

INTRODUCTION

The home schooling of children by their parents is a growing phenomenon in the world today. This is particularly true in the United States where it was estimated that during the 2002-2003 year there were 1.7 to 2.1 million K-12 home-schooled students.¹ In addition to this, it is estimated that the growth rate for homeschooling is between 7 percent and 15 percent per year.²

Catholics also are among these families that choose to homeschool. Many of these Catholic parents desire not only to educate their children at home in secular and religious subjects but also to catechize them at home in preparation for the sacraments of Penance, Eucharist, and Confirmation.

Diocesan bishops are taking note of this situation, and, in

¹Brian D. Ray, *Worldwide Guide to Homeschooling: Facts and Stats on the Benefits of Home School, A Quick Reference, 2004-2005* (Nashville, TN: Broadman and Holman, 2004) 7-8.

²Ibid., 8.

fact, some have formulated diocesan norms for the sacramental preparation of home-schooled children in order to address this.³

This thesis will analyze the Code of Canon Law as well as other relevant magisterial documents in order to illuminate the necessary factors to be considered when formulating such norms. It will focus specifically on the development of diocesan norms for the preparation for first Eucharist for home-catechized children.

³The Archdioceses of Atlanta, Chicago, Detroit, Los Angeles, Philadelphia, and St. Louis and the dioceses of Erie, Palm Beach, and Toledo are among the dioceses and archdioceses in the United States that have formulated catechetical norms for home-schooled children.

CHAPTER 1

THE RIGHTS AND DUTIES OF PARENTS REGARDING THE EDUCATION OF THEIR CHILDREN

The Development in the Church of the Understanding of these Rights and Duties

The first issue to be examined is the rights and duties of parents to prepare their children to receive the Eucharist. It is helpful to examine the development by the magisterium of the understanding of these rights and duties from the 1917 Code of Canon Law through the 1983 Code of Canon Law. Such examination will include a few key magisterial documents written between these codes.

From the 1917 code there are three pertinent canons: canons 1113, 1335, and 1372 §2. In this order they are given below in English translation:

Parents are bound by the most grave obligation to take care as far as they are able for the education of

children, both religious and moral, as well as physical and civil, and of providing them with temporal goods.⁴

⁴*Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (Rome: Typis Polyglottis Vaticanis, 1917) c. 1113: "Parentes gravissima obligatione tenentur proles educationem tum religiosam et moralem, tum physicam et civilem pro viribus curandi et etiam temporali eorum bono providendi." English translation from Edward Peters, curator, *The 1917 Pio-Benedictine Code of Canon Law in English Translation* (San Francisco: Ignatius, 2001) 383. All subsequent translations will be from this source.

Not only parents according to the norm of canon 1113, but also all those who take their place, have the right and grave duty of taking care of the Christian education of children.⁵

Not only parents and others who take the place of parents, but also household leaders and patrons, are strictly bound to take care that all those subject or entrusted to them are educated with catechetical instruction.⁶

These canons show that parents were obligated to provide for the Christian education of their children in all its aspects; indeed, this obligation was a "most grave duty." In addition, they were to "take care" that their children were educated with catechetical instruction. At the same

⁵1917 *CIC* c. 1335: "Non modo parentibus ad normam can. 1113, sed etiam omnibus qui eorum locum tenent, ius et gravissimum officium est curandi christianam liberorum educationem."

⁶1917 *CIC* c. 1372 §2: "Non solum parentes aliique qui parentum locum tenent, sed heri quoque ac patrini obligatione adstringuntur curandi ut omnes sibi subiecti vel commendati catechetica institutione erudiantur."

time, this task of education was called not only a "duty" but a "right." The mention of the right of the parents over the education of their children was intended to counter the tendency of some civil governments "to deprive the family of its inherent and inalienable rights over the children."⁷

⁷Stanislaus Woywod, *A Practical Commentary on the Code of Canon Law*, Vol. 1 (NY: Joseph F. Wagner, 1948) 799.

In practice, however, even though the Church expressed the right of the parents to educate their children, many held that catechesis was an exclusive endeavor of Church authority. As one author puts it, "Thus the basic duty of parents to educate their children in the faith was understood to amount to two responsibilities: the duty to teach them the 'rudiments of faith' and the duty to take them to catechesis taught by the pastors. In practice, catechesis, other than those publicly offered by the Church, were ignored."⁸ Another author goes so far as to say, "The

⁸Jose A. Fuentes, "Book III. The Teaching Office of the Church," in *Exegetical Commentary on the Code of Canon Law*, vol. III/1, eds. Angel Marzoa, et. al. (Montreal: Wilson S. Lafleuer, 2004) 112.

teaching ministry of the Church under the 1917 code was reserved only to members of the Church hierarchy."⁹

⁹Deborah A. Barton, "Education and Catechesis of Children: Rights of Parents and Rights of Bishops," *CLSA Proceedings* 62 (2000) 63.

However, in 1929 Pius XI promulgated the encyclical letter *Divini illius Magistri*¹⁰ on Christian education. In it he reiterated the family's right to educate its children¹¹ over against any state system that would seek to usurp that right.¹² However, he enunciated the relationship between parents as educators and the role of the Church in a way that began to give true regard for the rights of parents. The Church, he said, places at the disposal of parents her office of educator.¹³ Behind this are the ideas that indeed parents are the educators and that the Church

¹⁰Pius XI, encyclical letter *Divini illius Magistri*, December 31, 1929: AAS 22 (1930) 49-86.

¹¹Ibid., 32.

¹²Ibid., 35.

stands ready and able to be used as a most exemplary means of providing this education.

¹³Ibid., 40.

The Second Vatican Council furthered the understanding of the rights of parents to educate their children. In the *Declaration on Christian Education*,¹⁴ the council fathers, while not denying the role of other agencies in the education of children, strongly stressed the educational rights of parents:¹⁵ "Since parents have conferred life on their children, they are bound by a very serious obligation to educate them. Therefore, they are to be acknowledged as their primary and principal educators."¹⁶ The significance of this Declaration with regard to the rights of parents can be seen in the fact that "the traditional order - Church, parents, state - has now been modified. For, only after treating of the rights of parents and of the State does the document speak of the rights of the Church itself."¹⁷ As

¹⁴Vatican II, decree *Gravissimum educationis*, October 28, 1965: AAS 58 (1966) 728-739.

