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**Public Authorities and the Training of Religious Personnel in Europe**  
**La formation des cadres religieux en Europe**

*Proceedings of the XXV<sup>th</sup> Annual Conference  
Strasbourg/Klingenthal, 21-24 November 2013*

*Actes du XXV<sup>ème</sup> colloque annuel  
Strasbourg/Klingenthal, 21-24 novembre 2013*



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FRANCIS MESSNER (ed.)

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Francesco Margiotta-Broglio membre fondateur  
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# INTRODUCTION

FRANCIS MESSNER

Le colloque annuel du Consortium qui s'est tenu à Strasbourg/Klingenthal en novembre 2013 a traité de l'implication des pouvoirs publics en Europe dans la formation des cadres religieux au sens large du terme (autorités religieuses, ecclésiastiques, laïcs exerçant une charge pastorale pour les institutions de l'Eglise catholique, professeurs de religion dans les établissements d'enseignement publics ou privés, aumôniers, ministres de la religion). Cette approche a privilégié trois volets, l'évolution historique des modes de formation des cadres religieux, le statut actuel de cette formation et enfin les politiques publiques développées aux fins de relever les défis générés par le développement de religions d'implantation récente dont l'encadrement culturel est souvent assuré par des ministres envoyés par des Etats étrangers.

## I. EVOLUTIONS HISTORIQUES

La formation du personnel ecclésiastique en Occident des premiers siècles au bas Moyen-âge, a été du moins pour le pléthorique «bas clergé», quasi inexistante. Seuls quelques clercs destinés à de hautes fonctions fréquentaient les écoles cathédrales, les écoles monastiques et les facultés de théologie des universités médiévales qui étaient institutionnellement liées à la papauté. Les Lumières, le juridictionnalisme et la Réforme protestante ont relevé les imperfections de ce système. En réaction, le Concile de Trente (1542-1563) fait obligation aux évêques de créer des séminaires en vue de la formation des prêtres. Il s'agit d'internats de type monastique assorti d'un contrôle du mode de vie et de la pensée intellectuelle sensés prendre le contre pied du laxisme pré-tridentin. Le monde orthodoxe s'est inspiré du modèle catholique des séminaires alors que les minorités juives au statut précaire formaient leurs rabbins dans des Yechivas, écoles supérieures où sont étudiés le talmud et la thora. Les pasteurs du protestantisme historique luthériens et réformés, sont quant à eux systématiquement formés dans les universités.

Mais l'Eglise catholique difficile à réformer, peine à mettre en place les séminaires et nombre de diocèses en Europe en sont toujours privés à la fin du 18<sup>e</sup> siècle. Les chefs d'Etat soucieux de contrôler les ministres de la religion prennent souvent l'initiative de créer eux mêmes des établissements de formation théologique. Ainsi en France, suite à la Révolution, la Constitution civile du clergé du 12 juillet 1790 ordonne l'établissement dans chaque diocèse d'un séminaire pour la préparation aux ordres. Par la suite, les textes réorganisant les cultes en France au début du 19<sup>e</sup> siècle prévoient la création de séminaires et d'académies de niveau supérieur aux séminaires pour les prêtres catholiques et instaurent des académies pour l'instruction des ministres des cultes protestants. L'Université impériale créée en 1808 comprend à cet effet des facultés de théologie catholique et des facultés de théologie protestante. Le financement par les pouvoirs publics, d'un établissement de théologie pour les ministres de la religion juive a été plus tardif. Une Ecole rabbinique a été érigée 1829 et financée par l'Etat en 1831. Le subventionnement des ces établissements a été supprimé dès 1885 pour les facultés de théologie catholique et en 1905 pour les facultés de théologie protestante et l'Ecole rabbinique.

