

## Home Schooling and the Local Church

By

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### INTRODUCTION

Issues surrounding home schooling are a significant concern for the entire diocesan church. Because of the need for clarity in discussing the profound and fundamental issues surrounding home schooling, I will consolidate various definitions, canons and theological principles into this article for ease of reference. After analyzing these data, some conclusions will be suggested that will assist in ongoing dialogue between parents, pastors, diocesan staff and others interested in home schooling.

### WHAT IS HOME SCHOOLING?

It is important to understand what home schooling is and what it is not. Some people confuse family-centered catechesis (which may take place in the home) with home schooling, which it is not. For clarity, therefore, let me suggest the following descriptions of several forms of educational activity in the home.

- 1) **Total Home Schooling**: In this model parents take responsibility for the total education of their children in all subject areas, including religious education. This education takes place primarily in the home, with no particular catechetical connection to the parish. In this model, parents must coordinate their efforts with the local public school system to ensure all state requirements for home schooling are met.
- 2) **Home Schooling - Religious Education**: In this model children attend a public school and parents take total responsibility for the religious education of the children. In this model, sacramental preparation is handled either by the parents or by the parish.
- 3) **Educational Enrichment in the Home**: This is the model most parents use to some degree. Parents are active in the school and parish religious education programs and ensure that the implications of these curricula are lived and practiced in the home. School and religious education programs find their source and their fulfillment in family activities at home.
- 4) **Family-Centered Catechesis in the Home**: Family-Centered catechetical programs exist in many forms, from parish programs in which all family members come to the parish for separate programs

provided for various age groups, to programs involving multi-generational catechesis. Some of these programs are also offered for delivery at home. *These are parish programs taught by the parents at home.*

## REVIEW OF CANONICAL AND CATECHETICAL LITERATURE

### Introduction

Church teaching on the specific topic of home schooling, as described above, is silent. Nonetheless, magisterial teaching is rich regarding the role of parents as the prime educators of their children in faith, the role of the bishop and the diocesan church in catechesis, and the role of the community and the common good of all the faithful in the overall process of handing on the faith.

Three major sources will be reviewed in this section. First, the Code of Canon Law, not only because of the obvious legal implications, but because it codifies much of the church's conciliar and post-conciliar teaching until 1983. That is to say, the canons use as their sources magisterial teaching up to and including Vatican II. Various canons are also developed using post-conciliar teaching contained in papal encyclicals and other documents.

Second, we will examine Pope John Paul II's *Catechesi Tradendae* (1979), once referred to as "the charter for the new catechesis." Other similar documents exist, of course; this document is selected both because of its overall magisterial significance and because it represents faithfully the key concepts involved in this matter. Third and finally, we will consider teachings contained in the 1994 *Catechism of the Catholic Church* and the 1997 *General Directory for Catechesis*.

### Code of Canon Law: Overview

The organization of the *Code* is significant, since various canons concerning catechesis and the persons involved in it are found in widely-dispersed sections of the *Code*. In order to appreciate them fully, one must have an understanding of the intent of the section in which they are found. The *Code* is divided into seven Books. The pertinent canons reviewed are from Book II: The People of God; Book III: The Teaching Office of the Church; and, Book IV: The Office of Sanctifying in the Church. Book II first addresses the obligations and rights of all the Christian faithful, followed by those obligations and rights pertaining to the lay Christian faithful. Then, specific canons pertaining to the clergy and the hierarchical structure of the church are provided. Book III offers canons on the Ministry of the Word, with sections on catechesis and Catholic

education. Finally, Book IV provides specific canons on the sacraments and the catechetical issues related to their proper celebration.

### 1. The Obligations and Rights of all the Christian Faithful

From the outset, it will be helpful to know exactly how canon law understands the terms *obligation* and *right*. Canon 223, which ends the section of the *Code* addressing the Obligations and Rights of All the Christian Faithful offers this insight: "In exercising their rights the Christian faithful, both as individuals and when gathered in associations, must take account of the common good of the Church and of the rights of others as well as their own duties toward others. In the interest of the common good, ecclesiastical authority has competence to regulate the exercise of the rights which belong to the Christian faithful" (c. 223, §1, 2; underlining added). Canonical rights, therefore, are never absolute, but are contingent upon the common good of the People of God; furthermore, the ecclesiastical authority of the Church may regulate the exercise of rights in order to assure the common good.

The 1917 Code referred to Rights and Obligations; the 1983 Code reverses the order and speaks of Obligations and Rights. When clarification was sought on this point during the revision of the Code, the Code Commission responded that the ordering was not significant, since both rights and obligations come from the sacraments. In this sense, then, some rights flow from obligations; at other times, obligations flow from rights.