¹⁵Johannes Pohlschneider, "Declaration on Christian Education," in *Commentary on the Documents of Vatican II*, ed. Herbert Vorgrimler, vol. 4 (New York: Herder and Herder, 1967) 23.

¹⁶*GE* 3: AAS 731; "Parentes, cum vitam filiis contulerint, prolem educandi gravissima obligatione tenentur et ideo primi et praecipui eorum educatores agnoscendi sunt." English translation from *Decrees of the Ecumenical Councils*, ed. Norman P. Tanner (Washington: Georgetown University Press, 1990) 961. All subsequent translations of Vatican II documents will be from this source.

¹⁷Francis G. Morrissey, "The Rights of Parents in the Education of their Children," *Studia canonica* 23 (1989) 432.

another author put it, "Parents come first in rank. Their right as educators is based upon the law of nature. Their partnership in the society of the Christian family has a special educational power, insofar as they live by the grace of the sacrament."¹⁸

This right comes from the very nature of marriage itself. The dogmatic constitution on the Church of the Second Vatican Council, *Lumen gentium*,¹⁹ beautifully describes the effects of the grace of the sacrament of matrimony:

¹⁸Pohlschneider, 22.

¹⁹Vatican II, dogmatic constitution *Lumen gentium*, November 21, 1964: AAS 57 (1965) 5-67.

Finally, by virtue of the sacrament of matrimony, by which they both share in and symbolize the unity and fertile love between Christ and the Church (see Eph 5, 32), married Christians help each other toward holiness in their married life and in the acceptance and education of children. And so in their state and way of life, they have their own particular gift within the people of God. From this married life comes the family, in which are born new citizens of human society who, by the grace of the Holy Spirit, are raised by baptism to the status of heirs of God to carry on his people through the centuries. This is, as it were, the domestic Church in which the parents must be for their children, by word and by example, the first preachers of the faith, encouraging each in her or his vocation and paying special attention to a sacred vocation.²⁰

²⁰LG 3: AAS 6; "Tandem coniuges christiani, virtute matrimonii sacramenti, quo mysterium unitatis et fecundi amoris inter Christum et ecclesiam significant atque participant (cf. Eph 5, 32), se invicem in vita coniugali necnon prolis susceptione et educatione ad sanctitatem adiuvant, adeoque in suo vitae statu et ordine proprium suum in populo Dei donum habent. Ex hoc enim connubio procedit familia, in qua nascuntur novi societatis humanae cives, qui per Spiritus sancti gratiam, ad populum Dei saeculorum decursu perpetuandum, baptismo in filios Dei constituuntur. In hac velut ecclesia domestica parentes verbo et exemplo sint pro filiis suis primi fidei praecones, et vocationem unicuique propriam, sacram vero peculiari cura, foveant oportet." Tanner, 857-858.

By the sacrament of matrimony a "domestic Church" is created in which parents are called, by word and example, to educate their children. As one author put it:

God, in calling and uniting the spouses, has also entrusted them with children to educate in a Christian home. This brings to light the religious duties of a Christian family, namely, the building up of a community of love that makes of the parents witnesses and cooperators in the fruitfulness of mother Church, together with the children, 'as a sign of and a participation in the love with which Christ has loved his spouse and has given himself for her.'"²¹

Thus it can be seen that parents are the first educators of their children in virtue of a "particular gift" which is given to them by God in the sacrament of matrimony.²² By the exercising of this charism to educate their children, parents build up the life of the Church in

²¹Jean Beyer, "Ecclesia domestica," *Vita Consecrata* 27 (1991) 853-854; The original text reads: "Dio, nel chiamare e unire gli sposi, ha pure affidato loro i figli da educare in un focolare cristiano: cio mette in luce i compiti ecclesiali di una famiglia cristiana, ossia l'edificazione di una fraternita d'amore che fa dei genitori i testimoni e i cooperatori della fecondita della madre Chiesa, insieme con i figli, 'in segno e partecipazione di quell'amore con il quale Christo ha amato la sua sposa e si e dato per lei.'"

²²In the council text, the fathers make reference here to 1 Corinthians 7:7 which says "Each has his or her own special gift from God, one of one kind and one of another." (English translation of this scripture passage is from Tanner, 858).

such a way that their family life becomes a sign of and participation in the love of Christ.

*Reflections of the Understanding of These Rights and Duties
in the Code of Canon Law*

There are two canons of the 1983 Code of Canon Law which are especially pertinent to the discussion of the rights and obligation of parents to educate their children:

canon 226 §2 and canon 1136. There are two other canons which deal with the specific question of catechetical instruction for children and its application to the reception of first Holy Communion: canon 774 §2 and canon 914.

Canon 226 §2 states:

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.²³

In this canon can be seen the reflection of *Gravissimum educationis* 3, as noted above, that parents are the first educators of their children in the faith. However, what is

²³*Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) c. 226 §2: "Parentes, cum vitam filiis contulerint, gravissima obligatione tenentur et iure gaudent eos educandi; ideo parentum christianorum imprimis est christianam filiorum educationem secundum doctrinam ab Ecclesia traditam curare." English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1998). All subsequent English translations of canons from this code will be taken from this source.

key to the interpretation of this canon is the understanding which comes from *Lumen gentium* 20, namely, that this right and obligation to educate springs from the nature of marriage itself and is exercised in virtue of the grace which is given with matrimony. By interpreting this canon within this context, one is saved from falling into the practice and understanding which prevailed with the 1917 code, namely, that the instruction of children in the faith was strictly a matter to be dealt with by the Church hierarchy. The parents, for their part, simply had the duty and right of making sure that it was done.

The 1983 code goes a step farther by putting into the law of the Church the understanding of the conciliar documents that parents enjoy the primary right to educate.²⁴

Canon 1136 expresses this: "Parents have the most grave duty and primary right to take care as best they can for the physical, social, cultural, moral, and religious education of their offspring."²⁵ This canon reflects the teaching of

²⁴Michael Smith Foster, "The Promotion of the Canonical Rights of Children," *CLSA Proceedings* 59 (1997) 176-177.

