

EDWIN MUGWE

ROBERT LEŻOHUPSKI (ed., superv.)

## TANGAZA UNIVERSITY COLLEGE IN TRANSITION TO BECOMING A ‘CATHOLIC’ UNIVERSITY

**Abstract.** The paper presents Catholic education as an integral component of Church’s evangelization mission which must be pursued in a manner that presupposes Catholic identity. So the author discusses Catholic identity in the context of Tangaza University College as it transits to becoming a fully fledged Catholic university. Several key issues are featured which include the basic understanding of the terms Catholic and Catholicity and situating Catholic identity in ecclesiastical context. There is also a presentation of Tangaza University College in her history and identity. This article also investigates the application of civil legislations in the Republic of Kenya in establishing a university as well as the application of ecclesiastical laws in a Catholic university. The discussion also features the challenges involved in pursuing Catholic identity in a Catholic university

**Key words:** Catholic identity; university; Tangaza University College.

### 1. INTRODUCTION

Catholic education is an integral component of Church’s evangelization mission. This Catholic education must be pursued in a manner that presupposes Catholic identity (*GE*, 3). It is a task of individual institutions to what steps and measures are to be taken to the effect that Catholic identity is preserved and engendered.

This paper discusses Catholic identity in the context of Tangaza University College as it transits to becoming a fully fledged Catholic university. Several issues will be featured which include the basic understanding of the terms Catholic and Catholicity and situating Catholic identity in ecclesiastical context. There will also be a presentation of Tangaza University College in her history and identity. Thereafter the proposed Tangaza University will be featured in her identity and proposed structures.

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EDWIN MUGWE — address for correspondence: P.O. Box 15055, 00509 Nairobi, Kenya;  
e-mail: [iys@tangaza.orgiysmatangaza.org](mailto:iys@tangaza.orgiysmatangaza.org)

This article also investigates the application of civil legislations in the Republic of Kenya in establishing a university as well as the application of ecclesiastical laws in a Catholic university. The discussion also features the challenges involved in pursuing Catholic identity in a Catholic university. Towards the conclusion of this paper, there is an affirmation of the transition by Tangaza University College to the status of a University.

### 1.1 THE TERMS CATHOLIC AND CATHOLICITY

The term *Catholic* denotes the concept of the whole Church or a comprehensive universal element of the Church,<sup>1</sup> which Christ desired to establish through Peter and his successors (*cf.* Mt 16:18). The term was first used by Ignatius the bishop of Antioch in his letter to the community in Smyrna.<sup>2</sup> Richard McBrien in the new Catholic encyclopedia gives an etymology of the word Catholic; from the Greek adjective *katholikos* which means universal, and from the adverbial phrase *kath'holou* which means the whole.<sup>3</sup> The term Catholic was used to mean the unlimited growth of the Church of Christ in the first three centuries as shown in the early Church documents as well as in the history of Church fathers.<sup>4</sup>

The Second Vatican Council highlighted the universal characteristic in the Catholic Church terming it, “a gift from the Lord himself whereby the Catholic ceaselessly and efficaciously seeks for the return of all humanity and all its goods under Christ the Head in the unity of his Spirit” (*Lumen Gentium*, No. 13). To be Catholic means a radical openness to all truth and every value while embracing in totality Christian experience and tradition whether theological, doctrinal, spiritual, liturgical, canonical, institutional and social richness.<sup>5</sup>

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<sup>1</sup> *Cf.* Hans KÜNG, *The Catholic Church: A Short History* (New York: Modern Library, 2001), 17.

<sup>2</sup> *Cf.* John BURKE, *A Dictionary of Canon Law: An African Inculturated Edition*, Revised and Updated by Robert Leżohupski (Nairobi: Paulines Publications, 2014), 54.

<sup>3</sup> *Cf.* Richard P. MCBRIEN, *Catholicism*, New Edition (New York: Harper Collins Publishers, 1994), 3. See also J. BURKE, *A Dictionary of Canon Law*, 54.

<sup>4</sup> *Cf.* Michael E. WILLIAMS, “Catholic”, in *The New Catholic Encyclopedia*, Vol. III (Washington, DC: The Catholic University of America, 1967), 261.

<sup>5</sup> *Cf.* Avery DULLES, *The Catholicity of the Church* (New York: Oxford University Publishers, 1985), 3.

## 1.2 CATHOLIC IDENTITY IN ECCLESIASTICAL CONTEXT

Catholic identity in pre-Vatican II was engrossed in a doctrine of the Church that maintained “the Catholic Church—in its visible, that is, institutional and hierarchical constitution—is a ‘perfect society’ to the extent that in it—and *only* in it—all mediation of salvation between God and human beings takes place.”<sup>6</sup> The 1917 Code of Canon Law also envisaged this hierarchical society in the Church’s structures.<sup>7</sup>

However the Second Vatican Council develops and articulates Catholic identity from a perspective of *communio* ecclesiology.<sup>8</sup> This new development means that, “The Church is the People of God, in which all believers in principle have equal rights.”<sup>9</sup> The title ‘People of God’ appears in chapter two of the Second Vatican Council’s *Lumen Gentium*, and as Book II of the 1983 Code of Canon Law to comprise the Christ’s faithful, the hierarchy and consecrated people.

