

For the freedom to profess  
religion in the contemporary  
world.

Counteracting the causes  
of discrimination and helping  
the persecuted based on the example  
of Christians



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## ACADEMIC AND RELIGIOUS FREEDOM IN CHILE

[Work for the Institute of Justice]  
Warsaw 2019

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## Introduction

Academic freedom in those institutions with an ethos (i.e. religiously-affiliated Universities) is a kind of freedom of expression, as well as a kind of religious freedom. The latter consists of the legally recognized ability to decide on the faith to be professed (and therefore, the religious acts to be executed), so that no person is forced to act against his conscience, nor being prevented from acting accordingly, whether in private or in public; in solitude or associated with others. This power is held in the face of the possible constraints of individuals, social groups, or any civil authority. Specific manifestations of this right are the freedom to perform acts of prayer or worship, individually or collectively; create and maintain churches or places of worship; to be able to receive religious assistance, also in residences, hospitals, barracks, etc. Especially part of this attribute is freedom of education, so as not to receive what is contrary to one's religious principles, but fundamentally because the Word is transmitted through the word. In this sense, religious freedom must essentially include all those rights recognized by the State to Church in order to fulfill its mission in society. This is the reason why the foundation of colleges and universities is essential in the process of evangelization, which also explains the meaning of the militant Church.

This issue is directly linked to the notion of academic freedom in universities with a religious ethos. Academic freedom can be defined as the power attributed to faculty to conduct research in any area of knowledge, and to express scientifically sustainable opinions as members of a university community, not being sanctioned for those activities by the State, by university authorities or by peers themselves. Some add that this freedom also extends to the right to criticize the institution, without being penalized.<sup>1</sup>

The purpose of this paper is to analyze how academic freedom has been developed in Chile within religious higher education institutions, with special emphasis on universities belonging to Catholic Church, traditionally the major religious creed in the country.

### 1. Creation of catholic universities

In Chile, academic freedom has been an assumption for Catholic universities, the vast majority of religiously-affiliated universities in the country, since their foundation in the country. To analyze the

[<sup>1</sup>] Raúl Madrid, '¿Existe todavía el derecho a la libertad de cátedra? Dos corrientes polémicas en la academia norteamericana contemporánea' [2018] XXXI Revista de Derecho 31, 32.

way in which this right has evolved, we will begin by referring to the situation of the country during the General Captaincy of the Kingdom of Chile (*Capitanía General del Reino de Chile*), that is to say, during the historical period known as the “Colony.” This, because during the first years of conquest, the only concern of the Spaniards was the war with the Indians. Education began during the Colony with the installation of the first religious congregations.

As in Europe, where the model of cathedral schools was created before giving way to the *Studia Generalia*, in Chile the roots of the university can be found in the *Escuelas de Primeras Letras* (First Letters Schools). In them, students learned to read, write and count, as well as the rules of Spanish and Latin grammar, since the latter was the compulsory language for higher education. In Santiago—Chilean capital city—there were First Letters Schools already in the 16th century, run by a teacher. Teachers had certain privileges granted by the *Cabildo* (first governmental organization similar to a Town Hall). Latin was also taught in these First Letters Schools and in the Conciliar Seminary (which was founded in 1587). The Spanish Crown decided to establish a grammar chair in Santiago funded by the Royal Treasury. The Dominicans obtained this chair in 1591.

During the 16th century, the situation of constant war and poverty in the country hindered the erection of a University in Chile, unlike what happened in other more relevant or more opulent cities in Latin America,<sup>2</sup> such as Lima, where the University of San Marcos was founded in 1551. The applicable law at that time (*las Siete Partidas*) indicated that universities could only be constituted by mandate of the Pope or the King.<sup>3</sup> It was King Philip III who asked Pope Paul V about the possibility of giving academic degrees in the new countries. The Pope allowed it in the Brief *Charissimi in Christo* document.<sup>4</sup> In this text, the Pope granted young people—who had studied five years in the Dominican schools of the new World—the privilege of choosing the bachelor’s degrees, master or doctor, which should be conferred by the bishops and archbishops, or the chapters in vacant seat. But there was a requirement: these Dominican schools should be at least two hundred miles away from any public university, since it was understood that, at a smaller distance, the interested party should attend the public institution to obtain such academic degrees. According to this, the School of the Dominicans of Santiago, that offered theology and philosophy studies, took the name of Pontifical University.

This is the beginning of the history of Chilean university. As it happened in Europe, the first educative higher education centers were founded by the Catholic Church. This circumstance creates a very special situation for the Church in the cultural conscience of the country, which will lead to the special status that current Pontifical Catholic University of Chile has in the Chilean educative scenario.

## 1.1. University of Saint Thomas Aquinas

On August 19, 1622,<sup>5</sup> the first institution of higher education in Chile and 9<sup>th</sup> in Latin America—was founded in the Convent of the Rosary, Santiago. This was the Pontifical University of Saint Thomas Aquinas<sup>6</sup>. Its first President was Friar Martín de Salvatierra<sup>7</sup>. The Convent of *Santo Domingo de Santiago* served as the basis for its foundation, which was already providing education, following the method of scholastic universities and their faculties of Liberal Arts, since 1595.

[2] Jaime Eyzaguirre, *Historia de las Instituciones Políticas y Sociales de Chile* (2nd edn, Editorial Universitaria 1977) 40.

[3] Bernardino Bravo, *La Universidad en la Historia de Chile 1622–1992* (Pehuén Editores 1992) 23–24.

[4] *Breve Charissimi In Christo*, Roma 11 de de marzo de 1619.

[5] José Medina, *La Instrucción Pública en Chile desde sus orígenes hasta el establecimiento de la Universidad de San Felipe*, vol. I (Imprenta Elzeviriana 1905) CLXVI and CLXVII.

[6] Medina *La Instrucción Pública en Chile* (n 5) CLXV.

[7] Bernardino Bravo, ‘*Non armis tantum sed litteris*. Estudios universitarios y forja de un núcleo dirigente en Chile (siglos xvii a xx)’ (2004) XXIV *Anales del Instituto de Chile* 33, 43.

In 1622, the respective regulation for granting degrees was approved, notwithstanding that the license to operate as a proper University had been requested from the Council of the Indies (or the new World) for the first time already in 1589. The governor of the Bishopric, Don Juan de la Fuente, indicated that the main areas of knowledge of the new institution were the School of Theology and the School of Arts, exactly as it was in any convent.<sup>8</sup> The study plans or syllabus followed the plan of the University of Alcalá, which in turn had been adopted from the University of Paris.<sup>9</sup> Theology classes followed, predictably, the scheme of Aquinas' *Summa Theologica*.<sup>10</sup> According to the pontifical document, the new University could grant Bachelor, Magister and Doctoral degrees. The School of Arts, like the scholastic model in which it was originated, offered classes on Philosophy of Nature, Logic, Metaphysics and "discipline of words" or Grammar.<sup>11</sup> Students could consult the library's catalogue, which came to have about five thousand copies available to students and faculty.<sup>12</sup> Among the works added to the library, it can be mentioned those of St. Albert the Great, Melchor Cano or Francisco de Vitoria, and also an edition of Aquinas' *Catena aurea*, which is maintained nowadays in the library of the *Recoleta Dominicana* cathedral. Many of these works were written in Latin, French or another European language different from Spanish, demanding therefore the students to be capable to read and understand them. The teaching was done through texts, and almost all teachers and students were religious<sup>13</sup>. The University of Saint Thomas Aquinas gave its last academic degree in the year 1741 and finished its functions, because the Royal University of San Felipe, to which we will refer later, was being already created.

Finally, as Miguel Lecaros says, it is very interesting to see how *Santiago del Nuevo Extremo* (the real name of the city of Santiago), a small city ravaged by natural disasters, had a group of Dominican friars who fought hard to establish a space to cultivate knowledge and scholar discussion. This first step that the preacher fathers took, along with the efforts made by the Jesuits, was to strengthen the development of thought, arts and letters in the capital of Chile, allowing the education of young people who wanted to enrich themselves intellectually.

## 1.2. Colegio Máximo of Saint Michael

In 1625, thanks to a bull of Gregory XV, the Chilean province of the Society of Jesus founded the Pontifical University *Colegio Máximo de San Miguel* (Saint Michael), which became the second Chilean university, after the aforementioned University of Saint Thomas Aquinas. The Jesuits solicited through Father Francisco Fuenzalida the corresponding authorization, which was granted by Pope Gregory XV, with the support of King Philip III, the bull *In eminenti* (1621). This bull allowed the same concession for ten years for them and the Dominicans.

After several judicial skirmishes, whose testimonies have served to clarified the content and extent of the concession, the superiors of both the Jesuits and Dominican orders reached a coexistence agreement. For this reason, there were two universities in Santiago, both belonging to the Catholic Church. The Society of Jesus took care of obtaining the renewal of the privilege in due time. Six years later, in 1627, Pope Urban VIII confirmed this privilege for another ten years, and in 1634 it was renewed

[8] Bernardino Bravo, 'Universidad y Modernidad en Hispanoamérica. Autoafirmación de Chile y del Nuevo Mundo frente al viejo, del Barroco a la Postmodernidad' (2000) N° 108–109 Boletín de la Academia Chilena de la Historia 175, 190.

[9] Mario Góngora, 'Notas sobre la educación universitaria colonial en Chile' (1949) 6 Anuario de Estudios Americanos 161, 162.

[10] Mario Cárdenas, Rolando Mellafe and Antonia Rebolledo, *Historia de la Universidad de Chile* (Ediciones de la Universidad de Chile, 1992) 24.

[11] Bravo, *Non armis tantum sed litteris* (n 7) 43.

[12] Bravo, *Non armis tantum sed litteris* (n 7) 44.

[13] *Ibidem*.

without limitation of time for the same old places and for the Schools of the Society of Jesus in the Philippines, Tucumán, Río de la Plata, New Kingdom of Granada and Chile.<sup>14</sup>

The Jesuit University achieved greater development and prestige than the Dominican in the second half of the seventeenth century. The Society of Jesus (*Compañía de Jesús*) besides teaching its own Jesuit pupils, had the assistance of other students, mainly those of the *Convictorio de San Francisco Javier*, which was founded in 1611 and was the most reputed school of the time. In the *Convictorio* there were philosophy and theology interns that collaborated in the preparation of the students who wanted to continue their education in the university chairs, who were educated in *Colegio Máximo*.

The Jesuit Philosophy Schools were governed by two kinds of documents: the first set of documents included the *Ratio Studiorum*, general ordinances of the Society of Jesus, Letters and Ordinations of the General Fathers, decrees of the General Congregations. The second set of documents included special regulations of each study center. Theologically speaking, Jesuits preferred to follow Francisco Suarez' lessons instead of Aquinas', although some authors point out that they also taught the doctrines of Luis de Molina. It should be noted that both Suarez and Molina were members of the Jesuit order. In this University, unlike the Dominicans one, the President and most of the professors were Spanish, despite there were also a few Chilean-born academics.<sup>15</sup>

Towards the end of the 17<sup>th</sup> century, *Colegio Máximo de San Miguel* had the chairs of philosophy, theology, morals, canons, language and grammar.<sup>16</sup> At the time of expulsion of the Jesuit order from Chile in 1767, their library came to have six thousand copies,<sup>17</sup> which made it an important documentary center of the Republic in those years. The teaching method used in these universities was, as it has been said, the scholastic,<sup>18</sup> although under the influence of the *Aufklärung*, such perspective could be considered somewhat archaic in the seventeenth century. The administrative structure worked very well, and all the academic activities were regulated in detail.

As we have indicated, conventual universities only included Schools of Arts and Theology. For this reason, in the eighteenth century, those were usually called minor, as opposed to the major ones that were composed by all the traditional schools, as in the European Universities (i.e. Law, Medicine, etc.). This regime was *intraclaustral*: the President was the superior of the respective convent or school. One of his duties was to appoint the faculty. These were arts high school graduates, bachelor and master graduates, and theology high school bachelor and doctor graduates. Its arts studies lasted three years. The theological study plans had to be completed in three to four years, and were mandatory to obtain the arts degree. The degrees that were originally conferred by the Ordinary could then be conferred by the convent authorities. This privilege was held by the Dominicans until the cessation of their university. On the contrary, the Jesuits enjoyed it for a while and then the students received their degrees again from the ordinary.

Regarding the government of the conventual universities, the superior of the convent was the President and the one in charge of appointing the faculty.<sup>19</sup> They were also responsible for granting academic degrees,<sup>20</sup> but their jurisdiction did not exceed the study subjects.<sup>21</sup> In the University of Saint Thomas Aquinas, in 1714, a competitive procedure was established to access the chairs among graduates of Theology<sup>22</sup>. The University of Saint Thomas and the University of San Miguel did not disappear with the creation of the Royal University of San Felipe but instead remained as colleges that

[14] Diego Barros Arana, *Historia general de Chile*, vol. IV (Editorial Universitaria 2006) 207.

[15] Bravo, *La universidad en la Historia de Chile* (n 3) 41.

