann described as an introduction into an order of the Church's hierarchy.[577] This was why this document encouraged Conferences of Bishops of each country or province to draw up "its own program of Priestly Training" (Art. 1). It was for this reason that the Catholic Bishops' Conference of Nigeria drew up in 2005 the *Ratio Fundamentalis Institutionis Sacerdotalis* in which it took cognizance of the "religious, cultural, economic and socio-political context of formation" in Nigeria.[578] The Seminary is seen as a basic Center of Christian education. In this sense, the seminarians under formation are to be formed using sound modern pedagogy so that they develop a high degree of human maturity. Basic subjects proper to Christian education like Sacred Scripture, dogma, Church history, catechesis, preaching, liturgy, the sacraments, and Latin were suggested to be basic in the program of seminary formation.[579]

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[574] Art. 4 VatII OT.

[575] Art. 8 VatII OT.

[576] *Johann Hirnsperger* discussed the theme of ordination to the Diaconate, Priesthood and Bishopric in his article: "Die Ordination" See: *Johann Hirnsperger*, Die Ordination, in: HdbKathKR^2, pp. 867-880.

[577] *Wolfgang Ratzmann*, Der liturgische Leitungsdienst zwischen Ordination und Beauftragung in den lutherischen Kirchen, in: *Martin Klöckener / Klements Richter* (Hg.), Wie weit trägt das gemeinsame Priestertum? Liturgischer Leitungsdienst zwischen Ordination und Beauftragung (QD 171). Freiburg im Breisgau / Basel / Wien 1998, pp. 214-227, here p. 214.

[578] *Catholic Bishops' Conference of Nigeria*, Ratio Fundamentalis Institutionis Sacerdotalis, for the Catholic Church in Nigeria. Abuja 2005, p. v.

[579] Art. 16-18 VatII OT.

4.1.5. Nostra Aetate

Religion is at the Center and is a fundamental question for humanity.[580] According to Matthias Scharer, the search for God and the theological questions about the truth of God and humanity is not an external phenomenon in other religions.[581] It is for this reason that Roman Siebenrock compared the theological undertone of *Nostra Aetate* both with the Pauline Aeropagean talk in which the Apostle Paul tried to see the true God in the rites of the pagans; in the hermeneutic model of the Logos theology of St John as well as in the Thomistic Theology of 'God as the source and goal of all things'.[582] The Declaration on the Relation of the Church to other Non-Christian Religions *Nostra Aetate* portrayed the desire of the Fathers of the Second Vatican Council to reach out to other religions.[583] It could be seen as a political document of the Council, when we see in politics the desire for harmony among all peoples living together in an environment. In this document the Church attempted to dig into her history; to be thankful to her Jewish root and let humanity know that she does not live alone for herself but in a community of humanity with a plurality of religions. Therefore, she acknowledges the necessity of dialogue among this community of humanity.[584] The present situation of migration of humanity from one corner of the earth to another, poses a challenge of integration of men and women of all religions to both the Church and state of the various countries where

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[580] *Kallenbach*, Kirchenamt, p. 211.

[581] *Matthias Scharer*, Vorwort, in: *Daniela Kästle / Martina Kraml / Hamideh Mohagheghi* (Hg.), Heilig-Tabu, Christen und Muslime wagen Begegnungen (KomTheo 13). Ostfildern 2009, pp. 5 f.

[582] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, pp. 600-606.

[583] *Roman A Siebenrock*, Theologischer Kommentar zur Erklärung über die Haltung der Kirche zu den nichtchristlichen Religionen *Nostra Aetate*, in: HThK-VatII 3, pp. 591-693, here p. 595 f.

[584] *Siebenrock*, „Das Geheimnis der Kirche skrupulant erforschend …", p. 435.

people migrate.[585] Migration calls for and demands inter-cultural and religious dialogue. This document issued on 28 October, 1965 reflected on the brotherhood among men.[586] Rees indicated that the deep interest in the study of other religions was a great innovation by the Second Vatican Council.[587] For *Nostra Aetate* Christian education should involve to a greater degree the study of other religions to appreciate their good values. It urges all Christians to enter with prudent maturity into collaboration and dialogue with the members of other religions.[588] *Nostra Aetate* is a call on all religion to forget the events of yesterday and try to understand one another and come together to shelter and encourage social justice, peace, freedom and the good of all men (Art. 3 VatII NA).[589] It is in this desire of cooperation between all religions in the search of the truth. Roman Siebenrock, in discussing the theme: "Religion as object of science: the meaning of the science of religion and the beginning of a Christian theology of religion", raised some important questions: How true is the claim of Christianity as special and absolute among a variety of religions? Is Christianity not one, perhaps special but not fundamentally another form of expression of the belief in an unseen God? Does pluralism mean indifference and relativism?[590] A good answer to these questions would invoke respect for other religions from Christianity.

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[585] *Wilhelm Rees*, Rezension zu: Thorsten Anger, Islam in der Schule. Rechtliche Wirkungen der Religionsfreiheit sowie des Staatskirchenrechts im öffentlichen Schulwesen, in: ZKTh 128 (2006), pp. 278-280.

[586] Art. 1 VatII NA.

[587] *Rees*, Religionsunterricht und die katechetische Unterweisung, p. 131.

[588] Art. 2 VatII NA.

[589] *Wilhelm Rees*, Islam und Christentum in Österreich und in Europa, Kirchenrechtliche und religionsrechtliche Anmerkungen aus römisch-katholischer Perspektive, in: *Daniela Kästle / Martina Kraml / Hamideh Mohagheghi* (Hg.), Heilig-Tabu, Christen und Muslime wagen Begegnungen (KomTheo 13). Ostfildern 2009, pp. 55-65.

[590] *Siebenrock*, Theologischer Kommentar zur Erklärung *Nostra Aetate*, p.627.

Nevertheless, *Nostra Aetate* demands a reciprocal respect between religions. Every religion demands and should extend respect to one another. Christian education, while respecting the view of other religions should teach those things which are in harmony with evangelical truth.[591] The major intention of the Church in teaching religious instruction in both public and private schools is to assert the dignity of the human person as well as formulate a truly human world.[592] According to Pope John Paul II, Christian education should challenge children and youths to an integral education.[593] For Klaus Schatz, in *Nostra Aetate*, the Church seeks to abolish all forms of discrimination arising from race of religion and especially Antisemitism.[594]

4.1.6. Apostolicam Actuositatem

The universal call to holiness is central to all Christians.[595] The Decree on the Apostolate of Lay People *Apostolicam Actuositatem* was issued on 18 November, 1965 both in acknowledgement of the immense contributions of the lay members of Christ's faithful as well as placing a special call on them to embrace the challenge of participation in the

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[591] Art. 4 VatII NA.

[592] *Kallenbach*, Kirchenamt, p. 212.

[593] *John Paul II*, Audience speech to a Representative of the Association of Catholic Youth Poland, 15 April, 1995, in: *Kallenbach*, Kirchenamt, p. 213, ital. in: https://w2.vatican.va/content/john-paul-ii/it/speeches/1995/april/documents/hf_jp-ii_spe_19950415_gioventu-catt-polacca.html (5.5.2015).

[594] *Klaus Schatz*, Allgemeine Konzilien – Brennpunkte der Kirchengeschichte (UTB 1976). Paderborn / München / Wien / Zürich [2]2008, p. 330; *Heribert Smolinsky / Klaus Schatz*, Kirchengeschichte der Neuzeit, Bd. II (Leitfaden Theologie 20). Düsseldorf [3]1999, p. 325.

[595] *Joseph Ratzinger / Benedikt XVI.*, Das Konzil auf dem Weg. Rückblick auf die zweite Sitzungsperiode des Zweiten Vatikanischen Konzils, in: *ders*., Gesammelte Schriften, hg. von *Gerhard Ludwig Müller*, Bd. 7/1: Zur Lehre des Zweiten Vatikanischen Konzils. Formulierung, Vermittlung, Deutung. Freiburg im Breisgau / Basel / Wien 2012, pp. 359-410, here pp. 384-386 (Der Laie).

ministry of the word. Through baptism, confirmation and marriage, "the lay members of Christ's faithful become partakers of the priestly, prophetic and kingly office of Christ".[596] Being actually present in the world, they are challenged by this document to strive to permeate and improve the temporal order with the spirit of the gospel of Christ. In mission territories, the work of the lay people is so outstanding. In unreachable regions of mission lands, it is the lay members of Christ's faithful who keep the flame of the Gospel burning. Even in regions of ancient Christian tradition as in Europe, where *New Evangelization* is now being emphasized, Christian education is actualized by means of those lay faithful who work as catechists, teachers of religion in schools, professors of theology as well as those lay theologians who complement the work of priests in the parishes.[597] Christian education, like other forms of education begins in the home. As lay members of Christ's faithful, Christian parents, therefore, become the first teachers of their children through the family apostolate. In politics, the lay members of Christ's faithful fill the world with the Spirit of the Gospel by influencing political activities through Christian values. The lay members of Christ's faithful, therefore, have enormous challenges with regard to Christian education. We want to emphasize the various roles being played by the laity in Christian education.

4.1.6.1. Role of the Lay in Christian Education

The 1983 Code assigned the capability of the power of governance only to those in sacred orders (c. 129 § 1 CIC/1983). The second paragraph of this canon assigned to the lay members of Christ's faithful the act of co-operation in the exercise of this same power of governance. Lumen Gentium defined the laity as "all the faithful except those in Holy Orders and those who belong to a religious state approved by the

[596] Art. 2 VatII AA.

[597] Art. 10 VatII AA.

Church" (Art. 31 VatII LG). Through baptism, they share in their own way in the kingly, priestly and prophetic office of our Lord. In the thoughts of Christoph Ohly, even though it is clear that in the Bishop, the proclamation of the word of God has its prominent place, the *communio*-ecclesiology of Vatican II beckons on all the faithful – clergy and lay to the proclamation of the word of God.[598] In *Lumen Gentium*, the lay members of Christ's faithful are challenged to make the Church present in places where only they can do it (Art. 33 VatII LG).

Pope Francis challenges the Laity who forms a greater majority in the Church to a new awakening to its responsibilities.[599] An active participation of men and women, and especially youths in the Church's apostolate of evangelization is today compelling. In this sense, José M. Martí Sánchez noted that the laity as a part of the people of God, who are charged in the temporal world with leading humanity to salvation, share in the mission of the Church especially in education. According to him, "education is becoming one of the great responsibilities of the laity in the Church, either as catechists or even as preachers, but especially as teachers in schools and even more in the role of parents who are responsible for the education of their children, with Church and State present only as surrogates".[600] The lay are at the service of the body of Christ in the midst of the world "so that the world may be imbued with the Spirit of Christ in justice, love and Peace and come to fulfillment of its goal.[601]

4.1.6.2. Catechists

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[598] *Ohly*, Dienst am Wort Gottes, p. 24.

[599] *Francis*, ApE *Evangelii gaudium*, Art. 102; see also Art. 30 VatII LG.

[600] *José M. Martí Sánchez*, La responsabilité des ***laïcs*** dans l'e'ducation catholique selon le droit canonique universel et particulier espagnol, in: StCan 27/1 (1993), pp. 435-453, here p. 435. Summary translated in English.

[601] *Ratzinger / Benedikt XVI.*, Zur dogmatischen Konstitution über die Kirche, p. 654.

In their book, "The art of being a catechist", Michael Salamolard and Jean-Loys Ory hold that the identities of catechesis are close to that of the Church. "She (the Church) lives from the gospel she receives and gives."[602] Catechists are lay members of Christ's faithful who are called to help missionaries in the spreading of the Good News of salvation. Their calling is to be seen in accordance with c. 785 § 1 as a co-operation with the sending-mission of the missionary. The office of the catechist is an "auxiliary office". It is a special form of the lay apostolate. It excludes neither women nor men because women may be appointed to this lay duty.[603] Gabriel Bullet noted that being a catechist today is a difficult task because through catechesis, they "address the whole person and not only his or her intelligence, through activities that challenge all the faculties of the human person".[604] The 1983 Code ascribed the preaching of the word of God in the form of homily to the clergy (c. 767 § 1 CIC/1983), because the homily is a part of the Liturgy itself.[605] The Second Vatican Council, however, was not unaware of the present lack of priests in many parts of the world. In this sense, Christoph Ohly stressed that in the absence of a priest, the lay person can hold an exhortation which he called a witness of faith.[606] That is why c. 766

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[602] *Michel Salamolard / Jean-Loys Ory*, Le métier de catéchiste – The art of being a catechist: giving the word to children. Slough / Middlegreen 1994, p. 32.

[603] *Johann Hirnsperger*, Der Katechist – ein neues Amt in der katholischen Kirche Österreichs, in: AfkKR 180/2 (2011), pp. 446-465; see also: *Alfred E. Hierold*, Strukturen der Mission als Impuls für eine Erneuerung der Kirche, in: *Peter Krämer / Sabine Demel / Libero Gerosa / ders. / Ludger Müller* (Hg.), Recht auf Mission contra Religionsfreiheit? Das christliche Europa auf dem Prüfstand (KRB 10). Berlin / Wien 2007, pp. 155-166.

[604] *Gabriel Bullet*, Preface, in: *Michel Salamolard / Jean-Loys Ory*, Le métier de catéchiste – The art of being a catechist: giving the word to children. Slough / Middlegreen 1994, p. 9 f.

[605] *Ohly*, Dienst am Wort Gottes, p. 584.

[606] *Ibid.*, p. 485.

CIC/1983 empowered the bishop to permit the laity to preach[607] in Churches or oratories 'if certain circumstances require it' (c. 766 CIC/1983).[608] In Nigeria, the witness of Catechists to evangelization is enormous. They are people who are directly in contact with the people of God in their daily life experiences. They understand very closely the needs of the people and are, therefore, the greatest help to pastors of souls in their evangelization mission. That was why Pope Benedict XVI paid a glowing tribute to African catechists as invaluable pastoral agents of evangelization.[609]

4.1.6.3. Religious Teachers

Preaching and catechesis are two major tasks of bishops,[610] but there are two major reasons why the bishop cannot claim monopoly of the work of catechesis and evangelization. In the first place: the entire baptized share also in the prophetic office of Christ (Art. 12 VatII LG), because "in the Church, there are different forms of service but all to the same Lord (1 Cor 12:6-11). Secondly, "the Christian vocation is of its nature, a vocation to the apostolate as well" (Art. 2 VatII AA),[611] and as

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[607] *Stoffel*, Verkündigung in Predigt und Katechese, p. 672.

[608] *Christoph Ohly* noted that even though exhortation and introductory remarks which the lay person can give at Mass are not homily proper, they are a part of the ministry of proclamation."Einführung und Zeugnis sind danach Formen der Verkündigung, welche die Homilie niemals ersetzen, sondern diese – ohne selbst Homilie zu sein – veranschaulichend ergänzen …. Die Homilie entfällt, wenn der zelebrierende Priester dazu aus den bereits genannten Gründen nicht in der Lage ist und andere geweihte Amtsträger fehlen. Als solche ist sie im Sinne der Ausübung sakramental bevollmächtigten Handelns in der Eucharistie nicht ersetzbar und muss in dieser Unersetzbarkeit auf entsprechende Weise wahrgenommen werden." See: *Ohly*, Dienst am Wort Gottes, p. 844; see also: *Stoffel*, Verkündigung in Predigt und Katechese, p. 671.

[609] *Benedict XVI*, PostExA *Africae Munus*, n. 125.

[610] *C Ep*, Directory *Apostolorum Successores*, n. 128.

[611] See also: *Joseph Ratzinger / Benedikt XVI*., Zur Frage der Mission, in: *ders*., Gesammelte Schriften, hg. von *Gerhard Ludwig Müller*, Bd. 7/2: Zur Lehre des

Ratzinger said, the existence of a hierarchical principle in the Catholic Church does not mean that there are two forms of Christians. The concept of the body of Christ is a function-concept.[612] So religious teachers, whether they are clerics, religious or lay, share in the ministry of evangelization. They are enlisted by the Bishop to co-operate with him in the teaching ministry of the Church.[613] They may be catechists, pastoral assistants or pastoral referents, whose work among others, include teaching religious education in schools.[614] Because their calling and work are strictly connected to theology as a subject, they are to receive an adequate theological and pedagogical formation. Their training and supervision are primary responsibility of the diocesan Bishop.[615] The Sacred Congregation for Catholic Education insists "professional training and technical competence are necessary prerequisites for teaching, but they are not enough. An expression of education lies in helping young people to understand their own time and plan their lives around a credible premise".[616] The German Bishops stress the fact that for the religious teacher religiosity and faith are not just an object but a position or habit. If a teacher has no personal faith, it would be very difficult for him or her to transmit same to the students.[617] The Religious teacher should identify himself with the saving mystery of the Gospel of Christ and the Church. A combination of his or her personal faith and a good under-

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Zweiten Vatikanischen Konzils. Formulierung, Vermittlung, Deutung. Freiburg im Breisgau / Basel / Wien 2012, pp. 919-954, here p. 934.

[612] *Ibid*.

[613] *C Ep*, Directory *Apostolorum Successores*, n. 134.

[614] *Heribert Heinemann*, Die Mitarbeiter und Mitarbeiterinnen des Pfarrers, in: HdbKathKR^2, pp. 515-528, here p. 522.

[615] *C Ep*, Directory *Apostolorum Successores*, n. 134.

[616] *C InstCath*, Educating to Intercultural Dialogue in Catholic Schools, cap. V, n. 81.

[617] DBK, „Der Religionsunterricht in der Schule" (1974), p. 155.

standing of the mystery of the Church and the Gospel is a good instrument at his or her hand to lead the students to the knowledge of Christ.

4.1.7. Dignitatis Humanae

In the previous section[618] we have quoted the radio message of Pope Pius XI of 24 December, 1924 which declared human rights as pertaining to all men in virtue of their dignity as persons created in the image of God. This declaration was repeated by the famous 1948 Universal Declaration of Human Right which was necessitated by the effects of the Second World War. Article 18 of this 1948 Declaration asserted the freedom which everyone has to his personal thought, conscience and religion. This freedom includes the freedom to change his/her religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, worship and observance.[619] This declaration was adopted by the constitution of many nations including Nigeria.[620] These thoughts of Pope Pius XI and the UNO were re-echoed by the Fathers of the Second Vatican Council in their Declaration on Religious Liberty *Dignitatis Humanae* issued on 7 December, 1965.

In relation to Christian education, article four of this Declaration specified that religious freedom accrues to man due to his social nature. It is not just an individual but also a corporate religious freedom. Private individuals have the natural freedom to organize themselves as religious groups, to bear public witness to their common belief, to establish institutions for public worship as well as institutions which would enable

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[618] See the section on *Gravissimum Educationis* of the Second Vatican Council.

[619] *United Nations Department of Public Information*, Universal Declaration of Human Rights, Art. 18.

[620] Constitution of the Federal Republic of Nigeria, 29 May 1999, Sec. 4, subsec. 38, § 1, http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm (5.5.2015).

them to teach the tenets of their religion to their adherents.[621] The inalienable parental right to educate their children which includes their right to choose suitable schools for them was strongly emphasized in section five of this document.[622] At this point we want to identify religious feedom, right of parents to choose schools for their children and the right of the Church to establish schools as basic to the thoughts *Dignitatis Humanae*.

4.1.7.1. Religious Freedom

Karl Rahner noted that freedom is freedom before God and in God.[623] Weather Religious freedom means a strict separation between Church and State or co-operation between them is a big question raised by Ulrich Fülbier in his book "Die Religionsfreiheit in der Bundesrepublik Deutschland und den Vereinigten Staaten von Amerika".[624] As Helmut Ortner emphasized, religious freedom[625] consists of freedom to believe, freedom to practice one's religion which includes cultural freedom, confession freedom, freedom of conscience and freedom to hold

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[621] Art. 4 VatII DH.

[622] Art. 5 VatII DH.

[623] *Karl Rahner*, Protologie, Gnadenlehre, Theologische Anthropologie, in: *ders*., Sämtliche Werke, Bd. 22/2: Dogmatik nach dem Konzil. Theologische Anthropologie und Ekklesiologie, bearb. von Albert Raffelt. Zürich / Freiburg / Basel / Wien 2008, pp. 3-206, esp. pp. 73-90 (Ursprünge der Freiheit), here p. 73.

[624] See *Wilhelm Rees*, Rezension zu: Fülbier, Ulrich: Die Religionsfreiheit in der Bundesrepublik Deutschland und den Vereinigten Staaten von Amerika unter spezieller Berücksichtigung der jeweiligen Methodik der Verfassungsinterpretation. Staatskirchenrechtliche Abhandlungen, Bd. 40, in: AfkKR 173 (2004), pp. 262-264.

[625] See discussion on Religious freedom in *Aymans-Mörsdorf-Müller* KanR III, pp. 8 f.; *Schinkele*, Umfang und Bedeutung, p. 294; *Ratzinger / Benedikt XVI*., Das Konzil auf dem Weg, p. 434; *Schatz*, Allgemeine Konzilien, p. 330; *Smolinsky / Schatz*, Kirchengeschichte der Neuzeit, Bd. II, pp. 322 f.

on to one's world-view.[626] As Jörg Winter stressed, religious freedom is a human right both in Christianity and Islam.[627] The Federal Republic of Austria for instance, shows itself a religious neutral state.[628] The corporative religions freedom as obtained in Austria is guaranteed by the fundamental law of the land. The various religious communities in the country are recognized and authorized to exist. Apart from this corporate law of religious freedom, every individual is entitled to religious freedom.[629] Hugo Schwendenwein calls it a complete freedom of conscience, which enables every person in Austria to join or leave any religion. Things are not different in Nigeria. Section 38 § 1 of the 1999 Nigerian Constitution equally entitled every Nigerian citizen to freedom of thought, conscience and religion.[630] § 2 assures all citizens of freedom of religious education.[631] § 3 grants to religious bodies the freedom to provide religious instruction in their communities or educational institutions.[632] The problem lies in the practice of these constitutional

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[626] *Helmut Ortner*, Religion und Staat. Säkularität und religiöse Neutralität (Schriftenreihe Colloquium 1). Wien 2000, pp. 32-40.

[627] *Jörg Winter*, Religionsfreiheit als Menschenrecht im Christentum und Islam – 3. Generalversammlung der Konferenz der Kirchen am Rhein, in: Kirche & Recht. Zeitschrift für die kirchliche und staatliche Praxis (2009), pp. 65-71.

[628] *Aymans-Mörsdorf-Müller* KanR III, p. 115.

[629] Art. 14 StGG stated the same: "Die volle Glaubens- und Gewissensfreiheit ist Jedermann gewährleistet." See also: *Inge Gampl*, Österreichisches Staatskirchenrecht (RSW 23). Wien / New York 1971, p. 74.

[630] Sec. 38 § 1: "Every Nigerian citizen to freedom of thought, conscience and religion including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance."

[631] Sec. 38 § 2: "No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction ceremony or observation relates to a religion other than his own, or religion not approved by his parent or guardian."

[632] Sec. 38 § 3: "No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomina-

laws. Islam for instance forbids that her adherents convert to other religions. When the teachings of any religion go against the constitution of the country, which should be upheld? This is a question bothering on religious freedom. Freedom of religion should entitle every human being to change his or her religion and allow efforts at proselytization as well as dialogue between religions.

There is equally respect for the internal ordering of every religious body when this does not go against the common good of the whole community. For instance, the Austrian law respects the religious provisions of the Catholic Church which requires a priest to keep a confessional secret. In this sense, a catholic priest is not entitled to stand before a judge to testify to a confessional matter.[633] Gerlinde Katzinger summarized the impelling challenge on the Church to educate as being based on her conviction on the dignity of the human person as well as her divine mission to teach all nations.[634] Freedom touches the human being in the innermost part of his being. It forms a nexus in the mission of the messiah (Lk 4:18). It is not a privilege[635] given to any human being but a right. The opportunity which the Austrian constitution gave to parents or to students who have reached 14 years of age to de-register their children from Religious instruction within the first ten days of the beginning of classes is to be seen as an expression of religious freedom in the Austrian society.[636] Religious freedom[637] forms a part of this general concept of freedom. John Paul II held the fact that teaching religious

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tion in any place of education maintained wholly by that community or denomination."

[633] *Hugo Schwendenwein*, Church and State in Austria, in: *ders.*, Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 914-922, here p. 914.

[634] *Katzinger*, Privatschule, p. 269.

[635] *Aymans-Mörsdorf-Müller* KanR III, p. 8.

[636] *Ibid*., p. 113.

[637] *Ibid*., p. 18.

instruction helps children and youths to grow in freedom and bear a great responsibility in our world today.[638] When children grow up in freedom, they face the challenge of respecting the human dignity of others. Human freedom was the major topic of this document, *Dignitatis Humanae*. *c*. 747 CIC/1983 asserted this religious freedom which the Church has to proclaim the Good News to all creation. It means freedom to expound the contents of the Christian message, not just from any physical but from any human power.[639] This religious freedom speaks volume of the real relationship which should exist between Church and State. Religious freedom should form the basis of all fundamental laws both in the Church and State.[640] It should be a situation of mutual-relationship whereby each respects each other's domain. The separation of Church from state demands autonomy of each power and a collaboration in areas like education by each of the two powers. Religious freedom as Ulrich Preis argued, should also be expressed through laws existing in secular states in areas like laws forbidding discrimination.[641] The Sacred Congregation for Catholic Education insists that both Religious Freedom and the freedom of parents and children to education are guaranteed by the freedom of choice of school for their children by parents. It is also concreted by their freedom to receive confessional religious education in schools both public and private and by the integration of one's religious tradition into the schools cultural and academic formation.[642] A very important aspect of the Religious freedom practiced in Catholic Schools is to be found in the advice given by the Con-

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[638] *John Paul II*, Audience speech, in: *Kallenbach*, Kirchenamt, p. 213.

[639] *Gampl*, Österreichisches Staatskirchenrecht, p. 18.

[640] *Rees*, Islam und Christentum in Österreich und in Europa, p. 56.

[641] *Ulrich Preis*, Religionsfreiheit im Arbeitsverhältnis zwischen säkularen Staat, Freiheitsrechten und Diskriminierungsverboten, in: Kirche & Recht. Zeitschrift für die kirchliche und staatliche Praxis (2011), pp. 33-54.

[642] *C InstCath*, LC on Religious Education in schools, May 5, 2009, cap. IV, n. 19.

gregation for Catholic Education to the effect that "In Catholic schools, as everywhere else, the religious freedom of non-Catholic pupils must be respected".[643]

4.1.7.2. Parents' Right to Choose Schools for their Children

The Sacred Congregation for Catholic Education makes the strong point that "though the work of educating is accomplished by different agents, it is parents who are primarily responsible for education".[644] The teachings of *Dignitatis Humane* demand human freedom in various aspects. One of these aspects is the freedom which parents have to educate their children.[645] Included in this right is the right to choose schools for them. Mussinghoff/Kahler called this a "real freedom" which state laws should not undermine.[646] It is a freedom which must be defended by all Christians[647] since it comes to the parents both as a right and as a responsibility. Religious education includes in its content what Winfried Aymans called moral and ethical education and personality building.[648] Parents' right to educate their children places an obligation on the state, through its avowed responsibility as provider of security of life and property, to support parents to hand-on their world-view to their children through religious Education.[649]

4.1.7.3. Right of the Church to Establish Schools

Wilhelm Rees sees the right which the Church has to establish schools of every kind as a pointer to the plural nature of society.[650] The

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[643] *Ibid.*, cap. III, n. 16.

[644] *Ibid.*, cap. I, n. 4.

[645] *Rees*, Religionsunterricht und katholische Schule, p. 190.

[646] *Heinrich Mussinghoff*, Einf. vor c. 796/2, in: MK CIC (Stand: November 2000).

[647] *Aymans-Mörsdorf-Müller* KanR III, p. 99.

[648] *Ibid.*

[649] *Rees*, Beaufsichtigung, pp. 345-416.

[650] *Rees*, Religionsunterricht und katholische Schule, pp. 187-204.

Münsterische Kommentar sees the legal rights of the Church to build and own schools and teach religion as built on foundation of the understanding of various countries on the implication of religious freedom.[651] In Austria and Germany for instance, the right and freedom to impart religious education in schools[652] is the responsibility of the religious bodies whose interests are represented by the presence of children whose parents practice these religions (Art. 17 i.V.m. Art. 15 StGG).[653] The Church decides and sees to the curriculum, the learning materials, methods and the books used in teaching of religious education.[654]

4.1.8. Ad Gentes Divinitus

Just like *Dignitatis Humanae*, the Decree on the Church's Missionary Activity, *Ad Gentes Divinitus*, was issued on 7 December, 1965. It is in the nature of the Church to evangelize. She is by her very nature missionary.[655] Her whole life and calling is centered on her missionary activities. Called by her Lord and Master to "Go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit" (Mt 28:19), the Church has since the beginning assumed to herself this responsibility to evangelize. By this document, she sees herself as brother and sister to all the members of the human family[656] and shares with them the love of their creator. *Lumen Gentium*[657] ascribed the duty to evangelize to all baptized Christians in accordance with their prophetic office. This missionary enterprise was begun by Christ himself, handed on to his apostles and still goes on today though

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[651] *Heinrich Mussinghoff*, c. 800/1, Rn. 1-2, in MK CIC (Stand: November 2000).

[652] *Aymans-Mörsdorf-Müller* KanR III, pp. 104-106.

[653] *Rees*, Religionsunterricht, pp. 734-749.

[654] *Ibid*.

[655] Art. 2 VatII AG.

[656] *Ratzinger / Benedikt XVI.*, Zur Frage der Mission, pp. 945-949.

[657] Art. 12 VatII LG.

the efforts of the whole Church, head and members; the clergy, religious and catechists having a special call in this enterprise.[658] The baptized and confirmed should show the example of this evangelization mission by the witness of their own lives.[659] Joseph Ratzinger linked the true nature of *Ad Gentes Divinitus* to the mission and dialogue of the Church.[660] A very important area of Christian education was outlined by *Ad Gentes Divinitus* in its recommendation on the training of priests. Not negating the stipulations of *Optatam Totius* with regard to priestly training, this document laid emphasis on Inculturation.[661] The seminarians are to be trained to understand the way of thinking of their cultural environment and according to the pastoral needs of their people. This applies also to the training of catechists whose immense contributions to the Church through the ages is worthy of praise. Through preaching, religious instructions, catechesis and the Catholic school apostolate, priests, teachers of religion as well as seminary teachers and university professors should encourage education of Christians especially youths.[662] However the mission *Ad Gentes* refers to is the implantation of the Gospel among people who do not yet believe in Christ.[663]

4.1.9. Presbyterorum Ordinis

Hugo Schwendenwein discussed extensively the right and duties of the Priest and agreed with c. 265 CIC/1983 that the Church does not accept acephalous or wandering clergy.[664] Writing on the essence of the

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[658] Art. 1-5 VatII AG.

[659] Art. 11 and 41VatII AG.

[660] *Ratzinger / Benedikt XVI.*, Zur Frage der Mission, p. 950.

[661] Art. 16 VatII AG.

[662] Art. 39 VatII AG.

[663] Art. 6 VatII AG.

[664] *Hugo Schwendenwein*, Die Rechte und Pflichten der Kleriker, in: HdbKathKR^2, pp. 274-283; see also: *ders*., Die Zugehörigkeit zu einem geistlichen Heimatverband, in: HdbKathKR^2, pp. 264-274.

priestly ministry, Joseph Ratzinger noted that through sacred ordination, the priest is configured to Christ the teacher, priest and king. In the words of the 1983 Code, he is one under the authority of a bishop who shares in the Bishop's ministry of Christ (c. 519 CIC/1983). In this sense, he is a co-operator with the Bishop in saving souls.[665] The ontological nature of his calling is ordered to service and victim.[666] They are ordained to preach the word of God and to shepherd the flock (Art. 28 VatII LG).

The primary duty of the priest is the proclamation of the Good News. This is the central message of *Presbyterorum Ordinis*, which is the Decree of the Second Vatican Council on the Ministry and Life of Priests issued on 7 December, 1965. This proclamation forms a basic element of Catholic education. By announcing the Good News to all peoples, new members are added to the flock of Christ and those who are already members are not just enlightened but encouraged to live their lives in accordance with Gospel precepts. Priests are ministers of the word of God and teachers of the Christian faith; ministers of the sacraments as well as rulers of God's people.[667] For Joseph Ratzinger, the nature of the priesthood as outlined by *Presbyterorum Ordinis* dangles between offering of sacrifice and the proclamation of the Word of God.[668] The execution of these basic functions of the priesthood involves in a great manner educating the people of God in the Christian faith. Through their preaching, they catechize and nurture the people of God with the word of God. Through the administration of the sacraments, the priest as leader of the

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[665] *Heribert Heinemann*, Der Pfarrer, in: HdbKathKR^2, pp. 496-514, here p. 496; Art. 28 VatII LG.

[666] *Ratzinger / Benedikt XVI.*, Zum Dekret über Dienst und Leben der Priester, p. 899.

[667] Art. 2 and 4-6 VatII PO.

[668] *Ratzinger / Benedikt XVI.*, Zu Dekret über Dienst und Leben der Priester, p. 900.

parish community,[669] equally apply the word of God and in conjunction with these sacraments; they nourish fellow Christians with heavenly food of eternal life. As teachers of the Christian faith, they are expected to nourish the people of God with the word of God in the manner of the Lord Jesus who was an exemplary teacher.

4.1.10. Gaudium et Spes

While *Lumen Gentium* was a dogmatic Constitution where the Church tried to define herself anew, *Gaudium et Spes* was a Pastoral Constitution.[670] The Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*[671] issued by the fathers of the Second Vatican Council on 7 December, 1965 was a dialogue of the Church with the world.[672] This document was the Church's new definition of her relationship with the world and as Wilhelm Rees would say, is the Church's "anthropocentric opinion of the world".[673] The human being who is created in the image of God has personal dignity, moral conscience and freedom[674] which must not be abused. An abuse of human freedom would lead to self destruction. The Church wants to show that she does not distance herself from the world but seeks solidarity with the world

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[669] *Ludwig Schick*, Die Pfarrei, in: HdbKathKR^2, pp. 484-496, here p. 492.

[670] *Siebenrock*, „Siehe, ich mache alles neu!", p. 109.

[671] *Second Vatican Council*, Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes*, 7 December, 1965, in: AAS 58 (1966), pp. 1025-1120.

[672] *Joseph Ratzinger / Benedikt XVI.*, Kommentar zum ersten Kapitel des ersten Teils der Pastoralkonstitution über die Kirche in der Welt von heute „Gaudium et spes", in: *ders.*, Gesammelte Schriften, hg. von *Gerhard Ludwig Müller*, Bd. 7/2: Zur Lehre des Zweiten Vatikanischen Konzils. Formulierung, Vermittlung, Deutung. Freiburg im Breisgau / Basel / Wien 2012, pp. 795-862, here p. 795.

[673] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 134; *Ratzinger / Benedikt XVI.*, Kommentar zum ersten Kapitel „Gaudium et spes", p. 801.

[674] Art. 15-17 VatII GS.

by identifying the various evils besetting the world today. She presents Christ the new man as the only solution to overcoming the many problems in this world.[675] Joseph Ratzinger sees the Church's identification with the problems of the world as a sort of her interpretation of the signs of the time.[676] Klaus Schatz criticized the idea that through this document, the Church identified itself with the world. He argued that to identify with the world, this document would have explicitly spoken out against communism[677] which was a plague to the world at that time.

The elements of Christian education in this document are to be identified in its discussion on the presence of the Church in the world. The Church is present in the world through her ministers who preach the Gospel message of Christ to the world. She is equally present to the world through her lay members who fill the world with the spirit of the Gospel through their activities.[678] She is present through parents who establish Christian families with the obligation of educating them. This was why Karl Rahner and Herbert Vorgrimler called parents the first and most important pastors of souls to their children.[679] The Church is also present to every culture and through the process of Inculturation through which she tries to dialogue with them in order to shed the light of Christ's revelation in them to enlighten them. Cultural education which the Church encourages starts in the family.[680]

Gaudium et Spes encourages lay people to study theology and deepen their awareness of the general life of the Church. In this way they would bring their talents and experiences to enrich and advance the evangelical activities the Church. Even in political levels, the Church

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[675] Art. 22 and 41 VatII GS.

[676] *Ratzinger / Benedikt XVI.*, Kommentar zum ersten Kapitel „Gaudium et spes", p. 795.

[677] *Schatz*, Allgemeine Konzilien, p. 331.

[678] Art. 43 VatII GS.

[679] *Rahner / Vorgrimler*, Kleines Konzilskompendium, p. 386.

[680] Art. 47-59 VatII GS.

Hierarchy, though not expected to take part in partisan politics, enlightens the political life of the community with the Gospel message. This is an area where lay members of Christ's faithful are expected to bear active witness to the Gospel of Christ in the world. This is why Knut Wenzel urged the Clergy to respect the duty and apostolate of the laity.[681] Evangelization means bearing witness to Christ in the world by words and deeds. By their active participation in politics and bearing witness to Christ in the world, the lay members of Christ's faithful are fulfilling their prophetic mission as Christians.[682] By the actions of the lay faithful imbued with the spirit of Christ, the Church would be bearing witness to Christ in the world.

5. Post Vatican II Documents

5.1. Introduction

Since the publication by the Second Vatican Council of the Declaration on Christian Education on 28 October, 1965, a number of other documents have been published by successive popes on this topic. We shall attempt a critical inquiry of some of them as much as they affect our work. The first among them is the 1971 *General Directory for Catechesis*.

5.1.1. 1971 General Catechetical Directory

5.1.1.1. Introduction

Pope John Paul II in his Apostolic Constitution *Fidei Depositum* declared that to "guard the Deposit of Faith is the mission which the Lord

[681] *Wenzel*, Kleine Geschichte des Zweiten Vatikanischen Konzils, p. 171.
[682] Art. 62 u. 76 VatII GS.

has entrusted to His Church" throughout history.[683] Catechesis has been a laudable means by which the Church has handed on and preserved the Christian faith. As Canon Law concept it was defined by Christoph Ohly as "instruction" in faith.[684] Another definition of Catechesis by Linus Bopp as introduction of minors in the church was critized by Angela Kaupp because it implied that the recipients of catechesis are only those who are not yet members of the Church.[685] The *General Catechetical Directory* (G.C.D) was issued by the Sacred Congregation for the Clergy in fulfillment of the directive of the Second Vatican Council that "Episcopal Conferences should issue directives for Catechetical instruction of the Christian people".[686] The G.C.D represents a directive from the Holy See for the universal Church. By that publication, the Sacred Congregation for the Clergy expected the various national and regional Episcopal Conferences to draw their own directives to reflect the concrete situations of their environments. The major driving motive or philosophy of this publication was to provide the basic principles of pastoral theology as taken from the magisterial teachings of the Church especially the Second Vatican Council.[687] The publication of the G.C.D involved an intense preparation at various levels[688] but was eventually

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[683] *John Paul II*, ApC *Fidei Depositum* on the Publication of the Catechism of the Catholic Church, 11 Oktober, 1992, in: ***AAS 86*** (1994), pp. 113-118, here p. 113; engl. http://www.vatican.va/archive/ccc_css/archive/catechism/aposcons.htm (5.5.2015).

[684] *Ohly*, Dienst am Wort Gottes, p. 679.

[685] *Angela Kaupp*, Nachkonziliare kirchliche Dokumente zur Katechese, in: *dies. / Stephan Leimgruber / Monika Scheidler* (Hg.), Handbuch der Katechese. Für Studium und Praxis. Freiburg im Breisgau / Basel / Wien 2011, pp. 84-108, here p. 85.

[686] Art. 44 VatII CD; see also: *Paul VI*, ApE *Evangelii Nuntiandi*, Art. 6; *Kaupp*, Nachkonziliare kirchliche Dokumente, p. 84.

[687] *Paul VI*, ApE *Evangelii Nuntiandi*, Art. 6.

[688] *C Cler*, General Catechetical Directory (1971), pp. 97-176; see also *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 139.

published on 11 April, 1971. The basic audience which this document addressed was Episcopal Conferences, Local Ordinaries and all those in charge of Catechesis under their direction.[689] It was aimed at providing assistance in the production of Catechism texts. It could be viewed as a hand book on Catechesis. Through adequate educational methodology, the G.C.D is prepared so as to take care of the various age groups who are to be catechized. It enunciated what the contents of Catechism books should be so as to be a summary of the Christian faith. It takes care of the needs of the mission lands as well as those countries with the need for a *new evangelization*. In imitation of *Gaudium et Spes*,[690] the G.C.D recognized the deep changes in the world today and sees these changes as proof that the Church needs a renewed method of evangelization in order to remain relevant. According to it, the men and women of today have a different way of thinking. "Many feel that God is less present, and less needed, and God seems to them less able to explain things in both personal and social life. Hence a religious crisis can easily arise."[691] The solution to atheism and neo-paganism which find new expression in superstition and other forms of nature worship; animism and divination being propagated today in some Christian sects can only be found in proper evangelization and catechesis.[692]

5.1.1.2. Forms of Catechesis

According to Jame A. Coriden, "Catechesis is that form of the ministry of the word directed towards those who have been evangelized, that is, who have heard the gospel and responded in faith".[693] The G.C.D

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[689] *Stoffel*, Verkündigung in Predigt und Katechese, p. 674; see also: *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 139.

[690] Art. 1 VatII GS.

[691] *C Cler*, General Catechetical Directory (1971), Art. 5; see also Art. 5 and 7 VatII GS.

[692] *C Cler*, General Catechetical Directory (1971), Art. 7.

[693] *Coriden*, An introduction to Canon Law, p. 106.

discussed the different forms of catechesis which varies from place to place depending on the level of development of the Christian faith. Oskar Stoffel distinguished between children, youths and adult catechesis as well as catechesis for those with health challenges.[694] In mission territories, catechesis is primarily taught through religious and moral instruction in schools, parishes or at other advantage points in these areas.[695] This is the method we use in Nigeria. This was why Pope Benedict called for a permanent institutionalization of catechesis in parishes, schools and other Church institutions. This is a situation whereby Christians are ready to devote themselves to catechesis.[696]

Catechesis should take care of the different age groups, physical condition and life situations of those to whom it is addressed. The catechetical instruction to youths may not fit perfectly to the life situation and mental disposition of the elderly. In this document, adult catechesis is seen as the chief form.[697] Interpreting the family as a home-Church, Christoph Ohly maintained that Catechesis should start from childhood which is considered as the foundation for the adult stage. Bishops, pastors, catechists and those involved in the preparation of the curriculum for catechesis are to consider family and parish catechesis; special catechesis for the physically and mentally challenged; children of non-Christians; the pre-adolescent, the adolescent, the post- adolescent and the elderly.[698]

This form of catechesis as described in this document suits the New Evangelization program as practised in Enugu diocese. This program stoutly promoted by Bishop Gbuji is designed to reach out to people who, due to their life situations may find it difficult to approach the

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[694] *Stoffel*, Verkündigung in Predigt und Katechese, p. 675 f.

[695] *C Cler*, General Catechetical Directory (1971), Art. 19.

[696] *Sekr. DBK* (Hg.), Aparecida 2007, n. 295.

[697] *C Cler*, General Catechetical Directory (1971), Art. 20.

[698] *Ohly*, Dienst am Wort Gottes, p. 24; *C Cler*, General Catechetical Directory (1971), Art. 77-91.

parishes for catechetical activities. There are farmers who live and work in farm lands far removed from their parishes. Some forms of catechesis are designed to meet their pastoral needs. The Diocese, Parish priests and the catechetical teams of parishes in such areas design outreach programs to take care of their catechetical and pastoral growth. This agrees with the suggestion of the G.C.D that the contents of catechesis for different ages and social conditions should recognize their various ages, needs, socio-cultural environments and special needs.[699] With regard to adult catechesis, adult Christians are to be accompanied by the Word of God which the Sacred Scripture described as the light for the paths of men.[700] For Stephan Leimgruber this encounter is a "holistic way of catechesis".[701] The Word of God acts as a light in the tunnel of life's-journey which points the way forward for each Christian. The light of the gospel enables every adult and indeed every Christian to face the different life challenges and enables them to journey towards Christ their last end. Different challenges which the adult faces demand different forms of catechesis. Christians need special catechesis to urge them on in life's journey: during the process of marriage, at the baptism of their newly born child; in sickness or in good times; by the loss of their beloved ones; when they grieve; when they are old or lonely. These life stages need different catechesis. The pastor or catechist should be prepared to develop both a consolation theology in the moments of grief as well as a theology of gratitude in times of success. To undertake the responsibility for these different forms of catechesis, the bishops who

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[699] *C Cler*, General Catechetical Directory (1971), Art. 77-91.

[700] Ps 115:105: "Your word is lamp for my feet and a light form my path."

[701] *Stephan Leimgruber*, Begegnung als ganzheitlicher Weg der Katechese, in: *Angela Kaupp / ders. / Monika Scheidler* (Hg.), Handbuch der Katechese. Für Studium und Praxis. Freiburg im Breisgau / Basel / Wien 2011, pp. 185-191.

are the first catechists in their dioceses[702] are encouraged to establish catechetical centers for the training of catechists for their diocese. The objective of such centers is to train these catechists in theology, anthropology, didactics and methodology to be able to acquire enough skills to communicate the word of God in their ministries.[703]

5.1.1.3. Contents and Goal of Catechesis

Christoph Ohly interpreted the Second Vatican Council as the catalyst of many movements which today have influenced and still influences the opinion which the world has of the Church today. Such movements include the ecumenical movement, youth movement and bible movement.[704] This author recognized the following words catechumen and catechist as relating very closely with Catechesis.[705] The G.C.D highlighted the place of the ministry of the word of God in Christian education and discussed the contents of the Christian message in catechetical instruction.[706] Catechesis is a form of the ministry of the word of God. *Dei Verbum* reinstated the strong influence which the Sacred Scripture as the inspired word of God has in the life of the Church. That is why Oskar Stoffel reiterates the fact that catechesis should hand on the Word of God and not the words of men.[707] By this revelation, God has communicated both his will and being to all.[708] It is this revealed word of God that the Church proclaims through evangeli-

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[702] *Angela Kaupp / Stephan Leimgruber / Monika Scheidler*, Einführung, in: *dies.* (Hg.), Handbuch der Katechese. Für Studium und Praxis. Freiburg im Breisgau / Basel / Wien 2011, pp. 11-20, here p. 13.

[703] *C Cler*, General Catechetical Directory (1971), Art. 111.

[704] *Ohly*, Dienst am Wort Gottes, pp. 11 f.

[705] *Ibid*., p. 679.

[706] *Monika Scheidler*, Das didaktische Profil der Katechese, in: *Angela Kaupp / Stephan Leimgruber / dies.* (Hg.), Handbuch der Katechese. Für Studium und Praxis. Freiburg im Breisgau / Basel / Wien 2011, pp. 109-129, here p. 115.

[707] *Stoffel*, Verkündigung in Predigt und Katechese, p. 76.

[708] Art. 6 VatII DV.

zation and catechesis. These two processes of proclamation of the word of God by the Church are not contradictory to one another. This is why the G.C.D differentiated the one from the other. Evangelization as the missionary proclamation is seen by this document as the first process of the ministry of the word of God, aimed at arousing faith in Christ in the hearers of the word. On the other hand, catechesis is principally intended for those who have heard the word of God and have accepted it but who need and have the desire to make this word grow in them. So the major difference between evangelization and catechesis is that the one precedes and accompanies the other. In this line of thought, the G.C.D outlined the different forms which catechesis has and basic contents which constitute its identity.[709] Regarding the contents, catechesis handles such steps in the faith process like "witness of faith, witness of the Word, agreement of the heart, entrance into the community and participation in the Apostolate".[710] It dwells basically on the word of God as the Christian message. It concentrates also on the hierarchy of the truth;[711] God as the absolute truth who is to be known in creation, the mystery of God and his intervention in human history. It deals with the knowledge of God in the mystery of the Trinity and in the Dogma of Incarnation. Catechesis also concentrates on the person and life of Jesus Christ and the historical character of the mystery of our salvation.[712] It is equally the object of study of Christian education through catechetical teaching to learn the mystery of the Church. In this sense, the Church as

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[709] *C Cler*, General Catechetical Directory (1971), Art. 18; see also Art.13 VatII CD.

[710] *Kaupp / Leimgruber / Scheidle*r, Einführung, p. 12; see also: *C Cler u.a.*, Allgemeines Direktorium für die Katechese (VApSt 130), Bonn 1997, no 60, 61 and 80.

[711] Art. 11 and 12 VatII UR; see also: *Scheidler*, Das didaktische Profil der Katechese, pp. 115-119.

[712] *Ibid.*

the universal Sacrament of Salvation[713] should be understood in her sacramental life and actions. Catechesis, therefore, should initiate in the faithful the knowledge of the sacraments and accompany them with it.[714]

A comprehensive goal of Catechesis may imply, as Kaupp noted, helping mankind so that their life may gain the claim and promise of God.[715] This was why the German Bishops held this goal to be the leading of both the individual as well as the whole Christians to a maturity in faith so that they the whole treasures of the Christian message are spread and propagated.[716] For Monika Scheidler, this goal is to be seen in helping the human being to root their life in God and to follow their way of faith. It is the unfolding of the baptismal call of Christians in the world.[717]

5.1.1.3. Catechetical Methodology

In their book, "The art of being a catechist" Michel Salamolard and Jean-Loys Ory listed such catechetical methodologies as narration, memorizing celebrating and music as effective method of impacting catechesis, especially among children.[718]

Catechetical instruction is the responsibility of all the Christian faithful.[719] As stated above,[720] catechesis should be taught considering the age, social condition, spiritual maturity and life situation of the hearers. The G.C.D set forth two traditional methods in education used in cat-

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[713] Art. 48 VatII LG.

[714] *C Cler*, General Catechetical Directory (1971), Art. 39-69.

[715] *Angela Kaupp* quoted the Joint Synod of the Dioceses of Germany, 1971-1975 in which they asserted that the goal of catechesis lies in helping human beings in their search for God, see: *Kaupp*, Nachkonziliare kirchliche Dokumente, p. 85.

[716] *Paul VI*, ApE *Evangelii Nuntiandi*, Art. 73.

[717] *Scheidler*, Das didaktische Profil der Katechese, p. 114.

[718] *Salamolard / Ory*, The art of being a catechist, pp. 182-205.

[719] *Coriden*, An introduction to Canon Law, p. 106.

[720] See the treatment of the topic *G.C.D and Forms of Catechesis* above.

echesis – the deductive and inductive methods with different advantages and use as veritable methods of catechesis.[721] The inductive method for example uses biblical experiences, liturgical and daily life of the Christian to explain the Christian message. When the G.C.D suggested that each culture and people should evolve a methodology helpful to the catechumen, it is an invitation to a proper Inculturation of the methods of imparting catechesis. In this sense, African Traditional education, biblical stories and the hierarchy of the Christian truth could be presented to the catechumen and Christians using African categories and thought-pattern that would enable them to appreciate the gospel message. The Catechetical Commissions both at the diocesan, regional and national level should make use of proverbs, folklore and idioms which impart the Christian message through memorization. The basic principle governing human learning which include: experience, imagination, memory and intelligence[722] have their appeal in the different cultural settings. A catechetical presentation of the teaching of the Church on the Sacrament of Reconciliation for instance, could be presented with the explanation of the Igbo traditional worship ceremony where worshippers coming to offer their sacrifice to the gods purify themselves first before approaching the altar of the gods with their sacrifice.

5.1.2. Evangelii Nuntiandi

Why do we build Churches? Why do so many men and women devote their entire life to God? What is the reason for the whole missionary endeavour? The answer to these questions revolves around the theme, Evangelization.[723] Evangelization is an important aspect of the

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[721] *C Cler*, General Catechetical Directory (1971), Art. 70-97.

[722] *Ibid.*, Art. 70.

[723] For further readings on this topic see: *Oskar Stoffel*, Der missionarische Auftrag, in: HdbKathKR^2, pp. 677-683; *Kallenbach*, Kirchenamt, pp. 301-307; *Norbert Ruf*, Das Recht der katholischen Kirche nach dem neuen Codex Iuris

teaching office of the Church. The Church's *raison d'être* is to evangelize. She is missionary by her calling.[724] Evangelization is her life and mission. The Second Vatican Council included all baptized Christians in this mission of the Church.[725] The Apostolic Exhortation, *Evangelii Nuntiandi* (EN), issued by Pope Paul VI on 8 December, 1975 was an outcome of the third synod of Bishops in Rome which ended on 26 October, 1974 whose theme was on evangelization in the modern world. This document was aimed at encouraging all Christians in their common mission to evangelize and prepare the Church to announce the Good News more fittingly in modern times.[726] The following elements could be underscored as the basic contents of this document: definition, nature and elements, contents and methods of evangelization; those responsible for; dispositions and obstacles to successful evangelization.

5.1.2.1. Definition, Nature and Elements of Evangelization

Pope Paul VI classically defined evangelization as "bringing the Good News into all the strata of humanity, and through its influence transforming humanity from within and making it new".[727] Evangelization, according to him is often associated with and defined in terms of Kerygma (preaching), catechesis and the other means of sanctification employed by the Church. These occupy an important place in evangelization and are often synonymous with it but yet are only aspects and moments in evangelization. Proclamation for instance, finds its fulfillment only when it is listened to; accepted, assimilated and when it

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Canonici. Für die Praxis erläutert. Freiburg im Breisgau / Basel / Wien [5]1989, p. 193 f.

[724] *Coriden*, An introduction to Canon Law, p. 107; *Anthony Okonkwo Gbuji*, A Handbook on the New Evangelization in Nigeria: A Text for study Groups. Enugu 2012, p. 29.

[725] Art. 10 VatII LG.

[726] *Paul VI*, ApE *Evangelii Nuntiandi*, Art. 1 and 2.

[727] *Ibid.*, Art. 18.

arouses a genuine conversion in the one who has received it.[728] Evangelization is often seen as *missio ad Gentes*, which means "implanting of the Church among peoples or groups in which it has not yet taken root".[729] It is the first preaching which demands repentance and believe in Jesus.[730] In order to evangelize, it is the Church's task to seek the best method to be used to bring the Good News to the modern world. It is her greatest desire that "all men be saved and come to the knowledge of the truth" (1 Tim. 2:4). She is the universal sacrament of salvation and finds fulfillment in her vocation which corresponds to the salvation of all peoples.[731] It is her mission and her identity, her vocation. She exists to evangelize and is born to do so.[732] The Church of Christ on earth is a missionary church.[733] *Evangelii Nuntiandi* stressed the fact that as an evangelizer, the Church starts with herself and has a consistent need of self-evangelization.[734] The following are necessary steps in the evangelization process: renewal of humanity, explicit proclamation, inner adherence, witness, entry into the community, acceptance of signs, apostolic initiative and so on.[735] The identification of apostolic initiative as an element of evangelization was later recognized by the 1983 Code of Canon Law which urged Christian faithful to promote and support apostolic action by their own initiatives, undertaken according to their state

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[728] *Paul VI*, ApE *Evangelii Nuntiandi*, Art. 17, 23 and 24.

[729] Art. 6 VatII AG.

[730] *Scheidler*, Das didaktische Profil der Katechese, p. 111.

[731] Art. 48 VatII LG; see also Art. 1 VatII AG.

[732] *Paul VI*, ApE *Evangelii Nuntiandi*, Art. 14.

[733] Art. 2 VatII AG.

[734] This is what Pope Francis called an "undelayed renewal of the Church" He called for a new Evangelization which would start from the Church herself. See: *Francis*, ApE *Evangelii gaudium*, Art. 27-33.

[735] Art. 24 VatII AG.

and condition.[736] When they do this, they are supporting the Church's evangelization process and are themselves evangelizers.

5.1.2.2. Contents of Evangelization

The Second Vatican Council's Decree on the Pastoral Office of Bishops in the Church, *Christus Dominus* urged bishops to make scripture, tradition, liturgy, teaching authority and the social teaching of the Church as well as catechetical instruction the content of their preaching and the major concern of their ministry.[737] In identifying scripture as a major content of evangelization, *Evangelii Nuntiandi* holds that the ultimate goal of Christ's evangelizing mission was the kingdom of God and the salvation of humanity. It holds, therefore, that the contents of the Church's evangelization should start with the person of Jesus Christ, the Son of God. Evangelization must contain the proclamation that Jesus is the Lord. It must begin with the proclamation of the coming of the Kingdom of God as Christ himself did. The Church's evangelization must begin with the transcendental.[738]

It must address itself to the social situation of peoples. This was the reason why *Gaudium et Spes* underlined the mission of the Church in the modern world as that of identifying herself with "the joys and hope, the grief and anguish of the men of our time especially of those who are poor or afflicted in any way".[739] In a similar way, Pope Paul VI asserts that the contents of evangelization must involve the social reality. Evangelization must address itself to the social issues of peace, justice, human development, social and economic questions. It must indeed condemn such social ills as famine, chronic disease, illiteracy, poverty,

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[736] C. 216 CIC/1983.

[737] Art. 13 and 14 VatII CD.

[738] *Paul VI*, ApE *Evangelii Nuntiandi*, Art. 27 and 28.

[739] Art. 1 VatII GS.

injustice, modern-day slavery. Evangelization must address itself to the liberation of the human person. However, according to this document, liberation should not be reduced to a simple temporal project but to what Pope Francis called an option for the poor which has a "theological category rather than a cultural, sociological, political or philosophical one".[740] This would link the Church to some political parties and make her lose her focus which finds its meaning in the religious finality of the human person. According to *Evangelii Nuntiandi*, human liberation and salvation in Christ have links but are not identical. Evangelization should have openness to the divine absolute which is the Church's primary vocation and the goal of Christian education. It should reject violence as a means because it provokes violence and always makes room for new forms of oppression and enslavement which are most often harder to bear than those that caused them. It is a vicious circle.[741]

5.1.3. Catechesi Tradendae

5.1.3.1. Introduction

The Apostolic Exhortation, *Catechesi Tradendae* (CT)[742] was published by Pope John Paul II on 16 October, 1979 being both the fruit of and an inheritance from Pope Paul VI, Pope John Paul I and the General Assembly of the Synod of Bishops held in October 1977.[743] Catechesis is not just a recitation of Christian doctrine. It is first an activity of the

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[740] *Francis*, ApE *Evangelii gaudium*, Art. 198.

[741] *Paul VI*, ApE *Evangelii Nuntiandi*, Art. 32, 33 and 37.

[742] The German Bishops' Conference called this document, a representative of the entire Church documents of Catechesis. See: *DBK*, „Schwerpunkt heutiger Sakramentenpastoral". Ein Beschluß der Gemeinsamen Synode der Bistümer in der Bundesrepublik Deutschland, 1974, in: *Sekr. DBK* (Hg.), Nachkonziliare Texte zu Katechese und Religionsunterricht, *Catechesi Tradendae*. Bonn 1989, pp. 161-204, here p. 193.

[743] *John Paul II*, ApE *Catechesi Tradendae*, 16 October, 1979, in: AAS 71 (1979), pp. 1277-1340.

Church and involves in its content a lot of other activities; in fact catechesis is the whole gamut of activities which the Church exercises in order to bring people to Christ. In this sense, Pope John Paul II defined catechesis as:

> "the whole of the efforts within the Church to make disciples, to help people to believe that Jesus is the Son of God, so that believing they might have life in his name. It also means the education of children, young people and adults in the faith, which includes especially the teaching of Christian doctrine, imparted generally speaking, in an organic and systematic way, with a view to initiating the hearers into the fullness of Christian life".[744]

By its nature, catechesis is Christocentric that means, centered on Christ; Trinitarian, centered on human salvation and on the hierarchy of the Truth.[745] Every catechetical activity of the Christian community is centered on Christ and leads man to the mysteries of Christ. He is the supreme Teacher and Catechist who was recognized as a teacher by his disciples and evangelists as well as by the whole people. He not only assumed the responsibility of teaching but also called himself a teacher. In this historical order, Jesus transferred his teaching powers to his disciples who taught like him. In expounding the contents of catechesis in accordance with *Catechesi Tradendae*, the German Bishops noted that it should comprise a complexity of content: God in his mysteries and his intervention in human history; his revelation in Christ; that means the mystery and the works of God for our salvation.[746] A study of the sacraments especially the Eucharist[747] and marriage;[748] human right, moral

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[744] *Ibid.*, Art. 1 and 18.

[745] *Ibid*., Art. 6; see also: *Kaupp*, Nachkonziliare kirchliche Dokumente, p. 95.

[746] *John Paul II*, ApE *Catechesi Tradendae*, Art. 20-22.

[747] *Carola Fleck* discussed the guidelines which catechists should observe in teaching Eucharistic catechesis. See: *Carola Fleck*, Leitlinien für die Eucharistiekatechese, in: *Angela Kaupp / Stephan Leimgruber / Monika Scheidler* (Hg.),

life of Christians, the fullness of love; the Church as a community and source of salvation, Mariology and our union with God at the last day are essential elements of catechesis.[749] CT sees catechesis as the Church's continuous sacred duty. It identified St Matthew's gospel account as the Catechist's gospel and that of St Mark as the Catechumen's gospel.[750]

The catechetical contents of the writings of people like Origen, Clement of Rome, Cyril of Jerusalem, John Chrysostom, Ambrose and Augustine testify that the post-apostolic men were outstanding catechists and teachers. For instance, the Didache and letters of Barnabas where catechesis was presented in the form of two ways of life and death, of light and darkness showed the catechetical input of these post-apostolic men.[751] The contributions of such ardent catechists as Charles Borromeo, Robert Bellarmine and Petrus Canisius complimented the catechetical efforts of the Council of Trent.[752] *Catechesi Tradendae* addressed itself to the current needs of the Church in our present time. That is really the meaning of its title: Catechism of our time.

5.1.3.2. Who Imparts and Who Receives Catechesis?

Handbuch der Katechese. Für Studium und Praxis. Freiburg im Breisgau / Basel / Wien 2011, pp. 403-415.

[748] *Beate Meintrup* treated marriage as an important concept of catechesis. See: *Beate Meintrup*, Ehekatechetische Konzepte, in: *Angela Kaupp / Stephan Leimgruber / Monika Scheidler* (Hg.), Handbuch der Katechese. Für Studium und Praxis. Freiburg im Breisgau / Basel / Wien 2011, pp. 446-463.

[749] *John Paul II*, ApE *Catechesi Tradendae*, Art. 73.

[750] *Ibid.*, Art. 5-9.

[751] *Berard L. Marthaler / et alii* (eds.), New Catholic Encyclopedia, Vol. 3, p. 228.

[752] *Ibid.*, pp. 236 f.; see also *John Paul II*, ApE *Catechesi Tradendae*, Art. 13-14.

These are two very important questions to which C.T addressed itself.[753] Because Catechesis is Christocentric, Jesus Christ himself is the divine Teacher and divine Catechist. The Pope is the universal catechist for the whole Church and each bishop,[754] the principal catechist for his own diocese.[755] Together with them, the pastors are cooperators in the ministry of teaching.[756] The whole Christian community bears great responsibility for the teaching of the Catechism because catechesis is a communal activity whereby those who are more mature help those still on the process of maturity and all learn one from another.

The addressees of catechesis are not just children preparing to receive the sacraments but also young people.[757] Pope John Paul II further stressed that Evangelization and Catechesis cannot in a strict sense be separated but at the same time, they are not identical. While the former involves the Primary duty of the Church to bring the Good News to the whole of humanity, catechesis is just one moment in the process of evangelization whose primary objective is the maturation of the Christian faith.[758] Other elements of evangelization include kerygma which has other names as *initial proclamation* and *missionary preaching*.

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[753] In her Article „Welche Kompetenzen können in der Katechese erworben werden?“ *Monika Scheidler* asked the basic question: who hast he competence to teach catechesis? See: *Monika Scheidler*, Welche Kompetenzen können in er Katechese erworben werden?, in: *Angela Kaupp / Stephan Leimgruber / dies.* (Hg.), Handbuch der Katechese. Für Studium und Praxis. Freiburg im Breisgau / Basel / Wien 2011, pp. 130-153.

[754] *Kaupp / Leimgruber / Scheidler* noted that the Bishop is the first catechist in his Diocese. See: *Kaupp / Leimgruber / Scheidler*, Einführung, p. 13; see also: *Coriden*, An introduction to Canon Law, p. 106.

[755] C. 756 §§ 1-2 CIC/1983; see also *John Paul II*, ApE *Catechesi Tradendae*, Art. 4-16.

[756] *Ibid*.; c. 757 CIC/1983.

[757] *John Paul II*, ApE *Catechesi Tradendae*, Art. 18; see also: *Kaupp*, Nachkonziliare kirchliche Dokumente, p. 93.

[758] *John Paul II*, ApE *Catechesi Tradendae*, Art. 17-24.

