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**The educational institution-types
of sacred sciences
and the development of the
regulating current canonical norms**

Theses of the PhD Dissertation

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Budapest, 2009

1. In the light of the II. Vatican Council, prophetic, namely teaching mission has been given a great emphasis in the mission of the Church. For this mission it uses new devices to announce the unchangeable desposit of faith. In the church law a crucial question is what kind of rules apply for those educational institutions which are related to studies of sacred sciences on higher level. Since the task of these institutions is to hand over the knowledge and the faith that it provides, which is the Church's own and which faith – without the Church – would seem to be inaccessible for people from different ages. Moreover, another task of the above mentioned institutions is to train those sacred ministries and secular employees who have been given the mission of handing over faith and the knowledge that is related to it. So with the help of the education of these people buliding of the Church itself, strenghtening its faith and formulating and re-formulating that in the given age happens.

Since this question is cosely related to its inner world, the Catholic Church would like to control the details of the education of saint studies entirely in the authority of its own law, and it does not allow any intervention from any other law and order. At the same time, since there are quesitons in which it is necessary and suitable to look for cooperation with secular authorities, the Church operates these institutions so that they serve the requirements of some states's civil law and order. Thus the schools working as higher level institutions according to the canon law are accepted identically by the civil law. So this question belongs to that field in which the states' and the Catholic Church' cooperation – based on unique and emancipated partnership – is relaized. At the same time, it has to be guaranteed that the basic personal and common right of religious freedom is respected by every civil authority, especially concerning the questions dealing with sacred studies and the training of the sacred ministries.

An exciting question of the whole Church law is, how the regulation develops historically in some semifields. We can declare that teaching of saint studies has been the part of the life of the people of God since the beginnings. It developed a great deal when a brand new institution, the university, appeared on the stage of history. Then a few centuries later, according to the decision of the Council of Trent, in the qualification of the clericals a new form, the seminary system was established. Within the scope of this essay we give a basic review of this long historical development, and we deal with the law-development in detail only after the 1917. Codex.

By chosing this topic our aim was to show a full-scale panorama of the higher level institutions that deals with saint sciences, taking into consideration all its aspects, to

investigate every kind of institute and formulate their mission and task in the language of the canon law and to introduce their current, church law situation.

In the following with give a frame of what kind of regulating environment succeeds at the moment in the life of these institutions, on the level of canon law, by formulating the starting-points.

2. According to the documents issued by the Congregation for Catholic Education, in the current catholic education teaching of ecclesiastical sciences in the Catholic Church occurs according to three different aspects and in compliance with this in three different types of institutions: formation of clerics (seminars), in the scope of scientific preparation of theologians (ecclestial universities and faculties) and the education of teachers of religion and those who prepare to other ecclestial services (Higher Institutes of Religious Sciences)

3. All the three training types are basically the same in one aspect: they set the aim of teaching teology and other saint sciences on a higher level. Their church law regulation on a frame rules level can be found in the two Codexes, however the Apostolic See has made more detailed dispositions on them. They are directed by the Congregation for Catholic Education. Besides their common features there are basic differences in the nature and function of these institutions and their aim is also different:

a, The basic aim of the formation of clerics is to prepare its students for fulfilling all the activities of the sacred ministry. This formation has three essential fields: mental, educational (general, philosophical, theological and specializational sectors) and pastoral during the six years formation time. So, the theological formation in the seminars can not be separated from the preparation itself. Its final aim should be establishing the aptitude for pastoral ministry.

b, The place of the formation of the catholic priests is the ecclestial university or faculty, during the determined 5 years (basic formation) + 2 or 3 years (specialization formation) + at least 1 year (PHD) formation time. The aim: teaching, studying on a proper level and doing researches about the saint sciences.

c, The newest disposal prescribes a 5 year-formation in the higher institutions of religious sciences. Its aim is to accomplish the special formation of lay and not clerical – monk Christ's faithful, according to different educational forms. There is possibility for these

institutions to work together with ecclesial universities or faculties by keeping their independence. Their formation can happen in academical or non-academical framework.

4. Doing researches about the sacred sciences and teaching them has been an important part of the Church's life for many centuries. By the establishment of the universities this can happen on higher level. The special institutional form of the formation of clerics, the seminary formation was born by the Council of Trent and also has been working since then. After the Second Vatican Council both formation types have been renewed. The higher institutions of religious sciences have been established as the results of the developments of the last decades in order to improve the secular believers church activities. Since this is a brand new type of institution it is of high importance to examine their nature. What makes the topic more up to date is that after the Council, the formation has brought big changes mainly into the whole approach of the formations, in unifying them on Universal Church level, and in the continuous improvement in their standards. We can not leave it out of consideration, that the changes and modernization of the structure of the civil higher level education (for example the establishment of the so called Bologna – process) influences and forms the church education itself. The Catholic Church struggles to keep its unique autonomy in teaching saint sciences, and also to find its place in the unifying educational system.

5. According to these starting points, among the framework of this essay we would like to treat the history of these three types of institutions, their current regulations and a few questions which determine the current legal shape of the higher institutions or some kind of changes arise from them. So, firstly we deal with the topic of ecclesial universities and faculties (first part) in two chapters (historical part and operative law). After that we continue with seminars (second part, also in two chapters (historical part and operative law)) Finally, the third part of the essay deals with three special topics (in three chapters: the higher institutions of religious sciences, the special cooperation forms, affiliation, aggregation, incorporation, and finally the Bologna process and the ecclesial higher education) which are among the crucial questions of the current ecclesial higher education.