[16] Sol Serrano, *Universidad y Nación: Chile en el Siglo XIX* (Editorial Universitaria 1992) 31.

[17] Tomás Thayer, 'Las bibliotecas coloniales de Chile', (1913) I Revista de Bibliografía Chilena y Extranjera 149.

[18] *Ibidem*.

[19] Cárdenas, Mellafe y Rebolledo (n 11) 24.

[20] Medina, *La instrucción pública en Chile* (n 7) CCCLXIII.

[21] *Ibidem*.

[22] Bravo, *La universidad en la Historia de Chile* (n 3) 35.

were part of the new University,<sup>23</sup> and their doctors also pertained the cloister of the University of San Felipe.<sup>24</sup> This integration denoted the continuity that existed at that time between the religious and public education. It also highlights the harmonious understanding of the common good in a society that share its fundamental principles.

It is necessary to stress that the degrees given by the *Colegio Máximo de San Miguel*, remained valid after the foundation of the Royal University of San Felipe, and until the expulsion of the Jesuit order from Chile in 1767. However, the University of Saint Thomas still granted Philosophy degrees even in the 19th century. Although an author points out that the last doctoral degree was not conferred beyond 1747.<sup>25</sup>

### 1.3. Pencopolitan University

In 1730, the Jesuits were allowed to create a University in Concepción.<sup>26</sup> In the first decades of the 17<sup>th</sup> century, the situation was more promising: tithes had increased, and the city of Santiago had developed. Bishop Juan de Nicolalde (1716–1724) formally re-founded and successfully installed the seminary in 1718. However, he encountered the difficulty of finding a suitable teaching staff and therefore he decided to resort to the Society of Jesus. The Jesuits had a school in Concepción and a center for the *Araucanía* missions. Thus, in 1724, before leaving the diocese to assume the archbishopric of Charcas, Nicolalde, finalized the agreements with the Society of Jesus, who would solely manage the teachings in the seminary. Beyond the fellowships for the priesthood, this seminary attracted a significant number of students whose studies were paid by their families, as it was the only institution that could provide higher intellectual training in the south of Chile. The Jesuits established philosophy and theology classes with all the requirements of the *ratio studiorum*. Thus, the students could aspire to the degrees of bachelor, graduate and teacher in philosophy and of doctor in theology, after all studies and tests were completed. Similar to the case of the university in Santiago, the educational institution of Concepción allowed the bishop to grant the degrees. There were few graduates in Concepción. The first two laypersons obtained a doctorate degree in theology. In 1725, Alonso de Guzmán y Peralta, who was Professor of Canons, and later, in 1762, became the President the University of San Felipe. In 1731, the second degree was granted to Manuel de Alday and Aspée, who was later the bishop of Santiago.

In parallel to these universities, there were some Dominican, Jesuits, Franciscans, Augustinians and Mercedarian schools, as well as the Conciliar Seminary, which had curricula aimed at the formation of priests but partially coincided with university students in arts and theology. In these schools, beyond the ecclesiastical and religious students, laypersons were admitted. A high-level training was provided, however the university courses had to be followed and all required test had to be passed in order to obtain the respective degrees.

In spite of the equality of plans of both Jesuits and Dominican orders, they followed different approaches to teach, as it was mentioned before. In the School of Arts, the most consulted text consulted was Father Antonio Rubio's along with the Father Miguel de Viñas' extensive treatise: *Philosophia Scholastica*. However, surely due to the shortage of copies of the books, the system of manuscript texts persisted, which were then explained with lectures and academic events.

Finally, we must remember as well that the degrees delivered by the University of San Miguel and the University of Saint Thomas covered only Philosophy and Theology.

[<sup>23</sup>] Bravo, *La universidad en la Historia de Chile* (n 3)194.

[<sup>24</sup>] *Ibidem*.

[<sup>25</sup>] Bravo, *La universidad en la Historia de Chile* (n 3) 37.

[<sup>26</sup>] Bravo, *Non armis tantum sed litteris* (n 7) 45.

#### 1.4. Royal University of Saint Philip

The first to propose the creation of a Royal University in Chile was the then Bishop of La Imperial, Fray Antonio de San Miguel.<sup>27</sup> The objective was twofold: to make the doctrines known to the novices, and to prevent those who wished to obtain academic degrees from being forced to move to the distant city of Lima. In 1713, the Mayor of Santiago at that time, Francisco Ruiz de Berecedo, presented to the Crown the idea of installing a Royal University in the city,<sup>28</sup> named after Saint Philip Apostle and the latter King Philip V. El *Cabildo* (Town Hall) regretted that Chileans had to go to Lima to obtain academic degrees<sup>29</sup>. Although the conventual universities had covered the education need in our country, the lack of the major chairs forced Chileans to leave, in case they wanted to obtain a degree in a Royal university.<sup>30</sup> The need for an educational institution in the national territory, to train clergymen and priests, triggered the decision of the ecclesiastical authorities, whose answer was clear.

On December 2, 1713, in the respective session of the *Cabildo de Santiago*, Mayor Berecedo pointed out that the Royal University's regulations should be as follows<sup>31</sup>: first, it was supposed to be governed by the provisions of the Indian Law. Second, in all those matters not considered by the Indian Law, it should follow the constitutional clauses and ordinances applied to the Peruvian university. Thus, in the facts, the first academic center in Chile was ruled by the regulations of University of San Marcos of Lima, since the ordinances drafted by the university authorities never obtained a royal assent. According to the Lima's regulations, the doctors' cloister governed the university (*primus inter pares*),<sup>32</sup> clear example of the teaching, administrative and economic autonomy exercised by the University.<sup>33</sup>

According to the founding statute of the Royal University of Saint Philip (1738), the new University would have the Schools of Philosophy, Theology, Law, Mathematics and Medicine.<sup>34</sup> The establishment process of the University was very slow. On January 16, 1747 Tomás de Azúa was appointed as its first President,<sup>35</sup> and in 1748 a graduate school could be formed. The installation was carried out on June 10, 1756<sup>36</sup> and classes began on January 9, 1758<sup>37</sup>.

As stated by the historian Bernardino Bravo, the Royal University of Saint Philip, unlike the conventual universities, was a corporation. An example of this status was that the President remained in office only for one year<sup>38</sup>. The first two Presidents maintained the *statu quo*, but the third one, José Valeriano de Ahumada,<sup>39</sup> made significant changes in terms of teaching methods and curriculum at the Royal University of Saint Philip.

It is very interesting to note that, from a cultural perspective, the difference between a civil or state-owned university, and a university founded by a Catholic congregation, was purely legal. The meaning of "autonomy" in the university institution during the colony was not very different from what happened in Europe during Latin Christianity. All institutions of higher education served the same purpose: to form intelligences to reach wisdom, in which reason and faith were undoubtedly complimentary. Furthermore, both served to the formation of consecrated men. Quoting the Bishop who asked the King for the creation of the University this becomes clearer: "If Your Majesty attends

[27] José Toribio Medina, *Historia de la Real Universidad de San Felipe de Santiago de Chile* (Imprenta y Litografía Universo, 1928) 1.

[28] Eyzaguirre (n 2) 52.

[29] Bravo, *Non armis tantum sed litteris* (n 7) 45.

[30] Medina, *Historia de la Real Universidad de San Felipe* (n 33) 2–3.

[31] Medina, *Historia de la Real Universidad de San Felipe* (n 33) 4.

[32] Bravo, *La Universidad en la Historia de Chile* (n 3) 52.

[33] Bravo, *Non armis tantum sed litteris* (n 7) 59.

[34] Eyzaguirre (n 2) 53.

[35] Medina, *Historia de la Real Universidad de San Felipe* (n 33) 44.

[36] Bravo, *Non armis tantum sed litteris* (n 7) 47.

[37] Medina, *Historia de la Real Universidad de San Felipe* (n 33) 69.

[38] Bravo, *La Universidad en la Historia de Chile* (n 3) 52.

[39] Thayer (n 21) 190–191.



to our heartfelt plea, it would do a great good to this city...and it would encourage young people to study...and there will be, with that, capable persons to order.<sup>40</sup>

As it can be seen, the creation of religious-inspired universities was not only not hindered by civil power, but also supported by it. The basis of this attitude can be found in the moral unity of the Chilean people during the colonial era, as a part of the Spanish Crown, which was in turn a part of Christianity. Therefore, it can be said that the professors of the first Chilean universities enjoyed the same prerogatives that the professors of the scholastic university had at their time. For them, the modern problem of academic freedom was never even conceived. This epochal spirit cannot be fully understood if it is not borne in mind that the existence of a Revealed Dogma, a body of commenters was not seen by scholars as an external imposition from any authority, whose power restricted violently an apparent space of freedom. This is a modern idea because, for colonial faculty, dogma and its authentic interpretation were considered the starting point of all scientific activity, the very framework that gave life to university developments. No one would have even thought to discuss it, for the sake of an alleged „space of discretionary power” that was proper to scholars. As Thijssen indicated about the scholastic period, in no process due to the lack of orthodoxy of an academic it is stated that he had defended himself by referring to the existence of a private sphere in his academic performance, which the university and its authorities were obliged to respect.<sup>41</sup> Thus, professors considered themselves as part of a great enterprise: apostolic activity, the transmission of Truth and the conversion of hearts to Christ. This does not mean that each member of the university community was always and at all times, invariably, working for the sake of the highest and most virtuous reasons. Such a claim would be impossible, given the human condition. What it points to is rather to describe a general horizon of meaning, in which the possibility of conceiving the freedom of professorship as an abstract safety space for the professor was not only discarded, but not even conceived. The professors, therefore, did not imagined themselves as an autonomous or separated group: what was present in all the university activities, instead, was essentially a common spirit of identical theological, metaphysical and cultural bases, which extended more or less until the mid-19th century.

## 2. Origins of the Pontifical Catholic University of Chile

Before the foundation of the Catholic University, the country attended the creation of the University of Chile, the most important public academic entity in the country to this day. The initiative of its creation corresponded to Mariano Egaña, when he created the so-called “Chilean Academy,” in 1823. Subsequently, and on behalf of President Manuel Montt, the distinguished polygraph, Andrés Bello, elaborated the foundations of the new university. The participation of Bello in the framing of the *Weltanschauung* of the future institution of higher education is very important to help understanding the mentality that the latter would support and teach. Bello was a great liberal humanist, trained in the English tradition. From these bases, he had the talent to transfer his great erudition to the practical sphere, in fields as diverse as philology, linguistics and grammar, pedagogy, publishing, diplomacy, international law and, of course, education. His work reflects the ideal of European classicism, perfectly combined with the modern national and patriotic sensibility of his time.

The founding decree of the University of Chile is from 1842, although it could only open its doors the following year. The new University was introduced as the successor of the University of Saint Philip,<sup>42</sup> inheriting all its assets in order to continue its tasks, which demonstrates the spiritual unity to

[40] MEDINA, *Historia de la Real Universidad de San Felipe* (n 33) p. 22.

[41] J.M.M.H. Thijssen, *Censure and Heresy in the University of Paris. 1200–1400* (University of Pennsylvania Press, 1998) 91.

[42] Decreto de Fundación, Arts. 1º y 2º. Boletín de las leyes y decretos del Gobierno N° 16, abril 17 de 1839.

which we referred before, although already in its final moments. the new University had five schools,<sup>43</sup> with thirty members each. Although the Church and the State were not separated in Chile at the time of its foundation (that is why the University of Chile began its journey with a Faculty of Theology), it declared itself as guarantor of classical culture, with a “humanist and secular” vocation. It was the moment of greatest apogee of liberal ideas, and the newly created University enthusiastically joined that trend. Thus, it is also very clear in the famous founding speech of the said University, in which Bello affirms that “*morality (which I do not separate from religion) is the very life of society; Freedom is the stimulus that gives a healthy vigor and a fruitful activity to social institutions. What obscures the purity of morality, what hinders the arranged but free development of the individual and collective faculties of humanity and—I say more—what exercises them unsuccessfully, should not a wise government incorporate it into the organization of the State.*”<sup>44</sup> The counterpoint between the University of Chile and the Catholic University will not only mark national life, but will also focus the debate –concerning the problem of academic freedom—between the so-called “neutral universities” and the “religiously-affiliated Universities”.

The foundation of the Catholic University was the result of the efforts of the laity, headed by the figure of Abdón Cifuentes, who was the one that really secured the financing for the project (due to his great campaign to raise funds, he was known in Santiago as “the layman beggar”). The Church of Santiago, initially reluctant, had no other option but to accept the proposal, when it was in conditions to be carried out. The existence of the Catholic University – beyond its everlasting intellectual and cultural contribution to Chile and Latin America – had an important meaning from the point of view of freedom of education, because it marked the way for young people who came from Catholic schools to continue their higher education in the context of their faith, as it was stated by the decree of its creation.