Evangelization also involves apologetics or offering of reasons for one's belief, sacramental living and missionary witness.[759]

One could compare the evangelization process to the physical life which passes through various stages of growth from infant to adult age. In the mission territories, a lot of emphasis is to be laid on evangelization and implantation of the Christian faith to make disciples and build communities. When Christian communities are set up, they need to be maintained and nurtured as one nurtures the body. Catechesis builds up a structure already begun in baptism or at the point of acceptance of the faith in preaching and evangelization.

Catechesis is meant for everybody,[760] each receiving the adequate instruction suitable for his or her age. Children receive from their parents; from both school and parish community. The young at both early and later stage of adolescent life; people with some physical and mental challenges and other people with special needs demand from the Church a special catechesis. Just as in *Evangelii Nuntiandi*.[761] *Catechesi Tradendae* recognized adult catechesis as the principal form of catechesis. The German Bishops emphasized the spiritual aspect of catechesis as the most important aspect because catechesis is basically aimed at leading the person to Christ.[762]

5.1.3.3. Applying Catechesi Tradendae in the Nigerian Church

As a moment in the process of evangelization, C.T pointed out that catechesis has its source and contents as other aspects of the ministry of the Word. The source of catechesis is principally the deposit of faith;[763] that is the Scripture, Sacred Tradition, Magisterium and the Liturgy. It

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[759] *Ibid*., Art. 18-19.

[760] *DBK*, „Das katechetische Wirken der Kirche" 1974, pp. 229-235.

[761] See section ***on Evangeli Nuntiandi, regarding the adresses of Evangelization.***

[762] *DBK*, „Schwerpunkt heutiger Sakramentenpastoral" 1974, p. 186.

[763] Art. 10 VatII DV.

is, as Michel Salamolard and Jean-Loy Ory termed it, the Good News of salvation.[764] In its content, catechesis must begin with and be centered on the person of Jesus Christ. It must go on to explain the mystery of human experience; the action of grace and the misery of sin, Christian virtues, the social questions and ecumenism. Because Ecumenism does not imply the abandonment of one's own faith, C.T encourages local authorities to ensure that alternative arrangements are made for the provision of Catholic religious instruction to compliment what is offered in the public school.[765]

This situation applies to Nigeria in a special way. The curriculum for Religious instruction in the public schools does not reflect Catholic doctrine. Catholic pupils or students who depend only on the Religious instruction they are taught in schools will certainly lack in basic Catholic education. The challenge before the Catholic authorities in Nigeria is, therefore, to develop alternative religious instruction which is basically Catholic and discover avenues for imparting them. This is the topic of the next chapter. Adequate utilization of the means of social communication such as television radio, the press and so on, is highly recommended by C.T as means of catechizing. Catholic pilgrimages and group actions such as meeting of students groups and small Christian Communities are also veritable means of catechesis.[766]

In Nigeria, the domestic film industry is dominated by Pentecostals who produce many home videos tailored towards promoting their own theology. They have dominated and maximally utilized the various means of social communication using them to convert many Catholics to their faith. The power of conviction contained in this make-believe industry is so enormous that many simple-minded people believe that the solution to their problems is only to be found in Pentecostal prayer

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[764] *Salamolard / Ory*, The art of being a catechist, p. 40.

[765] *John Paul II*, ApE *Catechesi Tradendae*, Art. 33.

[766] *Ibid.*, Art. 46-47.

houses. The quest for miracles is highly promoted by Pentecostal Christians and this has created a very negative image for Nigerian Christianity. The Catholic Church in Nigeria is being challenged to rise in defense of orthodoxy.

Other veritable means of catechesis mentioned by C.T include the homily, the publication of catechetical literature and catechisms. There is the tendency in Nigeria today to base preaching as mere proclamation of miracles, signs and wonders. Even though Christianity has much to do with the events of Pentecost, there is more to Christian life than what we hear today in certain homilies about signs and wonders. C.T challenges the pastors of today to prepare their homilies centered on biblical texts and the mysteries of Christian living. The publication of catechisms is highly recommended for Christian education. Catechetical publications must speak to the life situation of the hearers without departing from the true Christian message.[767] C.T suggested that appropriate methods of catechesis should not be isolated from the prevailing culture in which it comes into contact. In this sense, Inculturation was highly encouraged, because catechesis,

> "… is called to bring the power of the Gospel into the very heart of culture and cultures. For this purpose, catechesis will seek to know these cultures and their essential components; it will learn their most significant expressions it will respect their particular values and riches. In this manner it will be able to offer these cultures the knowledge of the hidden mystery and help them to bring forth from their own living tradition original expressions of Christian life, celebration and thought".[768]

Despite the great harm being inflicted on traditional societies by secularization, it is difficult to remove man from his culture. Emphasis on the development and use of the Igbo language, figures of speech and local music-rhythm to teach catechism would be a step in the right direction. Popular devotions and memorization and other veritable methods

[767] *Ibid.,* Art. 48-49.

[768] *Ibid.,* Art. 53.

of imparting catechesis have been part of the ancient methods. In this sense, C.T suggested a balance between reflection and spontaneity.[769]

5.1.4. Familiaris consortio

5.1.4.1. Introduction

The Family is the first school of faith[770] and the vital cell of society (Art. 11 VatII AA) and it is because of this that parents must be prepared to be good teachers to their children. But unfortunately, most young parents today lack the "requisite knowledge to be transmitted to their children".[771] This often poses a great challenge to the Church who is called to teach all peoples. *Familiaris Consortio* (FC) is a document centered on the role of the Christian family in modern times. It was issued by Pope John Paul II on 22 November, 1981 being the fruit of reflections of the Synod of Bishops in Rome from 26 September to 25 October 1980. It expounded the teaching of the Church on family life which, though ancient, is always new. The nature of the family especially the Christian family makes it to be both the first school as well as the first Church. Pope Benedict calls the family "an inheritance of humanity and the first school of faith".[772] It is the family which initiates the child into the Church and society through family education. It is the first missionary school of evangelization where the child begins its first journey to the world of both divine and human knowledge.[773]

The family ties in Africa are still very strong. The family is an indispensable institution where the most basic education is given to the child. This was why Elżbieta Osewska and Józef Stala noted that the modern

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[769] *Ibid.*, Art. 54-55.

[770] *DBK*, Aparecida 2007, n. 114.

[771] *Morrisey*, The rights of parents, p. 430.

[772] *DBK*, Aparecida 2007, n. 114; see also: *DBK*, „Das katechetische Wirken der Kirche" 1974, pp. 254-256.

[773] *John Paul II*, ApE *Familiaris Consortio*, n. 2.

family should be the first setting for religious and moral education.[774] It is comparable to a strong foundation which holds together the whole edifice called education. If the foundation is weak, the whole edifice would fall. In Africa the child is usually initiated into the mysteries of life through the family. His world-view is strongly affected by those of his family. That explains why in Africa, marriage is a family affair and not just that between the man and the woman. When a man is ready to marry and makes a choice of a woman from a family considered to have some bad influence in that society, his family objects to the union. Giving the family involvement in marriage, divorce is uncommon. This is because separating the couples would mean separating the bond between two families whose relationship may have begun before the marriage. As a natural institution ordained by God (Gen 2:28), the family is the abode of love which begins with the union of man and woman and extends to the children. This natural union acquires a Christian character through the sacrament of matrimony which is a "covenant by which a man and a woman establish between themselves a partnership of their whole life, and which of its own very nature is ordered to the wellbeing of the spouses and to the procreation and upbringing of children (c. 1055 § 1 CIC/1983). Christian marriage is a place which presupposes an act of self-giving "whereby a man and a woman accept the intimate community of life and love".[775] *Familiaris Consortio* recognized four major tasks facing the family to be the formation of a community of persons, serving life, participating in the development of society and sharing in the life and mission of the Church.[776] Traditional as well as Christian

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[774] *Herman Lombaerts / **Elżbieta** Osewska*, The Modern Christian Family as a First Setting for Religious and Moral Education?, in: ***Elżbieta** Osewska / Józef Stala* (eds.), Religious Education / Catechesis in the Family: A European Perspective. Wydawnictwo Uniwersytetu Kardynala Stefana Wyszynskiego (Education today 20). Warszawa 2010, pp. 11-25.

[775] *John Paul II*, ApE *Familiaris Consortio*, n. 11.

[776] *Ibid*., n. 17.

agents should combine in the education of the child. Parents, grandparents, catechists, teachers of religion, priests and other religious authorities.

Today many people question the authority which the Church has on moral issues affecting the family especially when her teachings on the human family comes from the hierarchy of the Church constituted by celibates who have no practical experience of family life. This is even truer when we consider the fact that many external agents and forces like: social contacts, school system, security issues like health food and transport and especially the media are negatively influencing the family as a natural institution. *Gaudium et spes* pointed out these negative influences on the family when it stated that the dignity of marriage is "overshadowed by polygamy, the plague of divorce, so-called free love, and similar blemishes … dishonoured by selfishness, hedonism, and unlawful contraceptive practices" (Art. 47 VatII GS). In the midst of these myriad of negative influences, how powerful is the influence of the Church's teaching on the family? *Familiaris Consortio* proposes an answer to such questions. It confronts the myriads of problems militating against family life in the modern world. It presumed the teaching of Pope Pius XI on Christian education[777] which addressed the Church as mother and teacher. As a teacher, the Church interprets the moral norms to the people of God without hiding their difficulties. The definition and understanding of the family by modern society constitutes a problem. This is what Herman Lombaerts and Elżbieta Osewska called a "shift of the family from a traditional, nearly static and economically stable institution to a relational, affective and thus more fragile reality".[778] While the Church maintains her understanding of the family as the union between man and woman (c. 1055 CIC/1983), modern practices negate this natural and biblical understanding. The same sex union, life-partners

[777] *Pius XI*, Enc *Divini illius magistri*, n. 17.

[778] *Lombaerts / Osewska*, Modern Christian Family, p. 13.

living in concubinage, marriage of short-term agreement, people living in a situation of divorce and re-marriage, the use of contraceptives, abortion and so on, constitute a problem to the Church's teaching on family and marital love. Discussing the theme: Sociological situation of the family in Germany, in their article "Don't deprive children of God"-Religious Education in the family from a German Perspective, Albert Biesinger and Simone Hiller asserted that in the opinion of many modern people, the family now includes "partnership without children. The stress is on the formation of an emotional relationship to each other. … Most children experience family as living together with two adults (at least one of which is their biological parent)".[779] Today, most traditional family values are relativised. *Familiaris Consortio* described these as "disturbing degradation of some fundamental values".[780] As teacher and mother, the Church sets herself to teach her children with love. While not condemning people who unfortunately have to live in such situations, she is nevertheless committed to evangelizing the modern world through her teaching on marriage.

5.1.4.2. Christian Education in the Family, African View-Point

Christian marriage is union between a man and a woman whose covenantal love has two essential elements: the good of the spouses as well as procreation and upbringing of their children (c. 1055 § 1 CIC/1983). In this sense, education is the primary vocation of married people. Like many other Church documents, *Familiaris Consortio* recognizes parents as the first educators of their children whose right to educate is irreplaceable, inalienable and, therefore, incapables of being entirely dele-

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[779] *Albert Biesinger / Simone Hiller*, "Don't deprive children of God" – Religious Education in the family from a German perspective, in: ***Elżbieta*** *Osewska / Józef Stala* (eds.), Religious Education / Catechesis in the Family: A European Perspective. Wydawnictwo Uniwersytetu Kardynala Stefana Wyszynskiego (Education today 20). Warszawa 2010, pp. 213-227.

[780] *John Paul II*, ApE *Familiaris Consortio*, n. 6.

gated or usurped by others.[781] This parental function is rooted in love. Love is the foundation of every parental action aimed at educating children. From the moment of conception, parents have a loving attachment of their children. Before birth, they are full of loving expectation. When the child is born, they welcome it with great joy. In Igbo traditional society, the *Igu aha* – ceremony (naming ceremony) is an occasion of great joy when the whole family – old and young gather to welcome the child and give it names. Traditionally, the names given to children indicate its link to the family. Herman Lombaerts and Elżbieta Osewska reported that in the old Christian tradition of Europe, "a Christian name is considered as a symbol of the spiritual heritage of a family".[782] In the African perspective, the child gets many names from relatives but the ones given by the father prevails. An Igbo name like *Nwa ora*-society's child, suggests that the child belongs to the whole community. It begins its life's journey in the family but is gradually introduced into the life of the community. It is educated in the art of communal living and sharing. Through free community service such as road mending, free security service and dance the child learns to give itself to the community. *Familiaris Consortio* suggests therefore that Christian parental education should lay emphasis on such areas as self-giving, real sense of love, essential family values, freedom and proper sex education. Any form of sex education given to the child should have the supervision of parents. The Church is opposed to thoughtless forms of sex education without morality attached. This is because it only exposes children to a life of pleasure and destroys their innocence.[783]

As the first educators of their children, parents are enjoined to lead them into full knowledge of the Catholic faith through family prayer and scriptural reading. Most Catholic children learn the first time how to

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[781] *Ibid.*, n. 36; see also Art. 3 VatII GE.

[782] *Lombaerts / Osewska*, Modern Christian Family, p. 21.

[783] *John Paul II*, ApE *Familiaris Consortio*, nn. 37-38.

pray from their parents. F.C urged Episcopal Conferences to prepare family catechisms suitable to the age of the children. Since the child is a member of both the family and society, other members of the society should help parents in the education of their children. The parish community, pastors, and teachers especially of Catholic schools are expected to make their contributions to the education of the child.[784]

5.1.4.3. Pastoral Care of the Family

As teacher and mother, the Church accompanies the Christian family from birth to death. Through the help of the various agents of pastoral care the bishops, pastors, religious pastoral experts, teachers and lay specialists, the Church works to keep alive the Christian family. The preparation for Christian marriage for instance, consists of three stages, remote, proximate and immediate, through which the couples receive doctrinal, pedagogical, legal and medical education prior to their marriage. Pastors begin the immediate preparation for Christian marriage by expounding to the couples the basic canonical knowledge which they should possess before entering into marriage. C. 1063 CIC/1983 specified both the remote as well as the proximate preparations for marriage. The intending couples should be made aware of the canonical implications of free consent, impediments and canonical forms before they approach the altar for marriage. The Church equally accompanies them through the actual celebration of their marriage with adequate pastoral care.[785] Local Churches are encouraged to ensure a special care of families in various pastoral needs. Couples living in mixed marriages, trial marriages, free unions, couples in civil marriages, separated partners, divorced and re-married and unmarried adults all need special pastoral care. Through special training of priests and other pastoral workers, the Local Churches could identify and proffer some pastoral solutions to the

[784] *Ibid*., nn. 39-41.
[785] *Ibid.*, nn. 65-71.

various problems facing the Christian family.[786] The provisions of C. 226 § 2 CIC/1983 which outlined the most serious obligation and the right which parents have to educate their children, is according to Francis Morrisey, a call on two different levels, a general as well as Christian education of their children.[787]

6. Christian Education in the 1983 Code

6.1. Introduction

Twenty-nine canons are dedicated to the theme on Catholic education by the 1983 Code of Canon Law; a topic which came up in title III of the third book.[788] The first two introductory canons were directed to what one might regard as the two most important agents of education, parents and the Church[789] while the third canon dwelt on the essential elements of education as an integral formation. This code discussed schools (cc. 796-806), Catholic universities (cc. 807-814) and ecclesiastical universities and faculties (cc. 815-821) as essential means of imparting Catholic education. It discussed these topics more extensively than the 1917 Code which devoted only 12 canons to it. We shall focus on two important themes while discussing the contribution of the 1983 Code to Christian education. These include: agents and means of Christian education.

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[786] *Ibid*., nn. 73-77.

[787] *Morrisey*, The rights of parents, p. 433.

[788] *Rees*, Verhältnis von Staat und Kirche, p. 23.

[789] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, pp. 181-185; *ders.*, Verhältnis von Staat und Kirche, p. 23; *Listl*, Staat und Kirche in der Bundesrepublik Deutschland, pp. 240-266.

6.1.1. CIC/1983 and the Agents of Catholic Education

Who has the duty and right to impart Catholic Education? This is a very important question. Many previous documents which concerned themselves with the theme of Catholic Education[790] have always mentioned three major agents of Catholic education: parents, the Church and civil society or government. Although the section on Catholic education has its basic source in *Gravissimum Educationis,*[791] it did not explicitly exclude the state[792] or civil society as a major agent of education as did the 1917 Code. It laid emphasis on parents and the Church as agents of Catholic education. The reason may be because it dwelt basically on Catholic education and not on education in general. So the two most important agents of Catholic education for the 1983 Code are parents[793] and the Church.

6.1.2. Parents' Right and Obligation to educate their Children

The right of Parents to educate their children[794] is so profound and natural that it is not conferred by the state, but only to be accepted and corroborated by it. This right is ordered to the right and obligation accruing to the parents due to their marriage in c. 1055 § 1 CIC/1983.[795] It resists any intrusion. The state has its own rights to educate but must always be aware of the fact that parental right has a priority over it because of its emergence from the natural order.[796] It is rooted in both

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[790] Some of these documents include: *Pius XI*, *Divini Illius Magistri*; VatII GE; *John Paul II*, ApE *Catechesi Tradendae* and *John Paul II*, ApE *Familiaris Consortio.*

[791] Art. 3 VatII GE.

[792] *Campenhausen*, Erziehungsauftrag, pp. 19-27.

[793] *Ibid*., pp. 28-54.

[794] *Gampl*, Österreichisches Staatskirchenrecht, p. 99; *Weiß*, Das Recht der religiösen und weltanschaulichen Kindererziehung, pp.41 f.

[795] *Heinrich Mussinghoff*, Einf. vor c. 793/1, in: MK CIC (Stand: Mai 1986).

[796] *Arnulf Schmitt-Kammler*, Elternrecht und schulisches Erziehungsrecht nach dem Grundgesetz (Schriften zum öffentlichen Recht 450). Berlin 1983, p. 12.

natural and divine law. The Austrian law holds that no one should be denied the right to be educated and the State while exercising its authority in the area of education and instruction should respect the right of parents to educate their children according to their own religion and world-view.[797] In this sense, the determination of the kind of education which children receive depends on parents. This parents' right guarantees a proper education of children while protecting the family as a natural institution. It is therefore a natural right.[798] Pope John Paul II held this right to be essential, original, primary, irreplaceable and inalienable and cannot be usurped by others.[799] The 1917 Code forbade parents to send their children to non-catholic, mixed or neutral schools owing to what Mussinghoff/Kahler called the danger of exposing children to false teachings against the Catholic faith and bad morals. It also encouraged all Christians to assist catholic schools (c. 1372 § 2 CIC/1917).[800] The 1983 Code acknowledged that this parental right issues from the natural order when it stated that "because they gave life to their children, parents have the most serious obligation and the right to educate them. Canon Law protects this right as natural to parents because for it, marriage is to be between man and woman (c. 1055 § 1 CIC/1983). This is why Dieter Weiß recognizes the bearers of this "right of parents" to be

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[797] Art. 2 Abs. 1 Zusatzprotokoll zur Konvention zum Schutze der Menschenrechte und Grundfreiheiten Abgeschlossen in Paris, 20. März 1952, BGBl. Nr. 210/1958, BVG, BGBl. Nr. 59/1964 https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000309 (5.5.2015); see also *Hugo Schwendenwein*, Die rechtliche Ordnung des konfessionellen Privatschulwesens, in: *ders.*, Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 280-284, here p. 280.

[798] *Weiß*, Das Recht der religiösen und weltanschaulichen Kindererziehung, p. 44.

[799] *John Paul II*, ApE *Familiaris Consortio*, n. 36.

[800] *Heinrich Mussinghoff / Hermann Kahler*, Einf. vor c. 796/3, Rn. 5, in: MK CIC (Stand: November 2000).

"man and woman".[801] It is, therefore primarily the responsibility of Christian parents to ensure the Christian education of their children in accordance with the teachings of the Church (c. 226 § 2 CIC/1983). This means that parents in a special way share in the Church's mission to teach.

C. 1055 § 1 CIC/1983 which has its root in Art. 48 VatII GS sees the education of children as a part of the procreation dimension of Christian marriage.[802] This right of parents is a sacramental obligation[803] because, the sacrament of Matrimony is not just ordered to the well-being of the spouses but also to the procreation and upbringing of children. Both procreation and upbringing of children are essential elements of marriage (c. 1055 § 1 CIC/1983). These elements imply the provision of physical, psychological and spiritual needs of children. They involve nature and nurture. This is why parents have the most serious obligation and primary right to do all in their power to ensure their child's physical, social, cultural, moral and religious upbringing (c. 1136 CIC/1983). These elements are inseparably intertwined and education follows what Deborah A. Barton called a continuous and natural progression from procreation.[804]

The General Assembly of Bishops of Latin America and the Carribic sees the family as the first school of faith because parents, as the first teachers of their children should create rooms where they, through a family pastoral ministry and catechesis, lead them gradually to the sacraments of initiation.[805] This family education should begin by the life

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[801] *Weiß*, Das Recht der religiösen und weltanschaulichen Kindererziehung, pp. 47-52.

[802] Art. 48 VatII GS.

[803] *Ibid.*

[804] *Deborah A. Barton*, Education and Catechesis of Children: Rights of Parents and Rights of Bishops, in: CLSA, Proceedings of the sixty-second annual convention. Washington/DC 2000, pp. 63-92, here p. 69 ff.

[805] *DBK*, Aparecida 2007, n. 302.

examples of parents to their children. Through family catechesis, children learn the witness of faith.[806] In this regard, Pope Benedict stresses the fact that the child has its right to receive a total and integral education from its parents; the father and mother giving it their gifts of love through family catechesis.[807]

The Church and society should work together with parents to help them fulfill this fundamental task. The contact between parents and teachers is also important because the world-view of parents affects the learning process of children. Teachers would do a more thorough job of educating the children when they join forces with parents. The basic contents of parental right to education include *care and teaching*. Care points to physical existential protection while teaching deals with the imparting of such value-oriented knowledge such as religion and the development of political world-views.[808]

When parents are not there, there are often people who play their part. When paragraph one of c. 733 CIC/1983 speaks of "those who rightfully take the place of parents", it is presumed to imply the guardians, foster parents and adoptive parents. They stand in for parents in their absence. The German Bishops suggest that when children are growing up in a family where parents are indifferent to religion, it is the task of Christians to establish contact with these parents to ensure the introduction of these children into Christian life.[809] Parents do all in their power to give their children the best in life. Today, many parents revert to home-schooling and catechesis as best suited for their children[810] and some give their reasons to be poor quality of parish catechesis and convenience of the parents.[811] Some of them would want to pay special

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[806] *Ibid*., n. 303.

[807] *Ibid.*

[808] *Barton*, Education and Catechesis, p. 19.

[809] *DBK*, „Der Religionsunterricht in der Schule", pp. 131 f. and p. 136.

[810] *Euart*, Catholic Education, p. 953.

[811] *Barton*, Education and Catechesis, pp. 74-77.

attention to their disabled children. Even though home catechesis is not directly mentioned by the 1983 Code, it is indirectly implied in c. 798 which suggests that parents send their children to those schools which will provide for their Catholic education and when they cannot do this, they are bound to ensure the proper Catholic education of their children outside the school. One must, however, bear in mind that catechesis is a community-faith-based enterprise which should involve the collaboration of parents, the parish community and the pastors and teachers of catechetical instruction. This is attested to by the following facts: as lay members of Christ's faithful, parents are expected to cooperate with their bishops and priests in the exercise of the ministry of the word.[812] The 1983 Code specifically entrusted the care of catechesis under the direction of lawful ecclesiastical authority, while allowing each member of the body of Christ which includes parents to perform his or her role in catechesis.[813] C. 776 CIC/1983 instructs the parish priest with the help of catechetical helpers in his parish to oversee the catechetical formation of adults, young people and children in his parish.

Paragraph two of c. 793 CIC/1983 suggests that parents seek support from the state for the education of their children. But how they would do that is the question. A good option was offered by Wilhelm Rees when he suggested that the faithful help through school politic as well as financing these schools.[814] Christ's faithful should also insist that civil authority help subsidize the cost of the training of their children. This does not, however, suggest that state takes over absolute control of all the schools and insist that parents send their children to state schools. This is the argument of the *Universal Primary Education* (U.P.E) system in Nigeria when the state took over the total control of the school system and made it universally free so that parents could send their

[812] C. 759 CIC/1983.

[813] C. 774 § 1 CIC/1983.

[814] *Rees*, Beaufsichtigung, p. 411.

children there for formation. But this is absurd if the quality of education offered there is poor and distasteful to parents. Parents want the best for their children. This brings us to an important which states that "parents must have a real freedom in their choice of schools. For this reason, Christ's faithful must be watchful that the civil society acknowledges this freedom of parents and, in accordance with the requirements of distributive justice, even provides them with assistance" (c. 797 CIC/1983). Freedom and distributive justice are the key words here. If the schools are homogeneous and parents have no other choice to where they could send their children, this amounts to abuse of their freedom of choice, thought and expression as outlined in the 1948 UNO. Universal Declaration of Human Rights.[815] It is argued that the "principles of distributive justice should guide the state in the allocation of public subsidies so that parents are not penalized in exercising their right to select schools for their children in accord with their conscience".[816] Some secularist movements are strongly opposed to the State using tax-payers' money to fund Catholic schools. They would rather want State schools with secular outlook for every child. But this is another way of imposing secularism as a state religion. It impinges on the fundamental human right of parents.

C. 798 CIC/1983 wants parents to entrust their children only to those schools where Catholic education is provided. Reasons why some parents may find it difficult to send their children to Catholic schools may include, as John Beal suggests "availability, distance, cost, cultural or political considerations".[817] Regardless of the circumstances inhibiting them from sending their children to Catholic schools, the most important issue for them would be to see to it that their children receive Catholic

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[815] *United Nations Department of Public Information*, Universal Declaration of Human Rights, Art. 18.

[816] *Euart*, Catholic Education, p. 955.

[817] *Ibid*.

education.[818] This canon does not suggest where such alternative Catholic education could be offered or received when the possibility of receiving it at the Catholic schools are not there. Due to our multi-religious circumstances in Nigeria, catechetical instruction is not taught in public schools. Parents who want their children to receive catechetical instruction have the alternative of sending them to Catholic schools or having them receive it in parishes. In the school setting, a general moral/religious instruction is offered to children of the various religions and denominations. However parents whose children attend public or private, non-Catholic schools often insist that the school authority make arrangement for Catholic priests who visit these schools from time to time to offer these children religious education.

C. 799 CIC/1983 solicits other Christian faithful to help parents in their task of providing religions education for their children. This they should do by seeing to it that proper school legislation is provided which encourages the right of parents to educate their children. Such laws should equally provide for religious and moral instruction in public schools. Catholic politicians are hereby encouraged to make sure that they represent the catholic ideals in political circles through opinion building, decision process and voting.[819]

6.1.3. The Right of the Church to educate in CIC/1983

The divine mission to teach all nations (Mt 28:18-20) reverberates in many documents of the Church. The Church has the right to educate[820]

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[818] *Heinrich Mussinghoff* suggest that where catholic education is not offered in the schools where parents send their children, they can organize common catechism classes outside school, church-family and youths faith building and catholic associations or encourage them to belong to mass-serving group. See: *Heinrich Mussinghoff*, c. 798/2, Rn. 3, in: MK CIC (Stand: Mai 1986).

[819] *Ibid*.

[820] *Aymans-Mörsdorf-Müller* KanR III, pp. 99 f.

and the teaching of religion is her role in the world.[821] C. 794 § 1 CIC/1983 states that the Church has in a special way the duty and the right educate, for it has a divine mission of helping all to arrive at the fullness of Christian life. Her duty to assist persons to reach the fullness of the Christian life corresponds to her right to preach and evangelize non-believers; catechize and instruct believers. It is a mandate to educate. Angela Kaupp reiterated that it is the obligation of the whole Christian people to evangelize and carry on the ministry of catechesis.[822]

6.1.4. Bishop's role in Catholic Education in the 1983 Code

6.1.4.1. Erection of Schools

C. 1375 CIC/1917 stated that the Church has the right to establish elementary schools as well as any kind of schools. That means that the Church could establish primary and secondary schools as well as tertiary colleges and Universities for the teaching of Catholic education. The 1983 Code was not explicit regarding establishment of primary and secondary schools. C. 800 CIC/1983 asserted that the Church has the right to establish and direct schools of any discipline, type and level. This is presumed to mean the Church's right to establish primary and secondary schools; postgraduate and vocational schools. This canon has its roots in *Gravissimum Educationis* number 8. The consent of the competent authority is basically what constitutes a school as Catholic (c. 803 § 1 CIC/1983);[823] it must be seen that the catholic teaching is guaranteed and integral education is given in it.[824] The right of the Local Ordinary to control and supervise catholic schools in his diocese which

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[821] *Kallenbach*, Kirchenamt, p. 208.

[822] *Kaupp*, Nachkonziliare kirchliche Dokumente, pp. 84-108.

[823] *Rees*, Religionsunterricht und katholische Schule, p. 194.

[824] *Aymans-Mörsdorf-Müller* KanR III, pp. 102-105. The authors named the competent authority to Catholic schools to be either the Local Ordinary or a public juridical person.

according to the provisions of C. 806 § 1 CIC/1983 is seen by Mussinghoff as directed towards general order and in these schools.[825] As Rees stressed, it does not mean an intrusion into the uniqueness and style of the various religious orders that own and direct schools in a diocese.[826]

Catholic Education, schools, Catholic Universities and Ecclesiastical Universities occupied cc. 793-821 CIC/1983. For many centuries, Catholic schools have been one of the enviable means of Catholic presence in the world,[827] which goal and objective is integral education.[828] For many centuries the Catholic Church has concentrated her efforts in regard to Catholic education on primary and secondary schools. In Nigeria for instance, the success story of the establishment and running of primary and secondary schools is thanks to the efforts of the Catholic and Protestant missionaries. The Church has shown its presence in education in the establishment of "a dynamic network of schools and educational programs extending from pre-school through the adult years".[829]

C. 802 § 2 CIC/1983 further advocated that the Church establish professional, technical and other schools of special needs. This would be in accordance with the environmental needs of the local Church. The bishop has the canonical responsibility, not just to erect catholic schools (c. 802 §§ 1 and 2 CIC/1983) but to safeguard the deposit of faith, to explain, defend, teach and exercise vigilance so that abuses do not creep into ecclesiastical discipline, especially regarding the ministry of the word and the celebration of the sacraments (c. 386 §§ 1 and 2 CIC/1983). This explains why the Congregation for Catholic Education stressed that, "Catholic schools are characterized by the institutional link

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[825] *Heinrich Mussinghoff*, c. 798/2, Rn. 2, in: MK CIC (Stand: Mai 1986).

[826] *Rees*, Beaufsichtigung, p. 413.

[827] Kathpress-Tagesdienst Nr. 270, 12 November, 2014, p. 4.

[828] *Rees*, Beaufsichtigung, p. 408.

[829] *John Paul II*, Catholic Education: Gift of the Church, Gift to the Nations. Address to the Catholic educators in New Orleans, Louisiana, October 8, 1987, in: Origins 17/17 (***1987***), p. 279, quoted in: *Euart*, Catholic Education, p. 956.

they keep with the Church hierarchy, which guarantees that the instruction and education be grounded in the principles of the Catholic faith and imparted by teachers of right doctrine and probity of life".[830]

C. 800 § 1 CIC/1983 treated the right of the Church to establish and direct schools of any discipline,[831] type and level.[832] C. 809 CIC/1983 stated that the Episcopal conferences the right to establish universities or at least faculties spread through their territory when it is possible and most expedient.[833] We see the recommendation to establish Catholic universities and faculties *strategically distributed* reverberating in other Church documents.[834] The aim of establishing such institutions is for human development; to improve culture and achieve true humanity.[835]

Still concerning the duty of the bishops to erect schools,[836] C. 811 § 1 CIC/1983 directed the competent ecclesiastical authorities to take care to erect faculties or institutes or at least chairs of theology in the Catholic universities where lay students would receive lectures. Here the meaning of ecclesiastical authorities could be seen as religious superiors, diocesan bishops, Episcopal conferences or even the Holy See. The ecclesiastical authorities are to provide opportunities for lay members of Christ's faithful to study theology. When lay people study theology, they are brought to a closer reflection of the mysteries of Christ, contribute and dedicate themselves more professionally to the advancement of the Church.

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[830] *C InstCath*, LC on Religious Education in schools, May 5, 2009, cap. II, n. 6.

[831] Art. 8 Abs. 2 VatII GE.

[832] *Ratzinger / Benedikt XVI.*, Zur Frage der Mission, pp. 934-936 (Das Dekret über die Laien).

[833] See: *Aymans-Mörsdorf-Müller* KanR III, p. 105.

[834] Art. 10 VatII GE; see also: Art. 59 VatII GS; *John Paul II*, ApC *Ex Corde Ecclesiae* on Catholic universities, August 15, ***1990***, in: AAS 82 (***1990***), pp. 1475-1509, here Art. 12.

[835] Art. 59 VatII GS.

[836] *Aymans-Mörsdorf-Müller* KanR III, p. 24.

6.1.4.2. Supervisory role of Bishops in Catholic Education

The actual definition of a Catholic school is one under the direction or control of a competent ecclesiastical authority or at least one recognized by him.[837] The bishop as the moderator of the entire ministry of the word (c. 756 § 2 CIC/1983) and the chief catechist[838] of his diocese has the authority to supervise the schools under his diocese.[839] Benedict XVI reminded bishops that the erection of schools is an area where they as pastors of souls must show their pastoral zeal to make their flock aware that their lives should be open to the transcendence.[840] This is the goal of the form of education received in Catholic schools. This was also why the Congregation for Catholic education maintained that to ensure a distinctive character of a catholic school, Bishops must "watch over the orthodoxy of religious instruction and the observance of Christian morals in the Catholic schools".[841] While this Congregation encouraged the various Religious bodies whose spiritualities are geared towards the school apostolate to try to be faithful to the spirit of their founders, it encouraged parents and other Christian faithful to be committed in helping Catholic schools to maintain their catholic character.[842] The Directory for the pastoral ministry of Bishops stated that "the Bishop is to see to it that in all educational centers … Catholic students receive a solid religious and moral education which helps them to mature as authentic Disciples of Christ and as a leaven of Christian living within society".[843] He exercises an over-sight role in those schools established and run by the religious in his domain. Even though the religious are public ecclesiastical juridical persons (c. 634 § 1 CIC/1983) who have the right and

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[837] C. 803 § 1 CIC/1983; *Rees*, Beaufsichtigung, pp. 409 f.

[838] See: *C Ep*, Directory *Apostolorum Successores*, n. 127.

[839] *Aymans-Mörsdorf-Müller* KanR III, p. 105.

[840] *DBK*, Aparecida 2007, n. 481.

[841] *SC InstCath*, The Catholic School, cap. VI, n. 73.

[842] *Ibid.*, cap. VI, nn. 74-75.

[843] *C Ep*, Directory *Apostolorum Successores*, n. 132.

capacity to acquire, possess, administer and alienate temporal goods; and have the mandate to establish and manage their schools, they could do this within the vicinity of a given diocese only under the consent of the diocesan bishop (c. 801 CIC/1983). Bishops' role in the teaching of religion in both private and public schools in their dioceses is seen by Mussinghoff/Kahler as both a pastoral as well as a religious service to humanity.[844] Other schools established by lay persons or even by public laws could as well be called Catholic schools if they have Catholic character but only with the written consent of an ecclesiastical authority which may be the diocesan bishop, Conference of bishops or the Apostolic See (c. 803 §§ 1 and 3 CIC/1983). Added to this over-sight role[845] of the bishop in schools established by the religious, lay members of Christ's faithful or other public judicial persons in his territory, the bishop has the right to keep vigilance over the whole Catholic religious education and formation in his diocese. While it is the function of the Bishops' Conference to issue the curriculum of study of religious in-

[844] *Heinrich Mussinghoff / Hermann Kahler*, Einf. vor c. 796/2, Rn. 3a, in: MK CIC (Stand: November 2000); see also: *Sekr. DBK* (Hg.), Schulpastoral – der Dienst der Kirche an den Menschen im Handlungsfeld Schule, 22. Januar 1996 (DDB: Kommission für Erziehung und Schule 16). Bonn 1996.

[845] On the issue of visitation of schools or oversight role by the bishop, *Heinrich Mussinghoff* pointed out that the bishop has the task of visitation to Catholic schools under his domain. See: *Heinrich Mussinghoff / Hermann Kahler*, c. 806, in: MK CIC (Stand: November 2000). This he does, even if these Catholic schools belong to the religious. He is to issue precepts for religious education in Catholic schools. The 1917 Code permitted the Bishop to visit even schools run by the religious in his diocese but forbade that he visits the ones exclusively meant for the professed members of an exempt order (c. 1382 CIC/1917). This is no longer the case since the Second Vatican Council which directed that "associations of the faithful which are under the direction and control of a religious order, even if they have been erected by the Apostolic See are subject to the jurisdiction and supervision of the diocesan bishop, who has the right to inspect them" (Art. 35 VatII CD).

struction, it is the duty of the diocesan bishop to regulate and watch over it.[846] Whether religious education is provided in the Catholic or public schools within any particular diocese, it is the duty of the diocesan bishop to supervise and direct it. Heinrich Mussinghoff and Hermann Kahler clarified this duty of the bishop in schools as that of accompanying, advising and taking care of souls entrusted to him.[847] The canonical presumption is that every form of Catholic religious education carried out in the diocese is subject to church authority in virtue of the Church's teaching mission and in virtue of the bishop's role as the moderator of the ministry of the word of God in his diocese. In all the places where Catholic religious instruction is taught and in all places where there are Catholics in his territory, the bishop is the overseer of Catholic education. Places we mean here would include home catechesis as practiced in some countries. Even though parents are primary educators of their children and have the right to choose the means and methods of educating them, they are required to co-operate with the church authority in this endeavour. As Deborah A. Barton stressed, Catechesis for their children is not an enterprise which parents are to undertake single handed.[848]

Christiaan Alting von Geusau and Philip Boot in the book "Catholic Education in the West: Roots, Reality and Revival" noted that there are three things which distinguish a catholic school or university: the Word of God, Magisterium and Sacramental life.[849] If catholic schools and universities do not have the approval and support of the magisterium, they lack the legal competence to bear the name Catholic. Even though

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[846] C. 804 § 1 CIC/1983.

[847] *Heinrich Mussinghoff / Hermann Kahler*, Einf. vor c. 796/2, Rn. 3a, in: MK CIC (Stand: November 2000).

[848] *Barton*, Education and Catechesis, p. 84.

[849] *Christiaan W. J. M. Alting von Geusau / Philip Booth*, Catholic Education in the West: Roots, Reality and Revival (Christian social thought series 19). Michigan 2013, p. 5.

the task of maintaining and strengthening the Catholic Identity of a catholic University rests primarily with the university itself,[850] the Church's Magisterium acts as guardian and custodian of the Catholic identity of these institutions.[851] In this age of secularization, it is necessary that the Local Ordinary protects the orthodoxy of every Catholic institution.

C. 810 CIC/1983 strikes a balance between the preservation of the autonomy of the Catholic universities, the supervisory[852] role of ecclesiastical authorities aimed at preserving the catholic identity and their vigilance to ensure that there are teachers of high quality in these institutions. The bishops perform the function of pastoral oversight, collaboration and intervention in Catholic universities in their territories.[853] John P. Langan calls the relationship between the university and the Church's hierarchy a *communio* (communion).[854] The Bishops promote Catholic universities. In terms of oversight function, they watch over the preservation of the catholicity of these institutes but are not expected to exact a direct influence in their administration. They are expected to respect universities' autonomy; allowing the university authorities to follow their own approved statutes. But the bishops should collaborate with the administration of Catholic universities, by way of promotion of its welfare, watching over the preservation and strengthening of their Catholic character, and intervening where and when necessary (that is if problems arise).[855] Such good dialogue between bishops and academicians or theologians was highly encouraged by Pope John Paul II because ac-

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[850] *John Paul II*, ApC *Ex Corde Ecclesiae*, Art. 4, § 1.

[851] *Komonchak*, The Catholic University, p. 42.

[852] *Severin Lederhilger*, Aufsicht: katholisch, in: LKStKR I, pp. 180-182.

[853] *Euart*, Catholic Education, p. 965; *John Paul II*, ApC *Ex Corde Ecclesiae*, part 2, on General Norms, Art. 5, § 2.

[854] *Komonchak*, The Catholic University, pp. 42 f.

[855] *Coriden*, An introduction to Canon Law, p. 109, n. 28; see also *John Paul II*, ApC *Ex Corde Ecclesiae*, Art. 5, § 2 which deals with General norms.

cording to him, authentic interpretation of the Sacred Scriptures belongs to the magisterial authority of the Church.[856] Theologians should respect the authority of Bishops. The Bishops in turn should encourage creative work of the theologians, respecting their theological methods and autonomy.[857] This cordial relationship between catholic universities and the Magisterium of the Church in the university world which David Hollenbach termed, "intellectual and social solidarity"[858] is necessary because in the words of John Cardinal Newman, "truth cannot be contrary to truth".[859] The nature and identity of the Catholic Church correspond to the search for the truth and the raison d'etre of universities equally correspond to search for the truth. So the Church and universities are not contrary to one another.

6.1.4.3. Missio Canonica

A bishop not only supervises Catholic education in his diocese, he equally controls it. As the Vicar of Christ in his own diocese, the chief servant and moderator of the word of God, he is bound to expound, teach and guard it. The 1983 Code states that the bishop should keep vigilance over the orthodoxy of teachers of religion (c. 804 § 2). He is charged with the responsibility of appointing the teachers of religion in both Catholic and non-Catholic schools. This is referred to as *canonical mandate* or *mission canonica.* Gerhard Huber[860] traces the origin of *Missio Canonica* to the missionary mandate given by Christ to disciples,

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[856] Art. 8-10 VatII DV.

[857] *Aymans-Mörsdorf-Müller* KanR III, p. 142.

[858] *David Hollenbach*, Intellectual and social solidarity, in: *John P. Langan* (ed.), Catholic Universities in Church and Socity: A Dialogue on Ex cored Ecclesiae. Washington/D.C. 1993, pp. 90-94, esp. p. 90.

[859] See the reference to John Cardinal Newman's maxim by *Joseph A. Komonchak* in the immediate quotation above: *Komonchak*, The Catholic University, pp. 42 f.

[860] *Gerhard Huber*, Der Religionslehrer im Spannungsfeld zwischen Kirchlichem und staatlichem Recht (LKB 3). Linz 1995, p. 175.

"Go, therefore, make disciples of all nations …" (Mt 28:19). While John Paul Beal suggested that this terminology began in the nineteenth century in the context of the tension between Church and with regard to Religious education,[861] Heike Künzel traced its origin in the 18th Century in the edict of Friedrich Wilhelm I in Preußen in 1794.[862] John P. Boyle claimed that this term was adopted at Würzburg and "was subsequently incorporated into a number of concordats and still later into the papal constitutions governing pontifical faculties; *Deus Scientiarum Dominus* (1931) and *Sapientia Christiana* (1979)".[863]

There are four important Councils of the Church that applied this terminology in the sense of ecclesiastical authorization for preaching the word of God. These Councils included the Council of Verona in 1184, the Fourth Lateran Council, the Council of Constance and the Council of Trent.[864] In the Middle Ages, demanding and giving *Missio canonica* was not much in doubt since the Church was at that time in charge of the school system. At that time, all those who taught in schools were priests, religious or those people trained and employed by the Church.[865] With the Reformation and subsequent secularization, the influence of the Church over the school system began to wane. This situation influenced the Church's effort and struggle to control at least Religious education in schools.[866] For instance, Heike Künzel reported that by the year 1848, in

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[861] *Ilona Riedel-Spangenberger*, Sendung in der Kirche. Die Entwicklung des Begriffs „missio canonica" und seine Bedeutung in der kirchlichen Rechtssprache, Paderborn / München / Zürich / Wien 1991, pp. 83 ff.

[862] *Heike Künzel*, Die „Missio Canonica" für Religionslehrerinnen und Religionslehrer. Kirchliche Bevollmächtigung zum Religionsunterricht an staatlichen Schulen (BzMK 39). Essen 2004, p. 7.

[863] *John P. Boyle*, Church Teaching Authority: Historical and Theological Studies. Notre Dame/Indiana / London 1995, p. 120.

[864] *Euart*, Catholic Education, p. 967.

[865] *Künzel*, „Missio Canonica", p. 6.

[866] *Ibid*.

the dioceses of Münster and Paderborn, in Germany, the bishops of these dioceses required *Missio canonica* from Religious instructors before they were admitted to teach in primary schools.[867] Wilhelm Rees holds that the 1917 Code of Canon Law did not out-rightly define *Missio canonica*.[868] Even the help which the clergy is expected to ask from lay people with regard to his duty of teaching of Religions instruction in his parish[869] did not reflect the meaning of this term in the code. The 1917 Code applied this term to the power of jurisdiction with reference to preaching the word of God. It states: "No one is allowed to exercise the ministry of preaching unless he has received commission from the legitimate superior, by special faculty or by appointment to an office to which the office of preaching is attached by the sacred Canons."[870] Gerhard Huber uses the term in relation to the *sending mission* of the Church given in a written form to the one being sent.[871] Pope Pius XI in his Apostolic Constitution, *Deus Scientiarum Dominus* demanded the *missio canonica* of professors teaching in Ecclesiastical faculties.[872] In his Apostolic Constitution, *Sapientia Christiana*, Pope John Paul II did not remove this condition for these professors.[873] John Paul Beal distinguished between *missio canonica* and mandate as follows:

> "*Missio* connotes entrusting to the laity certain tasks and certain offices which are considered to be proper to the hierarchy but which require neither the power of orders nor the power of jurisdiction for their lawful exercise. Mandate refers to those apostolic activities which remain activities proper to the laity in virtue of

[867] *Ibid*., p. 9.

[868] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 111.

[869] C. 1328 CIC/1917.

[870] *Ibid*.

[871] *Huber*, Der Religionslehrer im Spannungsfeld, p. 178.

[872] *Pius XI*, ApC *Deus Scientiarum Dominus*, 24 May, 1931, in: AAS 23 (1931), pp. 241-262, here p. 252, Art. 21, n. 5.

[873] *John Paul II*, ApC *Sapientia Christiana*, Art. 27.

> baptism, but which, at times, are joined more closely to the apostolic responsibility of a bishop. When acting pursuant to a mandate, a lay person acts, it would seem, on his or her own and in communion with the bishop, but not in the name of the bishop or the church hierarchy."[874]

By this distinction, we can see that the professors who teach in the Catholic universities or Ecclesiastical faculties fall into the second category. They discharge their baptismal mission as Christians. Through their baptism, they receive the prophetic office to evangelize.[875] In the discharge of their duties as professors, they do not act in the name of the ecclesiastical authority but collaborate with them in this mission of the Church to teach. Since in the Church, the bishops are the moderators of the entire ministry of the word of God (c. 756 § 2 CIC/1983), the professors who teach theology in the Catholic universities or ecclesiastical faculties must require a mandate from the ecclesiastical authority, as a form of control of doctrinal orthodoxy.

The term *missio canonica* was dropped in favour of *mandate* which is a less technical term by c. 812 CIC/1983.[876] This mandate bound especially Catholic theologians or professors. C. 812 was clear on this. It stated that those who teach *theological subjects* in any institute of higher studies must have a mandate from the competent ecclesiastical authority. The Sacred Congregation for Catholic Education issued Norms of application of *Sapientia Christiana.* In it they identified the *theological courses or disciplines* as follows: Sacred Scripture, Introduction and Exegesis, Fundamental Theology, which also includes reference to Ecumenism, non-Christian religions, and Atheism; Dogmatic Theology;

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[874] *Euart*, Catholic Education, p. 968.

[875] Art. 12 VatII LG.

[876] *Boyle*, Church Teaching Authority, p. 120.

Pastoral Theology; Moral and Spiritual Theology; Liturgy; Church History, Patrology, Archeology and Canon Law.[877]

Today, *missio canonica* is used as a sending mission of the Church which is given in a written form[878] to the one being sent. Each bishop bears the honorary title *Doctor* which etymologically means *teacher*. In the manner of Christ the Lord, he is the *teacher per excellence* and the teacher of Catholic religion in his own diocese. He teaches both personally and vicariously. He appoints teachers who are people with strong faith and integrity. C. 804 § 2 CIC/1983 gives the credentials which such teachers of religion who are to be appointed by the bishop should possess – they should be outstanding in correct doctrine, witness of Christian life and teaching skill. To approve the appointment of religious teachers (c. 805 CIC/1983) would mean that the bishop could act on the recommendation of some trusted vicars. Ilona Riedel-Spangenberger[879] suggests that these vicars could be the Episcopal vicars for education, the superintendent of education or school administrators. The most important fact is that the bishop has the canonical right to appoint or remove a teacher of religion. He could name, approve, remove or demand the removal of a teacher of religion. This removal is mostly rooted on moral deficiency. A good example of such dismal on the grounds of deficiency of faith and morals was the dismissal of David Berger, a teacher of religion in a catholic school in the Archdiocese of Cologne in Germany. He openly professed that he was homosexual. Cardinal Joa-

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[877] *SC InstCath*, Norms of Application for the Correct Implementation of the Apostolic Constitution of His Holiness Pope John Paul II on Ecclesiastical Universities and Faculties, *Sapientia Christiana*, April 29, 1979. Vatican 1979, Part 2, Art. 51, engl. http://w2.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_15041979_sapientia-christiana.html (5.5.2015).

[878] C. 51 CIC/1983.

[879] *Euart*, Catholic Education, p. 959; see also c. 636 § 1 CCEO.

chim Meisner removed his mandate to teach religion from him and dismissed him from his work.[880]

C. 812 states that those who teach theological disciplines in any institute of higher studies whatsoever must have a mandate from the competent ecclesiastical authority. It is not only in Catholic schools but also in the catholic universities and institutes. C. 229 § 3 CIC/1983 stipulates that the requisite suitability or qualification of those who teach in the Catholic universities is not enough; they must receive mandate from the lawful ecclesiastical authorities in order to teach the sacred sciences. This is basically for those who teach theological or related disciplines. C. 253 §§ 1 and 3 CIC/1983 dealt with the issue of the appointment and removal of teachers in philosophy and theology in the Seminaries. Because of the seriousness of their duty, bishops are to make sure that these teachers are of outstanding virtue. When they fail in their duties, they must be removed. This is because they are supposed to be models for those being formed. C. 833 § 1 CIC/1983 indicates that rectors and professors of theology and philosophy in the seminaries are to take the oath of office in the presence of the local Ordinary or his delegate at the beginning of their term of office. This is because they collaborate with them in this mission of the Church to teach. Since parents, teachers and pastors of souls are directly involved in imparting Catholic education, it would be good to know the necessary means of imparting this form of education.

6.1.4.4. Appointment and Dismissal of Teachers

The Competent authority has the right to appoint or dismiss professors in Catholic Universities[881] as well as supervise the course-contents

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[880] *Der Erzbischof von Köln*, Dekret zum Entzug der Lehrerlaubnis für Dr. David Berger, 2. Mai 2011 http://www.david-berger.info/#!david-berger---dekret/zoom/cf8c/image225d (5.5.2011).

taught in them to ensure that the principles of Catholic doctrine are faithfully observed (c. 810 § 2 CIC/1983). If Catholic universities are established to act as an institutional witness to the Christian mission and evangelization[882] they must be imbued with orthodoxy.[883] To ensure this orthodoxy, those who teach theological courses must have a mandate from an ecclesiastical authority. This is the message of c. 812 CIC/1983, used here the term *mandate*. It was a replacement of the older terminology, *Missio canonica*[884] which we have discussed earlier.[885]

6.1.4.5. Pastoral Responsibility

On the pastoral duty of Bishops with regard to students studying in institutes of higher education, c. 813 CIC/1983 urges diocesan bishops to be zealous in their pastoral care of students studying in his diocese. This responsibility is not limited to Catholic universities but extends as well to non-Catholic institutes. He is enjoined to fulfill this responsibility by creating parishes and appointing priests to take care of the Catholic youths in these institutes by means of Catholic chaplaincies.[886] In Nigeria, these chaplaincies are very strong forces in the religious formation of Catholic students who study, not only in Catholic institutes but also in public and private universities. Priests who are called chap-

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[881] In the opinion of *Sharon A. Euart*, the competent authority mentioned here would be determined in accordance with the specification laid down by the statutes of the university or institute and is meant to be those who would see to it that the university autonomy as an academic institution and its Catholic character are respected. The procedure for the appointment and removal of the professors are to be enshrined in the statutes. See *Euart*, Catholic Education, p. 965.

[882] *John Paul II,* ApC *Ex Corde Ecclesiae,* Art. 49.

[883] *Coriden,* An introduction to Canon Law, p. 109.

[884] *Thomas Meckel*, Neuere Entwicklungen im Bereich der Rechtlichen Regelung der Missio Canonica für Religionslehrer/Innen und der kirchlichen Studienbegleitung in den Deutschen Diözesen, in: AfkKR 180/2 (2011), pp. 64-91.

[885] See above the discussion of *Missio canonica*.

[886] *Aymans-Mörsdorf-Müller* KanR III, pp. 144 f.

lains are, in respect to this canon, appointed to take care of the pastoral and spiritual needs of students. Under these chaplaincies, the various associations of students like the *Nigerian Federation of Catholic Students* (N.F.C.S); National Association of Medical Students; Catholic Nurses Guild, and so on, grow and provide doctrinal as well as spiritual strength to Catholic students. *Gravissimum Educationis* enjoined on pastors of souls that they be assiduous in the care of the spiritual life of students who attend Catholic universities. It suggested the idea of establishing Catholic residences and centers even in non-Catholic universities.[887] The Eastern Code[888] was not silent over the Bishops' responsibility of the spiritual care of students. It urged the hierarchs to provide hostels and Catholic University Centers for other universities. Pope John Paul II described the aim of Catholic pastoral care of the students in institutes of higher education as being to prepare them for active participation in the life of the Church.[889]

6.1.5. CIC/1983 and the Means of Imparting Catholic Education

6.1.5.1. Catholic Schools

The Sacred Congregation for Catholic Education insists that Catholic Education is all about "the role of schools in the Catholic formation of young people, about the nature and identity of the Catholic school, about religious education in schools, and about the freedom of choice of school and confessional religious education."[890] Although the Church uses other means like preach and catechesis, conferences and the means of social communication to announce the Good News of salvation (cc. 761, 747 § 1, 822 CIC/1983; Art. 13 Abs. 3 VatII CD); Catholic

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[887] Art. 10 VatII GE.

[888] C. 645 CCEO.

[889] *John Paul II*, ApC *Ex Corde Ecclesiae*, Art. 41.

[890] *C InstCath*, LC on Religious Education in schools, May 5, 2009, Introduction.

Schools[891] still remain, according to Wilhelm Rees, a significant means of announcing the Good News.[892] The Sacred Congregation for Catholic Education in its *Instrumentum Laboris* of 7 April, 2014 tilted, *Education Today and Tomorrow: A Renewing Passion*, noted that a catholic school is a place where young people learn how to live their lives, achieve cultural growth and receive vocational training for the Common Good of society. It is a place where they are exposed to constant cultural dialogue and the conquests of science.[893] Mussinghoff holds that schools are to be seen as catholic where catholic spirit, prayers, masses, retreats, religious education, catholic associations and other catholic activities are organized or allowed.[894] Catholic schools make the catholic spirit present in the world.[895] In these schools, education and instruction must be engraved in or based on catholic teaching and the teachers must be outstanding in true doctrine and uprightness of life.[896] Catholic schools are institutions where integral education is provided.[897] The goal of Catholic school is a comprehensive and integral formation of the human person directed towards the good of society;[898] it is aimed at the integration of faith and culture.[899]

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[891] *C Ep*, Directory *Apostolorum Successores*, n. 133.

[892] *Rees*, Verhältnis von Staat und Kirche, p. 24.

[893] *C InstCath*, Instrumentum Laboris, 7 April, 2014, Art. II.

[894] *Heinrich Musssinghoff*, c. 798/2, Rn. 2, in: MK CIC (Stand: Mai 1986); *Aymans-Mörsdorf-Müller* KanR III, pp. 103 f.; *Kallenbach*, Kirchenamt, p. 221; *Rees*, Beaufsichtigung, p. 408.

[895] Kathpress-Tagesdienst Nr. 270, 12 November 2014, p. 4.

[896] C. 803 § 2 CIC/1983; see also *Rees*, Beaufsichtigung, p. 410.

[897] *C InstCath*, Instrumentum Laboris, 7 April, 2014, Art. III.

[898] *Rees*, Verhältnis von Staat und Kirche, p. 23.

[899] *SC InstCath*, The Catholic School, 19 March, 1977. Vatican 1977, Art. 38, engl. http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_19770319_catholic-school_en.html (5.5.2015).

The new Code of 1983 gave a special place to the three agents of education: parents, the Church and the State. The right of parents to give their children Catholic education was outstanding in this new code.[900] In the opinion of Wilhelm Rees, members of Christ's faithful are by the stipulations of this code called upon to support Catholic schools and Catholic education. This they should do through offering financial support, through engaging in politics in favour of catholic education which makes the State respect the right of parents to educate their children.[901] The parents on their parts should realize that it is their sole responsibility to give their children Catholic education. Other agents are only there to offer them help and compliment what they cannot bring to perfection. This is why Rees opines that parents should co-operate with teachers to whom they have entrusted their children for training.[902] The Congregation for Catholic Education also stressed that:

> "Education requires a strong alliance between parents and educators to present a life that is good, rich in meaning, open to God and others as well as the world; this alliance is even more necessary, since education is a personal relationship. It is a journey that reveals the transcendental elements of faith, family, Church and ethics, highlighting their communal character."[903]

Catholic schools are sought for not just because of their academic excellence but because they preserve the catholic character. One of the agents responsible for the catholic character of Catholic schools is the teacher who teaches religious education in both catholic as well as public schools.

6.1.5.2. Teachers of Religious Education

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[900] *Rees*, Beaufsichtigung, p. 408.
[901] *Ibid.*, pp. 410-412.
[902] *Ibid.*, p. 411.
[903] *C InstCath*, Instrumentum Laboris, 7 April, 2014, Art. III.

The teaching of religion in both public and private schools demand teachers who are trained in this subject. Their employment and payment vary from country to country. In Austria where denominational or confessional religious instruction is the practice, the employment of religious teachers[904] is the duty of either the state or the affected religious denomination. Art. 3 § 1 of the *Religious Education Law* (RelUG) of 13 July, 1949 indicated that is the authority of the federal, state or the affected religious denomination or community whose duty it is to employ these teachers.[905] Even though § 2 of the same law left the provision, direction and supervision of Religious Education to the various religious bodies concerned, it is the State or Local authority, through the request of the churches concerned, which determines the number of teachers to be provided.[906] These legal requirement of a mission canonica before a teacher is employed as a religious teacher points to the good relationship existing between the State and Church in Austria.[907] Because this course is compulsory for pupils and students, these teachers are paid by the state.[908]

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[904] See *Kalb*, Arten von Privatschulen, p. 340; *C Ep*, Directory *Apostolorum Successores*, n. 134.

[905] „Die Religionslehrer an den öffentlichen Schulen, an denen Religionsunterricht Pflichtgegenstand oder Freigegenstand ist, werden entweder (a) von der Gebietskörperschaft (Bund, Länder), die die Diensthoheit über die Lehrer der entsprechenden Schulen ausübt, angestellt oder (b) von der betreffenden gesetzlich anerkannten Kirche oder Religionsgesellschaft bestellt." See § 3 Abs. 1 RelUG; see also: *Johannes-Peter Schiestl*, Republik Österreich, in: *Wilhelm Rees* (Hg.), Katholische Kirche im neuen Europa. Religionsunterricht, Finanzierung und Ehe in kirchlichem und staatlichem Recht – mit einem Ausblick auf zwei afrikanische Länder (AFW.T 2). Wien / Berlin 2007, pp. 55-66, here pp. 60 f.

[906] *Ibid.*

[907] *Ibid.*

[908] *Rees*, Beaufsichtigung, p. 392.

The Sacred Congregation for Catholic Education in its 2014 publication entitles: *Educating today and tomorrow: A Renewing passion*, pointed out the need for teachers of Catholic Religious Education to be open and professionally knowledgeable.[909] This Sacred Congregation in their publication of 1977 noted that teachers of religion must impart religious education explicitly and in a systematic manner to avoid distorting the child's mind between general and religious culture. This corresponds to the appeal of Benedict XVI on Catholic teachers who teach religion both in private as well as in public schools to hold on to the teachings of the Church.[910] In this regard, teachers of religion should be those who help students not just to gain intellectual assent to religious truths but to make a total commitment of their entire life to Christ.[911] Regarding the qualities of teachers of Catholic Religious education, they should be people who received, as John Paul II, said, "Human, cultural and religious formation" themselves.[912] The German Bishops Conference noted that the teacher of religion should concern him or herself with matters concerning the Gospel and should try to make them his or her own. He or she should be one who is convinced about the faith in order to pass it on to others.[913] Let us see catholic Universities as a means of imparting catholic Education.

6.1.5.3. Catholic Universities and other Institutes of Higher Studies

Although the theme catholic Universities and other Institutes of Higher Studies do not fall properly into our theme of Christian Education, we shall discuss it here as a part of the means of training teachers of Christian Education. The Apostolic Constitution of the Supreme Pontiff, John Paul II, *Ex Corde Ecclesia* which dealt with Catholic Universi-

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[909] *C InstCath*, Instrumentum Laboris, 7 April, 2014, Art. II, nn. 5 and 7.
[910] *DBK*, Aparecida, 2007, n. 483.
[911] *SC InstCath*, The Catholic School, n. 50.
[912] *John Paul II*, PostExA *Ecclesia in Africa*, n. 102.
[913] *DBK*, „Das katechetische Wirken der Kirche", 1974, p. 266.

ties pointed out that by its nature Catholic Universities are established for the protection and advancement of human divinity and cultural heritage. They ensure a Christian presence in the university world and achieve the purpose of their establishment through promoting teaching and research.[914] Aymans-Mörsdorf-Müller traces the origin of the universities that we have today to the Cathedral schools of the 12th Century. He holds that these institutions were the Church's contribution to the building up of a higher human culture.[915] Heinrich Mussinghoff agreed with this thought and further sees the fundamental reason why the Church establishes universities and other institutes of higher learning as the Church's contribution to raise the human culture, and assist the unfolding of the human personality as well as the fulfillment of her duty to evangelize.[916] Catholic universities[917] are places where research and study come into harmony with the teachings of the Church.[918] According to Georg May, they are institutions where principally all scientific disciplines are offered and whose research and teachings are in harmony with the teachings of the Catholic Church.[919] As academic institutions, they enjoy autonomy and, according to James A. Coriden, they are not simply an extension of the Church.[920]

The provisions of the 1983 Code guaranteed the Church the right to establish and administer a university and she also encourages lay people

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[914] *John Paul II*, ApC *Ex Corde Ecclesiae*, Art. 12.

[915] *Aymans-Mörsdorf-Müller* KanR III, p. 135; see also: *Hugo Schwendenwein*, Katholische Universitäten und kirchliche Fakultäten. Begriffliche und kompetenzmässige Klärungen in der neueren kirchlichen Rechtsentwicklung, in: *ders*., Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 513-523, here p. 514.

[916] *Heinrich Mussinghoff*, vor c. 793/1, Rn. 2, in: MK CIC (Stand: Mai 1986).

[917] *C Ep*, Directory *Apostolorum Successores*, n. 135.

[918] *Georg May*, Die Hochschulen, in: HdbKathKR^2, pp. 749-777.

[919] *Ibid*., p. 749.

[920] *Coriden*, An introduction to Canon Law, p. 109.

to carry out their apostolic action with regard to religious education. On the establishment or approval of a catholic university, Art. 3 §§ 1-4 of *Ex Corde Ecclesiae* underlined that the authority competent to establish catholic universities are the Holy See, an Episcopal Conference, another Assembly of Catholic Hierarchy or a diocesan Bishop. It could also be established by a Religious Institute or other public juridical person with the consent of a diocesan Bishop; or by other ecclesiastical or lay persons with the consent of the competent ecclesiastical Authority. The statutes of Catholic Universities established or approved by the Holy See, Episcopal Conferences, and diocesan Bishops or a Religious Institute, with his permission, must be approved by the competent ecclesiastical Authority.[921]

C. 807 CIC/1983 is rooted in *Gravissimum Educationis* and reflects the attitude of the Second Vatican Council in promoting human freedom of thought and expression. This is clearly expressed in c. 218 CIC/1983 which gives those engaged in the fields of sacred study the freedom of scientific research in prudent cooperation and submission to the magisterial authority. In this regard, Catholic universities and faculties serve the purpose of gaining the truth through a methodically driven teaching and research in the light of the gospel.[922] In Catholic universities, both scientific courses as well as theology could be studied and this makes them a meeting point between science and faith.[923] Like the provisions of c. 803 § 3 CIC/1983 which dealt with the identity of a Catholic school[924] in connection with the giving of consent by the competent ecclesiastical

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[921] For further readings on the competent authorities to establish Catholic Universities see: *May*, Hochschulen, p. 750; *Aymans-Mörsdorf-Müller* KanR III, pp. 138-142; *Euart*, Catholic Education, p. 964; *Komonchak*, The Catholic University, p. 42.