La volonté de faire de la formation des ministres du culte un mécanisme au service de l'intégration des confessions religieuses dans la Nation et parfois au service des intérêts de l'Etat ou dans le pire des cas un *instrumentum regni* au service du Prince s'impose partout en Europe à partir du 18<sup>e</sup> siècle. Ainsi, au Portugal, la charte de la faculté de théologie de l'Université de Coimbra au 18<sup>e</sup> siècle insiste sur l'importance pour les clercs de disposer d'une formation morale de haut niveau. Elle pourrait faciliter la réforme de l'Eglise et ainsi accroître son rôle bénéfique au profit de la société. Plus tard au début du 20<sup>e</sup> siècle, la réforme des facultés de théologie des universités publiques de 1901 prône une formation en vue de la constitution d'un clergé portugais ouvert, moderne et éclairé et cela peu avant leur suppression par la loi de séparation de 1911. De même en Autriche, dès le 18<sup>e</sup> siècle la formation des prêtres et dans une moindre mesure celle des pasteurs et des rabbins est, sous l'influence du joséphisme, sévèrement encadrée. Les membres du clergé catholique sont tenus de faire six années d'études dans des séminaires généraux contrôlés par l'administration publique avant d'entrer en fonction. A partir de 1850 l'ensemble des établissements de théologie (facultés de théologie, séminaires diocésains et collèges monastiques) est placé sous la tutelle des pouvoirs publics. Au Royaume-Uni, les futurs prêtres anglicans de l'Eglise établie auraient en principe du suivre des enseignements dans les universités de Cambridge et d'Oxford qui comportent des facultés de théologie (*Divinity School*). L'Eglise établie avait pour ambition au 18/19<sup>e</sup> siècle de former l'ensemble des prêtres anglicans à l'Université. Cet objectif n'a jamais été atteint et nombre de candidats étudiaient dans des *«cathedral colleges»* qui ont un statut intellectuel comparable aux séminaires catholiques. L'objectif des autorités publiques aux 18/19<sup>e</sup> siècle était de favoriser l'éducation d'un clergé tolérant, éclairé, ouvert sur la modernité acceptant l'existence d'autres traditions religieuses ou d'autres formes

de pensée, en bref un clergé apte à maintenir la paix religieuse et plus largement la paix sociale.

## II. STATUT ACTUEL DE LA FORMATION DES CADRES RELIGIEUX

Les modes actuels de formation des cadres religieux en Europe (système d'accréditation des diplômes, instauration d'établissements publics de théologie, participation des pouvoirs publics au financement de la formation des cadres religieux) dépendent du statut fixé par les droits nationaux des cultes. Les religions majoritaires ou minoritaires implantées en Europe sur le long terme (catholiques, protestants, juifs, orthodoxes) bénéficient d'un réseau bien structuré d'établissements de formation théologique qui se sont développés au cours de l'histoire. Chaque Eglise ou religion fixe, parfois après une négociation avec les autorités publiques, le niveau académique requis pour l'accès aux différentes fonctions culturelles, pastorales ou religieuses: en règle générale diplôme universitaire de théologie public ou privé pour les pasteurs protestants luthériens et réformés et pour les prêtres anglicans, cursus dans un séminaire ou une faculté de théologie publique ou privée pour les prêtres catholiques et orthodoxes en fonction des traditions nationales et selon l'importance des responsabilités exercées, séminaire ou institut universitaire pour les rabbins. Ces modèles nationaux d'éducation des cadres des religions majoritaires forgés par l'histoire pèsent lourdement sur l'élaboration des formations mises en place pour les religions d'implantation récente.

Au regard de la situation actuelle, il est possible de distinguer trois types de formation des cadres religieux en Europe. Dans le premier cas, les Eglises et religions créent librement leurs établissements d'enseignement dont les diplômes sont le plus souvent reconnus par une instance d'accréditation (Italie, Espagne, France, Portugal, Irlande, Hongrie, Pologne). Dans le second cas, l'éducation des ministres de la religion et assimilés est totalement ou partiellement intégrée dans les universités publiques (Allemagne, Grèce, Roumanie, Autriche, Chypre, Tchéquie, Lituanie, Slovaquie). Dans le troisième cas, les futurs agents culturels qui sont envoyés dans des facultés non confessionnelles de théologie, bénéficient souvent d'un complément de formation professionnelle dispensé sous la responsabilité des Eglises concernées (Suède, Royaume Uni, Estonie, Lettonie, Finlande).