This is the intellectual and moral context on which this paramount religious university of the Spanish-speaking continent is founded in the 20<sup>th</sup> century. The historian Ricardo Krebs points out that “the struggle for freedom would be a fundamental and permanent concern of the Catholic University,”<sup>45</sup> since its origin is just in the counterpoint with the University of Chile, to ensure freedom of education and the possibility of deepening the dialogue between Revelation and natural reason. It is important, in this sense, to stop at the inaugural address of its first President, Monsignor Joaquín Larraín Gandarillas, in which a defense of the freedom of education, autonomy and freedom of expression of Catholic institutions was vented. This defense, in the context in which the speech was delivered, meant and referred primarily to the concept of academic freedom.

In this speech, Larraín begins by referring to a “free Catholic University,” meaning “a corporation that does not live on the breath or official inspiration,”<sup>46</sup> stating that, undoubtedly, the liberal doctrine (which was at the base of the Universidad de Chile, as already mentioned) sought to eliminate the Church from public education, in favor of its adversaries. In his opinion, this was equivalent to break the unity of the authority of Scriptures and the work of natural reason. Monsignor Larraín Gandarillas appeals to freedom of education, noting that the Catholic Church claimed for it once had started to work in the field of higher education, citing the French monarchist politician Saint Marc Girardin, who had pointed out which were the benefits of emulation and the competition that freedom of education brought, both for state and private schools. Next, to further affirm his position, the lecturer reminded the audience that the defenders of the state monopoly of French higher education also appealed to

[43] Filosofía y Humanidades, Derecho y Ciencia Política, Matemáticas, Física, Medicina y Teología.

[44] Andrés Bello, *Discurso Inaugural pronunciado en la instalación de la Universidad de Chile el día 17 de septiembre de 1843*. Retrieved from: <<http://www.uchile.cl/portal/presentacion/historia/4682/discurso-inaugural>>.

[45] Ricardo Krebs, María Angélica Muñoz and Patricio Valdívieso, *Historia de la Pontificia Universidad Católica de Chile 1888–1988* (Ediciones Universidad Católica de Chile, 1993) 18.

[46] Bravo, *La Universidad en la Historia de Chile* (n 3) 410–29.

the need for freedom of education. Finally, Monsignor also cited the Duke of Broglie, who pointed out in 1844 in the French Chamber of Peers, the convenience of the generation of private institutions for the benefits it had brought to science, for the emulation that it produced between the same private institutions.

Larraín's speech was a reflection of the Chilean public discussion in his times, since he argued that freedom of education established in Art. 12° of the 1833 Constitution was only “of adornment in the first of our codes” and described it as “dead letter, and we should not count on it.” He then defined freedom of education as the right to learn and teach without any coercion, but the “teaching State” exercised coercion over private institutions by granting benefits and financial aid to state institutions, to the detriment of the religious ones. This represented a monopoly of education, which sacrificed equality before the law. This is why in his speech he asks whether Chile was perpetually destined to follow a teaching model of authoritarianism or it was looking for the adoption of educational models more similar to those established in countries such as Belgium and the United States of America. Freedom of education should always be an effective constitutional right, and not to ignore the legal value of the degrees that the Catholic University would confer in the future. This—the value of the degrees themselves—is what happened in countries that have come to a greater understanding of the very meaning of freedom of education. For this reason, private universities are granted the right to confer academic degrees, since the act of conferring degrees is the exercise of this right. Larraín made an analogy between the academic freedom and the electoral freedom, in which citizens could freely exercise freedom of suffrage, but in their scrutiny the result was falsified.

Larraín also pointed out that any doctrine that opposes faith must be considered false. In that same sense he declared that the dogmas proposed by the Catholic Church are infallible, but that profane science is not, and that they have incurred repeatedly in error. God has not questioned the dogmas of faith. Indeed, men need His knowledge, which constitute the most valuable and beautiful intellectual heritage. Larraín also affirmed that God will assist His Church so such dogmas be preserved.

According to the Vatican Council, the Church has the mandate to prohibit false science. This assertion follows the traditional doctrine sustained by the Catholic Church has sustained that error has no rights; the error is the absence of truth, and therefore lacks a public status. This idea is challenged when such paradigm is questioned, namely, that there is no transcendent or self-identical truth, and therefore there are no errors properly speaking, so that the scientifically acceptable mood is the tolerance of all opinions, and the promotion of neutrality as the dominant value of academic life. In this regard, Gandarillas points out that the Church has indicated that limits should not be exceeded by profane science researchers, which is equivalent to reiterate the scholastic principle that natural truth cannot contradict revealed truth. And he maintains that on these bases the new University will be founded, with ample academic freedom in Humanities and sciences, but always harmonized with the doctrines of the Catholic faith. According to him students and faculty are not able to doubt or discuss what God does not discuss. Thus, he declares that, unlike what happens in State institutions, (he pointed directly to the University of Chile), where the attacks on the dogmas of the faith are allowed through freedom of education, (although the Constitution itself declares them inviolable) the Catholic University will act just the opposite.

In this same opening ceremony, Abdón Cifuentes was mentioned as the true agent of the creation of the new University. This man, as we said before, former Minister of Public Instruction and also President of the Catholic Union of Chile, laid upon himself the mission of raising the funds to start the academic work. Larraín indicated that the Church has a mission to fulfill, mandated by the words of Jesus Christ “Go and teach all people”<sup>47</sup>, despite the monopoly of the State.

[<sup>47</sup>] Mt. 28:19

On November 14, 1898, Academic Commissions were established to grade the exams took by students from the Law School. In these Commissions there were also professors from the Catholic University recently incorporated.<sup>48</sup> This inclusion would be the first concession made by the University of Chile to the Catholic University and the beginning of an incipient autonomy,<sup>49</sup> which would be very hard to obtain.

In 1920, Monsignor Carlos Casanueva was appointed as President of the Catholic University of Chile. By that time, thirty-two years after its foundation, the Catholic University still did not have the State authorization to confer academic degrees.<sup>50</sup> The new President considered that freedom of education had led European nations to embrace progress; but instead in the Latin American countries, it would have caused a decline and a bureaucratization of education.<sup>51</sup> This conclusion was based on the State's educational monopoly, which would be responsible for reproducing the vices and consequences of any monopoly.<sup>52</sup> On the contrary, true freedom of education was linked to autonomy, which was, in his opinion, "the first and essential condition of any university reform."<sup>53</sup> In 1921, just one year later, Casanueva valued the treatment conferred to the Catholic University by the authorities and professors from the University of Chile, on the occasion of the Law School's achievement of getting its half—autonomy. He didn't leave without appealing to the freedom of education as a good that was necessary to achieve full autonomy. (that is to say, not only for on School). In the same sense, during 1922, President Casanueva declared that he considered that it was the right time to claim that "precious freedom," beginning with university's autonomy<sup>54</sup>. Faced with the complications caused by the absence of university autonomy, Casanueva put the emphasis on academic excellence as the mechanism by which the Law School made its excellent results valid, and was therefore, able to form its own identity.<sup>55</sup>

This debate took place in the constitutional field, a few years later. In 1925 a new Constitution was enacted. Unlike the Constitution of 1833, the new Constitution did regulate the freedom of education in its Art. 10° No. 7. On this point, there was a debate in the Subcommittee on Constitutional Reforms. At the Twelfth Session, held on May 26, 1925, the President of the Republic, Arturo Alessandri, proposed to reform Art. 10° No. 6 in numbers from 8<sup>th</sup> to 11<sup>th</sup>. By doing this, freedom of education would occupy the 11<sup>th</sup> number. Faced with this proposal, the commissioner for the Liberal Party, Domingo Amunátegui, said that freedom of education was a fact in the country, unlike the freedom to practice certain professions, since there was only one institution in Chile that could grant doctoral degrees: the University of Chile.<sup>56</sup> Manuel Hidago, Commissioner of the Communist Party, was in favor of a rule contained in the German Constitution, which established that only States' had the exclusive right to provide primary education services, which—in his opinion—would lead Chile to a true democratization.<sup>57</sup> Romualdo Silva, commissioned by the Conservative Party, said that the public instruction did not really have a political purpose, but also its purpose was social. So, the provision of educational services, more than a State issue, should be performed by society and its various organs and groups. The State could, according to Silva, act in order to achieve that end with the necessary preference, but always respecting civil society, which was composed of a large number of intermediate bodies. He also asserted that the provision of educational services by the State should respect the rights

[48] Krebs, Muñoz, Valdivieso (n 11) 136.

[49] *Ibidem*.

[50] Krebs, Muñoz, Valdivieso (n 11) 206.

[51] *Ibidem*.

[52] *Ibidem*.

[53] *Ibidem*.

[54] Krebs, Muñoz, Valdivieso (n 11) 206.

[55] Krebs, Muñoz, Valdivieso (n 11) 276.

[56] 'Duodécima Sesión de la Subcomisión de Reformas Constitucionales, 26 de mayo de 1925', in *Actas Oficiales de las Sesiones celebradas por la Comisión y Sub-comisiones encargadas del estudio del Proyecto de Nueva Constitución Política de la República* (Imprenta Universitaria 1925) 139.

[57] *Ibidem*.

of parents, society, private education and instruction. Silva was also against to the introduction of the mentioned clause of the German constitution because he considered that it was negative that the State had control of public education, to the extent that it was in Germany.<sup>58</sup>

President Alessandri was one of the most determined supporters of the State having control of primary education. In his opinion, education should be compulsory, free of charge and secular. However, when he assumed the Government of the country he changed his mind, since there was neither professional preparation nor sufficient funds for the State to carry out such a large project. Thus, it was agreed finally that the new educational laws passed during the Alessandri Administration would include mechanisms to guarantee the freedom of education, which also was going to be applicable to religiously-affiliated institutions.<sup>59</sup> José Guillermo Guerra, commissioner of the Liberal Party, opposed Silva's thesis since, according to him, an essential obligation of the State was providing education as this should not be an activity of a subsidiary nature of individuals. He agreed with Hidalgo on the idea that education was an exclusive function of the State. Ramón Briones Luco, commissioned by the Radical Party, said in turn that a declaration of the Brazilian Constitution could be followed. This declaration indicated that public institutions shall provide secular education. In this regard, Romualdo Silva considered it worse than that of Commissioner Hidalgo and rejected the establishment of secularism in public education. President Alessandri pointed out that the idea of Commissioner Hidalgo could be considered in the future, but insisted on keeping the article on freedom of education as it was. Manuel Hidalgo responded that he feared the establishment of an absolute freedom of education, as it would become impossible to regulate it by law afterwards, being this the reason why he was in favor of the State to be the exclusive provider of primary instruction.<sup>60</sup> At the end of the discussion, however, the article proposed by President Alessandri was accepted.<sup>61</sup>

However, freedom of education was discussed again upon a motion of commissioners Luis Galda-mes, Carlos Fernández Peña and Maximiliano Salas Marchán. The discussion focused on a provision to guarantee complete freedom of education, retaining the State the right to control private schools on certain matters. The same provision stated that public education was a preferential State's duty. On that occasion, Manuel Hidalgo entertained the opinion that the State should be the exclusive provider of primary education. Domingo Amunátegui replied to Hidalgo, indicating that the State did not have sufficient resources to do so. Hidalgo rebutted by challenging that the State had to subsidize private schools. Amunátegui's response was that, in order to apply Hidalgo's idea, three thousand new public educational institutions would need to be founded.<sup>62</sup>

In 1927, Catholic University began to receive some State contributions although lower than those received by University of Concepción.<sup>63</sup> The next year, University of Concepción was granted the legal personality of public law, in accordance with the provisions of article 38 of D.F.L 7,500 with Decree 387 of March 20, 1928, on Education.<sup>64</sup> That is to say, the former Penco-politan University was re-emerging now, invested with the supposed standards of neutrality demanded by the illustrated liberals.

[<sup>58</sup>] *Ibidem*.

[<sup>59</sup>] 'Duodécima Sesión de la Subcomisión de Reformas Constitucionales' (n 67) 139–140.

[<sup>60</sup>] *Ibidem*.

[<sup>61</sup>] 'Duodécima Sesión de la Subcomisión de Reformas Constitucionales' (n 67) 141.

[<sup>62</sup>] 'Trigésima Primera Sesión de la Subcomisión de Reformas Constitucionales' (n 67) 476–477.

[<sup>63</sup>] Bravo, *La Universidad en la Historia de Chile* (n 3) 175.

[<sup>64</sup>] Bravo, *La Universidad en la Historia de Chile* (n 3) 196.

### 3. The fight for autonomy

The efforts of President Casanueva were not in vain, since on November 4, 1929, the government of Carlos Ibañez del Campo granted legal recognition to Catholic University, but in a limited way, as certain academic degrees continued to be exclusively awarded by University of Chile<sup>65</sup>. With the promulgation of the Legal Decree No. 280 (May 30, 1931), which approved the University Organic Statute, and in accordance with Art. 65°, Catholic University began to have autonomy and academic freedom in a modern sense, that is its contents would not be controlled by a different authority. From this moment onwards, the President of the University had autonomy to organize its services and for teaching, although the authority to confer academic degrees remained linked to the curricula approved by the University Council for Schools of University of Chile<sup>66</sup>. It should be noted that in its Art. 29° this Decree enshrined academic freedom in almost the same terms of article 26° of the Secondary and Higher Instruction Law of 1879.<sup>67</sup> This Decree also established the requirement of professional degrees awarded by University of Chile, in order to perform public functions or jobs; for the authorized practice of the profession of Surgeon, Pharmacist or Dentist; for teaching in State Secondary Education establishments and for special acts in which the laws require the intervention of a Lawyer<sup>68</sup>.