[922] *May*, Hochschulen, p. 751.

[923] *Aymans-Mörsdorf-Müller* KanR III, p. 138; c. 811 § 1 CIC/1983.

[924] *Alting von Geusau / Booth*, Catholic Education in the West, pp. 3-19.

authority,[925] c. 808 CIC/1983 asserted the legal authorization by a competent ecclesiastical authority makes a university catholic. In this sense, c. 809 CIC/1983 encouraged Episcopal conferences, to establish in their territory, universities or at least faculties for the study of the sacred sciences where it is possible and expedient. Winfried Aymans interpreted the *ius erigendi* (the right to erect) and *ius moderandi* (the right to moderate) as not being in opposition to *ius approbandi* (the right to approbate).[926] They should be understood as being connected one to another.[927]

This power and right was strengthened by c. 811 § 2 CIC/1983. By this canon is meant that Bishops are to ensure that theology is studied in their areas of jurisdiction. This they should do by erecting Catholic universities, faculties or at least institutes where lay people can study theology. For Aymans-Mörsdorf-Müller, this could be interpreted to mean that theological lectures should be taught in such a way that students from other faculties have the opportunity to learn about Catholic Theology.[928] This is necessary in order to give the lay members of Christ's faithful the opportunity of deepening their knowledge of the mystery of Christ and his Church through their study of the sacred sciences, the doctrines of the Church and her social teachings.

6.1.5.4. Ecclesiastical Universities and Faculties

6.1.5.4.1. Introduction

There are seven canons in the 1983 Code (cc. 815-821) dedicated to the topic of Ecclesiastical universities and faculties). The ecclesiastical

[925] *Ruf*, Das Recht der Katholischen Kirche, p. 197.

[926] *Ius erigendi* means the right to establish, *ius moderandi* means the right to moderate while *ius approbandi* means the right to authorize someone or a body to establish an institution.

[927] *Aymans-Mörsdorf-Müller* KanR III, p. 139.

[928] *Ibid*., p. 143.

universities and faculties are sometimes referred to as pontifical, papal or canonical universities and faculties.[929] In the words of James A. Coriden, Ecclesiastical Universities and Faculties could be referred to as "Church sponsored or approved institutions".[930] The various major seminaries and other faculties of theology in public universities established by the Holy See as well as the known Pontifical Universities belong to this grouping. The 1917 Code grouped the academic institutions together and treated them in a general term under the term *Catholic schools* (cc. 1372-1383 CIC/1917). These include: primary, secondary, tertiary schools and universities. It was silent over the distinction between Catholic and Ecclesiastical universities and faculties. Heinrich Mussinghoff saw the establishment of Ecclesiastical universities and faculties as meant to serve the Church by making theological research possible.[931] Academic and research freedom for these institutions is a new contribution of the 1983 Code.[932] Their functions could be categorized into three, the first being teaching, educating and further education; the second research and scientific development while the third function is participationg in the salvation mission of the Church.[933]

6.1.5.4.2. Definition and History

The Eastern Code dealt with Ecclesiastical universities and faculties and defined them as "those which deal chiefly with Christian revelation and sciences connected with it and so are closely linked with the Church's task of evangelization".[934] It defined it in other words as

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[929] *May*, Hochschulen, pp. 749-777.

[930] *Coriden*, An introduction to Canon Law, p. 110.

[931] *Heinich Mussinghoff*, Einf. vor c. 793/1 and 3, Rn. 4 and 6, in: MK CIC (Stand: Mai 1986); *Aymans-Mörsdorf-Müller* KanR III, p. 139.

[932] *Heinich Mussinghoff*, Einf. vor c. 793/3, Rn. 6, in: MK CIC (Stand: Mai 1986).

[933] *May*, Hochschulen, p. 754.

[934] C. 646 CCEO.

"those that have been canonically erected or approved by competent ecclesiastical authority, to cultivate and teach the sacred sciences and related subjects and have the right to confer academic degrees with canonical effects".[935] The CCEO discussed the establishment, governance, aims and objectives of the Ecclesiastical universities and faculties in cc. 647-650. Pope Pius XI in his Apostolic Constitution, *Deus Scientiarum Dominus* set forth the constitution of ecclesiastical universities and the sacred sciences. He underlined the competences of the ecclesiastical universities and set forth the courses which should be studied there.[936] *Gravissimum Educationis* made the distinction between Catholic and Ecclesiastical universities. While they treated the first in number ten, they dealt with the second in number eleven in which they designated these faculties as the institutions which would promote research in the different fields of Sacred Sciences. This treatment of the Ecclesiastical universities and faculties prepared the way for the publication in 1979 of the Apostolic Constitution *Sapientia Christiana* by Pope John Paul II which dwelt specifically on the Ecclesiastical universities and faculties.

Since Ecclesiastical universities and faculties are primarily established to help the Church in her mission of evangelization (c. 815 CIC/1983), Pope John Paul II defined them as "those concerned particularly with Christian revelation and questions connected therewith and which are therefore more closely connected with her mission of evangelization".[937] In these institutions, the appointment and dismissal of professors (cc. 810 § 1 and 812 CIC/1983), the supervision of the universities and faculties as well as the pastoral care of the students are the functions of the appropriate ecclesiastical authority which is the Holy See. It is the duty of the Chancellor (*Magnus Cancellarius*), to represent the

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[935] C. 648 CCEO.

[936] *Pius XI,* ApC *Deus Scientiarum Dominus,* pp. 245-247.

[937] *John Paul II,* ApC *Sapientia Christiana,* Art. III.

Ecclesiastical University before the Apostolic See and represent the interest of the Church in this institution. Aymans-Mörsdorf-Müller listed other functions of this person as the suggestion of the person to be named the Rector; confirmation of professors; granting the *Nihil obstat* and receiving the oath of office of the rector and professors.[938]

6.1.5.4.3. Difference between Catholic and Ecclesiastical Universities

The aim of their establishment forms the major distinction between the Ecclesiastical and the Catholic universities. While the former is established basically for the benefits of evangelization,[939] the latter assures in an institutional manner, a Christian presence in the university world; offering dialogue between faith and reason and between the Gospel and cultures. As an institution, the Catholic university lets catholic ideals, attitudes and principles permeate the university environment.[940] Unlike the Ecclesiastical universities, Catholic universities may undertake courses in "non-sacred disciplines such as arts and sciences of letters, physical sciences and professional studies".[941] Regarding their establishment, the Ecclesiastical universities and faculties may be constituted only by the Apostolic See or with its approval.[942] Their overall direction also belongs to the Apostolic See.[943] On the other hand, the authority competent to establish Catholic universities and other institutes of higher studies are the Episcopal conferences.[944] Not neglecting the

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[938] *Aymans-Mörsdorf-Müller* KanR III, p. 148 f.

[939] *Ibid.*, p. 146.

[940] *John Paul II*, ApC *Ex Corde Ecclesiae*, Art. 13.

[941] *Frederick R. McManus*, Ecclesiastical Universities and Faculties (cc. 815-821), in: *John P. Beal / James A. Coriden / Thomas Joseph Green* (eds.), New Commentary on the Code of Canon Law. New York/NY / Mahwah/NJ 2000, pp. 972-976, here p. 973.

[942] *Aymans-Mörsdorf-Müller* KanR III, p. 147.

[943] C. 815 CIC/1983.

[944] C. 809 CIC/1983; *Aymans-Mörsdorf-Müller* KanR III, p. 139.

statutes of Catholic Universities, the above competent authorities have the right to appoint and dismiss teachers in these universities and ensure that those appointed possess both the integrity of doctrine and scientific and pedagogical expertise need for their work (c. 810 § 1CIC/1983). Theological disciplines which should be studied in the Ecclesiastical universities and faculties are already mentioned in previous pages.[945]

The degrees awarded by the Ecclesiastical universities and faculties have canonical effects in the Church. By this is meant that such degrees and credentials qualify one for certain positions or offices in the Church.[946] For instance, in addition to other qualities and virtues which they must possess, those to be appointed as professors of philosophy and theology are to possess a doctorate or licentiate from an Ecclesiastical university or faculty.[947] In the same vein, those who are to be appointed bishops are, among other human qualities, qualifications and virtues to hold a doctorate or at least a Licentiate in Sacred Scripture, Theology or Canon Law from an ecclesiastical university or faculty or at least be well versed in these disciplines.[948] The Ecclesiastical universities and faculties have the primary task of preparing candidates for the priesthood and the office of teaching the sacred sciences.

By their own nature, they are destined to educate both clergy and lay to contribute to the growth of the Christian faith and life.[949] They promote research in the different fields of sacred learning, ensuring an ever-growing understanding of sacred revelation and the appreciation of the inherited Christian wisdom. In them, efforts are also made to promote ecumenism.[950] As faculties, they may be established within seminaries,

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[945] See Chapter 3.5.2.3.3 above regarding the treatment of the subjects to be studied in Ecclesiastical Universities.

[946] *Coriden / Green / Heintschel*, The Code of Canon Law, p. 577.

[947] C. 253 § 1 CIC/1983.

[948] C. 378 § 1 n. 5 CIC/1983.

[949] C. 378 § 1 n. 4 CIC/1983.

[950] Art. 11 VatII GE.

Catholic universities, or non-ecclesiastical universities, offering both canonical and civil academic degrees[951] but always constituted, directed or approved by the Apostolic See (c. 816 § 1 CIC/1983).

6.1.5.4.4. True Identity of Catholic and Ecclesiastical Universities

As for what makes a university truly Catholic, the fathers of the Second Vatican Council held that in identity, a Catholic university should combine faith and reason.[952] Pope John Paul II taught that a Catholic university should be an incomparable center of creativity and dissemination of knowledge; a center dedicated to research and search for truth – a truth whose ultimate end is in God, who is revealed in Jesus Christ.[953] He meant that the free search for the whole truth about man and God is essentially connected to the supreme Truth which is God. This should be the target of Catholic universities which should seek out this truth with enthusiasm.[954] It should assure "in an institutional manner, a Christian presence in the university world; it should possess Christian inspiration, offer a reflection of the Catholic faith; be faithful to the Christian message and be an institution at the service of the people of God".[955] In line with this sense,

> "Catholic ideals, attitudes and principles (should) penetrate and inform university activities in accordance with the proper nature and autonomy of these activities. In a word, being both a University and Catholic, it must be both a community of scholars representing various branches of human knowledge, and an academic

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[951] *John Paul II*, ApC *Sapientia Christiana*, sec. 1, n. 8, on General Norms.
[952] Art. 10 VatII GE; see also: *John Paul II*, ApC *Ex Corde Ecclesiae*, Art. 5.
[953] *Ibid*., Art. 1.
[954] *Ibid*., Art. 4.
[955] *Ibid*., Art. 13.

> institution in which Catholicism is vitally present and operative".[956]

The Ecclesiastical universities and faculties are missionary in intent because they are established for the sake of promoting Christian revelation and are truly mindful of the Church's evangelization mission.[957] They must also carry out their assignments in full communion with the Magisterium of the Church.[958] Freedom of research in adherence to the word of God and the Magisterium of the Church is another true identity of an ecclesiastical university or faculty. *Gravissimum Educationis* called it: *liberty of scientific inquiry*.959 Obedient to the Church's Magisterium, they should strive towards scientific maturity and really contribute to the advancement of the sacred sciences; solving new problems posited by new sciences and discoveries.[960]

7. Christian Education in Other Documents After the 1983 Code

7.1. The 1997 General Directory for Catechesis (GCD)

We would like to discuss this topic under three headings: historical background of the Directory, Evangelization and Objective.

7.1.1. Historical Background of the Directory

As Karl Rahner explained, from its etymology, the word "evangelization" should be a term which, in Catholic theology is directed to those who have not received the Good News. But according to him, it is directed to all men and women because, through the proclamation of the

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[956] *Ibid*., Art. 14.

[957] *John Paul II*, ApC *Sapientia Christiana*, sec. III and IV.

[958] *Ibid*., sec. III, on General Norms.

[959] Art. 10 VatII GE.

[960] *John Paul II*, ApC *Sapientia Christiana*, sec. III

Good News, God, who is all in all offers himself, through his grace so that he could become the center of our existence.[961] Because this proclamation is directed to all men and women, its program needs a constant revision so that it becomes ever relevant to humanity of every age. The 1997 Directory published on 15 August 1997 by the Congregation for the Clergy is a revision of the *General Catechetical Directory* of 1971. It reflects the numerous changes which had taken place in nearly thirty years since the first publication in 1971. The great concerns of the Popes Paul VI, John Paul I and John Paul II whose inputs in catechetical matters have been enormous were not ignored but updated to reflect the "crises, doctrinal inadequacies, influences from the evolution of global culture and ecclesial questions"[962] arising from today's pastoral questions. Like the previous publication, this present work provides fundamental principles for all those who have responsibility for catechesis especially bishops in their dioceses and Episcopal conferences. These principles would enable them to fulfill their canonical duty of coordinating catechetical initiatives in their dioceses and in preparing catechisms.[963] But Catechesis is the duty of all the baptized. This was the reason why Guido Bausenhart emphasized four senses of consent and cooperation which should exist between all baptized Christians. This includes openness on the part of the Church, cooperation among all the faithful, the teaching authority of the Church and theologians; using the subsidiarity principle.[964]

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[961] *Karl Rahner*, Kirche in Gesellschaft, in: *ders*., Sämtliche Werke, Bd. 24/1: Das Konzil in der Ortskirche. Schriften zu Struktur und gesellschaftlichem Auftrag der Kirche, bearbeitet von *Albert Raffelt* u.a. Zürich / Freiburg im Breisgau / Basel / Wien 2011, pp. 3-326, esp. pp. 284-287 (Evangelisierung heute), here p. 284.

[962] *C Cler*, General Directory for Catechesis, Art. 2.

[963] C. 775 §§ 1-3 CIC/1983.

[964] *Guido Bausenhart*, Evangelisierung in der communio aller Getauften, in: HThK-VatII 5, pp. 277-295, here p. 280.

The great strides made by man in today's modern world are thanks to science and technology but they are not always without some negative impact. Technological development has enthroned a scientific culture in modern times but this scientific culture seems to throw traditional culture overboard. Secularism, atheism, ethical relativism and fundamentalism now stand out either as the fruit of this scientific culture or its antithesis. These call for new catechetical orientation and a new evangelization.

7.1.2. Evangelization and Catechesis in GCD

Writing on the theme: Evangelization in its prophetic and institutional dimension, Ottmar Fuchs noted that evangelization has a three dimensional meaning. It brings the revelation of God to mankind; makes it possible that man encounters the unseen God in a spiritual manner and makes possible the glory of God among mankind.[965] The missionary mandate of Christ to his disciples to "Go therefore and make disciples of all the nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit" (Mt 28:19) is a call to evangelize. Evangelization is the Church's fundamental call and mission (Mk 16:15; Lk 22:19).[966] The *General Directory for Catechesis* (G.D.C) defined it as the "process by which the Church, moved by the Spirit proclaims and spreads the Gospel throughout the entire world".[967] It is a testimony, a proclamation, a task. One can identify four stages of evangelization: missionary proclamation or as Anthony O. Gbuji called it, outreach to non-believers-*Missio ad Gentes*,[968] formation of Catechumenate which includes initiation into the Christian mysteries and the formation of Christian commu-

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[965] *Ottmar Fuchs*, Evangelisierung in ihrer prophetischen und institutionellen Dimension, in: HThK-VatII 5, pp. 266-276.

[966] *Gbuji*, A Handbook on the New Evangelization, p. 33.

[967] *C Cler*, General Directory for Catechesis, n. 48.

[968] *Gbuji*, A Handbook on the New Evangelization, p. 29; *Paul VI*, ApE *Evangelii Nuntiandi*, Art. 33.

nities.[969] In other words, evangelization begins with *Missio ad Gentes*; proceeds with initial catechetical and pastoral activities aimed at building up and strengthening the faith of the people of God which they have received through baptism and the sacraments. Here we see that catechesis is the second moment in the process of evangelization.[970] Catechesis offers a service to the evangelization work of the Church; it transmits the word of God and the deeds of Revelation in a systematic way.[971] As a process of strengthening the faith, catechesis is bound to have a systematic approach. It involves a conversion which is continuous, beginning with the fundamental option to choose Christ.[972] Some socio-religious conditions, especially of people living in a secularized world may require what the G.D.C called *new evangelization* even in a situation where the faith has not really taken root. In this sense, an *ad Gentes* proclamation (initial proclamation) and New Evangelization method may be combined.

7.1.3. Nature, Objectives and Methodology of Catechesis

By its nature, catechesis is both systematic as well as comprehensive; touching all the vital elements of the Christian faith. It transforms the hearers of the Good News.[973] When catechesis goes beyond the pre-catechetical level, it graduates into a communal process whereby a community of faith is formed. Here we talk about Parish catechesis which involves corroboration between the pastor, catechetical instruc-

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[969] *C Cler*, General Directory for Catechesis, n. 48.

[970] *Scheidler*, Das didaktische Profil der Katechese, p. 110 f.; see also: *John Paul II*, ApE *Catechesi Tradendae*, Art. 18.

[971] *C Cler*, General Directory for Catechesis, n. 39; *Kaupp*, Nachkonziliare kirchliche Dokumente, p. 97.

[972] *John Paul II*, Encyclical Letter, *Redemptoris Missio*, 7 December, 1990, in: AAS 83 (1991), pp. 249-340, here n. 46; see also *C Cler*, General Directory for Catechesis, n. 56.

[973] *Ibid*., n. 67.

tors and parents.[974] Parish catechesis enables the catechumens and indeed other Christians who are in the process of maturation to be nourished by the word of God and by the Eucharist and the other Sacraments.[975] In the Christian community, a continuous Christian education in the faith is exercised through preaching, bible study, liturgical catechesis (which is performed during the preparation for the Sacraments), theological research and through school religious instruction.[976] By means of it, the Church is called to hand on the faith. Its objective is to configure the Catechumen and the Christians into the person of Christ, his mysteries and message and to build up a Christian community of love.[977] Catechesis, therefore, is Christ-Centered, Trinitarian and Ecclesial.[978] Catechesis uses methodology such as inductive, deductive, experiential as well as memorization methods.[979] For Stephan Leimgruber, one of the best methods of catechesis remains the didactic method of encounter. According to him, the best learning ways in catechesis are the ways of conversation and experience learning.[980] The biblical instances of God's meeting with humanity testify to the veracity and intensity of this method. God met with Abram (Gen 12:1-3); with the Old Testament prophets (Ez 1:28-3:3) and in freedom called them to himself. This is why *Begegnung* as a catechetical method should have as its emphasis, information sharing, ethical and religio-spiritual tendency aimed at im-

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[974] *Barton*, Education and Catechesis, p. 64.

[975] Art. 21 VatII DV; see also *C Cler*, General Directory for Catechesis, n. 70.

[976] *Ibid*., nn. 71-76.

[977] *C Cler*, General Directory for Catechesis, nn. 78-91.

[978] *John Paul II*, ApE *Catechesi Tradendae*, Art. 5-6; see also, Catechism of Christian Doctrine, nos 426 and 1253, and *C Cler*, General Directory for Catechesis, nn. 98-106.

[979] *Kaupp*, Nachkonziliare kirchliche Dokumente, p. 98; *C Cler*, General Catechetical Directory (1971), Art. 72; *C Cler*, General Catechetical Directory (1997), Art. 150-154.

[980] *Leimgruber*, Begegnung als ganzheitlicher Weg, p. 185.

parting the truths of the Christian faith.[981] Johannes Joachim Degenhardt equally stressed that through sharing of religious experience and other learning processes in School religious instruction, children are led to the Christian experience.[982] Although adult catechesis is the basic form catechesis is addressed to Christians of all ages and to Christians in different situations in life: disabled, handicapped and the marginalized.[983]

7.2. Pope Francis Evangelii Gaudium of 2013

7.2.1. Introduction

The Thirteenth Ordinary Assembly of the Synod of Bishops met in Rome from 7-28 October, 2012 and deliberated on the theme of the New Evangelization for the transmission of the Christian faith.[984] The Apostolic Exhortation *Evangelii gaudium* (EG) was published by Pope Francis on 12 November, 2013 following the request of the Synodal Bishops in their propositions.[985] Matthew Suresh evaluated *Evangelii gaudium* as Pope Francis' vision and dream of Evangelization manifested in two radical ways: his personal life style and postures since he became pope and named this document: "an invitation to reform and an epitome of Evangelization".[986]

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[981] *Ibid*., pp. 188-191.

[982] *Johannes Joachim Degenhardt*, Vorwort, in: *Sekr. DBK* (Hg.), Nachkonziliare Texte zu Katechese und Religionsunterricht. Bonn 1989, pp. 5-8.

[983] *C Cler*, General Directory for Catechesis, nn. 171-192.

[984] *Francis*, ApE *Evangelii gaudium*, Art. 14.

[985] *Ibid*., Art. 16.

[986] *Matthew Suresh*, *Evangelii Gaudium*: Pope Francis' Magna Carta for Church Reform, at: http://www.stmaryshaddingtonroad.ie/wp-content/uploads/2013/12/Pope-Francis-Magna-Carta-For-Church-Reform-.pdf (5.5.2015).

EG raised various issues confronting Evangelization today. One could see this document as a practical application of the Pastoral Constitution of the Church in the Modern World *Gaudium et Spes* which tried to define the Church in relation to her role in the modern world. *Evangelii gaudium* focus' its attention on identifying the various areas of the life in society where the intervention of the gospel message is needed. This justifies the thoughts of Johannes Joachim Degenhardt that Evangelization is a complex and often protracted process of faith which begins with the first encounter and goes on until it grows into the community of believers.[987]

This new way of evangelizing the world is termed New Evangelization. The document focused extensively on the task of the Church on Evangelization in modern times and the power in the ministry of the Word in the Evangelization process. It discussed the theme of the Church in dialogue with society. The pope exhorts Christians to a new Evangelization marked with joy. This is because our modern technological world can only engender pleasure not joy. But the gospel brings joy not sorrow to the hearts of all people.[988] This document should actually be seen as a strong means of Christian education. It is an ecumenical document. Reading through it convinces one that it was not simply directed to Catholics alone but to Christians of all confessions because it both criticized and appraised the ills and efforts of Christians of all denominations.

7.2.2. The Task of the Church in New Evangelization

The theme on New Evangelization first mentioned by Pope Paul VI in his Encyclical *Evangelii Nuntiandi* was reiterated by Pope John Paul II in *Catechesi Tradendae*. Anthony O. Gbuji traced the origin of the concept to Pope John Paul II who during his pastoral visit to Poland in

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[987] *Degenhardt*, Vorwort, p. 6.

[988] *Francis*, ApE *Evangelii gaudium*, Art. 1, 5 and 7.

1979 introduced this terminology.[989] The discussion was topical in some Synodal gatherings of bishops.[990] *Evangelii gaudium* stressed the urgency of the New Evangelization and the various ways to apply it in modern times. This new type of Evangelization involves an *outreach*. If Christians of today find it difficult to come to the Church, the Church should make every effort to find them. This situation was beautifully described by the Latin American and Caribbean Bishops as "going out of our Church to find them, because we cannot passively and calmly wait for them in our Church buildings … It involves being permanently in a state of mission".[991] Pope Francis termed it a *Missionary option* which involves self-abandonment on the part of the Church who is expected to abandon her self-preservation and be converted both in her structures and individual members. He prefers a Church which became dirty while laboring to save souls to one that has grown cold in self preservation.[992]

The pope identifies various areas in to which the people of God and indeed our modern society should say *no* and other areas where they should say *yes* in order to experience the joy of the gospel message. The negative areas of both societal and ecclesial life include the economy of exclusion, the worship of money and system inequality.[993] The areas where the men of the modern world should say *yes* include: Missionary spirituality and new relationships brought by Christ.[994] These are the challenges of the New Evangelization.

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[989] *Gbuji*, A Handbook on the New Evangelization, p. 65.
[990] *Francis*, ApE *Evangelii gaudium*, Art. 14.
[991] *DBK*, Aparecida, 2007, n. 548.
[992] *Francis*, ApE *Evangelii gaudium*, Art. 44-49.
[993] *Ibid*., Art. 52-60.
[994] *Ibid.*, Art. 78-87.

III

CHRISTIAN EDUCATION IN NIGERIA: EFFORTS OF A LOCAL CHURCH

1. General Introduction

There is a link between Christian education in Nigeria and the advent of Christianity[995] in this land. In this chapter we shall try to find out how Christian education took root in Nigeria and what efforts the local Church is currently making to apply the universal Christian principles of education to their local environment. It is on record that the missionaries were the ones who started the business of western education in Nigeria before the colonial masters came in to make laws on education in order to gain control of the industry which they needed for the administration of the land. The education laws of Nigeria which began at the early years of colonialism shaped Christian Education in Nigeria. One could see in the interaction between the colonial masters and the Missionaries a kind of Church-State relationship in Education in those early years. The efforts of the Catholic Bishops Conference of Nigeria through its various organs and publications and through the Nigerian Catholic Policy on Education which they organized will be pointed out here to emphasize the efforts of this local Church. Efforts of clergy and religious in school religious instruction as well as parish catechesis will also be outlined here. We shall take Austria as a model for a good Church-State

[995] For a further discussion on this topic see: *Celestine A. Obi* (ed.), A Hundred Years of the Catholic Church in Eastern Nigeria (1885-1985). Onitsha 1985.

relationship in education and find out in the next chapter how we can benefit from this model.

2. Church-State Relation in Education in Nigeria

2.1. Christian Education: How it Came to Nigeria

We shall attempt here to show how those who established this Church were also responsible for establishing western education.[996] It could be said that the birth of western education in Nigeria almost coincided with its nascent growth in Europe in the middle Ages[997] which was Christian in nature[998] and which lasted more than one thousand years, influencing life in Europe and in the colonies which the European nations latter occupied.[999] Helmut Engelbrecht and Roman Siebenrock reported that the school system in some European country could be traced to the monastic or convent schools of 8 to 13 Centuries. As Roman Siebenrock stressed, this system enjoyed the monopoly of the Church until the end of the French Revolution.[1000] The first attempt to establish western education by the Christian missionaries began as early

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[996] *Oyeleke Oluniyi / Clara Olajumoke Akinyeye*, Curriculum Development in Nigeria; Historical Perspectives, in: Journal of Educational and Social Research 3/1 (2013), pp. 73-80, here p. 74.

[997] *Fafunwa*, History of Education in Nigeria, p. 73.

[998] For instance *Wilhelm Rees* reports that over the years the school system in Austria, just like the general society in Europe in the middle ages was heavily influenced from the Church. Private school-systems have their origin in the schools which were run by the Religious Houses, Parishes and Cathedrals in the middle ages. See: *Rees*, Beaufsichtigung, p. 345.

[999] *Ibid*.

[1000] *Engelbrecht*, Kirche als gestaltende und ordnende Kraft, pp. 14-16; see also: *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 558.

as 1472.[1001] The Portuguese saw in education and evangelization a veritable tool to achieve their commercial interests. Given the *uncivilized* nature of Africa at that time, dealers in commerce needed the missionaries whose spiritual activities would occupy the local people while the merchants engaged themselves in commerce. On the other hand, communication is a very important aspect of commerce. Both the seller and the buyer need to understand their bargaining terms. The difficulty in communication could only be overcome through education. So, the Portuguese were the first to sponsor the first Catholic missionaries to evangelize Nigeria through education.[1002] This attempt did not succeed.

The second attempt to establish the Christian faith in Nigeria was really the birth of Christian education in Nigeria. This successful attempt coincided with the British expedition of 1841.[1003] The *Church Missionary Society* (C.M.S) could be credited as the pioneers of Christian education in Nigeria. They were followed by three other bodies – the Baptists, the Roman Catholics and the Church of Scotland Mission (United Presbyterians).[1004] Christian education in Nigeria is, therefore, as a consequence of the parochial school system of both the Protestant as well as the Catholic Missionaries.

[1001] *Charles Anwame Imokhai*, Evolution of the ***Catholic Church in Nigeria***, in: *Alexis Obabu Makozi / Gabriel Jimoh Afolabi Ojo* (eds.), The History of the Catholic Church in Nigeria. Yaba/Lagos / Ibadan 1982, pp. 1-4, here p. 3.

[1002] *Fafunwa*, History of Education in Nigeria, p. 74.

[1003] *Ibid*., pp. 77 f. reported how *Thomas Fowell Buxton*, a member of the anti-slavery movement in London suggested that it was only through a mixture of agriculture, business and commerce that the interiors of Africa could be opened to civilization. The British government sent 144 Europeans and 1 African of different trades, explorers, meteorologists and missionaries to the Niger area. Although many of them died of Malaria, their report back home encouraged many missionaries and trader to enter the Nigerian soil both for missionary enterprises and for commerce.

[1004] *Fafunwa*, History of Education in Nigeria, pp. 78-81.

In Eastern Nigeria, the vanguard of Catholic education was the missionary fathers of the *Congregation of the Holy Spirit* (C.S.Sp) under the inspiration and the enthusiasm of Libermann.[1005] They were the first Catholic Missionaries across the Lower Niger to establish Catholic schools for the education of the local population. Even though the Catholics came very late into the arena, by the 1950s they had succeeded in establishing mission schools in almost every area of the Lower Niger and overtaken the other Missionary bodies who were there before them. This was especially due to the efforts of the zealous Catholic Missionaries like: Frs. Joseph Lutz, Alexander Leon Lejeune and Joseph Shanahan, the great apostles of catholic education in Igbo land.

As Omenka opined, it was the missionaries who, at the beginning, had the monopoly[1006] of the established schools. According to him, "Before the colonial administrators ever begun at the turn of the 19th century to go into the business of education in their new colony, the Christian missionaries had already gone far in spreading the gospel message through the establishment of mission schools. They could be said to have had the unchallenged monopoly in the area of primary education. They had the choice and direction of education firmly in their hands".[1007] They did not set out from the beginning to lay down principles and foundation for a strong educational system. They simply began to build schools and teach their pupils those subjects that would enable

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[1005] *Vincent A. Nwosu*, The Growth of the Catholic Church in Onitsha Ecclesiastical Province, in: *Alexis Obabu Makozi / Gabriel Jimoh Afolabi Ojo* (eds.), The History of the Catholic Church in Nigeria. Yaba/Lagos / Ibadan 1982, pp. 5-44, here p. 11.

[1006] This state monopoly of schools existed also in the western world after the period of reformation. It was the period of constitutional reforms that ushered in religious freedom and made government give up its absolute control of schools. The religious bodies now became free to build their own schools. See *Heinrich Mussinghoff*, Einf. vor c. 793/4, Rn. 7, in: MK CIC (Stand: Mai 1986).

[1007] *Omenka*, The School in the Service of Evangelization, p. 70.

them to fit into their purpose of raising evangelizers and people who would take over from them to spread the Gospel. It was the intervention of the colonial administration in the affairs of education that brought about a systematization of the school system in Nigeria. The government inspectors of education realized and suggested that the Nigerian education system would have a brighter future only when the government took an active part in public education.[1008] This may perhaps have hastened the government intervention in the school system in Nigeria.

2.1.1. Church-State Relation in Christian Education

In the early period of western education in Nigeria, one could see a Church-State relationship in Education playing out in the management of the school system and the subsequent intervention into this system by the state. In the first place, the field of education was left entirely in the hands of the missionaries up until 1882, with the colonial government showing no interest whatsoever in education. Aliu Babatunde Fafunwa called this period the "era of exclusive Christian missionary education in Southern Nigeria".[1009] The Missionary-bodies while establishing Mission churches, set up side-by-side, mission schools. Most times, one structure served both as the Church and school. Even today in some rural areas, some of these structures still serve this dual purpose. The construction of such church/school buildings was usually done through direct labour from the local communities while the missionaries usually paid for the cost of the materials. Sometimes some willing and well-to-do village-Chiefs or communities single-handedly constructed their Mission-School and handed them over to the missionaries for management. The Head master often doubled as school-head as well as Catechist. Teachers would teach the young pupils in the morning hours and

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[1008] Archives Generales, Congregation Du Saint-Esprit, Chevilly, PRO: C.O. 520/3, No 35281, Annual Report on Southern Nigeria, 1899-1900, p. 70.

[1009] *Fafunwa*, History of Education in Nigeria, p. 92.

return to the mission later in the evening for both adult and children Catechism classes. In some of these "un-assisted or bush schools",[1010] one person was the catechist, the class-room teacher as well as the Headmaster. Subjects taught in these schools included Religious Knowledge, reading, writing, Arithmetic, Geography, Music and Catechism.

Aliu Babatunde Fafunwa reiterated that the effect of the non-governmental control of the Mission-schools resulted in the lack of common syllabus, standard textbooks, regular hours, adequate supervision of schools-buildings, teachers and pupils; a central examination system; uniformity in the conditions of service of teachers; and adequate financial support and control.[1011] Despite the great strides made by the early missionaries in establishing mission-schools and raising many intellectuals, some authors accuse them of not being altruistic. These critics opine that mission schools were established mainly for missionary purposes; to help the missionaries in spreading the gospel. H. F. Makulu represents scholars in this school of thought.[1012] He holds the view that several factors were in the background of the introduction of the educational system in Nigeria by the various groups and organizations. According to him, these schools were established mainly in order to evangelize the children and for them to help the missionaries in their evangelization program. For him, the missionaries saw the education of the native population as a means of facilitating their conversion to Chris-

[1010] C.S.Sp, Annual Report on the Education Department, Southern Provinces for the year 1928, Chevilly, C.S.Sp Archives Generales, B/565/O7 for the year 1928, p. 8.

[1011] *Fafunwa*, History of Education in Nigeria, p. 93.

[1012] *Henry F Makulu*, Education, Development and Nation building in Independent Africa. London 1971, p. 7.

tianity. The colonial administrator had a purely secular out-look.[1013] They saw the education of the local people as a means of training people for errands and at best as office workers.[1014] For Adiele Eberechukwu Afigbo "the missionaries would have concentrated on a few well-equipped and properly-staffed schools if their aim was to make good and useful citizens and not for convert-making."[1015] We believe that despite these negative views, every reasonable critic should really commend the missionaries for being the path-finders in the area of education in Nigeria.[1016] Such appreciation came from the Government education Department of 1928:

> "One is tempted to ask whether an Education Department which is beginning to effect responsible control after half-a-century of free lance education can be blamed for many of the faults of the many systems inflicted upon Nigeria. The science of education has advanced considerably. Nor would it be fair to deny the difficulties of the pioneer missions. It must always be remembered that it is not easy for a missionary to see eye to eye with an official educationist in the matter of schools and education. The one has his duty to his mission, and his interpretation of that duty must be realized and respected when considered with the purely secular out-look of a Government Superintendent. That co-operation between them has been as manifest as it has in the past few years is a tribute to the sincerity of both."[1017]

[1013] *C. B. Smith*, Nigeria, in: Annual Report on the Education Department, Southern Provinces for the year 1928. Lagos 1928, p. 5, Chevilly, C.S.Sp Archives Generales, B/565/O7.

[1014] *Omenka*, The School in the Service of Evangelization, p. 97.

[1015] ***Adiele*** *Eberechukwu Afigbo*, The Background to the Southern Nigerian Education Code of 1903, in: JHSN 4 (1968), pp. 197-226, here p. 209.

[1016] *Smith*, Nigeria, p. 5.

[1017] *Ibid.*

But it is good to know how exactly the government intervention in the management of the school system began.

2.1.2. The Government Intervenes

It is reported[1018] that as far back as 1841 the colonial administration in Lagos had already begun to give annual grant-in-aid of two hundred Pounds to each of the three Mission bodies: the Wesleyan Methodist Mission, the Church Missionary Society and the Roman Catholic Mission who were engaged in education in Nigeria. This was both the beginning of government support as well as its control of the school system in Nigeria because he who pays the Piper dictates the tune. The year 1882 saw the promulgation of the West African Education Ordinance and in 1887 an autonomous Nigerian education board was set up in Lagos, known as the Lagos Education Ordinance.[1019] This board set criteria for the support of the voluntary agencies in education. Among the criterion for the giving of the grant-in-aid was that each benefiting school should have qualified teachers. There were three other important factors that led to the government's increased interest, intervention and eventual take-over of the education system in Nigeria. These include the following:

- The proclamation of the Protectorate of Northern Nigeria in 1900,[1020]
- The merger of the Colony of Lagos and the Southern Protectorate to form the Colony and Protectorate of Southern Nigeria in 1906 and
- The amalgamation of the Southern and Northern Protectorates of Nigeria in 1914 which led to the increased need for government

[1018] *Sidney Philipson*, Grants in Aid of Education in Nigeria. Lagos 1948, quoted in: *Omenka*, The School in the Service of Evangelization, p. 71.
[1019] *Fafunwa*, History of Education in Nigeria, pp. 93 f.
[1020] *Ibid.*, p. 101.

intervention in education and the issuance of educational codes to bridge the gap in the level of education between north and south

We shall discuss briefly some of the education codes which gradually shifted emphasis from the mission-controlled Christian education to almost a secular education system, making the early founders become minor co-operators in the system which they pioneered.

2.1.3. Christian Education and the State Education Laws of 1902-1916

By 1902 the southern Protectorate had worked out an education model consisting of four different stages: Primary, Intermediate, High (normal) and Technical schools.[1021.] One could see from this arrangement an initial step to organize the school system to fit into the need of the country at that time. The government and indeed the growing economy of the young country needed artisans and technicians to build up the infrastructure. This initial system contrasted with the later system where Grammar-schools became the order of the day producing graduates who would fill the labour market looking for white collar jobs. The 1902 education code also recommended that Grants-in-Aid be paid under the condition of school attendance and performance. Among other recommendations, plant and animal sciences were be added to the curriculum of studies and that building and management of primary school education be left in the hands of the missionaries while the government would concentrate on building secondary schools. It would build primary schools only where the Missionary agencies could not afford to do so or where they failed.[1022] As can be noticed from the table below, between 1859 and 1908, there was no Secondary school built by the Colonial government while there were already seven Secondary schools built and managed by different Voluntary agencies. The first Government

[1021] *Omenka*, The School in the Service of Evangelization, p. 73.

[1022] *Ibid.*, p. 75; see also: *Fafunwa*, History of Education in Nigeria, p. 96.

Secondary school, King's College, Lagos was built in 1909. Between 1908 and 1919, the Voluntary agencies built five more Secondary Schools.

Table A and B showing Secondary schools built by the Voluntary Agencies and the government between 1859 and 1913.[1023]

Agency	School	Location	Founding Date
C.M.S	C.M.S Grammar School	Lagos	1859
R.C.M	St Gregory's College	Lagos	1876
Methodist	Methodist Baptist High School	Lagos	1878
Methodist	Methodist Girls' High School	Lagos	1879
Baptist	Baptist Boys' High School	Lagos	1885
Church of Scotland	Hope Waddell Institute	Calabar	1895
C.M.S	Abeokuta Grammar School	Abeokuta	1908
Government	King's College	Lagos	1909
Private African Initiative	Eko Boys' High School	Lagos	1913
C.M.S	Ibadan Grammar School	Ibadan	1913
C.M.S	Ijebu-Ode Grammar School	Ijebu-Ode	1913
R.C.M	St Mary's Convent	Lagos	1913

School subjects were heavily tailored towards the British system by the 1902 Education Code.[1024] This Code was followed by the controver-

[1023] Excerpt from *Fafunwa*, History of Education in Nigeria, p. 99.

[1024] *Oluniyi / Akinyeye*, Curriculum Development in Nigeria, p. 74.

sial 1908 Education Code which laid down rules for the provision of primary and secondary education in the Southern Protectorate. It also introduced the idea of industrial education into the scheme of work in schools.[1025] The government created provincial boards to oversee education in the various parts of the country. The amended code of 1911 recognized three types of teachers – Pupil Teachers, Assistant Teachers and School Masters or Principal Teachers.[1026] The 1916 Education Ordinance of Lord Lugard came with a moral tone, emphasizing the function of a school in forming character; in inculcating habits of discipline and self control and good manners.[1027] The curriculum of studies came close to the moral emphasis of the mission schools

By this 1916 Education Ordinance, the Colonial Government tried to assert a firmer control of the school system by requiring that the Missions obtain permission before establishing new schools. Shanahan critiqued this policy as being anti-Catholic.[1028] One could reason with Shanahan in his criticism of the 1916 code because if the missionaries were required to obtain permission from the Government before establishing a new school, it would limit the missionary expansion. This measure could be seen as one of the early moves of the government to secure a firm control of the school system in southern Nigeria. However an immediate takeover and absolute control of the school system by the

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[1025] *Fafunwa*, History of Education in Nigeria, p. 96.

[1026] Code of Regulations of education for the Colony of Southern Nigerian Education Department, in: *Omenka*, The School in the Service of Evangelization, p. 90.

[1027] PRO: C.O 675/5, Sessional Papers, No 8, 1916 annual report in Education department, in: *Omenka*, The School in the Service of Evangelization, p. 92.

[1028] By this time, the Catholic Mission was gaining momentum in the evangelization process. Due to the fame recently gained by the Catholic Mission, many Chiefs were reaching out to them to come and establish Mission schools in their area. For the government to make a law demanding that the Missions obtain permission before establishing new schools would be a limitation of their missionary activities. This may have angered Shanahan.

Government was not possible at that material point in time. The Missionaries were more prepared than the government in leading the education process. The most the government did was to assist the Vocational agencies by grants-in-aid. These grants came only to the schools chosen and categorized as *assisted-schools*. Schools in this category were those that met the standard set by government.[1029] In an effort to keep schools and enable others to be added to the assisted schools list, the Catholic Church in Eastern Nigeria appointed Supervisors of Schools whose assignment it was "to coordinate and supervise the schools in their respective Districts".[1030] With this government assistance, the Vocational Agencies were multiplying their schools such that by 1917 there were in Eastern Nigeria alone a total number of 1309 schools owned by the Missions, 167 of which were government assisted schools and 1.142 unassisted schools.[1031]

The competition in the expansion of denominational schools resulted in great rivalry between the different Christian denominations. This was portrayed in one of the articles published in April 1903 in *the Observer*, the chief propaganda organ of the Church of Scotland Missionaries as reported by Omenka:

> "We have been censored by some for the statement published in the *Observer* that the Roman Catholics tell exceeding lies. All those who have read the history of Germany, Switzerland, Scotland and England, at the time when the eyes of thousands of people in the fifteenth century were opened by the Spirit of God will be convinced that the Roman Catholics tell exceeding lies … I wish to ask: why are all the nations which are Roman Catholics humiliated? They fall back [sic]. France fought war with Germany and the latter which is not a Roman Catholic conquered. Spain

[1029] *Fafunwa*, History of Education in Nigeria, p. 111.

[1030] *Omenka*, The School in the Service of Evangelization, p. 185.

[1031] *Ibid*., p. 100.

> too fought with America and the latter which is not a Roman Catholic conquered. The Spaniards having been aware that the Priests have ruined their country picked up stones and pelted them with it in the streets at day time. France also does not wish the Priests to educate its children at school. Why? Because the French Government has found that the Priests tell lies, and also deprave the minds of the children. This statement is true, let anyone who doubts it read newspapers. It will be exceedingly worse with the Efik people when their children enter schools in which Priests teach."[1032]

A mutual suspicion existed among the different religious denominations especially between the Protestants on one side and the Catholics on the other. It is good to recall that the new 1917 Code of Canon Law was published just a few years after this period of controversy and mutual suspicion. C. 1374 CIC/1917 read as follows:

> "Catholic children shall not attend non-Catholic, in-different, schools that are mixed, this is to say, schools open to Catholics and non-Catholics alike. The bishop of the diocese only has the right, in harmony with the instructions of the Holy See, to decide under what circumstances, and with what safeguards to prevent loss of faith, it may be tolerated that Catholic children go to such schools."

It may be in response to these frequent attacks on Catholics and as an interpretation of this 1917 Code that Shanahan in 1924 placed stringent conditions on pupils who wished to attend Protestant schools: It reads:

1. In places where there are Catholic schools, no Catholic is allowed to attend a Protestant school.

[1032] PRO:C.O.520/21. Document attached to n. 599; *Widenham Francis Widenham Fosbery,* Acting High Commissioner, to Colonial Office, 29 December, 1903, in: *Omenka*, The School in the Service of Evangelization, p. 104.

2. Where there are no Catholic schools, a Catholic may attend a secular instruction in a Protestant school, but on no account is he to attend religious instruction or Divine Service at any time. When a Catholic school is set up in the place, this privilege ceases.
3. A Catholic must not enter on any account a Protestant institution as boarder. To do so would mean excommunication for him on account of the proximate occasion of the danger of perversion, heresy, apostasy.[1033]

Not satisfied with the rivalry between the Voluntary Agencies as well as the approach of the missionaries to education which they see as conversion-oriented, the Colonial authority decided to establish non-denominational schools which would run side by side with the Voluntary agencies' schools; a situation which the Catholic authority saw as being influenced by the wave of Secularism blowing in Europe at that time. But the intention of the Colonial Administration may have been the establishment of Government schools to prepare the right type of future leaders and civil servants for the country.

2.1.4. Christian Education in the 1926/27 State Education Code

The educational revolution going on in Europe in the 1920s was reflected in the change of attitude of the Colonial Government towards education in Nigeria. Before this time, it limited its interest in education merely to giving Grants-in-aid to the Voluntary agencies as well as minor legislation in education. The building, curriculum development and maintenance of the then existing primary schools lay in the hands of missionaries. Influenced by the report of the Phelps-Stokes Commission

[1033] SCE: 191/B/111, *Joseph Shanahan*, Promulgation of Directions Relative to the Administration of the Sacraments in the Vicariate of Southern Nigeria and Some Other Matters of General Importance" Circular No. 10 August 1924, in: *Omenka*, The School in the Service of Evangelization, p. 108.

on education in Africa, set up by the Phelps-Stoles Fund[1034] and Foreign Missions Societies of North America and Europe which made a tour to many African Countries to ascertain the condition of education here,[1035] the Colonial administration changed its stance. It published the education code of 1926 which contained the following features:

1. The registration of all teachers, without which no person was allowed to teach in the schools of the Colony and Southern Provinces.

2. The order to obtain government permission for the opening of new schools, and the right of the Governor to close those considered ineffective or unnecessary.

3. The fixing of minimum wages for teachers.

4. The creation of Mission Supervisors of Schools who received grants-in-aid for their services to Assisted Schools.

[1034] The Phelps Stokes Fund was established by an act of the New York State legislation to cater for the bequest of *Caroline Phelps Stokes* whose will was specifically meant for the education of Negroes, both in Africa and in the United States. The Phelps-Stokes Commission directed that. "Education should be adapted to the mentality, aptitudes, occupations and traditions of the various peoples … This includes the fostering and the educational use of African arts and culture. Education should be a complete one that should include Primary education, secondary education of different types, technical and vocational schools and institutes, some of which may hereafter reach University rank for such subjects at teacher-education, medicine and agriculture and adult education" See *Laing Gray Cowan / et alii* (eds.), Education and nation-building in Africa (Praeger university series 571). New York/NY u.a. 1965, p. 46; see also: The 1925 Phelps-Stokes Commission, The Memorandum on Education Policy in British Tropical Africa. Cmd 2374. London 1925, in: *Oluniyi / Akinyeye*, Curriculum Development in Nigeria p. 74.

[1035] *Fafunwa*, History of Education in Nigeria, pp. 119-123.

5. The assurance of mission representation on the Board of Education.[1036]

The action of the Colonial Government in restricting the opening of new schools, permitting the Governor to close the ineffective ones and registration of all teachers was interpreted by the Catholic authority in Nigeria as encouraging illiteracy and paganism in Africa.[1037] This was because by this restriction, many village schools which served as the most effective means of civilization and evangelization in the hands of the Catholic Missionaries were closed down despite the yearning of the native Chiefs that the Missionaries establish schools in their areas. The Nigerian Catholic Authority vowed "to resist any attempt to educate the African as part merely of a machine for production of wealth for the benefit of others".[1038] This seemingly negative action of Government towards the Mission schools, however, resulted in the Catholic Authority forming a formidable Catholic Education Policy and making African Catholic Missions place the school at the Center stage of their missionary enterprise. It equally improved the quality of education given to the natives as well as uplifting the morale of teachers who now became officially registered and had minimum wages stipulated for them.[1039]

The 1930s saw the reorganization of the Nigerian educational system into six years of Primary School, six years of Intermediate studies made up of three years of Lower and three years of Middle School. Students who could complete their studies in this Middle school would be awarded the new West African School Certificate. The final stage would be spent either in a Vocational or Higher school and the graduates from

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[1036] *Omenka*, The School in the Service of Evangelization, pp. 220 f.

[1037] *Ibid.*, p. 221.

[1038] CSE: 554/V1; Bishop Hinsley in Conference with Nigerian Bishops: A Statement of Policy 1929, in: *Omenka*, The School in the Service of Evangelization, p. 222.

[1039] *Ibid*.

these institutes were to be awarded Diplomas. This is the famous Eric Robert James Hussey education policy of 1930. This policy emphasized the study of Agriculture, handicraft, and domestic studies. It was followed in 1942 by the Bernard Henry Bourdillon's Ten-Year Education Plan. It emphasized better conditions of service for teachers, more adequate financial assistance to the Vocational Agencies and the Native Administration for the sake of efficiency as well as a controlled expansion as far as possible.[1040]

The new education policy worked out by Sir Sidney Phillipson in 1948 accommodated the *Native Authority* (N.A) in the scheme of Grants-in-aid. *Native Authorities* were often illiterate native rulers like the Emirs or Warrant Chiefs who helped the government in the management of schools. This system was more popular in Northern Nigeria where the activities of the Christian missionaries were restricted and was worked out to accommodate Northern Nigeria in the Grants-in-aid program from which other parts of Nigeria had long benefited. *Local Education Authorities* (L.E.A) were added later to the Native Authorities. While local illiterate Chiefs mainly constituted the N.A, the L.E.A was served by educated leaders at the Local Government level. Its emergence was the beginning of decentralization of education in Nigeria which is noticeable in the 1950s. However, the 1948 education policy provided for the establishment of Central and Regional Boards of Education as well as stating the uniformity of the salary paid to each category of teacher.[1041] The indigenous examination body was created for British West Africa in 1952 as a "corporate body charged with the responsibility of conducting examinations in the interest of West Afri-

[1040] *Ibid*., p. 229.
[1041] *Ibid*., p. 230.

ca".[1042] This board is still known as the *West African Examination Council* (W.A.E.C).

The conference on education in Africa held in Cambridge in 1952 and in Addis Ababa in 1961 provided far-reaching decisions on education in African countries. The 1952 Education Ordinance of Nigeria coincided with the above conferences. It empowered each of the regions: Eastern, Western and Northern to develop educational policies and systems which would suit it. This led to the abolition of the Colonial Board.[1043] The outcome of this Ordinance was the free education program introduced in Western Nigeria in 1955. The excellent work done by the missionaries in the East combined with the free education provided by the Government of Western Nigeria resulted in widening gap between the North and South of Nigeria in the area of education.

2.1.5. Christian Education close to Nigerian Independence

In the years preceding Independence, the school was seen as a battle ground among the various missionaries. Father John Jordan described this in the following terms "Freemasons, Protestants of every description, angry pagans, all are out and allied, unfortunately, against us to get a firm and final hold over the school; over the child's soul, over the soul of this Prefecture comprising eight millions of people".[1044] This is a clear indication that the missionaries understood the goal of catholic education- to salvage body and soul. It was not just a battle to take over the areas controlled by the missionaries but to rub them of the salvation of the souls of those little children whom they came to save. It is as if

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[1042] *Mkpa A. Mkpa*, Overview of Educational Development: Pre-Colonial to Present Day, in: Online Nigeria, Saturday, September 13, 2014, http://www.onlinenigeria.com/education/?blurb=534 (5.5.2015).

[1043] *Hauwa Imam*, Educational Policy in Nigeria from the Colonial Era to the Post Independence Period, in: Italian Journal of Sociology of Education 1 (2012), pp. 181-204, here p. 184 f.

[1044] Archives Generales, Congregation Du Saint-Esprit. Chevilly, B/556/07.

one would say: *whoever wins the school, wins the country*. Nigeria was being envisaged as a global player in future world politics and the various missionaries were struggling to train its future leaders to take over the country. The Protestants had started the race long before the Catholics came into the scene. By the early 1950s, they were in the lead in the building and management of many schools and had covered more ground than the Catholics. This clear-lead maintained by them in the early 20th century was overturned by the sudden advancement of the Catholic Church in the establishment of secondary schools in the late 1950s. To add salt to the wound, the Catholic Hierarchy in Nigeria began to nurse the idea of establishing a Catholic University shortly before Independence to complete the hierarchical structure of Catholic education in Nigeria. Father John Jordan had already planned to bring in the Jesuits to found such a university. He even planned the initial Faculties to be studied there.[1045] But many factors militated against this Catholic dream.

Nicholas Omenka attributed this failure to financial difficulties, affiliation problems, paucity of feeder secondary schools; the secularist tendencies among the then Nigerian Nationalists. However among these factors, the strongest was the political climate of that time. The then government in Southern Nigeria was largely constituted of Protestants who saw discouraging a Catholic university as an important effort to nip in the bud the rise of Catholic intellectuals.[1046] Even though many education commissions set up by the Government before Independence like the *Dike Commission of 1959*, the *Ikoku Comission of 1962* and the *Adefarasin report of 1964*[1047] recommended the state take-over of

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[1045] *Omenka*, The School in the Service of Evangelization, p. 249.

[1046] *Ibid*., pp. 246-252.

[1047] *Ogochukwu P. Udenigwe / Ethel Nebo Ezeabasili*, Memorandum, submitted to the Technical Committee of Enugu State on the Modalities of the Hand-Over of schools to Voluntary Agencies, 10 August, 1999, p. 1.

schools from the Voluntary Agencies, one may be tempted to argue that the later State take-over of mission schools may not be far removed from the jealousy and competition among Christian politicians and intellectuals.

2.1.6. Christian Education after Independence

After Nigerian Independence, the Church forfeited its plan to establish a university. The period after independence was marked by a swift progress on the side of the government to establish State-owned universities to meet the current educational advancement of the country. The Ashby Commission of 1959 concerned itself with the content of the educational system as well as identifying the manpower need of Nigeria. It recommended the establishment of some Universities to cater for the growing need of education. This resulted in the establishment of the University of Nigeria, Nsukka in 1960, The Ahmadu Bello University, Zaria in 1962, the University of Ife and the University of Lagos both in 1962. These were in addition to the University of Ibadan which was already established in 1948 as the University College, Ibadan. The University of Benin was to come later in 1972.[1048] As of 2013 there were a total of one hundred and twenty eight Universities in Nigeria, duly approved by the Nigerian Universities Commission,[1049] with many applications standing before it. Among this list of universities, there are forty Federal Government owned; thirty-eight State owned and fifty private universities.[1050]

[1048] *Udenigwe / Nebo Ezeabasili,* Memorandum, p. 1.

[1049] The Nigerian Universities Commission is a commission created by the Federal Government of Nigeria for the accreditation, supervision of the Universities in Nigeria. It sets a uniform standard including the Admission standard which all the universities must follow and enforces the rules.

[1050] Universities in Nigeria, See: http://www.4icu.org/ng/nigerian-universities.htm (5.5.2015).

2.1.7. The Nigerian School System after the Civil War

It was at the heat of the civil war, precisely in November 1969 that the first National Conference on Curriculum of Education in Nigeria was held in Lagos. Many representatives of the masses joined experts in Education to carve the way forward for the education-system. The outcome of this Conference was upgraded and supplemented by the famous 1973 National Policy of Education. This Conference initiated the 6-3-3-4 system of education which was to come into effect ten years later. This system shifted the focus from intellectual to vocational and scientific studies. In this new system, Vocational education would focus more on the areas of Agriculture, Business and Commerce, Fine Arts, Music and so on. Scientific studies would include areas like, Chemistry, Mathematics, Biology, and Physics; while purely intellectual education would focus on local and foreign languages, Literature as well as religion. It was during the Obasanjo Military Government in 1976 that the *Universal Primary Education* (U.P.E) was introduced. It gave many children access to western education. The 1973 Educational Policy was described by the National Board for Technical Education as a departure from a foreign thinking pattern on the formulation of an education system in Nigeria as well as marking an end to the 135 years of colonial domination and influence on our curriculum development.[1051]

2.1.8. Organs Responsible for the School System in Nigeria

The basic ministry responsible for the coordinating and planning the whole education system is the Federal Ministry of Education. This Ministry is responsible for the policy and financial management of the education system through the National Council on Education. The Ministry of Education exists also in each state as State Ministry of Education. The 1973 Policy of Education as revised in 1981, introduced different bodies

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[1051] *Olusola Joseph Ehindero*, The School and Curriculum Evolution in Nigeria. Ibadan 1994, in: *Oluniyi / Akinyeye*, Curriculum Development in Nigeria, p. 77.

to oversee the educational system. These bodies included: the Nigerian Educational Research Council, Comparative Education Study and Adaptation Center, National Language Center as well as the Nigerian Development Center. These different bodies were fused into one by the decree 53 of 1988 and became known as "Education Research and Development Council".[1052] In his return as a civilian President in 1999, Obasanjo reintroduced the *Universal Primary Education* (U.P.E) in a new dress and renamed it *Universal Basic Education* (U.B.E). The U.B.E system is graded into 9:3:4 steps in which there exist free education in the first nine years: six years of primary and three years of junior secondary education. In some States, this free education continues until the end of the last three years of senior secondary school. That would imply 12 years of free education in those states. The last four years of University education attracts some education fees:[1053] There are various bodies responsible for the final examinations for graduating students. For those taking their final examination in college, the *West African Examination Council* (W.A.E.C) is responsible for their examination and the issuing of certificates. This Council embraces and comprises countries like Sierra Leon, Nigeria, Liberia, Gambia and Ghana. The *National Examinations Council* (N.E.C.O), established in 1988, shares function with W.A.E.C. The *Joint Admissions and Matriculations Board* (J.A.M.B), established by the decree of 1977 sets examinations for students who want to study at the universities. The *National Universities Commission* established in 1974 coordinates, finances and oversees the activities of the universities in Nigeria. They work to ensure that a good standard of education is maintained. They approve the opening of new universities, faculties or departments. The *National Teachers Institute* (N.T.I) is

[1052] *Ibid.*

[1053] See: *A. Esu / A. Junaid*, Educational Development: Traditional and Contemporary, in: http://www.onlinenigeria.com/links/LinksReadPrint.asp?blurb=536 (5.5.2015).

responsible for teachers' education. They offer courses which help non-graduates to obtain graduate certificates. The National Board for technical Education is an organ of the Federal Ministry of Education created in 1977 for the handling of non-university education especially in the areas of technical and vocational education. It focuses and directs academic programs in the technical institutions at both the secondary and tertiary school level and sees to the funding of these institutions.[1054] We shall look at the Nationalization of schools in Nigeria.

2.1.9. Church-State Relationship Disconnected: Nationalization of Schools in Nigeria

The positive contributions of the missionaries and other voluntary agencies to the educational advancement of Nigeria may not be disputed without much error. From 1840 when the *Church Mission Society* (C.M.S) began the first known school which ushered in western education in Nigeria to the period shortly after the civil war in 1970, the Church-State relationship in the area of education has been what Nicholas Nwagwu called a relation of dual control.[1055] From the side of the state came *support* and *supervision* while *administration* was supplied by the voluntary agencies. It was a system whereby the control of the school system was shared between the government and the voluntary agencies. The government influenced and controlled the schools by laying down policies and stringent conditions for the establishment, admission into and supervision of schools. The voluntary agencies managed these schools. But what actually led to this dual control in the education system in Nigeria? The answer is clear. While the Christian missionaries, through the help of their *home based benefactors* were estab-

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[1054] National Board for Technical Education (NBTE), http://www.nbte.gov.ng/ (5.5.2015).

[1055] *Nicholas A. Nwagwu*, The State tale-over of Schools in Nigeria: A Controversy, in: The Journal of Educational Administration 17/1 (1979), pp. 75-86, here p. 78.

lishing and managing schools which was for them a means of conversion of the natives, the colonial masters were busy with their business activities of conquering territories and annexing them into a large colony. It was when the government settled down to the real business of governance that they realized that they needed educated civil servants and personnel who would work for them at various levels of government. It was then that the relationship of *support* in the form of grants-in-aid to the voluntary agencies came in. The first grant-in-aid came to the missionaries in 1841 through the colonial administration in Lagos. The relationship of *control* began with the Education Code of 1902 which set forth a common curriculum for the schools and suggested that the government should build schools in the areas where the missionaries had no schools. With the enforcement of a general curriculum on all the schools in the country, the government gradually began to take control of the system of education.

But the actual plan to take over schools from the voluntary agencies was hatched by the regional governments; especially of Eastern and Western Nigeria in the 1950s with the introduction of Universal Basic Education. As stated earlier,[1056] the Government set up various Education Commissions to advise it on the way forward in relation to education. The Dike Commission of 1959, the Ikoku Commission of 1962 and the Adefarasin report of 1964 recommended that the State take over the control of schools. However this Government resolution to take-over schools was stoutly resisted by the Church. For instance, in a letter to the Onitsha District Council dated November 1956, the Catholic Archdiocese of Onitsha resisted the initial move made by the government to take over its schools in pursuance of the planned *Universal Primary Educa-*

[1056] See: *Technical Committee of Enugu State*, Memorandum on the Modalities of the Hand-Over of schools to Voluntary Agencies, 2009, p. 1.

tion Scheme (U.P.E.S).[1057] The then ruling party in Eastern Region, the *National Council of Nigeria and the Cameroons* (N.C.N.C) established U.P.E in 1956 and, in a policy statement banned further opening of schools by the voluntary agencies. The regional government favoured the Council Schools established and run by it and limited accommodation in the private schools. The Catholic Church reacted against this move.[1058] This tension between the Eastern Regional Government and the Churches due to the planned introduction of the Universal Primary Education was eased by the wise intervention of the then Premier of Eastern Region, Dr. Nnamdi Azikiwe who assured the Churches that the government respected the right of parents to send their children to any school of their choice.[1059] But this resistance did not continue for a long time. At the end of the civil war in 1970, the government finally decided to take-over the affairs of the education system. Their success in this

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[1057] *Onitsha Archdiocesan Secretariat,* Second draft of the Letter to the Onitsha District Council, 13 November 1956, in: Archive Generales C.S.Sp u1i1.8c9.

[1058] In a reaction against the decision of the Eastern Nigerian Government to ban any further opening of schools and limit the number of pupils entering each school, the Catholic hierarchy and the faithful of the then Onitsha Archdiocese reacted angrily. They described this as a major move by the government aimed primarily against the Catholic Church which as at that time owned more schools than any other voluntary agency and who have more than fifty percent of the school children in their schools. In a document entitled "The Catholic Case in Eastern Education", the Catholic proprietors in Eastern Region noted that they were not against the Government's initiative for mass education because that has been the initiation of the Catholic Church. They were against moves to stop religious education. They claimed that secular education was not enough for the society. Furthermore, parents have a fundamental right to send their children to any school of their choice. See: The Catholic Case in Eastern Education: Statement from Catholic Proprietors in Eastern Region. Onitsha, 1965, in: 557/b12, Archives Generales, C.S.Sp no.11i1.9e9.

[1059] *Dickson Kanu Onwenu*, Zik defends East Schools' Plan, in: Daily Times 11 December 1956, in: Archives Generales, C.S.Sp, 111.1.9.9.

regard was primarily due to the post-war situation. They nationalized the schools without further resistance from the voluntary agencies.

The concept: *take-over of schools* or the *nationalization of the schools* means that in the wake of 1970, some states in Nigeria took over the complete ownership and control of all educational institutions in their areas of jurisdiction. The Military Government cast aspersions on the educational policies of the various Voluntary Agencies. They offered many reasons for the take-over of these schools among which included: the existing rivalry among the voluntary agencies. The competition and rivalry between the various mission-bodies especially in the years preceding Nigeria's independence were actually so palpable that the government reasoned that they were sowing seeds of discord among the people.