Dans le sud de l'Europe, la théologie ne fait plus partie, sauf exception, depuis la fin du 19<sup>ième</sup> siècle et le début du 20<sup>ième</sup> siècle des programmes de l'université publique. Au Portugal, les prêtres catholiques sont désormais formés dans des séminaires, des Instituts supérieurs de sciences religieuses et à la faculté de théologie de l'Université catholique de Lisbonne. Mais les diplômes délivrés par ces Instituts et par l'Université catholique sont reconnus par l'Etat en application des dispositions du concordat de 2004. Les étudiants titulaires de ces diplômes peuvent notamment accéder aux fonctions de professeurs d'enseignement religieux catholique dans les écoles publiques.

Certaines minorités religieuses ont établi des centres de formation théologique dont les diplômés ne sont pas reconnus par l'Etat à l'instar du Collège islamique de Palmela créé par la communauté islamique du Portugal. Leurs cadres religieux sont essentiellement formés à l'étranger. Les minorités religieuses portugaises sont des micro minorités dont le poids social est limité, ce qui pourrait expliquer le manque d'intérêt des pouvoirs publics à agir en ce domaine

L'Eglise catholique italienne forme ses prêtres dans des séminaires, à la faculté de théologie de l'Université catholique de Milan qui est équiparée aux universités publiques, dans les facultés de théologie diocésaines et interdiocésaines et enfin dans les universités pontificales qui délivrent des diplômes du Saint-Siège. Les diplômés des Universités pontificales (Italie) sont reconnus par l'Etat conformément à l'Accord de Villa Madame du 18 février 1984. La reconnaissance par l'Etat des diplômes de théologie a également été étendue à l'Institut adventiste de culture biblique (loi 22 novembre 1988, article 14) et aux formations dispensées par d'autres religions conventionnées. Les diplômés reconnus par les conventions précitées doivent cependant être habilités par décret du ministre de l'Education, de la Recherche et de l'Université qui est tenu de recueillir, avant de prendre sa décision, un avis conforme auprès du «conseil national universitaire». Les diplômés de sciences islamiques délivrés par l'Institut de la communauté islamique italienne pourraient à terme être reconnus et habilités. C'est du moins ce que prévoit le projet actuel d'accord entre la Communauté islamique italienne et l'Etat italien. La proposition d'accord déposée par l'Union des communautés et des organisations islamiques en Italie en 1993 ne comprenait aucune disposition relative à une faculté de théologie musulmane. La formation des cadres religieux ne semblait pas avoir à l'époque un caractère d'urgence.

En Belgique, les futurs cadres religieux de l'Eglise catholique sont essentiellement formés au Séminaire et Studium Notre Dame de Namur et dans les facultés de théologie de l'Université de Louvain et de l'Université de Leuven qui sont des universités privées dont les diplômés sont accrédités par l'Etat. Les futurs pasteurs protestants suivent les cours de la faculté de théologie protestante de Bruxelles qui est un établissement privé reconnu et soutenu économiquement par l'Etat mais sans faire partie d'une université. Les autres cultes et groupements philosophiques reconnus juifs, anglicans, orthodoxes et humanistes ne dispensent pas de formation initiale pour leurs cadres et ministres en Belgique. L'Exécutif des musulmans de Belgique – le culte musulman est reconnu depuis 1974 – a proposé en 2006 de créer un statut des ministres du culte musulman et de mettre en place une formation à l'imamat de 4 à 5 ans comprenant à la fois une formation théologique et une formation civile et civique. Le contenu de cette formation serait fixé par un conseil des théologiens qui reste à créer et des Universités associées au projet. Ce projet, qui n'a pas encore vu le jour, a été relancé en juillet 2013 par le ministre socialiste de l'Enseignement supérieur de la Fédération Wallonie-Bruxelles quelques jours après l'annonce par le gouvernement flamand de créer un institut public d'études islamiques. Cet institut aurait

selon les déclarations du Ministre Marcourt, pour mission de développer un Islam de Belgique par opposition à un Islam importé en Belgique. Il serait destiné aux imams et aux professeurs de religion. La religion musulmane est enseignée dans les écoles publiques en Belgique. Les programmes de théologie seraient articulés autour d'une formation religieuse intégrant les critères de scientificité qui «*ne céderait pas sur les valeurs d'égalité, de démocratie et de liberté*» (*Belga*, 16 juillet 2013). La faculté de théologie et de sciences religieuses de l'université de Leuven a depuis la rentrée 2014 complété son master de sciences des religions par une option théologie musulmane.