The communion model of the Church perfects the expression of Catholic identity making it more liberating, enriching and encompassing the world. Augustine DiNoia observes in the context of a Catholic university, “The Catholic identity and mission of an institution of higher learning are not likely to be sustainable in the long term apart from a community of persons formed in Christ and dedicated to fostering the relationships that express and embody ecclesial communion.”<sup>10</sup>

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<sup>6</sup> Norbert GREINACHER, “Catholic Identity in the Third Epoch of Church History: The Second Vatican Council and its Consequences for the Theory and Practice of the Catholic Church,” in James H. PROVOST and Knut WALF (eds.), *Catholic Identity, Concilium 1994/5* (New York: Orbis Books, 1994), 6.

<sup>7</sup> James H. PROVOST, “Introduction to Book II: The People of God,” in John P. Beal, James A. CORIDEN, Thomas J. GREEN (eds.), *New Commentary on the Code of Canon Law, commissioned by the CLSA* [further: *CLSA Comm1*] (New York: Paulist Press, 2000), 117.

<sup>8</sup> The chapter on the ‘People of God’ in *Lumen Gentium* of Second Vatican Council entirely focuses on this issue. There is extensive description of ecclesial and full communion in the notes for canons 204 and 205 in J. H. PROVOST, “The Christian Faithful (cc. 204-329),” in *CLSA Comm1*, 122–129. Another discussion exclusively on hierarchical communion and collegiality is addressed in J. H. PROVOST, “The Roman Pontiff and the College of Bishops (cc. 330-341),” in *CLSA Comm1*, 272.

<sup>9</sup> N. GREINACHER, “Catholic Identity in the Third Epoch of Church History”, 8.

<sup>10</sup> J. Augustine DiNOIA, “The Ecclesiology of Communion and Catholic Higher Education: A Theological Perspective on the Application of *Ex Corde Ecclesiae* in the United States,” in David M. O’CONNELL, ed., *Ex Corde Ecclesiae: A Conversation from the Heart of the Church* (Washington: The Catholic University of America, 1999), 9.

## 2. A SHORT HISTORY AND IDENTITY OF TANGAZA UNIVERSITY COLLEGE

Tangaza University College was started on 25 August 1986 being called Theological Centre of Religious and an year later blessed and inaugurated by the then Archbishop of Nairobi His Eminence Maurice Cardinal Otunga.<sup>11</sup> Later on 3 November 1992 when Catholic University of Eastern Africa (CUEA) was granted charter,<sup>12</sup> Tangaza was consequently recognized as a constituent college of CUEA a fact later affirmed in the document ‘Convention for the Constituent Colleges of Catholic University of Eastern Africa 1997’.<sup>13</sup>

Gradually the number of institutes, departments and the number of Congregations who can be considered corporate members of the Tangaza University College Consortium has risen significantly.<sup>14</sup> To the eventuality that Tangaza becomes a University on its own, the corporate member Congregations will form the Tangaza Consortium Trust (TCT) which owns and sponsors the University.<sup>15</sup> The founding members have a duty in ensuring that Catholic identity of the institution is fostered besides many other supervisory roles as *Ex corde ecclesiae (ECE)* anticipates (cf. *ECE*, No. 25).

As it stands, the institution radiates a Catholic identity imbued in its nature and by the fact of being affiliated to CUEA since the latter is officially and legally established as a Catholic University as shown in her Charter.<sup>16</sup> Tangaza University College similarly takes up this identity as shown in the Institution’s student handbook of 2014–2015 academic year:

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<sup>11</sup> Cf. TANGAZA UNIVERSITY COLLEGE, *Student Handbook 2014-2015: Common Academic Policies and Student Life* (Nairobi: Tangaza University College, 2014), 13. See also the Tangaza University College website on [www.tangaza.org](http://www.tangaza.org) accessed on 27<sup>th</sup> January 2015.

<sup>12</sup> Cf. NATIONAL COUNCIL FOR LAW REPORTING – KENYA LAW REPORTS, “Catholic University of Eastern Africa, Charter 1992,” in *Laws of Kenya: Universities Act Chapter 210B*, 2012 (Nairobi: National Council for Law Reporting, 2012), 53–68.

<sup>13</sup> Cf. ALBERT DE JONG, “Tangaza University College: Past, Present and Future,” *Tangaza Journal of Theology and Mission* 2013/1, Nairobi: Tangaza College, 2014: 22.

<sup>14</sup> Cf. TANGAZA UNIVERSITY COLLEGE, *Student Handbook 2014-2015*, pp. 15-16. See also A. DE JONG, “Tangaza University College,” 16–32 where he discusses the gradual growth of Tangaza.