Despite the restrictions on the autonomy and the different value of the university degrees, the Catholic University's Law School was able to use the margins of action provided by the applicable legislation and act in accordance with its principles<sup>69</sup>. And so did the School of Engineering, sometime later.<sup>70</sup> Autonomy and religious academic freedom gradually consolidated, amongst enlightened interests and norms. In 1946, for example, a cycle of Catholic Culture courses was organized, the validity of Divine and Natural Law was recognized and so the Canon Law<sup>71</sup>. Similarly, the Law School started teaching subjects that until then were not taught by University of Chile's Law School.<sup>72</sup> With the passage of time, the Law Faculty progressively gained autonomy. Monsignor Carlos Casanueva tells in his Memoirs that, at the end of the forties of the last century, he could see the progress made in terms of autonomy by the Law School.<sup>73</sup> Nowadays, this Faculty offers a very significant course divided in two semesters: *Philosophical Grounds of Law* and *Natural Law*. Both are based on Aquinas' work, and are a steady, solid moral and ethical intellectual teaching for young people.

The year 1953 was of great importance in the history of the Pontifical Catholic University of Chile, since the term of Monsignor Carlos Casanueva was due, and Monsignor Alfredo Silva Santiago took office. The same year, Juan Gómez Millas, Minister of Education and future President of University of Chile, submitted a bill for the creation of the Superintendence of Education in the country. Although this organism was formally established in Art. 154° of the Constitution, it had never materialized until then. The Superior Council of Catholic University considered that the prerogatives that would be attributed to this new public body could eventually be a threat to the autonomy of the University. In view of the fact that the Superintendence of Education was to be created by law, it was agreed to go to the Catholic Educational Office and to parliamentarians from the Conservative Party, in order to mediate before the Government so that the bill did not impair the autonomy of Universities<sup>74</sup>. Finally, the Superintendency was created by means of a Legal Decree, being possible the introduction of

[<sup>65</sup>] Krebs, Muñoz, Valdivieso (n 11) 207.

[<sup>66</sup>] Krebs, Muñoz, Valdivieso (n 11) 223.

[<sup>67</sup>] Decreto con Fuerza de Ley N° 280 que aprobó el Estatuto Orgánico Universitario.

[<sup>68</sup>] *Ibidem*.

[<sup>69</sup>] Krebs, Muñoz, Valdivieso (n 11) 280.

[<sup>70</sup>] Krebs, Muñoz, Valdivieso (n 11) 290.

[<sup>71</sup>] Krebs, Muñoz, Valdivieso (n 11) 280.

[<sup>72</sup>] *Ibidem*.

[<sup>73</sup>] Krebs, Muñoz, Valdivieso (n 11) 276.

[<sup>74</sup>] Krebs, Muñoz, Valdivieso (n 11) 441.

Art. 11º, which protected the autonomy of private Universities<sup>75</sup>. This happened thanks to the timely intervention of the Catholic Educational Office<sup>76</sup>, which drafted a bill in order to grant such autonomy to private universities<sup>77</sup>.

In that same year 1953, the State finally recognized full autonomy to the Law and Social Sciences School with the enactment of Law N°. 11.183, that through Art. 50º modified Art. 523º of the Code of Civil Procedure, recognizing the total validity of degrees of Bachelor of Legal and Social Sciences granted by Catholic University<sup>78</sup>. The one in charge to carry out the commitment of obtaining this goal, was the lawyer Mario Tagle Valdés<sup>79</sup>, Representative from the Traditionalist Conservative Party. The move made by Tagle was considered an “attack” from Catholic University against University of Chile’s Law and Social Sciences School<sup>80</sup>. The latter agreed to submit a fundamental change to the Organic Statute of Higher Education before the Congress, in order to prevent the intention of Catholic University from progressing<sup>81</sup>. This motion passed in the Chamber of Deputies (Representatives), however the commission of Legislation and Justice of the Upper House (Senate) rejected it. Notwithstanding, it was approved by the Senate. Before the approval of said motion, University of Chile’s Law and Social Sciences School formed a commission composed by the President of the Students association, law professors, the Dean, the President of the Bar Association and the President of University of Chile, to suggest to the President of the Republic University of Chile’s Law and Social Sciences School’s idea to veto the bill<sup>82</sup>. The President of the Republic at that moment, Gabriel González Videla (1946–1952), pledged to veto the project, but his presidential term was due, hence he did not have sufficient time to present the veto before the Chamber of Deputies.<sup>83</sup> Thus, the motion entered into force as a law. Reacting with moderation, University of Chile described the law as “*the most unqualified abuse of rights: for the University, it meant the violation of its Statute; and for the Constitution, the ignorance of its precepts*”<sup>84</sup>.

In July 1953, the Office of the Republic General Comptroller issued an opinion disavowing a university degree in social service<sup>85</sup> granted by Catholic University, for “not being the latter a higher education institution”<sup>86</sup>. Regarding this issue there are conflicting versions: Ricardo Krebs points out that the origin of the conflict was that the Comptroller’s Office was required by University of Chile to express its official opinion on this subject<sup>87</sup>, while Raimundo del Río, Dean of the Law and Social Sciences School of said University, points out that Catholic University required the Comptroller’s Office to pronounce itself through a consultation made by a graduate student<sup>88</sup>. But the Comptroller’s report also indicated in its conclusions that the annexation of the „Elvira Matte de Cruchaga School of Social Service” to Catholic University as a School dependent on its Law School, would not allow it as an official new school of higher education until they had the approval of the Government, with the corresponding authorization from the University Council of University of Chile<sup>89</sup>. This last point particularly disturbed Catholic University, since every new school creation and operations would need the previous authorization of the University Council of University of Chile<sup>90</sup>. The Catholic Univer-

[75] Actas del Consejo Superior, 4.3. y 15.4.1953 6/327 y 6/338.

[76] Krebs, Muñoz, Valdivieso (n 11) 442.

[77] Krebs, Muñoz, Valdivieso (n 11) 512.

[78] Krebs, Muñoz, Valdivieso (n 11) 444.

[79] J. Raimundo del Río, ‘Memoria del Decano de la Facultad de Ciencias Jurídicas y Sociales de la Universidad de Chile 1946–1954,’ I Anales de la Facultad de Ciencias Jurídicas y Sociales 1, 44.

[80] del Río (n 92) 43.

[81] del Río (n 92) 44.

[82] del Río (n 92) 44–45.

[83] del Río (n 92) 45.

[84] *Ibidem*.

[85] Krebs, Muñoz, Valdivieso (n 11) 445.

[86] del Río (n 92) 46.

[87] Krebs, Muñoz, Valdivieso (n 11) 445.

[88] del Río (n 92) 45–46.

[89] Sesión de la Cámara de Diputados 42a Ordinaria, August, Wednesday 4th., 1954, 2048.

[90] Krebs, Muñoz, Valdivieso (n 11) 445.

sity President sent an official letter to the Comptroller's Office expressed his concern to the General Comptroller because what in the opinion of the former The Comptroller was confusing the legal provisions for an existing University with the requirements for the foundation of new universities<sup>91</sup>. The Superior Council of the University also decided to commission Romualdo Silva, to friendly visit the Comptroller. A commission was also formed to prepare a campaign in the written media in case the friendly visit failed<sup>92</sup>.

In parallel, the radical Representative Raúl Morales submitted a motion for the creation of the Social Workers School<sup>93</sup>. University of Chile sent to the parliamentarians the report made by the Dean Law and Social Sciences School, Raimundo del Río, in order to defend their exclusive powers<sup>94</sup>. Thus, the reaction of University of Chile was to defend the notion of „Teaching State” (*Estado Docente*) and the laws that reinforced the control of public educational institutions over higher education, as a response against Representative Raúl Morales' bill and the opinion delivered by the General Comptroller. The so-called House of Bello (University of Chile) was slowly taking its place as a counterpoint to the one defended by the Catholic University.

The Comptroller's Office, instead of responding to the office of Catholic University, consulted the case – to everyone's surprise – with the University Council of University of Chile. In the session held by said Council, the Dean of the Law Social Sciences School obviously made a vehement defense of the exclusive powers of his University. Given the possibility that a significant number of graduates of the Social Services career would remain without university recognition, the Superior Council of Catholic University, in turn, intensified the defense of the validity of their own degrees. A campaign was launched in the media and the Superior Council formed a Commission to visit the Comptroller<sup>95</sup>. The media campaign began on March 14, 1954, with an article on the editorial page of „The Illustrated Journal,” and on March 21<sup>st</sup>, with information from the Catholic University's President, followed by various other publications.

Finally, on May 24, 1954, the Republic General Comptroller issued the opinion N° 24.887, which concluded that the professional title of Social Services, granted by Catholic University, was fully valid.

The Comptroller's Office, in its new opinion, indicated according to the correct interpretation of the Administrative Statute, a distinction should be made between the universities existing at the time of the creation of the Administrative Statute, and the universities that were created after, for which the restrictions were applicable<sup>96</sup>. The reaction of University of Chile to the new opinion was quick. On June 1, 1954, the University of Chile's President, Juan Gómez Millas, requested to the Comptroller to keep its opinion N° 30.919; and in subsidy, to assess the new information attached to this request. The problem was finally solved with the enactment of Law N° 11.934 published on October 27, 1955, which created the Social Workers School<sup>97</sup>, since in its Title VI on “The practice of the Profession” it states that “All professionals qualified in State's Social Service Schools or by Social Service Schools *dependent on Universities recognized by the State* may practice the profession of social worker”<sup>98</sup>. Catholic University had finally won the battle.

The validity of the pedagogical titles awarded by Catholic University was also questioned in a bill for the Reform of the Teaching Statute. Finally, in July 1953, the bill was passed creating a new Statute for the Professional Career of the General Directorate of Education of the Ministry of Public Education

[91] *Ibidem*.

[92] Actas del Consejo Superior 6/388.

[93] Raúl Morales, 'Colegio de Asistentes Sociales Espiritu del Proyecto de Ley para crearlo' en La Universidad de Chile y las Universidades Particulares Informe sobre otorgamiento de los Títulos de Medico-Cirujano y de Visitadora Social, Ediciones de la Universidad de Chile, 1954, p. 29.

[94] Krebs, Muñoz, Valdivieso (n 11) 446.

[95] *Ibidem*.

[96] Krebs, Muñoz, Valdivieso (n 11) 447.

[97] *Ibidem*.

[98] Ley N° 11.934 que, crea el Colegio de Asistentes Sociales. Retrieved from: <https://www.leychile.cl/Navegar?idNorma=26927>



officers. In Art. 20° of this Law, it was established the equivalence of the degrees granted by Catholic University to those of University of Chile, for the performance of teaching functions in the educational State's facilities, and to hold positions of Special Teachers in Primary Education<sup>99</sup>. In sum, graduates from both universities were equally eligible for teaching in public schools.

In the same period, it was discussed the bill that became Law N° 11.994, which created the Chilean Civil Constructors Professional Associations. There were of course parliamentarians who sought only recognition of the degree issued by University of Chile as the one valid to becoming a member of this association<sup>100</sup>. Nonetheless, the law recognized the professionals from Catholic University at the same level as those from University of Chile regarding: the composition of the General Council of the Civil Constructors Professional Associations (Art. 3°); the inscription in the registers of civil constructors in each Provincial Councils (Art. 5°); the quality of judicial experts (Art. 21°). It was also established as an attribution and obligation of the General Council to promote and encourage the creation of evening schools for Civil constructors, dependent on/or recognized by the State Universities, whose study programs are equivalent to those of the Day Schools of such Universities (Art. 7°, N° 7)<sup>101</sup>.

Simultaneously, there was another motion that led to Law N° 1,045. This bill, which became a law as well, was sponsored by the Professional Association of Journalists. This law entitled those who were in possession of the title of journalist granted by University of Chile's School of Journalism or from *other Universities recognized by the State* "to the exercise of the profession" (Art. 20° letter c)<sup>102</sup>.

The case of the autonomy Catholic University's Medicine School was peculiar, since it was the last Faculty that depended on University of Chile, after the Law School had obtained its autonomy<sup>103</sup>. His Dean Dr. Cristóbal Espíndora resigned in 1953 from the Deanery in order to have greater freedom to defend the autonomy of the School of Medicine, as he was also a professor at the Faculty of Medicine of the University of Chile<sup>104</sup>. The Dean of the Medicine School, Rodolfo Rencoret, made a proposal that was the basis for a bill that gave full autonomy to this School<sup>105</sup>, which had already achieved true excellence by that time<sup>106</sup>.

