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SALA STAMPA DELLA SANTA SEDE

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Instruction of the Congregation for Catholic Education (of Educational Institutes) on the Study of Canon Law in the light of the Reform of the Matrimonial Process

INSTRUCTION

The Study of Canon Law in light of the Reform of the Matrimonial Process

In order to respond to the new needs raised by the *motu proprio* *Mitis Iudex Dominus Iesus*[1] and by the *motu proprio* *Mitis et Misericors Iesus*[2] concerning the reform of canonical processes for the causes of declaration of nullity of marriage, the Congregation for Catholic Education, which has competence for academic institutions for ecclesiastical studies, issues this *Instruction* with the aim of encouraging and providing guidance for the study of canon law.

In its first point, it starts by looking at the current state of institutions teaching canon law in the universal Church, to highlight their resources and critical issues and to underline the importance of guaranteeing the academic quality of these institutions at the service of the Church.

With a view to the reform of the processes indicated by each *motu proprio*, the second point identifies the new office-holders that are foreseen in this reform, along with the office-holders already foreseen by the norms of canon law.

In the third point, the *Instruction* proposes some possible courses of formation for the various levels of competence that are needed to carry out the different functions.

The final point of the *Instruction* contains norms for the respective Chancellors and academic

This *Instruction* is issued after widespread consultation, and particularly after this Congregation has consulted, with a positive outcome, the Supreme Tribunal of the Apostolic Signatura.

1. The Current Situation of Institutions of Canon Law

The institutions that teach canon law in the universal Church are erected or approved by the Holy See, and consist of Faculties, Institutes *ad instar Facultatis*, Institutes *sui iuris* of first and second cycle, and Institutes that are aggregated and incorporated into Faculties of Canon Law.

These institutions have long carried out a valuable ecclesial service^[3], responding to the many requests that continue to grow in recent times. In response to the practical proposals contained in each *motu proprio* mentioned above, an in-depth analysis has been made of their number, academic consistency, and the real ability of these ecclesiastical institutions to respond to the new needs^[4].

As far as their *nature* and *purpose* are concerned, ecclesiastical academic institutions must update their respective Statutes, applying the Decree *Novo Codice*, and submit them for the approval of the Congregation for Catholic Education, which is the guarantor (including to the world outside the Church) of both their quality and the recognition of their degrees.

The *teachers* comprise the key element of academic institutions. In recent years their numbers have generally fallen, and many of them find themselves more and more in situations where they are unable to offer continuity due to their commitments to other demanding ecclesiastical offices or to unavoidable work of external counseling (for example in the Tribunals). To overcome these difficulties and to ensure the presence of full-time teachers, there is a need, in some cases, to ask professors to transfer from other institutes for brief periods.

There is a general decline in the number of *students*, such that in some situations a balanced academic life cannot be ensured. The growing number of lay students is surely a positive and stimulating element; however, this factor makes management and structure more complicated compared to the past – especially due to students who have not studied theology – and so further consideration is required.

The *Plans of Studies* (length, structure of preparatory courses to fulfil requirements to accede to canon law studies, and structure of second-cycle courses) need to be reconsidered, especially for students who do not have a sufficient philosophical and theological formation. In this context, courses taught through distance learning also need to be regulated.

The Congregation for Catholic Education accompanies and sustains the institutions in their primary task of guaranteeing the quality of studies of canon law, in preparing future teachers, in investing more in research, in curating publications, and in promoting conferences and seminars

including with external participants. A wider awareness of the work of ecclesiastical institutions³ is desirable, and will contribute to the cultural debate concerning the themes that are inherent to canon law.

To reach these objectives, the existing norms should be followed: the Apostolic Constitution *Veritatis gaudium*[5], the annexed *Ordinationes*[6] and the Decree *Novo Codice*,[7] which indicate the requirements for ensuring the quality of teaching of canon law both in Faculties and specialized Institutes as well as in Faculties of Theology. To these sets of norms are added the dispositions issued with the present *Instruction*.

2. Participants in Actuating the Recent Reform of Procedural Law

The new dispositions of the *motu proprio*s demand a differentiated preparation of the various participants who are called to work in ecclesiastical Tribunals. Apart from the offices already foreseen in the Code of Canon Law, the reform introduced by Pope Francis indicates further resources in terms of personnel to guarantee an adequate service.