²⁵C. 1136: "Parentes officium gravissimum et ius primum habent proles educationem tum physicam, socialem et culturalem, tum moralem et religiosam pro viribus curandi."

Pius XI from *Divini illius magistri*.²⁶ As one author put it, "The intent of canon 1136 is clear: the obligation to provide for children's human and religious formation is also the primary right of parents. This right may not be usurped or curtailed by anyone."²⁷

²⁶Foster, 177.

²⁷Ibid.

This right can be applied not only to the education of children in general but also to catechesis specifically.

John Paul II defined the goal of catechesis in 1979 in his apostolic exhortation, *Catechesis tradendae*,²⁸ the subject of which was catechesis in our time: "The primary and essential object of catechesis is, to use an expression dear to St. Paul and also to contemporary theology, 'the mystery of Christ.' Catechizing is, in a way, to lead a person to study this mystery in all its dimensions."²⁹ The way in which this is carried out is also described in this document: "All in all, it can be taken here that catechesis is an 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

²⁸John Paul II, apostolic exhortation *Catechesi tradendae*, October 16, 1979: AAS 71(1979) 1277-1340.

²⁹CT 5: AAS 1280-1281; "Obiectum essenziale et primarium catecheseos est - ut verbo utamur sacro Paulo ac theologis horum temporum probato 'mysterium Christi.' Catechesim tradere idem est ac quodem modo aliquem adducere, ut hoc mysterium, ad omnes eius facies quod attinet." English translation from "Apostolic Exhortation on Catechetics," *Origins* 9:21 (November 8, 1979) 331. All subsequent English translations of this document will be from this source.

the fullness of Christian life."³⁰ Thus, catechesis is the organic and systematic study of the mystery of Christ.

Parents have an essential role to play in the catechesis of their children. Canon 774 §2 states, "Parents above others are obliged to form their children by word and example in faith and in the practice of Christian life; sponsors and those who take the place of parents are bound by an equal obligation."³¹ Indeed, not only is their role essential, it is primary, as this canon states.

³⁰CT 18: AAS 1292; "In universum affirmari potest catechesim esse educationem in fide impertiendam pueris, iuvenibus, adultis, potissimum per institutionem doctrinae christiane, quae plerumque cohaerenti fit via atque ratione, eo nempe consilio ut credentes christianae vitae plenitudini initiarentur." *Origins*, 334.

³¹C. 774 §2: "Prae ceteris parentes obligatione tenentur verbo et exemplo filios in fide et vitae christianae praxi efformandi; pari obligatione adstriguntur, qui parentum locum tenent atque patrini."

That this is the correct reading of this canon can be seen once again from *Catechesi tradendae* where the Pope wrote, "The family's catechetical activity has a special character, which is in a sense irreplaceable."³² Here the Pope meant true catechesis, not just religious example or the teaching simply of the rudiments of the faith:

³²CT 68: AAS 1333-1334; "Actio catechetica, quae in familia fit, indolem prorsus peculiarem praefert." *Origins*, 345.

Education in the faith by parents, which should begin from the children's tenderest age, is already being given when the members of a family help each other to grow in faith through the witness of their Christian lives, a witness that is often without words but which perseveres throughout a day-to-day life lived in accordance with the Gospel. This catechesis is more incisive when, in the course of family events (such as the reception of the sacraments, the celebration of great liturgical feasts, the birth of a child, a bereavement) care is taken to explain in the home the Christian or religious content of these events. *But that is not enough: Christian parents must strive to follow and repeat, within the setting of family life, the more methodical teaching received elsewhere.*³³

³³CT 68: AAS 1134; "Haec in fide educatio, a parentibus impertita -- quam a primis puerorum annis inchoari oportet - iam efficitur, si membra familiae uniuscuiusque inter se adiuvant, ut per testificationem suam vitae christianae, saepe tacitam at perseverantem, in cotidiana conversationis secundum Evangelium ductae cursu, crescant in fide. Eadem educatio magis solidatur, si occurrentibus familiae eventibus - cuiusmodi sunt Sacramentorum susceptio, celebratio sollemnitatum liturgicarum, ortus infantis, luctus - curae est, ut significatio christiana vel religiosa horum eventuum explanetur. *Sed etiam maiora sunt agenda: parentes*

The Pope echos these ideas in the apostolic constitution *Familiaris consortio*,³⁴ on the role of the Christian family in the modern world promulgated just over two years later:

christiani institutionem, quam alias certa via et ratione acceperunt, in familiari vita persequi et resumere studeant." *Origins* 345. Emphasis from the author.

³⁴John Paul II, apostolic exhortation *Familiaris Consortio* (22 November 1981): AAS 74 (1981) 81-191.

The right and duty of parents to give education 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.³⁵

Read in the context of this teaching, canon 774 §2 indicates that parents have priority rights in catechizing.³⁶ As one author put it, "This canon implies that Christian parents have a prior (even prior to that of pastors) responsibility to educate their children in the faith."³⁷

This priority is reflected also in the introduction to the Rite of Confirmation: "The initiation of children into the sacramental life is ordinarily the responsibility and concern of Christian parents. They are to form and gradually increase a spirit of faith in the children and

³⁵FC 36: AAS 126; "Coniugum ius officiumque instituendi definitur *essentiale*, quoniam cum vitae humanae transmissione cohaeret, *nativum ac primum*, quatenus respicit aliorum educandorum opus propter unicam amoris coniunctionem inter parentes et filios; *nec permutandum nec alienandum*, quod propterea neque aliis totum delegari licet neque ab aliis usurpari." (original emphasis) English translation from "The Apostolic Exhortation on the Family," *Origins* 11: 28 and 29 (December 24, 1981) 50.

³⁶Jose A. Fuentes, "The Active Participants in Catechesis and their Dependence on the Magisterium," *Studia Canonica* 23 (1989) 385.

³⁷Richard J. Barrett, "The Right to Integral Catechesis as a Fundamental Right of the Christian Faithful," *Apollinaris* 67 (1994) 192.