Another reason the government gave for nationalizing the Mission Schools was that their approach to education was foreign. They desired to build a new system of education which would give room to the integration of African cultural values and integrate the students after their training into their environment.

A further reason for the State take-over of schools was the need for a national planning of the education system. Viewing education as the most cherished industry of the state, the government did not want to leave it in the hands of private managers. The dual system of education which was previously in place gave much authority to the missionaries because they were the ones who directly administered most of the schools while the State merely contributed their quota by giving the grants-in-aid and supervising the schools. Maybe the State wanted an education system which would raise nationalists. However one could ask what about the many Islamic schools in the North which were and are still operated by Muslims and funded by the state. Would their nationalization not also guarantee the raising of nationalists in the country?

There was also the need to bridge the gap between northern and southern Nigeria in the area of western style education. Although not emphasized, this was a paramount reason for the State take-over of the schools. The activities of the missionaries in the south of Nigeria had given it an edge over the north in the area of western education, a gap, which until today, the north has been trying to bridge. By the end of the Nigerian civil war, most of the secondary schools and universities offering western education existed mostly in southern Nigeria. So the then military government wanted a balance in education in both north and south.

Another reason given was the need to rebuild the dilapidated infrastructure destroyed by the civil war. The Nigerian civil war lasted for thirty months and had cost the nation a huge human and material loss. Many schools and public places were bombed and destroyed, the roads became inaccessible and many people lost their lives in the events of the war. The East Central States were most affected because it was the focal point of the war. That may suggest why the government of the East Central State was among the first state to begin to implement the policy of the State take-over of schools. They argued that the private voluntary agencies lacked the man-power to rebuild the infrastructure destroyed by the civil war. This could be seen as a poor argument because the civil authority could also give the Voluntary Agencies grants to build up their damaged schools and still manage them. The state simply saw an opportunity to take over the management of schools and make them a national property.

A further argument of the Government was that it planned to take over these schools in order to make an adequate educational plan for the future of Nigeria[1060] which would give room for National growth; and an indigenous education system grounded in the culture of the people.

[1060] *Technical Committee of Enugu State*, Memorandum, p. 1.

The missionary approach to education was condemned as being incapable of meeting the educational needs of Nigeria.[1061]

Many teachers also favoured the State take-over of schools as this would guarantee what Nwagwu called a *uniform condition of service*.[1062] They desired professionalism in their work and freedom from the missionary administrators whom some of them considered as being *high-handed*. The recent return of schools to their original owners attracted a strong criticism from the Nigerian Union of Teachers who found fault with the decision; threatening to go on strike if the decision was not reversed. For them this violated the Compulsory Free Universal Basic Education Act of 2004.

So the end of the Nigerian civil war brought a sad end to the various Mission schools as the military government forcibly took over all schools owned and managed by the Voluntary agencies without any discussion or compensation. Before the government take-over of schools, the various missionary societies were responsible for the curriculum of religious education in their schools. In public schools, the government was responsible for the drawing up of the whole curriculum for studies.

Forty years after this take-over, these same schools taken over by the government became dilapidated and almost completely ruined. The infrastructural decay lacks description. Both moral and academic standards in schools fell to an unimaginable low degree. The school system in Nigeria is plagued with many evils and woes which include poor planning and funding, lack of teaching and learning materials, lack of adequate supervision, and poor working conditions for teachers; indiscipline from both teachers and students, examination malpractice and secret

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[1061] *Nwagwu*, The State tale-over of Schools in Nigeria, p. 78.

[1062] *Ibid.*, p. 81.

cultism among other evils.[1063] The Catholic Bishops' Conference of Nigeria alluded to this decay in the following terms: "As a result of the take-over, the initiatives of voluntary agencies were stifled, and the quality of education in Nigeria experienced and still experiences a sharp decline."[1064]

Owing to the severe decay in the education sector, many State Governments in Nigeria are returning the schools back to the Voluntary Agencies who are the original owners. It was reported that fifty-six secondary schools and one thousand and forty primary schools were handed over to the missions in Anambra State alone; in a ceremony in which the State Government acknowledged the moral decadence in society due to the forceful take-over of mission schools by the defunct East Central State Government at the end of the Nigerian civil war in 1970.[1065] Delta State Government has handed back more than forty schools to the missions. In Enugu one thousand, one hundred primary schools and forty secondary schools were likewise handed over.

2.1.10. The Effects of Nationalization of Schools

Apart from the State take-over of the schools belonging to the voluntary agencies, another very sad event for the missions was the deportation of the missionaries working in Nigeria. After the civil war the military government deported all foreign missionaries who taught in

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[1063] *Abolarin Damilola Oluwatobi*, Problems of the Nigeria educational System and solution, 18.08.2006, at: http://nigerian-newspaper.com/educational-system.htm (5.5.2015).

[1064] *CBCN*, Church and State Partnership in the provision of quality education – A Communiqué at the end of the First Pl[e]nary Meeting of the C.B.C.N, Abuja, 8-14 March, 2014, Art. 2, at: http://www.cbcn-ng.org/articledetail.php?tab=14 (5.5.2015).

[1065] *Vincent Ujumadu*, Obi hands over 1,040 schools to original owners, November 22, 2011, at: http://www.vanguardngr.com/2011/11/obi-hands-over-1040-schools-to-original-owners/ (5.5.2015).

schools, especially in the south and took over the mission schools. Shortly before this, a national curriculum conference in education was held in 1969 in Lagos. The main theme was to review the existing education system and to prepare the way forward for a fitting indigenous education system. The recommendation in 1977 eventually led to the formulation of national education policy, which was revised in 1981. For over forty years the government was totally in control of the education industry and the teachers were freed from the *dictatorship*, the *high-handedness* and *victimization* by the missionaries but the question must be asked: What positive impact has the government made on education in general? Has nationalization of schools succeeded in establishing an indigenous and culturally-oriented system of education in Nigeria? It may also be necessary to examine if the many federal ministries, departments and commissions in the department of education created in Nigeria since the civil war have succeeded in giving the education system in Nigeria an indigenous character.

The antagonists of the State take-over of the schools put forward the argument that take-over of the mission schools has resulted in moral rot, decay of the system which manifests itself in armed robbery, embezzlement of public fund, sexual promiscuity, stealing, cheating and cultism in schools.[1066] They question the justice behind the action of the government. The mission schools were taken over without either consultation or compensation for all that had been spent in building and maintaining their schools. A study of the history of modern school systems would make one notice that in many nations of the world, private enterprises have contributed a great deal to the history of education. In Austria as well as in many countries of Europe for instance, the history of the school system began in the monastery or convent, cathedral and parish schools. For many centuries their school system existed as a confessional school system. The Catholic Church was not only until, but

[1066] *Technical Committee of Enugu State*, Memorandum, p. 6.

also after the Reformation, a strong stake holder in the management of the school system in Europe. It was only in the process of the 18th century that the state intervened in the management and control of the school system.[1067] But still today, the Church-State relationship in Education in Austria and indeed in Europe is encouraging. It is clear that the churches and private establishments still play a great role in the education industry in Europe and America. There is a good relationship between Church and state in Austria in the area of school management because the state sees the education of its citizens as an integral engagement. One would then wonder why the military government of Nigeria took over the building, administration and control of the schools built by private organizations. One would have expected the government to begin to build parallel schools and make them better than those of the voluntary agencies, while at the same time putting a stringent control over all the schools in the country. This would have allowed parents the chance to decide which schools would be the best to send their children.

Some of those who are opposed to the State take-over of schools in Nigeria argue that the government should in fact sponsor the voluntary agencies in the running of their schools. Their argument is that these private organizations train citizens who would be useful to the state, it is obligatory in justice that the state supports any institution that trains its citizens. Added to this, parents of these children who are trained in the mission schools pay their taxes to the government. If the private schools receive support from the government through subvention, it will reduce their cost and make them affordable to parents who may desire to send their children to these private schools. It is the right of every parent to decide to which schools they would send their children. This formed one of the arguments of the Catholics in Onitsha in 1956 when the govern-

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[1067] *Bernhard Klein*, Privatschulen im kanonistischen Kontext. Eine staatskirchenrechtliche Bestandsaufnahme (LKB 7), Bd. 1, Linz 1996, p. 1.

ment made a move to take over their schools.[1068] On the other hand, if the teachers who teach in the private schools are paid by the government it is still in line with natural justice. The control of the quality of learning which the children receive in these private schools should form the combined task of both the Church and the State.

One would wonder why the government wanted a monopoly in the education sector. Monopoly kills innovation and stifles invention. The departmentalization of the education industry would be of great advantage to the government as well as parents. Excellent ideas and innovation which may come from the private sector could be copied by the government schools. The diocese of Enugu received its share of the returned schools. It is like receiving a corpse as a gift. It needs a miracle to revive it. The Church cannot reject the gift. She had pleaded, prayed and asked for it from the government for a long time. The government on its part has delayed in responding. However at last, the gift has come. The Church has received back her schools. The next big question is: What can the Church do to make a difference? What role is expected of the Church to revive a collapsed system? In fact, if the Church cannot make any difference, then it would be blamed for receiving the offer. It is a serious task for her. She has started to work by training people who would be experts in school administration. It may take some time but many are optimistic the desired changes will come with time. Our duty in this work is to offer positive suggestions that will help the Church in this onerous task. We want to see how the Church in Nigeria managed to impart Christian Education to her adherents after the mission-schools were stolen.

[1068] *Charles Heerey*, Response to the letter entitled *The Catholics refused Cooperation.* Onitsha 1956, in: Archive Generales, C.S.Sp III.1.9.9.

2.1.11. Mission Schools Stolen, Christian Education Continued

When the government took over the mission schools, it was not the end of Christian education in Nigeria. The Christians did not give up giving their children Christian education. A popular adage holds it that when one door closes, another door opens somewhere else. The mission schools were indeed a gift of the Christian churches to Nigeria. The missionaries have trained a lot of well-meaning Nigerians in many different fields. They trained a lot of people who had Christian consciences and who worked hard to elevate Nigeria to great heights. When the military government took over the mission schools, corruption and indiscipline crept into the school system and indeed into the society. We started hearing of examination malpractice popularly known as *expo*, secret cultism in secondary schools and tertiary institutions. It now exists even in some primary schools. The societal woes are innumerable. Christian churches had only the option to organize from within. The military government took away the mission school but fortunately, they did not take away the churches. Christians now had only the alternative of giving their children Christian education through family and parish catechesis. We shall discuss parish catechesis as a very important option open to Churches in Nigeria after the nationalization of schools.

3. Christian Education Through Parish Catechesis

The parish provides a very conducive atmosphere for imparting catechetical instruction. Christoph Ohly asserted that in connection to their baptism and confirmation, the lay members of Christ's faithful are demanded to lay an active witness of their Christian life.[1069] This they do through parish catechesis. This was true for the Nigerian Catholic church after the nationalization of schools in the 1970's. Life in the parish also offers the catechumen a veritable opportunity to learn as well

[1069] *Ohly*, Dienst am Wort Gottes, p. 715.

as practice the new life in Christ into which they are being introduced. All the members of the parish from the parish priest to the lay members of Christ's faithful strive in their various capacities and with their various gifts to help the catechumens to appreciate the new life into which they are being initiated. "Maturation in the faith and witness of life are the two very important features of catechesis."[1070] The parish priest is obliged by the provisions of c. 776 CIC/1983 to ensure that catechetical formation of adults, youths and children; that means, catechetical formation among all the categories of the faithful in his parish receive adequate catechetical instruction. Of course, parents are primarily responsible for the instruction of their children; parish catechesis being only a support to their natural obligation. C. 517 CIC/1983 extended this parental duty to all those who are entrusted with the pastoral care of a local congregation. This includes parish priests, other resident-priests, pastoral agents working in the parish as well as religious institutes living in the parish.

One of the activities of parish catechesis mentioned in c. 776 CIC/1983 includes the provision of the special catechetical needs of the parish. This includes a proper catechetical preparation of children for the sacraments especially first Holy Communion, Reconciliation and Confirmation. Other activity also includes preparing the unbaptized adults for Adult baptism and new couples for the sacrament of Matrimony. Parish catechesis should include attention to the physically and mentally challenged in the parish. The on-going formation of the faithful is aimed at strengthening and enlightening their faith through the expounding of sound Catholic doctrines.

[1070] *John Paul II*, ApE *Catechesi Tradendae*, Art. 24.

3.1. Parish Catechesis in Nigeria

3.1.1. Those Responsible

Because of the multi-religious nature of Nigeria, more attention is paid to religious instruction in parishes rather than in schools. In line with the provisions of c. 775 § 3 CIC/1983, which urges that a catechetical office be established by each Bishop's Conference whose principal purpose would be to assist the individual dioceses in catechetical matters, the *Catholic Bishops' Conference of Nigeria* (C.B.C.N) has a commission in charge of religious education at the Catholic Secretariat of Nigeria in Abuja. Their function is to prepare programs for religious instruction both in parishes and in schools. They relate to the corresponding commissions existing in dioceses. In the dioceses and parishes, there exist Catechetical instructors. They are voluntary workers in the Church. Only the catechists are employed, trained and paid by the parishes.

These catechetical instructors belong to an association known as the *Confraternity of Christian Doctrine* (C.C.D). They are chosen from the various pious Associations in the parishes and from among people of strong faith. They receive training at the diocesan level. This training takes the form of seminars organized to make them aware of their responsibility and to lead them through the curriculum of Catechetical Instruction for the preparation of the various Sacraments. Each parish is expected to have at least one trained Catechetical Instructor who in turn trains others. Catechetical instructors work under the supervision of the catechists in the parishes. Parish communities in Nigeria assist in the spead of the word of God. They render valuable assistants to the clergy by their active participation in the liturgical life of their parishes and "particularly by catechetical instruction; by their expert assistance, they increase the efficacy of the care of souls as well as of the administration of the goods of the Church (Art. 10 VatII AA).

3.1.2. The Catechist, His Training and Duty

C. 785 CIC/1983 assigned catechists a role in the mission of the Church.[1071] They are very important cooperators with Parish Priests. The 1983 Code recommended that "Bishops ensure that Catechists are duly trained to carry out their office properly, namely, that continuing formation is available to them, that they have an appropriate knowledge of the teaching of the Church, and that they learn both the theory and the practice of the principles of pedagogy" (c. 780 CIC/1983). This is why Johann Hirnsperger retorted that both missionaries and catechists play very important roles in the Church's missionary enterprises.[1072] Article 17 of the Decree on the Church's Missionary Activity, *Ad Gentes Divinitus*, praised the worthy sacrifices of catechists "both men and women, to whom missionary work among the nations is so indebted, who imbued with an apostolic spirit make an outstanding and absolutely necessary contribution to the spread of the faith and the Church by their great work" According to this document, their contributions are more worthy in times and places where priests are lacking or are persecuted (Art. 17 Abs. 2 VatII AG). This is corroborated by the voice of Pope John Paul in *Ecclesia in Africa* when he said that the Catechists have played a great role in the implantation and expansion of the Christian faith in

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[1071] *John Paul II*, PostExA *Ecclesia in Africa*, n. 91; see also: *Benedict XVI*, PostExA *Africae Munus*, nn. 125-127; *Salamolard / Ory*, The art of being a catechist, p. 51.

[1072] *Hirnsperger*, Katechist, p. 451; see also: *Aymans-Mörsdorf-Müller* KanR III, pp. 85-93; *Heinrich Mussinghoff*, Einf. vor cc. 781-792, in: MK CIC (Stand: November 2000); *Oskar Stoffel*, Priestermissionare im Dienst zwischen kirchlicher Hilfe, in: *Urbano Navarrete* (ed.), Ius Populi Dei. Miscellanea in honorem Raymundi Bidagor, Bd. II, Rom 1972, pp. 255-284; *Ludger Müller*, Glaubensabwerbung – ein legitimes Mittel der Mission? Mission „zwischen" Konkurrenz und Toleranz, in: *Peter Krämer / Sabine Demel / Libero Gerosa / Alfred E. Hierold / ders.* (Hg.), Recht auf Mission contra Religionsfreiheit? Das christliche Europa auf dem Prüfstand (KRB 10). Berlin / Wien 2007, pp. 113-120.

Africa.[1073] Johann Hirnsperger interpreted c. 785 § 1 CIC/1983 to mean that the Catechist is not independent in the exercise of his ministry of explaining the Gospel, liturgical service and works of charity. He is under the direction of the Clergy.[1074] In the Nigerian Church, there are no pastoral assistants who studied theology in the universities as we have them in Europe. There are catechists in Nigeria just as we have this office in Austria. There are however differences in their training and function. In Austria catechists study theology at the tertiary institutes or theological faculties of universities. They are formed and prepared as religious teachers[1075] in schools while in Nigeria they function only in the parishes. Hugo Schwendenwein reports that in Austria the clergy have traditionally carried out the work of catechetical instruction in schools as a part of their pastoral duties.[1076]

Even though the Catechists are not trained at the universities, as we have it in Europe, they are however, not without training since there are Catechist Training Institutes. The one in my diocese is located at Ugwu-di-nso Eke. This training lasts for three years. They are given some courses in Theology as well as practical training in Church administration. When trained they work as cooperators of the priests in the parishes. In Nigeria, there are still parishes with many out-stations. That means churches without priests which are joined administratively and pastorally with main parishes. There are some churches that are not accessible by road. In some of these churches, the parish priest visits once in a while and administers the sacraments of Baptism, Confession, Marriage and Anointing of the sick. In such places, the Catechists are in-charge of the out-station churches. With the help of the *Confraternity of*

[1073] *John Paul II*, PostExA *Ecclesia in Africa*, n. 91.

[1074] *Hirnsperger*, Katechist, p. 454; *Aymans-Mörsdorf-Müller* KanR III, p. 89.

[1075] *Hugo Schwendenwein*, The Training of Catechists in Austria, in: *ders.*, Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 255-261.

[1076] *Ibid*., p. 256.

Christian Doctrine (C.C.D) members they prepare the children for Baptism and the other sacraments; the adults or adult Baptism; couples for Marriage as well as organize the Sunday-service-without-a-priest.[1077] They preach the word of God in such services and baptize children adults in danger of death.[1078] Catechists render immeasurable help to the Church. This is acknowledged by the Second Vatican Council as follows: "In many regions where priests are very scarce or (as is sometimes the case) deprived of the freedom they need for their ministry, it is hard to see how the Church could make her presence and action felt without the help of the laity."[1079] This is confirmed by Pope Benedict XVI as follows: "Catechists are invaluable pastoral agents in the mission of evangelization. Their role was very important during the first evangelization, the preparation of catechumens and the direction and support of communities …. This role, so important in the past, remains essential for the present and the future of the Church. I thank them for their love for the Church.[1080] In his Address to the Bishops of Africa on 19 March 2009 the Pope further complimented the catechists as follows: "In a natural way they brought about a successful Inculturation that has produced marvellous fruits (Mk 4:20). Catechists have allowed their light to shine before men (Mt 5:16), because seeing the good that they do, whole populations were able to give glory to our Father in heaven. Indeed, Africans have evangelized Africans."[1081]

[1077] Sunday Service without a priest is equivalent to the *Wortgottesdienst*-Service of the word of God as we have it in German-speaking Countries. The service consists of scriptural readings, songs, prayers and preaching. It is conducted where the priest is not available.

[1078] C. 861 § 2 CIC/1983.

[1079] Art. 1 VatII AA.

[1080] *Benedict XVI*, PostExA *Africae Munus*, n. 125.

[1081] *Benedict XVI*, Yaundensi in urbe ad sodales Coetus Specialis pro Africa Synodi Episcoporum – Address to members of the Special Council for Africa of the Synod of Bishops. Younde, 19 March 2009, in: AAS 101 (2009), pp. 309-

3.1.3. Who are Catechized?

Children preparing for first Holy Communion begin at the age of six to attend catechism classes. They attend the classes for three hours in the week, usually in the evenings. Catechism classes for first Holy Communion are usually meant for children who are baptized as infants. This preparation takes one year and they receive First Holy Communion usually at the age of seven. The children of non-Christians who did not receive infant baptism may begin their catechetical instruction at the age of six years but they are meant to study for three years in order that they receive a good introduction into the Christian faith. If they are not given a strong foundation in the faith, they may easily lapse; given their non-Christian background. Catechumens are often divided in groups according to their stages of preparation for the sacraments and instructed by catechists or other catechetical instructors. The preparation for the Sacrament of Confirmation usually for young people between twelve and eighteen years takes six months. Examinations are held in stages and the children pass from stage to stage. Those who fail the examinations usually repeat that class. Care is taken, however with regard to handicapped children or mentally incapacitated ones who are taught in special classes by experts who make sure that they have knowledge of what they are doing. Adults go through the *Rite of Christian Initiation of Adults* (R.C.I.A) which lasts for three years before they receive communion. At the end of the three-year process, they receive the three Sacraments of Initiation– Baptism, Confirmation and Holy Communion in one ceremony.

315, here pp. 311 f, engl. at: http://w2.vatican.va/content/benedict-xvi/en/prayers/documents/hf_ben-xvi_20090319_prayer-africa.html (5.5.2015).

3.1.4. Parish Catechesis as Strengthening of Faith

Bernd Lutz related parish catechesis to community education in which he sees the inter-relationship between the family, school and community in every process of education in the community.[1082] In Nigerian parishes, apart from the catechism classes for children preparing for First Holy Communion and the adults preparing for adult baptism, catechism classes are also held every Sunday evening for older Christians. As the children preparing for the sacraments are being taught in their various classes, the Parish priest or his appointee teaches evening instruction in the Church. This is a general instruction in the faith for older Christians. It lasts for about one hour after which there would be a question and answer session. The parishioners pose questions that concern them, ranging from the teachings of the Church to difficult texts in scripture. The priest or his appointee makes every effort to explain these difficult questions more clearly. Meaningful contributions and shared experiences are often encouraged in these sessions. The Sunday catechetical activities often conclude with Benediction. The faith of ordinary Christians in Nigeria has been strengthened by parish catechesis. The faithful are prepared for the different sacraments through catechetical instruction. This "illustrates the close relationship between the teaching and sanctifying offices in the Church".[1083]

3.1.5. Curriculum for Parish Catechesis in Nigerian Parishes

The curriculum for parish catechesis is often determined by the age and circumstances of the recipients. Parish priests and catechists often concentrate on basic theological themes when preparing children for First Holy Communion. They are led to the basic knowledge of the

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[1082] *Bernd Lutz*, Katechetisches Lernen der ganzen Gemeinde als Gemeinschaft, in: *Angela Kaupp / Stephan Leimgruber / Monika Scheidler* (Hg.), Handbuch der Katechese. Für Studium und Praxis. Freiburg im Breisgau / Basel / Wien 2011, pp. 173-184.

[1083] *Coriden*, Catechetical Instruction, p. 936.

salvation history. They are taught about the Holy Trinity; creation, redemption, the Pentecost and the working of the Holy Spirit; the Blessed Virgin Maria and the sacraments in general. The "Katizim Nke Okwukwe, Nzuko nso Katolik" is the basic text. This is the Igbo version of the summary of the Catechism of the Catholic Church. Candidates preparing for the Sacrament of Confirmation often concentrate on the areas of the teaching of the Church on the Sacrament of Confirmation. They are often led to the deepening of what they have studied in their First Holy Communion classes.

3.1.6. Catechism Texts

In line with provisions of c. 775 §§ 1 and 2 CIC/1983, which urged diocesan Bishops and the Bishops' Conference to issue norms with regard to catechetical matters and to prepare a local catechism, the Igbo speaking dioceses of Nigeria have since published various catechetical texts. Much credit should go to the early missionaries. In his book: *The school in the service of Evangelization*, Nicholas I. Omenka made a beautiful presentation of the efforts made by the early missionaries in Nigeria in the publication of catechetical books.[1084] He paid tribute to the Christian missionaries for their contributions to the development of African languages. An example of this was the publication in 1899 of an Igbo Grammar Book and in 1904 of an English-Igbo-French dictionary by a French Missionary, Father Aime' Ganot (CSSp). These works were published in Salzburg-Austria by St. Peter Claver Solidarity. These publications were not used exclusively in the schools. They served missionaries in their missionary enterprises. They were also a great door opener to further publication of liturgical books. In 1884, Fr Noel Baudin published "Katekismi L'Edo Yoruba for the South-Western Nigerian Christians. Father Aime' Ganot (CSSp) equally published "Katekismi

[1084] For an elaborate reading on this topic, see: *Omenka*, The School in the Service of Evangelization, pp. 192-204.

Ibo in 1901 composed of Catholic prayers and catechetical texts. Father Charles Vogler, under Father Lejeune as Superior, published in 1903 the Katechisma Nk'Okwukwe Nzuko Katolik n'asusu Igbo (Catechism of the Catholic Faith in Igbo language). The second edition of this book came ten years later in 1913. The Efik Catechism of Father Lena, published in 1908 and the Igbo prayer and hymn book by Father Treich published in 1924 were an improvement on the production of books on Catholic education. The 'Ndu Dinwenu anyi' (The life of our Lord), which was an Igbo "prose on the Christian story from creation to the dooms day",[1085] was published in 1940 and differed from the usual question and answer model of many Catechisms of that time. Another Igbo Catechism book by Father J. Jordan was published in 1944. It was based on the *Summa Theologica* of St Thomas Aquinas. In the Owerri axis, the Catechism Nke Mbu was published in 1951.

After the Nigerian Civil War, foreign missionaries were expelled from Nigeria the local Church came into the hands of the Nigerian clergy. The few indigenous clergy took up this responsibility with great zeal. They became professors in the Seminaries, administrators of Church institutes as well as pastors in parishes. Much effort was made to publish liturgical books. The Igbo Hymn Book which was a collection of many hymns from the early period of the Church's life in Nigeria until the modern period was published in 1972. The Katechism Nk'Okwukwe Nzuko Katholic was revised to reflect the current theological problems in Igbo land and the teachings of the Second Vatican Council. The liturgy was given a local content through the composition of inculturated Christian music. The use of local musical instruments encouraged by Second Vatican Council made for greater participation of local Christians in the liturgy. Today many dioceses are publishing their own catechism with the approval of the Nigerian Bishops' Conference. Apart from parish catechesis, Religious instruction is also taught in the

[1085] *Ibid*., p. 200.

schools. But the method of teaching this changed after nationalization of mission schools. Religious instruction and catechism formed the basic course of study during the early missionary period in Nigeria. Before we look at the issue of Religious Instruction in public schools in Nigeria, let us see the current the situation of religious freedom in Nigeria as represented in the Nigerian constitution of 1999. This is fundamental to the teaching of Religious Instruction in schools.

4. Religious Freedom and the 1999 Constitution of Nigeria

The 1999 *Constitution of the Federal Republic of Nigeria* is the most recent law guiding religious freedom and consequently, Religious Instruction in Nigeria. To establish a level ground for everyone, the Federal Government has laid down laws guiding the teaching of religion in schools as well as general laws guiding the practice of religion in the country to ensure peace and tranquility. As preamble to this freedom to teach religion in schools, the 1999 Constitution holds Nigeria as a secular state which has no religion as a state religion.[1086] One of the set objectives of the Federal Government as set out in the 1999 Constitution is to grant equal educational opportunity to all children from Primary school to the University.[1087] This constitution guarantees "freedom of thought, conscience and Religion, including freedom to change one's religion or belief, and freedom either alone or in community with others, and in public or in private to manifest and propagate one's religion or belief in worship, teaching, practice and observance".[1088] It recognizes

[1086] Part II Art. 10 of the 1999 Constitution of the Federal Republic of Nigeria defined that the Government of the Federation or any state of Nigeria shall not adopt a*ny religion as state religion. See: http://www. nigerstate.gov.ng/epubl/Niger_constitution_1999.pdf (5.5.2015).*

[1087] *Part II Art. 18 Constitution of the Federal Republic of Nigeria (1999).*

[1088] *Ibid., Part IV Art. 38 § 1.*

the natural rights which parents have in the education of their children and the inalienable nature of this right and forbade any act that may force any child to be instructed in any religion contrary to the religion of its parents.[1089]

So in the public schools, the teaching of religious instruction is limited to the choice of parents. If parents disapprove that their children are instructed in a faith outside their own; if one insists on teaching the child in the new faith, one goes against the constitution. That is why the system allows a separate teaching of religion in public schools along the lines of the two paramount faiths Christianity and Islam. But a close look at the syllabus for Christian Religious Studies shows many inadequacies. The existing syllabus does not help the average Christian child to have an adequate knowledge of the doctrine of its own Church. A reasoned solution to this shall be proffered in a later chapter.

The 1999 constitution however, allows the various religious groups to open up private schools and to propagate the tenets of their religion in these schools. It states as follows: "No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination."[1090] That means that religious bodies are free to develop and provide Religious Instruction in private schools belonging to it. This law does not speak about the development and imparting of denominational religious instruction in public schools. That means that the Catholic Church is free to develop a proper curriculum for religious education only in her own schools and not in public schools.

[1089] This section reads as follows: "No person attending any place of education shall be required to receive religious instruction or take part in or attend any religious ceremony or observance if such instruction, ceremony or observance relates to a religion other than his own or religion not approved by his parents or guardian. *Ibid.*, Art. 38 § 2.

[1090] *Ibid.*, Part IV Art. 38 § 3.

4.1. School Religious Instruction in Public and Private Schools as an Aspect of Religious Freedom

We must note that teaching of Religious instruction in public schools is always problematic. In Austria for instance, even though this course is compulsory in both private and public schools, liberal parties would want a total separation of Church and State by ensuring that Religious Instruction and other privileges which they think the Church enjoys are scraped out by the State.[1091] In his Apostolic Exhortation, *Catechesi Tradendae*, Pope John Paul II identified the special characteristics of Catholic schools in the quality of religious instruction integrated into the Catholic education system and saw it as the reason why many parents would want their children to be trained there.[1092] Catholic religious instruction should be taught both in Catholic as well as in public and private schools attended by Catholic students. Taking a look at the population on Nigeria and the spread of private and state schools here, one would agree that there are more Catholic children in public schools than are in Catholic schools. At this point want to discuss the situation of things with regard to religious instruction in our public schools. We shall be using the terms *school catechesis* and school *Religious instruction* interchangeably.

4.2. School Religious Instruction in Nigeria

Today more than ever, emphasis is being laid on Ecumenism and Inter Religious Dialogue in public places especially in schools and universities in Nigeria. This positive attitude is not to be neglected in confessional schools even when the population of the students of other faiths there are in the minority. It must, however be stressed that Ecumenism and Inter Religious Dialogue do not mean syncretism. They do not mean

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[1091] *Rees*, Religionsunterricht und katholische Schule, p. 187.

[1092] *John Paul II*, ApE *Catechesi Tradendae*, Art. 60.

that all religions are the same. They do not mean a mixture of doctrines. In fact Ecumenism means that each religion should manifest its identity while at the same time respecting the identity of others. In conducting Religious instruction both in Catholic and in the public schools, it is the aim of the Catholic Church to bring Christ to the environment of the schools and bring those environments to Christ. In Inter Religious Dialogue, the Church makes bold to present her doctrines both to catholic and other students who may wish to listen to the Church's teaching. This she does, respecting the religious freedom of the pupils or students. This was why the Congregation for Catholic Education, in discussing the topic of religious instruction in catholic schools stressed that:

> "In Catholic schools, as everywhere else, the religious freedom of non-Catholic pupils must be respected. This clearly does not affect the right/duty of the Church "in [its] public teaching and witness to [its] faith, whether by the spoken or by the written word", taking into account that "in spreading religious faith and in introducing religious practices everyone ought at all times to refrain from any manner of action which might seem to carry a hint of coercion or of a kind of persuasion that would be dishonorable or unworthy".[1093]

It is clear that in many countries, the Catholic Church is undermined and even sometimes suppressed through policies and politics. In countries like the United States of America (USA) and Great Britain where the Catholics are in the minority, one sees heavy Protestant features prevalent in the school system. In such environments, the Catholic Church, while respecting the feelings of the other religions or confessions should make efforts to imparts her religious views to her children in both public and Catholic schools. She makes a vibrant Christian wit-

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[1093] *C InstCath*, LC on Religious Education in schools, May 5, 2009, cap. III, n. 16.

ness through school catechesis or religious instruction. This is in line with what Gerald Grace called *theological literacy*; that is, "the ability to speak about one's faith in an authentic way – authentic in the sense that while what one says may indeed be an expression of the Church's faith, it communicates what the speaker has found for him or herself; it is an expression of first-hand discovery not second-hand faith …".[1094] Let us see how the Catholic Church in Nigeria makes her presence felt in schools through imparting Religious instruction.

4.3. Basic Information on School Religious Instruction in Nigeria

Nigeria is a multi-cultural, multi religious country. It is a place where the discussion on religion is a *hot topic*. Teaching religion in public schools is also a most delicate enterprise in which the teacher as well as the school authority must be very polite in handling the topic so as not to incur the wrath of parents who send their children to these schools to be trained. Religious instruction in public as well as private schools is combined with moral instruction. So the appellation: Moral/Religious instruction is given to the subject. Religious instruction is an official course of study in schools. In Nigerian primary schools one teacher is responsible for teaching all the subjects in a class. So, it is the class teacher who teaches religion and other subjects. In secondary schools religious knowledge is one of the subjects offered in the school and, therefore, has its turn in the school time table. In secondary schools, each subject is apportioned to one teacher to teach. In this sense, there is a religious teacher who specifically teaches religion as a course for the various classes. There is no denominational or confessional religious instruction in public schools in Nigeria. Religious instruction is taught in schools on the lines of Islam and Christianity and so there is the *Chris-*

[1094] *Nick Weeks / Gerald Grace*, Theological Literacy and Catholic schools. London 2004, p. 5.

tian Religious Studies (C.R.S) and the *Islamic Religious Studies* (I.R.S). These two courses on religion are offered as subjects of study from primary through secondary schools and are obligatory for all students until the fourth year in the secondary school when the students make choices of which courses they would offer in the final examination.

4.4. Syllabus for Religious Studies in Nigerian Schools

There is a syllabus of study of both *Islamic Religious Studies* (I.R.S) and *Christian Religious Studies* (C.R.S) which is drawn by the Ministry of Education. Aisha B. Lemu summarized the basic Syllabus for Islamic Religious Studies as the three major areas: Hidayah (guidance), Figh (Islamic Jurisprudence) and Tyrikh (Historical development of Islam). In the first section, Hidayah, they study the Qur'an, the Hadit and Tahdhib or Moral Education. The second, Islamic Jurisprudence covers such areas as Tawhid (Belief); Ibadah (Worship) and Mu'amalat, that is about Shariah (Marriage, Divorce, Custody of Children Inheritance) among others. In the third section, Lemu reported that they study Sirah, that is, the life of the Prophet Muhammed, the spread of Islam in West Africa and the contribution of Muslims to World Civilization.[1095]

The *Christian Religious Studies* (C.R.S) syllabus is designed to prepare students for the final examination in religious studies in secondary school and for a qualification examination in religious studies in the Nigerian universities. The syllabus is strictly biblical.[1096] It is neither

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[1095] *Aisha B. Lemu*, Religious Education in Nigeria – A Case Study, in: *Lena Larsen / Ingvill T. Plesner* (eds.), Teaching for Tolerance and Freedom of Religion or Belief. Report from the preparatory Seminar held in Oslo December 7-9, 2002. Oslo 2002, pp. 71 ff, also at: http://folk.uio.no/leirvik/OsloCoalition/AishaLemu.
htm (5.5.2015).

[1096] School Religious Instruction in Nigeria is non-denominational. The School Board has a department for curriculum development. They draw a curriculum

doctrinal nor designed to represent the doctrine of any of the Christian denominations. The major objective of the C.R.S is to help students gain a good understanding of the Bible and be able to offer a basic interpretation of some biblical passages from the Old and New Testaments. In the O.T themes from creation to the division of the Kingdom of Israel or the prophets are taught. In the N.T themes are selected from the Gospel, the Acts of the Apostles and selected Epistles of the N.T. General topics to be taught are selected such as on Christian Love and its biblical foundation; life of the early Church, the Holy Spirit and the mission of the Church; Justification by faith, new life in Christ, humility, forgiveness, the gifts of the Holy Spirit, civic responsibility, and obedience to authority as they are reflected in the Bible. Some other topics may include, the dignity of labor, Inter-religious dialogue, Ecumenism and the virtue, especially as reflected in the biblical passages.[1097] Recommended texts books are selected from authors who have tried to interpret some of the recommended themes in a way that could enable the students to have basic ideas of them. Religious knowledge is also offered as a course of study and Religion has its own department in Nigerian universities.

To complement the efforts of the teachers of religion in the schools, there is an arrangement where, once in a while, in the primary and secondary schools, religious leaders such as Catholic Priests, Pastors or Imams can, by appointment, give the children religious instructions in the school. There are usually no Chaplains appointed by the government who administer public primary or secondary schools as Chaplaincies.

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that would suit all the various Christian denominations and the best way to do it is to use the Bible as the basis in order to avoid doctrinal controversy. This situation is unfavourable for students who should have a basic knowledge of their particular faith through Religious Instruction. Moral Instruction is also not the answer to this problem because it is shallow and does not touch on the root of religion.

[1097] W.A.E.C Syllabus for Religious Education, in: http://www.myschoolgist.com/ng/waec-syllabus-by-subject-2013/ (5.5.2015).

The diocese usually appoints a chaplain, in some big schools with a large Catholic population, who is not paid by the State. He may be a Parish priest somewhere or one who occupy another post elsewhere. Apart from that, every Parish priest is automatically the Chaplain of the primary and secondary schools in his parish. With the return of mission schools, the Diocese of Enugu has directed Parish priests to hold regular Masses and administer the sacraments in the schools situated in their parishes.[1098] This is easy in catholic schools but demands the permission of school authorities in public schools.

In public secondary schools, prefects or students' leaders as well as a Catholic teacher in-charge are usually appointed to oversee the organization of religious activities in the interest of catholic students. They are responsible for organizing and inviting the Chaplain to celebrate spiritual exercises like hearing confessions, celebrating Masses or even organizing catechism classes for those who are preparing for Adult baptism or for the sacrament of Confirmation. In the public schools there also exists various students' faith organizations like the *Young Catholic Students' Association* (Y.C.S.A), which coordinates the religious activities of students in secondary schools and the *Nigerian Federation of Catholic Students* (N.F.C.S) at the university level. In the various Catholic schools there exists already religious instruction in the curriculum and efforts are being made to add catechesis to it.

[1098] In an interview with the Bishop of Enugu, Dr. *Callistus Valentine Chukwuma Onaga* on 10 July, 2012, he spoke on how prepared the Diocese is to give the returned schools real Catholic identity. He said that he has directed the parish priests to regularly celebrate the sacraments in the schools in their parishes.

5. Contributions of the Nigerian Bishops' Conference to Christian Education

5.1. Introduction

The 1983 Code of Canon Law speaks of the Bishops' Conference as a permanent institution.[1099] It "is an assembly of Bishops of a country or of a certain territory, exercising together certain pastoral offices for Christ's faithful of that territory. By forms and means of apostolate suited to the circumstances of time and place, it is to promote in accordance with the law, that greater good which the Church offers to mankind" (c. 447 CIC/1983).[1100] So this Conference has as its major duty to encourage pastoral ministry and, therefore, it is "pastoral in nature".[1101] Because Bishops practice their office in service to their local Church,[1102] they need collaboration and collegiality among themselves. They build this collegiality with the Bishops within their conference and with the successor of Peter, "cum Petro et sub Petro".[1103]

The defining character and composition of the *Catholic Bishops' Conference of Nigeria* (C.B.C.N) is contained in web-site definition of

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[1099] *Joseph Listl* spoke of the cooperation between the various local Churches in a particular region in their effort to deal with common cultural and pastoral problems. See: *Joseph Listl*, Teilkirchenverbände, Plenarkonzil und Bischofskonferenz, in: HdbKathKR^2, pp. 396-415, here p. 401.

[1100] *Christus Dominus* calls it a form of assembly exercising jointly their pastoral office for the benefit of all men. See: Art. 38 VatII CD; see also: *Hirnsperger*, Katechist, pp. 446-464.

[1101] *Hirnsperger*, Katechist, p. 447; see also: *Oskar Stoffel*, c. 447, in: MK CIC (Stand: Oktober 1994); *Wilhelm Rees*, Die Bischofskonferenzen – Entwicklungen, Tendenzen, Kontroversen, in: *Heinrich J. F. Reinhardt* (Hg.), Theologia et jus canonicum. Festgabe für Heribert Heinemann zur Vollendung seines 70. Lebensjahres. Essen 1995, pp. 325-338.

[1102] *Benedict XVI*, Apostolic Journey to Brazil, 13 May 2007, Art. 181.

[1103] *Ibid.*

this body which states that "The Catholic Bishops' Conference of Nigeria, C.B.C.N, is the organ of unity, communion and solidarity for the millions of Catholics spread across the thirty-six states of Nigeria and the Federal Capital Territory. It is the forum wherein the collegiality of the Nigerian Catholic Bishops, as successors of the Apostles in union with the Pope is expressed and where the idea of the Church as a family is signified."[1104] This Conference was established on 15 March, 1958 and today represents the 55 Ecclesiastical jurisdictions in Nigeria. It is an organ of collegiality of the Bishops among themselves[1105] which help them in trying to find some common pastoral solutions to the demands of evangelization both in their individual dioceses and in the country as a whole and in the discharging of their apostolic duties to the people of God. Through the C.B.C.N, the Catholic Church in Nigeria has a common voice in the midst of our separated brothers and among people of other faiths.

There exist in Nigeria nine Ecclesiastical Provinces and a corresponding nine Ecclesiastical provincial-Episcopal-Conferences. They include: Abuja Ecclesiastical province which has eight dioceses; Benin

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[1104] *CBCN*, Its identity and mission, at: http://www.cbcn-ng.org/ (5.5.2015).

[1105] The notion of collegiality is an ecclesiological term which the Second Vatican Council used to represent the unity of all the bishops of the Church with the Pope as their head. Bishops also express this unity with one another in a form of Episcopal communion (*communio episcoporum*). Art. 4 VatII CD stated that by virtue of their sacramental consecration and their hierarchical communion with the head of the college and its other members, bishops constitute members of the Episcopal body. Likewise Art. 5 of the same document stated that bishops are"closely united to each other and should be solicitous for all the churches. By divine institution and by virtue of their apostolic office, all of them jointly are responsible for the Church". This collegiality is further strengthened by Art. 23 VatII LG which held tha Episcopal conferences "contribute in many fruitful ways to the concrete realization of the collegiate spirit". So the CBCN as organ of Episcopal collegiality is more of a "communion of the Bishops among themselves" See: *John Paul II*, PostExA *Ecclesia in Africa*, n. 15.

Ecclesiastical Province which has six dioceses; Calabar Province with five diocese; Ibadan Province with six dioceses; Jos province with seven dioceses; Lagos Province with three dioceses; Onitsha Province with seven dioceses, Kaduna Province with seven dioceses and Owerri Province with six dioceses.

There is also relationship between the C.B.C.N and other regional Episcopal Conferences both within the West-African sub-region and within the Continent of Africa and Madagascar-its neighbouring Island. This corresponds with the provisions of c. 459 § 1 CIC/1983, which demands the promotion of Episcopal collegiality in different regions which will help them to foster pastoral initiatives (c. 431 CIC/1983). It also helps them in discharging their office as pastors of their local Churches. They are established in accordance with the various regional cultural, linguistic and pastoral needs. So there exists the *Symposium of Episcopal Conferences of Africa and Madagascar*, the I*nter-Regional Meeting of Bishops of Southern Africa*, the *Association of the Episcopal Conferences of Anglophone West Africa* and the *Association of Member Episcopal Conferences in Eastern Africa*.

There are various departments and Committees established by the C.B.C.N to help it in dealing with the various pastoral challenges facing it as an Episcopal body. So the Conference has an Episcopal Committee on Religious Education, Biblical Apostolate and Catechesis. There is one on Education (that is a Committee which oversees education at all levels) and another on Inter-faith dialogue; all of which work together to promote education in various forms. Through these committees, the C.B.C.N has been pushing for the introduction of a true form of Religious Education in Nigerian schools. The Bishops perform their canonical role on Christian education through the activities of its committee on Catholic education; through a Communiqué at the end of their plenary meetings, (some of which border on education) and through their vari-

ous publications which include their pastoral letters.[1106] They hold plenary session twice a year in which activities like prayer, study and deliberations on various pastoral challenges facing this Conference are considered. There are other departments and committees like, pastoral/Liturgy, Church and Society, Pastoral agents, mission and dialogue, social communication, canon law, pilgrimages, Inculturation and translation, theology, laity, seminary, clergy, youths, health, family and human life, Justice and Peace, ecumenism, mission, ethics, finance, Pontifical Mission Society and Religion. But let us first explain the relationship between the C.B.C.N and the Special Assembly for Africa of the Synod of Bishops.

5.2. African Synods influence C.B.C.N on Education

The two Special Assemblies for Africa of the Synod of Bishops; one convoked by John Paul II in 1995 and the other by Benedict XVI in 2005 have their great influence on the C.B.C.N. John Paul II convoked the first African Synod to build up an organic pastoral solidarity throughout Africa and the adjacent islands.[1107] The Affective and effective collegiality[1108] and the promotion of an organic pastoral solidarity which these synods demanded represent what the C.B.C.N stand for. The words of Pope John Paul II: "The principle underlying the setting up of the Synod of Bishops is straightforward: the more the communion of the Bishops among themselves is strengthened, the more the communion of the Church as a whole is enriched",[1109] confirm the *raison d'etre* of this Conference. The general theme of the first Synod: "The

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[1106] *Joseph O. Obemeata*, Catholic Policy on Education in Nigeria, in: http://www.obemeata.com/blog/biodata/
37-the-catholic-church-policy-on-education-in-nigeria.html (5.5.2015).

[1107] *John Paul II*, PostExA *Ecclesia in Africa*, n. 16.

[1108] *Ibid.*, n. 5.

[1109] *Ibid.*, n. 15.

Church in Africa and her evangelizing mission towards the Year 2000: 'You shall be my witnesses' (Acts 1:8), resounds through the whole programs of the C.B.C.N. The Synods largely focused on "more profound evangelization,[1110] and demanded that the pastors of Africa concentrate on the training of the agents of evangelization. For this reason, the C.B.C.N makes a lot of efforts on building of a pastoral synergy throughout the country geared towards the training of the agents of evangelization.[1111] This is the reason why it created various structures which oversee its evangelization program as pointed out above. She focuses much attention on the training of priests who are important agents of evangelization. An important publication of the C.B.C.N on education was the *Ratio Fundamentalis* on the priestly training in Nigeria. We shall at this point expose this document as an effort of the bishops to inculturate the seminary training in Nigeria in accordance with the stipulations of *Optatam Totius* number one.

5.3. C.B.C.N's Ratio Fundamentalis: On Priestly Formation

The priest as Minister of the Word (Art. 4 VatII PO) and is an important pastoral agent, his training is of utmost importance in the process of evangelization. This was why *Pastores Dabo Vobis* named the Seminary "an educational community".[1112] The C.B.C.N is much concerned that the Church in Nigeria produces not just enough but good priests would be engaged in evangelization. In response to the stipulations of article one of *Optatam Totius* which requires each nation or rite to develop "its own Program of Priestly Training", without neglecting the Church's general regulations (cc. 234 § 2 and 243 CIC/1983), the C.B.C.N articulated and developed a program for priestly training suita-

[1110] *Ibid.*, n. 46.
[1111] *Ibid.*, n. 88.
[1112] *John Paul II*, PostExA *Pastores Dabo Vobis*, Art. 66.

ble for Nigeria. This program of priestly training published in 2005 with the caption: "Ratio Fundamentalis Institutionis Sacerdotalis", was aimed at taking "seriously the religious, cultural, economic and socio-political context of formation"[1113] in Nigeria. The ideas and ideals of major ecclesiastical publications on priestly formation like the 1967 publication on the Seminary of the Synod of Bishops; the 1974 "Fundamentalis Institutio Sacerdotalis",[1114] and the 1990 Exhortation of the Synod of Bishops on Priestly formation were at the background setting of this publication.[1115]

Noting that candidates to the priesthood are product of their environment, the C.B.C.N was not unaware of the influence of our materialistic society on the candidates for the priestly ministry. That was why they maintained that the seminary training in Nigeria must be aimed at cushioning the effects of the materialistic preaching of the Gospel which deviates from the faith. The seminarian, therefore, must be trained to be an antidote to materialism in the Nigerian society.[1116] The recommendation of John Paul II in *Pastores Dabo Vobis*, that a candidate to the Priestly ministry should possess spiritual, human, intellectual and pastoral maturity[1117] was a great focus of this document. The goals and objectives of both the minor and major seminary formation in Nigeria which include among other things imbuing the candidates with basic Christian religious and moral character in preparation for their challenges as future priests were expressly clarified.

[1113] *C.B.C.N*, Ratio Fundamentalis Institutionis Sacerdotalis. Abuja 2005, p. v.

[1114] See: *SC InstCath*, The Basic Plan for Priestly Formation *Ratio Fundamentalis Instituo Sacerdotalis*, 6 January, 1970, in: AAS 62 (1970), pp. 321-384.

[1115] *C.B.C.N*, Ratio Fundamentalis Institutionis Sacerdotalis (2005), p. vii.

[1116] *Ibid.*, p. xii.

[1117] *John Paul II*, PostExA *Pastores Dabo Vobis*, Art. 43-59.

5.4. Seminary Training in Nigeria

Renewal of life of the Church often begins and corresponds with the renewal of clerical life.[1118] This is often because clerics contribute a lot to the life of the Church through their life and ministry. The current program of formation of future priests in the Catholic Church took their root particularly in the 1917 and 1983 Codes and the decree of the Second Vatican Council on the Training of Priests, *Optatam Totius*. The 1983 Code dedicated cc. 232-293 to the treatment of "Sacred Ministers or Clerics in general".[1119] This universal model for the training of priests is often seen as a blue print which enables each local Church to establish its norms of formation of its clergy in accordance with their local circumstances. The Church in Nigeria offers the candidates for priestly training various opportunities to integrate both the cultural as well as the ecclesiastical[1120] formation. In the last twenty years, Nigeria has witnessed a large increase in the number of young people who show their desire to serve God as priests or religious. The program is designed to take care of the local educational qualification while at the same time meeting up with the universal Church requirement for the training of priests (cc. 234 § 2 and 243 CIC/1983).

5.4.1. Minor Seminary

In Nigeria, the minor seminary[1121] training lasts for the period of six years where the candidates are expected to lay a good foundation in

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[1118] *Carlos Mercés de Melo*, Priests and Priestly Formation in the Code of Canon Law, in: StCan 27 (1993), pp. 455-477, here p. 456.

[1119] *Ibid*., p. 457.

[1120] *C InstCath*, Decr. for the reform of the ecclesiastical study of Philosophy, 1 February, 2011, in: AAS 103 (2011), pp. 145-161, here n. 1.

[1121] *Heinrich J. F. Reinhardt* treated this aspect of priestly formation under the general title of program of priestly formation. See: *Heinrich J. F. Reinhardt*, c. 242, in: MK CIC (Stand: November 1996); see also: *Mercés de Melo*, Priests and Priestly Formation, p. 459.

Latin, music, liturgy and the history of the local Church. The candidates equally offer courses in science and art which are approved by the local education authorities. At the end of the six years, they take the common West African School certificate examination. Those who qualify are sent to the parishes and institutions for practical experience. During these years of training, the parents, parish communities and seminary formators play a cooperative role. The Parents'-Teachers Association offers moral and financial support to the seminarians. The parishes equally assist the seminarians in their goal. They support the seminary with food and other materials for their up-keep. The Parish Priests are expected to watch over these young seminarians each time they come home for holidays. They make an assessment of their spiritual, pastoral as well as human progress to their rector. The minor seminaries in Nigeria are under the strict observation of Local Ordinaries who pay them regular visits and access their gradual spiritual and human maturity. At the end of their formation and exposition to practical experiences in the parishes, they proceed to the spiritual year. Each diocese has a spiritual year Center.

In the spiritual year, the candidates are helped to reflect on their journey so far. The difficulties of the priestly formation are explained to them. They spend more time on reflection, bible readings, reading of the life of saints as well as the documents of the Second Vatican Council. It is a year dedicated to the cultivation of a deeper spiritual life. This stage prepares them for the arduous study of philosophy in the major seminary.

5.4.2. Major Seminary

The major seminary (Art. 4 VatII OT; c. 235 § 1 CIC/1983)[1122] training in Nigeria takes a period of eight years with an intervention of a one

[1122] *Carlos Mercés de Melo* reported that during the period of the debate on the issue of seminary formation in the deliberation for the the Second Vatican

year of pastoral experience. *Sapientia Christiana* suggested a two-year course in philosophy.[1123] The Sacred Congregation for Catholic Education in its 2011 publication made a reform in the philosophical studies. This latest reform now requires a 3 year course of philosophical studies as the necessary condition for acquiring an academically recognized first degree in philosophy. It includes a second 2-year specialization course for the Licentiate and a third circle for a research for the Doctorate which lasts at least three years.[1124] However, philosophical studies take the period of four years in Nigeria. This is in accordance with the practice of four years of study for bachelor in Nigeria. So, the first four years are spent for the study of philosophy while the last four years are for theology. In the first four years of philosophy, candidates are opened to the knowledge of the world as a creation of God.[1125] Through a thorough training in the use of faith and reason, they are trained in the reflection of fundamental principles of all things, critical thinking and knowledge of the human being; with their culture as a background. Through the study of history of philosophy they are introduced to the thoughts of various thinkers throughout the ages, with a special reference to the philosophy of Thomas Aquinas. Emphases are also laid on the study of

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Council, it was a moment of tension because according to him, "a lot of pressure was being brought on the members of the Council from various quarters … In the Council itself, some 59 Fathers put forward on two occasions the suggestion that, side by side with the existing seminaries, other forms of training be sanctioned by the Church. The immense majority of the Fathers, however, not only rejected such proposals, but voted for the insertion into the text of a a new sentence emphasizing the necessity and relevance of the seminaries tread. See *Alcide Laplante*, La ***formation des*** prêtres. Genèse et commentaire du décret conciliaire Optatam totius. Paris 1969, pp. 81 f., in: *Mercés de Melo*, Priests and Priestly Formation, p. 460.

[1123] *John Paul II*, ApC *Sapientia Christiana*, Art. 93.

[1124] *C InstCath*, Decr. for the reform of the ecclesiastical study of Philosophy (2011), cap. V, n. 15a.

[1125] *Ibid.*, n. 3.

African philosophy. The seminary is intended to produce clerics who are humanly, spiritually, pastorally and academically matured, and prepared to face life in the larger society. This is even more important in today's society where the Catholic celibacy has become even more challenging. Due to lack of a sound human, spiritual and pastoral formation, many clergymen are found wanting in their priestly life. A good instance of this is the many reported cases of sexual abuse of minors by some clergy.[1126] The priesthood through the sacrament of ordination is undivided in its function with the sacrament of the Holy Eucharist and the Ministry of the word.[1127]

5.5. Various Communiques on C.B.C.N on Education

Through their various Communiqués, the C.B.C.N has consistently awakened in government as well as Christians and other peoples, the consciousness for an integral type of education. This type of education, they emphasize, is to be found in Catholic education which is taught in Catholic schools. According to them, "catholic education entails the integral formation of the human person with a view to optimal service to God, humanity and society. Catholic schools have the distinction of guaranteeing healthy, cultural and educational pluralism which makes them welcoming to all".[1128] The C.B.C.N has been pushing for subven-

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[1126] A deep academic input on this topic, see: *Wilhelm Rees*, Zur Novellierung des kirchlichen Strafrechts im Blick auf sexuellen Missbrauch einer minderjährigen Person durch Kleriker und anderer schwerwiegendere Straftaten gegen die Sitten. Gesamtkirchliches Recht und Maßnahmen einzelner Bischofskonferenzen, in: AfkKR 180 (2011), pp. 466-513.

[1127] *Joseph Ratzinger / Benedikt XVI.*, Zur Theologie des Weihesakramentes, in: *ders.*, Gesammelte Schriften, hg. von *Gerhard Ludwig Müller*, Bd. 12: Künder des Wortes und Diener eurer Freude, Theologie und Spiritualität des Weihesakramentes. Freiburg im Breisgau / Basel / Wien 2010, pp. 33-210, here p. 36.

[1128] *C.B.C.N*, Promoting Authentic Development in Nigeria. Communiqué at the end of the second Plenary Meeting held at Bishop Anthony Nwedo Pastoral

tion for Catholic schools through grants-in-aid to enable the children whose parents have chosen to send them to Catholic schools to "enjoy their rights to free and quality education (because it) is a necessary and commendable contribution to the improvement of education".[1129] The C.B.C.N has issued various Communiqués on Education in general and Catholic education in particular. We shall present the contents of some of these communiqués as they concern Christian education.

In a Communiqué after their meeting from 7-12 Sept, 2009, in which they addressed the general problems of education in Nigeria, the bishops bemoaned the consistent strikes in schools by teacher and workers and demanded a Government resolution to the problem. They challenged also the *Academic Staff Union of the Universities* (ASUU) to take up their responsibilities to sort out the problems besieging the education sector in Nigeria.[1130] In the Communiqués after their meeting held at Abuja in 2012, the bishops who spoke on the theme of Education and Nation Building tasked the government with the provision of qualitative education. According to them, only integral education can produce good citizens; reduce poverty, corruption, insecurity, and incompetence in the land. In this sense, they said, Nigeria must avoid a reductionist conception of education. She must focus on education in the light of truth. It is only education mixed with morality and religion that can provide that. They advised against the current thinking in many quarters that religion is the problem with Nigeria. The bishops identified the problem with the abuse of Religion and the failure of government to rise to its challenges. For them, removing Religious Education in our schools will aggravate

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Center, Umuahia-Abia State, 12-14 September 2012, at: http://www.cbcn-ng.org/articledetail.php?tab=12 (5.5.2015).

[1129] *Ibid.*

[1130] *C.B.C.N*, Conversion for Justice and Reconciliation. Communiqué at the second Plenary Meeting held at the Center for transfiguration, Kafanchan, Kaduna State, 7-12 Sept, 2009, at: http://www.cbcn-ng.org/docs/g8.pdf (5.5.2015).

the problems rather than solve them. They stated that the Church does not use her Catholic schools to enforce the conversion of non-Catholics.

On the area of policy formulation and control of the education system, the bishops called on the government to partner with parents and the Church to achieve the goal of a genuine education.[1131] In their 2014 Communiqué, there was the strong opinion of the C.B.C.N that the panacea for the multifaceted challenges facing Nigeria lay in the provision of quality education. The bishops said that integral education means cooperating with God to overcome evil and bring out the best in the human person. The greatest challenges facing Nigerian education were identified as poor infrastructural facilities, inadequate remuneration of teachers and corruption. Therefore the bishops suggested planning, funding and proper management of the school system as the way out of the problems. The government should evolve the principle of Subsidiarity, engaging both public and private sectors in the education industry. The government should not dispossess parents of their natural right of educating their children but should involve parents, religious institutions and other cooperate bodies in the planning and execution of policies in education. The bishops reinstated the call on the government to return the mission schools to their owners and re-introduce the grant-in-aid scheme in private schools for the sake of justice.[1132]

5.6. C.B.C.N. and Catholic Policy on Education

In 2005, the C.B.C.N organized a Catholic Education Summit involving all the Catholic schools. At the end of this summit, they came

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[1131] *C.B.C.N*, Education and Nation Building. Communiqué at the end of the first Plenary Meeting at the D.D.L Retreat and Conference Center Abuja, 25 February – 2 March, 2012, at: http://www.csnigeria.org/articles.php (5.5.2015).

[1132] *CBCN*, Church and State Partnership in the provision of quality education 2014, esp. Art. 5.

out with a publication entitled *The Nigerian Catholic Policy on Education*. This summit could be taken as the clear definition of the Catholic philosophy, principles and purpose of Catholic Education in Nigeria. In this policy guideline published on 12 September 2005, the bishops stated the willingness of Catholic schools to follow the general policy on education at all levels. The National policy on Education produced by the Nigerian state was secular in nature, being silent over religion and the place of God in education. The Catholic Policy on the other hand is meant to include a curriculum for religious studies expanding in such a way as to "give an appropriate moral and religious instruction that is based on Catholic doctrine and practice. The Catholic Church Policy on education in Nigeria shall is also designed to cover all aspects of education contained in the National Policy on education.[1133]

6. A Look at the Austrian System

6.1. Introduction

What is the connection between Christian education in Nigeria and the Austrian system of education? The connection is simply to be found in the fact that Nigeria is a secular state which takes no religion as its state-religion and so is Austria.[1134] We want to posit that the Church-state relationship in Austria in the area of education could be a good model for our system in Nigeria. It is true that a great difference exists between the population of Austria and Nigeria and between the complexity of these two countries in terms of religious plurality, ethnic multiplicity, linguistic and cultural diversity, yet we want to study the Austrian system because of its long-standing and outstanding success in

[1133] *Obemeata*, Catholic Policy on Education in Nigeria, p. 3.
[1134] *Gampl*, Österreichisches Staatskirchenrecht, p. 12.

Church -state relationship[1135] in terms of education. Roman Siebenrock named these two powers (Church and State): "spiritual and worldly powers."[1136] In the Austrian system we shall see a system where every partner, state or Church is working for the common goal of bringing up children who would be both good citizens of the state as well as Children of the Church. We see a system where education actually means introducing the child into its environment and society.

6.2. The Austrian School System

The Austrian school system comprises of a three year, pre-primary education called Kindergarten (nursery school) and a compulsory nine years of primary and secondary education. While in Germany there is the *Schulpflicht,* in Austria there is the *Erziehungspflicht.*[1137] The difference is that in Germany children aged between 5-18 enjoy free education while in Austria free education exist for children between the ages of six to fourteen. The first four years of primary education called *Volksschule* takes place between ages six and nine. The secondary education which some people describe as *a two track system*[1138] is designed

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[1135] *Roman A. Siebenrock*, „Eine freie Kirche in einer freien Gesellschaft". Kirche und politische Gemeinschaft. Zum politischen Handeln der „römisch"-katholischen Kirche in Geschichte und Gegenwart, in: *Jürgen Nautz / Kristina Stöckl / ders.* (Hg.), Öffentliche Religionen in Österreich. Politikverständnis und zivilgesellschaftliches Engagement (Series Edition Weltordnung, Religion, Gewalt 12). Innsbruck 2013, pp. 69-90.

[1136] *Ibid.*, p. 69: „geistlicher und weltlicher Macht."

[1137] *Alting von Geusau / Booth*, Catholic Education in the West, pp. 49 f.

[1138] *Josef Leidenfrost*, Austria, in: *Colin Brock / Withold Tulasiewicz* (eds.), Education in a single Europe. London [2]2000, pp. 49-69, here p. 52; *Barbara Herzog-Punzenberger / Michael Bruneforth / Lorenz Lassnigg* (eds.), National Education Report Austria 2012. Indicators and Topics: An Overview, p. 23 at: https://www.
bifie.at/system/files/dl/NBB_en_Band_3_web.pdf (5.5.2015).

to fit the aptitude of the students. When pupils graduate from the primary school or *Volksschule* into the lower secondary school, they would choose between the *Gymnasium* or the General Secondary called *Hauptschule*. So the first track is called the General High School *Allgemeinbildende Höhere Schule* – AHS or Gymnasium while the second is called Hauptschule. The AHS is divided into *Real Gymnasium* or science based secondary school and *Wirtschaftliches Realgymnasium* (that is secondary school for business or economics). This is equivalent to our commercial school. Both lower and upper parts of *Gymnasium* each last for four years. Pupils study at the *Gymnasium* between the ages of ten and eighteen. The *Gymnasium* is for children who are evaluated as having an aptitude towards higher education at a university or other tertiary institute. This is equivalent to our Secondary or Grammar schools in Nigeria. A final examination called the *Matura* qualifies them to study further at university. In Germany, this final exam is called Abitur.