The School of Medicine publicly stated that autonomy is a condition for a University<sup>107</sup>, and that in no country in the world a University controlled another University. This was also the slogan defended by the students. At the end of 1953, two bills were submitted that empowered both Catholic University and the University of Concepción to grant the degree of "Doctor-Surgeon". In July 1954, the first Medicine Students Congress was held in Concepción, where the students from Catholic University defended the autonomy, while Medicine students from both Universities of Concepción and Chile, advocated for the "Teaching State". In June 1954, the Council of University of Chile issued a statement in which they expressed their willingness to discuss the autonomy of private universities in Academia, provided that the State had the exclusive power to deliver the professional degree<sup>108</sup>. Dean Rencoret said in a session of the Catholic University Superior Council, that the proposal made by the Council of University of Chile could be the beginning of a consensual solution, in which the private Universities granted the academic degree of Bachelor of Medicine and a State body composed by different Health

[<sup>99</sup>] D.F.L N° 280, 24.7.1953, Diario Oficial 5.8.1953.

[<sup>100</sup>] Krebs, Muñoz, Valdivieso (n 11) 447.

[<sup>101</sup>] Ley N° 11.994 que, crea el Colegio de Constructores Civiles de Chile. Retrieved from: <https://www.leychile.cl/Navegar?idNorma=26958>.

[<sup>102</sup>] Ley N° 12.045 que, crea el Colegio de Periodistas. Retrieved from: <https://www.leychile.cl/Navegar?idNorma=27007>

[<sup>103</sup>] Krebs, Muñoz, Valdivieso (n 11) 448.

[<sup>104</sup>] Actas Consejo Superior, 65. 1953 y 13.5.1953 6/334 y 6/350.

[<sup>105</sup>] Krebs, Muñoz, Valdivieso (n 11) 448.

[<sup>106</sup>] Krebs, Muñoz, Valdivieso (n 11) 542.

[<sup>107</sup>] Declaración de la Facultad de Medicina de la Universidad Católica ante el Programa del otorgamiento de los títulos Profesionales de Médico-Cirujano, Santiago de Chile, 1954, Biblioteca Central, Colecciones Especiales.

[<sup>108</sup>] Krebs, Muñoz, Valdivieso (n 11) 448-449.

representatives in conjunction with the Universities would award the Doctor-Surgeon professional degree<sup>109</sup>.

University of Concepción proposed full teaching autonomy for each university, being the State in charge of granting the professional degree<sup>110</sup>. Catholic University evaluated the proposal of University of Concepción and determined that it was not convenient, since it would increase the state power and would further limit the independence of the faculties that had already achieved autonomy. Subsequently, Dean Rencoret spoke directly with representatives of University of Chile and managed to reach an agreement that had the approval of the Council of University of Chile and the Faculty of Medicine<sup>111</sup>.

The private universities recognized by the State would follow a minimum plan equivalent in studies to those of University of Chile, but within that minimum they had total freedom of programming. They could also grant the Bachelor of Medicine degree, approve thesis and give exams, but the University of Chile retained the exclusive right to give an exam for the title of Physician-Surgeon. A private University Professor would be on the examining commission, and the title had to be delivered with the same conditions established for the students of University of Chile. This agreement had to be established by Law, passed by the Congress<sup>112</sup>. Notwithstanding, the University Council of University of Chile prepared a report, at the request of the Ministry of Public Education, and of the Senate. This report indicated that the two bills that allowed Catholic and Concepcion Universities to award the Doctor-Surgeon degree, appealed to university autonomy. A reference was made to the Congress of Universities of Guatemala in 1949, in the same sense. The idea of academic autonomy had already entered fully, and strongly into the public discussion.

In the report issued by the University Council of University of Chile, they defended the idea of the “Teaching State”, and pointed out that in the most prominent countries, the degree granted by state universities was professional and understood as awarded by the State, while in countries with private universities the degree granted by them was not valid for practicing the profession and was merely academic.

In September 1954 and despite the opposition of the Radical Party, the Senate’s Education Commission approved the bill, and in July 1955, Law N° 11.861 entered into force. This norm determined the provisions to exercise and apply for the Medical Surgeon degree<sup>113</sup>. It also indicated the requirements for students of Catholic University to opt for the Medical-Surgeon degree (Art. 2°), stating that University of Chile would determine the tests to obtain the respective degree, which should be the same for the students of Universities of Chile, Catholic and Concepción. Notwithstanding this, the Commission formed by University of Chile to give the exam for graduates of private universities, should include a Professor appointed by the Respective University’s President (Art. 3°). The annual examinations of Catholic and Concepcion Universities would be submitted to Commissions appointed by them and their results would be communicated in writing within 60 days (Art. 5°)<sup>114</sup>. Finally, in July 1957, the Comptroller’s Office issued a report in which he indicated that neither the State nor University of Chile could ignore the validity of the professional degrees granted by the Universities recognized by the State to hold public positions, since they legally enjoyed the same value than the degrees granted by state universities<sup>115</sup>.

[109] Krebs, Muñoz, Valdivieso (n 11) 449.

[110] *Ibidem*.

[111] *Ibidem*.

[112] Actas del Consejo, 25.8.1954 6/483.

[113] Krebs, Muñoz, Valdivieso (n 11) 449–450.

[114] Ley N° 11.861 que, fijó las condiciones para ejercer y optar al título de Médico-Cirujano. Retrieved from: <https://www.leychile.cl/Navegar?idNorma=26867&buscar=11861>

[115] Actas 22.7.1957 6/712.

#### 4. Academic religious freedom in postmodern times

Postmodernity is a cultural state that comes from the abandonment of large projects or collective narratives of the Western world<sup>116</sup>, and their replacement by an inordinate attention to individual or collective “sensitivity”, coupled with the desire to transform mere interests into rights protected by the legal system, on the basis that there are no common moral standards<sup>117</sup>. This philosophical and cultural movement is triggered at the end of World War II, in Europe and partially in the United States. The Latin American countries are arriving with a certain delay, but it frankly starts during the first years of the 21<sup>st</sup> century. From an educational point of view, however, religious freedoms began to shape much earlier, in the fifties and sixties of the twentieth century. The enemies of private education, especially the ones managed by religious communities, were expanding in number and so did the types of justification to reject their existence. The opposition itself from University of Chile against Catholic University was transforming its rejection into different currents of thought that dominated the cultural scene. In September 1955, a Congress of Middle School Teachers was held in Chile, where Marxist-inspired teachers – increasingly numerous – criticized private education through the argument of the oppressive social classes. The Freemasons, in due time, demanded the end of public subsidies for private catholic schools, but nothing was said at that time about Catholic University. Rafael Hernández, Secretary of the Superior Council of said House of Studies, defended the grants on that same day, but also the general concept of freedom of education<sup>118</sup>.

In the 1960s, as it is well known, there were a series of relevant changes in the Western public scene, such as the Second Vatican Council in the Catholic Church, the birth of the *Hippie* movement, the commercialization of the contraceptive pill, the Vietnam War, the “French May of 68”, the “Prague Spring”, etc. The problem, however, was much more profound, as society was starting a process that would take it to the 21<sup>st</sup> century. A new methodological modality was unfolding from post-structuralism: a cultural nihilism would later find support in the ideas of biopolitics (Foucault) and deconstructivists (Derrida).

Chile did not remain indifferent to the changes that were taking place in the world, neither from the speculative point of view, nor from the practical one. Nor did the Catholic University, from which a group of reformist students emerged, who embraced these ideas of frustration and nonconformity, so representative of the end of modernity and of the beginning of postmodernity, as was seen in the so called French May. In 1967, the President of the Federation of Students of Catholic University (FEUC), Miguel Ángel Solar, pointed out that, according to him, the University was in crisis, and that there was a non-existence community dimension in the University, and no organization of Professors. This was a very modern idea, since medieval Professors would have never considered themselves as a part of a distinct group, separated from the University, in a condition to actually make demands from it<sup>119</sup>. This is the attitude that gave birth to the very idea of academic freedom, understood as a right of scholars against universities and political authorities. Solar accused also the University and its authorities of not responding to the new times and to act indifferently to the problems and urgencies of Chilean society, in part due to the lack of an effective dialogue between reason and faith<sup>120</sup>. Catholic University, therefore, was not – in his opinion – fulfilling its main duties.

In June of the same year, in a session carried out by the Superior Council of the University to review and approve the new text of the General Regulations, Solar pointed out that Catholic University was sort of an “Ivory Tower”, which had a monarchical, sectarian and classist character (the typically

[116] Jean-François Lyotard, *La condición postmoderna* (Cátedra, 1987) 18 ff.

[117] Alejandro Llano, *La nueva sensibilidad* (Palabra, 2017). Cf. cap. La sensibilidad postmoderna.

[118] Krebs, Muñoz, Valdivieso (n 11) 450.

[119] Walter Metzger, *Academic Freedom in the age of the university* (Columbia University Press, New York, 1961), pp. 15 ss.

[120] Krebs, Muñoz, Valdivieso (n 11) 655–656.

neo-Marxist argument), therefore it should urgently be reorganized<sup>121</sup>. The direct responsible of these shortcomings were the University's Leadership, specifically, the President and the Holy See<sup>122</sup>. By the end of June, the Council of Presidents of the Student's Federation (FEUC) called for a plebiscite to define the continuity of Monsignor Alfredo Silva Santiago as the University's President, which caused a strong criticism by sectors opposed to the realization of the plebiscite. The Standing Committee of the Episcopacy issued a statement recognizing the obligation to make changes in Catholic Universities<sup>123</sup>. In the end the plebiscite was held, in which although a large number of students voted for the resignation of the President, another large number of students refrained from participating<sup>124</sup>.

The new General Regulations of the University failed to satisfy the students' desire for reform. On August 10, 1967, the FEUC's President gathered the General Council of the Federation, and indicated that they had not received any response to their requests, so after voting the Assembly, they decided to start a general strike<sup>125</sup>. On August 11, 1967, by dawn the doors of the Catholic University were locked with padlocks and chains<sup>126</sup>. That same day, students opposing to the reformists failed in trying to re-seize the building of *Casa Central* (University's central campus). When they failed, they organized a Defense Command of Catholic University and issued a press statement rejecting the changes proposed by the Students Federation, as they sought to destroy the autonomy of the University against the State. Monsignor Silva Santiago refused to evict the University by the police, since the University authorities were not sure whether the Government would use or not the public force. The Government replied that, if requested by the University's President (Rector), they would, but the use of force was of the exclusive responsibility of the latter. Silva Santiago was a complete supporter of autonomy. He thought that political and civil authority should not intervene. This position led to the resignation of one member the Superior Council (Carlos Vial), by failing to share what was judged by an erroneous conception of autonomy by the Rector. In his resignation letter, Vial questioned whether autonomy meant the lack of protection of the University, when it was physically seized by the students. This opinion was shared by many, especially within the Law School.

Finally, the government of President Frei Montalva (1964–1970) requested the intervention of Cardinal Raúl Silva Henríquez and the Holy See in the crisis of the University, which ended with the resignation of Monsignor Silva Santiago as Rector and the nomination of Fernando Castillo Velasco as Pro-Rector<sup>127</sup>. Frei was inspired by a Christian social vision, based on modern and progressive Catholics, especially Jacques Maritain, Emanuel Mounier, as well as Castillo Velasco himself<sup>128</sup>, who decided to run for the Rectory. In November 1967 the election took place and a list of three candidates was formed. Castillo Velasco occupied the first place. This list was sent to the Congregation for Universities in Rome, which finally designated him as Rector.

In 1970 the political coalition known as *Unidad Popular* (Popular Unity) won the election for the Chilean Presidency, therefore Salvador Allende Gossens assumed as President, and would initiate what this political coalition would define as “the Chilean way to socialism”. In December 1971, Allende organized the National Education Congress, attended by more or less a thousand delegates<sup>129</sup>. The objective of the congress was to explore a new educational system, with the participation of education and community workers having a leading role in decision making. It also contemplated the creation

[121] Krebs, Muñoz, Valdivieso (n 11) 657.

[122] Krebs, Muñoz, Valdivieso (n 11) 658.

[123] Krebs, Muñoz, Valdivieso (n 11) 659–660.

[124] Krebs, Muñoz, Valdivieso (n 11) 661.

[125] José Joaquín Brunner y Gonzalo Catalán, *Cinco estudios sobre Cultura y Sociedad*, FLACSO (Facultad Latinoamericana de Ciencias Sociales), Santiago, 1985, 261 ss.

[126] Krebs, Muñoz, Valdivieso (n 11) 667.

[127] Krebs, Muñoz, Valdivieso (n 11) 678–684.

[128] Aldo Casali, “Reforma universitaria en Chile, 1967–1973. Pre balance histórico de una experiencia frustrada”, en *Intus Legere*, vol. V n. 1 (2011), p. 95 (81–101).

[129] Revista de Educación del Ministerio de Educación (Febrero de 1973), p. 89.

of Education Councils, at the regional level, with the participation of Trade Unions, student and community organizations. It had broad attributions regarding the elaboration, execution and evaluation of educational plans, which would be defined by the Ministry of Education. This was supposed to be called the “Unified National School” (ENU). It was a complete centralization of educational contents, to indoctrinate the population in Marxist structures: it highlighted its “revolutionary character, enabling men to create and participate in social, economic and cultural change”, avoiding “the capitalist system, which would repeat the domination of majorities by minorities, and the exploitation of man by man”<sup>130</sup>. This reform did not formally touch on universities or their academic freedom, but aimed to directly influence them both for their content and from the indoctrination of their future students.