<sup>15</sup> Cf. TANGAZA UNIVERSITY COLLEGE, “Tangaza University Charter 3<sup>rd</sup> Draft”, No. 12. Unpublished document proposed for further evaluation.

<sup>16</sup> Cf. “Catholic University of Eastern Africa, Charter 1992,” No. 7, (3).

Tangaza University College is a centre of Catholic theological and ministerial education in the context of the Church in Africa... As a Catholic institution for training for ministry in theology, education, social transformation, spirituality and religious formation, social communication, youth ministry and catechetics, leadership and management, it is governed in accordance with the norms of the Catholic Church.<sup>17</sup>

These facts of being Catholic are enshrined in the Institution's vision and mission statements, clearly being categorized as a Catholic institution of higher learning.<sup>18</sup> We cannot doubt that this identity is to be perpetuated when the institution becomes a university since the new university will be the successor of Tangaza University College.<sup>19</sup>

Tangaza University College is also represented internationally with "Students and lecturers coming from over 40 countries and approximately 100 religious/missionary congregations."<sup>20</sup> The staff and employees from different backgrounds also contribute to the mission of Tangaza community.<sup>21</sup> In summing up the history and identity of the institution; "Tangaza University College, therefore, offers a unique opportunity for inter-congregational and intercultural sharing as well as training for collaborative ministry in the Church and the world. It is a witness to the richness of the Church's communion and human collaboration."<sup>22</sup>

### 3.0 THE PROPOSED TANGAZA UNIVERSITY AND HER IDENTITY

It is becoming more lucid as years pass by that Tangaza is heading towards becoming a University on its own. Albert De Jong already hinted this fact in his article while making references to Tangaza strategic plan of 2007–2008 where he noted the need to move towards university status through progressive development of; educational programs, infrastructures, quality research and integration of institutes.<sup>23</sup> Father Albert also hinted that

<sup>17</sup> TANGAZA UNIVERSITY COLLEGE, *Student Handbook 2014–2015*, 16.

<sup>18</sup> Cf. TANGAZA UNIVERSITY COLLEGE, *Student Handbook 2014–2015*, 16–17.

<sup>19</sup> Cf. TANGAZA UNIVERSITY COLLEGE, "Tangaza University Charter 3<sup>rd</sup> Draft", No. 3 (4). Unpublished document proposed for further evaluation.

<sup>20</sup> Cf. TANGAZA UNIVERSITY COLLEGE, *Student Handbook 2014–2015*, 16.

<sup>21</sup> Cf. TANGAZA UNIVERSITY COLLEGE, *Student Handbook 2014–2015*, 17.

<sup>22</sup> TANGAZA UNIVERSITY COLLEGE, *Student Handbook 2014–2015*, 17.

<sup>23</sup> Cf. A. DE JONG, "Tangaza University College," 30.

the Board of Trustees decided on 15 November 2013 to apply for the university status to the Commission of University Education.<sup>24</sup>

### 3.1 MANIFESTATION OF CATHOLIC IDENTITY IN CATHOLIC INSTITUTIONS OF HIGHER LEARNING

#### 3.1.1 *Catholic Identity in Internal Dimension*

With regard to the internal dimension, an institution is required to express characteristics of being committed to Catholicism or Catholic values possibly enshrined in the works and the spirit of the institution's operations without special formalities.<sup>25</sup> This phenomenon is very common in Catholic education as shown in institutions of learning in their effort to articulate Catholic identity. Such articulation comes in mandatory elements as enumerated by Provost, namely: "(a) the institution and its program must follow the principles of Catholic doctrine; and (b) the teaching personnel must be outstanding for their correct doctrine (or, 'integrity of doctrine' for the university teachers) and for their probity of life."<sup>26</sup> Provost proceeds to mention areas that are important in embracing Catholic doctrine which includes but not limited to following the teachings contained in the documents of the Second Vatican Council.<sup>27</sup>

A clear example of internal manifestation of Catholic identity is that of Catholic university as articulated in the document entitled 'The Catholic University in the Modern World', and in *Ex corde Ecclesiae*, that is;

- ◆ Christian inspiration not only of individuals but of the university community as such;
- ◆ A continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge, to which it seeks to contribute by its own research;
- ◆ Fidelity to the Christian message as it comes to us through the Church; and

<sup>24</sup> Cf. A. DE JONG, "Tangaza University College", p. 30.

<sup>25</sup> Cf. James H. PROVOST, "The Canonical Aspects of Catholic Identity in the Light of *Ex corde Ecclesiae*," in *Studia Canonica* 25 (1991): 161.

<sup>26</sup> James H. PROVOST, "The Canonical Aspects of Catholic Identity in the Light of *Ex corde Ecclesiae*," in *Studia Canonica* 25 (1991): 162. See also, JOHN PAUL II, Apostolic Constitution *Ex Corde Ecclesiae*, No. 2 § 2 and 4.