The thesis – since it is an essay written in the framework of Pázmány Péter Catholic University Postgraduate Institute of Canon Law – using the devices of the canon law, would like to offer a high level, deep analysis of the above mentioned institutions. Basically, we start from analyzing the current norms emphasizing that legal character which is the possession of these institutions. So that we can realize this deeper, we discuss the historical preliminaries,

too. In the essay this is realized firstly by the norms of the 1917. *Codex Iuris Canonici*, the regulations of the previous centuries are dealt with only on a tangential way. For a better understanding we use and look through articles, authors' opinions and thoughts in the analysis and we introduce the questions in connection with the present, future development and every day life of the institutions.

6. First time when I heard about this question in the Institution, on a course that introduces the teaching task of the Church, it raised my attention so I decided to deal with the topic deeperly. Firstly, I have translated the documents that are relevant to the Congregation for affiliation. After learning the meaning of these documents I have started to study the further details of this topic. I wrote my Licentiate dissertation essay based on this information with the title of: *Intoduction of the Canon law regulations of the ecclestical universities and faculties special regards to - serving as improving the higher institutions – analysis of institutional cooperative forms*. Later I have tried to find possibilities for further enlargement and studied Erdő Péter's article: *Theological formation in the Catholic Church – a church law review*. I have found the perfect direction and decided to treat the whole forming spectrum as it is listed also by the memorandum published by the Congregation of Catholic Education, mentioned in the 1. point.

7. According to the information I have already stated, in this thesis we are trying to find the answers to the following questions:

I.

Why and how have the three institution types evolved in the life and law and order of the Church?

Which are those common elements that have led to the fact that they are such important parts of our inner canon law system today?

II.

Which are the most important features of the present legal aspect of the institutions? What are the similarities and the differences of their structures and aims and how they fit into the work of the Church?

III.

Which are those special conditions under which these institutions work and what kind of influence they have on their work?

8. In case of all three institution types we could see that their establishment is a result of a special historical development. Comparing their formation we can discover that these were reactions to those challenges which occurred in the given age's ecclesiastical and secular social environment.

The *universities* were established as improvements of the already existed higher level schools, as special guilds in the turning point of the XI. and XII. centuries.

The first *seminars* were formed according to the decision of the Council of Trent in the second half of the XVI. century as special institutions of preparation for clerical ministries.

The higher institutions of sacred sciences appeared in the XX. century, according to the II. Vatican Council, in the inner law and order of the Catholic Church. They were established in order to make the Christ believers be skilled in saint sciences. So we can say that teaching of saint sciences have been represented in the Church from the beginnings, but some institutes have been crystallized during the time of the history of the Church and law.

9. Their approach (the institutions') is inspired by the spirit of the Second Vatican Council and the following church regulations and statements were also born in this paradigm. The essence of this approach is that the Church has to announce the Gospel in every day language – in harmony with the whole of the saint tradition – and for this task it has to use every device with which the Christ's truth can be properly represented. In this connection that higher level educational environment – which characterize the present world – is one area and one device, in which and with the help of which this mission can be done. At the same time, the church legislation gives guarantee that the ecclesiastical institutions can work in proper independence and freedom.

In accordance with this should the higher level education be organized, which in its outer characteristics adjusts to the secular higher tendencies, but at the same time, the education and research that is going on in it is in accordance with the directions of the Magisterium.

In connection with seminars it is important that they could organize their lives without any outer interference. Their aim, in the fullest and widest sense of the word, a parastoral aim, the most proper preparation of the future clergy for the pastoral mission.

The teaching of the council, with the emphasis of the roles of the laity, has given stimulation for establishing the higher level institutions of saint sciences. With this it has determined its mission: giving a complex formation in accordance with their condition, so that they can find out how they could help the sacred ministries in special situations and where they can serve the more useful the aims of the Church. These situations can be different and in these they need to be helped with excellent teaching.

In the three institution types a common element is teaching theology and connected sciences, but in defining the exact syllabus and dividing the emphasis the above mentioned special aims can give guidance. The exact regulations and executive orders define the members' proper charges and rights and the hierarchical relations make the proper responsibilities evident.

10. The social changes in the end of the XX. century and the beginning of the XXI. century define more and more complex missions towards the Church. In this world it tries to find the emphasis of its own mission. In the dialogues with the mankind the world of sciences and higher level education is such a special place where strong presence and honest testimony is needed. Its device is that our institutions are becoming as similar to their secular equivalents as possible, but exactly in the represented approach and realization do they show their special aspects. At the same time we have to fight against those tendencies - the money-centeredness that appears in education and research, the massproduction for workforce market, concentration solely towards gaining qualification instead of longterm knowledge - which leads to losing the real meaning of universities and establishing education centres with deformed approaches.

But we have to look for something else, that among the difficulties - the bologna process and by respecting the given state's legal limits - how the institutions can be operated properly. Under the present limits it seems that that balance can be found in which the need for being accepted in the world is just so that it does not jeopardize the ministry of the souls' salvation, „*which in the Church must always be the supreme law.*”¹

¹ CIC can. 1752.