Rights. . . give rise to obligations. When the common good calls for one to exercise a right, there is an obligation to do so. Similarly, one person's right produces a corresponding obligation in others to respect that right. Moreover, when one has an obligation to provide something for others, those others have a right to that service. Thus when the Code requires sacred ministers to preach (c. 767) or to provide the sacraments to those who seek them properly (c. 843), it is only expressing the reverse of the right to word and sacrament that is common to all the faithful (c. 213). . . . The common good always regulates the exercise of rights. Rights in this sense are not absolute but relative, for their exercise must respect the rights of others and the conditions needed for all to achieve their fulfillment (*The Code of Canon Law: A Text and Commentary*, 137 - 138).

With this in mind, let us begin our review of the pertinent canons. Under the canons pertaining to ALL the Christian faithful, we find the canon which spells out the right of all the faithful to a Christian education:

*Canon 217: The Christian faithful since they are called by baptism to lead a life in conformity with the teaching of the gospel, have the right to a Christian education by which they will be properly instructed so as to develop the maturity of a human person and at the same time come to know and live the mystery of salvation.*

It is from this basic right to Christian education enjoyed by all the Christian faithful that other rights and obligations emerge: parents have the obligation and right to educate their children, and the Church has the obligation and right to coordinate the catechetical enterprise, to establish schools and other institutions to assist the Christian people in exercising their right to a Christian education. But all of these flow from this fundamental right of all the Christian faithful to Christian formation and education.

## 2. The Obligations and Rights of the Lay Christian Faithful

The subsequent canons provide the obligations and rights of the lay Christian faithful. Canon 226 addresses the obligation of the married lay faithful to build up the people of God, and then addresses the subsequent obligation and right to educate their children:

*§1: Lay persons who live in the married state in accord with their own vocation are bound by a special duty to work for the upbuilding of the people of God through their marriage and their family. §2: Because they have given life to their children, parents have a most serious obligation and enjoy the right to educate them; therefore Christian parents are especially to care for the Christian education of their children according to the teachings handed on by the Church.*

Two things are of particular note here: 1) the prior and primary responsibility of the married lay Christian faithful is the same as mentioned in Canon 223 above: the building up of the People of God, the common good; it is from this basic obligation that the rest of the canon emerges; 2) by stressing that Christian parents have an obligation and right to educate their children “according to the teachings handed on by the Church,” the Church is reminding

parents that they have the obligation to teach truth, not personal opinion or personal interpretation of the truth. The education provided must present the teachings of the church in all their richness. The children have that right, as already seen in Canon 217.

### 3. The Hierarchical Constitution of the Church: Particular Churches

It is crucial to understand the role of the bishop in the life of the Church, and in particular, his obligations and rights with regard to leadership (*munus regendi*), teaching (*munus docendi*) and sanctifying (*munus sanctificandi*).

*Canon 375, §1: Through the Holy Spirit who has been given to them, bishops are the successors of the apostles by divine institution; they are constituted pastors within the Church so that they are teachers of doctrine, priests of sacred worship and ministers of governance. §2. By the fact of their episcopal consecration bishops receive along with the function of sanctifying also the functions of teaching and ruling, which by their very nature, however, can be exercised only when they are in hierarchical communion with the head of the college and its members.*

Of particular importance is the reminder that bishops are more than mere social leaders: they hold their office through the action of the Holy Spirit and serve as successors to the Apostles "by divine institution." Furthermore, Canon 381, §1 states: "A diocesan bishop in the diocese committed to him possesses all the ordinary, proper and immediate power which is required for the exercise of his pastoral office except for those cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority of the Church or to some other ecclesiastical authority." The official commentary on this canon states:

The first paragraph of this canon reaffirms a noteworthy point of conciliar teaching on the episcopal office: the bishops govern their churches as vicars and ambassadors of Christ, not as vicars of the Roman Pontiff (LG 27). Accordingly, they have all the power necessary for the exercise of their pastoral office by divine right; such a power has an existence of its own apart from the papacy (CD 8a). This power is ordinary, i.e., related to his office; immediate, i.e., directly exercised over those entrusted to his care without an intermediary; and proper, i.e., exercised in his own name. This power of the bishop, which is

operative in legislative, judicial, and administrative matters is not confined to the sphere of government; it is operative throughout the whole range of the Church's work, which includes the threefold office of teaching, sanctifying, and governing.

