

The Code of Canon Law and the Obligation of Parents to Educate Their Child

Quoted directly from: Catholic Education: A Journal of Inquiry and Practice – July 2013

**“The Catholic School According to the Code of Canon Law “
by Zenon Grocholewski**

“The Result of Two Interlocking Requirements

In the Code of Canon Law, the Catholic school appears as the result of two interlocking requirements—that is, of two sets of rights and duties that come together: (a) on the part of parents, their right and obligation to give a Catholic education to their children; and (b) on the part of the Church, her right and obligation to offer parents the help needed to carry out this task of theirs.

Right and Duty of Parents

Regarding the first requirement, Gravissimum educationis remarks that,

“since parents have given children their life, they are bound by the most serious obligation to educate their offspring and therefore must be recognized

as the primary and principal educators. This role in education is so important that only with difficulty can it be supplied where it is lacking. Parents are the ones who must create a family atmosphere animated by love and respect for God and man, in which the well-rounded personal and social education of children is fostered. Hence the family is the first school of the social virtues that every society needs” (n. 3).

9 “§ 1. A Catholic University may be established or approved by the Holy See, by an Episcopal Conference or another Assembly of Catholic Hierarchy, or by a diocesan Bishop. § 2. With the consent of the

diocesan Bishop, a Catholic University may also be established by a Religious Institute or other public

juridical person. § 3. A Catholic University may also be established by other ecclesiastical or lay persons;

such a University may refer to itself as a Catholic University only with the consent of the competent ecclesiastical Authority, in accordance with the conditions upon which both parties shall agree. (Note: Both

the establishment of such a university and the conditions by which it may refer to itself as a Catholic

University are to be in accordance with the prescriptions issued by the Holy See, Episcopal Conference,

or other Assembly of Catholic Hierarchy.)”¹⁵² Catholic Education / December 2008

In harmony with these remarks, the Code of Canon Law, treating of the

obligations and rights of the lay faithful, prescribes: “Since they have given

life to their children, parents have a most grave obligation and possess the

right to educate them. Therefore, it is for Christian parents particularly to

take care of the Christian education of their children according to the doctrine handed on by the Church” (can. 226 § 2). This obligation is reiterated

in different points of the Code, when it treats of catechetical instruction (can.

774 § 2), the Catholic school (can. 793 § 1), and of the effects of marriage

(can. 1136).

The Apostolic Exhortation of John Paul II *Familiaris consortio* (22

November 1981) qualifies this right/duty of parents to educate their children

as follows: “The right and duty...

- is essential, since it is connected with the transmission of human life;
- it is original
- and primary with regard to the educational role of others, on account of the uniqueness of the loving relationship between parents and children;
- and it is irreplaceable

- and inalienable, and therefore incapable of being entirely delegated to others or usurped by others” (n. 36b).

It is obvious that parents, by themselves, are unable to fulfill this duty of theirs, and that therefore they need help. Such help must be given both by the State and by the Church.

Considering the need for such help, the Code of Canon Law underlines:

“Catholic parents also have the duty and right of choosing those means and institutions through which they can provide more suitably for the Catholic education of their children, according to local circumstances” (can. 793 § 1).

Among these means, the Code establishes that “the Christian faithful are to hold schools in esteem,” affirming that “schools are the principal assistance to parents in fulfilling the function of education” (can. 796 § 1).

The clear precept of canon 798 is a logical consequence of these principles: “parents are to entrust their children to those schools which provide a

Catholic education.” They can legitimately refrain from doing so only “if they are unable to do this”; but in that case, “they are obliged to take care that suitable Catholic education is provided for their children outside the schools.”

In this context, it is necessary to bear in mind—as John Paul II’s Letter to Families (2 February 1994) reminds us—that the help that the school offers

parents in their serious mission of education “must always be carried out in accordance with a proper application of the principle of subsidiarity.” This The Catholic School According to Code of Canon Law 153

principle “implies the legitimacy and indeed the need of giving assistance to the parents, but [on the other hand] finds its intrinsic and absolute limit in their prevailing right and their actual capabilities” (n. 16c).

The Letter presents the question in a way that is most beautiful and, at the same time, perceptive, when it affirms that, “subsidiarity thus complements paternal and maternal love and confirms its fundamental nature, inasmuch as all other participants in the process of education are only able to carry out their responsibilities in the name of the parents, with their consent and, to a certain degree, with their authorization” (ivi).

Therefore, it is logical that the Code should require that “parents must cooperate closely with the teachers of the schools to which they entrust their children to be educated; moreover, teachers, in fulfilling their duty, are to collaborate very closely with parents” (can. 796 § 2).

Right and Duty of the Church

As regards the second interlocking requirement, of which the Catholic school is a result—that is, the right and duty of the Church to offer parents help in carrying out their task of Catholic education—the teaching of the Magisterium is very clear and is easily seen, too, in the canons of the Code of Canon Law (cf. can. 747 ff.)”

Reference can be found at this link:

<http://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1468&context=ce>