. . . prepare them for the fruitful reception of the sacraments of confirmation and the eucharist."³⁸

One can apply this right of parents to catechize their children to the preparation of a child to receive first Holy Communion. Canon 914 states:

³⁸*Ordo Confirmationis auctoritate Pauli PP. VI promulgatus* (Vatican City: Typis Polyglottis Vaticanis, 1973), 16; "Christianorum vero parentum est plerumque de puerorum initiatione ad vitam sacramentalem sollicitos se praebere, tum spiritum fidei in ipsis formando et gradatim augendo, tum eos, ope aliquando eorum institutorum . . . praeparando ad fructuosam sacramentorum Confirmationis et Eucharistiae susceptionem." English translation from International Commission on English in the Liturgy, *The Rites of the Catholic Church*, vol. 1A (New York: Pueblo Publishing Company, 1988) 479.

It is primarily the duty of parents and those who take the place of parents, as well as the duty of pastors, to take care that children who have reached the use of reason are prepared properly and, after they have made sacramental confession, are refreshed with this divine food as soon as possible. It is for the pastor to exercise vigilance so that children who have not attained the use of reason or whom he judges are not sufficiently disposed do not approach holy communion.³⁹

³⁹C. 914: "Parentum imprimis atque eorum qui parentum locum tenent necnon parochi officium est curandi ut pueri usum rationis assecuti debite praeparentur et quam primum, praemissa sacramentali confessione, hoc divino cibo reficiantur; parochi etiam est advigilare ne ad sacram Synaxim accedant pueri, qui rationis usum non sint adepti aut quos non sufficienter dispositos iudicaverit."

Consistent with the canons mentioned above, namely canons 226 §2, 774 §2, and 1136, as well as the magisterial teaching mentioned above, this canon regards parents as the primary instructors of their children in preparation for first Holy Communion. This duty and right belongs to them before all others, even before pastors who are subordinate to parents in this regard.⁴⁰

⁴⁰Paul E. Baillargeon, "The Rights and Duties of Parents in the Sanctification of Their Children," *CLSA Proceedings* 54 (1992) 69.

CHAPTER 2

THE ROLE OF THE HIERARCHY IN THE CATECHIZING OF CHILDREN

The Diocesan Bishop

Bishops receive a mandate to teach based on their episcopal consecration and canonical mission.⁴¹ Canon 756 §1, reflecting the teaching of *Lumen gentium* 23,⁴² states that the preaching of the Gospel has been committed principally to the Roman Pontiff and to the College of Bishops. In an individual diocese, the diocesan bishop carries out this mandate to preach the Gospel for all those entrusted to him. Thus, canon 756 §2 gives the additional responsibility to individual bishops of moderating the entire ministry of the word in their Churches: "With respect to the particular church entrusted to him, an individual bishop, who is the moderator of the entire word within it, exercises that function; sometimes several bishops fulfill this function jointly with respect to different churches at once, according to the norm of law."⁴³

⁴¹Barton, 65. See also CD 30.

⁴²Eloy Tejero, "The Teaching Office of the Church," in *Code of Canon Law Annotated*, ed. Ernest Caparros, et al. (Woodridge, IL: Midwest Theological Forum, 2004) 590.

⁴³C. 756 §2: "Quoad Ecclesiam particularem sibi

Thus, individual bishops who have pastoral authority in their own dioceses have the responsibility of moderating all the activities that are required for the exercise of the ministry of the word.⁴⁴

concreditam illud munus exercent singuli Episcopi, qui quidem totius ministerii verbi in eadem sunt moderatores; quandoque vero aliqui Episcopi coniunctim illud explent quoad diversas simul Ecclesias, ad normam iuris."

⁴⁴Tejero, 591.

This duty of moderating applies especially to one of the ways in which the ministry of the word is carried out, that is, the work of catechesis. Canon 773 states, "It is a proper and grave duty especially of pastors of souls to take care of the catechesis of the Christian people so that the living faith of the faithful becomes manifest and active through doctrinal instruction and the experience of Christian life."⁴⁵ "Pastors of souls" here refers to bishops, parish priests, and other ministers who have the care of souls,⁴⁶ but the responsibility for catechesis falls especially on the diocesan bishop. Canon 775 §1 states, "Having observed the prescripts issued by the Apostolic See, it is for the diocesan bishop to issue norms for catechetics, to make provision that suitable instruments of catechesis are available, even by preparing a catechism if it seems opportune, and to foster and coordinate catechetical endeavors."⁴⁷

⁴⁵C. 773: "Proprium et grave officium pastorum praesertim animarum est catechesim populi christiani curare, ut fidelium fides, per doctrinae institutionem et vitae christianae experientiam, viva fiat explicita atque operosa."

⁴⁶Tejero, 600.

⁴⁷C. 775 §1: "Servatis praescriptis ab Apostolica Sede latis, Episcopi dioecesani est normas de re catechetica edicere itemque prospicere ut apta catechesis instrumenta praesto sint, catechismum etiam parando, si opportunum id

This responsibility is based on the bishop's mandate to teach the Gospel. As one author put it:

The bishop acts as the vicar of Christ when he teaches in his own diocese; he is both a servant of the Word and a servant to the people of his diocese. He is the catechist par excellence in the particular church in which he serves; and as such, he is to coordinate all catechetical activity in the diocese. In short, catechesis depends directly on the bishop's role in the hierarchy of the Church.⁴⁸

Looking at *Christus Dominus* 14, one can receive a fuller understanding of the manner in which the bishop's catechetical task is to be carried out:

videatur, necnon incepta catechetica fovere atque coordinare."

⁴⁸Barton, 65.