The following persons may be mentioned. They either directly or indirectly intervene in the ecclesial judicial sphere, at different levels of activity connected to the canonical processes for the causes of matrimonial nullity:

- The *Bishop*, for whom can. 378, § 1, n. 5 requires that he be “in possession of a doctorate or at least a licentiate in sacred scripture, theology or canon law from an institute of higher studies approved by the Apostolic See, or at least truly expert in the same disciplines”[8]. As a minimum, the exercise of the office of judge in the *processus brevior* assumes that the diocesan bishop has knowledge of canonical discipline concerning matrimonial substance and matrimonial procedural law: prudence should guide us to ensure that some of those involved in the *processus brevior* are in possession of the academic degree of Licentiate in Canon Law;
- The *instructor or auditor*, for whom the approval of the Moderator Bishop is foreseen. They should be outstanding for their doctrine, even if the academic degree is not required (cf. can. 1428, §2 CIC; can. 1093, § 2 CCEO);
- The *assessor*, for whom the recent reform requires expertise in juridical or human sciences (cf. can. 1673, §4 CIC; can. 1359, § 4 CCEO);
- The *moderator of the Chancellery of the Tribunal*, who must be of “unimpaired reputation and above all suspicion” (cf. can. 483, §2 CIC; can. 253, § 2 CCEO and art. 63 DC[9]);
- The *notary* (cf. can. 483, §2 CIC; can. 253, § 2 CCEO and art. 63 DC);
- The *experts*: for those causes of psychic incapacity “*maxime curandum est ut periti seligantur qui principiis anthropologiae christianae adhaereant*” (art. 205, §2 DC);

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- The *advocates and the full-time advocates*. Each of these should be a “*doctor in iure canonico, vel alioquin vere peritus*” (can. 1483 CIC; cf. can. 1141 CCEO); it is not excluded that the norms regulating access to the List of Advocates at any particular tribunal or even access to the List of Patronage at any given Tribunal require the academic degree of Doctorate or Licentiate in Canon Law; can. 1483 CIC and can. 1141 CCEO in fact only determine the minimum requirement to qualify as an advocate. Where these academic degrees are lacking, the Moderator of the Tribunal must verify carefully whether an advocate is in possession of true forensic expertise, which is ordinarily ensured only by the academic degree;

- The *Counselors*, see art. 113. § 1 DC and articles 2-5 of the *Ratio procedendi* annexed to the *motu proprio* for the pre-judicial inquiry concerning the question for nullity. According to article 3 RP the inquiry will be “entrusted to persons deemed suitable by the local ordinary, with the appropriate expertise, though not exclusively juridical-canonical.” It is opportune that, at least in the final phase of this inquiry, a person who is truly expert in matrimonial canon law participate, someone who is able to establish whether there are motives for nullity.

The counselors who are engaged in the various roles of the processes of declaration of nullity of a marriage can be usefully grouped into three categories, following a correct and realistic image of concentric circles of successive and necessary counseling that is ever more deepened:

- The *parish priests and others* “with the appropriate expertise, though not exclusively juridical-canonical” (art. 3 RP, first line): in these people we see those who have a unique opportunity for a first approach to people who are possibly interested in verifying the nullity of their marriage; they could be called (names have a certain importance) *first-level counselors*;

- The *members of a “stable structure”* (art. 3 RP, third line): clerics, religious or laity who work in family counseling. This level of counseling and pastoral-psychological accompaniment also has the aim of clarifying if there really are reasons and sufficient proofs to introduce a cause for nullity so as not to start off haphazardly a nullity case; these are *second-level counselors*;

- The *advocates* (art. 4 RP): this final phase of counseling, if positive, concludes with the presentation of the *libellus* to the Tribunal, for which the advocate helps identify the substantial elements and useful proofs, to gather the proofs already available, and hear, if necessary, the opinion of the other party and prepare everything to introduce the case; these are *third-level counselors*.

The list of offices does not reduce to one level the depth of preparation required from the different people who carry out these offices, for the diversity of roles requires a differentiation of formation programmes for the various categories indicated. Their pastoral and professional profile is to be guaranteed above all by an adequate academic formation relative to the different tasks needing to be done.

3. Perspectives and Formation Courses

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This *Instruction* confirms the current canonical norms (cf. art. 6 VG and art. 8 OrdVG), according to which only the academic degree of Licentiate in Canon Law, obtained from an institution of Canon Law erected or approved by the Holy See, qualifies someone to take up the following offices: judicial vicar (can. 1420, § CIC; can. 1086, § 4 CCEO), adjutant judicial vicar (can. 1420, § 4 CIC; can. 1086, § 4 CCEO), judge (can. 1421, § 3 CIC; can. 1087, §3 CCEO), promotor of justice (can. 1435 CIC; can. 1099, § 2 CCEO) and defender of the bond (can. 1435 CIC; can. 1099, § 2 CCEO)[10]. There are no innovations in this *Instruction* in these matters.

Ecclesiastical law does not obligatorily require the academic degree for all offices, but this does not mean either that it is prohibited nor that in some cases it is not necessary or convenient.