The *Hauptschule* or secondary/technical/vocational school is for students who have a technological, technical or artistic aptitude. They study for a period of four years at the lower part of the *Hauptschule* and take the vocational certificate examination called *Berufsreifeprüfung*. This is meant for students to enter vocational colleges or for apprentices who desire a higher education. So the students of the vocational colleges still have the opportunity to enter the university if they complete the upper part of the *Hauptschule* which lasts for four years and which qualifies them to take the *Matura*. They could as well pursue technological or technical courses at the technological or technical institutes of higher education. An example of such an institute is the *Berufsbildende Höhere Schule* (BHS). The technical or technological education at such higher institutes lasts for a period of five years. Those who have neither the desire nor the aptitudes for any higher education can take apprentice training (*Lehrling)* at the different training institutes either at the *Ausbildungsinstitute* or *Lehrlingsinstitute* and qualify as Craftsmen –

Handwerker in different fields: electrical, mason, painting and carpentry. In Austria, there are traditional Universities, tertiary *Institutes of Applied Science – Fachhochschulen* and Teacher Training Colleges *Pädagogische Akademien.*[1139] There is no special board in charge of admission into the Universities as we have the Joint Admissions and Marticulations Board in Nigeria. "In Austria, a person is entitled to enroll for University studies only if he has passed the maturity examination (Reifeprüfung, Matura) … this matriculation exam for admission to University is the final exam of the senior secondary schools."[1140]

The organization of the Austrian school system is shared between the Federal Ministry of Education, Arts and Culture, that oversees education, training of teachers and the maintenance of the Austrian schools; and the Federal Ministry of Science and Research which controls the tertiary education system.[1141] The *Austrian Information Service – Österreichischer Austauschdienst* (OEAD) presents the Austrian education system as follows: Elementary level, Primary Level (*Volksschule*), Secondary Level 1, Secondary Level 2, Post-Secondary Level, Non-university Tertiary level and Tertiary level.[1142] Since our task in this work is to determine and find solution to the challenges of Christian education in Nigeria, we shall examine at this point the history of religious education in Austria.

[1139] *Ruth Sattler*, The Austrian School System, 12/2008, at: http://virtuelleschule.bmukk.gv.at/fileadmin/folder/Folder_Basisinformationen/school_system_Austria_EN.pdf (5.5.2015).

[1140] *Schwendenwein*, The Training of Catechists in Austria, p. 258.

[1141] Organization of Austrian schools, in: Österreichischer Austauschdienst Info Service, at: http://www.oead.at/oead/kontakt/ (5.5.2015).

[1142] *Ibid*.

6.3. Brief History of Religious Education in Austrian Schools

In accordance with the Austrian Constitutional Law, the Catholic Church in Austria is one of the lawfully accepted religious organizations.[1143] The Edict of Tolerance[1144] of Emperor Joseph II of 1781 regarded some religious groups only with the term *tolerated*. Some of these religious groups included the Evangelical Churches, the Greek-Orthodox Church and the Jewish religion.[1145] However with the dawn of religious freedom, the laws of the land recognized all the duly registered religious bodies as legal.[1146]

According to a statistical source of the Austrian school system reported by Regina Steinbiller, the Catholic Church accounts for about 5 % of all schools and 52 % of all private schools in Austria. From 6669 schools in Austria, 640 are private schools and 331 of these are catholic schools and are reputed for more discipline and rigor more than the public schools.[1147]

It is reported that about 60 % of parents in Upper Austria have a very positive view of Catholic schools and one out of every three families in this area would want to send their children to Catholic private schools.[1148] Wilhelm Rees[1149] is of the opinion that the Church has had

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[1143] *Richard Potz / Brigitte Schinkele*, Religionsrecht im Überblick. Wien 2005, p. 45; see their analysis of Art. 17, Abs. 2 StGG.

[1144] *Schima*, Verhältnis von Schule und Kirche, p. 59.

[1145] See: Art. 5 StGG; *Weiß*, Das Recht der religiösen und weltanschaulichen Kindererziehung, pp. 5-17.

[1146] See: Austrian Constitutional Law StGG 1988 Art. 5, in: *Potz / Schinkele*, Religionsrecht im Überblick, p. 45.

[1147] *Regina Steinbiller*, Zur ökonomischen Situation kirchlicher Privatschulen, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 441-455, here p. 441.

[1148] Kathpress-Tagesdienst Nr. 270, 12 November, 2014, p. 4.

great influence on the Austrian school system for many centuries. As we know, before the period of the Protestant Reformation, the Catholic Church played a great role in the general life of European society. As stated earlier in this work;[1150] what we know today as the school system in many countries of Europe started from the Parish, monastic and cathedral schools of the middle ages and with time transformed into the primary and secondary schools, seminaries and tertiary institutions.

The school reform[1151] of Empress Maria Theresa[1152] (born in 1717 and ruled from 1730-1780) and her son Emperor Joseph II 1780-1790 cannot be over emphasized. Before the Enlightenment, almost all the schools in this region were controlled by the Catholic Church.[1153] It was Empress Maria Theresa and Emperor Joseph who made the giant stride in the adjustment of the school system. In 1774 the Empress set in motion a new school-system in the whole of her territory and divided the stages of education into normal, main and *Trivial* (as they were called) schools. She made it clear that education was the primary responsibility of the state.[1154] Maria Theresa placed the responsibility of organizing,

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[1149] *Rees*, Beaufsichtigung, p. 345.

[1150] See previous section 1.1 on the contribution of the Church to modern civilization especially in the area of education.

[1151] *Huber*, Der Religionslehrer im Spannungsfeld, p. 11.

[1152] For further reading about *Maria Theresia* and her contribution to education in Austria, see: *Alfred Rinnerthaler*, Vom Entstehen des kirchlichen Privatschulwesens im 19. Jahrhundert bis zu dessen Beseitigung in der NS-Zeit – ein Überblick, in: *ders.* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 95-136; *Schima*, Verhältnis von Schule und Kirche, p. 73; see also *Rees*, Beaufsichtigung, pp. 345-416.

[1153] *Ibid*., p. 346.

[1154] *Kerstin Schmitz-Stuhlträger*, Das Recht auf christliche Erziehung in Kontext der katholische Schule. Eine kanonische Untersuchung unter Berücksichtigung des weltlichen Rechtslage (KRB 12). Berlin / Münster 2009, p. 240.

inspecting and directing the schools into the hands of the School Boards/Commissions at the provincial, state, local government and town levels. She made both statesmen and Church leaders co-responsible for the inspection of the schools. Kerstin Schmitz-Stuhlträger[1155] sees in her contributions, an effort to submerge the Church under the control of the state in terms of education. This may be calculated as the beginning of state control of the school system in Austria. Her dream for a state-controlled school system was boosted by the suppression of the Jesuit Order in 1773; an Order which had done so much both in the propagation and spread of Catholic schools as well as in the control of the school system of this land. When the Jesuit Order was closed down, the Empress used that opportunity to stamp the state impression on the school system.[1156] For her reform, she enlisted the help of Johann Ignaz von Felbiger (1724-1778). It was this experienced man who made a distinction between ordinary courses studied in schools and the study of Religious education/Catechetical instruction; the latter which he thought should lie in the hands of the Church while the former in the hands of the state.[1157] With the help of Felbiger,[1158] Maria Theresia designed a school system that made education compulsory for all children between six and twelve years of age and structured the system in an orderly manner.[1159] The major courses studied in the *Trivial* schools which were scattered through-out the villages included craft/indigenous technology, religion and economics. In the main schools established at the Local

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[1155] *Ibid.*, p. 241.

[1156] *Friedrich Paulsen*, Geschichte des gelehrten Unterrichts auf den deutschen Schulen und Universitäten von Ausgang des Mittelalters bis zur Gegenwart, hg. von *Rudolf Lehmann*, Bd. 1. Berlin [3]1965, p. 113.

[1157] *Edgar Christoffel*, Die Geschichte der Volksschule im Raum des heutigen Regierungsbezirks, Bd. 1: Von den Anfängen bis zur Gegenwart. Trier 1975, p. 31.

[1158] *Rinnerthaler*, Entstehen des kirchlichen Privatschulwesens, p. 99.

[1159] *Schmitz-Stuhlträger*, Recht auf christliche Erziehung, p. 240 f.

Government and District levels, Latin and history were studied.[1160] The 1782 edict of tolerance of Emperor Joseph II made it possible for children to attend schools not owned by the denomination of its parents. That meant that it became possible for non-Catholic pupils to attend Catholic schools and Catholic pupils to attend non-Catholic schools. The confessional schools became open to all. Some view this as the beginning of Religious freedom and tolerance in Austria.[1161]

6.4. Legal Foundation of Religious Education in Austria

The Federal Republic of Austria has made a number of concordats with the Vatican. Many of those concordats concerned areas bordering on Christian education, religious instruction, freedom to practice religion, confessional religious instruction and subvention of Catholic schools.[1162]

In Austria, the right of the Church to supervise Religious education and to issue *Missio canonica* is a legal issue covered by the country's federal constitution (Art. 17 StGG of 1867) and in their Concordat with the Vatican (Art. 21-25 RK; Art. VI § 1 ÖK and RelUG §§ 1-3).[1163] However, the legal foundation of Religious education in Austria started before the reign of Empress Maria Theresa but because of the significance of her impact in the educational system of Austria and the continuity of this influence to the present time, she can be regarded as the debut of the Austrian educational legislation in modern times. The legal foundation of the Austrian school system is found espe-

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[1160] *Ibid.*

[1161] *Rees*, Beaufsichtigung, p. 348.

[1162] *Hugo Schwendenwein*, Kirche und Schule im Österreichischen Konkordat und Schulvertrag, in: *ders.*, Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 890-913.

[1163] *Aymans-Mörsdorf-Müller* KanR III, pp. 102 f.

cially in the following documents: the *Private School Law* of 1850,[1164] the Vatican-Austrian Concordat of 1855 (ÖK 1855),[1165] the *Austrian-peoples'-school-law* (*Reichsvolksschulgesetz*) of 1869,[1166] the *People's Constitution law – Bundesverfassungsgesetz* (B-VG) of 1929,[1167] the Vatican-Austrian Concordant of 1933 (ÖK 1933),[1168] the Austrian School Reform of 1938, *Privatschulgesetz* [PrivSchG] of 1962,[1169] the 1962 Agreement between the Vatican and the Republic of Austria,[1170]

[1164] Provisorische Gesetz über den Privatunterricht vom 27. Juni 1850, in: RGBl. Nr. 309.

[1165] Konkordat zwischen dem Heiligen Stuhl und Österreich vom 18. August 1855, in: RGBl. 1855/195.

[1166] Reichsvolksschulgesetz vom 14. Mai 1869, in: RGBl. 1869/62.

[1167] *Felix Jonak / Leo Kövesi* (Hg.), Das Österreichische Schulrecht, Wien ^{9}2003, p. 27.

[1168] Konkordat zwischen dem Heiligen Stuhle und der Republik Österreich vom 5. Juni 1933, ratifiziert am 1. Mai 1934, in: AAS 26 (1934), pp. 249-282; BGBl. II, Nr. 2/1934, v. 1. 5. 1934, pp. 33-49; *Johannes M. Restrepo*, Concordata regnante Sanctissimo Domino Pio pp. XI inita. Latine et gallice reddita et notis illustra. Romae 1934, pp. 620-693; *Angelo Mercati*, Raccolta di concordati su materie ecclesiastiche tra la Santa Sede e le autorità civili, Bd. 2: 1915-1954. Città del Vaticano 1954, pp. 160-184; *Lothar Schöppe*, Konkordate seit 1800. Originaltext und deutsche Übersetzung der geltenden Konkordate (Dokumente 35). Frankfurt am Main, Berlin 1964, pp. 304-312; *Inge Gampl / Richard Potz / Brigitte Schinkele*, Österreichisches Staatskirchenrecht. Gesetze, Materialien, Rechtsprechung, Bd. 1. Wien 1990, pp. 160-191.

[1169] Bundesgesetz vom 25. Juli 1962 über das Privatschulwesen (Privatschulgesetz), in: BGBl. Nr. 244/1962 (NR: GP IX RV 735 AB 787 S. 109. BR: S. 195), i.d.g.F. in: BGBl. I Nr. 48/2014 (NR: GP XXV RV 141 AB 150 S. 30. BR: 9191 AB 9196 S. 831).

[1170] Vertrag zwischen dem Heiligen Stuhl und der Republik Österreich zur Regelung von mit dem Schulwesen zusammenhängenden Fragen samt Schlußprotokoll vom 9. Juli 1962, ratifiziert am 27. September 1962, in: AAS 54 (1962), pp. 641-652, ÖAKR 13 (1962), pp. 329-333, BGBl. Nr. 273/1962 (NR: GP IX RV 767 AB 772 S. 109. BR: S. 195), i.d.g.F. in: BGBl. Nr. 289/1972 (NR: GP XIII RV 288 AB 336 S. 31. BR: S. 311).

the *Austrian School Organization Law* – Schulorganisationsgesetz (SchOG)[1171] which changed the organs of school supervision, the Religions Instruction Law *Religionsunterrichtsgesetzt-Novelle*,[1172] the *Compulsory School Law* (*Schulpflichtgesetz*, 1985),[1173] *Religious Instruction Law* (*Religionsunterrichtsgesetz*, RelUG).[1174] Included in this list are also the *Bundesverfassungsgesetz* (B-VG)[1175] of 28 April, 1975[1176] which changed the school law of 1929.[1177]

Maria Theresa's establishment of the different stages of the school system, her division of the courses to be studied and her allocation of the different functions to civil and religious authorities in the supervision of schools laid a good foundation for the separation of the powers of the State and the Church in the area of education. It was this Empress who

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[1171] Bundesgesetz vom 25. Juli 1962 über die Schulorganisation (Schulorganisationsgesetz), in: BGBl. Nr. 242/1962 (NR: GP IX RV 733 AB 785 S. 109. BR: S. 195), i.d.g.F. in: BGBl. I Nr. 38/2015 (NR: GP XXV RV 448 AB 461 S. 61. BR: 9325 AB 9332 S. 839).

[1172] Bundesgesetz vom 25. Juli 1962, womit das Bundesgesetz vom 13. Juli 1949, BGBl Nr 190, betreffend den Religionsunterricht in der Schule, abgeändert und ergänzt wird (ReligionsunterrichtsG-Nov 1962 – RelUGNov 1962), in: BGBl. Nr 243/1962.

[1173] Bundesgesetz über die Schulpflicht (Schulpflichtgesetz 1985), in: BGBl. Nr. 76/1985, i.d.g.F. in: BGBl. I Nr. 48/2014 (NR: GP XXV RV 141 AB 150 S. 30. BR: 9191 AB 9196 S. 831).

[1174] Bundesgesetz v. 13. Juli 1949, betreffend den Religionsunterricht in der Schule (Religionsunterrichtsgesetz), BGBl. Nr. 190/1949 (NR: GP V RV 922 AB 962 S. 116. BR: S. 46.) i.d.g.F. v. BGBl. I Nr. 36/2012 (NR: GP XXIV RV 1631 AB 1683 S. 150. BR: AB 8703 S. 807).

[1175] Bundes-Verfassungsgesetz (B-VG), in: BGBl. Nr. 1/1930 (WV) i.d.F BGBl. I Nr. 194/1999 (DFB), i.d.g.F. in: BGBl. I Nr. 102/2014 (NR: GP XXV IA 720/A AB 441 S. 53. BR: AB 9280 S. 837.)

[1176] Bundes-Verfassungsgesetz vom 28. April 1975, mit dem das Bundes-Verfassungsgesetz in der Fassung von 1929 hinsichtlich des Schulwesens neuerlich geändert wird, in: BGBl. 316/1975.

[1177] *Klein*, Privatschulen im kanonistischen Kontext, p. 227 f.

first divided the supervision of the schools between the civil and religious powers.

What one could regard as the legal foundation of a modern educational system came with the education law of 1869.[1178] Wilhelm Rees[1179] explained that this Law made a distinction between the work of the spiritual and the civil directors of the schools. While the former acted as religious supervisors, moral models and controlled the school head masters; the civil supervisors had the main function of overseeing the learning conditions in the schools as well as the transfer of teachers. So the supervision of the proper teaching process in schools was the function of the Church while the civil authority oversaw the physical management of the schools.[1180] The struggle of the Liberals to wrestle powers from the Church in school matters came to fruition in 1848 with the establishment of the Ministry of Culture and Education which took over from the Education Commission. Yet, the Church, not wanting to let go of her age-old treasure struggled to at least retain her schools as private establishment.

6.5. Article 17 of the 1867 Austrian Constitution Law, Fundamental to the School System

The *Austrian Constitution* of 21 December 1867 (StGG)[1181] took away the right which the Church previously enjoyed over the control and supervision of the school system and gave the Church the compe-

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[1178] *Herbert Pelzelmayer*, Development of the Austrian school system, at: http://www.oecd.org/edu/research/
1818705.pdf (5.5.2015).

[1179] *Rees*, Beaufsichtigung, p. 348.

[1180] *Ibid*., pp. 348 f.

[1181] Staatsgrundgesetz vom 21. December 1867, über die allgemeinen Rechte der Staatsbürger für die im Reichsrathe vertretenen Königreiche und Länder, in: RGBl. Nr. 142/1867, i.d.g.F. in: BGBl. Nr. 684/1988 (NR: GP XVII RV 134 AB 667 S. 81. BR: AB 3596 S. 509).

tence over religious instruction in schools.[1182] Art. 17 StGG is considered very fundamental to religious instruction in Austria.[1183] § 4 of this article stated that the various Churches and religious communities are saddled with the responsibility of providing for religious instruction in schools. By this constitution, the state assumes the highest control over the general school system (Art. 17 § 5 StGG). Hugo Schwendenwein sees this as a positive thing for the Church since, by the provision of this article, no one has the freedom to teach religious instruction in schools without the permission of the Church. It is a form of religious freedom for the Church.[1184] The State provides teaching materials and pays teachers of religion in schools.[1185] The agreement between Vatican and Austria of July 1962, n. 273 strengthened this freedom which the Church has to oversee the teaching of religion in schools. Article 1 of this agreement confirms that the Church has the right not only to teach religious instruction in her private schools but also in public schools.[1186] It is the state that determines the hours of study of religion (§ 2 RelUG), § 3 while the students are entitled to participate in religious exercises (§ 2 Abs. 2a RelUG).[1187]

[1182] *Hugo Schwendenwein*, Der Schutz kirchlicher Verschwiegenheitspflichten im kanonischen Prozess, in: *ders*., Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 127-139, here p. 139.

[1183] *Steinbiller*, Zur ökonomischen Situation, p. 441.

[1184] *Schwendenwein*, Der Schutz kirchlicher Verschwiegenheitspflichten, p. 139.

[1185] See also § 2 RelUG.

[1186] *Hugo Schwendenwein*, Verfassung, Religionsunterrichtsgesetz und Schulvertrag, in: *ders*., Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 185-191, here p. 188.

[1187] *Ibid.*

6.6. Austrian Constitution and Religious Freedom

The Federal Republic of Austria is a secular state which does not recognize any religion as its state-religion. The Austrian constitution guarantees a fundamental religious freedom[1188] to all its citizens.[1189] The religious freedom which the Austrian citizens enjoy comes into what Roman Siebenrock classified as the third Epoch of the general Church history when the different country's Constitutional laws began to guarantee freedom of religion. This was the period after the reformation.[1190] The School law of 1869 and the school reform of 1962 stated that children were free to attend private schools and encouraged the parents to ensure that the standard education which their children receive in private school is equal to what is offered in public schools.[1191]

The *State Fundamental Law* (StGG) granted the Church the right to establish its own private schools; teach religion in public schools as well as in their private schools. This right goes as far as the freedom to oversee the method of religious education and cooperation in the employment of religious teachers. It extends to the right to establish faculties and institutes of theology and religious studies in higher schools and universities both belonging to the Church as well as in public institutions.[1192] Discussing the theme of religious education in Austria, Rees

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[1188] Art. 14 and 15 StGG v. 21.12.1867; Art. 149 Abs. 1 Bundes-Verfassungsgesetz v. 1.10.1920, Art. 17 StGG u Art. IV ÖK v. 5.6 1933 quoted by *Heinrich Mussinghoff*, Einf. c. 793/5, Rn. 10, in: MK CIC (Stand: Mai 1986).

[1189] Individual and corporate religious freedom is guaranteed by the Peoples Constitution, Art. 14 Abs. 5a BV-G.

[1190] *Siebenrock*, „Eine freie Kirche in einer freien Gesellschaft", pp. 69-90.

[1191] See Reichsvolksschulgesetz (RVG), n. 62 of 1869 and the Schulreform of 1962, in: *Rees*, Beaufsichtigung, p. 355.

[1192] Art. V of the Vatican-Austrian concordat of 5. 6. 1933 as well as the *Bundesgesetz* of 10. 7. 1969 (BGBl. 293/1969 S. 1526) granted the Church the right to establish faculties of Catholic Theology in State Universities in Austria and the freedom to the people to study Catholic theology in these public institutions.

noted that this course is compulsory in public schools.[1193] However, parents reserve the right to exclude their children from the study of religion in schools. Contrary to the practice in some countries, "the drawing up of the curriculum, the contents, methods; the planning, the supervision of religious education in Austria, is in the hands of the Church. The teachers of religion could be employed either from the federal, state government or from the Church but the Church has the responsibility to approve the employment through the granting of *Missio Canonica* to the teacher".[1194]

6.7. Vatican-Austrian Concordat and the Private Schools

Ernst Bruckmüller described the 19th century Austrian Catholicism as a kind of a papal- State concordat.[1195] Because of the struggle of the liberals to free the education system of Austria from the supremacy of the Church, a law was enacted in 1850 for the establishment of private schools. This was known as the *Private School Law* of 1850 – Privatschulgesetz held that individuals or organizations willing to establish Private Schools must obtain government approval. A concordat between the Vatican and Austria was therefore established in 1855 and was the first of its kind in central Europe.

But what is a concordat? A concordat is defined by the Oxford Dictionary as an agreement or treaty, especially one between the Vatican

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See *Heinrich Mussinghoff*, Einf. c. 793/5, Rn. 11, in: MK CIC (Stand: Mai 1986).

[1193] *Rees*, Religionsunterricht, pp. 734-749; *ders.*, Religionsunterricht und katholische Schule, p. 187.

[1194] *Rees*, Religionsunterricht, p. 740.

[1195] *Ernst Bruckmüller*, Katholisches an und in Österreich, in: *Jürgen Nautz / Kristina Stöckl / Roman A. Siebenrock* (Hg.), Öffentliche Religionen in Österreich. Politikverständnis und zivilgesellschaftliches Engagement (Series Edition Weltordnung, Religion, Gewalt 12). Innsbruck 2013, pp. 17-54, here p. 47.

and a secular government relating to matters of mutual interest. Klaus Obermeyer[1196] linked the origin of the word to the 1418 agreement, *Capitula Concordata* of the Council of Constance (1414-1418). A concordant serves the Church in her mission of evangelization[1197] and salvation.[1198] The unanimous agreement between the two states as enshrined in Art. 1 of the Concordat of 1855 was that the Church and State would work together towards the preservation of the Catholic faith and piety in Austria. Art. V-VIII assured the influence of the Church in the education system.[1199] Art. V gave the Church power to appoint Catholic teachers; to teach religion in public schools as well as in their own private schools so that the bishops could fulfill their teaching authority in the Church. They would achieve this by preventing any teaching that is injurious to the Catholic faith.[1200] It also provided that only Catholics may be appointed as teachers in Catholic Primary and Secondary schools, and that everything taught in these Catholic schools will be in accordance with the Catholic religion.[1201]

[1196] *Klaus Obermeyer*, Die Konkordat und Kirchenverträge im 19. und 20. Jahrhundert, in: *Walther Peter Fuchs* (Hg.), Staat und Kirche im Wandel der Jahrhunderte. Stuttgart / Berlin / Köln / Mainz 1966, pp. 166-183, here p. 164.

[1197] C. 747 § 1 CIC/1983.

[1198] *Joseph Listl*, Konkordate aus der Sicht des Heiligen Stuhles, in: *Hans Paarhammer / Franz Pototschnig / Alfred Rinnerthale*r (Hg.), 60 Jahre Österreichisches Konkordat (Veröffentlichungen des Internationalen Forschungszentrums für Grundfragen der Wissenschaften Salzburg N.F. 56). München 1994, pp. 13-34, here p. 14.

[1199] *Rees*, Beaufsichtigung, p. 349.

[1200] Art. V ÖK (1855): „Der ganze Unterricht der katholischen Jugend wird in allen sowohl öffentlichen als nicht öffentlichen Schulen der Lehre der katholischen Religion angemessen sein; die Bischöfe aber werden kraft des ihnen eigenen Hirtenamtes die religiöse Erziehung der Jugend in allen öffentlichen und nicht öffentlichen Lehranstalten leiten und sorgsam darüber wachen, dass bei keinen Lehrgegenstand Etwas vorkomme, was dem katholischen Glauben und der sittlichen Reinheit widerläuft.“ See *Rees*, Beaufsichtigung, p. 351.

[1201] See Art. VII ÖK (1855), in: *Rees*, Beaufsichtigung, p. 349.

On 5 June 1933 the Austrian Republic entered into another Concordant with the Vatican which guaranteed the Church to freely and openly practice its right and cults in the whole land.[1202] By that Concordat, the Vatican State was free to communicate with the clergy, religious and faithful of Austria without undue influence of the State.[1203] This Concordat equally assured the protection of the right of the Church in the area of education. It gave the Church the right to establish educational institutions and administer them provided they followed the school laws of the land. By this Concordat, the Catholic Church became recognized officially as having the right to operate denominational schools. By 1938, the Nazi Regime abolished the teaching of religion in Austrian schools to make sure that they reduced the authority of the Church in the school system. It also closed all denominational primary, middle, apprentice and women schools especially as these related to the Church.[1204]

After the Second World War, in 1962, there was another Concordat between the Holy See and the Federal Republic of Austria regarding the school question. §§ 2-4 of the Austrian School Supervision Law of 1962 – *Bundes-Schulaufsichtsgesetz* (B-SchAufG),[1205] gave the Catholic Church and other recognized religious bodies in Austria the right to provide, conduct and directly supervise religious instruction both in the public as well as in the private schools.[1206]

[1202] *Rees*, Beaufsichtigung, p. 15.

[1203] *Ibid*.

[1204] *Klein*, Privatschulen im kanonistischen Kontext, p. 179.

[1205] Bundesgesetz vom 25. Juli 1962 über die Organisation der Schulverwaltung und Schulaufsicht des Bundes (Bundes-Schulaufsichtsgesetz), in: BGBl. Nr. 240/1962 (NR: GP IX RV 731 AB 783 S. 109. BR: S. 195), i.d.g.F. in: BGBl. I Nr. 38/2015 (NR: GP XXV RV 448 AB 461 S. 61. BR: 9325 AB 9332 S. 839).

[1206] *Klein*, Privatschulen im kanonistischen Kontext, p. 179.

6.8. Religious Education in Public and Private Schools in Austria

Religious education is an important area of cooperation between Church and State, not only in Austria but in most countries of central Europe.[1207] Johannes Joachim Degenhardt stressed that since the introduction of compulsory education in Germany, religious education is closely related with the German school system.[1208] We can say that this is almost the same manner in Austria. Austrian law makes the teaching of religious education compulsory[1209] both in private as well as public schools.[1210] Aymans-Mörsdorf-Müller defined public schools as those schools which are developed and maintained by the state as well as from local authorities, communities or religious bodies recognized by the state.[1211] Religious Instruction is an official subject approved by the

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[1207] *Jörg Ennuschat*, Die Kooperation von Staat und Kirche im Bereich von Schule und Hochschule, in: Kirche & Recht. Zeitschrift für die kirchliche und staatliche Praxis (2012), pp. 214-223.

[1208] *Degenhardt*, Vorwort, pp. 5-8.

[1209] *Gampl*, Österreichisches Staatskirchenrecht, p. 10; *Aymans-Mörsdorf-Müller* KanR III, p. 111; *Demel*, Handbuch Kirchenrecht, p. 538. *Wilhelm Rees* reviewed the book of *Hugo Schwendenwein* on Catechesis and Religious Instruction. In this review he stated categorically clear that Religious instruction is compulsory in both public and private schools in Austria and is supported by Austrian laws. See: *Wilhelm Rees*, Rezension zu: Hugo Schwendenwein, Das österreichische Katechetenrecht. Religionsunterricht in der österreichischen Schule. Eine Handreichung für Religionslehrerinnen und -lehrer, in: AfkKR 179 (2011), pp. 307 f.

[1210] *Heinrich Mussinghoff / Hermann Kahler*, Einf. vor c. 796/5, Rn. 7, in: MK CIC (Stand: November 2000); see also: *Schwendenwein*, The Training of Catechists in Austria, p. 255; see also: Vertrag zwischen dem Heiligen Stuhl und der Republik Österreich zur Regelung von mit dem Schulwesen zusammenhängenden Fragen samt Schlussprotokoll vom 9. Juli 1962 (BGBl. Nr. 273/1962), in der Fassung des Zusatzvertrages v. 8. März 1971 (BGBl. Nr. 289/1972), samt Protokoll, in: *Jonak / Kövesi*, Das österreichische Schulrecht, pp. 1254-1260.

[1211] *Aymans-Mörsdorf-Müller* KanR III, p. 110 f.

state.[1212] Pupils or students who profess no religion can, however, withdraw[1213] from this compulsory study of religion as a respect of their freedom. If they are below the age of fourteen years, this withdrawal must be done by their parents within the first ten days of their registration in school. In accordance with Art. 17 and 15 StGG; it is the responsibility of the various religious bodies to organize the teaching of religious instruction.[1214] No teacher of religion may be appointed without the approval[1215] of the superior of the religion to which he or she belongs. If the teacher is a Catholic, this approval must come from the Bishop. Whether this religious teacher is being employed by the state or local Government, he must present the M*issio canonica* to show that he or she is approved by the competent authority to teach religion in schools. The officially recognized religious communities and religious orders have the autonomy to organize religious education in schools. The contents and methods used for this course as well as the choice of teachers and discipline are in the hands of these religious bodies. The compulsory study of religion for all pupils and students gives the parents the chance to declare their unwillingness to have their children study religion in school. In this case they reserve the right to cancel or withdraw their children from studying religion. Rees noted that the difference between Germany and Austria in reference to religious education is that in Austria, the Curriculum, contents and methods; the holding and control of this course in schools are in the hands of the various religious

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[1212] *Ibid.*, p. 109; *Christoph Link*, Religionsunterricht im pluralistischen Staat, in: *Ottokar Basse / Karl Fischer / ders.*, Religionsunterricht im Spannungsfeld Staat/Kirche. Stuttgart 1976, pp. 5-21.

[1213] *Demel*, Handbuch Kirchenrecht, p. 544.

[1214] *Rees*, Religionsunterricht, pp. 734-749; see also: *Huber*, Der Religionslehrer im Spannungsfeld, p. 94; see also: Art. 17 i.V.m. Art. 15 StGG; *Campenhausen*, Erziehungsauftrag, pp. 142-166.

[1215] *Gampl*, Österreichisches Staatskirchenrecht, p. 105.

bodies.[1216] Graduating students, as Hugo Schwendenwein noted, are entitled to take final exams on Religion which can, however be taken as oral examination.[1217] In senior secondary schools, teachers of religion must obtain a university qualification before they are employed to teach religion.

6.9. Training of Teachers of Religion in Austria

According to the document of the Sacred Congregation for Catholic Education, Catholic Schools, "the achievement of the specific aims of the Catholic school depends not so much on subject matter or methodology as on the people who work there".[1218] Teachers who teach religion in secondary schools are often trained in theological faculties of various universities in Austria. Faculty of Catholic Theology exists in various universities in Austria. Teachers who are to teach in secondary schools attend courses in Theology which include training in religion and Catechesis.[1219] Because of this requirement that religious teachers take course in theology in higher institutes, Matthias Sellman and Norbert Mette suggested that the State help to establish institutes or faculties of theology in public higher institutions.[1220] These Theological Faculties are duly approved by the Holy See and their certificates are also duly recognized by it.[1221] In the past when there existed vocation boom in Austria, it was mainly priests and religious who acquired theological

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[1216] *Rees*, Religionsunterricht, pp. 740 f.; see also: *Heinrich Mussinghoff / Hermann Kahler*, Einf. vor c. 796/2, Rn. 7, in: MK CIC (Stand: November 2000).

[1217] *Hugo Schwendenwein*, Die Reifeprüfung im österreichischen Religionsunterricht, in: *ders*., Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 213-216.

[1218] *SC InstCath*, The Catholic School, 19 March, 1977, Art. 43.

[1219] *Schwendenwein*, The Training of Catechists in Austria, p. 257.

[1220] *Sellmann / Mette*, Religionsunterricht als Ort der Theologie, pp. 9-22.

[1221] Art. V § 1 ÖK; see also *Schwendenwein*, The Training of Catechists in Austria, p. 257.

training that taught religion in schools.[1222] In the present dispensation, majority of the teachers of religion are lay people who studied religion in the universities or higher institutions. Religious pedagogical institutes also exist where religious teachers without university education are trained. Teachers who are trained here are qualified to teach religion in schools below senior secondary schools.[1223] Hugo Schwendenwein summarized the training of teachers in Pedagogical academies as follows:

The religious pedagogical academies (at present in Vienna, Graz, Linz and Stams) are a particular facet of Austrian school legislation. Only the Catholic Church has erected such academies. The religious pedagogical academies are erected by the Church, i.e., by the respective dioceses and the Franciscan province of Tyrol, and are registered as private schools. Although they do not count among the types of schools covered by the *School Organisation Act*, they are recognized as schools of "public right" (Öffentlichkeitsrecht). Consequently, they obtain the grants given to Catholic private schools of public right according to the 1962 School-Treaty Act, i.e., at present 100 % of their personal expenses. In practice, this means that the teachers are appointed and paid by the government, but the diocesan authorities have the right to reject a teacher under certain n conditions.[1224] So teachers of religion may, according to the Austrian law, be employed by the state authority or by the Church for whose interest he or she is teaching religion.[1225]

6.10. Management of Catholic Schools in Austria

In Austria the Catholic Church still retains the right to establish, own and maintain private schools of any kind; to teach religious instruction

[1222] *Ibid*., p. 256.
[1223] *Ibid*., pp. 259 f.
[1224] *Ibid*., pp. 259-261.
[1225] *Huber*, Der Religionslehrer im Spannungsfeld, p. 99.

both in private and in public schools and to supervise the teaching of religion in the aforementioned schools.[1226] However, the state controls the school system in Austria.[1227] Because education is free for every child between the ages of six and fourteen, the Catholic schools receive funding by the government including payment of teachers' salaries, provision of free books and grants. Added to this they have the right to charge fees to cover for expenses not covered by government funding. The management of Catholic schools in Austria also reserves the right to reject teachers assigned to them by the state if such teachers' life contradicts the school's catholic identity.[1228] Parents are encouraged by the laws of the state to cooperate with teachers and school management in the education of their children. While the teachers contribute their pedagogical and didactic talents, parents and parents' organizations articulate policies that would help in the furthering of the education of their children. In this sense, parents-teachers associations are encouraged. The right of parents to educate their children is held by the Austrian law to be over and above the rights of other stake-holders of education.[1229]

Wilhelm Rees discussed the rights which the various interest groups have to contribute to education in Austria.[1230] The various interest groups or stake-holders in the education industry, as they are known in Nigeria have authority in the Austrian law to contribute their quota in the school system. These interest groups include the Patents, guardians,

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[1226] § 4 Schule-Kirche-Gesetz: „Es steht jeder Kirche oder Religionsgesellschaft frei, aus ihren Mitteln Schulen für den Unterricht der Jugend von bestimmten Glaubensbekenntnissen zu errichten und zu erhalten." See also: Art. 17 Abs. 2 StGG, Art. 11 § 1 Abs. 1 Schulvertrag, § 3 PrivSchG und § 3 SchOG, in: *Klein*, Privatschulen im kanonistischen Kontext, p. 1.

[1227] *Gampl*, Österreichisches Staatskirchenrecht, p. 189.

[1228] *Alting von Geusau / Booth*, Catholic Education in the West, pp. 50-52.

[1229] *Heinrich Mussinghoff / Hermann Kahler*, Einf. vor c. 796/2, Rn. 7, in: MK CIC (Stand: November 2000).

[1230] *Rees*, Beaufsichtigung, pp. 397-404.

the students themselves, the teachers, catholic teachers, and so on. The parents or guardians have the right by the provisions of the school instructions law (§ 61, sec. 1 SchUG) to be consulted in the decisions being made on behalf of their children or wards. The pupils and students are also protected by the law regarding their right to instruction in school. Let us see what a private school is understood to mean in Austria and what difference there is between a private and public school?

6.10.1. Austrian Constitutional Law of 1962 over Private School-System

The Austrian Law of 25 July 1962 gave a graphic detail of the private schools system. It was a law established to give a clear direction regarding the operations of Private schools in Austria. This law treated of issues concerning the founding and direction of schools as private establishments and defined clearly the concepts:[1231] schools, private and public as well as denominational schools. It defined the conditions for establishing such schools and the obligation which school owners have to obtain approval from the appropriate quarters. It gave the conditions under which a private school may be closed down by the appropriate authority. The subventions which private schools are entitled to obtain from the government was clearly defined by this law. Finally, it set out the procedures for the supervision of private schools as well as the punishment to be handed down to defaulters in this system. The condition for teaching religious instruction[1232] in both in public as well as private school was set forth.

[1231] *Gampl*, Österreichisches Staatskirchenrecht, pp. 190-193.

[1232] *Ibid.*

6.10.2. Public and Private Schools in Austria

In Austria there exist both public and private schools.[1233] Bernhard Klein defined Private schools[1234] by differentiating them from public schools. He writes: "public schools are those schools or institutions whose establishment and teaching opportunities are taken care of by the state."[1235] They are those schools legally established by and maintained by the state while private schools are all those schools that are built by people other than the state.[1236] While Markus Juranek identified the difference between private[1237] and public schools in terms of ownership,[1238] Rees explain this difference in terms of the laws instituting them.[1239] The private schools founded and managed by the legally registered religious bodies are called denominational private schools.[1240] According to Wilhelm Rees, denominational or confessional schools are

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[1233] *Schwendenwein*, Die rechtliche Ordnung, p. 280; *Schinkele*, Umfang und Bedeutung, p. 296; *Rees*, Beaufsichtigung, p. 363.

[1234] *Klein*, Privatschulen im kanonistischen Kontext, p. 249; *Aymans-Mörsdorf-Müller* KanR III, p. 110; *Potz / Schinkele*, Religionsrecht im Überblick, p. 122 ff.

[1235] *Klein*, Privatschulen im kanonistischen Kontext, pp. 55 and 222 ff.; *Rees*, Beaufsichtigung, p. 361; *Kalb*, Arten von Privatschulen, p. 318; *Leopold Robert Fürst*, Die Entwicklung des kirchlichen Privatschulwesens in der Zweiten Republik, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp.137-153, here p. 146.

[1236] *Jonak / Kövesi*, Österreichische Schulrecht, p. 1299.

[1237] *Kalb*, Arten von Privatschulen, p. 321; *Schinkele*, Umfang und Bedeutung, p. 296.

[1238] *Markus Juranek*, Schulverfassung und Schulverwaltung in Österreich und in Europa, Bd. 1: Das Österreichische Schulrecht. Wien 1999, p. 241; *Rees*, Beaufsichtigung, p. 363.

[1239] *Ibid*.

[1240] *Klein*, Privatschulen im kanonistischen Kontext, p. 223 f.; *Schinkele*, Umfang und Bedeutung, p. 297.

those schools where the prevailing denomination not only determine but also controls the whole management of the schools; controlling the lessons and education process there as well as the teachers and workers in these schools.[1241] Rees further interpreted the notion "school" as presented by the Austrian *Private School Law* (*Privatschulgesetz*) as those establishments where pupils are commonly taught according to a set-up curriculum and where the educational goals are set and carried out (§ 2 Abs. 1 PrivSchG).[1242]

In Austria the constitutional law allows private individuals or organizations to build and manage private schools but granted the state the authority to supervise the instruction and the whole education system in both public and private schools. This freedom to establish private schools given in Art. 17 § 2 of the *State Fundamental Law* (StGG) is seen by Herbert Kalb as the fruit of liberalism.[1243] Those who want to establish private schools and have them approved by the Austrian government must fulfill all the necessary conditions for building and managing schools such as having enough teachers, students, decent buildings with enough spaces and enough instructive materials.[1244] Only the provision and supervision of religious instruction in both private and public schools can be done by the individual religious bodies.[1245] The legislation regarding the freedom which everyone has to build schools captioned *Right to education* was seen by some to be based on the right which parents have to form their children according to their worldviews.[1246] This disallows government monopoly in education. In this sense, other individuals and organizations can contribute to education,

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[1241] *Wilhelm Rees*, Bekenntnisschule (Konfessionsschule: Katholisch), in: LKStKR I, pp. 231-233; see also: *Rees*, Beaufsichtigung, pp. 363-365.

[1242] *Ibid.*, p. 364.

[1243] *Kalb*, Arten von Privatschulen, p. 318.

[1244] Art. 17 Abs. 2 StGG.

[1245] *Ibid.*, Art. 17.

[1246] *Rees*, Beaufsichtigung, p. 362.

thereby giving parents the opportunity to choose between the schools built and managed by the government and those set up by private individuals or groups.

Catholic private schools in Austria follow the guidelines established by the state for the management of schools. According to the Guidelines for Catholic Private Schools of the Archdiocese of Salzburg[1247] Catholic schools offer the Christian World-view to children and this has its foundation on the Holy Scripture, Magisterium, Tradition and Liturgy of the Church and prepares them to contribute to the development of human culture and society.[1248] Catholic private schools prepare students for the intellectual, social and religious challenges which they would face in the society. This is in connection with the education system of the state. These schools help them to discover and develop their talents and prepare them to undertake responsibilities for the Church and State. Catholic schools must take the humanity of the students seriously. According to Josef Rupprechter, they do this by introducing events and programs which help students to reflect on the meaning of life like providing them the opportunities to attend Mass, pastoral reflections, demanding lectures, counseling and talent hunt. These schools accompany the development of the individual autonomy of students through free-time handwork, workshops in the school and strict following of the curriculum-project development.[1249]

The Austrian Church was privileged by the 1933 Vatican-Austrian concordant to employ teachers in their schools who are to be paid by the government. The Church was not obliged to employ teaching staff from

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[1247] For information regarding the guidelines for the Private schools in the Archdiocese of Salzburg, see: Erzdiözese Salzburg, Katechetisches Amt, at: http://katamt.kirchen.net (5.5.2015).

[1248] *Ibid*.

[1249] *Josef Rupprechter*, Director of the Catechetical office of the Archdiocese of Salzburg, Bildungszentrum Borromäum, Salzburg. Oral Interview, 21. November 2014.

the laity if they have enough clergy and religious who were qualified according to the state standard.[1250] For teachers of Religious instruction, there was the requirement that they tender a letter of permission from the bishop of their diocese (*Missio canonica*) enabling them to teach religion in schools.[1251] However, all private schools must not discriminate against anybody in terms of gender; color or religion.[1252] They must be accommodative in their admission policy (Art. 14, Abs. B-VG and § 4 Abs. 1 SchOG).[1253]

6.10.3. Who has the Right to Found Private Schools in Austria

In accordance with Art. 17 § 2 *Fundamental Constitution of Austria* (StGG) of 21 December 1867, every Austrian citizen has the right to establish private schools.[1254] This is on the condition that the citizen has the capability to do so and according to the Private school law, such citizens must fulfill the necessary conditions contained in the law. These necessary conditions for the erection of private schools in Austria[1255] are contained in the private school law (PrivSchG) of 25 July 1962.[1256]

[1250] Zusätzliches Protokoll zu Art. VI § 2 Abs. 1-3 ÖK (1933/34).

[1251] *Klein*, Privatschulen im kanonistischen Kontext, p. 208.

[1252] *Rees*, Beaufsichtigung, p. 364; *Steinbiller*, Zur ökonomischen Situation, p. 443.

[1253] *Rees*, Beaufsichtigung, p. 364.

[1254] Art. 17 § 2, StGG of 21 Dezember, 1867 States als Rollos „Unterrichts- und Erziehungsanstalten zu gründen und an solchen Unterricht zu erteilen, ist jeder Staatsbürger berechtigt, der seine Befähigung hierzu in gesetzlicher Weise nachgewiesen hat“. See: *Gampl*, Österreichisches Staatskirchenrecht, p. 189; *Rees*, Beaufsichtigung, p. 365.

[1255] *Campenhausen*, Erziehungsauftrag, pp. 55-108.

[1256] These conditions are outlined in the following paragraphs: § 4 holds that private schools must have school providers; § 5 holds that private schools must have principals and enough teachers while § 6 every private school must have adequate school premises and teaching materials: For further explanations to this subject see also: *Rees*, Beaufsichtigung, p. 366.

He or she equally has the right to teach appropriate subjects in these schools. According to Rees, it is not only private individuals but also corporate bodies,[1257] juridical persons and legally approved religious bodies and Churches who possess this right to establish and run schools.[1258] These schools could be denominational; they could be schools established and run by private organizations, Foundations, or Funding agencies. However, whoever would want to establish such institutions must fulfill the necessary conditions established in law. These conditions include the following: Schools must have founders (*Schulerhalter*) § 4; it must have a manager (§ 5); it must have enough space and study materials (§ 6); it must be seen and approved by the appropriate authorities (§ 7); it must also have a particular designation.[1259]

6.10.4. Supervision of Schools

Just as the lioness protects her cubs from harm, so does the state protect school children from the harm that may befall them from bad teachers, authors, influences or uncaring parents. This has been the overall intention of law givers over the years in establishing schools supervision. The Austrian law entitles the government to be the overall overseer of the education system in the entire country in both public and private schools.[1260] The authority on whose jurisdiction it falls to supervise

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[1257] *Klein*, Privatschulen im kanonistischen Kontext, p. 242.

[1258] *Rees*, Beaufsichtigung, p. 365.

[1259] See Österreichisches Bundesgesetz vom 25. Juli 1962 über das Privatschulwesen (Privatschulgesetz), in: BGBl. Nr. 244/1962 (NR: GP IX RV 735 AB 787 S. 109. BR: S. 195) i.d.g.F. in: BGBl. I Nr. 48/2014 (NR: GP XXV RV 141 AB 150 S. 30. BR: 9191 AB 9196 S. 831); see also: *Rees*, Beaufsichtigung, pp. 365-368.

[1260] Art. 17 Abs. 5 StGG; see also Art. 1 Gesetz vom 25. Mai 1868, wodurch grundsätzliche Bestimmungen über das Verhältniß der Schule zur Kirche erlassen werden (Schule-Kirche-Gesetz), in: RGBl. Nr. 48/1868, i.d.g.F. in: BGBl.

private schools is in the first instance the Federal Ministry of Education Arts and culture. This is contained in sec. V; §§ 22 and 23 of the *Private School Law* (PrivSchG) of 25 July, 1962. The Local Government Area inspectors are responsible for the supervision of primary, main schools, special schools, and polytechnics.[1261]

Historically, the issue of supervision of schools in Austria has evolved through the centuries. In the time of Empress Maria Theresa, the responsibility of organizing, inspecting and directing the schools was in the hands of school boards both at the provincial, state, local government and town levels. She made both the civil as well as religious authorities co-responsible for the inspection of the schools.[1262] With King Joseph II, the local government officials supervised schools in their areas of authority while the Church officials were also co-opted into school invigilation. The State-School Law of 1868 had at the highest level for the inspection of schools in each state, the inspector of education. By this law, there existed also the local government and town inspectors of education. Religious leaders were by this law omitted in school inspection in general. Their function was restricted to religious instruction in schools. In that sense, the Church retained only the right of inspection of religious instruction in schools.[1263]

But the law of 1869 shared the supervision of schools between the civil and the religious authorities. While the civil authorities were responsible for overseeing the learning conditions in the schools, especially transfer of teachers and infrastructure, the religious authorities acted as real supervisors in charge of control of head masters, supervision of

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Nr. 240/1962 (NR: GP IX RV 731 AB 783 S. 109. BR: S. 195) as analyzed by *Klein*, Privatschulen im kanonistischen Kontext, p. 241.

[1261] See also: *Rees*, Beaufsichtigung, p. 369; *Juranek*, Schulverfassung, esp. pp. 240-293, here p. 241.

[1262] *Schmitz-Stuhlträger*, Recht auf christliche Erziehung, p. 241.

[1263] *Rees*, Beaufsichtigung, p. 354.

subjects taught and discipline in the school system.[1264] The evolution of the supervision system was affected by secularism such that the 1962 State-School Supervision Law limited the right of the Church only to the provision, conduct and direct supervision of religious instructions both in the public as well as in the private schools. The current law provides different supervision for different private schools. There are two types of private schools here- the public private and non-recognized private schools. Public private schools are those duly approved by the law of the state and are provided for by the Public-Private Act.[1265] The Catholic schools are in this category. Such schools offer subjects as in government schools and can issue identical government certificates to graduating students as those in government managed schools. There are also private schools which are recognized but not approved by the state.[1266] They do not receive the privileges given to the public private schools. The Ministry of Education, Science and Culture may grant or deny public right to a private school.[1267] The granting of public right to operate to private schools is done by the appropriate State Education authority. It is the responsibility of the state to supervise public private schools. Rees reports that it is the duty of supervisors to see to it that the private school owners and teachers follow strictly the state school law. They must have similar nature and value as the public schools. For this reason, they enjoy the same privileges like public schools like free textbooks, and other school aids such as free transportation and accident insurance.[1268] This is how things are at the moment of writing. The Austrian state may

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[1264] *Ibid*., pp. 348 f.

[1265] § 22 Abs. 3 PrivSchG; see also: *Kalb*, Arten von Privatschulen, p. 328.

[1266] Privatschulen ohne Recht zur Führung einer gesetzlich geregelten Schulartbezeichnung. For description of such schools see: *Rees*, Beaufsichtigung, pp. 370-372.

[1267] § 23 Abs. 4 PrivSchG.

[1268] § 13 Abs. 1 PrivSchG; §14 Abs. 1 lit a und b PrivSchG, in: *Rees*, Beaufsichtigung, p. 370.

have stripped the Church of her control function of the schools system but she still retains by the powers of the state laws, the right to build private schools, to reach religious instruction both in private as well as in public schools.[1269] The various Churches are equally entitled to provide professional inspectors of Religious education in both their private as well as in public schools (Art. 7c § 1 RelUG; Art. 1 § 4 SchulV).

6.10.5. Financial Management: Subventions for the Private Schools

Just like in many countries, the financing of private schools in Austria[1270] has been a controversial matter. By the Austrian *State School Law* of 1868, the government eliminated the function of the Church and other religious bodies in the area of general school supervision and restricted their function only to the area of provision, control and directing the teaching of religious instruction in schools. These religious bodies were however, granted the permission to build and own their own private schools. Such schools are to be seen as denominational private schools. By the provisions of Art. 17 § 2 PrivSchG, and in the thoughts of Wilhelm Rees, denominational private schools are those which are owned and managed by Churches, Religious Congregations as well as those built and managed with Foundations or Endowment Funds which are recognized by the State laws and which are also recognized by the authorities of these Church or organizations.[1271]

[1269] §§ 2-4 BSchAufG 1966; §§ 81a and b B-VG, in: *Klein*, Privatschulen im kanonistischen Kontext, p. 1.

[1270] *Rees*, Beaufsichtigung, pp. 384-395. So it is the responsibility of the various Churches or religious Orders to see to the provision of Religious Instruction in both their Private as well as in public schools. „Für den Religionsunterricht in den Schulen ist von der betreffenden Kirche oder Religionsgesellschaft Sorgen zu tragen." (Art. 17 § 4 StGG; see also § 2 (1) RelUG; see also: *Steinbiller*, Zur ökonomischen Situation, pp. 444-452; *Rees*, Rezension zu: Schwendenwein, Katechetenrecht, pp. 307 f.

[1271] *Rees*, Beaufsichtigung, p. 384.

Since the different Churches and religious bodied have the right to build and manage their own private schools, the question arose over the financial management of the private schools. The government agreed to give the Churches Grant-in-aid (*Subvention*),[1272] to enable them run their schools. As Rees stated, the right which these Churches and organizations have to receive subversions are accorded by the provisions of Art. 17 of the *Private School Law* of 25 July, 1962.[1273] This was especially for the approved private schools and those schools with higher frequency, that means, schools with large pupil-intake, which by that means contribute to the relief of the public school system. The subvention was signed as a long term goal for all Catholic schools and those private schools which the bishops of the dioceses recognized as Catholic schools. The subvention for Catholic schools was signed in the Vatican-Austrian Concordat of 1933.[1274]

The 1960 Agreement between the Vatican and the Republic of Austria handled related theme of property and bills. Bernhard Klein reported for instance that the Austrian State paid the diocese of Eisenstadt the sum of ten million Schillings over four years as compensation for the confiscation of the Catholic schools in Burgenland on 12 September 1938. Other religious bodies, whose schools were also confiscated, were

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[1272] *Klein*, Privatschulen im kanonistischen Kontext, p. 290; for further readings see also: *Rees*, Beaufsichtigung, pp. 345-347; *Kyrill-A. Schwarz*, Die staatliche Finanzierung von Religionsgesellschaften. Zugleich Anmerkung zum Beschluss des BVerfG vom 12.5.2009 – 2 BVr 890/06, in: Kirche & Recht. Zeitschrift für die kirchliche und staatliche Praxis (2009), pp. 243-255.

[1273] Art. 17 § 1 PrivSchG: „Den gesetzlich anerkannten Kirchen und Religionsgesellschaften sind für die mit dem Öffentlichkeitsrecht ausgestatteten konfessionellen Privatschulen nach Maßgabe der folgenden Bestimmungen Subventionen zum Personalaufwand zu gewähren.“ See also: *Rees*, Beaufsichtigung, p. 385.

[1274] Art. VI § 4 ÖK (1933), in: *Klein*, Privatschulen im kanonistischen Kontext, p. 160.

by that agreement compensated.[1275] In 1962 the subvention covered sixty percent of the teaching costs of the approved private schools. This was contained in the Art. 2 § 2 of the Vatican-Austrian Agreement of 9 July 1962.[1276] Added to this Agreement, there was a strong debate in the Austrian parliament that same year which held it as unjust for parents who pay taxes to also pay school fees for their children in private schools only because of their choice of these schools.[1277] However it is good to know that on 8 March 1971, in another agreement between the Vatican and the Republic of Austria the state agreed to pay one hundred percent subvention to the approved denominational private schools.[1278] This is the situation at present. In the Austrian school system, education is free for the first nine years. The government controls the provision of education and all it needs in both the public and approved private schools. They pay the teachers and provide the necessary infrastructure. The financial involvement of the state in the funding of religious instruction, according to Hugo Schwendenwein, however, depends on the number of children who entered for religious instruction in each school.[1279] § 1 of the *Religious Education Law* of Austria (RelUG)[1280] of

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[1275] *Ibid*., pp. 201-207.

[1276] *Rees*, Beaufsichtigung, p. 393.

[1277] Sten. Protokoll Nr. IX, GP, 106. Sitzung, v. 18. Juli 1962, in: *Klein*, Privatschulen im kanonistischen Kontext, p. 210.

[1278] Art. 1 Z. 2 ZusatzV SchulV, 8 March 1971, in: *Klein*, Privatschulen im kanonistischen Kontext, p. 213; *Rees*, Beaufsichtigung, p. 393.

[1279] *Hugo Schwendenwein*, Die Finanzierung des Religionsunterrichtes und des konfessionellen Privatschulwesens, in: *ders.*, Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/ Schweiz 1996, p. 658-675. „Auch die Schülerzahl spielt für die staatliche Finanzierung des RU eine Rolle."

[1280] The "Religionsunterrichtsgesetz" (RelUG), of 13 July, 1949 concerned the teaching of Religious Instruction in schools. Bundesgesetz vom 13. Juli 1949, betreffend den Religionsunterricht in der Schule (Religionsunterrichtsgesetz), in: BGBl. Nr. 190/1949 (NR: GP V RV 922 AB 962 S. 116. BR: S. 46), I.d.g.F. In:

1949 made Religious instruction compulsory in primary, post primary, junior secondary, vocational as well as senior secondary schools. Paragraph seven of this law dealt with the state funding of Religions education. Hugo Schwendenwein analyzed the implication of this law to private schools in terms of government funding of schools. According to this analysis, the number of pupils or students participating in Religious education determines the number of hours that are assigned to Religious instruction by the state and how much the state can contribute financially towards the teaching of this course in schools. In a situation whereby more than half of the students are de-registered for religious by their parents, then those who registered for it are joined to students of other classes. The books used for Religious instruction are often recommended by the various denominations whose interest is represented in religious education. The school makes a budget for books and instruction materials which costs are are partially born by the state.[1281] The extent of subvention[1282] with regard to Religious Education in private schools was the topic of Art. 18 § 1 of the PrivSchG of 1962 according to which the state gives subvention according to the number of pupils/students and teachers in these schools. The state bears the personnel costs of teachers in both public and private schools. Private schools which would receive further subventions to cover other maintenance expenditure[1283] according to § 18 RelUG are to fulfill certain conditions which include satisfying the requirements of the curriculum. However, the determination of the measure of subvention is between the State and the school providers. For Catholic schools, the Bishops are responsible for this negotiation since they are duly responsible for the financial, personnel

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BGBl. I Nr. 36/2012 (NR: GP XXIV RV 1631 AB 1683 S. 150. BR: AB 8703 S. 807).

[1281] *Schwendenwein*, Finanzierung des Religionsunterrichts, pp. 658-675.

[1282] *Rees*, Beaufsichtigung, p. 385.

[1283] *Ibid*., p. 384.

and overall management of these private schools.[1284] Hugo Schwendenwein made enriching observation about the relationship between Church and State in Austria. According to him, Religious Instruction, which is mostly denominational in Austria, is paid for by the state only if a given minimum of pupils take part in it. In private schools with public right, that means private schools recognized by public law, teachers are paid by the state if that school has a minimum required number of pupils or students. In public and private schools, the Church controls the teaching of religion; the state only provides the frame work to enable the Church carry out its work. In the Catholic Faculties which exist in public universities, even though the professors are required to be approved by ecclesiastical authorities and can be withdrawn by them, they are under state employment.[1285]

The School Law of Austria allows private schools the right to collect school fees in order to cover operation expenses and the remuneration of non-teacher employees. Such school fees are also meant to cover minor deviations in teaching time (Over-time or extra lessons organized by these private schools).[1286] Such fees charged must however be reasonable and approved by the government. The Church controls teachers in her private schools and is responsible for school administration. The Austrian law however, forbids any discrimination in the form of birth, sex, race, state, class, language or religion in the acceptance and registration of pupils in both public as well as the private schools.[1287] Art. 19 § 1 n. b of the *Primary School Law* of 1962 suggests that the State can employ a religious teacher for the private schools, but the provisions of

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[1284] See Art. 4 § 3 PrivSchG; see also: *Rees*, Beaufsichtigung, pp. 387-390.

[1285] *Schwendenwein*, Church and State in Austria, pp. 914-922.

[1286] Art. 1 § 1 Abs. 3 SchulV; § 33 Abs. 8 SchUG, § 15 Abs. 1 SchZG i.V.m. § 13 Abs. 2 lit.c PrivSchG, in: *Rees*, Beaufsichtigung, p. 365.

[1287] Art. 14 Abs. 6. B-VG, SchOG § 4 Abs. 1, in: *Rees*, Beaufsichtigung, p. 364.

§ 2 of the same Article makes the state responsible for the payment of these teachers through provision of subvention.

The Church can also employ her own religious teachers and since religious education is a compulsory subject in schools, the Government pays the personnel expenses of the schools including the teachers.[1288] Even when religious teachers are employed by the State these are expected to respect the authorities establishing these private schools. There is a sort of memorandum of understanding between the religious teacher employed by the state and the authority of the Church on whose right the State has reposed the teaching and management of religious Instruction in schools.[1289] In the explanation given by Wilhelm Rees, the appointment of the religious teacher may be terminated in two ways: either by the resignation of the concerned teacher or if the denomination decides on religious grounds to terminate this appointment.[1290] This is the stipulation of Art. 20 § 2 PrivSchG. Rees interpreted this "religious grounds" to mean, for instance if somebody is divorced and remarried or officially left the Catholic Church.[1291] At the end of their studies in secondary schools, students take examination in religious instruction. Religion is one of the elective courses for which one takes an exam.[1292] We shall now examine Christian education as it challenges the Nigerian Church.

[1288] *Hugo Schwendenwein*, Der Religionsunterricht im österreichischen Recht, in: *ders.*, Ius et iustitia. Kirchenrechtliche und staatskirchenrechtliche Aufsätze (FVKS 45). Freiburg/Schweiz 1996, pp. 207-212, here pp. 207-209.

[1289] *Rees*, Beaufsichtigung, pp. 387-390.

[1290] *Ibid*., pp. 390-392.

[1291] *Ibid*., p. 391.

[1292] *Schwendenwein*, Reifeprüfung, p. 213.

IV

CHRISTIAN EDUCATION IN ENUGU DIOCESE-NIGERIA: THE CHALLENGES

1. General Introduction

Chapter four will present the problems besieging Christian education in the Diocese of Enugu-Nigeria. It will also try to offer some solutions and project a new Mission-Philosophy for Christian Education in Enugu. There are three sections in this chapter. Section one will enumerate the rot in both primary and secondary schools as well as in our university system. *Education Sector Support program in Nigeria* (ESSPIN) is a new organ being employed by the Federal Government of Nigeria to seek ways of revamping the decay in the educational sector. This section also will also evaluate the positive contributions of ESSPIN and what the Church can learn from it. In section two, we will also evaluate the Transfer Act through which the State handed over Schools to the Church and will underscore the challenges it poses to the Diocese. Section three will seek the possibility of laying a new foundation. The third synod of the Diocese of Enugu had integral education as as its topic. An Education Summit has also been planned; aimed at drawing an Education Blue-Print for the Diocese. A combination of the result of the synod, the Education Summit and our research findings will help the Diocese in addressing her challenges in Christian education. That is how the Diocese of Enugu is formulating a new diocesan Education Philosophy as

well as laying a new foundation for Christian Education in the Diocese. This is the task of section three.

2. The Rot in our Education System

It is our task in chapter four to x-ray the challenges to the Catholic Diocese of Enugu with regard to Christian Education. To heal a patient, the doctor necessarily needs a diagnosis of the problem before attempting a cure. The rot in our education system was brought about basically by corruption and by inconsistent planning by those in charge of the education system. Added to this was what Jeanne Knoerle called the education lens[1293] that means how many people perceived education. While some people believed that the child should be guided to choose those areas of learning where its natural endowments are fitted in, others simply believed that their children must take up lucrative courses whether their natural talents support that or not. Let us first examine the current state of affairs with regard to the school system in Enugu.

2.1. Catholic Education in Enugu, How Things Stand

It is necessary at this point to ex-ray the present situation of Catholic education in Enugu state made up of the three Catholic dioceses of Awgu, Enugu and Nsukka. We shall first paint a true picture of the state of things in public schools. Since the state forcefully took over schools belonging to voluntary Agencies, these schools were no longer categorized as private but public schools. The nomenclature of some of the schools belonging to the Christian Missions were changed from the Christian names they bore to secular ones to reflect their new status. Now that they are being handed-over to their original owners, a lot of changes are coming. There may be a reversal to the original names of

[1293] *Knoerle*, Catholic Education, p. 106.

these schools. There may likely be massive movement of teachers and students from one school to another. There are teachers who may not want to teach in the Mission schools as well as students whose parents would remove them from the Mission schools. In the same vein, there would be parents who would want to give their children a Catholic education or teachers who would want to offer their services to mission schools. The Church- State relationship that broke down due to the nationalization of schools has come alive once more. The contribution which the Church is expected to make in order to improve these schools is the bone of contention here. Let us first see the state of affairs in the public schools.

2.1.1. Dilapidated Schools, Non-functional System, Fallen Standards

Education is the key factor of change in any given society. It is the greatest industry of any state because it produces the manpower which moves other industries forward. Education changes the destiny of nations. Integral, functional and suitable education leads to the development of local and appropriate technology which improves the life of peoples. Many countries in Africa rely solely on foreign and imported technology. They make use of foreign and imported products like automobiles and electronics which are not designed to work in their countries. This is the result of non-functional education and technological system. The education sector in Nigeria is actually stagnant. It lacks the dynamism that enhances technological development and is not geared towards discovering and improving indigenous technology which should move the economy forward. It is no longer a secret that the infrastructure in many public schools is dilapidated; the system is non-functional and that the standard of education falls continually. Even President Goodluck Ebele Jonathan openly admitted that the foundation of Nige-

ria's educational policy is obsolete.[1294] Despite the Government's alleged investment in Education, the end result is massively poor. For instance, it is reported that between 2009 and 2013, Nigeria had invested about thirty billion Euros in tertiary and secondary education alone.[1295] Every year both the federal and state governments budget huge sums of money for education and yet the decay continues. To describe the fallen standard of education in primary, secondary schools and the universities here will help us capture the true picture of the decay in our education system.

