

**EDUCATION: TO WHOM
DOES IT BELONG?
SECOND EDITION, WITH
A REJOINDER TO CRITICS**

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Education: To Whom Does it Belong? Second edition, with a Rejoinder to Critics by Thomas Bouquillon

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THOMAS BOUQUILLON

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SECOND EDITION,

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A Rejoinder to Critics.

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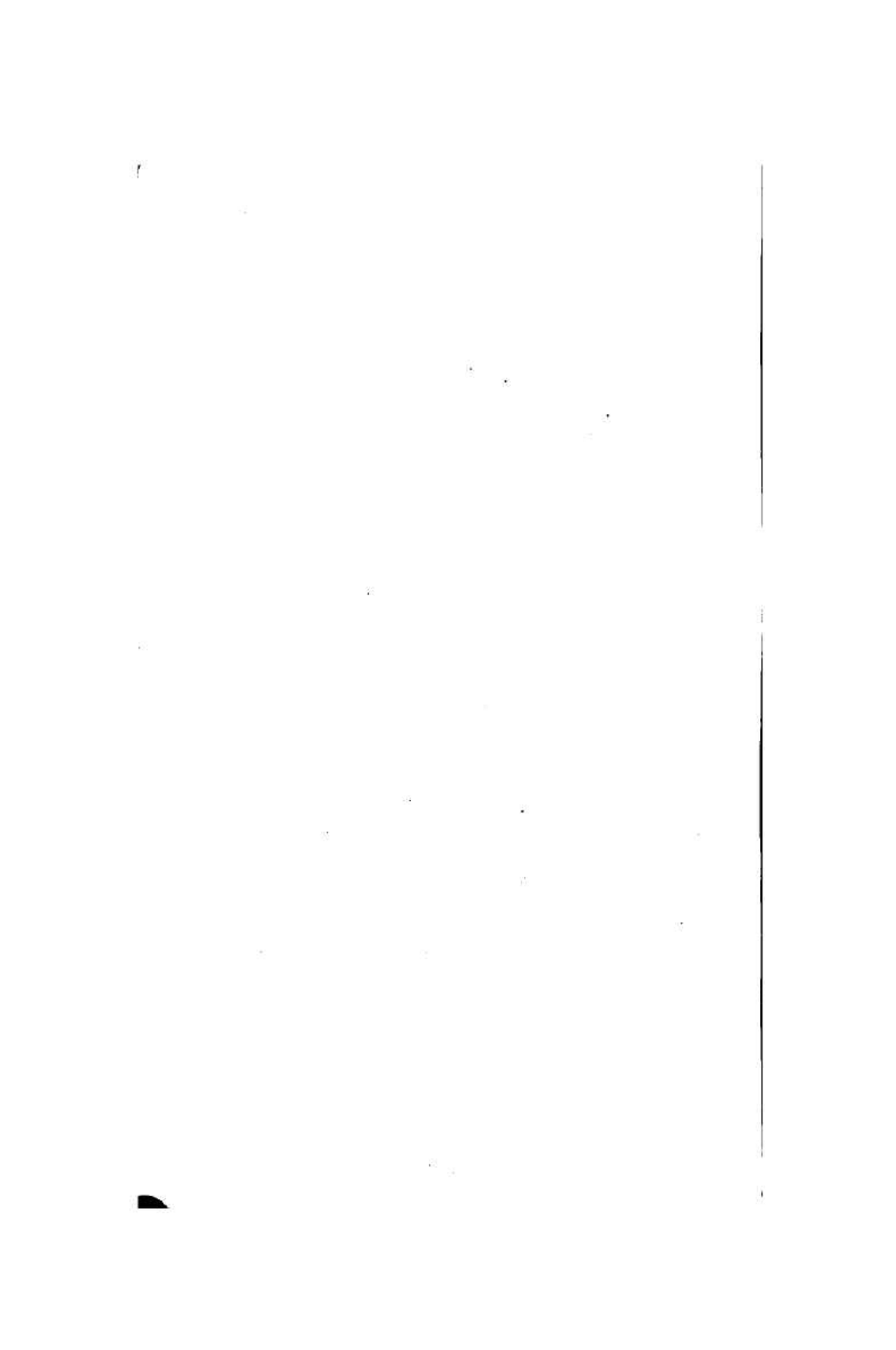
1892.

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PREFACE.

In these pages theoretical principles only are dealt with. These are exposed from a Catholic standpoint. The practical application of the principles does not come within the purpose of the writer, it is not his office to give directions. He has written this pamphlet at the request of ecclesiastical superiors. They deemed that a clear exposition of the principles underlying the school question would be both useful and opportune at this hour, when the practical difficulties in which it is involved have become national concerns; were it only to show that in the matter of education as in all other social concerns the true doctrine of the church is opposed neither to liberty well understood nor to the just prerogatives of the state.

The writer makes no pretense to originality. He professes to walk in the footsteps of the great theologians, especially of Saint Thomas. He has been guided by the light of the Encyclicals of Leo XIII on civil power, the constitution of states, liberty and the condition of the laboring classes. He could not omit, without sacrificing completeness, certain delicate points of detail on which Catholics are not in agreement. On these he has frankly expressed his opinion and has given for them what he thinks good reasons. He begs the reader to give them serious consideration.



EDUCATION: TO WHOM DOES IT BELONG?