The aim of catechetical instruction is to make people's faith, enlightened by doctrine, a living faith, explicit and active. They should ensure that it is given with zealous care to children, adolescents, young people and even adults. They should also ensure that in giving this instruction a suitable order and method are followed, accommodated not only to the subject matter but also to the disposition, aptitude, age and environment of the hearers. Let them also ensure that this instruction is based on sacred scripture, tradition, liturgy, the teaching authority and life of the church.⁴⁹

Thus, the diocesan bishop has the right to issue norms concerning catechesis, to make available suitable instruments for catechesis, and to foster and coordinate catechetical endeavors. He is given these rights with regard to catechesis in order to ensure that the faith of the Church is adequately communicated to the faithful of all ages so that their faith becomes a living faith.⁵⁰

The Pastor

⁴⁹Vatican II decree *Christus Dominus* 14, October 28, 1965: AAS 58 (1966), 679; "Invigilent ut catechetica institutio, quae eo tendit ut in hominibus fides, per doctrinam illustrata, viva fiat atque explicita et operosa, tum pueris et adolescentibus, tum iuvenibus, tum etiam adultis sedula cura tradatur; ut in eadem tradenda serventur aptus ordo atque methodus conveniens non tantum materiae de qua agitur, sed et indoli, facultatibus et aetati necnon vitae condicionibus auditorum, ut eadem institutio innitatur sacra scriptura, traditione, liturgia, magisterio vitaeque ecclesiae." Tanner 925.

⁵⁰Barton, 66.

Because he shares in the ministry of the diocesan bishop⁵¹, including in the ministry of the word,⁵² the pastor also has a crucial role to play in the work of catechesis.

Canon 776 states:

⁵¹See canon 519.

⁵²See canon 528.

By virtue of his function, a pastor is bound to take care of the catechetical formation of adults, youth, and children, to which purpose he is to use the help of the clerics attached to the parish, of members of institutes of consecrated life and of societies of apostolic life, taking into account the character of each institute, and of lay members of the Christian faithful, especially of catechists. None of these are to refuse to offer their help willingly unless they are legitimately impeded. The pastor is to promote and foster the function of parents in the family catechesis mentioned in can. 774, §2.⁵³

For the pastor as well as the diocesan bishop, the work and coordination of catechesis is a "grave duty," as canon 773 states. He obtains this duty because of the office he holds. This does not mean that he must do all catechizing personally to all the faithful. Rather, he is to see to it

⁵³C. 776: "Parochus, vi sui muneris, catechetica efformationem adultorum, iuvenum et puerorum curare tenetur, quem in finem sociam sibi operam adhibeat clericorum paroeciae addictorum, sodalium institutorum vitae consecratae necnon societatum vitae apostolicae, habita ratione indolis uniuscuiusque instituti, necnon christifidelium laicorum, praesertim catechistarum; hi omnes, nisi legitime impediti, operam suam libenter praestare ne renuant. Munus parentum, in catechesi familiari, de quo in can. 774, §2, promoveat et foveat."

that this teaching is provided.⁵⁴ Thus, the pastor is to promote and foster catechetical work in his parish using the means at his disposal and especially encouraging the catechetical work that parents do within their own families.

⁵⁴Tejero, 603.

The pastor is guided further by canon 776 which delineates several categories of recipients of catechesis. Such a delineation implies the need for different kinds of instructional programs for each of the age groups, appropriately adapted to their needs and abilities.⁵⁵ However, not only does the code make delineations regarding age, it also points to particular pastoral situations in the lives of the faithful in which it is especially important to provide catechesis.

⁵⁵James A. Coriden, "The Teaching Office of the Church," in *The Code of Canon Law: A Text and Commentary*, ed. James A. Coriden, et al. (New York/Mahwah, NJ: Paulist, 1985) 557.

Thus, the code points to the preparation for the first reception of the sacraments of penance and Eucharist and of confirmation as times in which the pastor is to give special catechetical care. Canon 777, 2° states, "Attentive to the norms established by the diocesan bishop, a pastor is to take care in a special way. . .2° that through catechetical instruction imparted for an appropriate period of time children are prepared properly for the first reception of the sacraments of penance and the Most Holy Eucharist and for the sacrament of confirmation. . ." ⁵⁶ As with catechesis in general, the pastor is not obliged to catechize personally in preparation for the reception of these sacraments but is to take special care that the

⁵⁶C. 777, 1° and 2°: "Peculiari modo parochus, attentis normis ab Episcopo dioecesano statutis, curet: 1° ut apta catechesis impertiatur pro sacramentorum celebratione; 2° ut pueri, ope catecheticae institutionis per congruum tempus impertitae, rite praeparentur ad primam receptionem sacramentorum paenitentiae et sanctissimae Eucharistiae necnon ad sacramentum confirmationis. . ."

children who are to receive these sacraments are properly prepared through catechesis.

CHAPTER 3

THE RELATIONSHIP BETWEEN THE RIGHTS OF PARENTS AND THE ROLE
OF THE HIERARCHY, ESPECIALLY REGARDING THE RECEPTION OF
FIRST HOLY COMMUNION, IN THE FORMATION OF DIOCESAN NORMS

There are many reasons parents choose to catechize their children at home. Some are noble reasons; some could be judged as less than noble. Some parents feel that the programs offered by the parish are less than adequate, run and taught by poorly trained volunteer catechists.⁵⁷ Some do so for strictly scheduling reasons. While for some their child has special needs such as chronic illness or learning disabilities which a parish religious education program simply cannot accommodate.⁵⁸ There are some parents who choose to home catechize because they question the orthodoxy of the teaching being given in the parish and want to impart what they feel is the "true" teaching of the Church as they learned it as a child.⁵⁹ Some may wish to offer catechesis to their child because they feel strongly called to do so as part of the living out of their Christian vocation. Just

⁵⁷Barton, 63.

⁵⁸Ibid., 74.

⁵⁹Ibid., 75.

from this laundry list of possible motivations for home catechizing, one can see the importance in the practical realm of parish ministry for clear and prudent guidelines so that the rights and duties of all are known and respected.

Generally speaking, if there are conflicts between parents and pastors over home catechesis, these conflicts are going to come to a head during the time of preparation for the reception of first Penance, first Eucharist, and Confirmation. The pastor in this situation may turn to the diocesan bishop for guidance. The diocesan bishop for his part may wish to issue diocesan norms in this regard. The questions to be resolved in this chapter are: Can the diocesan bishop issue norms on home catechesis? If so, what can he require and what can he not require? What can the parents do freely in the home catechizing of their children, and what can they be required to do? What can the pastor do? What can he not do? Once again, this study will seek to answer these questions in light of preparation for first Holy Communion.