It is left to the responsibility of the diocesan Bishop (and respectively to the Bishop Moderator and, for his role, the judicial Vicar) to evaluate – on the basis of the circumstances of place, or time, or the individual cause – if someone in one of the judicial offices can carry out the role without the academic degree in Canon Law, in those cases where the law does not require an obligatory academic degree.

By way of example, a distinction needs to be made between the assessors of a single judge, that can. 1673 § 4 CIC desires (“*ubi fieri possit*”; cf. also can. 1359, § 4 CCEO) and the instructor and the assessor in the *processus brevior* (cf. cann. 1685-1687, § 1 CIC; 1371-1373 CCEO). While the former could reasonably work without an academic degree, being counselors of the single judge especially for the facts, the latter, having to carry out the single instructory session and advise the diocesan Bishop, would have difficulty carrying out their tasks in cases even of average complication without possessing an academic degree.

In this case it is left to the prudence of the diocesan Bishop, or respectively the Moderating Bishop or the judicial Vicar to carry out the proper discernment. This is an aspect of the *subsidiarity* that the law imposes and that requires responsibility; the competent organisms of the Holy See have the duty of promoting and supporting this responsibility.

A. General Objectives

On the basis of several decades of experience and considering the world in which the Church lives today, the Congregation for Catholic Education, given its competency for academic formation, and at the suggestion of the Pontifical Council for Legislative Texts, in close agreement with the Supreme Tribunal of the Apostolic Signatura, indicates with this *Instruction* to the diocesan Bishops, to the Bishop Moderators of interdiocesan Tribunals, and to the particular Churches some *general objectives* to bear in mind with a view to preparing personnel for judicial work:

- Consider the needs of a diversified formation for the judicial activity in ecclesiastical Tribunals and for the preparatory activity, at least for third-level counseling;
- Elaborate norms that offer Bishops, Tribunals and academic institutions useful indications for the

formation of those who take up positions of first- and second-level counseling;

- Encourage academic institutions to continue to offer a balanced model of *curriculum studiorum* that measures up to these formation needs;
- Give order to the names both of courses and of certifications;
- Identify forms of contact between the new methods of formation and degree-granting academic courses, so that the former do not undermine the latter but rather incentivize and promote them.

The task of ensuring formation for those working in ecclesiastical Tribunals belongs, in the first place, to those competent for granting the academic degrees required by law for the various offices or tasks (of judicial vicar, adjutant judicial vicar, judge, defender of the bond and promoter of justice). Having Tribunals staffed by those who are competent and well-prepared is not a luxury. The good of souls demands a solid formation, which is the main task of academic institutions.

B. Formation Courses

To meet the urgent need for a greater number of clerics, lay men and women, and religious who are well formed in canon law, even though they do not (yet) possess the degree of Licentiate or Doctorate, so as to make up for the lack of competent personnel in many dioceses around the world, some possible formation courses are proposed.

a) **Faculties of Canon Law and equivalent Institutions.** Beside the formation for the Licentiate and Doctorate in Canon Law, these institutions that are erected or approved by the Holy See can offer short or even not-so-short courses (including with the conferral of a certificate) for pastoral workers who are involved in the early phase of the process for the declaration of the nullity of marriage, or for persons involved in the process itself for whom universal canon law does not require an academic degree, or for those who work in other sectors involving canon law. For those offices where the academic degree of Licentiate in Canon Law is foreseen, the obtaining of a diploma merely offers the possibility for the Bishop Moderator of a Tribunal to ask the Holy See for a dispensation for the person to exercise such an office.

b) **Departments of Canon Law.** To respond to the needs mentioned above, especially for the formation of second-level counselors, a Department of Canon Law can be instituted at Faculties of Theology, according to the norms indicated below in this *Instruction*.

c) **Chairs of Canon Law.** Faculties of Theology already have Chairs of Canon Law. Faculties of Jurisprudence in Catholic Universities can also have "Chairs" of Canon Law, with the aim of offering formation courses especially to first-level counselors. It is desirable that Chairs of Canon Law cooperate in the area of scientific research with the Faculties of Civil Jurisprudence in State Universities.

The Congregation for Catholic Education considers it necessary to adapt the ecclesiastical academic institutions of Canon Law to the new needs to guarantee the professional quality and thoroughness of those working in ecclesiastical Tribunals, ensuring an appropriate level of juridical formation in the Church. The need for personnel who are well formed in the various areas of the canonical sciences must encourage Bishops to invest in this ecclesial service by sending clerics and, if possible, lay people to study canon law.

The procedural reform intended by Pope Francis draws attention especially to the proper functioning of Tribunals in the particular Churches and to the quality of their work ascertaining one of the most precious goods, involving the fulfilment of the matrimonial vocation.