<sup>27</sup> Cf. James H. PROVOST, "The Canonical Aspects of Catholic Identity in the Light of *Ex corde Ecclesiae*," in *Studia Canonica* 25 (1991): 163.

- ♦ An institutional commitment to the service of the people of God and of the human family in their pilgrimage to the transcendent goal which gives meaning to life (*ECE*, No. 13).<sup>28</sup>

This identity needs to be communicated so that it is received as such. The constitution *Ex corde Ecclesiae* states: "Every Catholic University is to make known its Catholic identity, either in a mission statement or in some other appropriate public document, unless authorized otherwise by the competent ecclesiastical Authority" (*ECE*, No. 2 § 3).

### 3.1.2 Catholic Identity in External Dimension

The institution needs a public recognition especially through the competent authorities to the fact that it is indeed a Catholic institution.<sup>29</sup> Provost states; "The external dimension of Catholic identity is found in the structures, procedures, legal forms, which specify the institution's Catholic identity in terms of its public image and its relationship to the rest of the Catholic Church."<sup>30</sup>

There are no particular legal provisions for the Catholic universities and colleges in regard to external dimension. As it stands, legal professionals have tried to interpret the law for this purpose, a trend which is acceptable (*cf.* canon 19). L. Örsy has inductively enumerated six categories of institutions to which the adjective 'Catholic' is applicable and thus expresses an external dimension of Catholic identity: secular institutions within Catholic environment, those with no formal institutional commitment although nurtured by Catholic tradition, those with institutional commitment although without an ecclesiastical charter, those established by the Church and bear a canonical charter, and the ecclesiastical universities and faculties who besides being found by the Church, pursues sacred sciences.<sup>31</sup>

On the other hand Francis Morrissey has through a deductive method listed elements which he considers essential for an institution to be

<sup>28</sup> DELEGATES OF THE SECOND CONGRESS OF CATHOLIC UNIVERSITIES OF THE WORLD, "L'universite Catholique dans le monde modern," in *Periodica* 62 (1973), pp. 633-635, English version being used is revised and edited by NATIONAL CATHOLIC EDUCATIONAL ASSOCIATION, "The Catholic University in the Modern World," in *College Newsletter* Vol. 35, No. 3, Washington, DC: ERIC clearinghouse 1973, No. 1, p. 1.

<sup>29</sup> Cf. J.H. PROVOST, "Approaches to Catholic Identity in Church Law," 22.

<sup>30</sup> J. H. PROVOST, "The Canonical Aspects of Catholic Identity in the Light of *Ex corde Ecclesiae*" in *Studia Canonica* 25 (1991): 164.

<sup>31</sup> Cf. L. ÖRSY, *The Church: Learning and Teaching: Magisterium, Assent, Dissent, Academic Freedom* (Wilmington, DE: Michael Glazier, 1987), 113-121.

considered Catholic: living a way of life commensurate with the Catholic Church, engaging the apostolate of the Church, transferring functions to the laity or collaboration, and empowering formation of private juridical persons for the institutions.<sup>32</sup> Such structures and regulations are meant to perpetuate and encourage Catholic identity.

### 3.2 THE PROPOSED STRUCTURES VIS-À-VIS CATHOLIC IDENTITY

Advanced plans are already in progress for the university status of Tangaza including the writing of the Tangaza University Charter, Statutes, Handbooks, and establishing other structures which will be necessary to steer the university ahead. There have been workshops for the purposes of involving the college community in the process, for example, the recently held faculty development workshop on ‘Role of the Faculty in Transition to University’.<sup>33</sup>

Father De Jong had posed a question; “What is the place of Tangaza University amidst all the other public and private universities, which are multiplied on a large scale. Can Tangaza University withstand the force and pressure of all the other universities and not go under in a fierce competition?”<sup>34</sup> On the other hand he also takes stock of the religious and missionary elements of the college, that is, “Gospel values manifested in academic excellence, quality, commitment, efficiency and discipline. It develops programmes that are specific to its identity and are relevant to the ecclesiastical, African and socio-economic environment.”<sup>35</sup>

A workshop on faculty development in Tangaza dealt with similar concerns whereby the faculty members noted that Tangaza should not lose her identity, but maintains the missionary character which contributes to the growth of the Church within the circles of Catholic higher education.<sup>36</sup> The workshop also noted that Tangaza University should not inhibit her mission while it continues to engage non-theological programmes and research, since the institution already occupies a unique niche within the Catholic university education in Kenya whereby secular studies are used to pursue mission of

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<sup>32</sup> Cf. Francis G. MORRISSEY, “What Makes an Institution ‘Catholic’?,” *The Jurist*, 47 (1987): 532–540.

<sup>33</sup> Cf. J. K. MWANGI, “The Role of the Faculty in Transition to University,” Workshop notes, 24 January 2015, Nairobi: Tangaza University College, slides 1–12.

<sup>34</sup> A. DE JONG, “Tangaza University College”, p. 31.