What Diocesan Norms Can Require

First, it is clear from the discussion above concerning canon 775 §1 that the diocesan bishop has the right and duty to issue norms for catechesis. Home catechesis would not be

exempt from these norms, and parents, as are all the faithful, are bound by canon 212 §1 which states, "Conscious of their own responsibility, the Christian faithful are bound to follow with Christian obedience those things which sacred pastors, inasmuch as they represent Christ, declare as teachers of the faith or establish as rulers of the Church."⁶⁰ Thus, an anti-authoritarian, "go it alone" attitude toward the diocesan bishop is never an acceptable response and, in fact, could be matter for sin.⁶¹

What, then, would diocesan norms seek to encompass? First, part of the function would be to provide mechanisms by which it could be assured to a reasonable degree that the faith of the Church in its integrity is being taught to

⁶⁰C. 212 §1: "Quae sacri Pastores, utpote Christum repraesentantes, tamquam fidei magistri declarant aut tamquam Ecclesiae rectores statuunt, christifidelis, propriae responsabilitatis consci, christiana oboedientia prosequi tenentur."

⁶¹See *LG* 27.

home-catechized children. All catechesis is always an action of the Church, even if it is done by parents in the home.⁶² Thus, parents must be obedient in transmitting the faith of the Church rather than their own idea of the doctrine of the Church.⁶³

Diocesan norms should include a mechanism, for example, by which texts to be used in home catechesis are approved. Catholic parents should be free to choose their own catechetical texts since certain texts may suit the teaching abilities of some parents better than others or since a particular child would be more suited to a certain text rather than another. These are judgements that the parents are in the best position to make.

⁶²Fuentes, *Studia Canonica*, 383.

⁶³Barton, 79.

Also, the wording of canon 774 §1 should be kept in mind: "Under the direction of legitimate ecclesiastical authority, solicitude for catechesis belongs to all members of the Church according to each one's role."⁶⁴ Note that the canon says, "under the direction of," *sub moderamine*. This does not mean "under the dictatorship of." As one author stated, "Thus, it is clear that Church authorities are to help parents in the religious education of their children, not to assume their obligation for them or to assert rigid control over them and the child."⁶⁵ Rather, the sense of the canon is that the diocesan bishop directs and guides, as is proper by his authority, but does not dictate.⁶⁶

However, diocesan norms can and should require the approval of the diocesan bishop for any texts used in home catechesis. This would be a legitimate exercise of the diocesan bishop's moderating role. (Of course, the diocesan bishop could delegate this function to a diocesan official or to the pastors of parishes.) As one author put it:

. . .while the texts used in homeschooling are not exempt from ecclesiastical review, such a review must be conducted in light of the fact that such a book was in fact chosen by parents for use in a home (and hence, generally favored) setting. This interpretation

⁶⁴C. 774 §1: "Sollicitudo catechesis, sub moderamine legitimae ecclesiasticae auctoritatis, ad omnia Ecclesiae membra pro sua cuiusque parte pertinet."

⁶⁵Barton, 73.

⁶⁶Fuentes, *Exegetical Commentary*, 113.

protects both the Church's supervisory function and parental discretion in the selection of those 'means and institutes' by which they will educate their children.⁶⁷

Also, diocesan norms could require the reception by the parents of an outline of beliefs and teachings that should be covered in home catechesis. As mentioned above, *Christus Dominus* 14 expects the Bishop to ensure that in catechesis a suitable order and method are followed and that the instruction is based on sacred scripture, tradition, liturgy, and the teaching authority and life of the Church. Without mandating how things should be covered, the diocesan bishop would be well within his role of moderating catechesis by offering parents who home catechize a detailed explanation of what should be taught and what the child should be expected to know in preparation for first Holy Communion.

The Directory on Children's Masses from 1973 from the Congregation for Divine Worship gives an example of what

⁶⁷Edward N. Peters, *Home-Schooling and the New Code of Canon Law*, Brownson Studies 1 (Front Royal, VA: Christendom College Press, 1988) 29.

should be learned by children preparing for first Holy Communion; it stated:

The catechesis preparing children for first communion calls for special mention. In it they should learn not only the truths of faith regarding the Eucharist but also how from First Communion on -- after being prepared according to their capacity for penance -- they can as full members of Christ's Body take part actively with the people of God in the Eucharist, sharing in the Lord's table and the community of their brothers and sisters.⁶⁸

⁶⁸Congregation for Divine Worship, directory *Pueros baptizatos* 12, November 1, 1973: AAS 66 (1974) 34; "Peculiari mentione digna est illa catechesis, qua pueri ad primam Communionem praeparantur. In ea non tantum discant, quae sint veritates fidei circa Eucharistiam, sed quomodo deinceps, pro modulo suo paenitentia praeparati, plene corpori Christi inserti actuose cum populo Dei Eucharistiam participare possint, partem habentes in mensa Domini et in

Of course, these guidelines should be no different from what is expected of catechists in the parish who are preparing children for first Holy Communion.

Diocesan norms could also define the role of the pastor in this regard. The pastor has two primary roles to play. First, as noted above, the pastor is bound by his office to take care of the catechetical formation of those entrusted to him and specifically, according to canon 777, 2°, those who are preparing for the reception of first Holy Communion.

It would be well within the boundaries of the pastor's office for diocesan norms to require that parents of home-schooled children meet with him on a regular basis so that he can ascertain the progress of the catechesis and can offer help and guidance to the parents. If the pastor discovers that the parents are having a difficult time catechizing or are doing so inadequately, diocesan norms

communitate fratrum." English translation from William H. Woestman, *Sacraments: Initiation, Penance, Anointing of the Sick* (Ottawa: Saint Paul University, 1996) 131.

could direct him to work out an arrangement with them which respects their right to catechize while at the same time provides the help they need to carry out that task.