However, we want to underline that it is extremely urgent to have well prepared canonists not only in the matrimonial field, but also in many other sectors of ecclesial life, including service in the administration of the diocesan Curias.

Generally, we need to recall that, to achieve the aim of preparing and “deeply instructing the students [in the juridical disciplines], so as to form researchers, teachers, and others who will be trained to hold special ecclesiastical posts”^[11], appropriate options must be identified that respond to the new and urgent needs. In this perspective, the norms described here are established.

4. Norms

A. General Principles

I. Criteria for Academic Formation Courses

In response to the new demands and in light of the reform of the matrimonial process, initiatives are to be undertaken on the levels of both information and formation, which are distinct from each other.

With this *Instruction*, the Congregation for Catholic Education encourages the ecclesiastical academic institutions concerned to offer study programmes for the academic formation of canonists and well-qualified counselors.

The following are the essential elements for a formation programme, and they must be inserted into a specific curriculum or Plan of Studies by the relevant competent institutions:

1) defined access criteria, such as: qualifications necessary for admission to a civil university in one’s own country or in the region where the faculty is found; any other academic degrees that are necessary and other obligatory requirements to pursue one’s curriculum of studies, including knowledge of both ancient and modern languages^[12].

2) defined modality of teaching and learning consistent with the *Qualifications Framework* of the⁸ Holy See.

3) defined curricula with a course description describing the people involved and their professional and specific tasks, as well as information on the programme with an indication of the ECTS (respective workload of the individual student corresponding to 30 ECTS, that is, one full-time semester);

4) verification that the relative competency is obtained through suitable examinations that are described in the curriculum;

5) certification of examinations;

6) the award of the relative certificate or diploma, accompanied by the Diploma Supplement, to those students who have concluded their formation.

II. Competency of Academic Institutions for Formation Courses

Competency for the academic formation of canonists and all those who work in the judicial sphere (cf. the following articles 9-19) and of the counselors (cf. the following articles 20-28) belongs to the respective ecclesiastical academic institutions and, except for what is established for the ministers of Tribunals, to the Chairs of Canon Law, where they exist, in Faculties of Jurisprudence in Catholic Universities.

An academic institution that wants to offer programmes of higher-level studies must be authorized to do so by the competent ecclesiastical authority (cf. the following articles 29-32).

Individual courses offered by non-academic institutions can be recognized on the condition that the relevant, competent academic institution guarantees and certifies the proven level of higher studies.

B. Academic Institutions

I. Faculties of Canon Law and Equivalent Institutions

Art. 1

Faculties of Canon Law, Institutes *ad instar Facultatis*, Institutes *sui iuris*, aggregated Institutes and incorporated Institutes – all of which must be canonically erected or approved by the Congregation for Catholic Education – have the right to confer the academic degree of Licentiate and/or Doctorate in Canon Law.

Art. 2

Without prejudice to the existing norms for aggregated and incorporated Institutes, an aggregated Institute must have at least three permanent teachers with the academic degree of Doctor in Canon Law; an incorporated Institute must have at least four permanent teachers with the academic degree of Doctor in Canon Law. A Faculty of Canon Law and an Institute *ad instar Facultatis* must have a minimum number of five permanent teachers.

II. Departments of Canon Law

Art. 3

§1. A Department of Canon Law, with a sufficient number of teachers, can be instituted within a Faculty of Theology, as an academic structure that develops a specific area of teaching or research, and offers students more attentive individual support, especially for the formation of second-level counselors.

§2. The erection of a Department of Canon Law, which is to have at least one permanent teacher as well as a Director, requires modifying the Statutes of the Faculty of Theology and relevant approval by the Congregation for Catholic Education.

Art. 4

§1. The Department is presided over by a Director.

§2. The Department Director must be an ordinary or extraordinary permanent professor of Canon Law in the Faculty of Theology.

§3. The other requirements and the procedure for the appointment of the Department Director are regulated by the Statutes.

§4. The Department Director, by virtue of the habitual faculties delegated by the Dean, in line with the Statutes, has the task of directing the academic activities of the Department, promoting the unity of intent between teachers in the Department and their interrelation both with the Faculty of Theology and with the academic structures of the University where they teach.

§5. The Department Director comes under the authority of the Dean of the Faculty, and answers to the Dean for all that regards the exercise of his/her functions.

Art. 5

§1. The other permanent teachers of the Department are assigned by the Faculty of Theology.

§2. The Department can also have a suitable number of associate teachers, assistants and other necessary collaborators.

§3. Associate teachers who cannot be hired permanently must have available sufficient time to dedicate themselves to the courses entrusted to them.

§4. A necessary requirement for a teacher in a Department of Canon Law is the academic degree of Doctorate in Canon Law.