<sup>35</sup> A. DE JONG, “Tangaza University College”, p. 31.

<sup>36</sup> Cf. J. K. MWANGI, “The Role of the Faculty in Transition to University”, slide 2.



the Church.<sup>37</sup> At the same time, pursuing secular studies and research will help Tangaza University avoid being seen as an overly sectarian university but a university which embraces and evangelizes the world while maintaining its religious mission.

The Catholic identity already inherent in the college is to be transmitted in equal amounts if not higher in the proposed university. These facts on Catholic identity are found in the mission statement in the proposed draft charter of Tangaza University which states in part, "Tangaza University is a Catholic institution of higher learning which aspires to be a community of learning and holistic formation based on Gospel values through academic excellence in a multi-cultural context."<sup>38</sup>

In articles 5 and 6 of the proposed draft charter there is an expression of Catholic identity as part of the mission and philosophy, and the objects for the proposed university.<sup>39</sup> The governance of Tangaza University also depicts a Catholic identity since it is under the Congregation for Catholic Education.<sup>40</sup> Article 3 part 1 (c) of the proposed draft charter mentions canon law as a reference to administration of temporal goods, which is, a clear sign that the structures commensurate with the Catholic Church's legislation. Although the proposed Tangaza University does not use the name 'Catholic' in her title, this should not be construed as to mean that the university is not Catholic.

The mission, philosophy and objects of the proposed university as shown in the proposed draft charter reflect the objectives of the constitution *Ex corde Ecclesiae*. In particular one of the functions enumerated in the proposed draft charter states; "Tangaza University shall strive: a) to be an organ of the Catholic Church in its prophetic mission, always being able to read the signs of the times."<sup>41</sup> Subsequent mention of the constitutions *Ex corde Ecclesiae* and *Sapientia Christiana* in article 8 (2) with regard to conferral of degrees, diplomas, certificates and other awards cements the direction of the proposed university, that is, to be a Catholic University.

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<sup>37</sup> Cf. J. K. MWANGI, "The Role of the Faculty in Transition to University", slide 3

<sup>38</sup> TANGAZA UNIVERSITY COLLEGE, "Tangaza University Charter 3<sup>rd</sup> Draft", No. 5 (1). Unpublished document proposed for further evaluation.

<sup>39</sup> Cf. TANGAZA UNIVERSITY COLLEGE, "Tangaza University Charter 3<sup>rd</sup> Draft", Nos. 5 and 6. Unpublished document proposed for further evaluation.

<sup>40</sup> Cf. TANGAZA UNIVERSITY COLLEGE, "Tangaza University Charter 3<sup>rd</sup> Draft", No. 11. Unpublished document proposed for further evaluation.

<sup>41</sup> TANGAZA UNIVERSITY COLLEGE, "Tangaza University Charter 3<sup>rd</sup> Draft", No. 7 (2) (a). Unpublished document proposed for further evaluation.

#### 4. APPLICATION OF CIVIL AND CANON LAW IN A CATHOLIC UNIVERSITY

##### 4.1 UNIVERSITY ACT IN THE REPUBLIC OF KENYA (UNIVERSITY ACT NO. 42 OF 2012): PROVISION OF UNIVERSITY CHARTER

According to the laws in Kenya, “Every university in Kenya shall be established by a Charter in accordance with this Act.”<sup>42</sup> This Charter is normally granted through a process initiated by an application to the Commission on University Education for establishment or constitution of a university, by whomever wishes to establish or constitute a university.<sup>43</sup> The application must also be accompanied by a draft charter of the proposed university besides other proposals as per the law.<sup>44</sup>

Once the commission is satisfied with the application, the Commission advises the Cabinet Secretary of University Education to grant the institution a Letter of Interim Authority.<sup>45</sup> Once the Letter of Interim Authority is granted, the institution becomes “a body corporate with perpetual succession and a common seal and capable, in its corporate name; a) to sue and being sued, b) acquire, hold and dispose moveable and immovable property, and c) do all such things or acts as may be lawfully done by a body corporate.”<sup>46</sup> These elements are also valid when the Charter is granted to a university.<sup>47</sup>

A Charter is ultimately granted after the procedure<sup>48</sup>, and forthwith carries the effects of a Charter.<sup>49</sup> The Charter must be published by the

<sup>42</sup> *Kenya Gazette Supplement No. 192*, “Universities Act, No. 42, 2012,” No. 13, (1), p. 1870.

<sup>43</sup> Cf. *Kenya Gazette Supplement No. 192*, “Universities Act, No. 42, 2012,” No. 13, (2). There is express mention of who is qualified, and or should apply for authority to establish a university or constitute an institution into a university according to law in; *Kenya Gazette Supplement No. 86: Legislative Supplement No. 31*, “Legal Notice No. 76 for Universities Act (No. 42 of 2012): The Universities Regulations 2014” No. 4, p. 478.