Also, the diocesan norms could bind pastors, as an extension of their duty to take care of catechetical formation, to put the catechetical resources of the parish at the disposal of parents. This is in conformity with the directive of canon 779 which states:

Catechetical instruction is to be given by using all helps, teaching aids, and instruments of social communication which seem more effective so that the faithful, in a manner adapted to their character, capabilities and age, and conditions of life, are able to learn Catholic doctrine more fully and put it into practice more suitably.⁶⁹

Thus, a pastor should seek to make available such things as assistance with lesson planning and activities, assistance in choosing and ordering textbooks, supplemental material from the parish resource center, spiritual and social gatherings of parish catechists, diocesan sponsored catechetical activities, and in-service presentations. In general, the pastor should be directed to make the spiritual riches of the parish available to parents so that they can

⁶⁹C. 779: "Institutio catechetica tradatur omnibus adhibitis auxiliis, subsidiis didacticis et communicationis socialis instrumentis, quae efficaciora videantur ut fideles, ratione eorum indoli, facultatibus et aetati necnon vitae condicionibus aptata, plenius catholicam doctrinam ediscere eamque aptius in praxim deducere valeant."

more fully fulfill their catechetical ministry in the home.

Indeed, the parish or the diocese itself may wish to offer a catechetical training course for parents who wish to home catechize. Of course, these provisions would not have to be done by the pastor directly but could be done by his delegate such as a director of religious education.

The pastor could also be required to invite home-catechized children to participate in the various activities surrounding the preparation of children for reception of Holy Communion. This could include special liturgies, prayer services, retreats, services projects, or special programs.

Closely related to the pastor's duty to provide for catechesis is his role in admitting children to first Holy Communion. The second part of canon 914, quoted above, states that it is the pastor's duty to exercise vigilance so that children who have not attained the use of reason or whom he judges are not sufficiently disposed are not admitted to Holy Communion. This canon gives broad

discretion to the pastor for determining if a child is ready.⁷⁰

⁷⁰John M. Huels, "The Most Holy Eucharist" in *New Commentary on the Code of Canon Law*, ed. John P. Beal et al. (New York/Mahwah, NJ: Paulist Press, 2000) 1109.

It must be noted, though, that the pastor does not have the *right* to admit children to Holy Communion; in formulating this canon, the code commission specifically avoided this word.⁷¹ The pastor's role here is one of oversight, simply making certain that those who do not meet the criteria set forth above are not admitted to the sacrament. This judgement should be based on objective criteria such as the outline of beliefs and teachings from the diocesan bishop as suggested above. Even within the exercise of this duty, it would seem that pastors would have to have a most serious reason to refuse a child who is presented by parents as being sufficiently prepared since canon 914 states that it is *primarily* the duty of parents to ensure proper preparation and only a duty of the pastor in a subsidiary way.⁷²

Also, in view of the right of the baptized to receive the sacraments, any doubt about the use of reason or of sufficient disposition should be resolved in favor of the child's being admitted.⁷³

⁷¹Francis J. Buckley, "The Right to the Sacraments of Initiation," *CLSA Proceedings* 40 (1978) 60.

⁷²Tejero, 708.

⁷³Ibid.

With these things in mind, it only makes sense that diocesan norms would seek to facilitate on-going dialogue between parents and pastor even through the mechanism of a formal arrangement. However, as will be discussed below, this arrangement could not be set as a condition for the reception of the sacrament. In general, the balance which should be pursued here is between the faithful's right to choose freely the means of formation in the word of God and the pastor's obligation to confirm that the faithful have attained the required level of formation through whatever means are sound and prudent.⁷⁴

What Diocesan Norms Cannot Require

First and foremost, diocesan norms cannot require home-schooled children to participate in parish catechetical programs in preparation for first Holy Communion as a condition for the reception of the sacrament. Such a requirement would be a violation of the child's right to receive the sacrament. By making such a requirement, ecclesiastical authority would be saying, in effect, that

⁷⁴Fuentes, *Exegetical Commentary*, 113.

unless this child attends parish catechesis, he or she cannot receive the sacrament.

This is putting an extra condition on the reception of the sacrament which is unjustified in the law. Canon 912 states, "Any baptized person not prohibited by law can and must be admitted to holy communion."⁷⁵ This is a fundamental right of divine origin.⁷⁶ The next canon goes on to state the conditions under which a child is to receive first Holy Communion. Canon 913 §1 says, "The administration of the Most Holy Eucharist to children requires that they have sufficient knowledge and careful preparation so that they understand the mystery of Christ according to their capacity and are able to receive the body of Christ with faith and devotion."⁷⁷

In addition to the requirement of being of the age of reason, the only two other requirements for the admission of children to Holy Communion are that they have sufficient

⁷⁵C. 912: "Quilibet baptizatus, qui iure non prohibeatur, admitti potest et debet ad sacram communionem."

⁷⁶Tejero, 706.

⁷⁷C. 913 §1: "Ut sanctissima Eucharistia ministrari possit pueris, requiritur ut ipsi sufficienti cognitione et accurata praeparatione gaudeant, ita ut mysterium Christi pro suo captu percipiant et Corpus Domini cum fide et devotione sumere valeant."

knowledge and careful preparation. This must be read strictly since according to canon 18, "Laws which establish a penalty, restrict the free exercise of rights, or contain an exception from the law are subject to strict interpretation."⁷⁸ Any additional requirements to admittance to the sacrament, such as attendance at parish programs, would be an unjust restriction of the right of a child to receive the Eucharist.

This same logic would prevail if diocesan norms mandated a type of formal agreement such as a "covenant" between parents and pastor as a condition for reception of the sacrament. If within a type of "covenant" there was a list of expectations that parents had to meet in order for their child to receive communion, these too would be unjust restrictions on the right of the child to receive the Eucharist. If, on the other hand, such a "covenant" simply laid out the terms by which the pastor would be able to

⁷⁸C. 18: "Leges quae poenam statuunt aut liberum iurium exercitium coarctant aut exceptionem a lege continent, strictae subsunt interpretationi."

ascertain the progress of catechesis, to offer help and guidance to the parents, and, together with the parents, to assure the readiness of the child to receive the sacrament, this would be acceptable. The goal of this kind of agreement between parents and pastor would be to facilitate on-going communication while allowing each to fulfill their proper roles.