En Allemagne, les cadres des religions majoritaires ou historiques (catholiques, protestants, juifs, vieux-catholiques, orthodoxes) sont essentiellement formés dans les facultés de théologie des universités publiques (19 facultés publiques de théologie protestante, 11 de théologie catholique, 2 facultés pour la formation des rabbins, un département de théologie orthodoxe à Munich et un séminaire de théologie vieille-catholique à Bonn). Leur financement est pris en charge par le ministère de l'Enseignement supérieur et de la Recherche des Etats fédérés concernés (*Laender*). 12 facultés privées de théologie (7 pour l'Eglise catholique, 4 pour les protestants et 1 pour les juifs) soutenues économiquement par les pouvoirs publics et dont les diplômes sont reconnus par l'Etat complètent cet ensemble impressionnant.

Suite à un rapport sur le développement de la théologie et des sciences de la religion dans les universités publiques allemandes (2010), le Ministère fédéral de l'Enseignement supérieur s'est engagé à financer pendant cinq ans des supports de postes de professeurs des départements de théologie et de pédagogie religieuse islamique. Les universités de Tübingen, Munster, Osnabrück, Francfort-sur-le-Main et Giessen qui ont récemment créé des Instituts de théologie islamique, bénéficient de ce soutien spécifique depuis 2011. Dans l'hypothèse d'une évolution favorable de ces instituts en termes d'intégration dans l'université publique et d'acceptation de ces formations par les communautés musulmanes, les Etats fédérés prendraient le relais de ce financement. Les pouvoirs publics allemands ne souhaitent pas la création de faculté libre de théologie musulmane. Le Conseil des sciences (*Wissenschaftsrat*) qui conseille l'Etat fédéral et les Etats fédérés pour toutes les questions relatives à la recherche et à l'enseignement supérieur estime que l'établissement de facultés de théologie musulmane dans les universités publiques: garantit la qualité de l'enseignement et de la recherche; permet la confrontation avec d'autres formes de pensée; fournit les bases conceptuelles pour le dialogue interreligieux (Rapport sur le développement de la théologie et des sciences de la religion dans les universités publiques, 2010). Les facultés de théologie en Allemagne forment les ministres du culte et les personnels assimilés qui sont des employés de leur religion et les professeurs d'enseignement religieux des écoles, collèges et lycées publics qui sont des fonctionnaires des Etats fédérés (*Laender*).

L'Autriche dispose d'un système de formation théologique comparable à l'Allemagne. Les futurs prêtres et pasteurs fréquentent l'Université publique. Pour l'Islam

cependant, qui est un culte reconnu par l'Etat (loi du 15 juillet 1912) et organisé dans le cadre du droit public, c'est un Institut privé de pédagogie religieuse financé par l'Etat qui est en charge de la formation des enseignants de religion musulmane des écoles privées et publiques. La création d'une faculté de théologie musulmane au sein d'une université publique (Vienne) est très fortement souhaitée par les autorités publiques. Elles craignent qu'une faculté de théologie musulmane ne soit imposée par des puissances étrangères ou par une communauté religieuse sous la forme d'un établissement privé non conventionné avec l'Etat.