<sup>44</sup> Cf. *Kenya Gazette Supplement No. 192*, “Universities Act, No. 42, 2012” No. 13, (3), p. 1870; See also *Kenya Gazette Supplement No. 86: Legislative Supplement No. 31*, “The Universities Regulations 2014” No. 5, p. 478.

<sup>45</sup> Cf. *Kenya Gazette Supplement No. 192*, “Universities Act, No. 42, 2012” No. 14, (1), p. 1871. A comprehensive supplementary legislation is also provided in *Kenya Gazette Supplement No. 86: Legislative Supplement No. 31*, “The Universities Regulations 2014” No. 6, p. 479.

<sup>46</sup> *Kenya Gazette Supplement No. 192*, “Universities Act, No. 42, 2012” No. 15, (1), p. 1871.

<sup>47</sup> Cf. *Kenya Gazette Supplement No. 192*, “Universities Act, No. 42, 2012” No. 20, (1), (a), p. 1875.

<sup>48</sup> Cf. *Kenya Gazette Supplement No. 192*, “Universities Act, No. 42, 2012” No. 19, p. 1873. See also, *Kenya Gazette Supplement No. 86: Legislative Supplement No. 31*, “The Universities Regulations 2014” No. 12, (1-3), p. 482.

<sup>49</sup> Cf. *Kenya Gazette Supplement No. 192*, “Universities Act, No. 42, 2012” No. 20, p. 1875.

Cabinet Secretary in the Kenya Gazette.<sup>50</sup> In matters of revocation of the Charter, due process of the law is followed.<sup>51</sup> Similarly the university through the university council or senate should make statutes or regulations for the good of the university, which should be submitted to the Cabinet Secretary for publication.<sup>52</sup>

#### 4.2 PRACTICAL APPLICATION OF ECCLESIASTICAL LAWS

Tangaza University College has the task of applying the ecclesiastical legislations in her own structures if she desires to pursue Catholic identity. A provocative comment by George Tavard remarks:

In this world Catholic universities indeed testify to the persistence of intellectual pursuits in the Church. But they risk losing their standing if they identify too closely with the canonical and magisterial dimensions of Church life, if, that is, they admit that a higher authority than scholarship is able to determine the methods and the conclusions of an academic discipline.<sup>53</sup>

##### 4.2.1 *Autonomy in Governance*

As demonstrated in the proposed draft charter of Tangaza University, there is autonomy in governance just like it is demanded of Catholic universities. The proposed Tangaza University demonstrates her structures of governance and administration in parts III and IV of the proposed draft charter. The highlights of autonomy in governance appear in the development of functions and significant application of the principle of subsidiarity on the various organs of administration and governance of the university.

Every institution possesses individual ethos which directs its goals and values. While these may be legislated or expressed externally in many ways, they are meant to be internalized in the day to day activities of the institution. Tangaza University will be required to confront similar circumstances where the decisions in governance should be accompanied by goodwill to

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<sup>50</sup> Cf. *Kenya Gazette Supplement No. 192*, "Universities Act, No. 42, 2012" No. 21, p. 1875.

<sup>51</sup> Cf. *Kenya Gazette Supplement No. 86: Legislative Supplement No. 31*, "The Universities Regulations 2014" No. 13, (1-2), p. 482. See the procedures to be followed in; *Kenya Gazette Supplement No. 192*, "Universities Act, No. 42, 2012" No. 22, pp. 1875-1876.

<sup>52</sup> Cf. *Kenya Gazette Supplement No. 192*, "Universities Act, No. 42, 2012" No. 23, p. 1877.

<sup>53</sup> G.H. TAVARD, "Comment on J.A. KOMONCHAK: The Catholic University in the Church," in John P. LANGAN, ed., *Catholic Universities in Church and Society: A Dialogue on Ex Corde Ecclesiae* (Washington, D.C.: Georgetown University Press, 1993), 65.

pursue Catholic identity. Therefore all daily activities whether academic, administrative or even extra-curriculum will need to be fostered, inspired and saturated by a Catholic identity.

#### 4.2.2 Ecclesiastical Commitment

Ecclesiastical commitment entails a link or the relationship of the institution to the Church as provided in the norms of the apostolic constitution (cf. *ECE*, art. 2, § 2). Such a commitment can be expressed in statutory bonds, defined structures or internalized values. Tangaza University should internalize her commitment by living out the Catholic values in the daily business of the university by virtue of baptism and Catholic commitment. This should be featured in all aspects of the daily life of the university whether political, social, cultural or economical. This component can only feature when the institution is in substantive conformity with Church's doctrine and perpetuates the discipline as taught by Church authorities.<sup>54</sup>

A Commitment to the Church is also a call to communion and accountability with the Church's hierarchy. Robert Kealy notes in his article, "It is my contention that no institution can be Catholic, properly speaking, unless it is accountable to some external ecclesiastical authority."<sup>55</sup> In every respect this also "implies a relationship characterized by trust, mutual respect, and communication between the diocesan bishop and university officials. It suggests a spirit of cooperation and collaboration in the realization of the goals of the Catholic university."<sup>56</sup>