Diocesan norms also cannot demand that parents attend parental preparation meetings as a condition for their child receiving the sacrament. Indeed, particular law could oblige parents to attend such preparation meetings but not with the consequence of withholding the sacrament from the child if they choose not to attend.

CHAPTER 4

SAMPLE DIOCESAN NORMS

Given the principles and parameters discussed above, what might diocesan norms look like? In an attempt to put the study of the law into concrete practice, I offer the following suggestion for diocesan norms for the catechizing of home-schooled children in preparation for first Holy Communion.

Norms for the Diocese of Fort Bend-South Worth

The Church recognizes that parents are the first educators of their children. This understanding is rooted in the natural law as well as in nature of the sacrament of marriage. Because parents are the first educators of their children, they also enjoy the right to choose those means by which this education is to be accomplished. With this in mind, I, your Bishop, understand that some of the parents of this diocese choose to educate their children within their own homes. In addition, not only do these parents wish to educate their children in secular subjects, but they also wish to educate them in a systematic way in the teachings of

our Catholic faith. The systematic teaching of our faith is called "catechesis."

The particular concern of these norms which I now apply to this diocese is the catechesis of home-schooled children in preparation for first Holy Communion. As bishop, I have a duty to oversee and promote catechesis in every area of church life in this diocese, and I have a particular concern for the catechesis of children receiving their first Holy Communion. This duty is rooted in the nature of the bishop's mission from Christ to preach the Gospel to every creature. This duty includes ensuring that all catechesis in the diocese conforms with the truths of our faith and that it is done in a way that is effective in order to make the faith living and active in the lives of the faithful. With this in mind I bind Catholic parents of home-schooled children who wish to catechize and their pastors to the following norms:

- 1) Parents are free to employ the use of a text of their own choosing in catechizing their child.

However, this text must be approved for this use in order to ensure that it conforms to Catholic teaching.

Parents are free to use any text currently being used by parish preparation programs or any text already

approved by the Diocesan Office for Religious Education. A copy of this list can be obtained from the pastor. If parents wish to use texts other than these, they must submit them for review to the Diocesan Office for Religious Education.

2) In addition to the diocesan bishop, the pastor of a parish has the duty of providing adequate catechesis for those in his care. This duty extends also to families who home school. While respecting the right of parents to educate their own children, the pastor has the duty to oversee the catechizing of children in preparation for first Holy Communion. Therefore, every child who is home schooled and his or her Catholic parents must meet with the pastor at the beginning of the second grade year so that the pastor can insure that the parents are ready and able to carry out the task of catechesis in preparation for first Holy Communion. Also, if one of the parents is not Catholic, he is to invite that parent also to be a part of this meeting. I ask that in this meeting the parents share with the pastor the methods they are choosing to employ and the text they are planning to use. The pastor will give the parents the diocesan

catechetical outline for first Holy Communion which is used by all catechists. He will also offer any guidance and insights on catechesis.

3) At the half way point of the school year, the parents and child are to meet again with the pastor or his delegate so that he may assess the progress of the catechesis and offer help with any difficulties that may have arisen.

4) At a suitable time before the planned reception of first Holy Communion, parents, child, and pastor are to meet again in order to discuss the readiness of the child to receive the sacrament. It is primarily the duty of the parents to ascertain the readiness of the child. However, the pastor also has the duty to ensure that the child is ready to receive the sacrament. In this meeting the parents are to inform the pastor of the readiness or not of their child and the reasons for their opinion. If they feel the child is ready, the pastor may question the child about his or her knowledge of the faith according to the diocesan catechetical outline for first Holy Communion. If they feel the child is not ready, the pastor is to offer whatever help is necessary to bring about the readiness

of the child. If the pastor feels that the child is not prepared to receive the sacrament, he must work together with the parents to bring the child to proper disposition. Any doubt as to whether the child is properly prepared is to be resolved in favor of the child receiving the sacrament.

5) The pastor is to offer to the parents the opportunity to enroll their child in the parish sacramental preparation program. This is not to be required. He is also to offer them the opportunity to participate in spiritual and social gatherings of parish catechists, in any diocesan sponsored catechetical opportunities, in parish in-service presentations of catechists, and in parental preparation meetings. In general, he is to make the spiritual riches of the parish available to parents so that they can more fully fulfill their catechetical ministry in the home.

6) The pastor is to invite the child to participate in any special liturgies, prayer services, retreats, service projects, or special programs which surround the preparation for first Holy Communion.

7) If it is the wish of the parents and their child, home-catechized children are to be included in solemn reception of first Holy Communion along with every other parish child.

8) If conflicts should arise between parents and the pastor concerning the implementation of these norms in specific cases, I ask that these conflicts be first referred to the diocesan Director of Religious Education for mediation. If the case so warrants it, this Director will refer the matter to me. If, after this Director has addressed the issue, either the parents or the pastor is not satisfied with the outcome, recourse may be made directly to me.

CONCLUSION

The home catechizing of children should never become a source of conflict between parents and pastor. Both have equally valid roles to play, and, in the law of the Church, the rights and duties of each are balanced so that those roles can be fulfilled in the proper way.

Parents, for their part, should see the guidance of the pastors of the Church as a welcome help to their Christian vocation in catechizing their children and should use every help that the diocesan bishop and pastor give them. They should respect the role of oversight in catechesis that bishops and pastors have and should submit themselves in obedience to their reasonable judgements.

Bishops and pastors, for their part, should respect the rights of parents to be the primary educators of their children in the faith and to choose those means by which they will educate them, even regarding catechesis and sacramental preparation. They should respect the law of the Church which sets forth the conditions under which a child is to be admitted to Holy Communion without adding unjust requirements to those conditions. They should see the home catechizing of children not only as a wonderful example of parents fulfilling their Christian mission but also as an

opportunity to provide fuller catechesis to the parents themselves.

All in all, no matter what the motives that parents have for home catechizing their children, the law of the Church acknowledges their proper rights and duties regarding the education of their children. Bishops and pastors should be respectful of these God-given rights and duties and should seek to make home catechizing an opportunity for the Gospel to flourish ever more fully.

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