§5. A necessary requirement for an assistant in a Department of Canon Law is the academic degree of Licentiate in Canon Law.

III. Chairs of Canon Law

Art. 6

The expression “Chair of Canon Law” means that a course of that discipline is taught by an ordinary permanent professor, or at least an extraordinary one, who has the academic degree of Doctor in Canon Law.

Art. 7

In the first cycle, a Faculty of Theology must have at least one permanent teacher for teaching and research in Canon Law.

Art. 8

§1. Canon law should also be a subject of teaching and research in a Faculty of Civil Jurisprudence in a Catholic University.

§2. Within the limits in which it is permitted by state legislation, a course on canon law should be included in the Plan of Studies, at least as an optional course.

§3. Those who teach disciplines concerning faith and morals must receive, after making the profession of faith (cf. can. 833, n.7), the canonical mission from the Chancellor or his delegate; for they do not teach of their own authority, but in force of the mission received from the Church^[13].

§4 . All teachers, before their appointment to a permanent position or before they are promoted to the highest category of teacher, as the Statutes are to state, must receive a declaration of *nihil obstat* from the Holy See^[14].

C. Formation Programmes

I. Licentiate and Doctorate in Canon Law, Diploma in Matrimonial and Procedural Law, Other Academic Courses in Canon Law

1. Formation which finishes with the Licentiate and Doctorate in Canon Law

Art. 9[15]

The curriculum of studies in a Faculty of Canon Law includes:

- a) The first cycle, which lasts for four semesters or two years (120 ECTS), for those who have no previous training in philosophy or theology, including those who already hold an academic degree in civil law; in this cycle students should study the fundamental concepts of canon law and the philosophical and theological disciplines required for an advanced formation in canon law;
- b) The second cycle, lasting for six semesters or three years (180 ECTS), during which canon law in all its expressions – normative, jurisprudential, doctrinal, praxis, and especially the Code of the Latin Church or of the Oriental Churches – should be studied in depth, by way of the complete study of its sources, both magisterial and disciplinary, along with other disciplines having an affinity with it;
- c) The third cycle, lasting for a suitable period of time, in which students perfect the canon law training necessary for scholarly research in view of preparing a doctoral dissertation.

Art. 10

§1. The Plan of Studies for the second cycle must establish which subjects (fundamental and auxiliary) are obligatory and must be attended by all, and which ones are non-compulsory or optional.

§2. If local or personal necessities advise it, among the optional courses a programme can be offered to give the students greater skills in the judicial area, or other programmes such as for teaching.

Art. 11

The Plan of Studies for the third cycle can foresee that the perfection of scientific formation, besides the doctoral dissertation, includes a programme of studies of specialization in Jurisprudence (at least 60 ECTS) for those who will work in ecclesiastical Tribunals, or specialization in other disciplines of canon law according to the needs of the particular or universal Church.

2. Formation which finishes with a Diploma in Matrimonial and Procedural Law

Art. 12

§1. Faculties of Canon Law and equivalent Institutions can offer a curriculum of studies that finishes with a Diploma in Matrimonial and Procedural Law.

§2. Such a Diploma is not a degree that qualifies someone to take up an office that the canonical norms reserve to those who have obtained the academic degree of Licentiate in Canon Law (judicial vicar, adjunct judicial vicar, judge, defender of the bond and promoter of justice). It can only constitute a motive for the Bishop Moderator of the Tribunal to ask the Supreme Tribunal of the Apostolic Signatura for a dispensation for those who have obtained the Diploma to carry out the offices mentioned above, which will be conceded or denied in light of canonical norms, the situation of the Tribunal and all other circumstances (cf. can. 90, § 1 CIC; can. 1536, § 1 CCEO).

Art. 13

§1. The Plan of Studies must foresee a course dedicated to the study of matrimonial law and procedural law of the Code of Canon Law or of the Code of Canons of the Oriental Churches through the complete treatment of its magisterial and disciplinary sources, to which is added study of other related material.

§2. The programme of studies must include, *as a minimum*, Book I, Book IV, part I, title VII, and Book VII of the CIC; or title XVI, chap. VII, titles XIX-XXI, titles XXIV-XXVI, titles XXIX and XXX of the CCEO; as well as all the other documents concerning marriage and processes.

§3. Formation to obtain a Diploma lasts at least one full-time academic year (60 ECTS).

Art. 14

The Plan of Studies can foresee also other courses from the cycle of the Licentiate in Canon Law, to offer a more complete formation.

Art. 15

Part of the courses may be carried out in the form of distance learning, if the Plan of Studies, approved by the Congregation for Catholic Education, foresees it and specifies its conditions, especially as regards the examinations^[16].