Tangaza University College has enjoyed a good relationship with the bishops of Kenya as noted in the composition of the governing council of the college where one bishop is enlisted as a member.<sup>57</sup> The practice of having a representative of the hierarchy in a Catholic university is encouraged only for the purposes of strengthening Catholic identity. David O'Connell has also given weighty insights with regard to this relationship between diocesan bishop and Catholic university saying, "Should he be a member of the board, his influence is internal to the institution as one of shared governance responsibility. Should he not be a member of the board, his influence – while

<sup>54</sup> Cf. Robert L. KEALY, "Canonical Aspects of Catholic Identity in the Institutional Setting" in *CLSA Proceedings* 61 (1999): 205.

<sup>55</sup> Robert L. KEALY, "Canonical Aspects of Catholic Identity in the Institutional Setting" in *CLSA Proceedings* 61 (1999): 207.

<sup>56</sup> Cf. Sharon A. EUART "Catholic Education (cc. 793-821)," in *CLSA Comm2*, 965.

<sup>57</sup> Cf. TANGAZA UNIVERSITY COLLEGE, *Student Handbook 2014-2015*, 7.

not external—is one of pastoral vigilance. In either case, the primary reference point is the strengthening of Catholic identity.”<sup>58</sup>

#### 4.3 CHALLENGES IN PURSUING CATHOLIC IDENTITY IN CATHOLIC UNIVERSITIES

The numerous struggles in realizing the identity reflect the time when structures and identity of Catholic universities within the Church had not been set up. Anthony Dosen points to the struggles that surrounded the Second Vatican Council, especially with the wake of reform and reactionary factions, as possible sources of the continued challenges in realizing a stable Catholic identity.<sup>59</sup> He further widens the origin of the struggles to include the entire Church saying, “The struggle around Catholic identity in Catholic higher education should be viewed within the wider context of the Church. In this regard, contemporary Catholic higher education, with all of its growth pangs, can truly be seen as coming ‘from the heart of the Church.’”<sup>60</sup>

The Congregation of Catholic Education exposes these challenges in its recent preparatory document for the anniversary celebrations; 50<sup>th</sup> for *Gravissimum educationis*, and 25<sup>th</sup> for *Ex corde Ecclesiae*.<sup>61</sup> Several other challenges have stood in the way of Catholic universities as expressly shown in the joint document by church officials in 1994.<sup>62</sup> It is nonetheless important to survey both the challenges and developments of the Catholic university against the local context.

The Second Vatican Council teaches that:

Education is, in very special way, the concern of the Church, not only because the Church must be recognized as a human society capable of imparting education, but especially it has the duty of proclaiming the way of salvation to all men, of revealing the life of Christ to those who believe, and of assisting them with unremitting care so that they may be able to attain the fullness of that life (*GE*, No. 3).

<sup>58</sup> David M. O’CONNELL, “The Norms Implementing *Ex Corde Ecclesiae* in the United States: Implications for Dioceses,” in *CLSA Proceedings* 62 (2000): 227.

<sup>59</sup> Cf. Anthony J. DOSEN, *Catholic Higher Education in the 1960s: Issues of Identity, Issues of Governance* (Charlotte: Information Age Publishing, 2009), 246.

<sup>60</sup> A.J. DOSEN, *Catholic Higher Education in the 1960s*, 246.

<sup>61</sup> Cf. CONGREGATION FOR CATHOLIC EDUCATION, “*Instrumentum laboris, Educating Today and Tomorrow*”, Presentation.

<sup>62</sup> Cf. CONGREGATION FOR CATHOLIC EDUCATION – PONTIFICAL COUNCIL FOR THE LAITY – PONTIFICAL COUNCIL FOR CULTURE, “The Church’s Presence in the University and in University Culture,” May 22, 1994, in *Origins* 24 (1994-1995): 74-80.

The central theme as it appears involves a Christian presence in the education being propagated. The recent *instrumentum laboris* by the Congregation for Catholic Education states, “In Catholic universities, Christian inspiration permeates the life of academic communities, nourishes engagement in research, by providing guidance and meaning to it, and supports the task of forming young people, to whom broader and more meaningful prospects can be offered beyond their professional expectations.”<sup>63</sup> The approach also involves a holistic and integral development of the human person in all facets of formation which are; physical, moral, intellectual, spiritual and social wellbeing.<sup>64</sup> This integral development is synonymous to the Catholic identity for it is the goal of Catholic education (cf. canon 795).