2.1.2. Primary Schools

As noted above, much money is budgeted for education in Nigeria but despite this alleged investment, infrastructure in public primary schools has not improved. Teachers' remuneration and motivation is grossly low, staff are not paid at regular intervals. In many states, basic learning materials are lacking and teachers are either not well trained or have no access to in-house or further training. It is clear that corruption is the major factor preventing the good intentions of Government to improve education in Nigeria. There are indications that the budgeted sum does not reach the designated targets and the triple effects of poverty, violence and insecurity are obvious, thanks to the abysmal failure of the education system. The assessment of the situation of things in the school system in Nigeria and education in general by the *Education*

[1294] *Emeka Mamah / Emma Ujah / Emmanuel Elebeke*, Foundation of Nigerian's Educational Policy, obsolete – FG, 19 March, 2014, at: http://www.vanguardngr.com/2014/03/foundation-nigerias-education-policy-obso
lete-fg/ (5.5.2015).

[1295] *Ibid*.

Sector Support program in Nigeria (ESSPIN)[1296] may not be far from the truth. In its 2012 year planner it remarked as follows:

> "Years of neglect have left Nigeria with poor quality public education. Many schools fail to provide even basic opportunities for learning. School buildings and facilities are inadequate. Teaching standards are low; Teachers receive inadequate training and have little motivation to improve. Management of education is weak and often ineffective, inefficient and top heavy. There is a desire for reform, but policies and plans are not implemented effectively. Financial management is opaque and capital and operating funds do not reach schools as intended."[1297]

According to research carried out by ESSPIN on Teacher Development Needs Assessment in Enugu State in 2010 to determine the professional competences of teachers in critical areas of their assignment, it was found that of 3196 Primary School teachers from across 17 LGAs, only 4 teachers representing 0.1 % scored 80 % and above; 17 teachers representing 5.6 % scored between 60-79 %; 869 teachers representing 26.8 % scored 40-59 % and 2184 representing 67.6 % scored below 40 %. This implies that more than 99 % of the teachers in the Primary Schools in Enugu State lack knowledge, skill and competence required to assist children to master their Primary School curriculum and will therefore require massive assistance and teacher development program.[1298]

That is the situation of public primary schools in most parts of Nigeria. If the evaluation shows such a pitiable picture in Enugu State which

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[1296] ESSPIN means: *Education Sector Support program in Nigeria*. It is a partnership Program between the Nigerian Government and the United Kingdom *Department for International Development* (D.F.I.D).

[1297] *ESSPIN/UKaid*, Transforming basic education, 2012 year Planner, p. 2.

[1298] *ESSPIN/UKaid*, Handout on Enugu State *Teacher Development Needs Assessment* (TDNA). Enugu 2012, p. 1.

is regarded as one of the educationally advantaged states, one would wonder how devastating the situation would be in the educationally disadvantaged states especially in areas where parents find it difficult to allow their children to go to school due to religious reasons.

2.1.3. Secondary Schools

The decay in our education system is not limited to primary schools. The secondary schools are equally affected. Admission into primary schools is often the decision of parents who register their children in schools of their choice often for religious reasons or close proximity to their home. There are often no primary schools with boarding facilities. The children walk to school from their homes or are conveyed there by their parents. When they graduate from primary school, they take an entrance examination into secondary schools. This examination is conducted by the State Ministry of Education and successful candidates receive a placement into different public schools according to government decision. Entrance to federal government colleges is conducted by the *National Examination Council* (NECO).

Corrupt practices are noticed in the placement of students into secondary schools. Some of the admissions into federal government funded schools and some exceptional state schools are often not on merit but reserved to children of the rich and powerful. A cursory look at one of the paragraphs of the government guidelines for the return of schools to voluntary agencies in Enugu State attests to this preferential treatment of the mighty. The mode of admission in this guideline reads as follows:

> "The Missions shall be responsible for the admission of students into their schools. However, the Missions will select candidates for admission into schools from the list of candidates who pass the relevant year's Ministry of Education Common Entrance Examination. … *90 % of Admission figures will go the Mission*

> *while the remaining 10% will be left for Government to take care of other interests* … (italic mine)."[1299]

Of course the *other interests* meant here are the politicians, the rich and the mighty. This is a statement depicting corruption in official quarters. The Mission may insist on merit when giving admission to students under their 90 % allocation. This may not be so in some of the public schools which are regarded as functional. The school authorities are often under pressure from politicians, the rich and the mighty to admit their students; otherwise, they could lose their jobs. Children of the poor often have access only to non-functional and rural schools. The issue of preferential treatment does not end in the admission's process. It happens also in general school discipline. The children of the rich are often regarded as *sacred cows* (untouchables) in their school. Because of this it is often difficult for the teachers to control them. This sometimes sets bad examples for children form poor parents.

Examination male-practice has become a dreadful monster in our secondary schools such that many students no longer believe they should prepare themselves well for their examinations. One often hears of *special* or *anointed* examination centers where students have the opportunity to cheat in the examination. It is often heard that some teachers help their students write their examinations especially by telling them the answers or bringing into the examination halls answers to the questions prepared by paid agents. Some students in secondary schools have become so unruly that they are prepared to attack teachers who refuse to allow cheating in the examination halls. Even though Decree 20 of 1984 stipulated a 21 year jail for offenders of examination mal-

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[1299] *Government of Enugu State of Nigeria*, Guidelines for the return of schools to voluntary agencies in Enugu State ENS/MOE/COM/241/11/385, Enugu Government Press 9 April, 1999, p. 1.

practice,[1300] the poor enforcement of this decree has made this evil to go on unabated. There are often mass failures of the final examinations resulting from examination malpractice. This causes many students to resort to private preparations for their examination. Some often end up repeating the same exams for more than three years before they eventually succeed.

Labour unrest of teachers is a regular experience in public schools. When teachers' salaries are not paid regularly and their promotions are irregular, they often resort to strike action to press home their demands. The situation slows the academic progress of students. Sometimes, schools are closed for more than six months or an academic year is wasted to the detriment of the students' academic life. When the students are not positively engaged in study, some of them use their intelligence negatively. This often results in cultic activities or drug addiction which destroys their academic and moral life.

2.1.4. Universities

Universities are meant to be Centers of research and academic pursuit. In the opinion of the Church, universities are meant to be institutes where "liberty of scientific inquiry"[1301] is pursued. As points of convergence of faith and reason,[1302] they should be Centers of excellence in the pursuit of learning; a place where human culture and language are promoted; research and inquiry into human enigmatic, problematic and sacred mysteries are studied. They are meant to be Centers that produce men and women who are outstanding in knowledge. The above targeted

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[1300] JAMB threatens to invoke 7years jail term for examination malpractice, 24 February 2013, at: http://www.channelstv.com/2012/02/24/jamb-threatens-to-invoke-7years-jail-term-for-examination-malpractice/ (5.5.2015).

[1301] Art. 10 VatII GE; *John Paul II*, ApC *Ex Corde Ecclesiae*, Art. 12; *Komonchak*, The Catholic University, pp. 40 f.

[1302] Art. 10 VatII GE.

values are integrated in the philosophy of education in Nigeria as outlined by the 1981 National policy on Education summarized as follows: "to create a free and democratic society, a just and egalitarian society; a united, strong and self-reliant nation; a great and dynamic economy and a land of bright and full opportunities."[1303] Corruption and indiscipline deal heavy blows in the academic and moral life of universities in Nigeria. This is despite the great efforts being made by government in establishing and funding state and federal universities in order to accommodate the rising number of children who desire to obtain university education. One notices some inaccuracies, decay and rot in our universities in the following areas.

2.1.4.1. Lack of Attention to the Child's Aptitude

In better organized education systems as in Austria, effort is made by both parents and teachers to identify a child's aptitude very early in life. Effort is then directed towards the development of these natural talents. One sees the wisdom of this aptitude-identification in the arrangement of the Austrian schools into *Allgemeinbildende Höhere Schule* (*Gymnasium*) and *Hauptschule*. Students who are identified as possessing talents for university education are sent to the Gymnasium where efforts are made to prepare them early enough for their future university education. The university is meant to produce academics who would be giants in the field of research. Those who have aptitudes for technical know-how are separated early enough during the college years. Efforts are then made to expose them to both theoretical and technical aspects of their future endeavour. After the college years, those of them who have the interest attend training institutes for the practical application of their chosen course, which qualifies them to be experts in this field.

[1303] Philosophy and Goals of Education in Nigeria, at: http://getguide.blogspot.co.at/2008/08/philosophy-and-goals-of-education-in.html (5.5.2015).

The 6-3-3-4 system of education introduced in Nigeria in 1982 was designed to follow this pattern. It was planned in such a way that after six years of primary education, the child gains admission into secondary school and spends the first three years being exposed to the various fields of human endeavour. The teachers, with the aid of guidance counsellors were meant to help the students identify and chose the area that suited them. A lot of technological equipment was imported and mounted in secondary schools by the government to teach a new subject called *introductory technology*. This was meant to determine the scientific and technological aptitudes of students. After the first three years, those who showed inclination to technical pursuits were meant to either switch over to technical colleges or attend further practical training in workshops to qualify them to be technicians. Corruption and lack of basic amenities made that dream a failed project. Today, most of the sets of equipment mounted in schools were stolen or allowed to rot away unused. Our educational system makes it difficult to identify the natural talents in children and place them where their aptitudes and interests lie. Most rich parents want their children to study courses that would give them easy access to lucrative positions in society such as medicine, law and engineering. Even when such students fail to pass entrance examination into universities, rich parents make every effort to buy them admission.

2.1.4.2. Quota System and Admission Racketing

Admission of students into Nigerian universities is supposed to be on merit. This explains the existence of general examination boards like the *West African Examinations Council* (W.A.E.C), *National Examination Council* (N.E.C.O) and the examination board for admission into universities known as the *Joint Admission and Matriculation Board* (J.A.M.B). The first two boards administer final tests to determine how far students were able to follow the syllabus laid down for their academic pursuit in secondary schools. The latter sets examinations to determine those who

are qualified to take up study programs in the universities. The Quota system implies that in federal universities, students are admitted not strictly based on merit. Admission is determined by where one comes from. A student from one geographical area of the country, for instance, who scored the cut-off aggregate points of 220 may not be admitted into a particular university if there are many students from his area who had the same or more points while another student from another geographical area, for instance, who scored even as low as 100 aggregate points may be given admission simply because somebody must be chosen from his or her own geopolitical area.

University admission is also given based on what is called *catchment area* that means an area where the university is located, from where it should take most of its students. If one does not come from the state where a particular university is located, he or she stands a slim chance of being admitted. Some areas are regarded as educationally-advantaged while some are known as educationally-disadvantaged-areas. That means that in areas where fewer people agree to go to school; those who show interest are to be given admission in order to encourage others. In the educationally advantaged areas, only those who score very high marks or whose parents are rich; and could buy them admission are admitted in the Universities. The quota system is not only practiced in accordance with geo-political areas of students but also in accordance with government or university *interests*. Some parents buy admission into the university for their children or wards. Children of politicians or top government officials and university professors are sometimes considered first before others. Sometimes there are also some *powerfully connected* admission agents who liaise with admissions departments of some universities and collect money from *willing buyers* who want to secure admission. Their action is often referred to as *admission racketeering*. There is also an internal examination by each university to select best candidates from those who have already passed J.A.M.B examina-

tions. Despite these rigorous processes, admissions on merit still prove to be very difficult if not impracticable. The Government's inability to stop admission racketeering in institutions makes our university system a dumping ground for uninterested and unwilling students. This breeds secret cults in the universities as well as promots crime in society. It leads to what Matthew Hassan Kukah captioned *African educational systems with surprising outcomes*. Quoting an anonymous author, Kukah said:

> "The smartest students pass with First Class and get admissions to medical and engineering schools. The Second Class students get MBAs and LLBs to manage the First Class students. The Third Class students enter politics and rule both the First and Second class students. The Failures enter the underworld of crime and control the politicians and the businesses. And, best of all, those who did not attend school become prophets and everyone follows them."[1304]

2.1.4.3. Truancy and Cultism

The failure to give admission into the universities to desiring and qualified students creates a situation whereby those admitted have but little or no interest and end up being inconsistent with their studies. Some female students engage in prostitution while in school while some of their male counterparts engage in secret cultism, armed robbery and thuggery. They are often instruments in the hands of politicians during elections. Truants find little or no time for their academic studies and are, therefore, failures. In order to secure a certificate, they often engage in examination malpractice.

[1304] *Matthew Hassan Kukah*, A New Head Gear for Ngozi Okonjo-Iweala @ 60, 13 June 2014, at: http://www.thisdaylive.com/articles/a-new-head-gear-for-ngozi-okonjo-iweala-60/180829/ (5.5.2015).

2.1.4.4. Examination Malpractice

In Nigeria, examination malpractice is often referred to as *expo*. Some students carry copies of relevant textbooks into the examination halls and with that write their answers. Some of them tear off some relevant pages of these textbooks and use them. Some of them who have links to people working in the exams and records of their university obtain the examination questions in advance, write answers to these questions and come into the halls with them. Some write relevant answers in the palms of their hands and use them to answer questions in examination halls. There are also those who establish friendship with some lousy lecturers or professors so that they are awarded unmerited marks. This act is known as 'sorting'. That means that they pay some money as determined by such a corrupt lecturer or professor for pass marks to be awarded them. Some of the female students pay their way through by having illicit relationships with some of these corrupt lecturers. This practice is endemic and unless stamped out of our universities, will continue to mess things up and bring down our academic standards.

2.1.4.5. Mismanagement of Funds

Nigerian federal universities are funded by the Federal Government while the state funds the ones established by them. The Federal Government equally intervenes in funding state universities through the Education Trust Fund and other tertiary institutions through the Tertiary Education Trust Fund.[1305] Despite this funding, one scarcely sees a transformation in terms of infrastructural development. Sometimes basic laboratory equipment is lacking in the medical schools even when they have been budgeted for by government. The maintenance of established facilities is another big problem besieging our education system. Many

[1305] Tertiary Education Trust Fund, 1 September, 2014, at: http://www.dailytrust.com.ng/daily/editorial/33158-accessing-funds-for-higher-education (5.5.2015).

Nigerians lack the culture of maintenance of what they have. Structures built for the convenience of students and workers in universities quickly deteriorate due to lack of maintenance. The salvaging of our system demands the co-operation of both government and citizens. The Church will have to make her own contribution. This is why we are demanding Christian education. It is only Christian education where morality and discipline are taught that can raise up students who combine their academic pursuit with discipline. In the midst of these problems and dilapidation, the Government of Nigeria seeks a solution; a help.

2.2. ESSPIN Offers a Help

What is ESSPIN? This is an abbreviation for Education Sector Support Program in Nigeria. To quote its organizational profile: ESSPIN is one of a set of *State Level Program* (SLP) funded by the United Kingdom (UK) *Department for International Development* (DFID) which work on governance; accountability and the delivery of health and education services. ESSPIN supports federal and state authorities as they work to both reform the governance and to improve the quality of education that children receive.[1306]

ESSPIN is a six year (2008-2014) partnership program between the Nigerian Government and DFID in selected states of Nigeria: Enugu, Jigawa, Kaduna, Kano, Kwara and Lagos. This partnership is one of the efforts of the present civilian Administration to improve education. They focus on supporting government education policies in the areas of effective planning, financing and delivery systems aimed at improving the quality of basic education. These supports are found on multiple fronts; helping the federal and state Governments develop suitable laws and policies on education as well as helping them develop and monitor

[1306] ESSPIN Organizational Profile, in: ESSPIN Express. Abuja 2012, p. 1.

budgets on education.[1307] They work with the Federal *Universal Basic Education Commission* (U.B.E.C), an organ of the Federal Ministry of Education as well as with local communities to help them understand their rights in demanding basic education for their children as well as demand accountability on the part of those responsible for the provision of education especially the Government and teachers.[1308] This they do through the establishment and promotion of the *School Based Management Committees* (SBMC). They train these committees across the country to help train parents and the various communities in the management of schools. With the integrated-plan approach, ESSPIN helps states to monitor the integrated school development plan through an annual census, school inspection, evaluation and human resource management. They equally help the *State Universal Basic Education Commission* (SUBEB) to mobilize additional funds both from federal as well as other donor agencies.[1309]

It is ESSPIN's conviction that for an integrated approach to education to be achieved, changes must occur in the educational system as a whole: management, teachers' skill, school infrastructure like water, toilets, classrooms; provision of learning materials, funding and in the socio-cultural attitudes of parents and communities.[1310] Led by a team of some educational professionals, ESSPIN organizes seminars, workshops and *in-school support and follow-up* for head teachers and their staff, aimed at improving their teaching skills. Through the SBMC, they help parents as well as communities to understand their roles in the education of their children through participation in school management, contributing their quota in school improvement and letting their voices be heard. Through inclusive education, they addressed the needs of children

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[1307] *Ibid.*

[1308] See *Ibid*. cover page.

[1309] See *Ibid*, p. 3.

[1310] ESSPIN Briefing Notes. Abuja 2012, p.1.

who are discriminated against like children with health challenges, disabilities and HIV.[1311]

ESSPIN is also working in partnership with mission schools. Through *Challenge Funds*, they offer scholarships to indigent children to study in the schools of their choice. They collaborate with education departments of mission agencies, private school boards, agency for mass literacy, federal inspectorate services and SUBEB in school inspection. They help these bodies to provide a *holistic, dynamic, vibrant, impartial and objective* inspection of schools, thus making inspection not to be just a "negative critic and policing activity"[1312] but an evaluation aimed at providing improvement on education in general. With the help of a State *School Improvement Team* (SSIT), ESSPIN is providing in-house-training and professional development for class teachers, head-teachers and education officials in selected public and mission schools in the selected states. They are trained as *Master-trainers* who would in turn train others. Through the *Integrated School Development Planning* (ISDP), ESSPIN engages in effective planning and trains the State Education Management Information System in providing Data for effective Education Planning.[1313] They help in the planning, research and statistic development and help federal, state and local government areas to make their financial system more transparent in order to improve funding of schools.[1314] The above are among the good works which ESSPIN is carrying out in six selected states of Nigeria. A lot of success is already recorded and it is expected that these success stories would be extended to all the states of Nigeria in the near future.

[1311] *Ibid*., p. 4.

[1312] *Ibid*., p. 5.

[1313] ESSPIN, Partnership for the Transformation of Basic Education in Enugu State. Enugu 2012, p. 2.

[1314] ESSPIN, Transforming Basic Education. Abuja 2012, pp. 6 f.

One may then ask why the Mission and Vocational Agencies are interested in taking back their schools if the Government has such good plans to revamp the existing dilapidated education system. We may proffer three answers. First, just like parents and the State, the Church has its divine call to educate and the school Apostolate is one of the means of exercising her teaching office. It was in view of this that she built her own schools that were forcibly taken away from her by the Military Administration in 1970. Secondly, education as a profound and complicated venture should not be left in the hands of one stake-holder (the State) to develop. Thirdly, one may note that since the introduction of western education in Nigeria, the education system has experienced an avalanche of instability. Sometimes poor policies are brought in without reference to their workability in the country and other times, there are good plans and policies with poor implementation. No one is sure that the innovations being made by ESSPIN will be any more successful than other good ideas in the past. The Church's managerial ability and achievement in many areas of life are tested and proven by her long history of existence. Therefore, Since the Church has been given an opportunity to take back her schools and improve the system; she accepts this challenge with joy. There are, however, many functional private schools but these are elitist institutions. Only the rich and powerful send their children to them. The Church is ready to work with the state. Her input is inevitable. This is why she demands that the State hands back to her all her schools.

3. The Church Demands a Hand-Over

The Government did not dialogue with the missions before they took over their properties. Since the state forcefully took-over mission schools, the Bishops and other Voluntary Agencies in the affected areas have continually petitioned the state to return the schools. Their request is prompted by the pastoral duty which they owe the Church by their

sacred ordination as well as their duty to contribute to moral sanity in Nigerian society through the advancement of Catholic education. Series of letters were written by Church leaders to various governments in Eastern Nigeria to demand that their schools be returned to her.[1315] "The Catholic Church refused and never accepted any compensation from the government for her schools taken over."[1316] Her position was clear: either the state returned or maintained the schools. Since the government's decision to return the schools, there had been objections from some quarters.

3.1. Hand-Over of Schools: Objections

The initial intention of the Enugu State Government to hand-back the schools previously owned by the Voluntary Agencies was met with some protests and misgivings from some quarters. The major groups that questioned the Government's initial intention were the *Nigerian Union of Teacher* (N.U.T), the *All Nigerian Conference of Principals of Secondary Schools* (A.N.C.O.P.S) and a group that identified itself as representatives of grieved parents. In 1999, the State Government set up a technical Committee to discuss the modalities for the hand-over. The above three groups were unanimous in their insistence that if the state Government returned the schools, the special science and community

[1315] Some of the recent letters of request include: Memo by *C. Nwizu* and *A. Anijielo* on behalf of the Catholic Diocese of Enugu and the Anglican Communion, Enugu Diocese, 16 November, 1998; Obiora Ike to the Commissioner of Education, Enugu State, 13 May, 2004; Request by Bishops *Anthony O. Gbuji*, *F. Okobo* and *J. Okoye*, to the Governor, Enugu State, 19 September, 2008; *Obiora Ike* to Governor *Peter Obi*, on the complete return of mission schools, 21 April, 2009; Request by Bishops *Anthony Gbuji*, *F. Okobo* and *J. Okoye*, for the complete return of mission schools, 30 June, 2009 and Msgr. *Obiora Ike* to the Attorney General, Enugu State, 30 June, 2009.

[1316] *Obiora Ike*, Letter to the Commissioner of Education, Enugu State on the state hand-over of mission schools, 13 May, 2004. Enugu 2004, p. 1.

secondary schools should not be included in the scheme. The fear of the N.U.T was basically economic in nature. They were afraid that the voluntary agencies would delay their salaries and promotions and not be able to pay their pensions and gratuity. Added to this, they feared high-handedness on the part of the Missions, who, in a bid to maintain excellence, might limit their freedom; especially their freedom of association. Their opinion was that the missions may fail to allow the teachers who teach in their schools to engage in trade unionism and strike actions.[1317]

All Nigerian Conference of Principals of Secondary Schools (A.N.C.O.P.S)[1318] argued that the state had no right in the first place, to hand-over schools since it was a Federal Decree that caused their seizure and federal supersede state laws. There were some aggrieved parents who would not want to send their children to voluntary agency schools. In union with the N.U.T and A.N.C.O.P.S, they feared that their children might lose their religious freedom in mission schools through indoctrination. These opponents of state hand-over of mission schools believed that if mission schools do not receive financial aid from the state, their schools would end-up being elitist in nature like some other private schools, that is, schools meant for the rich alone. According to them the chances of the state to comply with the Mass Literacy Program of the Federal Government, as stipulated in the 1981 New National Policy of Education would be limited. Following this thought, when the State owns more schools, more children would have the chance to be educated and this would be the meaning of Mass Literacy. Their view none-the-

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[1317] *Regina Emehelu*, Memo presented by the *Post-Primary Schools Management Board* (P.P.M.S) to the Technical Committee on the Modalities for the hand-over of schools to the Voluntary Agencies in Enugu State, Enugu, Unpubl. Notes, 10 August, 1999, p. 2.

[1318] *M. E. Odo*, Memo presented by the All Nigerian Conference of Principals of Secondary Schools, Enugu State Chapter to the Technical Committee on Hand-over of some Secondary Schools to Voluntary Agencies in Enugu State, Enugu Unpubl. Notes 10 August, 1999, pp.1 f.

less was that if schools are handed over, the Voluntary Agencies should be on their own in matters of finance. The State Government should not use tax-payers money to support Private schools.[1319]

One very interesting fact is that the opponents of the hand-over of schools were unanimous in their positive remark that the students were the ones who stand to gain in the long run if the schools were handed-over. This is because the curriculum of learning would become fully implemented. There would be a positive moral impact on students and an increased dedication to duty by teachers and better general discipline in schools. The Technical Committee set up by the Enugu State Government produced 18 *Terms of Reference* (T.O.R) which aided them in their deliberation. Among other things they were to determine the number of schools to be handed over, establish if government should in future take over the school in the case of failure by the Voluntary Agencies to manage them properly as well as consider the opinion of those opposed to the hand-over.[1320] Various groups presented Memos which were read and discussed. The end result was the production of the Guidelines for the return of schools to the Voluntary Agencies in Enugu State on 9 April, 1999[1321] which was signed by both the Enugu State Commissioner of Education and the Catholic and Anglican Bishops of Enugu and Nsukka Dioceses. This Guideline served as a Memorandum of Understanding between the State and the Church in the area of education and was followed by the signing of the deliberation into law which

[1319] *Ethel Nebo-Ezeabasili*, Memo by representatives of parents to the Technical Committee on the Modalities for the handover of mission schools. Enugu, 14 April, 1999, p. 2.

[1320] Terms of Reference, Technical Committee on the hand-over of schools to t he voluntary agencies, Enugu, 13 February, 1999.

[1321] ENS/MOE/COM/241/!!/385, 9 April, 1999.

appeared in the transfer act, cap. 141 of the Law of Enugu State of Nigeria.[1322]

3.2. Hand-Over of Schools: Answer to Objections

Dissenting voices are often necessary for an objective planning and execution of any veritable project because it gives room for a critical analysis of the pros and cons of the project before inception. Pope Francis in his Apostolic Exhortation *Evangelii Gaudium* urged leaders to listen to dissenting voices and not just to those who would tell them what they would like to hear.[1323] The wisdom of the Enugu State Government in convoking the meeting of the various stakeholders in Education and giving them the opportunity through the presentation of their various memos to voice their opinion was laudable. The initial objection of the N.U.T and the A.N.C.O.P.S that the state had no powers to reverse a decree promulgated by the Federal Government was ruled out by a reference made by the State Commissioner for Education to an existing State Education Law of 1989 under Col. Akonobi which gave the State Government powers to transfer schools to Voluntary Agencies.[1324] To the objection regarding highhandedness and victimization of teachers by the missions, one would say, appears as if we are living in a lawless society where one can act the way one likes. If we believe that we are living in a lawful society where the rule of law is operational, then there should be no fears of victimization since everyone has recourse to litigation through legal institutions. The National Industrial Court of Nigeria for instance has the jurisdiction to entertain cases relating to civil matters and those connected with labour, employment, trade unions, indus-

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[1322] School Transfer Law, Cap. 123; Gazette n. 6, Vol. 9, 1999, ISSN 1116-2031.

[1323] *Francis*, ApE *Evangelii gaudium*, Art. 31.

[1324] *Ministry of Education Enugu State*, Minutes of the Meeting on Guidelines on the Handing over of Schools to the Missions Enugu, 14 April, 1999, p. 2.

trial relations and matters arising from the workplace, the conditions of service, health, safety, and welfare of labour, employee and such matters connected to labour.[1325] It is in the statutory jurisdiction of the N.U.T as a trade union to fight for the rights of its members working in the Mission schools in cases of abuse of their fundamental human rights through victimization and highhandedness on the part of their employers.

With regard to religious freedom, the Government has taken to itself the responsibility of setting up guidelines for school management in the state. If the Government lives up to its responsibilities, it cannot allow this abuse to creep in. In Catholic schools for instance, students of other denominations or faiths are allowed to practice their faith within the Catholic school premises. This respects the warning of Congregation for Catholic Education stressed that, "in Catholic schools, as everywhere else, the religious freedom of non-Catholic pupils must be respected".[1326] There should be no reasons why Protestants should not be allowed to have their place of worship in a Catholic school or why Catholic students in an Anglican school may not be allowed to have a Catholic chaplain. Religious freedom is enshrined in the Nigerian Constitution.[1327] The 1999 Constitution is very specific in relation to forcing a pupil or student to imbibe religious instruction other than his or her own. It states thus: "No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction ceremony or observance relates to a religion other than his own, or religion not approved by his parent or guardian".[1328] The parent, therefore, have the right to ensure that their children receive religious instruction in accord-

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[1325] Jurisdiction of the National Industrial Court of Nigeria, at: http://nicn.gov.ng/jurisdiction.php (5.5.2015).

[1326] *C InstCath*, LC on Religious Education in schools, May 5, 2009, cap. III, n. 16.

[1327] Constitution of the Federal Republic of Nigeria (1999), Art. 38 § 1.

[1328] *Ibid*., Art. 38 § 2.

ance with their own faith. The 1983 Code of Canon Law lays a grave obligation on Catholic parents to strive by all means within their power to send their children to those schools which will provide for their Catholic education and when this is not possible, they are to use other means to give them catholic education (c. 798 CIC/1983).

However, it must be noted that lack of competence, laxity and general lack of discipline among many teachers in the country have rendered the greater percentage of our primary and secondary schools non-functional. Some teachers, in addition to their teaching role, have other business interests. They often carry on these business activities in order to provide for their families, given their often mega-salaries. To a greater extent, this is due to low remuneration and motivation. Some are registered teachers in certain schools but have shops to which they simultaneously attend. Some others have double employment in different places. Such teachers may come to school early, register their presence and after a while, abandon their pupils or students for their second place of work. Some others would come in some three or four hours after lessons have begun. They would normally register a false arrival time in the attendance register to avoid being detected by supervisors if they came. Other teachers live far away from their work place and come to school once or twice a week leaving the pupils or students to play around the school or simply abandon their studies. Previously when voluntary agencies were in control, most teachers lived in *teachers' quarters* which were located in schools. Posting of teachers was determined by proximity to their work place. Today, the State could post a teacher to a school where he or she must travel five hours from where he or she resides. If traveling to school is difficult, then school attendance becomes sporadic. The system suffers from this neglect of the welfare of teachers and general lack of discipline and control. Now that the 448 primary schools and 18 secondary schools are being handed over to the Catholic Church in Enugu State alone, what would the Church do to

better the standard of education here? Given the above situation the State decided to hand over schools to the voluntary agencies through the transfer act.

3.3. The Transfer Act

The State take-over happened basically in Southern Nigeria especially in the South-east where the Missionaries established and successfully ran their private schools. It did not happen in Northern Nigeria.[1329] By the early 1970s, the majority of the primary and secondary schools were being run by the missionaries. As a testimony of this statement, the 1988 primary schools Directory of the old Anambra state showed that out of the 348 primary schools in Udi, Ezeagu, Nkanu and Enugu Local Government Areas which constitute the present Enugu Diocese, 64 were Anglican, 45 Methodist, 182 Catholic, 34 State while 23 belong to other private owners.[1330] Of the one hundred and sixty eight thousand, three hundred and eighty three pupils enrolled in these primary schools, seventy thousand, four hundred and thirty four were enrolled in primary schools previously owned and controlled by the Catholic Church.[1331] One could see the reason why the Catholic Church is determined to have her schools back.

Year	Number of Primary Schools	Original Owner
1988	64	C.M.S
	45	Methodist

[1329] *Anthony O. Gbuji / Francis O. Okobo / John I. Okoye*, Memo to Sullivan Iheanacho Chime, on the complete return of Catholic Mission primary and secondary schools in Enugu State located within Catholic Church Premises, Enugu, Unpubl. Notes. 19 September, 2008, p. 3.

[1330] *Ministry of Education – Anambra State*, Primary Schools Directory. Enugu 1988, p. 1.

[1331] *Ibid.*

	182	Catholic
	34	State
	23	Others

The Table shows the 1988 distribution of ownership of primary schools in Udi, Ezeagu, Nkanu and Enugu Local Government Areas (LG. that constitution the present Enugu Diocese). Culled from the Anambra State Ministry of Education, Enugu 1988.

The first hand-over of the Mission schools was done in 1983 by Chief Jim Nwobodo, then Executive Governor of Anambra state. He returned four secondary schools: St Charles Training College, Onitsha, Holy Rosary College, Enugu, St Monica's College, Ogbunike and St Cyprian's Training College, Nsukka to their rightful owners.[1332]

Name of School	**City situated**	**Original owners**
St. Charles Training College	Onitsha, Anambra State	Catholic
Holy Rosary Teacher's T. College	Enugu	Catholic
St Monica's Teacher's T. College	Ogbunike, Anambra State	Catholic
St. Cyprian's Teacher's T. College	Nsukka	Anglican

[1332] Law of Anambra State of Nigeria, School Transfer Law, Cap. 123; Gazette No 19, 1999, Vol. 8, ISSN 0331-1899, 15 Sept. 1983, in: Memo by the Bishops of Awgu, Enugu and Nsukka, p. 4.

Table showing schools handed over to the Mission owners by the Jim Nwobodo Administration in 1983.[1333]

Name of School	**Town**	**Original Owner**
College of Immaculate Conception, C.I.C	Enugu	Catholic
Queen of the Holy Rosary College, Q.R.C	Nsukka	Catholic
Rosary High School	Awgu	Catholic
St. Paul's College	Eke	Catholic
St.Theresa's College	Nsukka	Catholic
Girls' Sec. School	Awkunanaw, Enugu	Anglican
Nsukka High School	Nsukka	Anglican
Union Sec.Schoos Girls Sec School,	Awkunanaw Ngwo	Anglican Anglican

In 1999, Captain Benson Adewnmi Agbaje, then Military Administrator of Enugu State handed over another batch of five secondary schools to the Catholic Church and four to the Anglican Church as shown in the chart above.[1334]

A further hand-over was made to the Catholic Church in Enugu state on 1 September, 2009 by the Sullivan Chime led civilian administration. This act which reflected the previous transfers returned a total of 18 Secondary schools previously established and ran by the Catholic

[1333] Schools handed over by the Benson Adewnmi Agbaje Adminisration in 1999, in: Enugu State of Nigeria. Extraordinary Gazette, n. 6, Vol. 9, 12 July, 1999.

[1334] *Enugu State Government*, Edict 123, Transfer of Schools to Voluntary Agencies order. Enugu 1999.

Church. Five of these secondary schools are situated in Awgu Education zone which corresponds to what is today known as Awgu Diocese. Four of them are situated in the Enugu Education zone and five in the Udi Education zone, all in the present Enugu Diocese. Three of the returned schools are situated in Nsukka Education zone and one in Obollo-Afor Education zone all in the present Nsukka Diocese. From this analysis, Enugu Diocese received a total of nine secondary schools, with Nsukka receiving four and Awgu five.[1335]

Year Handed over	Name of School	Owner
2009	Teacher's Training College, Ihe	Awgu Diocese
2009	St. Vincent's Sec. Sch. Agbogugu	Awgu Diocese
2009	Corpus Christi College, Achi	Awgu Diocese
2009	Awgu County Sec. Sch, Newe	Awgu Diocese
1999	Rosary High School, Awgu	Awgu Diocese
2009	St Patrick's College, Emene	Enugu Diocese
2009	St. Joseph Teachers' Training College, Emene	Enugu Diocese
1999	College of Immaculate Conception, C.I.C, Enugu	Enugu Diocese
1983	Holy Rosary College, Enugu	Enugu Diocese
2009	St. Theresa's College, Abor	Enugu Dio-

[1335] *Enugu State Government*, School Transfer Law, Cap. 141, Transfer of schools to Voluntary Agencies Order. Enugu 2009, p. 1.

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2009	Fatima High School, Aguobu Owa	Enugu Diocese
2009	Ezeagu Secondary School, Isiugwu, Umana	Enugu Diocese
2009	Sedes Sapientia Girls Secondary School, Oghe	Enugu Diocese
1999	St. Paul's College, Eke	Enugu Diocese
2009	Teachers' Training College, Aku	Nsukka Diocese
1999	St. Theresa's College, Nsukka	Nsukka Diocese
1999	Queen of the Rosary College, Nsukka	Nsukka Diocese
2009	St. Patrick's College, Obollo-Eke	Nsukka Diocese

The Table shows the complete hand-over of the Mission Secondary Schools to the three Catholic Dioceses existing in Enugu State. Culled from: Transfer of Schools to Voluntary Agencies, Enugu State, Order. C.I.D.J.A.P Archives, Enugu1 September, 2009.

The Catholic Church in Awgu, Enugu and Nsukka Dioceses not only requested the return of their secondary schools, they also demanded the return of their primary schools.[1336] In 2009, Governor Sullivan Chime approved the return of 159 primary schools and 12 secondary schools

[1336] Memo by the Bishops of Awgu, Enugu and Nsukka Dioceses, p.10.

belonging to the dioceses of Awgu, Enugu and Nsukka.[1337] This was to be followed by the return of another 289 (128 for Nsukka, 45 for Awgu and 116 for Enugu diocese) in August 2009. So, consequent upon their requests, the Government of Enugu State under Barrister Sullivan Chime finally and returned the entire number of primary and secondary schools owned by the Catholic Church.[1338] The total number of 448 primary and 18 secondary schools was returned to the three dioceses of Awgu, Enugu and Nsukka by the Enugu Government under Sullivan Chime.

3.4. Church-State Agreement on School Management

Throughout this dissertation, we have noted that the three basic stakeholders and co-operators in the education industry include parents, the Church and the State. Parents have a natural right to educate their children which no one can take this away from them. The Church has a divine vocation and obligation to educate and it is the essence of the state to provide for the security and social welfare of its citizens. This social welfare includes education. Any usurpation of the rights of the other stakeholders in education by one of the stakeholders would be tantamount to a violation of their human and divine rights. By the hand-over of mission schools the state Government acknowledges the fact that she is just one of the stakeholders in the education industry and cannot do it all alone.

By the establishment of the *transfer law CAP 141 laws of Enugu State, 2004* and the *Transfer of schools to voluntary agencies order of 1999*, the Catholic Church and the Enugu State Government agreed that the transfer and take-over of the schools would involve the control,

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[1337] *Enugu State Government*, Official Gazette, GHS/26/XIX/322, ISSN 1116 2031. Enugu 5 February, 2009.

[1338] GHS/22/XXV/123A.

management and proprietorship of the returned schools by the Catholic Church.[1339] We hope and assume that this hand-over would not imply that the state has washed its hands off her responsibility to educate her citizens.[1340] We interpret it to mean a hand outstretched to find help and co-operation. By this gesture of cooperation the Government encourages parents to choose the best schools for their children. The existence of public and private schools offers parents variety of choice for the education of their children. The family is the basic unit and indeed the foundation of the larger society. When the foundation is weakly laid, then the whole structure will be shaky. By this co-operation, parents would be encouraged to lay strong foundation for their children in sound moral training in the family. This hand-over makes for a healthy competition between the various stake-holders in education. The state by this act proves that she is herself democratic. Each education provider can now make concerted effort to provide the best of services to attract parents who would be looking for the best opportunity for their children. It would also mean that these parents would not be punished for making any particular choice of where to train their children. They would not be made to pay more to educate their children. If the Government declares that education is free only in the public schools, while the private schools are not supported to lessen the cost of management of their school, the burden would naturally fall on parents whose children are being educated there. If the Government utilizes the tax-payers money to provide free education, this should benefit both those in public as well as in private schools. If one argues that the public schools are free and therefore parents should send their children there, this would amount to compulsion and limitation of the freedom of parents which they possess

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[1339] *Enugu State of Nigeria*, Official Gazette, ISSN 1116-297X, No. 6, vol. 9, 1999.

[1340] *Callistus Valentine Chukwuma Onaga*, Third Synod of the Catholic Diocese of Enugu. Lineamenta (Guidelines). Enugu 2013, p. 25.

by natural right. Cooperation between the various stakeholders in education means that the Government would assist parents in whichever way they deem best to bring up their children who are as well citizens of the state.

The Church is considered as the conscience of society. She has all it needs to form the conscience of its individuals. If through Christian education the Church applies well the teaching she received from her Lord who is the eternal teacher, she would awaken in the people the desire to be good citizens. This is why her teaching office and position is not to be neglected. The Church has a wealth of experience built up over the years. Her experiences have helped many nations to develop solid education systems. Enugu State can equally benefit from this wealth of experience by working with the Church as partners in the education industry. This is why the partnership between Church and State begun by this new agreement is expected to yield good results. This partnership takes the forms of control and supervision through policy directives, employment of staff and funding.

3.5. Problems Posed by State Funding and Staff Employment in Catholic Schools

There are challenges being posed by this Church-state agreement on school transfer. These lie on funding and staff employment. According to the third schedule of the guidelines for the transfer of schools to the voluntary agencies, paragraphs four to seven, the State has agreed to fund and pay salaries of primary school teachers in perpetuity but salaries of secondary school teachers and maintenance of these schools will last only for five years, that means from 2009 until 2014, after which the Church is expected to take up full financial responsibility for its schools.[1341] This is a point of difficulty. The Church in Enugu cries out

[1341] School Transfer Law, (CAP. 141), Laws of Enugu State of Nigeria 2004, §§ 4-7.

for justice. Her schools should be maintained with public funds because catholic parents and the parents whose children are in catholic schools are tax payers. Pupils and students in catholic schools are also citizens of the state who should benefit from the free education declared by the Federal Government. It should not appear as if the State is giving a privilege to the Church and the parents whose children are in catholic schools. These parents and their children should have the right which others enjoy. The State has allowed the voluntary agencies to charge and collect tuition and other fees in post-primary schools after the expiration of five years of the agreement without control from the State. This means that the State will abandon the full financial burden on the Church in her schools at the end of the five years. The full implication will be that these schools will likely become elitist schools contrary to its mission to proclaim the gospel to the poor. If the State will be true to its responsibility of providing security to all its citizens, this problem will not arise.

The other argument is that costly private schools and failing public schools provide no good alternatives to parents. If these parents are forced against their will to choose failing public schools due to cost, it is an injustice against their natural right to make a free choice of where and how to train their children. This argument has been running through this dissertation. All schools should be funded by the State and the management left to the owners of these schools. In this way, parents will be faced with the best choice for their children. It will also encourage positive competition among all schools. The end result will be excellence in the school system. The employment of extra staff in Catholic schools will always be necessary. This necessitates collecting schools fees by these schools as Regina Steinbiller reported is the case in Austria.[1342] But with state funding or Grants-in Aid the Church will be able to meet up with her responsibility and build up excellence in catholic schools.

[1342] *Steinbiller*, Zur ökonomischen Situation, p. 444.

3.6. Control and Supervision

The guidelines established by the state for the return of schools imply that it is the duty of the state to enunciate policy directives. This means it has the responsibility to direct all forms of education. Policy directives fall within the realm of philosophy. Therefore the state defines the philosophy of education. The objectives and goal of education, the learning methods, the duration and target of education fall within the realm of policy directives. The national objectives of education in Nigeria include establishing: "a free and democratic society, a just and egalitarian society, a united, strong and self reliant nation, a great and dynamic economy and a land of bright and full opportunity for all citizens."[1343]

The state ensures a uniform standard of education in both public and private schools. By guiding the Policy of education, the state regulates the relationship between it and the private schools. By this policy, the approval and withdrawal of the right to establish schools would lie in the hands of the state. The establishment of the curriculum of education to be used in schools is also under the control of the state. The supervision of schools to ensure that the standards set by the state are maintained would also be the onus of the state.

3.7. Admission of Pupils/Students

Paragraph 3 and 4 of the Guidelines for the return of schools dealt with the mode of admission of pupils and students as well as the employment of teachers. On the admission of pupils and students into mission schools, the Guideline mentioned three very important points. In

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[1343] *National objectives of education in Nigeria,* in: Memo of the Bishops of Awgu, Enugu and Nsukka dioceses on the hand-over of mission schools, 19 September, 2008, p. 6; see also: *Federal Government of Nigeria,* National Policy on education in Nigeria, in: International Journal of Educational Research and Review 1/1 (2004), pp. 6-13.

the first place, voluntary agencies shall be responsible for the admission of students into their schools. However admissions would follow the standard set by the state. For admission into primary schools, there is, of course, no written examination. It is the parents' choice that determines where their children would be registered for schooling. The Private schools could be filled to capacity. However the state determines how many pupils per class and how many streams of classes are to be contained in each form. Admission into secondary schools is more complicated. In the past, the State Ministry of Education usually held a Common Entrance Examination into Secondary Schools in the state. By the recent Guidelines, the state gave voluntary agencies the right to admit students into their schools. However it stated that these new candidates for admission are to be taken from the list of candidates who pass the relevant year's Ministry of Education Common Entrance Examination. The agencies must also not discriminate against students for admission on grounds of religion, ethnicity or class distinction. It maintained that ninety percent of the candidates for admission could be selected by the Mission School Administrations themselves but ten percent would be left for Government to take care of other interests.[1344] The danger still lies here in the fact that given the high standard which the Missions would like to maintain, admission into their schools is always very competitive. Sometimes non-average students fail to secure admission. That sometime implies that many good Catholics who desire Catholic education for their children lose the chance of having them in Catholic schools. Some are constrained by financial means. They are left with the option of public schools. This is why our consideration of imparting Catholic education in the diocese must include the public schools. As we aspire to make our Catholic private schools excellent Centers of learning, we must also focus on the public schools as well as non-Catholic private schools. One finds a greater majority of Catholic pupils and

[1344] Enugu State Official Gazette, GHS/26/XIX/322, 5 February, 2009.

students in these schools. We must think of a new beginning. This calls for the laying of a new foundation. This is our topic in section three.

4. Laying new Foundation: What the Church is Currently Doing to Establish a New Foundation

The Diocese of Enugu has two approaches to a fresh beginning in the challenges before her. In the first place, she organizes a synod on the theme of Christian education. The Bishop of Enugu, Callistus Valentine Chukwuma Onaga has deemed it necessary to summon experts in different fields of education in line with c. 60 CIC/1983, to advise him on how to face the challenges posed by the return of schools to the Diocese. The second effort which the Diocese is making to establish a new foundation is to formulate a new mission philosophy. We shall deal with these two-pronged efforts of the Diocese in this section. First is the Diocesan synod.

4.1. Enugu Diocesan Synod on Christian Education

4.1.1. Introduction

The Bishop is the visible principle and Center of unity in his diocese; motivating and encouraging communion.[1345] As a teacher of doctrine and minister of governance (c. 375 § 1 CIC/1983); and the sole legislator of his diocese (c. 391 § 2 CIC/1983),[1346] he has the grave task of personally making laws for his diocese. This grave responsibility placed upon the Bishop by the law calls for great discretion and demands wisdom. It is with regard to this that the Bishop often needs advice and makes much consultation with experts in different fields and from his

[1345] *C Ep*, Directory *Apostolorum Successores*, nn. 8 and 66.
[1346] *Ibid*., n. 67.

immediate cooperators in the ministry (c. 519 CIC/1983).[1347] Heribert Schmitz holds that the Bishop is not alone in the leadership of the local Church put at his charge.[1348] There are many organs open for him for consultation and advice. Among these organs available to the diocesan Bishop[1349] is the diocesan synod. It is one of the internal organs for the administration of a diocese. The Decree on the Pastoral Office of Bishops in the Church, *Christus Dominus,* suggested Diocesan as well as ecumenical synods to help Bishops in their administration of their Dioceses.[1350] Synods are equally not new in the history and life of the Church. The Council of Jerusalem is not a Synod in the real technical sense as we have it today but could be considered as Synod because it was the gathering of the early Church Community with the Apostles and as Wilhelm Rees noted, they gathered "to take a decision for the entire Church".[1351] Since we are not dealing with the history of diocesan Synods here, suffice it to agree with Lüdicke that the origin of diocesan Synods goes to the Council of Trent (Session XXVI de ref. c. 2).[1352] But

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[1347] Art. 7 VatII PO.

[1348] *Heribert Schmitz*, Die Konsultationsorgane des Diözesanbischofs, in: HdbKathKR^2, pp. 447-463.

[1349] Other organs of consultation open to the Diocesan Bishop include the Diocesan Curia (cc. 469-474 CIC/1983); Finance Council, (cc. 492-494 CIC/1983), College of Consultors (cc. 495-502 CIC/1983). See also Art. 27 VatII CD and Art. 7 VatII PO. But these organs are clerical and do not represent the *communio* of Vatican II as does the Diocesan Synod and the Pastoral Council.

[1350] Art. 36b VatII CD.

[1351] *Wilhelm Rees*, Synoden und Konzile. Geschichtliche Entwicklung und Rechtsbestimmungen in den kirchlichen Gesetzbüchern von 1917 und von 1983, in: *ders. / Joachim Schmiedl* (Hg.), Unverbindliche Beratung oder kollegiale Steuerung? Kirchenrechtliche Überlegungen zu synodalen Vorgängen (Europas Synoden nach dem Zweiten Vatikanischen Konzil 2). Freiburg im Breisgau / Basel / Wien 2014, pp. 10-67, here p. 33.

[1352] *Klaus Lüdicke*, Einf. vor c. 460/1, Rn. 1, in. MK CIC (Stand: November 1996).

it was the codification of the 1917 Code that gave diocesan Synods its peculiar character as universal instrument for the leadership of a diocese.[1353] Consultation, advising and decision taking are important words with regard to synods in general. While various groups are consulted for advice, only the Bishop has the burden or decision making. This is why Joachim Schmiedl reminds us that Synods whether they are ecumenical or diocesan are understood as consultative and not decision making organ.[1354] It is in this sense that Georg Holkenbrink called a Diocesan Synod *an adventure.*[1355]

In this section, we want to discuss how some of the Bishops who have governed the Diocese of Enugu made use of diocesan synods in planning and organizing this diocese and how these have helped in the evangelization-program of the Diocese. Since Enugu Diocese was created in 1962, it is clear that all the three synods were "post-Second Vatican Council" synods. In this sense, the *communio* image of this Council has always played out. Stefan Voges holds that this *communio* explains *the people of God*[1356] theology of the Second Vatican council. They

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[1353] *Ibid*.

[1354] *Joachim Schmiedl*, Vorwort, in: *Wilhelm Rees / ders.* (Hg.), Unverbindliche Beratung oder kollegiale Steuerung? Kirchenrechtliche Überlegungen zu synodalen Vorgängen (Europas Synoden nach dem Zweiten Vatikanischen Konzil 2). Freiburg im Breisgau / Basel / Wien 2014, pp. 7-9. He said: „Sowohl die neu eingeführte Bischofssynode als auch Diözesansynoden werden weithin als Beratungs- und nicht als Entscheidungsorgane verstanden."

[1355] *Georg Holkenbrink*, Das Wagnis einer Diözesansynode, Anmerkungen in der Zeit der Vorbereitung der Synode im Bistum Trier im Jahre 2013, in: *Wilhelm Rees* / *Joachim Schmiedl* (Hg.), Unverbindliche Beratung oder kollegiale Steuerung? Kirchenrechtliche Überlegungen zu synodalen Vorgängen (Europas Synoden nach dem Zweiten Vatikanischen Konzil 2). Freiburg im Breisgau / Basel / Wien 2014, pp. 296-310.

[1356] *Stefan Voges*, Die Gemeinsame Synode der Bistümer in der Bundesrepublik Deutschland, Anlass zur Einberufung des Synode und Kirchenrechtlicher Status, in: *Joachim Schmiedl*, Nationalsynoden nach dem Zweiten Vatikanischen Kon-

were not a collection of clergymen as was the case of some Synods held before the Second Vatican Council.[1357] They were a coming together of the people of God. Among the synods held in the diocese, the last one treated the topic of Christian education and is, therefore, very much connected to our dissertation. First of all, we want to discuss the nature of diocesan synods in general.

4.1.2. Nature of Diocesan Synods

Etymologically, the word *synod* comes from the Greek σύν-οδος meaning a *way together.*[1358] If we make an ecclesiastical usage of this word, it would imply walking, praying and deciding together.[1359] This etymological meaning of the word Synod points the Church as a pilgrim people of God[1360] who must work together, pray together and decide together in the person of their local Ordinary.

The legal definition of Diocesan *synod* according to the Instruction on Diocesan Synods published in 1997 by the Congregation of Bishops and the Congregation for the Evangelization of peoples is: "an assembly of selected priests[1361] and other members of Christ's faithful of a particular Church which, for the good of the whole diocesan community,

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zil. Rechtliche Grundlagen und öffentliche Meinung (***ThBer*** 35). Freiburg/Schweiz 2013, pp. 65-76; see also: Art. 9 VatII LG.

[1357] *Ibid.*

[1358] *Rees*, Synoden und Konzile, p. 33.

[1359] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Lineamenta, p. 4; see also: *Klaus Lüdicke*, Einf. vor c. 460/1, Rn. 1 u. 8, in: MK CIC (Stand: November 1996).

[1360] *Rees*, Synoden und Konzile, p. 33.

[1361] *Lüdicke* explains that the word "sacerdotes" applied in c. 460 CIC/1983 includes diocesan as well religious priests while "alii Christifideles" includes diacons, religious and other lay members of the diocese. See: *Klaus Lüdicke*, c. 460/2, Rn. 3, in: MK CIC (Stand: November 1996).

assists the diocesan Bishop".[1362] A diocesan Synod is the highest of all diocesan structures of participation in the Bishop's pastoral governance of his diocese.[1363] It is seen always as an important tool in "affecting conciliar renewal".[1364] In this sense, the Instruction on Diocesan Synods implied that Synods should, "reflect the universal magisterium of the Church *as well as* apply common canonical discipline to the particular circumstance of the diocese.. it bears in mind the needs of renewal … and of remedying lacunae in diocesan norms.[1365]

By its nature[1366] a diocesan synod is consultative. By this is meant that it assists the local Ordinary by advising him on important matters regarding the administration of his diocese. By means of it, the Bishop "using experts in theology, pastoral and law, and drawing up the advice of the diocesan community's various association, officially fulfills his function and ministry of teaching the flock entrusted to him".[1367] For instance, many experts lay and clergy alike were invited to participate in the three Diocesan Synods organized in Enugu. Diocesan synods usually and generally aim at four important goals and they include: pointing out the policy and programs of apostolic work in the diocese; resolving problems encountered in the apostolic work in a diocese; giving substan-

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[1362] *C Ep / C GentEv*, Instruction on diocesan synods, March 19, ***1997***, in: AAS 80 (1998), pp. 841-912, n. 1; see: c. 460 CIC/1983 and also: *C Ep*, Directory *Apostolorum Successores*, nn. 166-175, esp. n. 167; see also: *Klaus Lüdicke*, c. 460/1, Rn. 2, in: MK CIC (Stand: November 1996); *Rees*, Synoden und Konzile, p. 30.

[1363] *Klaus Lüdicke*, c. 460/2, Rn. 5 and 6, in: MK CIC (Stand: November 1996).

[1364] *C Ep / C GentEv*, Instruction on diocesan synods, ***1997***, Prologue.

[1365] *Ibid.*

[1366] *Ibid.*, n. 1.

[1367] *Ikechukwu Ani / Obiora Ike* (eds.), Evangelization and Renewal in the Church of Enugu Diocese in the third Millennium, "You shall be my witness", Acts and Declarations of the Second Synod of the Catholic Diocese of Enugu. Enugu 2002, p. 12. Further reference to this work will bear the designation: *Second Enugu Diocesan Synod Acta*.

tial impetus to projects and diocesan undertakings and correcting errors in doctrine and morals where they are found.[1368] Lüdicke sees this aim as centered on assisting the Bishop to make laws to govern his diocese.[1369] Its aim goes to the strengthening of Church discipline as well as the unity of the Evangelization mission of a local Church. This same author noted that since the conclusion of the Second Vatican Council, many diocesan bishops and regional or national Episcopal Conferences have used Synods as means to make important reforms possible.[1370] A diocesan synod should reflect and represent the views of the Catholic faithful of that diocese.[1371] It is "a mode of expression of each particular Church, a solemn form of celebrating its unity with the diocesan Bishop, in order to live with him the co-responsibility of all towards the materialization of the kingdom of God in the world, which is the mission and purpose of the Church in the world".[1372] As a juridical act, the law prescribes that the Bishop would require the consent of or makes consultation with some college of a group of persons in his diocese for the synod to be valid.[1373] It is required by law that a diocesan synod be convened only by a diocesan bishop. (c. 462 § 1 CIC/1983) and it is he who presides over it. He may, however, delegate a Vicar general or an Episcopal Vicar to fulfill this office during individual sessions of the synod (c. 462 § 2 CIC/1983). In this sense, there is no general delegation.[1374]

[1368] Second Enugu Diocesan Synod Acta, pp. 12 f. The Directory for the pastoral ministry of Bishops located the needs for a diocesan synod on the need for an overall pastoral planning of the diocese. See Directory for the pastoral ministry of Bishops no. 171.

[1369] *Klaus Lüdicke*, c. 460/3, Rn. 6 and c. 466, in: MK CIC (Stand: November 1996).

[1370] *Klaus Lüdicke*, Einf. vor c. 460/2-3, Rn 6-7 and c. 460/3, Rn. 8, in: MK CIC (Stand: November 1996).

[1371] Second Enugu Diocesan Synod Acta, p. 18.

[1372] *Ibid.*, p. 13.

[1373] CC. 127 § 1 and 461 § 1 CIC/1983.

[1374] *Klaus Lüdicke*, c. 462/2, Rn. 4, in: MK CIC (Stand: November 1996).

The Instruction on Diocesan synods further elucidated the role of the diocesan Bishop regarding diocesan synods when it said that by the convocation of a diocesan synod, "the Bishop … exercises the office of governing the Church entrusted to his care. He determines its convocation, proposes the question to be discussed in the Synod and presides at the synodal sessions. Moreover, it is the Bishop, who as a sole legislator, signs the synodal declarations and decrees and orders their publication".[1375] He sends a copy of the decrees of the Synod to the Metropolitan and the Episcopal Conference; to the relevant dicasteries of the Holy See, especially the Congregation for Bishops and the Congregation for the Evangelization of Peoples. This he does through the Apostolic Nunciature.[1376] The Bishop may convene one synod for his diocese in combination with another diocese for whom he is an administrator (c. 461 § 1 CIC/1983).[1377]

4.1.3. Participation in Diocesan Synods

For Heribert Schmitz Diocesan Synods are extraordinary instrument of conciliar joint responsibility.[1378] They are however, not styled towards a parliamentary democracy.[1379] That is why the Diocesan Bishop calls different diocesan organs to participate in the Synod. C. 463 CIC/1983 clarified who the membership of a diocesan Synod should be. This canon lays a lot of responsibility on the Diocesan Bishop with regard to the determination of who participates in the Synod. The Congregation for Bishops instructs that "the composition of diocesan synods must reflect the diversity of vocations and apostolic undertakings".[1380]

[1375] *C Ep / C GentEv*, Instruction on diocesan synods, ***1997***, cap. I, n. 1; see also: *C Ep*, Directory *Apostolorum Successores*, n. 174.

[1376] *Ibid.*

[1377] *Ibid*., n. 171.

[1378] *Schmitz*, Konsultationsorgane, p. 452.

[1379] *Aymans-Mörsdorf* KanR II, p. 139.

[1380] *C Ep*, Directory *Apostolorum Successores*, n. 169.

According to it, there are three groups of people who are entitled to participate in a Diocesan Synod. Those who must obligatorily attend, (ex-officio[1381] participants)[1382] include the coadjutor Bishop and auxiliary Bishops; the Vicar general and Episcopal Vicars, the judicial Vicar; the canon of the cathedral Church; the members of the council of priests. In the second group are those who are invited by the Bishop to participate in the Synod. They include lay members of Christ's faithful, not excluding members of institutes of consecrated life; these are to be elected by the pastoral council in a manner to be determined by the diocesan Bishop. If this council does not exist, the Bishop would determine how they are to be represented. Others include the rector of the major seminary of the diocese, the vicars forane and at least one priest from every vicariate forane who also elected by priests responsible for souls in that deanery. There are also in attendance some Superiors of religious institutes and of societies of apostolic life which have a house in the diocese. The Bishop equally determines their manner of election. He also invites other members, clerics or lay or members of the consecrated life or lay members of Christ's faithful. It is here that that experts in various fields fall in. The instruction for diocesan synods says that those in this group are chosen because of their knowledge, competence and position.[1383]

Finally, there are the observers.[1384] The Canon says that the Bishop may invite as observers to the synod, some ministers or members of ecclesial communities who are not in full communion with the Catholic Church.[1385] These are invited from ministers or members of Churches or

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[1381] *C Ep / C GentEv*, Instruction on diocesan synods, ***1997***, cap. II, n. 2.

[1382] Ex-officio participants are those who are obliged to participate because of their posts or functions in the diocese.

[1383] *C Ep / C GentEv*, Instruction on diocesan synods, ***1997***, cap. II, n. 4.

[1384] *Klaus Lüdicke*, c. 463/6, Rn. 4f and c. 463/10, Rn. 9, in: MK CIC (Stand: November 1996).

[1385] *C Ep / C GentEv*, Instruction on diocesan synods, ***1997***, cap. II n. 6.

ecclesial communities which are not in full communion with the catholic Church. This is often seen as an ecumenical gesture or ecumenical co-operation[1386] with Christians of other faith by the law giver. There is no juridical stipulation regarding the frequency and duration of a diocesan synod. Only the diocesan Bishop as the sole legislator of his diocese has a deliberative vote (c. 466 CIC/1983). Synod participants formulate their opinion (votum) which c. 466 CIC/1983 regards as merely consultative. This consultative vote expresses communion of the faithful of a diocese with their Bishop but should not be a means of working against him. In accordance with that, *Apostolorum Successores* explains that: "this consultative form of voting means that the Bishop is free to accept or not to accept the opinions of the Synod participants, even though he recognizes their importance. On the other hand, the Bishop will not dissociate himself from opinions and votes expressed by a large majority except for grave doctrinal, disciplinary or liturgical reasons".[1387] While the ex-officio members as well as those invited have the right to vote, the observers have no such right.

4.1.4. Legal Procedures for Organizing and Celebrating a Synod

C. 360 CIC/1917 did not discuss the procedures for organizing or celebrating Synod.[1388] Because by its nature, a diocesan synod is consultative, it is the Bishop that convokes it to assist him in the governance of his diocese. While c. 356 § 1 CIC/1917[1389] suggests that the diocesan

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[1386] *C Ep*, Directory *Apostolorum Successores*, n. 170; see also *Klaus Lüdicke*, c. 463/10, Rn. 9, in: MK CIC (Stand: November 1996).

[1387] *C Ep*, Directory *Apostolorum Successores*, n. 171.

[1388] C. 361 CIC/1917 only spoke of the Bishop as a sole legislator in the Synod who has a deliberative vote while all other members have consultative votes.

[1389] The 1917 Code, declared that "the diocesan synod is a consultative body which according to law is to be called by the Bishop every ten years to consider measures for the welfare of the clergy and people of the diocese" (c. 356 CIC/1917).

Bishop convokes a diocesan Synod every ten years, the 1983 Code does not stipulate the frequency in which a diocesan Bishop may convene a Synod. Lüdicke thinks that the new code left this to the discretion of the diocesan bishop since he knows when the need for this convocation comes up.[1390] This consultative assembly of clergy, religious and lay persons of a particular diocese in conjunction with experts of different fields sit together under the moderation of the diocesan Bishop. There are, however regulations guiding its sittings. Art. 164 and 165 of the Instruction on diocesan synods gave the legal procedures to be followed in the business of the Synod.

In the first place, there should exist a synod preparatory committee[1391] who are often given terms of reference which they use to prepare for the synod. They have the duty of drawing up time table for the different stages of synod proceedings. They dray up the *Lineamenta* (guidelines) for the synod which are often distributed to parishes, deaneries and indeed "to the people of God for their reflected and written responses and reactions …".[1392] The content should include questions that would provoke thoughts from different individuals and organizations in the diocese. These thoughts return back to the synod preparatory committee as written interventions.[1393] This committee draws an *Instrumentum Laboris* (working instrument), the aim of which is to generate further thought in the people.

The Instruction for the Diocesan Synod jointly published by the Congregation for Bishops and the Congregation for the Evangelization of peoples described succinctly the stages followed to prepare and celebrate the diocesan synod. According to it, the synod takes place in a

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[1390] *Klaus Lüdicke*, c. 461/2, Rn. 2-4, in: MK CIC (Stand: November 1996).

[1391] *C Ep*, Directory *Apostolorum Successores*, n. 172; see also *C Ep / C GentEv*, Instruction on diocesan synods, ***1997***, cap. III, n. 1.

[1392] *Callistus Valentine Chukwuma Onaga*, Third Synod of the Catholic Diocese of Enugu. Instrumentum Laboris (working instrument). Enugu 2013, p. 2.

[1393] *Ibid.*

particular Church but the venue is to be designated by the Bishop after consultations with the council of priests (c. 461 § 1 CIC/1983). A synod secretariat is created and functions are allotted to various people in such a way that no one performs two functions at the same time.[1394] The synod secretary has the duty of recording proceedings of the synod which he places in a synod archive file pending its publication.[1395] There is also a General *Rapporteur* who presents the theme of the synod in both the *Relatio Ante Disceptationem* as well in the *Relation Post Disceptionem*. The first being a presentation of the theme of the synod while the second is the synthesis of the synod themes based on the discussions. The synod usually opens with a report of the General Secretary who presents to the synod assembly the process which was followed in the preparation for the synod; the consultations, the *Lineamenta* formulated and distributed; the responses received and the *Instrumtem Laboris* formulated.[1396] After the initial presentation by the general Secretary, the general Rapporteur reads the relation *Ante Disceptionem* in which he presents the theme of the synod to participants. The text of the Relatio must, however, be made available to the general Secretary at least thirty days to the first convocation of the synod for onward distribution to members. The highlight of the Relatio *Ante Disceptationem* includes the mentioning of the main points of the *Instrumentum Laboris* to the synod participants. Leonard Ilechukwu articulated the purpose of the *Relatio Ante Disceptationem* as being to help the Synod delegates to be focused on the general topic.[1397] With the reading of the Relatio, they are enabled to direct their reflections and interventions bearing in mind the general topic. Even though the participants are entitled to freely express

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[1394] Second Enugu Diocesan Synod Acta, p. 19.