Art. 16

Those who have undergone this formation can continue their studies of canon law by matriculating for the second cycle, as long as the conditions of art. 9, letter a) are met, the single credits of their previous canonical studies being recognized.

3. Formation for some activities in the judicial sphere

Art. 17

§1. Faculties of Canon Law and equivalent Institutions also have the competency to form others who work in ecclesiastical Tribunals, for whom the law does not require the academic degree of

Licentiate in Canon Law (Bishop, instructor/auditor, assessor, moderator of the Chancellery of the Tribunal, notary, expert).

§2. Participation in this curriculum qualifies people to assume the corresponding roles according to the particular canonical norms.

Art. 18

The Plan of Studies for this level must foresee a course dedicated to the study of the fundamental principles of matrimonial law and procedural law of the Code of Canon Law or of the Code of Canons of the Oriental Churches.

Art. 19

The Plan of Studies may also foresee other complementary courses.

II. Formation of counselors

1. First-level counselors: parish priests and others in the parish field

Art. 20

§1. The Chair of Canon Law in a Faculty of Theology or in a Faculty of Civil Jurisprudence in a Catholic University has the competency to form first-level counselors to whom the faithful may turn to find spiritual and juridical assistance concerning the validity of their matrimonial bond.

§2. Participation in this curriculum qualifies people to take up corresponding roles, according to the particular canonical norms.

Art. 21

§1. To ensure that students in the first cycle of a Faculty of Theology or an affiliated Theological Institute have a sufficient knowledge of canon law, a minimum duration of at least three semesters (at least 9 ECTS) of canon law studies is to be established, dedicating at least one semester to Matrimonial and Procedural Law (at least 3 ECTS). With the necessary adaptations, the same criteria must be adopted by non-affiliated Theological Institutes, which do not release academic degrees, that are present in a Seminary.

§2. In this perspective, each Faculty of Theology, affiliated Theological Institute and non-affiliated Theological Institute must update its own Plan of Studies.

Art. 22

§1. The Chair of Canon Law also offers first-level counselors courses of ongoing formation, so that

they can advise effectively, following the norms of Matrimonial and Procedural Law.

§2. In cooperation with other Chairs of Theology, the curriculum may also foresee other complementary courses.

2. Second-level counselors, working at a stable structure

Art. 23

§1. A Faculty of Theology that has a Department of Canon Law, if there is no Faculty of Canon Law or equivalent Institution in the same University, has the competency of forming second-level counselors to whom the faithful can approach at a stable structure, to seek pastoral, juridical and psychological assistance when the spouses find themselves in difficulty, or are separated or divorced, and seek help from the Church.

§2. For their formation, a Diploma is offered in Matrimonial and Family Counseling as a study programme, which will help them in their pastoral discernment and accompaniment.

§3. Participation in this curriculum qualifies them to take up corresponding roles, according to the particular canonical norms. It does not qualify them, however, to be inscribed into the Advocates Register or Patronage Register, as the canonical norms and universal, particular and special regulations that govern inscription into the Advocates Register and Patronage Register at each individual Tribunal remain valid.

Art. 24

§1. The Plan of Studies must foresee courses dedicated to the study of the fundamental principles of matrimonial law and procedural law of the Code of Canon Law or of the Code of Canons of the Oriental Churches, of no less than 12 ECTS; courses dedicated to the study of the principles of Theology of Marriage and the Family, Moral Theology of the Family, Conjugal Spirituality and Pastoral Theology; and courses dedicated to the study of principles of sexual and family psychology, based on Christian anthropology.

§2. The Plan of Studies can foresee other complementary courses.

§3. The Plan of Studies also foresees a final written paper and a concluding examination on the curriculum.

Art. 25

Formation of second-level counselors lasts at least one full-time academic year (60 ECTS).

Art. 26

Part of the courses can be realized by distance learning, if the Plan of Studies approved by the Congregation for Catholic Education foresees it and specifies its conditions, especially as regards the examinations[17].

3. *Third-level counselors: the advocates*

Art. 27

Faculties of Canon Law and equivalent Institutions have the competency to form third-level counselors, who are the advocates who during the final phase of counseling help introduce the case to the competent Tribunal.

Art. 28

§1. To form advocates who, due to local situations, as an exception have not obtained an academic degree in Canon Law but need to acquire an authentic forensic expertise (cf. can. 1483 CIC; 1141 CCEO), Faculties of Canon Law and equivalent Institutions can offer a Diploma in Matrimonial and Procedural Law.

§2. Such a Diploma is not a qualification that allows inscription into the Advocates Register, which canonical norms generally reserve to those who have obtained the academic degree of Doctor in Canon Law. It is rather a qualification that allows the Bishop Moderator of the Tribunal to evaluate whether a candidate is a *vere peritus* and so may be inscribed into the Advocates Register.