The document enumerates challenges affecting schools and universities alike, which includes; internal community, dialogue, integral education, limited resources, pastoral demands of young people, religious and cultural contexts, training of teachers, legal, market, and governance.<sup>65</sup> They can be summed up in one big challenge of radiating a Catholic identity in the modern society. It is exciting to learn from many educators their own experiences through this journey which although challenging and difficult, has emerged fruitful in big ways.<sup>66</sup>

The challenges that involve the government or civil authorities are far reaching. These challenges may affect the pattern of perpetuating Catholic identity since the pressure to undertake the interests of governments and other stakeholders takes toll on university’s autonomy.<sup>67</sup> The economy around the globe has also shown unfavorable trends which affect the running of the Catholic universities because of the pressure exerted on these universities to offer programs that can avail jobs for the young people.<sup>68</sup> The Catholic education community is left to renew its passion by bringing out the values in education, communicating better means of accentuating Catholic identity, and above all face the challenges with an objective but firm mind.

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<sup>63</sup> CONGREGATION FOR CATHOLIC EDUCATION, “*Instrumentum laboris, Educating Today and Tomorrow*”, Part III, 2 (f).

<sup>64</sup> Cf. Sharon A. EUART, “Title III: Catholic Education (cc. 793-821),” in *CLSA Comm2*, 954.

<sup>65</sup> Cf. CONGREGATION FOR CATHOLIC EDUCATION, “*Instrumentum laboris, Educating Today and Tomorrow*”, Part III, 1-2.

<sup>66</sup> Cf. Mark L. POORMAN, ed., *Labors from the Heart: Mission and Ministry in a Catholic University* (Notre Dame, IN: University of Notre Dame Press, 1996), 1–278.

<sup>67</sup> Cf. CONGREGATION FOR CATHOLIC EDUCATION, “*Instrumentum laboris, Educating Today and Tomorrow*”, Part III, 2 (e).

<sup>68</sup> Cf. CONGREGATION FOR CATHOLIC EDUCATION, “*Instrumentum laboris, Educating Today and Tomorrow*”, Part III, 2 (c).

## 5. APPROVAL OF THE NEW STATUS

In due time there is hope that Tangaza University College will be constituted as Tangaza University once the application for charter is successfully granted. This new status will demand that the university assumes to be a corporate body with; its own governing structures, ability to reward degree programmes, ability to engage research and publications besides conducting all the businesses of a chartered university in Kenya. The mission and philosophy statements as appearing in the proposed draft charter will be entrenched in the institution for the purposes of realizing the goals. All these processes and procedures have to follow the rule of law so that the institution retains a good standing in the Republic of Kenya.

The legal and scholarly arguments enumerated in this article give a compelling conviction that indeed Tangaza University can be established as a Catholic university in Kenya and continue radiating Catholic identity within the academic community. Tangaza amid other Catholic universities portrays an avid effort to sustain Catholic identity and gel it as the individuating identity within the Kenyan society which is already flooded with many secular universities.

## 6. CONCLUSION

Several things can be drawn from the discussion developed in this paper. There is clear indication that Catholic institutions of higher learning need to be bear heavily on Catholic identity. In a concrete approach the case of Tangaza University College in transition to becoming a Catholic university was earnestly featured within the precincts of 1983 Code of Canon Law. Some of the highlights included;

- i) A demonstration of the meaning of terms used, that is, Catholic and Catholicity, within their historical context.
- ii) A short history of Tangaza University College, her Catholic identity and readiness for the transition which also featured the proposed Tangaza University and the proposed structures against Catholic identity.
- iii) The application of both the civil and ecclesiastical laws in a Catholic university which demonstrated what pertains to establishing a university through the granting of the civil charter in Kenya, besides how ecclesiastical laws are applicable in a bid to ensure Catholic identity.

- iv) There were challenges that seldom lacks in the pursuit of Catholic identity in a Catholic university. Some of these challenges were concretely addressed especially in the *instrumentum laboris* issued by the Congregation for Catholic Education on 2014.
- v) The approval of the new status was presented as both the goal of the transition in waiting. This was movement favorably supported by solid and viable arguments.

While the conclusive remarks seem satisfactory for the scope intended for this paper, it is nonetheless a question of time, and new developments should soon ensue. There is a huge exploration into the question of maintaining Catholic identity in the transition period and in the new status.

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TANGAZA UNIVERSITY COLLEGE W OKRESIE PRZEJŚCIA  
DO STATUSU 'UNIwersYTETU' KATOLICKIEGO

Streszczenie

Artykuł przedstawia edukację katolicką jako integralną część misji ewangelizacyjnej Kościoła prowadzonej zawsze w duchu tożsamości katolickiej. Jest on zdefiniowany w kontekście przejścia Tangaza University College do statusu pełnego katolickiego uniwersytetu. Kluczowe pojęcia są najpierw zdefiniowane, a następnie przedstawione na tle eklezjalnym. Nie brakuje historycznej prezentacji Tangaza University College. Artykuł przedstawia analizę aplikacji prawa kenijskiego odnośnie do ustanowienia uniwersytetu w połączeniu z rozwiązaniami kanonicznymi. Wymienione są poszczególne wyzwania obecne w obu systemach prawnych.

**Słowa kluczowe:** tożsamość katolicka; uniwersytet; Tangaza University College.