With regard to catechesis and specifically the religious formation of children, we find that the bishop holds an immediate power for ministry; that is, it requires no intermediary. The bishop is the prime teacher of all persons within his diocese by divine right. With this right comes the obligation to exercise that right and the obligation for others to recognize and respect that right. The role of the bishop as teacher is further expounded by Canon 386, §1:

*The diocesan bishop is bound to present and explain to the faithful the truths of the faith which are to be believed and applied to moral issues, frequently preaching in person; he is also to see to the careful observance of the prescriptions of the canons concerning the ministry of the word, especially those concerning the homily and catechetical formation, so that the whole of Christian doctrine is imparted to all. §2. Through suitable means he is strongly to safeguard the integrity and unity of the faith to be believed while nevertheless acknowledging a rightful freedom in the further investigation of its truths.*

#### **4. The Hierarchical Constitution of the Church: Parishes, Pastors and Parochial Vicars**

Canon 515 describes how a parish is established within the particular (diocesan) church; specifically, the pastoral care of the parish is entrusted to a pastor as its own shepherd under the authority of the diocesan bishop. Canon 519 further develops the description of the pastor:

*The pastor is the proper shepherd of the parish entrusted to him, exercising pastoral care in the community entrusted to him under the authority of the diocesan bishop in whose ministry of Christ he has been called to share; in accord with the norm of law he carries out for his community the duties of teaching, sanctifying and governing, with the cooperation of other presbyters or deacons and the assistance of lay members of the Christian faithful.*

With regard to teaching and sanctifying, the appropriate canon is Canon 528, §1:

*The pastor is obliged to see to it that the word of God in its entirety is announced to those living in the parish; for this reason he is to see to it that the lay Christian faithful are instructed in the truths of the faith, especially through the homily. . . and through the catechetical formation which he is to give. . . he is to take special care for the Catholic education of children and of young adults. . . .*

Completing the pastor's responsibilities under the tri-munera is Canon 529, (which addresses his functioning in governance) §2:

*The pastor is to acknowledge and promote the proper role which the lay members of the Christian faithful have in the Church's mission by fostering their associations for religious purposes; he is to cooperate with his own bishop and with the presbyterate of the diocese in working hard so that the faithful be concerned for parochial communion and that they realize that they are members both of the diocese and of the universal Church and participate in and support efforts to promote such communion.*

Of particular interest is the injunction that the pastor is to stress to the faithful the importance of the common good, in this case described as parochial communion and the realization that they are part of the larger (diocesan and universal) Church. The parish is not an independent, autonomous entity; it is an integral element of the local (i. e., diocesan church). In the words of *Lumen Gentium* 26: "In each altar community, under the sacred ministry of the bishop, a manifest symbol is to be seen of the charity and 'unity of the mystical body, without which there can be no salvation.' In these communities. . . Christ is present through whose power and influence the One, Holy, Catholic and Apostolic Church is constituted."

##### 5. The Teaching Office of the Church

At the very beginning of this section of the *Code*, we are reminded that catechesis is the overall responsibility of the diocesan bishop:

*Canon 773: There is a proper and serious duty, especially on the part of pastors of souls, to provide for the catechesis of the Christian people so that the faith of the faithful*

*becomes living, explicit and productive through formation in doctrine and the experience of Christian living.*

Note that “pastors of souls” refers to diocesan bishops and the pastors they appoint. The bishop, as the prime teacher of the faith in his diocese, is particularly responsible for the catechesis of all persons within the diocese so that, *through doctrine and the experience of Christian living*, their faith will become living, explicit and productive. The supervisory role of the bishop and pastor is further addressed in the next canon:

*Canon 774, §1: Under the supervision of legitimate ecclesiastical authority this concern for catechesis pertains to all the members of the Church in proportion to each one's role. §2. Parents above others are obliged to form their children in the faith and practice of the Christian life by word and example; godparents and those who take the place of parents are bound by an equivalent obligation.*

Of particular concern in this canon is the responsibility of each member of the Christian community for the catechesis of others. Parents in a special way are called to leadership in the formation of their children. *This obligation and right applies to all parents, no matter which tools, methods, and other instruments are used to assist them in this task.* In other words, this canon does not mandate home schooling as a preferred method of fulfilling their parental obligation. Furthermore, the entire canon flows from the realization that all of the community's shared responsibility for catechesis is exercised *under the supervision of legitimate ecclesiastical authority.*

How the bishop is to exercise this authority is addressed in the next several canons:

*Canon 775, §1: While observing the prescriptions of the Apostolic See it is the responsibility of the diocesan bishop to issue norms concerning catechetics and to make provision that suitable instruments for catechesis are available, even by preparing a catechism, if such seems appropriate, and by fostering and coordinating catechetical endeavors. §2. It is within the competence of the conference of bishops, with the prior approval of the Apostolic See, to see to it that catechisms are issued for its territory if such seems useful. §3. There can be established within the conference of bishops a catechetical office whose principal task would be to furnish assistance to the individual dioceses in catechetical matters.*