§3. The Plan of Studies must foresee a course dedicated to the study of matrimonial law and procedural law of the Code of Canon Law and the Code of Canons of the Oriental Churches through an exhaustive study of its magisterial and disciplinary sources, to which related subjects are to be added.

§4. The programme of studies should include, *as a minimum*, Book I, Book IV, part I, title VII, and Book VII of the CIC or title XVI, chap. VII, titles XIX-XXI, titles XXIV-XXVI, titles XXIX and XXX of the CCEO; also all the other documents concerning marriage and processes.

§5. For those who already have an academic degree in civil law but who have no philosophical-theological formation, the Plan of Studies must foresee at least one course of ecclesiology and of general and matrimonial sacramental theology.

§6. The Plan of Studies can foresee other courses from the cycle of the Licentiate in Canon Law, to offer a more complete formation.

§7. Part of the courses can be realized by distance learning, if the Plan of Studies approved by the Congregation for Catholic Education foresees it and specifies its conditions, especially as regards the examinations[18].

§8. The formation of third-level counselors lasts at least one full-time academic year (60 ECTS)¹⁶.

§9. Those who have followed this course to become third-level counselors can continue their studies of canon law by matriculating for the cycle of the Licentiate in Canon Law, as long as the conditions of art. 9, letter a) are met, the single credits of their previous canonical studies being recognized.

D. Authorization of Programmes

I. Licentiate and Doctorate in Canon Law

Art. 29

In Ecclesiastical Universities or Faculties, canonically erected or approved, the academic degrees are conferred by authority of the Holy See^[19].

Art. 30

The Plan of Studies of Faculties of Canon Law must define the particular requirements for obtaining the individual academic degrees, bearing in mind the directives of the Congregation for Catholic Education^[20].

II. Other Awards, not Conferred by the Authority of the Holy See

Art. 31

§1. As well as canonical academic degrees, Faculties can confer other awards (for example, Diplomas), according to the diversity of the Faculties and the Plan of Studies of each Faculty.

§2. To this end it is necessary that:

- 1) the Congregation for Catholic Education has granted the *nihil obstat* for the conferral of the respective award;
- 2) the respective Plan of Studies establishes the nature of the award, indicating expressly that it is not an academic degree conferred by the authority of the Holy See;
- 3) the Diploma itself state that the award of academic degree is not conferred by the authority of the Holy See.

§3. The programme of studies for a Diploma corresponds to at least one full-time academic year (60 ECTS).

III. Formation Courses with Certificates

Art. 32

§1. If a Faculty offers a course without conferring a degree either by the authority of the Holy See or by its own authority, it must provide a certificate indicating the formation programme that has taken place and that the relative examinations have been passed.

§2. For an academic institution to offer a formation course as per §1, it needs the prior authorization of the Chancellor who grants it in writing and informs the Congregation for Catholic Education of this act, enclosing a copy of the curriculum of studies.

E. Quality of Academic Institutions

Art. 33

To respond to the new formation requirements for canonists and the various counselors, the institutions must ensure their academic quality, to offer a true service to the Church.

Art. 34

Thus, it is necessary that:

- 1) the respective Statutes and Plans of Studies be updated, applying the ecclesiastical norms of the Apostolic Constitution *Veritatis gaudium* and the attached *Norms of Application*, the Decree *Novo Codice* and the requirements of this *Instruction*.
- 2) the respective Statutes and Plans of Studies be submitted to the Congregation for Catholic Education for due approval;
- 3) the academic institutions ensure the presence of a sufficient number of teachers, as foreseen by the law, who carry out their function full-time.

Art. 35

It is for the Conference of Bishops, or other competent Assembly of the Hierarchy, to plan the presence (number and distribution) of academic institutions in its territory. The Congregation for Catholic Education asks its opinion before it erects or approves a new Faculty of Canon Law or an equivalent Institution, and before it approves the aggregation or incorporation of an institution to a Faculty of Canon Law.

Art. 36

Whenever a Faculty of Canon Law or an equivalent institution does not live up to the conditions required for its erection or approval, it is for the Congregation for Catholic Education, having previously informed the Chancellor and the Dean or President, according to the circumstances

and after receiving the opinion of the diocesan or eparchial Bishop and of the Conference of Bishops or other competent Assembly of the Hierarchy, to take the decision whether to suspend the Faculty's or institution's academic rights, to revoke its approval as an ecclesiastical Faculty or equivalent institution, or to suppress the institution itself.

F. Final Norm

Art. 37

Faculties of Canon Law and equivalent institutions, Departments of Canon Law, and Chairs of Canon Law both in Faculties of the Theology and in Catholic Universities that wish to constitute a Chair of Canon Law in their Faculty of Jurisprudence must conform to this *Instruction* from the beginning of the academic year 2019-2020.