[1395] *Ibid*., p. 18.

[1396] *C Ep / C GentEv*, Instruction on diocesan synods, ***1997***, cap. III, B n. 1-C n. 3; see also Second Enugu Diocesan Synod Acta, p. 21.

[1397] *Leonard Ilechukwu*, Celebration of the Assembly – the Synod regulations, in: Second Enugu Diocesan Synod Acta, p. 21.

themselves through their interventions and propositions, there is an obligation to secrecy. "The texts of the individual member's interventions are destined for the Synod and therefore, once they are read in the hall, they become the property of the Synod and cannot be published."[1398] Synodal discussions begin after the Relatio *Ante Disceptationem* has been read. And participants are allowed to make interventions. For the sake of order, it is advisable that notice for these interventions is previously made to the secretariat at least one day before they are made. Intervention which could not be entertained at the floor of the Synod are usually submitted in writing to the Synod secretariat for further study and consideration by the committee.

After the first General forum, the Synod is further sub-divided into smaller groups. "The purpose of this small groups is to offer the members the better opportunity to express their opinion, to exchange opinions with others, and in the end to show what opinions have been accepted and summarize them."[1399] Small groups are required to elect moderators and who lead the discussion in their group and Rapporteur who summarizes their opinions and makes them known to the larger group. He works hand- in-hand with the General Rapporteur. There is also a secretary for each small group who assists both the moderator and Rapporteur of their group and works with the General Secretary.[1400] There is also the need that experts are sent to the various groups to illuminate their discussions and help in drafting their propositions.

Both *ex-officio* and elected members as well as observers (c. 463 CIC/1983) join the various sub-groups. Members are assigned various function and tasks n such a way that no participant exercises two functions at the same time. It is the duty of the Synod Secretary to record the

[1398] *Ibid*., p. 19.
[1399] *Ibid*., p. 24.
[1400] *Ibid*., p. 26.

proceedings of the Synod which he places in Synod archival file pending publication.[1401]

4.2. African Synods and Their Influence on the Enugu Diocesan Synods

Both the *Special Assembly for Africa of the Synod of Bishops* which opened with a solemn Eucharistic Liturgy of 10 April, 1994 in Rome and the *Second Special Assembly for Africa of the Synod of Bishops* held from 4 to 25 October, 2009 gave direction guided the Diocesan Synods held in Enugu. Pope John Paul II indicated his reason for convoking the first Special Assembly for Africa of the Synod of Bishops as being the promotion of "an organic pastoral solidarity throughout Africa and the adjacent Islands (as well as) … strengthen communion among her members, beginning with her pastors".[1402] By the convocation of the first African Synod the pope stimulated the Bishops of Africa and indeed the dioceses in Africa to a renewed pastoral zeal to deal with its particular pastoral problems. The theme of the first African Synod: "The Church in Africa and her evangelizing mission towards the year 2000: 'You shall be my witness' (Acts 1:8)" was carefully chosen to cover the basic pastoral problems of Africa in this present age. It addressed baic areas like "Evangelization, Inculturation, dialogue, pastoral care on social areas and the means of social communication".[1403] In a more detailed way, it addressed itself to "catechesis, the family, reconciliation and mission of the lay faithful and the formation of priests".[1404] The *Second Special Assembly for Africa of the Synod of Bishops* convoked by Pope Benedict XVI in 2009 with the theme: The Church in Africa in service to Reconciliation, justice and peace emphasized also the area of Christian educa-

[1401] *Ibid*., p. 18.
[1402] *John Paul II*, PostExA *Ecclesia in Africa*, nn. 16 and 17.
[1403] *Ibid*., Art. 16.
[1404] *Ibid*., Art. 18.

tion;[1405] reconciliation, justice and peace and dialogue especially ecumenical dialogue and dialogue with Islam.

Ecclesia in Africa recognized the contributions of the Missionaries to Africa and indeed the African Church in the area of education.[1406] According to this document, the result of these contributions has become obvious: indigenous Africans have become both missionaries to themselves and now make fidei donum to other continents of the world.[1407] This is why Pope John Paul emphasized the need for Christians to promote Catholic schools and extend Christian education to Catholic children in non-Catholic schools. Catholic education should not end in Catholic schools. He emphasized the fact that Universities in Africa should play a prominent role in evangelization. They should serve the Church by training Catholic teachers, developing African theology, Catholic cultural Centers and developing a theology of Inculturation.[1408]

This was re-echoed by Pope Benedict XVI in *Africae Munus* who encouraged Church leaders and indeed all Christians to do all in their power to give justice to children by making it possible for them to receive adequate education.[1409] The Pope emphasized that "Catholic schools are a precious resource for learning from childhood how to create bonds of peace and harmony in society, since they train children in the African values that are taken up by those of the Gospels".[1410] Benedict XVI did not forget that Catholic schools should be areas where justice is expressed. This was why he enjoined on school providers, especially Catholic authorities to ensure a just remuneration for Catholic teachers. According to him the Catholic universities in Africa should provide service to the Churches aim of evangelization by "providing

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[1405] *Benedict XVI*, PostExA *Africae Munus*, nn. 134-138.

[1406] *John Paul II*, PostExA *Ecclesia in Africa*, n. 38.

[1407] *Ibid*., nn. 38 and 56.

[1408] *Ibid*., nn. 102 and 103.

[1409] *Benedict XVI*, PostExA *Africae Munus*, n. 134.

[1410] *Ibid*.

trained personnel, by studying important theological and social questions for the benefit of promoting the work of Inculturation, by publishing books and publicizing Catholic truth, by undertaking assignments given by bishops and by contributing to the scientific study of culture".[1411] One can, therefore, say that the African Synods have greatly influenced the Diocesan Synods held in Enugu diocese.

Even though it was convoked before the first African Synod, the 1984 Enugu Diocesan Synod dwelt on Inculturation; a topic which was prominent in the first and second African Synods. The 2001 Enugu Diocesan Synod dwelt on the theme of Evangelization and the 2013 on Education. These were topics outlined by the African Synods. The subdivisions of the African synodal themes into Evangelization, Inculturation, dialogue, social communication, justice and peace always reflected in the Diocesan Synods of Enugu Diocese.

Our recent Synod dwelt in part on the identity of the Church in Enugu in line with the recommendation of the African synod that the Church in Africa should delineate "as clearly as possible what it is and what it must fully carry out in order that its message may be relevant and credible".[1412] The great challenges facing Church leaders in Africa which was expressed by the African Synod include the formation of evangelization strategy and how to make the African people more faithful witnesses to the gospel.[1413] This reflected in the first Enugu Diocesan Synod on Inculturation which emphasized the need to make African Christians truly Christians while remaining authentically Africans.[1414] The need of a type of Inculturation that supports African values especially that of the family must be made the basis of all forms of Inculturation in Africa.

[1411] *Ibid*., n. 136.

[1412] *John Paul II*, PostExA *Ecclesia in Africa*, n. 21.

[1413] *Ibid.*, n. 46.

[1414] *Ernest Obodo* (ed.), Igbudu Magazine: Renewing Ezeagu People and culture in Christ. Enugu 2009; p. 8; see also: Igbudu Magazine 2009, p. 7.

This was why *Ecclesia in Africa* urgent the need for the Churches in Africa to hold on to the criterion for Inculturation: compatible with the gospel message and communion with the universal Church. The application of Inculturation should be taken seriously by the local Churches in Africa and be studied in Catholic universities.[1415] So the Enugu Diocesan Synods are, therefore, the realization of those appeals by both Popes John Paul II and Pope Benedict XVI, made in both *Ecclesia in Africa* and *Africae Munus*. It was in line with these documents that Enugu Diocese organized in 2013, a Diocesan Synod on Education. Let us at this point present in a sequential form the three Diocesan Synods already held in Enugu since its creation in 1962.

4.3. Enugu Diocesan Synods

4.3.1. First Diocesan Synod 1984

Even though diocesan Synods are basically consultative in nature (c. 466 CIC/1983), Wilhelm Rees sees in the co-operation between the clergy, religious and lay, which takes place in a diocesan Synod, a type of shared responsibility and a process of co-decision.[1416] This is exactly the recommendation of the Second Vatican Council in *Lumen Gentium* when it holds that "the apostolate of the laity is a sharing in the salvific mission of the Church. Through baptism and Confirmation all are appointed to this apostolate by the Lord himself".[1417] This shared responsibility and co-decision could be seen as the ideas in the three Synods organized by the Diocese of Enugu.

The Congregation for Bishops sees in the celebration of a diocesan Synod an opportunity for bishops to adapt universal norms in the partic-

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[1415] *John Paul II*, PostExA *Ecclesia in Africa*, nn. 38 and 64.

[1416] *Rees*, Synoden und Konzile, p. 34.

[1417] Art. 33 VatII LG.

ular circumstances of their dioceses.[1418] Within fifty years of her existence s a diocese, Enugu has organized and celebrated three diocesan Synods. The first was held in 1984 and concentrated among other theme on Inculturation. This topic was necessary to our local Church because some of the early Christian Missionaries saw the culture of the people as mere paganism. The Second Vatican Council helped the Church to look at the various cultures of the earth and see whatever good or true found even amongst non-Christian traditions as "a preparation for the Gospel"[1419] (*Praeparatio Evangelica*). With the increase of vocation and the training of a number of her own indigenous priests as philosophers and theologians, it was necessary to begin to look at her culture to find out ways of implanting the Church within the culture of the people. Speaking of the identity and mission of the Church, the fathers of Vatican II said: "The effect of her work is that whatever good is found sown in the minds and hearts of men or in the rites and customs of peoples, these not only are preserved from destruction, but are purified, raised up, and perfected for the glory of God, the confusion of the devil, and the happiness of man."[1420] Enugu Diocesan Synod set out to promote Evangelization through Inculturation. It is a process of a dialogue between the Gospel of Christ and human culture. Since Christ has come to divinize all cultures and make them new, "all cultures should be open to dialogue with the divine for their enhancement".[1421] In this Synod, Enugu Diocese was faithful to the Church fathers' criteria for Inculturation, "compatibility with the Gospel of Christ and Communion with the universal Church".[1422] As the first Synod of the di**O**cese; it set forth the diocesan program of Evangelization. It was organized by the indefatigable Bishop

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[1418] *C Ep*, Directory *Apostolorum Successores*, n. 168.

[1419] Art. 16 VatII LG.

[1420] Art. 17 VatII LG.

[1421] *Ernest Obodo*, The Dynamism of Culture, in: *ders*. (ed.) Eziokwu bu Ndu: An International Journal of Life and Culture. Enugu 2008, p. 8.

[1422] *Obodo*, Igbudu Magazine 2009, p. 7.

Michael Ugwu Eneja, third bishop of Enugu. It corresponded with the beginning of vocation boom in Enugu and helped the Diocese to plan ahead of time to harvest the windfall of vocations to the Priesthood and religious life in the Diocese. Within six years of the conclusion of this first Synod, the decision reached led to the creation of Nsukka Diocese on 19 November 1990. The number of Catholic priests in Enugu grew from 70 in 1984 to 210 in 2001.

4.3.2. Second Diocesan Synod 2001

The work of evangelization is considered as a fundamental duty of the people of God in which all Christ's people must be conscious of their responsibility which they ought to play in the missionary activity of the Church (c. 781 CIC/1983). Even though this missionary activity is for all people of God, Winfried Aymans sees the need for the individual contribution of all Christians.[1423] The second Synod of Enugu Diocese was convoked by Bishop Anthony O. Gbuji in October, 2001 with the theme: Evangelization and Renewal in the Church of Enugu Diocese in the third Millennium "You shall be my Witness" (Acts 1:8). The publication of the Synod Acta in August, 2001 was preceded by a *Lineamenta* (guidelines) and an *Instrumentum Laboris* (working document). The sacred return[1424] of Enugu Diocese showed that in 2001 the Diocese had 100 parishes, 210 indigenous priests, 20 Missionary priests, 350 professed Nigerian Sisters and 18 Missionary Sisters working in the Diocese. There were 204 professed Nigerian Brothers; over 300 Major and 500 Minor Seminarians as well as a large number of local Catechists. This second Synod basically followed the pattern of the African Synod of 1995. The five major themes of Inculturation, Dialogue, Justice and

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[1423] *Aymans-Mörsdorf-Müller* KanR III, p. 85.

[1424] Sacred Return is the official record or figure of growth in faith in a particular diocese, including the number of people baptized, confirmed, wedded in the Church; number of people who dies, converts as well as number of those who left the Church; which the Bishop sends to the Apostolic See every year.

Peace and Communication Media featured prominently in the synodal discussions. 17 theological reflections were presented and were followed by the discussion on a ten year pastoral and development plans for the Diocese. Focusing on the theme of Evangelization and Renewal, this Second Synod tried to discover a pastoral strategy which could help it to look out for individual talents in order to forge a pastoral team work for a deeper evangelization of the Diocese in fulfillment of the desire of the Apostolic Exhortation of Pope John Paul II, *Tertio Millennio Ineuente,* "Put out into the deep for a catch" – (*Duc in altum*: Lk 5:4). This Synod was challenged to discuss the signs of the times in the Diocese of Enugu and tried to find out how to respond to the pastoral challenges facing her at that time.[1425] The problem posed by inadequate pastoral structure and infrastructure was a major focus during the Synod discussions. The *Relatio Post Disceptationem* which summarized the synodal discussions was followed by pastoral recommendations and resolutions. This came up in the *Nuntius* (Message) of the Synod which was wrapped up in the Synodal decree.

The result of this Synod became obvious. Awgu was carved out of Enugu Diocese on 8 July, 2005. For a deeper and more meaningful Evangelization, the Diocese established the St. Paul's International Institute for Evangelization. In 2004, St Bernard Seminary Hostel, Nchatancha was established for a closer and training of candidates to the Priesthood. This was to be followed on 3 November 2009 by the establishment of our Diocesan Private University, the Godfrey Okoye University, named after the second Bishop of Enugu, Godfrey Okoye.

4.3.3. Third Enugu Diocesan Synod 2013

The call of the Second Vatican Council that a special councils be set up in dioceses which would co-ordinate apostolic activities and evangelization through co-operation between clergy, religious and the lay peo-

[1425] Second Enugu Diocesan Synod Acta, p. 56.

ple in the diocese (Art. 26 VatII AA and Art. 7 VatII PO)[1426] was always at the heart of the various Synods organized in Enugu. Twelve years after the Second Enugu Diocesan Synod a lot of pastoral changes have taken place. The number of Catholic faithful in the Diocese grew from 1.2 million in 2001 to 1.5 million in 2013. Since the last Diocesan Synod, the number of parishes grew from 100 to 200; the number of Catholic priests grew from 210 to 380. The number of Major Seminarians, religious sisters has equally multiplied tremendously.[1427] These positive changes were also accompanied by pastoral challenges. The most significant of these challenges was the return in 2009 of 9 Secondary schools and 119 Mission primary schools back to the Catholic Diocese of Enugu as its original owner. This return of schools became a pastoral challenge for the Diocese which she accepts with joy. She began sending priests, religious and lay persons to study both in local as well as in foreign universities in order to meet up with this pastoral challenge. The incumbent Bishop of Enugu Diocese, Callistus Valentine Chukwuma Onaga, therefore, thought it wise to convoke another Synod to help him decide wisely on the way forward towards Christian education in Enugu Diocese. This was the reason for the convocation of the third Enugu Diocesan Synod which took place between 4 and 13 November 2013. The theme of this Synod was: Renewing the Mission and Identity of the Church in Enugu Diocese in service to Integral education, reconciliation and Human Development, „that they may have life and have it more abundantly" (Jn 10:10). The Synod was aimed at discussing and articulating "new ways, new skills and new zeal to reintroduce, promote and nurture all-round education in our (Diocese)".[1428]

[1426] See also: *Rees*, Synoden und Konzile, p. 34.

[1427] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Instrumentum Laboris, p. ii.

[1428] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Lineamenta, p. 26.

The Synod preparatory committee inaugurated on 27 January, 2013 prepared a *Lineamenta* which was accompanied with many relevant questions meant to stimulate thoughts among many Christian faithful in the Diocese and provoke further questions which would be necessary for the synodal discussion. The *Lineamenta* dealt with six broad areas: Catholic identity, mission of the Church, Reconciliation, Integral education, Human development and Social communication. It generated over 500 written interventions[1429] which helped the Synod Committee to prepare the *Instrumentum Laboris* for the Synod. The latter was "aimed at generating further thoughts, deeper discussions and prayerful discernments".[1430]

The Synod's discussion of Education centered on four areas: Christian education and the role of parents, Christian Education in public schools, Catholic Education Summit as a solution to integral education, and finally ways and means of financing Catholic schools in Enugu.

4.3.3.1. Christian Education and the Role of Parents

The third Enugu Diocesan on Education insists that the family should be recognized as having the primary place in the education of their children.[1431] The Synod premised Christian education on parental responsibility (c. 1055 § 1 CIC/1983). Relying on the provisions of c. 226 § 2 CIC/1983, this Synod noted that, "because they gave birth to their children, parents have the most serious obligation and right to educate them. It is therefore primarily the responsibility of Christian parents to ensure the Christian education of their children in accordance with the teaching of the Church". The Synod called for a co-operation between parents, teachers in whose hands these parents entrusted their children and the Church in whose hand it is to organize and direct these schools.

[1429] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Instrumentum Laboris, p. ii.

[1430] *Ibid.*

[1431] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Lineamenta, p. 25.

This corresponds to the call of Wilhelm Rees calls for the establishment of Parents-Teachers Associations which should be highly valued in the education of children.[1432] The Synod therefore, challenged Catholic parents in the Diocese and indeed all parents in the country to rise up to insist on "excellent standard of teaching and learning in schools".[1433] The synodal discussion appreciated the family values in Africa and maintained that Africa still has the chance to utilize the family system to impact on integral education. The *United Nation' Declaration on Human Right* in Art. 16 § 3 recognized the family as the natural and fundamental unit of society which is entitled to protection by the society and the state. The implication is that family values should be respected and protected by the state. The most important of these values include procreation and education of their children. Art. 26 § 3 of the same United Nation's declaration recognized that parents have a prior right to choose the kind of education that shall be given to their children.

In this regard, the 2013 Enugu Diocesan Synod insisted on state-Church collaboration in Education. "We all know it is the responsibility of the government to see that its citizens are properly educated. The return of schools does and would not at any point in time exonerate the government from this responsibility. This is why it is proper to talk of 'state-Church collaboration' in education."[1434] The Synod sees Christian education as the integral education and insists that religion "forms the spirit and essence of all true education".[1435] While this form of education begins in the family and continues in Catholic schools, the Synod insists that it should be sustained by parents, noting that if some bad leader were products of Catholic schools, the blame of their action may be laid

[1432] See reflection on this topic in: *Rees*, Beaufsichtigung, p. 411.

[1433] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Instrumentum Laboris, p. 28.

[1434] *DBK*, Aparecida, 2007, n. 482.

[1435] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Instrumentum Laboris, p. 25.

on lack of cooperation of parents with the Christian education provided in Catholic schools as well as lack of continuation of this form of education through catechesis and other pastoral approaches. Catholic teachers and indeed all stake-holders in Christian education are thereby challenged to "adjust to the new situation of discipline"[1436] in the returned schools.

4.3.3.2. Enugu Synod and Christian Education in Public Schools

The 2013 Enugu Diocesan Synod on education recognized the fact that many Catholic children are in public schools and like all Christians, "have the right to a Christian education, which genuinely teaches them to strive for the maturity of human person and at the same time to know and live the mystery of salvation" (c. 217 CIC/1983). It is, therefore a challenge to the Enugu Diocesan Education Secretariat to help train Catholic teachers who would teach Religious Education in public schools. This is also an area where diplomacy and pressure on the state from both parents and Catholics in politics are necessary to make the state enunciate laws that would enable Catholic Religious Education to be taught in public schools. This was voiced out by many Synod participants and came out in the Synod *Nuntius* (message).[1437] This situation equally points to the need for the training of Catholic teachers. In the past, the Church in Nigeria had Catholic Training Colleges where Catholic teachers were trained.[1438] But with the nationalization of

[1436] *Ibid.*, p. 28.

[1437] *Ikechukwu Ani / Obiora Ike* (eds.), The Third Synod of the Catholic Diocese of Enugu, Nuntius. Enugu 2013, pp. 9 f.; see also: *Onaga*, Third Synod of the Catholic Diocese of Enugu. Lineamenta, p. 29.

[1438] The following Teachers Training Colleges: St. Charles Training College, Onitsha, Holy Rosary Teachers' Training College, Enugu, St. Monica's Teachers' Training College, Ogbunike, and Lourdes Training College, Iwollo mentioned in this work, were all Catholic Teachers' Training Colleges built and maintained by the Church of the Onitsha Ecclesiastical province which were taken over by the state. At the moment, there are virtually no Teachers training

schools and the present situation where the schools are handed over, the new situation requires re-thinking on the side of the Church. The Church is challenged to find a way of training teachers of Catholic education both for her returned schools and the public schools. The Synod equally suggested the use of Mass media, the pulpit and Sunday catechetical instruction as a support for catechetical instruction of children and adults in the Diocese. This was why the Synod suggested to the Bishop the organization of a Catholic Education summit in the nearest future.

4.3.3.3. Catholic Education Summit as a Solution to Integral Education

It was the opinion of the Synod that the Diocese should organize as soon as possible a Catholic education summit. "The purpose is to address, resolve and establish standards in curriculum development, teacher training, funding, spiritual care, technical skills and collaboration with other providers."[1439] An education summit is the gathering of various experts in education to draw up a true philosophy of education to be adopted by education providers. It spells out the motive, aim and procedures to be followed in arriving at the goal of education. Diocesan education summit in Enugu will analyze the Church's universal principles of education and adopt it to the local needs of the Diocese. It will consider the most modern techniques in education and harmonize it with the Church's education philosophy to achieve a greater goal. The Synod, when organized will pursue integral education as its goal.

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institutes in the State as the teachers are now required to obtain at least an ordinary National Diploma in Education before they are eligible for employment by the State. Formally, teachers with the Grade II Teachers' Certificates which were offered in the above named colleges were legible for employment as primary school teachers. With this situation, the Church needs a lot of re-thinking. It is either they send their teachers to the public universities or institutes that offer training for Ordinary National Diploma, or they up-grade their own institutes to meet the State requirement for teachers' employment.

[1439] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Nuntius, p. 10.

The solution to the many problems militating against a successful Christian education in the diocese was articulated by the Synod. It insisted that only an integral education would solve the myriad of problems of education here. They were grateful to the missionaries who initiated Christian education in Nigeria. The aim of those early missionaries regarding Christian education was "to communicate the faith through education and to bring civilization to the natives".[1440] This is actually the goal and meaning of integral education: integral human development and the salvation of souls. It opens the way to justice, security, knowledge and peace. Integral education as a part of human development speaks of the triumph of the humanity project. With integral and Christian education human beings would no longer be enslaved by ignorance. They would acquire skill, knowledge and wisdom to enable them use created things for the sake of eternity. The Synod agreed that the Diocese should pursue the course of integral education through insisting on Catholic identity in our schools. Catholic identity should make Catholic schools outstanding among other schools. The discipline, high value for morality, proper attention to Catholic religious education, their respect for the faith of other people through ecumenism and inter-religious dialogue; the frequent celebration of catholic liturgy as well as the external signs of Catholicity in these schools would speak loud about their Catholic identity.

Teachers and managers of Catholic schools must receive adequate training and remuneration. The state should be challenged by Church authority, parents and Catholics in government to co-operate with the Church by subsidizing Catholic schools. The Synod insisted that only Catholics should be employed a school managers. Non-Catholics could, however, be allowed to teach in Catholic schools but must respect Catholic principles on education. More attention should be paid on the edu-

[1440] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Instrumentum Laboris, p. 28.

cation of teachers. The Synod considered ways of helping young couples establish active and stable Christian homes. For that reason, more emphasis should now be given to family counseling and pre-marriage instruction in the Diocese. A forum for family-encounter could be established where elderly couples who have lived exemplary lives together could be asked to share their experiences with the younger ones to encourage them in the difficult task of building up a happy home. Priests, religious and catechists are special agents of Christian education in Nigeria. The Synod emphasized the need to pay more attention to the training of priests and catechists.

4.3.3.4. Financing Catholic Schools in Enugu

It was the argument of the Synod that since parents who send their children to Catholic schools are also tax-payers, the State is obliged to support Catholic schools through funding so that these parents do not suffer for choosing Catholic schools.[1441] Since the Church has a divine mandate to educate, Synod insists that the State has no right to deny her of this duty since it would amount to injustice.[1442] The state has tried to monopolize the control of the education system in Nigeria and seen its failure. This informed her reason to return schools to the Church. According to the opinion of the Synod, the only alternative open to the state in pursuing a program of integral education is to co-operate with the Church in her willingness to bring her wealth of knowledge in education to bear in the education system in Nigeria. It equally called on Catholics in government to help in legislating on education in favour of this plural arrangement in the management of the education sector.

[1441] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Lineamenta, p. 29.
[1442] *Ibid*.

4.3.4. Conclusion

The Bishop is described as the father and shepherd of his diocese.[1443] We have established that as a father, he rules his diocese with care and is often saddled with the burden of decision-making. In this regard, it is expected that Dioceses should be regularly celebrating Diocesan Synods to help the Bishop in his onerous task of shepherding his Diocese. But to the contrary, Heribert Schmitz observed that since the 1983 Code came into use, many dioceses prefer some other pastoral alternatives to diocesan Synod. Some of these pastoral alternatives include: Diocesan convention, diocesan forums, pastoral forum or pastoral discussions.[1444] This may not be unconnected with the various protocols involved with organizing a diocesan Synod which requires that the decrees and declarations of the Synod be communicated to the Metropolitan and the Episcopal Conference while sending a copy of the synod document to the Holy See.[1445] There is often the argument that the clergy constitute a far greater percentage of the participants of the Diocesan Synod while the lay form just a very minute membership.[1446] If the synod is really a meeting of the Church as *the people of God* (Art. 9 VatII LG), who "participate in their own way in the priestly, prophetic and kingly office of Christ … each called according to his or her particular condition, to exercise the mission which God entrusted to the Church to fulfill in the world" (c. 204 § 1 CIC/1983); if this people of God are those who *walk*

[1443] *C Ep*, Directory *Apostolorum Successores*, n. 158.

[1444] *Schmitz*, Konsultationsorgane, p. 452; see also: *Ronald P. Klein*, Diözesansynode – Forum – Pastoralgespräch. Strukturen der Mitverantwortung in der Kirche im Wandel, in: *Rudolf Weigand* (Hg.), Kirchliches Recht als Freiheitsordnung. Gedenkschrift für Hubert Müller (FzK 27). Würzburg 1997, pp. 117-141, here, pp. 129-139.

[1445] *C Ep*, Directory *Apostolorum Successores*, n. 175; see also Instruction on Diocesan Synod, n. V.5.

[1446] *Rees*, Synoden und Konzile, p. 58.

together,[1447] for the good of their Diocese; an equal representation of members of the Diocese in their different calling may have been expected. The Instruction on diocesan synods interpreted c. 463 § 2 CIC/1983 which deals with the appointment of lay members of the Synod by giving further qualification which the lay should possess to be appointed members of the Synod: they are to chosen because of their knowledge, competence and position.[1448] So it would seem that diocesan Synods are merely an exclusive affair of the Bishop and clergy, the lay members of Christ's faithful having just little to do with it.

However, Enugu Diocese has seen herself as a pilgrim people of God who must work together, pray together and decide together[1449] under the leadership of their Bishop. They have identified the need for communion with their Bishops. The Bishops on their part have encouraged co-decision and co-responsibility through-out the three Synods already held in the Diocese since its inception. With the last synod on Christian education, the Diocese is ready to tackle the problems of education from its root. The up-coming education summit is a veritable means to this goal.

4.4. Formulation of a New Mission-School Philosophy

After the Enugu Diocesan synods, what other thing is the Church in Enugu doing to confront the challenges posed by Christian education in the Diocese? The simple answer is that she is trying to formulate new mission-school philosophy as a foundation and solution to the problems. To initiate a change brings about new challenges and new challenges evoke new enthusiasms which enkindle new hope. Hope is not dashed when aspirations are matched with zeal and determination. Determination breeds success. The challenges facing Enugu Diocese in regard to

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[1447] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Lineamenta, p. 4.

[1448] *C Ep / C GentEv*, Instruction on diocesan synods, ***1997***, cap. II, n. 4; see also: *Rees*, Synoden und Konzile, p. 59.

[1449] *Onaga*, Third Synod of the Catholic Diocese of Enugu. Lineamenta, p. 4.

education are real. It needs new ideas, enthusiasm and zeal. It calls for fashioning a new beginning. One needs to ask how the diocese will fashion such a new beginning. A new beginning needs a new philosophy of work and new conceptualization. It demands deconstruction, reconstruction and reconstitution. That means the deconstruction and reconstruction of the old system and a reconstitution which implies the birth of a new system. However, how can one turn the old structure into a new result? That is the new challenge. The diocese needs the formulation of a new education philosophy. Every practical action is born of a theoretical postulation. To initiate change in practical terms in catholic Schools, the diocese needs to develop a workable philosophy of education based on new education systems prevailing in the world. This would be combined with Catholic principles on education. The New Catholic Policy on Education in Nigeria offers a wide range of principles for directing Catholic education. To formulate a new mission philosophy, the Diocese will draw help from this new policy. In practical terms, she has constituted an education board called *Enugu Diocesan Catholic Education Secretariat* (E.D.C.E.S) in order to make things work.

4.4.1. A New Organ to Oversee Christian Education is Formed

The *Enugu Diocesan Catholic Education Secretariat* (E.D.C.E.S) was established by the Catholic Diocese of Enugu. It has its office at Holy Ghost Cathedral, Enugu and is the live-wire of the Catholic Education system for the dioceses. It both co-ordinates as well as formulates the philosophy for Catholic education in the Diocese. Monsignor Ugonna Igboaja was made the foundational secretary of this Secretariat and has as his assistants other education secretaries. The tasks before them include the formulation of programs for a "unified policies of supervision, administration, discipline, finances, work, curriculum development, teacher training, catechesis, planning for infrastructural development, standard maintenance, employment of teachers to mention

but a few".[1450] The Association of Catholic Education Secretaries in Nigeria alluded to this function of E.D.C.E.S when it defined that the function of Catholic Education Secretariat in each diocese should be as follows: policy control and administration of education at primary and secondary levels, planning, research and development of education at diocesan level, inspectorate services to improve and maintain standards, education services, co-ordination of the activities of School Boards/Local Education Authorities, examination and certification, testing and evaluation as well as establishment of Diocesan Registries of teachers.[1451] We shall discuss the functions of E.D.C.E.S in a more detailed form here and they include.

4.4.2. Management and Administration of Catholic Schools

According to Joachim Dikow, there are three very important decisions which owners and management of private schools must always make and these include decisions regarding financing, structuring and engraving of their particular character in their schools.[1452] These three very important decisions regarding private schools determine a lot their particular characteristics as private schools. The E.D.C.E.S formulates the laws guiding Catholic education in the diocese. Since the Church has been granted the right to take-over "the control, management and proprietorship of the schools",[1453] this managerial role is expected to in-

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[1450] *Obiora Ike*, Situation report on the return of Catholic Mission Secondary and Primary Schools in Enugu State by the Enugu State Government, 6 August, 2009. Enugu 2009, p. 3.

[1451] *Catholic Education Secretaries of Nigeria*, Minutes of the Meeting, Unpubl. Notes, DRACC-Enugu, 20-23 June, 1994, pp. 2-3.

[1452] *Joachim Dikow*, Die Zukunft der Privatschule, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 457-482, here p. 458.

[1453] *Enugu State of Nigeria*, Enugu State Transfer of Schools to Voluntary Agencies Order, in: Official Gazetteer 2009, p. B2.

clude the "control, discipline, administration, employment of teachers and total quality service in these schools".[1454] It involves planning, control of personnel, education materials and infrastructural development. Even though the 1999 *transfer of schools to Voluntary Agencies Order* stated that it is the statutory responsibility of the State to set up guidelines for the management of all schools through the State Ministry of Education,[1455] paragraph two of the same document asserted that the full take-over of schools by the Voluntary Agencies involve control, management and proprietorship of the schools by the Agencies. The Church has by this managerial authority, the power to plan the over-all administration of the Catholic Schools. In planning, E.D.C.E.S makes a data registration of all Catholic teachers and schools. This enables it to know the basic needs of each school and how to transfer her teachers in accordance with their convenience and to the benefit of the schools and the Church. It determines the promotion of teachers following their training, further training and performance records. E.D.C.E.S works with the *Universal Basic Education Commission* (U.B.E.C) and the Ministry of Education in promoting teachers' welfare. In liaison with the State Education Ministry and diocesan administration, it works for infrastructural development of the various schools. Rebuilding the dilapidated structures in the various schools handed-over to the church is a large task of this commission. Learning and instruction materials are important aspects of education. This commission pays particular attention to acquiring such materials for the use of the Catholic Schools.

4.4.3. Staff Welfare and Discipline

One of the basic roles of this Secretariat is Staff welfare. Neglect of staff welfare played a great role in the decay of state schools in Nigeria. This commission considers in practical terms the discomfort and diffi-

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[1454] *Obiora Ike*, Situation report on the return of Catholic schools, p. 2.

[1455] Enugu State Transfer of Schools to Voluntary Agencies Order, p. B2.

culties experienced by members of staff of Catholic schools and proffers possible ways to ameliorate them. Posting of teachers, for instance, should be taken into account. The previous practice whereby teachers' quarters were built within the school premises is a good option that might be considered by E.D.C.E.S as a way to alleviate the housing and transportation problems of teachers. Most catholic schools have boarding facilities. If teachers find comfortable accommodation with basic amenities within school premises, they are most likely to agree to live near the student in order to play their roles as guardians and teachers who are meant to lead people out of ignorance into the world of enlightenment. It will give them more opportunities for reflection. If the Church can build good libraries in these schools, teachers will always update their academic standards by constant learning. If they choose to live outside the school premises, private transport arrangements could be made to bring them to school especially where it is difficult to access public transport.

Basic necessities of life affect the output of human work. When these are lacking, human beings often find a way to satisfy them and improve their life situation. When workers are poorly paid, some of them resort to "occult compensation"[1456] in order to satisfy their basic needs. This explains Plato's assertion that only those who have satisfied the basic necessities of life can come to the Agora for argument.[1457] Situations

[1456] *John H. Stapleton* defined Occult compensation as a manner of recovery from loss or damage; the taking by stealth and on one's private authority of the value or equivalent of one's goods from a person who refuses to meet the demands of justice. See: *John H. Stapleton*, Extra-legal manner of recovering from loss or damage, at: http://oce.catholic.com/index.php?title=Occult_Compensation (5.5.2015).

[1457] The Agora (ἀγορά) in Greek means a gathering place, assembly. It was the Center of political and public life in Athens. It was a large open area surrounded by buildings of various functions. The agora was utilized for commerce, politi-

whereby teachers' salaries are delayed by government is a serious concern for E.D.C.E.S. It considers fashioning a system whereby the Commission has access to stand-by funds to pay staff salaries in the case of government delay to avoid strike actions by teachers. Human desires are insatiable but basic human needs should be met.

4.4.4. Capacity Training for Teachers

This commission pays attention to further training and in-house-training of teachers. It organizes retreats, conferences, seminars and workshops as a part of their on-going training. The experiment with ESSPIN has prepared E.D.C.E.S in this regard. ESSPIN helps UBEC to undertake staff-capacity training through the training of master-trainers.[1458] This involves the training of some selected teachers at the state level who will later train other teachers at the zonal or Local Government level. This will improve staff teaching skills and affect their out-put. It also complies with the instructions of the Sacred Congregation for Catholic Education in their 1982 publication: *Lay Catholics in Schools: Witnesses to Faith* which advocated for on-going formation for catholic educators.[1459] According to this document, "among the variety of means for permanent formation (include): reading periodicals and pertinent books, attending conferences and seminars, participating in workshops, assemblies and congresses, making appropriate use of periods of free time formation".[1460] Since teaching is not just a profession but also a vocation, E.D.C.E.S participates in this training program of

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cal, religious and military activities. See i.e. *John M. Camp*, The Athenian agora: a short guide. Athens 1989, p. 3.

[1458] ESSPIN, Revised Guidelines for the development of school based management. Abuja 2011, pp. 36 f.

[1459] *SC InstCath*, Lay Catholics in Schools: Witnesses to Faith, in: *Austin Flannery* (ed.), Vatican Council II, More post-Conciliar Documents. Northport/NY1982, pp. 654-685.

[1460] Ibid., *p.* 678.

ESSPIN. It organizes retreats and conferences. According to Ugonna Igboaja, "this is both directed towards their spiritual good as well as at improving their moral standard".[1461]

In the area of discipline, the Enugu State 1999 Gazette assigned the Voluntary Agencies to be "fully in charge of discipline of staff and students in the schools returned to them".[1462] This implies discipline of erring teachers and students and overall personal management of all Catholic schools in their region. When teachers are well trained and their basic necessities of life taken care of, it will be easier to control the undisciplined ones among them. Late coming and absenteeism is a regular attitude among some teachers. With the mission take-over of schools, these bad attitudes would be reduced. The Church cannot tolerate double dealing on the side of her workers. One cannot be permitted to work as a full-time staff in a mission school while one is at the same time employed elsewhere. Dealing with cases of teachers who extort money from students through abetting of examination mal-practice is a function of the supervisory and disciplinary committee of this commission.

4.4.5. School Supervision

School supervision is a very important function of E.D.C.E.S. In a modern education system, supervision is no longer seen as a policing measure whereby teachers are hunted for their mistakes in teaching. It is now a system of helping them to improve the quality of their services to their pupils and students.[1463] The Church in Enugu had always co-operated with the state Ministry of Education in the area of supervision. The 2009 State School Transfer Law, CAP 141 agreed on the continued

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[1461] Oral Interview with Msgr. *Ugonna Igboaja*, Secretary, E.S.C.E.C Abakpa-Nike Enugu 15 July, 2012.

[1462] Enugu State Official Gazette, 1999, § 3, p. B3.

[1463] ESSPIN Express, Abuja, April, 2012 p. 6; see also ESSPIN Express, at: http://www.esspin.org/resources/
case-studies (5.5.2015).

joint supervision and control of schools with the Voluntary Agencies.[1464] Now that her schools are returned, E.D.C.E.S has a supervision department which regularly controls the quality of teaching and the Church wants her schools to set a high standard of excellence for the public schools. Supervision of schools in Austria has been an important issue between Church and State since history. Even though the State is basically in charge of the school system, it takes the Church along with it in the area of supervision.[1465]

4.4.6. Curriculum Development and Catechesis

The Ministry of Education is responsible for curriculum development in schools. It is the function of E.D.C.E.S to ensure a strict observance of this curriculum. In the area of religious education, it has prepared its own curriculum. Earlier in this work we presented the curriculum for religious education in public schools. Currently E.D.C.E.S has developed a curriculum for religious education in the Catholic Schools which combines both religious and catechetical instruction. To strengthen the Church-State relationship, it will be good if the State Ministry of Education employs priests and religious to work in this Ministry as curriculum developers. The experience of the Church in education is a treasure which the State should cherish and try to harvest for the overall good of pupils and students and in fact for the deeper development of our school system.

4.4.7. Research, Development and Coordination

E.S.C.E.S has a department for research and development. It is the function of this department to use philosophical, theological as well as educational psychology in understanding the curriculum of studies. They study basic textbooks to be introduced in schools to determine which

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[1464] Enugu State School Transfer Law, CAP.141, 2009, § 4, n. 2.

[1465] *Rees*, Beaufsichtigung, pp. 369-384.

ones are suitable for the academic and moral development of students. Since the Ministry of Education is responsible for policy development in education, it is also its responsibility to recommend textbooks for use in schools in the state. However, E.D.C.E.S works in collaboration with this ministry and makes recommendation to it in this regard. E.D.C.E.S is currently dialoguing with the State to have some of its members work in the State Ministry of Education so as to represent its interest in the area of policy development.

4.4.8. Employment of Teachers

The Enugu State Official Gazette of 2009 treated the issue of employment of staff. With the hand-over of schools, members of staff of the Ministry of Education in Catholic secondary schools were given a period of five years with the effect from 2009 to make the choice to remain in their post or to transfer their loyalty to the *Ministry of Education* (M.O.E). Those who wished to remain in the employment of the mission were asked to resign their appointment with the M.O.E. Primary school staff were by this new law still regarded as being in the employment of the State, who have agreed to do a joint management of primary schools with the Voluntary Agencies. These agencies were nonetheless allowed to employ additional staff, other than a head teacher to teach in the primary schools. While the state agreed to pay the salaries of primary school teachers "over the years",[1466] those who were additionally employed by the Voluntary Agencies would be paid by them.[1467]

What implication has this arrangement for the mission and for the E.D.C.E.S? The state has agreed to pay the salaries of staff of Mission secondary schools only for the period of five years which expires in 2014. E.S.C.E.S needs further dialogue with the state to reverse its deci-

[1466] *Obiora Ike*, Situation report, p. 1.

[1467] Enugu State school Transfer law, § 4, n. 1 and 2.

sion to reflect what it agreed to do in the primary schools.[1468] This is necessary to avoid making mission schools elitist. This is because the fees to be charged there will be too high for poor parents to pay.

With the just concluded diocesan synod, the setting up of an education Secretariat and the plan to organize an education Summit, the way is cleared to achieve new results. This is the hope of the Diocese. It is our hope that if she succeeds, she will be a path-finder to many other Dioceses in Nigeria and a challenge to the State in its management of private and public schools.

[1468] *Obiora Ike*, Situation report, pp. 1 f.

V

CONCLUSION: FINDING A SOLUTION

1. Introduction

Chapter five is the concluding part of this dissertation and will be divided into four sections. Section one will cast a look back at the Austrian system which we have taken as our model and sieve out some lessons which we could learn from that system. Section two will offer a number of recommendations to the Diocese. Among these will include the training of the agents of evangelization, catechesis and school religious instruction. To ensure catholic character in our Catholic schools, the management of these schools must maintain a close rapport with the local Church. Section three will anticipate the results of this research. When the lessons from our research are outlined and the recommendations made and are taken, we believe that the result will be as we are going to outline them in this dissertation. Section four which is the last of the series will deal with the evaluation of the entire work. It is intended to provide an appraisal of the whole work.

2. Lessons from Austria

2.1. Comparison Between Austrian and Nigerian System

There are a number of factors that can be compared between the Nigerian and Austrian systems. In the first place, as independent nations, Nigerian and Austria practice democracy and are both secular states

where no religion is adopted as state religion. There is a clear separation of powers between Church and state; however, with co-operation in some areas. While the Federal ministry of education, arts and culture is responsible for primary and secondary education in Austria, the responsibility of primary education in Nigeria is in the hands of the various state ministries of education. The Federal Government of Nigeria funds both secondary schools and tertiary institutions and universities. In Austria, tertiary and university education is in the hands of the Federal ministry of science and research. Education is compulsory for the first nine years of education in both Nigeria and Austria. There is also the freedom of various religious bodies to establish and own private schools. The state is incharge of the provision and supervision of education system in both private as well as public schools in both countries. The level of co-operation between Church and state in both countries is at variance. While the Austrian state has a good rapport with every recognized religion in the country, religion is a dangerous topic of discussion in Nigeria. Even though Nigerians are very religious people, many politicians utilize this natural disposition of the common masses to gain access to power.

On the other hand, many factors make it difficult to compare the school systems of Austria and Nigeria. These include: the difference in their years of experience in management of school systems; the disparity in the population figures of these two countries and other cultural, religious and structural differences. While the State funds education in both private as well as public schools in Austria, private schools are not funded with state resources in Nigeria. The question is: what lessons can we learn from the Austrian system.

2.2. Lessons from Austria in the Management of Catholic Schools

In spite of these differences between the Austrian and Nigerian systems much can be borrowed from the Austrian system. We itemize them as follows:

2.2.1. Church-State Relationship in Education

Education is a basic area of co-operation between Church and state in Austria.[1469] It was established that the Austrian Government has the responsibility of providing free education for its citizens in the first nine years of schooling. This implies that irrespective of whether parents chose to sent their children to private or public schools, the State sees these children as her own and undertakes the responsibility of providing them with free and basic education. It is presumed that after the first nine years of education, the child would have received enough learning to enable it to face challenges in life. The child could undertake further education and technical training with help from parents, scholarships or loans from the State, private or public organizations. With such help they have the opportunity of advancing their life career. The State pays the salaries of all teachers in both state schools as well as all approved private schools; supervises and controls all schools whether private or public and sets the standards which must be applied in all schools. The Church on the other hand has the privilege of employing teachers who teach; supervise her schools as well as provide religious instruction in both her own schools and those owned by the state. Teachers who teach religion in both private and public schools must also have a recommendation and approval to do so from his or her own religious authority. In this way, the Church is incharge of providing religious education in schools. We can borrow a leaf from this system and establish a cordial

[1469] For a further discussion on this topic see: *Rees*, Verhältnis von Staat und Kirche, pp. 1-48.

relationship between Church and State in Nigeria for the benefit of Nigerian children.

2.2.2. Enacting new Education Laws

The Republic Austria reaps the fruits of many years of legal regulation of their school system. The various educational laws address the changes brought about by circumstances and time. Apart from the various concordats which they entered into with the Vatican which are still in effect today, there are other laws regarding freedom to practice religion; laws regarding confessional religious instruction in both private and public schools; laws regarding the granting of subvention to private schools; religious instruction law, law concerning supervision of schools, compulsory school law, law regarding the right of parents to bring up their children according to their own world-view and law granting every citizen the right to establish and own private schools. For instance the 1962-*Schulorganisationsgesetz* (SchOG) of Austria,[1470] gave the Catholic Church and other recognized religious bodies the right to provide, conduct and directly supervise religious instruction both in the public as well as in the private schools.[1471]

The establishment of basic laws that take care of different educational conditions is one of the best things we can learn from the Austrian system. In the thoughts of Wilhelm Rees, the State should recognize the right of parents to educate their children through legislation.[1472] The natural right of parents to educate their children is an unbroken part of the child-parent relationship.[1473] This natural relationship should be

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[1470] Bundesgesetz vom 25. Juli 1962 über die Schulorganisation (Schulorganisationsgesetz), in: BGBl. Nr. 242/1962 (NR: GP IX RV 733 AB 785 S. 109. BR: S. 195.), i.d.g.F. in: BGBl. I Nr. 38/2015 (NR: GP XXV RV 448 AB 461 S. 61. BR: 9325 AB 9332 S. 839.)

[1471] *Klein*, Privatschulen im kanonistischen Kontext, p. 179.

[1472] *Rees*, Religionsunterricht und katholische Schule, p. 196.

[1473] *Rees*, Der Religionsunterricht und die Katechetische Unterweisung, p. 32.

protected by state laws. This is the most basic law because it recognizes the natural law which parents inherit from God as the custodians of their children. When the state recognizes this right, it will be able to support them in the education of their children.

2.2.3. Management of Schools

Since private schools are not funded by the Nigerian government, education is a burden to most parents who must send their children to private schools. Some of them are forced by economic reasons to send their children to public schools. In the recent hand-over agreement between state and Church in Enugu state, the State Government only agreed to pay the salaries of primary school teachers in perpetuity but those of the secondary school teachers for five years only. This places a lot of financial burdens on both parents and the Church. If the State could agree to shoulder the responsibility of payment of teachers' salaries, this would give the Church the freedom to concentrate on actual management of her schools and make mission schools affordable to children of the poor. *Gravissimum Educationis* challenges Christian faithful to financially support Catholic schools so that they do not turn out to be schools for the privileged. It singled out three groups of people who should need special help from the faithful. They include the poor, orphans and those who do not have the faith (Art. 9 VatII GE).[1474] We believe that continued pressure from the Church could make the State agree to undertake total financial responsibility for all children within the age of free education.

2.2.4. Supervision of Schools

Other very important areas of school management which could be learnt from Austria include the supervision of schools and teaching of

[1474] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 574.

religious instruction in public schools. In both Austrian and Nigerian systems, the State play the major role of control of the school system. This includes the supervision of schools. One very difference between the two systems is the area of provision and supervision of religious education in both public and private schools. While the Churches have the obligation to provide and supervise religious instruction in both private and public schools in Austria, it is not the case in Nigeria. The Nigerian Church authorities should evolve more dialogue with the government to give it the responsibility of providing religious education in public schools as well. We have a practice in Enugu State whereby church authorities employ some priests and religious as co-inspectors of education in secondary schools. This is not enough. The Church could be given the opportunity to participate in the drawing of curriculum of studies for schools. Much emphasis should be laid by the Catholic Education Secretariats in the supervision of teachers. The availability and readiness of teachers to teach go a long way to determine the success of pupils and students in their studies. Supervision is a form of control. It offers the proprietor the opportunity for checks and balances. It helps teachers to be vigilant and hard working while at the same time influencing their promotion. By this control, teachers' output increases to the benefit of students. The establishment of an efficient supervisory board by the E.S.C.E.S would solve the problem of laxity among teachers in public schools.

2.2.5. Denominational Religious Education in Public Schools

Gerald Kallenbach makes the point that Christian education in terms of Catholic religious instruction has both a confessional and ecclesial character. It is an assignment on parents and the Church.[1475] Teaching of religious instruction in public and private schools in Austria is confessional. The various religious bodies are responsible for the provision of

[1475] *Kallenbach*, Kirchenamt, p. 40.

religious education in public schools. The number of students or pupils who offer religious education in each public school and who belong to a particular religious body determines which Church provides religious education in these schools. Of course, each Church that owns its private school has the right to teach its doctrines in their school. But if there are many students from other confessions who attend private school owned by a particular church, the government allows these students the freedom to be taught their denominational religious instruction. Students who opt for moral instruction and those who opt out of religious instruction, either by the wishes of their parents or by their own personal decisions when they are up to 14 years of age, are left free to their decision. Although youths in Europe are generally lukewarm with regard to Church attendance and there is a general poor attitude to religion by many, the German Bishops Conference reports that if there is an awakening interest in Religious Instruction in schools in many parts of Europe, it will be attributed to the existence of many learning materials and new methods being introduced for the teaching of this course in schools.[1476]

In Nigeria, religious instruction in public schools is not denominational. The curriculum for Christian religious instruction in Nigerian schools is basically biblical. This does not help the Catholic Church in her evangelization program for her adherents. The Church should negotiate with the government to have her priests work at the State Ministry of Education as curriculum planners. Curriculum development is about the most important aspects of education. It is here that efforts will be made to plan for an integral and sound education for children. Despite the plural nature of our society, the Church is obliged to give her children religious education in accordance with her teaching and the faith of their parents. The diocese should convince the state to develop both the curriculum and time table for religious education into three: one for

[1476] *DBK*, „Der Religionsunterricht in der Schule“, pp. 277 f.

Islamic, another for Catholic and the other for Protestant religious education. The Protestants have the same type of theology and creed. The Lutheran theology of *Sola fide, sola Scriptura and sola gratia*[1477] is the guiding principle of all Protestant theology. The Pentecostals have no different theology from the Protestants. Despite the division among the different Protestant Churches, this theology forms the basic foundation of what they teach and believe. They are united in their rejection of most of Catholic creeds like the Cult of the Blessed Virgin Mary and the saints; the importance of the sacraments to faith and salvation and the role of faith and reason in Christian life. These doctrinal differences should reflect in the teaching of Christian religious education in our schools. The foundation of the Christian faith is laid at the early years of a child's life. What it learns about God and the Church in primary and secondary school determines a lot about how the child lives out its life in later years. We can learn from Austria, the practice of denominational religious instruction.

2.2.6. Categorizing Catholic Schools in the Diocese

Canonically speaking, a Catholic school is one "which is under the control of a competent ecclesiastical authority or of a public ecclesiastical juridical person, or one which in a written document is acknowledged as Catholic by the ecclesiastical authority".[1478] We see here three categories of management that distinguish a school as Catholic. It could be directly owned and managed by a diocese or by a public ecclesiastical juridical person like a religious congregation. It could also be owned and managed by a lay persons or a group of persons who are not juridi-

[1477] Martin Luther preached that only faith and the scriptures are necessary for salvation, see: https://www.uni-muenster.de/FNZ-Online/politstrukturen/reformation/unterpunkte/reform.htm; 09.05.15

[1478] C. 803 § 1 CIC/1983.

cal.[1479] The third point is that such schools belonging to this latter group require to be recognized as *Catholic* through a written document from an ecclesiastical authority.

Apart from the 448 primary and 18 secondary schools returned to the three dioceses of Awgu, Enugu and Nsukka, there are still many schools belonging to various religious congregations and lay Catholics which should presumably fall under the designation *Catholic schools*. But the question would be: how many of them are authorized by the diocesan bishops of these three dioceses? It is the duty of the authorities of these schools to seek recognition and the task of the State Catholic Education Secretariat which oversees the activities of Catholic schools under these three dioceses to identify which schools actually deserve the title *Catholic schools*. Those schools which are so identified should cooperate with each other[1480] to enhance their catholicity as well as offer help to one another in various areas. Cooperation among them would enable them to undertake initiatives directed towards promotion of apostolic action.[1481] Formation of an association of Catholic schools and evolving activities like football, quizzes, music, science and technological competitions would be a wonderful way of promoting solidarity among Catholic teachers and students on the one hand and identification of talents of students on the other. Promotion of an association of parents[1482] is important in harnessing the contributions of parents in the education of their children. The parents are engaged in various field of human endeavour. Their contributions are very vital in helping the Church to bring out the best in the students.

[1479] Cc. 113 and 114 CIC/1983 defined juridical persons as subjects of obligations and rights which accord with their nature. Their purposes are directed to the benefit of the Church's mission which transcends their individual purposes.

[1480] C. 820 CIC/1983.

[1481] C. 216 CIC/1983.

[1482] C. 796 § 2 CIC/1983.

2.2.7. Ensuring Catholic Character in our Catholic Schools

Logo, Motto and *Mission statements* are common features of public institutions and establishments. In them are located the philosophy of such institutions and establishments. They point to the *raison d' etre* of each establishment and are the focus and driving force of these institutions. Once this focus is lost, then they lose their meaning. The services for which they are sought are lost. The Catholic character of Catholic schools is to be found in what some people term *core message of Catholic schools,*[1483] or *duty of Catholic schools,*[1484] or *the duties and distinctive characteristics of Catholic schools*.[1485]

Catholic schools should be places of encounter between man and God; a place where "we encounter the living God who in Jesus Christ reveals his transforming love and truth".[1486] They should be institutions that "proclaim the Gospel and … offer a formation based on the values to be found in Christian education."[1487] They are institutions that make Christ present in the academic world.[1488] In them, culture, faith and life are integrated and catholic ethos and orthodoxy are maintained.[1489]

This Catholic character is not to be identified only with academic excellence, maintenance of discipline and high moral ethos.[1490] Some public and private schools could also achieve these. They must be institutions where excellence in morality and academics are united with

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[1483] *Alting von Geusau / Booth*, Catholic Education in the West, p. 3.

[1484] *James C. Conroy*, Catholic Education in Scotland, in: *Michael A. Hayes / Liam Gearon* (eds.), Contemporary Catholic Education. Herefordshire 2002, pp. 17-35.

[1485] *SC InstCath*, Catholic Schools, nn. 630-653.

[1486] *Benedict XVI,* Address during meeting with Catholic educators in Washington DC, 17 December, 2005, in: *Alting von Geusau / Booth*, Catholic Education in the West, pp. 3-5.

[1487] *Conroy*, Catholic Education in Scotland, p. 31.

[1488] *SC InstCath*, Catholic Schools, nn. 62 and 65.

[1489] *Ibid*., n. 65.

[1490] *Alting von Geusau / Booth*, Catholic Education in the West, p. 1.

spirituality. If education is limited to the development of human faculties, then it lacks catholic identity because Catholic education which is synonymous with integral education must lead to the search for one's eternal destiny.[1491] Here, we want to point out some of the Characteristics which should be the hallmark of Catholic schools and institutions.

2.2.8. Close Rapport between Catholic Schools and the local Church

C. 803 CIC/1983 is clear about this aspect of identity which is expected of schools which want to go by this name *Catholic.* Going by this expression, Catholic schools must be under the control of a competent ecclesiastical authority, be acknowledged by it; must base its principles on Catholic doctrine. In fact, no school can be called catholic if it does not have the consent of a competent ecclesiastical authority. By the provisions of this canon, the rapport between these schools and the ecclesiastical authority is necessary for them to maintain their orthodoxy. Bishops as moderators of the Word of God in their dioceses (c. 756 § 2 CIC/1983), have the calling and competency to ensure orthodoxy. Without this rapport, the orthodoxy and catholicity of such schools are put into question. Bishops play a great role in the establishment and organization of our schools and institutions of higher learning. They appoint or approve the appointment of teachers of Catholic schools and are the proprietors and at times chancellors of our Catholic universities. They are their spiritual fathers. For example, the Godfrey Okoye University, Enugu owned by the Catholic Diocese of Enugu has as its Priprietor, the Bishop of Enugu Diocese and as its present Chancellor, Archbishop Ignatius Kaigama; the Catholic Archbishop of Jos and President of the Catholic Bishops' Conference of Nigeria.[1492] They are not responsible for the day to day administration of these Catholic schools and Universi-

[1491] C. 795 CIC/1983.

[1492] *Catholic Bishops' Conference of Nigeria*, News: Installation of the Chancellor of Godfrey Okoye University, at: http://cbcn-ng.org/newsdetail.php?tab=314 (5.5.2015).

ties. They offer moral and spiritual advice especially in moments of conflict in these institutions.

2.2.9. Catholic Identity: External and Internal

The Church is not just an edifice standing out there. She is a sign and an instrument of communion with God and of unity with men.[1493] She is the body of Christ. The presence of an edifice is both a sign and a symbol of the Church's presence among the people. Church buildings and chapels are visible symbols of faith. They do not just serve as places of gathering of the faithful for worship. In this understanding, Catholic schools and institutions should have chapels as one of the great signs of the Catholic faith. There are also other internal and external signs of our faith. The sacramentals are among them. "They are sacred signs which bear a resemblance to the sacraments. They signify effects, particularly of a spiritual nature, which are obtained through the Church's intercession. By them men are disposed to receive the chef effect of the sacraments, and various occasions in life are rendered holy."[1494] Some examples of Sacramentals include crucifixes, the rosary beads, pictures and statues representing the saints and so on. The hanging of crucifixes, statues or pictures of saints in public places in Catholic schools belongs to their external Catholic identity. Pictures of competent ecclesiastical authorities like the Pope and the Local Ordinary of the Diocese, even though they do not belong to sacramentals, are to be displayed in public places as a symbol of the bond between these schools and institutes and the magisterium of the Church.

2.2.9.1. Liturgy

The celebration of the sacred Liturgy is one of the most important signs of the catholic character of these schools. Among aspects of the catholic Liturgy, the celebration of the Holy Mass should be outstand-

[1493] Art. 1 VatII LG.

[1494] Art. 60 VatII SC.

ing. The Eucharistic celebration is both an action of Christ and of His Church.[1495] Its celebration brings about the union of hearts and minds of both staff and students of these institutions. The component parts of the Holy Mass: sacred music, the Word of God, Homily and Holy Communion, and so on, deepen the unity of the Christian community of Catholic schools and institutions. Where it is not possible to celebrate the week-day Masses, effort should be made to celebrate the Sunday Mass for staff and students.

This indicates the need of a Chaplain for the schools. Where it is opportune, each Catholic School or institution should have a chaplaincy and a chaplain who oversees their spiritual life. In the Diocese of Enugu, each Catholic school has a Chaplain who is responsible for the spiritual life of staff and students of these schools. Even some big state schools with large catholic population have chaplains attached to them. These chaplains are usually priests. In cases of places where priests are lacking, religious men or women could be appointed. In our case, only priests serve as chaplains in Catholic schools and institutions. These chaplains must be appointed by the Local Ordinary. Michael A. Hayes described the disposition which every Chaplain of Catholic schools should possess. According to him:

> "It is his function to arrange and organize the celebration of the Liturgy and the building and development of the Christian community. He should, therefore, have an unmistaken focus on Christ, the central figure of Christianity. He should be conscious of the fact that he stands between personal experience of a self-communication God and Human experience and that like the teachers of faith in the history of the Church, he is being sent into the service of others. He should personally have a strong faith in order to witness; so that others see Christ through him. He should

[1495] C. 899 § 1 CIC/1983.

> be eager to be a soul-saver. He should be a lover of God and the Church. He must possess a prophetic voice and be humble; have a passion for people; a love for tradition; gift of hospitality and willingness to educate for God's reign."[1496]

The Sacrament of Reconciliation should form an important part of the regular sacramental celebrations in catholic schools and institutions. It should offer both staff and students the opportunity to reconcile with God and with one another. The celebration of the Holy Eucharist should prompt the hearts of the Christian community to spend time in the adoration of the Blessed Sacrament. The Chaplain should once in a while offer catholic students and teachers the opportunity to meditate before the Blessed Sacrament exposed. This offers an opportunity for spiritual recollection. Where it is fitting and possible, the celebration of the Liturgy of the Hours is encouraged. This is a good aspect of the spiritual program of our Godfrey Okoye University, Enugu. Apart from celebrating the Holy Mass every morning, they gather together at midday to recite the Liturgy of the Hours shortly before Lunch time.

Catholic schools and institutions should offer the students the opportunity to live out their sacramental life as Christians. Those who have not been baptized; who have not received the First Holy Communion or confirmed and who desire to attain to this spiritual state of life should be helped to prepare and receive them. This helps them to be rooted in Catholic life. Latin should be introduced among the subjects in the curriculum of study. The study of basic ecclesiastical Latin will not only help the students in participation actively in the life of the Church but also enable them to read Church documents and the classics.

2.2.9.2. Catholic Ethos

[1496] *Michael A. Hayes*, The disposition of the Chaplain, in: *ders. / Liam Gearon* (eds.), Contemporary Catholic Education. Herefordshire 2002, pp. 125-135.

Every society or profession has its ethos which is its acceptable way of life. Teachers who are to teach in Catholic schools should be people whose lives are models of the authentic Christian life. *Gravissimum Educationis* offers a good example of the expected Catholic character in these schools. They are expected to be places where culture and human formation are offered young people who would grow up to become a saving leaven in their future communities.[1497]

People who hold different moral views from the teachings of the Catholic Church in areas like abortion, euthanasia, homosexuality, family life and so on cannot impart the correct Catholic ethos to the students. If publicly acclaimed homosexuals and people who have contracted second marriages without the annulment of the first teach in Catholic schools, they will offer a poor example to the young students growing up in these institutions. In this list are also atheists, agnostics, drunkards, sexual perverts and people with emotional outbursts. Their personal witness to the Christian life disturbs the good moral and spiritual growth of pupils and students of Catholic schools and institutions of higher learning. Local Ordinaries who are charged with the responsibility of appointing religious teachers in Catholic Schools and institutions must, therefore, be careful in their deployment of teachers. School managers and Catholic Education Boards or Secretariats should help bishops to carry out this aspect of their pastoral responsibility.

2.2.10. Evolving new Curriculum for Catholic Religious Education

It is becoming very clear today that for the religious education for children of school-age, attention must gradually shift from Parish Catechesis to school religious instruction and catechesis. It is a fact that pupils and students now spend more time in the schools than in their homes. The consequence is that they have little or no time for a deeper

[1497] Art. 8 VatII GE.

catechesis in the parishes. At the primary school age, it is still easier to get the attention of pupils because they are still under the watchful care of their parents; attending school from their homes. That is why parish catechesis s easier to organize at this level. This is the age where the preparation for the First Holy Communion takes place. When the children graduate into secondary schools, some of them live in boarding houses. The other groups who go for classes from their homes either stay longer in school at the end of classes to attend extra-mural lessons. This makes it difficult for them to find time to come to the parishes for catechetical and religious instruction. This is why emphasis should gradually shift to the teaching of religious instruction is schools.