In 1971, Allende reformed the Constitution, by means of Law N° 17.398, Art. 7°: State universities and private institutions recognized by the State are legal persons endowed with academic, administrative and economic autonomy. It is up to the State to provide its adequate financing so that they can fulfill their functions fully, according to the educational, scientific and cultural requirements of the country. Access to universities will depend exclusively on the suitability of applicants, who must be graduated from secondary education or have equivalent studies, which would allow them to meet the objective requirements of academic nature. The access and promotion of professors and researchers within the academic career would consider their capacity and skills. The academic staff would be free to develop and teach the subjects according to their ideas, within the duty of offering their students the necessary information on the diverse and discrepant doctrines and principles. University students would have the right to express their own ideas and to choose, as far as possible, the teaching and tuition of the professors they prefer.”<sup>131</sup>

This new text incorporated administrative, academic and economic autonomy of state and private but recognized universities. At the last point it was the obligation of the State to provide financing for the full development of its functions, in accordance with the requirements of the country. The great novelty is that it incorporates for the first time in the constitutional text the academic freedom of scholars, by saying that the academic body has the freedom to teach the subjects according to the free course of their thinking, but with the obligation to give the students the intellectual tools to exercise critical reflection. As far as the legal text, it expressly included academics of private, religious institutions, since the autonomy of such institutions occupied the first part of the norm. This has been the only time that academic freedom was explicitly incorporated into the Chilean Constitution. Its validity extended until the new Constitution of 1980 was drafted.

Due to the situation of social chaos and abuse of the Law during the Government of Salvador Allende and the Communist Party, on September 11, 1973, the Armed Forces replaced the Government by a Military Board composed by the three branches of the Armed Forces and the Chilean uniformed Police, thus ending the historical period known as Popular Unity and beginning the Military Regime (1973–1990).

## 5. The University during the Military Government and the 1980 Constitution

On October 1, 1973, the Military Government Board issued Decree No. 50, in which it appointed “Delegated Rectors” in all the universities of the country. These Rectors were entitled to exercise all powers and functions corresponding to regular Rectors in accordance with the laws and university

[130] Antonieta Molina, “La ENU y los conflictos de la política educacional del gobierno de Allende. Una mirada republicana”. Tesis para optar al grado de Licenciatura en Filosofía, Universidad de Chile, 2011, p. 9. Retrieved from: [http://repositorio.uchile.cl/bitstream/handle/2250/110013/fi-molina\\_m.pdf?sequence=3&isAllowed=y](http://repositorio.uchile.cl/bitstream/handle/2250/110013/fi-molina_m.pdf?sequence=3&isAllowed=y)

[131] Ley N° 17.398 que modifica la Constitución Política del Estado. Retrieved from: <https://www.leychile.cl/Navegar?idNorma=28981>

resolutions in force or agreements issued in accordance with such law<sup>132</sup>. The Rector who was appointed to serve at the Pontifical Catholic University of Chile was Retired Admiral Jorge Swett, who communicated with the Grand Chancellor, in order to be confirmed by the Holy See, according to the norms of Canon Law and the Statutes of Catholic Universities. Admiral Swett was canonically confirmed without objections of any kind<sup>133</sup>.

For what is concerned, Rector Swett in its 1975 public statement regarding the state of the University, indicated that the basis of his university governance, and his actions as Rector would be that freedom of thought will be respected at all levels in the academic activity, thus consecrating academic freedom<sup>134</sup>. Now, since said academic freedom was taking place in a university that professed an ideology (or ethos), in August 1977 Swett created a commission to prepare a *Declaration of Principles* of the Pontifical Catholic University of Chile, a document that the Congregation for Catholic Education definitively recognized in October 1979. For Rector Swett it was of great importance that the University did not lose its identity, so it insisted that the name of the University be the “Pontifical Catholic University of Chile”<sup>135</sup>. In Title IV, Art. 6 of said Declaration, it is stated that “the autonomy of the University is a necessary condition to perform an efficient and fruitful service. This does not mean that the University postulates itself outside the legal system of the country, but affirms its inalienable right to define its specific purposes without undue interference from foreign authorities, to manage its internal administration and resources with responsible freedom, and without further limitations that those strictly imposed by the common good”.

In 1978, in addition, Rector Swett formed a commission in charge of the drafting the new Statutes for the University, which were approved in April 1982 by the Holy Congregation for Catholic Education<sup>136</sup>. In Title II it refers to autonomy, stating that the University is an institution that “enjoys autonomy and academic freedom” (Art. 7°). In Article 8°, that said autonomy is defined as “the right to decide for itself, in accordance with its Statutes and Regulations, all those matters related to the fulfillment of its purposes. This autonomy is academic, economic and administrative”. Academic autonomy is understood as the possibility of deciding for itself, through its competent bodies, the way to fulfill its functions, teachings, research and outreach and to determine its study plans and programs. On the other hand, it reaffirms academic freedom, sustaining that “The members of the Pontifical Catholic University of Chile enjoy academic freedom in accordance with the *Declaration of Principles* of the University. In this sense, academic freedom includes the possibility of analyzing any form of thought, giving it an objective and reasoned appreciation, exposing its positive and negative aspects, and clearly making known the thought of the Church in regard to such forms of thought or streams of ideas, and the norms of Natural Law.

It follows stating that the University sets its autonomy against the political power, but also against the Church (in an administrative sense), claiming the power to make its own decisions. In addition, it sets the principle of academic freedom for its scholars, in the sense allowing them to follow the course of their intellectual reflections without being interfered, with the sole exception of respecting the principles of the University, which are the principles of the Catholic Church. This is the usual formula of this right when refers to faculties in universities with an ideology or ethos. The statement of Swett, nevertheless, had also a political meaning, given the situation of political distress lived in the country during those years.

[132] Decreto Ley N° 50 que designa Rectores-Delegados en Universidades del país. Retrieved from: [https://www.leychile.cl/Navegar/index\\_html?idNorma=5702](https://www.leychile.cl/Navegar/index_html?idNorma=5702)

[133] Ricardo Krebs, María Angélica Muñoz and Patricio Valdivieso, *Historia de la Pontificia Universidad Católica de Chile 1888–1988*, vol. 2 (Ediciones Universidad Católica de Chile, 1993) 758.

[134] Krebs, Muñoz, Valdivieso (n 155) 761.

[135] Krebs, Muñoz, Valdivieso (n 155) 771.

[136] Pontifical Catholic University of Chile, Declaration of Principles. Retrieved from: <http://secretariageneral.uc.cl/documento/normas-generales/113-declaracion-de-principios/file>

The political and civil power in Chile never had any problem in respecting neither the autonomy nor the academic freedom of catholic universities. In fact, the 1980 Constitution, proposed by the Military Government and submitted to a plebiscite, eliminated the reference to the freedom of professorship that had been incorporated in 1971, but not because the Government was against it, but because academic freedom was considered included in the fundamental freedom of expression, as usually is the case in the hermeneutics of human rights and fundamental guarantees. When these rights are considered as “foci of meaning”, they do not require an enumeration of the rights implicit in each one of them, on the contrary, it is considered that that attitude would rigidize the norm. The constituent would also have recognized this in two different guarantees, the Right to Education (Art.19 N° 10)<sup>137</sup> and the Freedom of Education (Art.19 N° 11)<sup>138</sup>.

In the so-called “Ortúzar Commission”, which was in charge of drafting the final text of the new Constitution, the subject-matter of freedom of education was extensively discussed, unlike the two previous Constitutions of 1833 and 1925. It added elements that had not been discussed before in the constitutional level, such as the aforementioned academic freedom. These discussions were recorded in volumes IV and VII of the commission. We will review them briefly, due to their importance to the topic at hand. In session 133 (June 1975)<sup>139</sup>, Jaime Guzmán, the intellectual designer of the new Constitution – by the way Professor of Catholic University’s Law School – wonders if, in the case of accepting compulsory study programs (for schools), the academic freedom would be reduced or not, indicating that, in case it was, the freedom would be quite restricted. This allows us to conclude that, for him, this type of freedom was one of the elements of a broader one: freedom of education. In this context, the guest member of the Commission, Gonzalo Figueroa Yáñez, pointed out that academic freedom was not absolute, since at a higher academic load the professor was forced to increase the pace with which he taught, reducing the possibility of innovating. Thus, it was concluded that the State limited the freedom of education with a too rigorous setting of programs. Dominguez later pointed out, in the same sense, that to give to a teacher a curriculum that must be taught in a compulsory way, would annul the this type of freedom.

In session 135, held on July 3, 1975, lawyer Enrique Evans, pointed out that the 1925 Constitution did not develop freedom of education, but simply enshrined it, and added that it has been the jurisprudence, doctrine and writers who have fixed the sense of freedom of education. He thought it was a matter of full consensus among the writers and in the texts of Constitutional Law, the existence of three goods that make up the freedom of education: freedom of teaching, opening and maintaining constitutional precincts along with the right of parents to educate their children. Later, Evans reiterated freedom of

[137] Art. 19º: The Constitution assures to all persons:

Nº 10. The right to education. Education has as its goal the full development of the person in the distinct stages of his life.

Parents have the preferential right and the duty to educate their children. It will correspond to the State to provide special protection for the exercise of this right.

For the State it is obligatory to promote preschool education and to guarantee the free access and fiscal financing to the second level of transition, without this constituting a prerequisite for admission to basic education.

Basic education and secondary education are obligatory; the State must finance a gratuitous system with this objective, designed to assure access to it by all of the population. In the case of secondary education, this system, in conformity to the law, will be extended until 21 years of age has been reached.

It will, likewise, correspond to the State to promote the development of education at all levels; stimulate scientific and technological research, artistic creation, and the protection and increase of the cultural patrimony of the Nation.

It is the duty of the community to contribute to the development and improvement of education;

[138] Art. 19º: The Constitution assures to all persons:

Nº 11º. – The freedom of education includes the right to open, organize and maintain educational establishments.

Freedom of education has no other limitations but those imposed by morals, good customs, public order and national security.

Officially recognized education cannot be oriented to propagating any type of political-partisan tendency.

Parents have the right to choose the educational establishment for their children.

A constitutional organic law will establish the minimum requirements which must be required for each of the levels of primary and secondary education and will specify the objective norms, of general application, that permit the State to see to their compliance.

Said law will, in the same form, establish the requirements for the official recognition of educational establishments of all levels.

[139] All these acts retrieved from: <https://www.bcn.cl>

teaching as an element of freedom of education. Jorge Ovalle, another member of the Ortúzar Comisión, understood the autonomy of universities as teaching without any supervision and without being previously controlled. Academic freedom entailed economic and administrative autonomy, not because these liberties were *per se* academic freedom, but because they reinforced the freedom of teaching, since in his opinion there could be no academic freedom if the one who exercises it does not receive a salary according to the dignity of his work, and without properly distributed schedules. Thus, with the promulgation of the current Constitution of 1980, the Republic of Chile assured explicitly, as in the two previous Constitutions, the freedom of education, in Art. 19 No. 11. The Chilean State also assured, now implicitly, academic freedom, as a condition of teaching. We insist on the fact that the new Constitution does not distinguish between public or private universities, neutral or with ideology, so that its rules refer to all, without exclusion, as the former texts did.

However, in the same year 1980, the Legal Decree No. 1 was also promulgated<sup>140</sup>. This norm regulated matters relative to the academic freedom and the autonomy of the Universities. With this object, it defined University in its Art. 3, as “an autonomous institution that enjoys academic freedom and that relates to the State through the Ministry of Education”. The novelty of this rule is that it incorporated, now expressly, academic freedom to the concept of University, unlike Art. 2 of Legal Decree No. 280 of 1931. University academic freedom, then, including that of religious institutions, was covered by the interpretation of the constitutional text, and by means of an express norm on the legal level.

The aforementioned Legal Decree No. 1 defined, in due time, university autonomy as “the right of each university to govern by itself, in accordance with the provisions of its statutes, everything concerning the fulfillment of its purposes and it includes academic, economic and administrative autonomy” (Art. 4°). In that same Article examples were given of the content of each one of those autonomies. Regarding academic autonomy, it included the power to choose the way to carry out the functions of extension, research and teaching and the setting of their programs and curricula. In relation to economic autonomy, it empowered the University and its authorities to use all resources in order to fulfill its own purposes, in accordance with its Statutes and internal regulations. Finally, administrative freedom allowed each university to determine the form it deems most appropriate to organize its operation, in accordance with the law and its Statutes.

The norm in Art. 5° regulated, but did not define, academic freedom. It stated that the right included the ability of “seeking and teaching the truth in accordance with the canons of reason and methods of science” and of “opening, organizing and maintaining educational establishments, complying with the requirements established by law”<sup>141</sup>.