The Supreme Pontiff FRANCIS, approved this Instruction on April 27, 2018, and authorized its publication.

Rome, from the offices of the Congregation for Catholic Education, April 29, 2018, Fifth Sunday of Easter, Feast of Saint Catherine of Siena, Virgin and Doctor of the Church and Patron of Italy and of Europe.

Giuseppe Card. Versaldi
Prefect

Angelo Vincenzo Zani
Titular Archbishop of Volturno
Secretary

Appendix

Guidance for possible content for the formation of second-level counselors

Philosophy

- The paradigm of human nature
- The paradigm of relationality: the other person, reciprocity and recognition

Social Sciences

- Models of family and society
- Female emancipation

- Transformations of relationships: spouses, parents and families

Biblical Theology

- Nuptial symbolism in the Sacred Scriptures

Dogmatic Theology

- Theological anthropology: a creature in dialogue
- The sacrament of Marriage
- The family as a domestic Church and the Church as a family of families

Moral and Spiritual Theology

- Person, relationship and vocation
- Primacy of the gift: the logic of the freely given
- Sexual ethics and affective relationships
- Welcoming a new life
- Spiritual and moral discernment
- Caring for and accompanying illness
- The twilight of life

Canon Law (at least 12 ECTS)

- Substantive matrimonial law
- inseparability of natural and sacramental marriage
- properties of marriage
- impediments
- defects of consent
- canonical form
 - Procedural matrimonial law
- Church tribunals
- elements of procedural law
- the process for the declaration of matrimonial nullity
- cases of dissolution of the marriage

Family pastoral theology

- Courtship
- Preparation for marriage
- Conjugal and family life
- Other forms of union and “wounded families”

Psychology

- Psychodynamics of family bonds

- Psychotherapy of the couple and of the family
- Psychology and sexual morality

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III. Formation courses with certificates

E. Quality of academic institutions

F. Final norm

[1] Franciscus PP., Litterae Apostolicae Motu proprio datae *Mitis Iudex Dominus Iesus*, 15 augusti 2015, in *Acta Apostolicae Sedis* 107 (2015) 958-967. The *Ratio procedendi* [=RP] is given on pp. 967-970.

[2] Franciscus PP., Litterae Apostolicae Motu proprio datae *Mitis et misericors Iesus*, 15 augusti 2015, in *Acta Apostolicae Sedis* 107 (2015) 946-954. The *Ratio procedendi* [=RP] is given on pp. 954-957.

[3] Cf. Ioannes Paulus PP. II, Constitutio Apostolica *Sacrae disciplinae leges*, 25 ianuarii 1983, in *Acta Apostolicae Sedis* 75 (1983) pars II, p. XI.

[4] Cf. Congregation for Catholic Education, Meeting with Deans and Heads of all the Institutions of Canon Law of the Catholic world, Rome 20-21 October 2016, in *Educatio Catholica* 2-3/4 (2016) 9-94.

[5] Franciscus PP., Constitutio Apostolica de studiorum Universitatibus et Facultatibus Ecclesiasticis *Veritatis gaudium*, 8 decembris 2017 [= VG].

[6] Congregatio de Institutione Catholica, *Ordinationes* ad Constitutionem Apostolicam « Veritatis gaudium » rite exsequendam, 27 decembris 2017 [= OrdVG].

[7] Congregatio de Institutione Catholica, Decretum quo ordo studiorum in Facultatibus Iuris Canonici innovatur *Novo Codice*, 2 septembris 2002, in *Acta Apostolicae Sedis* 95 (2003) 281-285.

[8] Cf. can. 180, n. 6 CCEO.

[9] Pontificium Consilium de Legum Textibus, Instructio servanda a tribunalibus dioecesanis et interdioecesanis in pertractandis causis nullitatis matrimonii *Dignitas connubii*, 25 ianuarii 2005, in *Communicationes* 37 (2005) 11-92 [= DC].

[10] Normally, also the advocate must have the academic degree (cf. can. 1483 CIC; 1141 CCEO).

[11] Art. 77 VG.

[12] Cf. art. 32 VG.

[13] Art. 4, § 3 Cost. Apost. *Ex corde Ecclesiae*; Art. 27, § 1 VG.

[14] Art. 4, § 3 Cost. Apost. *Ex corde Ecclesiae*; Art. 27, § 2 VG.

[15] Art. 78 VG.

[16] Art. 33, § 2 OrdVG.

[17] Art. 33, § 2 OrdVG.

[18] Art. 33, § 2 OrdVG.

[19] Art. 35 OrdVG.

[20] Art. 79, § 3 VG.