Michael Holman attested to the veracity of this point while reporting on the situation of religious instruction in Britain. He said: "I would argue that the Church needs to face up to the fact that the Parish structure in 21th century Britain cannot continue to be regarded as the primary point of contact with Catholic people. It is to the schools that young people and their families continue to flock, not to the Churches."[1498] Even though this situation of Church attendance and interest in Parish activities is not as acute in Nigeria as in Britain; as described above, we must be prepared for the effects of secularism which is ravaging cultures and religious institutions in the world today. The Church in Nigeria must, therefore, prepare itself for a shift of her evangelization method; one may say, to the old missionary school-method of evangelization. We are lucky that the early Catholic missionaries began their evangelization of Nigeria as well as most African countries using the school method of evangelization. It is fitting that as more time is being spent in schools, the Local Church here should lay a lot emphasis on schools evangelization.

[1498] *Michael Holman*, The Christian Ministry of Teaching, in: *Michael A. Hayes / Liam Gearon* (eds.), Contemporary Catholic Education. Herefordshire 2002, pp.67-78.

There is a difference between School Religious Education and Catechesis and we want to point it out here. School Religious Education and Catechesis are aimed at the same goal: leading pupils, students or young people to Christ. Both are very important aspects of Christian education. However, while School Religious Education opens the students to a deeper insight into religion as such, Catechesis helps them to deepen their understanding of their own Catholic religion in order to be able to pursue a broader dialogue with others.[1499] The contents of School Religious Education should comprise the study of the Holy Scripture. The Church holds the Holy Scripture as basic to her teaching. *Dei Verbum* was clear on the centrality of the Holy Scripture in the curriculum for Religious Education when it stated that "the study of the Sacred Page should be the very soul of sacred Theology".[1500] *Dei Verbum* further states that the ministry of the Word, pastoral preaching, catechesis and all forms of Christian instruction among which include liturgical homily should hold pride of place.[1501] So the fathers of the Second Vatican Council placed Sacred Scripture at the Center of all Christian Religious Education. The Sacred Tradition, Magisterium, the Sacraments, Ecumenism, the virtues and the history of the Church should come into the curriculum of School Religious Education in Nigeria to augment what the children have learned in their Parish Catechism classes. This will make the curriculum for School Religious Education more comprehensive. It will broaden the horizon of pupils and students regarding the basic aspects of religion as such. While it treats of the topic of ecumen-

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[1499] *Michael J. G. Cooke*, Interfaith perspective: more questions than answers, in: *Michael A. Hayes / Liam Gearon* (eds.), Contemporary Catholic Education. Herefordshire 2002, pp. 186-201.

[1500] *Leo XIII*, Encyclical Letter *Providentissimum Deus*, 18 November, 1892, in: ASS 26 (1893/94), pp. 279-291, here n. 114; see also *Benedict XV*, Encyclical Letter *Spiritus Paraclitus*, 15 September, 1920, in: ***AAS*** 12 (1920), pp. 385-422, here n. 483.

[1501] Art. 24 VatII DV.

ism to enable pupils and students to understand the tenets of other religions, it lays emphasis on Catholic doctrine to ground the learners in their own faith and doctrine in order to be able to dialogue with people of other faith. Catechesis on the other hand is an important stage of evangelization which aims at deepening the faith of the Christian people of all ages. While school Religious Instruction is meant for both neophytes in the faith as well as for children from a good Catholic background who are nurtured in the Christian faith, Catechesis presumes that learners have already accepted the faith and want to deepen it.

In Catholic schools in Nigeria, both catechesis and religious education should form a part of the curriculum. The contents of both of them should be so organized as to take care of the needs of the different classes, ages as well as spiritual needs of the students. From the outline of the curriculum for Parish catechesis,[1502] many things which Catholics should know about their faith are lacking. This is why the new syllabus for School Religious Education should be more comprehensive. Our new efforts should concentrate on deepening the curriculum for Religious Education in schools. This will enable the students to broaden their knowledge of the Church and the scriptures so that they may become strong witnesses of Christ in the academic world and later in the wider world. So the basic difference between Parish catechesis and School Religious Education in Nigeria is to be seen in their contents.

2.2.11. Catholic Teachers

Gravissimum Educationis insists that Catholic schools must be imbued with the presence of Catholic teachers who possess both professional as well as religious formation.[1503] These teachers constitute the Church's presence in the academic world. They are witnesses of Christ

[1502] See the section on the curriculum for parish catechesis in Nigeria, sec. 3.7.1.4 above.
[1503] *Ibid.*

to the world[1504] and in the temporal order.[1505] Their theological and religious training constitute the required ingredient for character transformation of pupils and students which Catholic schools are known for. Catholic teachers, non-teachers and managers of catholic schools combine to give these schools their Catholic character. A lot of success in terms of academic, moral and human formation in these schools is made possible by the individual contribution and particular efforts of these people. Both Pope Pius XI and the Second Vatican Council insisted that the success of Catholic education depend largely on catholic teachers. The Vatican Council, for instance, remarked that "teachers must remember that it depends chiefly on them whether the Catholic School achieves its purpose."[1506] A basic theological knowledge is important for teachers in Catholic schools and institutions to understand exactly what they are expected to impart on their pupils and students. When the Church was opening and running Teachers Training Colleges, they were great assets for permeating morality in the lives of their pupils and students.[1507] The aim of opening those institutions was to bring up good Catholic teachers. Now that higher institutes have replaced Teachers' Training Institutes, the Local Church in Enugu must make efforts to replace the good qualities which teachers used to receive from such former establishments. Teachers who would specialize in divergent disciplines in the University would be expected to take some courses in Catholic theology. Those who received their training in other Universities and are later employed in our Catholic schools would be expected to take part-time courses in theology or Catholic Religious education. This will enable them add religious formation to their professional training

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[1504] Art. 31 VatII LG.

[1505] Art. 32 VatII LG.

[1506] Art. 8 VatII GE.

[1507] *Godfrey Agu*, Religious and Moral Education in Mission Schools, in: *Nicholas I. Omenka / Ambrose C. Agu / Anthony Anijielo* (eds.), Our Journey with God. Enugu 2012, pp. 124-131.

and make them good instruments in the hands of the Church to transmit her Good News in our Catholic schools. Bishop Onaga hinted that one of the basic challenges facing the diocese of Enugu in education is the formation of Catholic teachers who are committed to their work.[1508] With the difficult economic situation in Nigeria, many teachers are not committed to their work. They strive to find enough resources to cater for their families which they cannot do with their salaries. Given this situation one may ask how the Church could find loyal, hardworking and dedicated teachers "who are outstanding in true doctrines, in the witness of their Christian life and in their teaching ability."[1509]

2.2.11.1. Formation of Catholic Teachers

The fathers of the Second Vatican Council insisted that the Church is obliged to engage in human promotion in response to her divine mandate.[1510] She must ensure good working condition for her workers. Through her social teachings, the Church speaks out against oppression of workers[1511] and must be seen living out what she preaches in her relationship with her workers. But Bishop Onaga rightly noted that finding dedicated teachers in Catholic schools does not just entail increasing their financial remuneration. This is why he mentioned that the diocese organizes seminars and workshops to enlighten these teachers on the dignity of their profession as well as improve their teaching proficiency.[1512] Efforts will be made to establish a Catholic Teachers Association which will act as a socio-spiritual forum through which they relate with

[1508] Oral interview with Bishop *Callistus Valentine Chukwuma Onaga*, Bishop's House, Enugu, 20 July, 2012.
[1509] C. 804 § 2 CIC/1983.
[1510] Art. 5 VatII GE.
[1511] *Leo XIII*, Encyclical Letter *Rerum Novarum* on capital and labour, 15 May, 1891, in: ASS 23 (1890-1891), pp. 641-670, Leonis XIII p. M. Acta, Vol. XI. Rome ***1892***, pp. 97-144; see also: Art. 29 VatII GS.
[1512] Oral interview with Bishop *Onaga*, Bishop's House, Enugu, 20 July, 2012

one another, exchange experiences and share their joys and worries. It will equally serve as a body through which the Catholic teachers relate with their employer.

If the Diocese of Enugu constitutes a department of Catholic Religious education at her Godfrey Okoye University, it will serve as a good training ground for Catholic teachers who would be employed in our Catholic schools. If the State eventually agrees to continue to pay the salaries of teachers both in private and public schools, this would go a long way in solving the problem. This will enable the Church to think out some incentives which will enable teachers to take care of their basic needs. Scholarships for further studies for excellent teachers could be one of the incentives.

2.2.11.2. Catechists' Training

The Second Vatican Council and the 1983 Code have indeed given the Laity more room to exercise their baptismal calling.[1513] Apart from its various recommendation on Catechetical instruction, the 1971 *Catechetical Directory* encouraged bishops to strive in catechetical training of priests as well as lay teachers of religion.[1514] The role of the Catechist as spelt out in c. 785 §§ 1 and 2, CIC/1983 is directed to helping the Missionaries in spreading the Good News in mission territories.[1515] As a Church with an ancient tradition the Church in Austria is no longer a mission territory and as a result of this does not fall into this category described in the canon above. However, Johann Hirnsperger founded the argument for establishing the office of the Catechist anew by the Austrian Bishop's Conference on the circumstances of immigration. In their publication of first February, 2002 Austrian Bishop Conference founded

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[1513] *Hirnsperger*, Katechist, pp. 446-465.

[1514] *Schwendenwein*, The Training of Catechists in Austria, p. 255.

[1515] *Gerard Sheehy / Ralph Brown / Donal Kelly / Aidan McGrath / Francis G. Morrisey* (eds.), The Canon Law: Letter and Spirit: A Practical Guide to the Code of Canon Law. London 1996, pp. 432 f.

anew the office of the Catechist.[1516] They issued an authorization for the office of the Catechist directed at helping catechumens with foreign origin who may need catechetical help. The catechists were to be trained in the Philosophical-Theological Institute of Holy Cross in Vienna.[1517] In the nature of their calling, catechists are co-operators with the missionaries in their sending to preach the Good News (c. 785 § 1 CIC/1983). To qualify for this position, lay persons willing to serve as catechists must possess some human, intellectual as well as spiritual education as determined by the Austrian Bishops' Conference. They must go through the training outlined in their curriculum in Holy Cross in Vienna.[1518] Within a period of four semesters, the catechist in training undergoes courses in scripture, catechism, Christian history, spirituality, sacramentology, dogmatic and liturgy. There are also practical sides of their training. The individual in training with some subvention from the Church funds his or her training.[1519] That is the situation in Austria. There are, however, some other offices close to the office of the Catechist which have been in function before the establishment of this new office in 2002.

Pope John Paul II encouraged bishops to intensify their efforts in training of catechists whose duty, he maintained, is so primary in the Churches evangelization program.[1520] In Nigeria we assign to catechists such functions as collaborating with priests in the teaching ministry. They are teachers of religion and co-organizers of parish liturgy and maintain important parish data. These responsibilities are shared in Austrian between different Church workers like parish secretaries, pastoral referents and assistants and parish finance secretaries.

[1516] *Hirnsperger*, Katechist, p. 447.
[1517] *Ibid*., p. 449.
[1518] *Ibid*., p. 456.
[1519] *Ibid*., pp. 460-465.
[1520] *John Paul II*, PostExA *Ecclesia in Africa*, n. 91.

Pastoral referents and assistants work both in parishes as well as in schools. They help the priest in pastoral matters: preparation of a parish pastoral plan; preparation of children for the various sacraments especially baptism, reconciliation and confirmation. They are equally responsible for the preparation of couples for the sacraments of marriage. They preach when necessary in the dioceses where they are allowed to do so. They are also responsible for teaching religious instruction in schools. In most dioceses, catechesis and religious instruction basically, are done in schools. The pastoral referents and assistants who teach religion in schools are paid by the government because religion is among the official courses of study offered in schools. They follow the curriculum of study set out for teaching religious instruction. This curriculum often covers the administration of Sacraments and Catholic doctrine. In both approved private and public schools, religious teachers are employed. In public schools, there often exist Catholic, Protestant and Islamic religious teachers depending on the number of pupils or students adherent to these religions. If most children in a particular school are Catholics, it is often unnecessary to employ religious teachers from other faiths. Each teacher of religion is responsible for teaching pupils or students of their own faith. The study of religious instruction is compulsory for all pupils and students until the age of 14 at which age each one may choose to continue with or leave the course. However, parents are free in the first five days of registering their children in school to indicate their willingness or unwillingness for their children to be given religious instruction. Once there are up to ten students for religious instruction in a class, they are entitled to two hours of instruction per week. The teacher of Religious instruction in Austria must possess a stipulated qualification. A teacher in a secondary school must possess at least a diploma in Religious instruction from the Catholic theological faculty of a university. Religious teachers in primary schools are expected to attend specific courses on religious instruction in order to

qualify to teach religion. Rosa-Maria Panhofer, a teacher of Religious Instruction in Volksschule, Windhaag near Perg (Upper Austria) confirmed that every year, the teachers of Religion have the opportunity to order some relevant books on religion which they need for their teaching and which would be budgeted and paid for by the relevant school authority.[1521] The training of catechists should take into account availability of relevant catechetical and religious instruction books. The employment or appointment of teachers of religious instruction in Austria is only possible through the written permission (*Missio canonica*) from the local Ordinary.

3. Recommendations

In my research I have consulted many books dealing with Catholic Education; ancient and modern. I have consulted many archives and libraries; interacted with many experts in the field of education and participated in many seminars relevant to my topic. I have also published some articles in relevant books and magazines on my topic. It is on the strength of these and as a result of my findings, and equally relying on my experience as a Catholic Priest that I humbly make the following recommendations to the Diocese of Enugu in particular and the Church in Nigeria in general.

3.1. Training of Expert Managers of Mission Schools

By their training, Catholic priests are expected to be experts in Catholic doctrines and so are best qualified to teach religion in Catholic schools. The 1983 Code indicated that "teachers of Catholic schools must be outstanding in true doctrine and uprightness of life"[1522] (c. 803

[1521] Oral interview with *Rosa Panhofer*, a teacher of Religion, Rechberg bei Perg (Upper Austria), 5. 7. 2014.
[1522] C. 803 § 2 CIC/1983.

§ 2 CIC/1983). It is recommended that candidates for the sacred Priesthood receive instruction with special care in Sacred Scripture and deep doctrinal formation[1523] (c. 803 § 2 CIC/1983).This view is collaborated by the Eastern Code which recommended that candidates to the Priesthood be trained in such a way that they deeply penetrate Catholic doctrine drawn from divine revelation. They are to be educated in catechesis and homiletics.[1524] In the regional seminaries of the old Onitsha Ecclesiastical Province, candidates to the Priesthood are trained for four years in philosophy and another four years in theology before their ordination as priests. Within the four years of theological studies, care is taken to maintain the standards of Christian education and as the decree on the training of priests; *Optatam Totius* recommended, their training is to be "supplemented by the latest findings of sound psychology and pedagogy."[1525] Their training in psychology, pastoral theology, catechesis, liturgy, homiletics, Latin and other languages is enough preparation for an apostolate in Christian education.

From the forgoing, we can see that Catholic Priests have a good training in Christian education. The laity should also have a suitable training to qualify them to to be teachers and managers of our schools. Now that we have in Nigeria what one may call a *vocation-boom*, it may be difficult to be thinking about what one could do in the event of lack of vocation to the Priesthood or Religious life. This was actually so in Europe many years back. But it may be necessary to think about the future. We must begin to think about training of lay theologians who will be knowledgeable in Church matters and will collaborate with the clergy in the ministry of teaching and school management. We shall talk about the topic of training of lay theologians shortly. The training of Enugu diocesan priests is carried out in various seminaries of our region.

[1523] Cc. 252 § 2, 244 and 248 CIC/1983.

[1524] Cc. 350 § 1, 352 § 2 CCEO.

[1525] Art. 11 VatII OT.

Recently, in response to the need for Inculturation, the Diocese of Enugu built her own house of formation – St. Bernard Seminary Hostel. One would, therefore, recommend that the training of Enugu diocesan seminarians be aimed at preparing them to be experts in the school apostolate.

3.2. St. Bernard Nchatancha

Enugu hosts a regional seminary, Bigard Memorial Seminary built in 1927. The Statistics of this seminary in 2007 showed that there were 673 seminarians.[1526] That makes her presumably the world's most populous seminary. Already before the year 2004, this Regional Seminary was filled to its full human capacity. The result was that many future senior seminarians who had genuine desire to become priests were being rejected due to accommodation problem. Between 2001 and 2003 seminarians who were ready to enter the major Seminary could not gain admission because there were older colleagues who were on the waiting list before them. It was a mind boggling situation at that time.

In his wisdom, the then Bishop of Enugu, Anthony Okonkwo Gbuji thought of a way to preserve the flourishing vocation to the Priesthood in the diocese, while at the same time not losing sight of quality training. In his view, one may not maintain the required quality-training where so many seminarians are clustered in one place of formation. The vocation to the Catholic Priesthood is a serious matter and candidates must, therefore, be given the best formation to enable them face the growing challenges of modern times. It was his way of management of numbers which gave birth to St. Bernard Seminary Hostel, Nchatancha-Nike which opened in 2003 as a diocesan house of formation. With a full

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[1526] *Theophilus Ukoro Igwe*, Rector of Bigard Memorial Seminary, at: http://www.zoominfo.com/p/Ukoro-Igwe/
1175534902 (5.5.2015).

stream of eight classes (four streams in philosophy and four of theology in 2012, this house of formation had one hundred and twenty seminarians with twelve teachers who are often called formators living with them in the hostel.

Bishop Gbuji established St. Bernard's on the principles of *Pastores Dabo Vobis* of Pope John Paul II which outlined four basic aspects of priestly formation: spiritual, human, pastoral, and intellectual. They attend lectures in Bigard for their intellectual formation and return to St Bernard's to continue the other aspects of their normal seminary life. This Seminary Hostel was designed in such a way that priest-formators (moderators) could be very close to seminarians. There exists here a House-system of formation. Each house has a priest-moderator who is in charge of it with an average of twenty-five seminarians. The Moderator celebrates daily adoration of the Blessed Sacrament, daily Masses and daily prayers with his house members. Other aspects of the Seminary program were carried out together with other Seminarians. In this way, the Priest-moderator has the opportunity of knowing his seminarians very closely in order to testify to their qualification for the priesthood. By this method, the seminarians have the opportunity of knowing and understanding one another closely. Each year they have the opportunity of changing from one house to another while the house moderator remains in charge of his house. There are fifty seminarians to one spiritual director who is responsible for their spiritual formation. The Rector and bursar are responsible for the upkeep of the seminarians. St. Bernard's is a success story and has since 2012 formed 37 priests for the diocese of Enugu.

3.3. Diocesan Seminary and Christian Education

The establishment of St Bernard's as a house of formation for the diocese of Enugu is a chance for the diocese to give seminary formation a truly diocesan character. At the moment, the Diocese has 116 primary

and nine secondary schools, one Minor Seminary, Sacred Heart Seminary, Nsude; one Spiritual Year Center, Queen of Apostles Seminary, Imezi-Owa; one tertiary institution: The Institute of Ecumenical Education, Thinkers' corner; one Institute of Evangelization – St. Paul's International Institute of Evangelization; one university – Godfrey Okoye University, and a diocesan Seminary Hostel, St Bernard's. With this array of Catholic schools and institutions, much is expected of her in Catholic education. The Diocesan Catholic Education Secretariat has a duty to prepare a program of religious education that will run from the nursery school to the University. A good collaboration between the diocesan seminary and the diocesan Catholic University, Godfrey Okoye University should be established and strengthened. Some students should be trained to be experts in school administration. In the diocesan seminary, the seminarians should be trained with a focus of producing from among them teachers of religious education both in primary and secondary schools as well as in the universities. This is not to say that the priestly training is not enough preparation for the priest to be an expert in Christian Education. But we make the suggestion that Education as a course should be offered in the seminary. Students who show special interest in this course are to be selected and sent for further studies earlier enough to specialize in school administration and supervision. To establish a bond of continuity, a diocesan literacy day could be established where open lectures are given at the diocesan university, with diocesan seminarians, priests and lay people in attendance. Such open lectures should be geared towards enlightening the members of the diocese on their responsibility towards Catholic education.

The one year of pastoral experience to which the Enugu diocesan seminarians are exposed could be organized in such a way that those who possess teaching skills are sent to pursue the program of *Post Graduate Degree in Education* (P.G.D.E) in the near-by universities in preparation for their future appointment as religious educators in the

diocesan schools and institutes. Religious education as a subject of study could be introduced in the diocesan house of formation. The curriculum could be so designed that the seminarians have an over-view of what teaching religious education in the schools imply. Islam, *African Traditional Religion* (ATR) and World Religions are already studied in the seminaries. The course content of these subjects could be so organized that the students have an over-view of these religions with a view to develop ecumenical spirit and religious tolerance. This would turn them into informed teachers of religion who would transfer their learning to others in the diocesan schools. The interest and performance of seminarians in this subject and their over-all academic qualification could determine their future appointment as religious educators.

3.4. Further Training of Priests

The Bishop is obliged by the 1917 Code to select from among the priests of his diocese, pious and gifted clerics and send them to Universities approved by the Church for a special course of study in philosophy, theology and canon law.[1527] The further education of priests who are expected to specialize in both ecclesiastical and civil studies is a matter of urgent need for every diocese. The Bishop is to select and send these clerics for further studies according to the needs of the diocese and the talents of the individual priests.

Enugu is one of the dioceses in Nigeria with the highest number of learned priests. There is a tradition in the diocese of sending priests for further studies under the following criteria: Maturity of character, moral probity and academic excellence. The selection must first be determined by the needs of the diocese and the interest and qualification of the individual priest. This tradition has remained with the diocese over the years. An improvement is already envisaged in the Bishop Onaga Epis-

[1527] C. 1380 CIC 1917.

copacy by the recent setting up of a committee for further studies. This committee is headed by priests who studied in different parts of Africa, Europe, America and Asia. They look out for other opportunities where the diocese could send her priests for further studies and advise the bishop in this direction. It may be a help to the diocese if past and present seminary formators are included in this committee. The formators have a better knowledge of the students and their recommendation should be highly prized. Added to these criteria of moral probity and academic excellence should be the age, both in ordination and life of the priest. A situation whereby priests are engaged in pastoral duties for more than ten years after ordination before proceeding for further studies may be avoided. Sometimes, this becomes counter-productive both on the part of the priest and the diocese. Generally younger people have greater academic vigour and resilience and can study without much difficulty. Some sickness comes with age and may delay or hinder the academic progress of priests sent out late for further studies. Sometimes, such priests finish their studies after their fiftieth birthday only to come back already under constant Medical watch. They equally have little time to apply what they have learned before they retire at 75 years in accordance with c. 538 § 3 CIC/1983.

In reference to the needs of the diocese as a criterion for further studies, the committee could concentrate on sending eligible priests to study those aspects of Church life that canonically require that only priests be in charge. For instance, only priests who have a doctorate or Licentiate in Canon Law may be appointed as judicial vicars.[1528] In the formation of the diocesan tribunal for instance, canonists who possess a doctorate or at least a licentiate in Canon Law are required to work as adjutant judicial vicar, judge, defender of the bond and promoter of justice.[1529] In

[1528] C. 1420 § 4 CIC/1983.

[1529] *Klaus Lüdicke / Ronny E. Jenkins*, Die Eheprozeßordnung der katholischen Kirche. Text und Kommentar – *Dignitas Connubii*, Norms and commentary.

sending priests to study in various universities in the world, efforts should be made by the further-study committee to inquire which university is best suitable for each course. There are universities which have better facilities for particular courses. This should be taken into consideration.

The further training of priests who are to be professors in the seminaries is to be given priority. The fathers of the Second Vatican Council regarded the seminary as the "very heart of the diocese".[1530] The committee should ensure that the diocese has about six qualified canonists who would work both at the diocesan tribunals as well as teach Canon Law in seminaries. It is also important that priests are sent to specialize in important courses like psychology, liturgy, Church history, ecumenism, missiology, pastoral theology, catechesis, sacred scripture, dogmatic theology, anthropology, ethics and metaphysics. Focus could also be directed to areas of secular enterprises like economics, business management and medical studies. Education is the foundation of knowledge. Foremost attention should be paid to producing many priests who will take over our academic institutions as teachers. The presence of many priests is needed in our public schools and universities to bear witness to Christ in the academic world. Sometimes, it is difficult to find priests who have personal interests in working as teachers in schools. Priests do not receive salaries in Nigeria. Some of them prefer to work as pastors in parishes. The academic challenges of working in schools coupled with low financial remuneration contribute to this lack of interest. It behoves the diocesan finance administration in consonance with the education board of the diocese to create an enabling working condition for teachers so that priests-teachers may dedicate their life and time to the teaching ministry.

Canon Law Society of America. Washington/DC / Alexandria/ VA 2006, Art. 33, p. 77.

[1530] Art. 5 VatII OT; see also *Paul VI*, EpA *Summi Dei Verbum*, p. 984.

Despite the situational differences between Nigeria and Austria in the area of religious instruction and catechesis, much could be learnt from the latter. First in their training, one notices a lot of emphasis on theological and technical training of pastoral workers. This makes them have a deeper reflection on the divine mysteries as taught in Catholic theology. There are, however, some catechists' training Centers in Nigeria. Their training has been described previously in this work but it is good to note that not all the catechists undergo it. Some simply become catechists by practise. Receiving this training could be made a prerequisite for employment of catechists in the diocese. Their theological formation is of utmost importance regarding their indispensable contributions in the Church.

In the first place we suggest that efforts be stepped up so that our Godfrey Okoye University is made a substantive Catholic University which would have the approval of the Ecclesiastical Authority that is competent. We suggest and recommend that the *St. Paul's International Institute of Evangelization Emene* (SPIIEE) becomes a department of Catholic religious education of Godfrey Okoye University, Enugu. Here emphasis will be on evangelization, theology for lay people and religious education. The curriculum should be fashioned to prepare them to obtain a degree in religious studies to enable them teach religion in our secondary schools. Ugwu-di-nso as a catechetical institute should as well be a part of the religious department of the Institute of Ecumenical education, Thinkers´ Corner, Enugu, offering diploma in religious studies. There, catechists should receive basic studies in theology and administration of the sacraments. At present the catechists are trained at Ugwu-di-nso for three years. The subjects offered at this Center include: Catechism of the Catholic Church, Basic Canon Law, Ecclesiology, Evangelization and Basic Christian Community, Marriage Course-methodology, Church-history, Liturgy and the Sacraments, Ecumenism, Sacred Scripture, Moral and pastoral theology, Igbo Catechism, Pastoral

Counseling, English Language and Introduction to Philosophy. The G.C.D recommends that Catechists be accompanied through-out their ministry with different forms of further training.[1531] Wilhelm Rees is of the opinion that continuous training is not only important for the catechists but also for parents, religious teachers in schools, deacons, religious and priests.[1532] Catechetical and evangelization workshops and sharing is necessary for the healthy catechetical life of the diocese. The curriculum should prepare them to become teachers of religious instruction in primary schools.

In an interview on this topic with Bishop Callistus Valentine Chukwuma Onaga, he envisaged the problem whereby some catechists could abandon their duties as catechists in the parishes because they are paid by the government while teahing in primary schools. This is true when we consider the fact that loyalty of human beings is often determined by who pays their salary. There is a saying that ´he who pays the piper determines the tune´. But if the Church signs a memorandum of understanding with the state that no Catholic teacher of religion would be employed without the permission of the Local Ordinary through the *Missio canonica* or mandate, and that any teacher of religion in both public and private schools could be dismissed by the competent ecclesiastical authority who granted him or her the *missio canonica*, this will ensure catechists' loyalty to the Church. They also need good remuneration for their work which they are often not getting from the Church. If Institute *of Ecumenical Education* (I.E.C.E) trains them in religious studies, they would be qualified to teach both in Catholic and public schools. Secularism is making it more difficult for children to dedicate more time to religious instruction in the parishes since most of them spend more time in school. Added to their regular school period, they are often engaged in extra-mural classes after school hours. When cate-

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[1531] *Paul VI*, EpA *Summi Dei Verbum*, p. 993 f.

[1532] *Rees*, Religionsunterricht und Katechetische Unterweisung, p. 147.

chists are properly trained to master their job, they would be able to meet the children at their duty posts in the schools. This policy means, ´pursuing them to wherever they go´.

Another lesson we may learn from Austria is the fact of delimiting and categorizing the work of catechists. Parish secretaries could be employed by every parish. These would be in charge of organizing the parish office, dissemination of parish information as well as recording Mass intentions. The parish finance office should be entrusted with every duty regarding parish accounting. When catechists have fewer jobs to do, they would concentrate on their pastoral duties and thereby be more productive and helpful to their parish priests. Parish secretaries should also be trained in Church administration at the Institute of Ecumenical Education so that that they are competent in the administration of parish records.

3.5. Formation of Lay Theologians

There are areas where the services of lay members of Christ's faithful may be encouraged in order to give them the opportunity to contribute their talents in the evangelization process. In areas like finance administration, lay experts could be employed. C. 811 § 1 CIC/1983 urged bishops to ensure that in Catholic universities, there is established a faculty or an institute or at least a chair of theology, in which lectures are given to lay students. The Decree on the Apostolate of Lay People of the Second Vatican Council, *Apostolicam Actuositatem* emphasized the need of training lay people in theological studies so that they have a sound knowledge of Catholic doctrines "in theology, ethics and philosophy, at least, proportioned to the age, condition and abilities of each one".[1533] In line with the foregoing, the 1983 Code recognized that

[1533] Art. 29 VatII AA.

> "lay people have the duty and the right to acquire the knowledge of Christian teaching which is appropriate to each one's capacity and condition, so that they may be able to live according to this teaching, to proclaim it and if necessary to defend it, and may be capable of playing their part in the exercise of the apostolate …. They also have the right to acquire that fuller knowledge of the sacred sciences which is taught in ecclesiastical universities or faculties or in institutes of religious sciences, attending lectures there and acquiring academic degrees".[1534]

Paragraph three of this same canon recommends that lay members of Christ's faithful who are suitably qualified should be given the mandate to teach the sacred sciences. The implication of the foregoing canons for the local Church in Enugu is that she should provide opportunity for lay people to study theology. This is important so that those who are working in Church institutions are conversant with the teachings of the Church. Studying theology will also provide them with the opportunity of contributing their talents in developing Inculturation and African theology. In the same vein, leaders of the Catholic Charismatic Renewal of Nigeria in our Diocese should be made to undergo leadership courses in St Paul´s Institute of Evangelization, Emene. Courses in Christian Philosophy, Logic, Christian Ethics, fundamental biblical exegesis and other basic theological courses should be taught them so as to make them see the need for a combination of faith and reason in their approach to Church issues. It will be a great advantage for the Church. It is easier to deal with an enlightened than to convince a stubborn and ignorant person. It is our view that fundamentalism as we see it in many religions today is filled by theological ignorance. The late Archbishop G.G Ganaka of Jos once said that it is easier to tame a wild lion than to give life to a dead horse. The advancement of Christianity in the early

[1534] C. 229 §§ 1 and 2 CIC/1983.

Christian era met with a rational culture in Europe and that helped in missionary expansion of the Church. Any religion that relies on force for conversion is doomed to lose its relevance and credibility. As soon as its adherents are freed from the stranglehold of force, they are most likely to abandon their faith. Christianity is a religion of faith, conviction and reason. Some may argue that the Renaissance and the Enlightenment have dealt a great blow to the Christian faith but we must stress that they have helped Christians to live out their faith as convinced followers of Christ. Through enlightenment, Christians have been able to ask basic questions regarding their faith. Through liberty of scientific inquiry, Catholics have been able to promote research in different fields of sacred learning.[1535] Such human engagement of faith and reason helps the Church in the study, understanding and dissemination of the Word of God. Through engagement in theological studies, lay members of Christ's faithful will "search out under the light of faith the full truth stored up in the mystery of Christ".[1536]

Through the efforts of Obiora Ike, the diocese of Enugu tried to establish an institute for the study of theology for lay people at the *Catholic Institute for Development Justice and Peace* (C.I.D.J.A.P). Now that the Godfrey Okoye University and other institutes and schools of Christian education are born, the diocese should establish theological faculty and departments of religious studies where lay persons would find an opportunity to study theology. This will follow when the University is recognized and approved as a Catholic University or at least a Faculty of Catholic Theology. Catechists and other lay people would be afforded great opportunity to study the different aspects of Church life which would help them in their ministry as teachers of the faith and co-managers of ecclesiastical offices.

[1535] Art. 11 VatII GE.

[1536] Art. 24 VatII DV.

3.6. Catholic Chaplaincies

The Diocese assigns priests as chaplains to the universities and tertiary institutions. The presence and functions of these priests help students in their moral and religious upbringing. Some secondary schools within the Diocese also enjoy such spiritual services. It may be a good idea if more priests are trained to qualify as teachers in public secondary schools. This would entail that priests are sent out to study lay subjects at the universities and later teach in public secondary schools. In this way they would perform a double function as teachers and chaplains. In our multi-religious society, the presence of priests in institutions of learning is a positive sign of witness to Christ and the Church. The situation whereby Pentecostal pastors, some of whom teach half-truths are present in large numbers in these institutions should be a challenge to the Catholic Church in our diocese.

3.7. Establishment of Technical Schools

C. 802 § 2 CIC/1983 advocates that diocesan Bishops should establishe professional, technical and other schools to cater for special needs. *Gravissimum Educationis* number 9 holds that in order to keep in mind modern trend of development, the Church should establish and run varieties of schools. Roman Siebenrock identified these different types of schools as: primary, middle and secondary schools as well as vocation and technical schools; social-caritative schools, pedagogical and other schools for education and further education of teaching personals.[1537]

This canonical recommendation has a lot of implications for the diocese of Enugu in particular and the Nigerian Church in general. The evangelization mission of the Church should correspond to the needs of the people of God. They are not in opposition. Our system tends more

[1537] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 574.

towards *grammar* rather than *technical* education. The 6-3-3-4 system of education which was introduced in 1984 was designed to make our system more technically inclined. But it later became comatose. The present system produces many graduates with chains of degrees and certificates who cannot become self-employed after graduation. They end up looking for *white collar jobs* which are not readily available. This situation multiplies the rate of unemployment and increases crime.

The Austrian Church lays a lot of emphasis on the establishment of vocation/technical schools to help youths actualize their God-given talents.[1538] This is a further help towards technological advancement of any nation. According to the Directives of Catholic Private schools of the Archdiocese of Salzburg, the Church establishes these schools in accordance with Catholic World-view which is centered on the Bible and the Church's teaching.[1539] Through them students and youths are challenged to develop their intellectual, social and religious talents in accordance with the standards obtainable in public schools owned and controlled by the State. This is without neglecting the fundamental ideas and principles of the various religious congregations or dioceses that founded these schools. They are trained to grow to be responsible in Church and society. It may be interesting if our diocese could move in the direction of establishing vocational/technical institutions to respond to the current needs of the young people. We want to highlight some of the various types of vocational schools directed by the Church in Austria.

[1538] Oral Interview with *Josef Rupprechter*, Director of the Catechetical office of the Archdiocese of Salzburg, Bildungszentrum Borromäum, Salzburg, 21. 11. 2014.

[1539] See: *Erzdiözese Salzburg*, Leitlinien für die Katholischen Privatschulen, http://katamt.kirchen.net/de-at/katholischeprivatschulen/%C3%BCberuns/leitlinien.aspx (5.5.2015).

3.7.1. Social-Caritative Vocational Schools

These are group of vocation/technical schools for social work. Here students are trained for economic, professions and social/human management. In the first place, they train students in the Christian and human values like openness, tolerance, self-responsibility and human relational skills. Apart from the general, comprehensive training in human management, students are trained to develop their talent in languages and personality- development and are expected to be employed in the social sector of the economy. Here administrators of various social and business establishments are trained. An example of such schools in Austria is the *Caritas Training Center for social management* in Salzburg.[1540]

3.7.2. Vocational School for Medical, Food and Wellness Training

Schools in this category offer training for would-be managers of socio-medical institutions and hospitals as well as knowledge in socio-medical businesses, hospital management, and assistants in other medical fields.[1541] The schools for wellness training are vocational schools which train people for the wellness industry. This includes sports and tourism development. They emphasize wellness through movement, good eating habit and ecological health-care. Students obtain both theoretical and practical training which will qualify them as counselors, advisors and consultors in health-care management. The schools for food technology train students both in catering and development of food technology. Products of these schools are employable in catering Centers, Restaurants and hotels.

[1540] See: Ausbildungszentrum der Caritas Salzburg, at: http://www.ac-caritas.at/schule/leitbild/ (5.5.2015).

[1541] See: Ausbildungszentrum St. Josef: www.abz-stjosef.at (5.5.2015); see also: HLW Hallein mit dem Schwerpunkt „Wellness – aktive Gesundheitsvorsorge“: www.hlwhallein.at (5.5.2015).

3.7.3. Vocational Schools for Modeling and Commerce

Here students are trained in various productions related to the film industry including costume production, film production and direction, multi-media, art and exhibition and overall creativity in information technology.[1542] Today one lives with the reality of the advancement of the film industry in Nigeria. The establishment of vocational school for modeling in Enugu will not only help the growth of the film industry but also provide a lot of employment opportunities for the youths. Students also learn the application of graphics in multi-media production and are qualified to work in the film and modeling industries. Most of our universities offer courses in arts, communication and management but often the practical experience is lacking. Moreover, it is not every youth that may be able to go to the university. With such vocational schools, they would receive adequate training capable of rending them employable. The Second Vatican Council emphasized a lot about the Means of Social Communication. It is a reality which the Protestant Churches are making use of to reach out to many people. The Church is the architect of Social Communication and should not be left out in this advancement. The schools of commerce correspond to our commercial schools and train students in practical economics, commerce and business management.

3.7.4. Vocational Schools for Skill Acquisition and Development

Schools in this category offer practical training in skill acquisition and help students to develop their practical endowments. There are technical schools for carpentry and various handiworks. The diocese has already established the *Oluaka-di-mma* skill acquisition Center. More emphasis could be placed on this Center to offer further practical and vocational training for graduating students. When students graduate from secondary schools with some vocational and technical know-how,

[1542] See: Höhere Lehranstalt für wirtschaftliche Berufe – Fachrichtung Kommunikations- und Mediendesign, www.multiaugustinum.com (5.5.2015).

Oluaka-di-mma Center would offer them further practical training to enable them to become self-employed. The diocese should invest more on equipment for technical training as well as on the training of expert teachers who would work in these technical schools. To accompany this gesture, it may be good if the Church helps youths who are trained in these institutes to access credit facilities to enable them begin some self-help jobs. They would, however, be supervised to help them utilize such facilities.

With the return of mission schools, the Church has the opportunity to make a difference in the education sector by laying emphasis on technical education. Education should aim at introducing the child into life in the society. The diocese of Enugu could start by redirecting the orientations of teachers, pupils and students towards technical education. We should not wait for the state to lead us in this direction. This orientation should begin already in the primary school. Students' talents should be identified early enough and those who show inclination towards technical education should be encouraged in this direction. From primary school onwards, agriculture, mechanics, home economics, arts, craft and technology should form the basic curriculum of learning. A further step towards technical education could be taken by converting some of the returned secondary schools into a technical school or by establishing a department of technical education in every Catholic school. There should be cooperation between the engineering departments of the Godfrey Okoye University, Enugu and the diocesan Technical schools in terms of technical advancement.

4. Awaiting Success

4.1. The Expected Result

We have explained in details the processes that led to the seizure as well as the return of the mission schools. We have as well demonstrated

what efforts the Church is making in bringing about a change in the school system. The Church in Enugu has set up a strong secretariat for the administration of her schools. What shall be the expected result as the Catholic Diocese of Enugu gets into collaboration with the State in management of schools? How will the Church help parents on whose shoulders the initial and most important challenge of educating their children lies? Would there be a difference in the quality of Christian life of the faithful in Enugu diocese when she makes more efforts in using other methods of evangelization like catechesis, preaching and the administration of the sacrament to improve Catholic education? These are important questions which the concluding part of this work tries to answer. It is true that not all efforts bring expected results but when efforts are made in the right direction, the results are always obvious.

From the Latin etymology, *educare*, meaning, *to lead*, education, as a process, is designed to leads people out of ignorance and lead them into the world of knowledge. In this work, we have tried to emphasize the fact that all forms of education are imperfect if they lead people to worldly knowledge alone without pointing them to the higher form of knowledge where they seek their eternal destiny. This is exactly the goal of Christian education. Let us see what fruits the labour of the Church would yield in the area of education. We want to note the following results:

4.1.1. Excellent Schools

The Catholic schools are known for their high academic quality, inclusiveness and value-orientation.[1543] This is exemplified by the willingness of many parents to send their children to Catholic schools. In Enugu, Catholic schools lack the space to accommodate students who would want to study in them. Signs of indiscipline and lack of good

[1543] *Alting von Geusau / Booth*, Catholic Education in the West, p. 1; see also, *C InstCath*, Educating Today and Tomorrow, 7 April, 2014, Part III.

morals noticed in the public schools like secret cultism, examinations malpractice, strike action by teachers and truancy are absent in Catholic schools. Some teachers complain of lower salaries in these schools but they are paid promptly unlike in the public schools. However, it must be noted that these qualities are not where the goal of Christian education lies. In whatever form it is taught, Christian education is integral in nature. It pays attention to the formation of the whole person, so that all may attain their eternal destiny.[1544] This is the wholeness found in Catholic schools. It is what parents want for their children.

4.1.2. Increased Competition Among School-Owners

An important result expected from the return of schools to the missions is an increased competition among school owners. The State as well as other owners of private schools would be challenged to wake up to their responsibilities of ensuring functional schools. Healthy competition is necessary in every society because it brings out the best in each group. If the public schools are better organized than the private ones, the latter would be challenged to learn from the former. On the other hand, education is the responsibility of both parents and the larger society. The State, the Church and other private bodies could learn from each other on how best to make their input in education.

4.1.3. Better Choice for Parents

The participation of the Church and private sector in education would enable parents make a better choice of which schools to send their children. This agrees with the provisions of c. 797 CIC/1983 which stipulates that parents must have a real freedom in their choice of schools for their children. When this canon suggests that Christ's faithful must be watchful that the civil society acknowledges this freedom of parents and, in accordance with the requirements of distributive justice,

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[1544] C. 795 CIC/1983.

provide assistance, it means that Catholics must be disposed to dialogue with the state to encourage it to discharge its duties to its citizens. In this regard, the State has the responsibility to offer free and equal education to all its citizens irrespective of where this education is received. If Catholic schools receive subventions, the fees they charge would be affordable to parents and those who want a Catholic education for their children would be encouraged.

4.1.4. Religious Education in School will Enhance Tolerance

Nigeria is in dire need of Ecumenism and religious dialogue. This must begin in schools and be extended to society in general. When ecumenism is taken seriously at the base that is at the school level, pupils and students would learn to understand one another. They would learn to appreciate the religion of each other. This is a very important outcome of ecumenism and Inter-Religious Dialogue. Enugu diocese is famous for her ecumenical endeavours. She has a commission for ecumenism and dialogue. Our *Institute of Ecumenical Education* (*I.E.C.E*) already offers courses in Ecumenism. The training of teachers of Religion in this institute should be a help pupils and students in both catholic as well as public schools. A leading idea in Ecumenism is that Jesus established only one Church, wished and prayed that she remains one. He prayed "that all may be one, as you Father are in me, and I in you. I pray that they may be one in us, that the world may believe that you sent me" (Jn 17:21). However, it is good to mention that despite this good intention of Christ the Lord, the Church has seen a lot of division, schism and separation in her history.

Since the coming of missionaries, the Church in Nigeria has known a lot of denominational frictions. They struggled to outwit each other in the establishment of schools and in the making of more converts. This division among the various denominations was one of the reasons given by the then Military Government in taking over mission schools. The recent activities of the Islamic sect, Boko Haram have made Nigerian

Christians see the need they have to foster unity with each other. The demands of charity often created by violence, war, drought and other human catastrophe make Christians rally together to offer help both to fellow Christians as well as to others in need. In the area of education, there are often joint efforts to make their voices heard as a Christian body. The return of mission schools is a good example of this cooperation among Christians. In Enugu State both Catholic and Anglican Bishops cooperated with one another to ask for their schools to be returned from the state. It is our belief that if ecumenism and Interreligious Dialogue is taken seriously in our public and public schools, the result would be obvious. The younger generation would live in peace with one another.

4.1.5. School Religious Instruction and Parish Catechesis will increase Lay participation in the Church

Evangelization is a very broad subject which has catechesis as one of its elements. Evangelization as missionary proclamation is the first stage of the ministry of the Word aimed at arousing faith in the hearers of the Good News. Catechesis as one moment in the process of Evangelization is a further step in this process. Both are aimed at Christians at different levels of their growth in the faith.

Enugu has celebrated one hundred years of her reception of the Good News and fifty years of her existence as a diocese. One may be ask whether we need evangelization or catechesis at this point of our existence as a diocese. Is there a time when the Church outgrows evangelization? As a community of believers made up of saints and sinners, the Church is always in need of evangelization. Those who are already evangelized need to be accompanied in their spiritual journey through catechesis. Those who are yet to embrace the faith need to be evangelized. There are still a good percentage of people in the diocese who have not yet embraced the Christian faith. This is proved by the large number of adult baptisms recorded every year in the Diocese during

Easter. Added to this is the number of young people who are occupied with earthly pursuits who find little or no time to approach the Church. The new Evangelization is very important for this group.

While our local Church is engaged in the various methods of evangelization, she should lay more emphasis on School Religious Instruction and Catechesis both in schools and in the parishes. There are many baptized Christians who lack or have forgotten the basic demands of their faith. Family and parish catechesis are urgent needs of our local Church today. The excellent result of family catechesis cannot be overemphasized. It is here that the foundation of good Christian living is laid. There is an urgent need for the publication of books on family catechesis which would guide parents in teaching their children. When such books are available, good parents would find these an alternative or at least an addition to electronic media, computer and Internet programs which today enslave children at a very young age. No one doubts the necessity of the computer and Internet for children, considering their integration into society, but we must develop an alternative to these in order to introduce children firmly into a good Christian life. When this is done, these instruments of modern society will not be able to erase the good Christian morale learnt in the family. They would rather serve to strengthen it. Pastors of souls are encouraged to devote more time to parish catechesis and encourage parents to teach catechism to their Children in their homes. There is the need for an update and revision of our diocesan catechism books in order to reflect the spiritual challenges of modern times. When pastors in their parishes have handbooks to rely on, they would be challenged to pay more attention to parish catechesis.

When concerted efforts are made in School Religious Instruction and Catechesis, the result is obvious. There will emerge more educated lay people who are knowledgeable in ecclesiastical matters. It is our expectation that with the publication of the result of our research and its implementation, these obvious results would emerge.

5. Evaluation and Conclusion

Evaluation of a work entails summarizing, analyzing, assessing or appraising it. How does one summarize, analyze and make an assessment or appraisal of this dissertation? An answer to this question is the task of this part of our last chapter. We shall first attempt a succinct summary.

5.1. Brief Summary of the Work

This dissertation focused on the challenges in the area of Christian education, which confront the Church in Enugu Diocese. The scope was not limited to Enugu Diocese alone. It embraced the Church in Nigeria, taking Enugu Diocese as its starting point. The nationalization of schools in Nigeria was our point of departure. The Nigerian state took the decision to take over the schools. This is the thesis. They mismanaged the schools and brought down both the structures and infrastructure and indeed our school system. This is the antithesis. There is a new thesis. It is to be located in the challenges in education facing Enugu Diocese and the Church in Nigeria. That was our task in this dissertation. We took different models to express our ideas in this work.

5.2. Models that Gave the Work its Shape

Models are conceptual or physical frameworks considered necessary in the construction of new structures. Throughout this work we have considered three different models of education as basic: traditional African education, the Church's universal principles on education and the Austrian example of Church-state relationship in school management. We considered them as necessary parameters for the task ahead in education for our diocese.

Modern Africa is suffering from identity crises. The people have lost a grip of their traditional education system and yet the foreign system does not fit hook-line and sinker into their culture. Some people think that in the face of modernity and secularization the African traditional system of education is obsolete. We tried to highlight the positive values in this system. It is a holistic education system which does not consider the human person as a dual concept of body and soul. The individual is viewed as a holistic personality and life is not divided into secular and sacred. In the words of Elizabeth Isichei: "The Igbo man's lifestyle does not conform to such strict distinction made by Europeans between the Sacred and the Secular. To the Igbo the Sacred and the secular, the natural and the Supernatural are a continuum. Supernatural forces continually impinge on life."[1545] Education for the Africans is not left in the hands of experts alone. It is a community affair. Everybody is involved. The child belongs to the community and not only to the parents. This is a point I have put forward for Inculturation. Parents, teachers, the state, the Church and the community must be incorporated into the education system to make a difference.

Among the various ecclesiological images used by the Second Vatican Council to designate the Church, the image of a teacher stands out very clearly. She is the "holy People of God who share in Christ's prophetic office".[1546] The Prophet is a teacher who points out the way to the people. That is why the Church is both mother and teacher. The Church's wealth of knowledge in education is documented in many papal writings, theological treatises of Church Fathers and erudite theologians, and most importantly, in canonical publications of the Church.

Two documents: *Gravissimum Educationis* of the Second Vatican Council, the 1917 and the 1983 Codes of Canon Law formed our basic points of references in this work. Their contributions on Christian educa-

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[1545] *Elizabeth Isichei*, A History of the Igbo people. London 1976, p. 24.

[1546] Art. 12 VatII LG.

tion are so basic that we cannot consider any theme on Christian education without reference to them. Three most important stakeholders of education which the various Church documents considered are parents, the Church and the State. The Church has a divine mandate to educate all peoples which includes children. We dwelt much on the true nature and identity of Catholic education and Catholic schools. The themes of Catholic schools, school religious education, catechetical instruction as well as the agents of education were very important to us and have constituted the "red thread" of our dissertation. C. 795 CIC/1983 which forms one of the basic pillars of this dissertation speaks about integral education or formation of the young. By analyzing and applying the meaning of integral education in our dissertation, we agreed with Pope Benedict XVI that the goal of Catholic education and Catholic schools rests in the encounter with "the living God who in Jesus Christ reveals his transforming love and truth".[1547] Sometimes the secularized world lays much emphasis on intellectual formation of the human person forgetting that only an integral education can achieve the maximum result both in the individual and for the society. Our understanding of the true meaning of catholic education and schools is in line with the views of Christian Alting von Geusau and Philip Booth that "for education to be truly Catholic and integral, schools and universities identifying themselves as such, should be solidly founded on three pillars: the Word of God, the Magisterium of the Church and the sacramental life of the Church".[1548]

The input of both the 1917 and 1983 Codes on education followed the discussions of the Councils that came before each of them. The dis-

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[1547] *Benedict XVI*, Address during meeting with Catholic educators, Conference Hall of the Catholic University of America in Washington/DC, 17 April, 2008, in: AAS (2008), pp. 320-327, here p. 320, see also at: http://w2.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080417_cath-univ-washington.html (5.5.2015).

[1548] *Alting von Geusau / Booth*, Catholic Education in the West, p. 5.

cussions of the Council of Trent greatly influenced the codes of 1917 in the same way that the Second Vatican Council deliberations impacted greatly on the drawing up of the 1983 Code. One would say that both Codes were the legalization or codification of the discussions of both councils that came before them. For instance the issue discussed in the first and second chapters of *Gravissimum Educationis* about the fundamental right of parents and the Church to teach became codified in cc. 793 and 794 CIC/1983. Education is a fundamental human right and all the stakeholders in this process should work in harmony to ensure its success.

In the various meanings of education mentioned in this work, we chose three important German words for education: *Erziehung, Bildung and Schulung* as the underlying meaning of education as applied in this work. Education as *Erziehung* implies parental upbringing or forms of moral or cultural upbringing which is given to young people as they grow up. This form of education begins but does not end in the family. The natural and divine rights of parents to educate are both fundamental and primary, having no substitutes. Although parents, by nature, have the right to educate their children, they do not have all the necessary skills to give them all the needed formation. They need help both from the Church and society. This is why our concept of education included also the German words *Bildung and Schulung.* There is a current of thought among some families in America and some parts of Europe about family schooling. Some are of the opinion that parents should be allowed to raise their children and give them primary and secondary education in their families. Some parents wish to team up in a few circles and ask the State for the right to start the family schooling; whereby they are authorized to give their children primary and secondary education. In England this is called home schooling. Through the use of tablets, integrated laptops and e-readers they give the children an education

equal to that given in the state schools. They believe that by this method, they can safeguard the content of learning offered to their children.[1549]

But there are criticisms. In an oral interview with Martina Honeder a notable educationalist and educational psychologist in Windhaag near Perg (Upper Austria), she maintained that while the family is the basis of all stake-holders of education, the contact which children make in school with other children from different backgrounds and with their teachers is so vital that without it they would be lacking in balanced knowledge. According to her, education is all about introduction of a child into life in the society. This society begins in the family but spreads in the wider community. Both family and society are important in the education process. The family is the beginning of the process. If the beginning is poorly made, then the continuation is hindered.[1550] The family requires the help and contribution of both the Church and society in order to give the child the best form of education.

Our study of the Austrian model of Church-State relationship in education shows us that despite the differences between the Nigerian and Austrian situations, it is still practicable to bring in some Austrian elements into our system. Two areas where we can emulate this system include the legal system which covers every necessary aspect of education and the good rapport between Church and state in education. The last point plays out in the teaching of Religion in public schools. Despite the differences between Austria and Nigeria, it is possible that the three main religious groups in Nigeria, Catholics, Protestants and Muslims develop their denominational curriculum for religious studies under the supervision of the state.

During the course of my research, I identified various efforts being made by the local Church in Nigeria in the area of Christian education.

[1549] *John Taylor Gatto*, Weapons of Mass Instruction. London 2008, p. 9 f.

[1550] Interview with *Martina Honeder*, Windhaag near Perg in Upper Austria, 7. 7. 2014.

The efforts of the hierarchy of the Nigerian Church received a thorough treatment in the second chapter. The *Catholic Bishops' Conference of Nigeria* (C.B.C.N), through their various organs of administration and various publications, promotes Christian education in Nigeria. Through parish catechesis, school religious instruction and their various publications in these areas, this Conference is true to its calling. Chapter four dwelt on the real challenges facing the diocese of Enugu on Christian education. We were able to identify the various efforts being made by this local Church to deal with these challenges. Three major efforts of this local Church were: the just concluded Synod on integral education, the upcoming Education Summit and the formation of a Catholic Education Secretariat to administer catholic education in the diocese. With the various organs of administration put in place, this local Church is poised to advance Christian education both through religious instruction in the Catholic primary and secondary schools as well as through the pastoral approach to Christian education in the parishes.

This is a canonical dissertation. The 1917 and 1983 Codes of Canon Law provided us with the canonical basis for Christian education. The 1917 Code dwelt much on seminary formation and Catholic schools while the 1983 Code treated the broader topics of Catholic education, Catholic schools, Catholic universities and ecclesiastical universities and faculties. It must, however, be noted that Catholic education which begins in the family goes on throughout the life time of the individual. One receives instruction in the faith during the reception of the various sacraments. Even during the funeral of a Christian, other Christians are instructed on the faith. However, all the codes which we considered during the course of this work had strong relationships with *Gravissimum Educationis,* the decree of the Second Vatican Council on education as well as c. 795 CIC/1983. They formed the canonical foundations of our dissertation because they concern themselves with integral education and the basic elements of Catholic education.

5.3. Assessment and Appraisal of This Work

What essential input does this work make to the academic world and what relevance does it have to our apostolate? These two questions summarize the initial impulse that inspired me to begin writing this work. I wanted to assess what challenges Christian education constitute to our local Church. One would say that this work asserts that Christian education is needed not just as a complement to other education systems. It is necessary for society because it is holistic in its approach to education. It does not neglect the physical and intellectual aspect. In addition, it leads one to discover the ultimate goal of education. Education itself is a means of introducing a child into life in society. But its usefulness does not just end in its relevance to the society. Its ultimate goal is located in the knowledge of God and the discovery of the ultimate destiny of the human person. This is Christian education. Our work discovered that the greatest challenge before our local Church in the area of Christian education lies not in the building of new infrastructures. It lies in bringing a deeper change into our system. This change must combine physical, intellectual as well as spiritual elements. It includes charting a new way forward, initiating a new orientation, changing the mindset of the people through preaching and teaching, instructing and catechizing and laying emphasis in new areas. We have a society that lays more emphasis on the acquisition of certificates without minding their use and relevance to society. We desire to lay emphasis on building a strong primary and secondary education system. Retired University Professors who have see all the length and breath of education could be employed in our primary and secondary schools to help the pupils and students to grasp the essence of education. In addition, more attention should be paid to technical rather than grammatical education. This is necessary in building a society where science and technology is directed towards the service of humanity. After primary and secondary school one should have acquired the basic education to be useful to oneself and

others in society. An acquisition of university education should lead one to professionalism; that means, mastery of special areas of Life's work. We are therefore challenged to bring about physical, intellectual as well as a moral and spiritual change into our local situation. If the Church helps parents to understand their roles as guardians and first educators of their children and emphasizes religious education in schools, such effort will produce a long lasting moral and spiritual effect on the individual as he or she grows up. This is our contribution both to the intellectual world as well as to our local Church and society.

As a contribution to our apostolate, a combination of the traditional African, Christian and Austrian models considered above shall help my diocese in the challenges facing her in education. This is an invitation to Inculturation.

6. Conclusion: The Way Forward

In a pluralistic society as we have it in Nigeria, it should be the duty of the state to recognize the right of parents to educate their children and, therefore, encourage the existence of a plurality of schools, which includes Catholic schools. This offers parents the veritable freedom of choice for the education of their children while the state finances and supervises the education of its citizens regardless of where they are being trained.[1551]

If we see education as a service not as a product, then one would agree with Gerald Grace that the values of Catholic education lie in the spiritual and moral culture rather than in mere material success.[1552] In its catholic sense, education of the human person is ultimately directed

[1551] *Siebenrock*, Theologischer Kommentar zur Erklärung *Gravissimum Educationis*, p. 562.

[1552] *Gerald Grace*, Catholic Education in England and Wales, in: *Michael A. Hayes / Liam Gearon* (eds.), Contemporary Catholic Education. Herefordshire 2002, pp. 3-8.

towards eternal salvation. In the opinion of Norbert Ruf, c. 795 CIC/1983 is to be interpreted as the development of a harmony between physical, moral and intellectual powers of the child.[1553] Christian education which is provided both in Catholic schools and in other institutions and structures organized by the Church in order to fulfill her teaching office, places emphasis on spiritual and moral life; the dignity of the human person[1554] as well as in social justice.[1555] It is a form of education which rejects neither the contributions of science and technology nor the provisions of modern psychology. It includes them and still looks beyond these mundane spheres to a spiritual horizon. Its major characteristic was pointed out by the Sacred Congregation for Catholic Education as being the provision of a service which is truly civic and apostolic.[1556] It is aimed at bringing the world to Christ and Christ to the world.[1557] Said in other words, it ensures the presence of a Christian mentality in society[1558] while achieving the Church's internal purpose of evangelization. While witnessing to Christ in the world, the Church, through Christian education contributes to the development of the whole man in the imitation of Christ the perfect man.[1559] In this sense, Christian education must be holistic.

This is the form of education which the local Church of the Catholic Diocese of Enugu offers society. Her provision of Catholic schools from primary to secondary schools, up to her private University is a huge

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[1553] *Ruf*, Das Recht der katholischen Kirche, p. 194.

[1554] Art. 12 VatII GS.

[1555] Art. 12 VatII CD.

[1556] *SC InstCath*, The Catholic School, n. 2.

[1557] *Charles J. Chaput*, Catholic Schools And the Christian Mission, 30 January, 2013, http://www.zenit.org/en/articles/catholic-schools-and-the-christian-mission (5.5.2015); see also: *John Paul II*, ApE *Catechesi Tradendae*, Art. 25.

[1558] *SC InstCath*, The Catholic School, n. 11.

[1559] *Ibid*., n. 3.

contribution. The teaching of religious and moral instruction in catholic schools should be complimented by the teaching of this same subject in public schools. This is why we recommend the offering of confessional or denominational religious instruction in public schools as is done in many countries in Europe despite the secular nature of these countries.[1560] Sabine Demel opined that it is an obligation of the State to ensure the development of a religious identity of its citizens. This is a part of its duty to nurturing religious freedom of citizens.[1561] This should not be seen as encouraging denominational quarrel but a help to individuals to develop a true religious identity which is necessary for harmony in the state.[1562] Some are against denominational religious education[1563] because it seems to widen the gap of Christian division and discourage

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[1560] *Wolfgang Wieshaider*, Das konfessionelle Schulwesen in der Slowakei, in: *Alfred Rinnerthaler* (Hg.), Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte (WuR 16). Frankfurt am Main / Berlin / Bern / Bruxelles / New York / Oxford / Wien 2007, pp. 499-515; *Karl Ernst Nipkow*, Religion in der Grundschule – in welcher Form?, in: *Friedrich Schweitzer / Gabriele Faust-Siehl* (Hg.), Religion in der Grundschule. Religiöse und moralische Erziehung (Beiträge zur Reform der Grundschule 92/93). Frankfurt am Main [3]1996, pp. 26-37, here p. 33; *Nobert Scholl*, Welche Zukunft hat der Religionsunterricht? Zürich 1993, pp. 162-211; *Demel*, Handbuch Kirchenrecht, p. 539; In his book „Perspektiven des Religionsunterrichts Theologische Religionspädagogik als Fragment", *Helmut Anselm* discussed the possibilities and advantages of confessional Religious education. See: *Helmut Anselm*, Perspektiven des Religionsunterrichts. Theologische Religionspädagogik als Fragment. Gütersloh 1989, esp. pp. 173-194.

[1561] *Demel*, Handbuch Kirchenrecht, p. 538.

[1562] *Ibid*.

[1563] *Werner Kurt Bräm* is of the opinion that interconfessional religious education will help in a common biblical Christian witnessing to their unity in a pluralistic society. He is of the opinion that each Christian denomination should deepen their faith through family and parish-catechesis. See: *Bräm*, Religionsunterricht als Rechtsproblem, pp. 447-451.

ecumenism. The freedom to teach denominational[1564] religious instruction in both private and public schools will enable various religious bodies to pass on their religious teaching to youths of school age. One may surely argue that there are numerous religious denominations in Nigeria. This is true, but taking a clue at how things are organized in the Nigerian military service and the Nigerian Police, one would affirm that it is possible to organize religious instruction in three groups: Catholic, Protestant and Islamic Religious instruction in public schools. Each religious body will be saddled with the responsibility of organizing these instructions in public schools while the State subsidizes the cost. The Catholic Church in Enugu is already engaged in enormous work of evangelization through the parish apostolate. The school apostolate must be encouraged. That was where we begun. That school apostolate was what popularized the spread of Christianity across the four corners of Igbo Land in particular and Nigeria in general. Given the murky atmosphere of the damaged school system in Nigeria, the contribution of Enugu Diocese and the Church in Nigeria to Christian education and to the education system is both a mandate as well as a challenge. This is what we have undertaken to study. Through this research, we can certainly affirm that the Church is ready for the challenges ahead

[1564] *Wilhelm Rees* defined a denominational/confessional school as that school where not only the religious eduction of the concerned religious body, but also the general school concept and persons working for or studying in the school are under the direction of the particular religion establishing the school. See: *Rees,* Bekenntnisschule, pp. 231-233. In this sense, denominational religious instruction means that the concerned religious body should be responsible for the curriculum development and direction of this course for its own students. In this way, they pass on the correct tenets of their religion to their adherents.

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Christian Education in Nigeria and Ethical Challenges

Context of Enugu Diocese

Ernest Obodo

is a Catholic priest and was recently appointed Auxiliary Bishop of the dioceses of Enugu, Nigeria by Pope Francis in June 2018. He studied philosophy and theology at Bigard Memorial Seminary and obtained a doctorate degree at the University of Innsbruck (Austria) in 2015, with specialisation in theology/canon law. His dissertation on the topic of Christian Education and Ethical Challenges is a reference work. Bishop Obodo is currently rector of St. Bernard Seminary and teaches at Godfrey Okoye University.

The main focus of this work is that, by her vocation, the Church has the mandate and challenge to teach all nations. It is her pastoral and canonical responsibility. School method of Evangelization was the successful tool in the hands of the early Missionaries in Nigeria. But the State forcefully took over Mission schools in 1970. Nationalization of schools and monopoly of control are forms of state-imposed secularism and moral relativism. Forty years after this nationalization of schools, the system of education has virtually collapsed. Just recently, the state started the process of returning mission schools to their various owners.

The author uses both experiential and critical research approach to analyze the variety of problems facing Christian education in Nigeria, taking Enugu Diocese as its starting point.

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