Art. 6° indicated what were the limits of this academic freedom and the autonomy of the University: such attributes did not extend to protect or transmit behaviors or actions incompatible with the legal system, or authorize activities aimed directly or indirectly at propagate partisan political tendencies. Ideological political indoctrination is excluded from campuses. This indoctrination was defined as “the teaching and dissemination that exceed the common terms of objective information and reasoned discussion”. Finally, Art. 8° indicated that Universities will establish the ways to protect academic freedom and autonomy, through their respective statutes.

[140] Decreto con Fuerza de Ley N° 1. Retrieved from: <https://www.leychile.cl/Navegar?idNorma=3394>

[141] Decreto con Fuerza de Ley N° 1.



## 6. The economic argument, plus another one

In 1983 assumed as Grand Chancellor of Pontifical Catholic University of Chile Monsignor Juan Francisco Fresno. When taking office he immediately pointed out, among the ideas that should guide the University, that was essential for the University to achieve a good atmosphere of academic freedom: “May it be the expression of maturity achieved in the contemplation of the truth, in the respect of it, in fidelity to its experience and in the commitment of that truth to the good of all men [...]”<sup>142</sup>.

A year later, in 1984, the rectory of Admiral Jorge Swett ended. The Military Government proposed then as new Rector to Juan de Dios Vial Correa, Medicine Doctor, who was also easily ratified by the Holy See<sup>143</sup>. With him, the Rectorate returned to the academic staff, after years in the hands of the Navy (despite tenure of Admiral Swett was undoubtedly positive for Catholic University). Although Doctor Vial had also been proposed by the Military Government, and not by the university faculty, he had an excellent performance as Rector, and was followed fifteen years later by another Medicine Doctor, Pedro Rosso, who began his period in 2000, along with the new millennium, to end it in 2010.

At the very beginning of Rosso’s period was publicly raised the argument, by some people who supported the socialist presidential candidate, Ricardo Lagos, that the State should not finance an educational institution that belonged to the Catholic Church (as it was Pontifical Catholic University of Chile), unless it behaves like a state university, that is to say, supposedly neutral, without ideology, „pluralist”. One of the most important defenders of this argument was Professor Agustín Squella, from the University of Valparaíso, and future Minister of President Lagos.

What we have presented here is the same argument, although without the economic content, used by the initiators of the AAUP: American Association of University Professors, who are responsible for what we could call the “modern concept” of academic freedom. According to John Dewey and his followers, there would only exist academic freedom in public universities, because only their kind would be neutral<sup>144</sup>: thus, it is considered that such private institutions do not accept the principles of freedom of research, opinion or teaching; their purpose would be not the advancement of knowledge through unrestricted research and free discussion by impartial academics, but rather to support the dissemination of opinions issued by normally non-academic subjects, which provide the institution’s funds<sup>145</sup>. Dewey – one of the founders of the AAUP – says that discussing the issues that are summarized in the expression academic freedom, it is necessary to distinguish between the universities „properly said” (sic), and those teaching bodies whose primary objective is to install a certain set of facts and ideas. The former seeks to discover and communicate the truth, and make the audience better judges of the truth and better applicators of it in everyday affairs. The second aims to perpetuate a certain way of seeing things that belongs to a group of people. Its objective would be rather to discipline than to train, not so much at the expense of the truth, but in such a way that what is already considered true by a considerable group of people is preserved<sup>146</sup>. Dewey does not deny the right of any religious, political or even economic institution to run higher education centers from a legal point of view<sup>147</sup>; his argument – and that of the AAUP – is rather of a moral nature: such institutions *could not reach the truth*, which would be forbidden by the fact of supporting certain propositions that are considered *ex*

[<sup>142</sup>] Krebs, Muñoz, Valdivieso (n 155) 876.

[<sup>143</sup>] Krebs, Muñoz, Valdivieso (n 155) 785.

[<sup>144</sup>] Este es un argumento que caracteriza a todo el sistema educativo norteamericano, porque tiene un origen histórico, relativo a la necesidad de generar instituciones académicas compuestas por personas de distinta fe. Es totalmente ajeno al mundo católico.

[<sup>145</sup>] AAUP, General Declaration of Principles, 1. Basis of Academic Authority, 1915. Cf. also Raúl Madrid, “El derecho a la libertad de cátedra en la Declaración de la *American Association of University Professors* de 1915”, in *Revista de Estudos Constitucionais, Hermenêutica e Teoria do Direito (RECHTD)*, n. 3 (2017), pp. 212–220.

[<sup>146</sup>] John Dewey, “Academic Freedom”, *Educational Review*, vol XXIII (January-May 1902), p. 1 (1–14).

[<sup>147</sup>] *Ibid.*, pp. 1–2.

*ante* as true. They would be, so to speak, horrific creations, but lawful, based precisely on the freedom that, as a background, would constitute the true horizon of meaning of human action.

When President Lagos was elected, Rector Pedro Rosso, very resourcefully, invited him to give the Inaugural Class of the Academic Year at the University, in March 2001. At that time, the newly elected President Lagos settled the problem, stating that Catholic University has been and is a very important institution for the country, and therefore should be financed and have the support from the State<sup>148</sup>.

After Dr. Rosso, another Medicine Doctor came to the direction of the University: Ignacio Sánchez, whose period ends in March 2020. The aforementioned argument, however, has continued to be repeated over the years, during all these Rector's periods. In 2016, Patricio Basso, former Executive Secretary of the National Accreditation Commission, reintroduced the debate on financing private universities with a "public role". His argument was the following: One thing is to finance research and another is teaching. His thesis is that research must be publicly funded, but not teaching: "What the State should not do is to finance [religious] education, because the State is under no circumstances obliged to provide resources to the Vatican, and help spreading religious principles to the students. The teaching, thus, should be financed by the Vatican. If it is not the case, an orthodox university will appear, and the State will have to finance the studies so that children can convert to the Orthodox faith? No. Research, yes. Teaching, no". In the same vein, an interview with a leftist political candidate (Alberto Mayol) was published in a paper in 2019<sup>149</sup>. He argued that "We live in a secular State, and sometimes we forget it." In this way, he tried to justify the differential treatment that such a state would have to grant to confessional universities. Its objective was to attack the Pontifical Catholic University of Chile, for having had "the audacity" (sic) of not allowing an act of collective masturbation in its establishment, organized by the Left Student Associations. However, to prohibit such a performance, it was not even necessary to invoke the character of "Catholic". It would have been enough to invoke his status as a university: a free space for the cultivation of knowledge and the confrontation of ideas, but not for that any practice that is desired by its students, and less one of such a bad taste.

The same thing happened with regard to the abortion debate. As Catholic University declared that it would not perform abortions, in case the decriminalization law was passed, the same argument reappeared in the debate (that is to say, to not publicly fund Catholic University), now criticizing the resistance of the University to obey these policies. The academy responded by arguing that the discussion pointed to a more substantive issue, namely the approval of abortion as an enforceable legal right (which was actually behind the mere decriminalization contained in the bill) which led to the question about the legitimacy or illegitimacy of certain institutions to refuse to practice it, even though it was approved by the legal system. Some students declared themselves surprised because their university had an ideology, as if their name of "Catholic" was ambiguous; others thought that it has an ideology, but that they themselves were in a position to intervene such declaration of principles at his discretion, as if the "pontifical" title was simply decorative. This situation speaks of a sharp neglect on the part of the university authorities of the catholicity of the "authentically human community", in the sense *Ex Corde Ecclesiae* had spoken<sup>150</sup>.

All this discussion leads to the idea of the so-called "institutional conscience". That is the formula that was installed in the discussion in Chile, from the year 2000, to think about the legitimacy of an objection other than the one performed by a sole individual. This is the crux of the academic freedom of religious institutions, and is, so to speak, a continuation of the modern argument of neutrality explained by Dewey in the early twentieth century. The most persistent opponent in Chile to the very

[148] The author of this paper attended to this discourse, since he was at that time Secretary General of Pontifical Catholic University of Chile.

[149] Manfred Svensson and Claudio Alvarado, 'Chile: Universidad confesional y país pluralista' (*Nodal Radio* 6 December 2019). Retrieved from: < <https://www.nodal.am/2017/09/universidad-confesional-pais-pluralista-manfred-svensson-claudio-alvarado/> >

[150] Apostolic Constitution *Ex Corde Ecclesiae* 2, n. 21.

idea of a group conscience has been, as we mentioned before on the subject of university financing, Professor Agustín Squella. For him, a group conscience would only be a way of supplanting the conscience of other members of these associations. Thus, there would be only individual consciences. This argument has been repeated insistently, but without paying any attention to the reasons that have been compounding against it. The idea of a group act has been the subject of reflection by leading thinkers during the last decade, such as Deborah Tollefsen<sup>151</sup>, Christian List and Philip Pettit<sup>152</sup>. Even Harold Laski had already spoken a century ago about “the personality of associations” to address these problems<sup>153</sup>. The least that could be asked of those who repeat the idea of single individual conscience in Chile today is that they become aware of the existence of these debates, where the autonomy of the groups is rescued, among which religious groups and institutions are certainly included, such as the Pontifical Catholic University of Chile. But no particular rapport with these authors is required to understand what is discussed around the situation we describe: the institutions must declare their ideology, their programs, their vision and mission, because not only individuals can refuse to do something, not Only individual subjects have goals or purposes.

## 7. Academic freedom

The last argument to attack the freedom of religious institutions in Chile has been, of course, academic freedom. In March 2015, the Cardinal of Santiago and Grand Chancellor of the Pontifical Catholic University of Chile, Ricardo Ezzati, making use of his faculties and powers, decided to dismiss Professor of Theology Jorge Costadoat, sj, who was informed that he would not be renewed, losing the Catholic mission to teach at the Faculty. The Cardinal said that “The academic trajectory of Professor Costadoat reaffirms unwise statements that blur the Magisterial teaching of the Church at various central points of it.” It should be noted that the Grand Chancellor had discussed the point three years before with Professor Costadoat, calling his attention to some shortcomings in his theological and teaching work that required corrective actions. It seems pertinent to remember that, in 2012, the Grand Chancellor again handed him this mandate, which he had pending some years ago, for academic situations that had not been resolved for a long period. On that occasion he was given the canonical authorization to teach conditionally, with some observations.

The affected responded by addressing the issue as a violation of his academic freedom: “*The Rector affirms that in the Catholic University there is academic freedom for his professors and researchers. I have repairs. The reactions to Cardinal Ezzati’s decision not to renew my “canonical mission” demonstrate that academics perceive that a precedent of censorship is felt, and it is doing bad to the University. They confirm that in the University there is fear. I know that there are teachers who feel watched over their life or way of thinking. There are censored issues. There are people who usually write letters to the Roman congregations of Education and Faith.*”<sup>154</sup> This was also the argument of the academics who sympathized with him, and thus he tried to present the case to the public opinion, taking advantage of the case to blame the University for its lack of plurality and obscurantism (sic).

Squella – him again – intervened supporting Costadoat’s thesis, and re-taking the economic argument: “The directors of our Catholic universities like to say that they are equal to State universities, or at least as public as them. Although they say so only to bid for State resources, but not to realize that academic freedom inside their campuses has limitations imposed by the local or Vatican ecclesiastical

[151] Deborah Tollefsen, *Groups as Agents* (Polity Press, 2015).

[152] Christian List and Philip Pettit, *Group Agency. The Possibility, Design and Status of Corporate Agents*, (Oxford University Press, 2011).

[153] Harold Laski, *Reflection on the Revolution of our Time* (George Allen & Unwin Ltd, 1943).

[154] Jaime Costadoat, sj., letter to *El Mercurio* (Santiago, 31 March 2015) 2.

hierarchy”<sup>155</sup>. And then Squella repeats Dewey’s argument: “[Catholic universities] have no right to declare themselves on equal terms with respect to those that are not. Plurality as a simple diversity in fact exists in State universities – and also, to some extent, in Catholic ones – but what is not in the latter, or there is very limited, is pluralism, that is, acceptance and unrestricted tolerance for diversity”<sup>156</sup>. The next day, the former Rector of University of Chile, Juan de Dios Vial Larraín, answered to Squella, arguing that “it seems natural that [a professor of Theology] should fully respect the Magisterium of the Church, not for some kind of servitude, but for being the matter assigned to his chair”<sup>157</sup>. On the other hand, Carlos Peña, Rector of the Diego Portales University, intervened supporting the alleged lack of academic freedom, arguing that “of course freedom must have a meaning, and it is true that what results from the exercise of this type of freedom does not necessarily have the truth on its side. But from there it does not follow that the sense that encourages freedom, or the criterion of truth that underlies the dialogue, must be in the hands of a sole proprietorship that, bypassing the peer trial and the rational and open debate, administers them”<sup>158</sup>.

The matter was finally resolved by the former Rector of the Pontifical Catholic University of Chile, Juan de Dios Vial Correa, also in a letter to the newspaper. We fully transcribe his testimony, because of the importance: “one of the most important aspects of the life of the Church is the teaching of Catholic doctrine in the most diverse contexts and levels. The responsibility for this teaching rests ultimately in the Church itself and in the person of its shepherds. Those who exercise the teaching function on behalf of the Church (a Faculty or a theology professor, for example) are required to be accepted by her as suitable for that function. Teaching on behalf and with the authority of the Church is different than doing it with any other discipline. Whoever helps teach the way of salvation, must do so in the spiritual realm of filial obedience. Bringing ideas such as academic freedom to this matter, for example, only helps to confuse the issue”<sup>159</sup>. Vial’s speech, then, reduced the problem to its true dimension, and took it out of the scope of academic freedom, where the enemies of the Catholic University were trying to drag it. This issue, however, has continued to appear in the media, as well as the supposed “private character” of catholic universities.