We reduce the subject matter of our paper to the following four questions: right to educate, mission to educate, authority over education, liberty of education. Though these four aspects of the educational question touch at many points, we prefer to treat them separately. This plan may force on us some repetitions, but in compensation, it will enable us to avoid the ambiguities and confusion that too often involve in darkness this important subject.

We will examine these four questions from the point of view of the individual, the family, the state, the church. For man is not an isolated being, he is a social being; in society he finds the helps he needs for the development of intellect, the formation of character and the means of subsistence. Now there are three essential societies instituted by God to work harmoniously in conducting man to his perfection and his end; the domestic, the civil, the religious. Therefore, we must determine what are the reciprocal rights, duties, and powers of these three societies in the intellectual formation of man. To do this safely we shall not take for our only guide *a priori* arguments, but we shall also seek to find a basis in the canonical and civil law of Christendom, moreover we shall look for light in the lessons of history. Principles, laws, facts, in these we shall search for the solution of the questions under consideration.

As to principles, we acknowledge that they are to be found best exposed in the more recent publicists, rather than in the older writers who lived before the modern era of the separation of Church and State. We quote in preference Taparelli, *Saggio teoretico di Diritto naturale*, diss. 7, and *Esame critico degli ordini rappresentativi*, tom. I, p. 314; Card. Zigliara, *Phil. mor.*, p. II, lib. II, c. 1, a. 5; Costa-Rosetti, *Inst. Eth. et jur. nat.* thes. 175, 176; Hammerstein, *De Eccl. et Statu*, p. 146, 158, 181; Sauv , *Questions religieuses et sociales*, c. 10;

Cavagnis, *Inst. Jur. publ. et Eccl.*, lib. IV, c. I. Mention must also be made of Coppola, *Sull Diritto della Chiesa in ordine al pubblico Insegnamento*; Riess, *Der moderne Staat und die Christliche Schule*; Jansen, *De Facultate Docendi*; Conway, *The respective rights and duties of family, state and church in regard to education*; Robiano, *De Jure Ecclesiae in Universitates Studiorum*; and finally the anonymous work of two French priests, *L'École neutre en face de la Théologie*.

As to laws, besides the Decretals, lib. v, tit. 5, *De Magistris*, we have consulted the collection of Councils by Hardouin, and its worthy continuation the collection of Maria Laach, the Capitularies of Charlemagne, the ordinances of past governments, the two collections of Mgr. Roskovany, *De Ecclesiae independentia* and *Romanus Pontifex*, and notably the acts of Pius IX and Leo XIII, the decrees of the papal congregations, and finally the *Schema de Ecclesia*, prepared by the pontifical theologians of the Council of the Vatican, though not discussed by the Council.

As to facts, we shall have recourse to Thomassin, *Anc. et nouv. disc. de l'Eglise*, p. II, lib. I, c. 92; Claude Joly, *Traité hist. des Ecoles épiscopales et monastiques*; Léon Maitre, *Des Ecoles épiscopales et monastiques de l'Occident*; Stallaert and Vanderhaeghe, *De l'instruction publique au moyen age*; Lebon, *Histoire de l'enseignement populaire*; Du Boulay, *Hist. Univ. Paris*; Jourdain, *Histoire de l'Université de Paris au dix-septième et dix-huitième siècle*; Bourbon, *La licence d'enseigner et le rôle de l'écolâtre au moyen age*; Karl, *Ueber die alten und neuen schulen*; Denifle, *Die Universitäten des mittel alters*.

The history of education and of schools is to-day the occupation of a great many erudite scholars in many lands. The *Polybiblion* gives in vols. 10, 11, 12, years 1873 and '74, a bibliography of the subject which is worthy of regard; still later we find another bibliography in the report of the bibliographical and international congress held in Paris from the 3rd to the 7th of April, 1888.

I.

THE RIGHT TO EDUCATE.

Right, considered as distinct from law, justice, authority, is a faculty moral and inviolable of doing, exacting, possessing, disposing of something.—We will not stop to explain the various kinds of Right: natural and positive, innate and acquired, absolute and hypothetical, primary and secondary, independent and subordinate, alienable and inalienable, direct and indirect, right the exercise of which is necessary and right the exercise of which is free. One remark: when we say that Right is an *inviolable* faculty, we mean that Right, as long as it is in existence, must be respected, and may be defended even by force; but we do not mean that a Right may not be regulated, modified, restricted, even suspended. Evidently an acquired right may be taken away, and many natural rights may be; if not entirely suppressed, at least regulated, modified, or restricted in various ways.—Only a rational being is capable of possessing a right; such a being, as possessing a right, is properly called a Person; if the one who possesses the right is an individual, the person is physical; if the one who possesses the right is a corporation, a college, the person is moral. Let us now consider the right of teaching, or of education, in the individual, the family, the state, the church.

(a). *The Right of Educating in the Individual.*

By individuals we mean not only men isolated, but also private associations other than the family, the state, and the church.—A theory termed “liberal,” at present in vogue in different countries, especially in Germany, rests on the assumption that the right of education in individuals can be only a positive right, delegated by the sovereign authority, because education is a public, a social function.¹—Against this theory, which is as dangerous as it is false, we affirm that every individual, every legitimate association has by nature the right of educating.

¹ Victor Cousin, the philosopher, wrote in the *Journal des Débats*, May 4, 1844: “The state has the right to confer the power of educating, for to educate is not a natural right, but a public and social right.”