Therefore, academic freedom of religious institutions in Chile suffers today, in a general way, from the objections that arise in a globalized world dominated by the media and social networks. This affects, in Chile, a solid Catholic tradition, which has been greatly diminished since the 21<sup>st</sup> century. While it is true that in Chile there are several Catholic universities, all of them were headquarters of the Pontifical Catholic University of Chile, whose history constitutes the central part of the discussion in the country on institutional autonomy and freedom of professorship, and therefore concentrates the majority of attacks. Nihilism and anarchism, sometimes culturally dominant, have been especially hostile to the University, trying to argue that academic freedom consists in the denial of the possibility to formulate material, universal moral statements, as we have seen in the previous cases, where the declaration of one truth and the rejection of error is considered a violation of academic freedom and an act of censure.

We believe that a scientific study is further required on the concrete way in which postmodernism includes academic freedom in general, but specially in ideological and religious universities such as Catholics. Today, the very idea of academic freedom has ceased to mean, in the immediacy of facts, what the modern creators of the concept expected to assure. This new, factual, post-hermeneutical idea of academic freedom is linked to notions such as biopolitics and deconstruction, and it is far, in my opinion, to ensure adequate freedoms for religious institutions, either in Chile or in other places of the planet.

[155] Agustín Squella, letter to *El Mercurio* (Santiago, 1 April 2015) 2.

[156] *Ibidem*.

[157] Juan de Dios Vial Larraín, letter to *El Mercurio*, April 2, 2015, p. 2.

[158] Carlos Peña, letter to *El Mercurio*, April 2, 2015, p. 2.

[159] Juan de Dios Vial Correa, letter to *El Mercurio* (Santiago, 2 April 2015) 2.

## BIBLIOGRAPHY

## 1. General Bibliography

- BELLO, Andrés, Discurso Inaugural. En <http://www.uchile.cl/portal/presentacion/historia/4682/discurso-inaugural> Consultado el 11 de septiembre de 2019.
- BARROS ARANA, Diego, *Historia general de Chile*, vol. IV, Editorial Universitaria, Santiago, 2006.
- BRAVO, Bernardino, *La Universidad en la Historia de Chile. 1622–1992*, Pehuén Editores, 1992.
- BRAVO, Bernardino, “*Non armis tantum sed litteris*. Estudios universitarios y forja de un núcleo dirigente en Chile (siglos xvii a xx)”, in *Anales de/Instituto de Chile*, Vol. XXIV, N° 2, Estudios, Santiago, 2004.
- BRAVO, Bernardino, “Universidad y Modernidad en Hispanoamérica. Autoafirmación de Chile y del Nuevo Mundo frente al viejo, del Barroco a la Postmodernidad”, in *Boletín de la Academia Chilena de la Historia*, N°. 108–109 (2000).
- BRUNNER, José Joaquín, y CATALÁN, Gonzalo, *Cinco estudios sobre Cultura y Sociedad*, FLACSO, Ediciones Ainavillo, Santiago, 1985.
- CÁRDENAS Mario, MELLAFE Rolando & REBOLLEDO Antonia, *Historia de la Universidad de Chile*, Ediciones de la Universidad de Chile, Santiago, 1992.
- CASALI, Aldo, “Reforma universitaria en Chile, 1967–1973. Pre balance histórico de una experiencia frustrada”, en *Intus Legere*, vol. V n. 1 (2011), pp. 81–101.
- COSTADOAT, Jaime SJ, letter to *El Mercurio* (Santiago, 31 March 2015) 2.
- DEL RÍO, Raimundo, ‘Memoria del Decano de la Facultad de Ciencias Jurídicas y Sociales de la Universidad de Chile 1946–1954’, I *Anales de la Facultad de Ciencias Jurídicas y Sociales*.
- DEWEY, John, “Academic Freedom”, *Educational Review*, vol XXIII (January-May 1902), p. 1 (1–14).
- ESPIÑOZA, José y CRUZ, Edgardo, “Los alumnos de Medicina”, Cincuentenario de la Facultad de Medicina UC.
- EYZAGUIRRE, Jaime (1977), *Historia de las Instituciones Políticas y Sociales de Chile*, Santiago, Editorial Universitaria, Segunda Edición.
- GÓNGORA Mario, “Notas sobre la educación universitaria colonial en Chile” in *Anuario de Estudios Americanos* 6, Sevilla, 1949, p. 162.
- KREBS, Ricardo, MUÑOZ, Angélica y VALDIVIESO, Patricio, *Historia de la Pontificia Universidad Católica de Chile 1888–1988*, Ediciones Universidad Católica de Chile, Santiago, 1993.
- LASKI, Harold, *Reflection on the Revolution of our Time*, George Allen & Unwin Ltd, 1943.
- LIST, Christian, and PETIT, Philip, *Group Agency. The Possibility, Design and Status of Corporate Agents*, Oxford University Press, 2011.
- LLANO, Alejandro, *La nueva sensibilidad*, Ediciones Palabra, Madrid, 2017.
- LYOTARD, Jean François, *La condición postmoderna*, Cátedra, Madrid, 1987.
- MADRID, Raúl, “¿Existe todavía el derecho a la libertad de cátedra? Dos corrientes polémicas en la academia norteamericana contemporánea”, en *Revista de Derecho*, vol. XXXI n. 1 (2018), pp. 31–50.
- MADRID, Raúl, “El derecho a la libertad de cátedra en la Declaración de la *American Association of University Professors* de 1915”, in *Revista de Estudos Constitucionais, Hermenêutica e Teoria do Direito (RECHTD)*, n. 3 (2017), pp. 212–220.
- MEDINA, José Toribio, *Historia de la Real Universidad de San Felipe de Santiago de Chile*, Imprenta y Litografía Universo, Santiago, 1928.
- MEDINA, José, *La Instrucción Pública en Chile desde sus orígenes hasta el establecimiento de la Universidad de San Felipe*, Santiago, 1905, vol. I, CLXVI y CLXVII.
- METZGER, Walter *Academic Freedom in the Age of the University*, Columbia University Press, New York, 1961.

- MOLINA, Antonieta, “La ENU y los conflictos de la política educacional del gobierno de Allende. Una mirada republicana”. Tesis para optar al grado de Licenciatura en Filosofía, Universidad de Chile, 2011, p. 9. Retrieved from: [http://repositorio.uchile.cl/bitstream/handle/2250/110013/fi-molina\\_m.pdf?sequence=3&isAllowed=y](http://repositorio.uchile.cl/bitstream/handle/2250/110013/fi-molina_m.pdf?sequence=3&isAllowed=y)
- MORALES, Raúl, “Colegio de Asistentes Sociales Espíritu del Proyecto de Ley para crearlo” en *La Universidad de Chile y las Universidades Particulares Informe sobre otorgamiento de los Títulos de Medico-Cirujano y de Visitadora Social*, Ediciones de la Universidad de Chile, 1954.
- SERRANO, Sol, “Universidad y Nación: Chile en el Siglo XIX”, Editorial Universitaria, Santiago, 1992, p. 31.ç
- SQUELLA, Agustín, letter to *El Mercurio* (Santiago, 1 April 2015) 2.
- SVENSSON and ALVARADO, Claudio, ‘Chile: Universidad confesional y país pluralista’ (*Nodal Radio* 6 December 2019). Retrieved from: < <https://www.nodal.am/2017/09/universidad-confesional-pais-pluralista-manfred-svensson-claudio-alvarado/> >
- THAYER, Tomás, “Las bibliotecas coloniales de Chile”, in *Revista de Bibliografía Chilena y Extranjera*, I N. 5 (1913), p. 149.
- THIJSSSEN, J.M.M.H., *Censure and Heresy in the University of Paris. 1200–1400*, University of Pennsylvania Press, Filadelfia, 1998.
- TOLLEFSEN, Deborah, *Groups as Agents*, Polity Press, Cambridge, 2015.
- VIAL LARRAÍN, Juan de Dios, letter to *El Mercurio*, April 2, 2015, p. 2.
- VIAL CORREA, Juan de Dios, letter to *El Mercurio* (Santiago, 2 April 2015) 2.

## 2. Documents

- AAUP (American Association of University Professors), *General Declaration of Principles of Academic Freedom and Tenure*, 1. Basis of Academic Authority, 1915.
- Apostolic Constitution *Ex Corde Ecclesiae*.
- Breve Charissimi In Christo*, Roma 11 de de marzo de 1619.
- Libro de la universidad de estudio general...* manuscript sent by the Provincial Baltasar Verdugo in June 1622, an existing copy in the Library of the Recoleta Dominica of Santiago.
- Constitución Política de la República de Chile.
- Decreto de Fundación de la Pontificia Universidad Católica de Chile, Arts. 1º y 2º. Boletín de las leyes y decretos del Gobierno N° 16, abril 17 de 1839.
- Memoria de la Pontificia Universidad Católica de Chile, 1920, en *Revista Universitaria* V, 192.
- Duodécima Sesión de la Subcomisión de Reformas Constitucionales, 26 de mayo de 1925, en *Actas Oficiales de las Sesiones celebradas por la Comisión y Sub-comisiones encargadas del estudio del Proyecto de Nueva Constitución Política de la República*, Imprenta Universitaria, Santiago, 1925,
- Trigésima Primera Sesión de la Subcomisión de Reformas Constitucionales, 30 de julio de 1925.
- Decreto con Fuerza de Ley N° 280 que aprobó el Estatuto Orgánico Universitario. Retrieved from: [https://www.leychile.cl/Navegar/index\\_html?idNorma=1040383](https://www.leychile.cl/Navegar/index_html?idNorma=1040383)
- Actas del Consejo Superior de la Pontificia Universidad Católica de Chile, 4.3. y 15.4.1953 6/327 y 6/338 y ss. Archivo Secretaría General.
- Actas Consejo Superior de la Pontificia Universidad Católica de Chile, 65. 1953 y 13.5.1953 6/334 y 6/350.
- Actas del Consejo Superior de la Pontificia Universidad Católica de Chile, 25.8.1954 6/483.
- Actas del Consejo Superior de la Pontificia Universidad Católica de Chile, 22.7.1957 6/712.
- Memoria del Decano de la Facultad de Ciencias Jurídicas y Sociales de la Universidad de Chile 1946–1954, Separata de los *Anales de la Facultad de Ciencias Jurídicas y Sociales*, Tercera Época, V. I., N°s 1–3.
- Sesión de la Cámara de Diputados 42a Ordinaria, En Miércoles 4 de Agosto de 1954, p. 2048.

- Ley N° 11.934 que, crea el Colegio de Asistentes Sociales. Disponible en <https://www.leychile.cl/Navegar?idNorma=26927> (revisado por última vez el 4 de noviembre de 2019).
- D.F.L N° 280, 24.7.1953, Diario Oficial 5.8.1953.
- Ley N° 11.994 que, crea el Colegio de Constructores Civiles de Chile. Disponible en <https://www.leychile.cl/Navegar?idNorma=26958> (revisado el 4 de noviembre de 2019).
- Ley N° 12.045 que, crea el Colegio de Periodistas. Disponible en <https://www.leychile.cl/Navegar?idNorma=27007> (revisado el 4 de noviembre de 2019).
- Ley N° 11.861 que, fijó las condiciones para ejercer y optar al título de Médico-Cirujano. Disponible en <https://www.leychile.cl/Navegar?idNorma=26867&buscar=11861> (revisado por última vez el 4 de noviembre de 2019).
- Ley N° 17.398 que modifica la Constitución Política del Estado. Retrieved from: <https://www.leychile.cl/Navegar?idNorma=28981>
- Decreto Ley N° 50 que designa Rectores-Delegados en Universidades del país. Retrieved from: [https://www.leychile.cl/Navegar/index\\_html?idNorma=5702](https://www.leychile.cl/Navegar/index_html?idNorma=5702)
- Decreto con Fuerza de Ley N° 1 (1980). Retrieved from: <https://www.leychile.cl/Navegar?idNorma=3394>
- Declaración de la Facultad de Medicina de la Universidad Católica ante el Programa del otorgamiento de los títulos Profesionales de Médico-Cirujano, Santiago de Chile, 1954, Biblioteca Central, Colecciones Especiales.
- La Universidad de Chile y el Título de Médico-Cirujano Informe del Honorable Consejo Universitario sobre el otorgamiento del Título Médico-Cirujano en La Universidad de Chile.
- Revista de Educación del Ministerio de Educación (Febrero de 1973).
- Pontifical Catholic University of Chile, Declaration of Principles. Retrieved from: <http://secretariageneral.uc.cl/documento/normas-generales/113-declaracion-de-principios/file>