En Suède, les pasteurs de l'Eglise luthérienne d'Etat sont formés dans les facultés de théologie des Universités d'Uppsala et de Lund. Ces deux facultés dispensent depuis les années 1970 un enseignement théologique certes axé sur le protestantisme mais avec une approche non confessionnelle. L'université neutre enseigne la science et non des croyances et des dogmes. La formation pratique des pasteurs complémentaire à leur formation théologique est depuis les années 1980 prise en charge par l'Eglise luthérienne. Elle conclut depuis 2007 des accords avec les universités publiques pour mettre en place cette formation pratique en utilisant les instruments instaurés par les politiques gouvernementales d'insertion professionnelle des étudiants. In fine les pasteurs luthériens de l'ancienne Eglise d'Etat aujourd'hui Eglise nationale suite à la «séparation» de 2000 continuent d'être éduqués au sein de l'Université publique dans des facultés de théologie non confessionnelles et par le biais de formations professionnelles négociées entre l'Eglise nationale et les universités publiques. L'Université d'Uppsala a créé en 2012 une licence en théologie musulmane (*Bachelor of divinity*) non confessionnelle (sans intervention des autorités religieuses), tout en précisant qu'elle n'a pas pour objectif la formation des imams.

### III. NOUVELLES POLITIQUES PUBLIQUES. L'EXEMPLE DES FORMATIONS À L'INTÉGRATION

Les efforts des pouvoirs publics européens en matière de formation des cadres religieux visent à faciliter l'intégration de l'Islam et des religions d'implantation récente dans les droits nationaux des cultes. Les Etats dont le cadre juridique favorise la création de facultés de théologie dans l'Université publique ou le cas échéant dans des universités privées accréditées par l'Etat, n'ont qu'un intérêt limité pour les formations civiles et civiques à destination des cadres religieux. Par contre en France où l'Etat peut difficilement intervenir dans le domaine de la formation théologique six DU de formation «civile et civique» ont été créés depuis 2008 (Paris, Strasbourg, Lyon, Montpellier, Aix en Provence, Bordeaux). Ces Diplômes d'Université (DU) de «formation civile et civique» ont un triple objectif: transmettre des connaissances relatives au contexte socio-historique, au droit et aux institutions de la France, fournir des instruments aux étudiants concernés en vue de faciliter la gestion des institutions culturelles, proposer une approche universitaire du fait religieux. Cette offre de for-

mation s'adresse en priorité aux cadres religieux musulmans, mais également aux ministres d'autres religions arrivés récemment sur le territoire français.

De même en Italie, le Forum international démocratie et religion (FIDR) a développé avec le soutien du Ministère de l'intérieur et du Ministère de la coopération et de l'intégration nationale un projet intitulé «*Nouvelle présence religieuse en Italie. Une voie de l'intégration*» dont l'objectif est de former les responsables de la communauté musulmane à l'histoire et au droit italien.

Faisant suite à une étude financée par la Fondation du roi Baudoin (2007) qui attirait l'attention sur le «*pouvoir d'influence exercé par les imams au sein de leurs communautés*», l'Université catholique de Louvain a créé une formation universitaire en «sciences islamiques» la même année. Il s'agissait en réalité de promouvoir une éducation à la laïcité et à l'inter-culturalité sanctionnée par un certificat d'université, c'est-à-dire l'équivalent des «DU laïcité» délivrés par les universités françaises. Depuis un nouveau programme a été mis en place en 2012 par l'Université catholique de Louvain et les facultés St Louis de Bruxelles avec le soutien de la Fondation Bernheim. Il s'intitule «*Sciences religieuses: Islam*» et vise «*à placer les étudiants dans une démarche de compréhension et de réappropriation pratique des discours musulmans contemporains dans un contexte où l'histoire des idées se complexifie sans cesse*». Contrairement à sa première mouture axée sur la formation civile et civique, le projet néo-louvaniste de 2012 privilégie une présentation des approches scientifiques et critiques de l'Islam avec un accent mis sur la méthodologie.

Parallèlement aux initiatives des pouvoirs publics centrées sur l'intégration, des personnalités proches du monde religieux ont développé des projets articulés autour du dialogue interreligieux. Ainsi au Portugal, des catholiques et des protestants ont pris l'initiative de créer une formation en sciences des religions au sein de l'*Universidade Lusofonia de Humanidades e Tecnologias* en vue de créer une plate-forme pour le dialogue interreligieux. Elle permet aux étudiants intéressés de se familiariser avec une approche non confessionnelle de la théologie. Il est intéressant de noter que des Eglises ont passé des conventions avec cette université et envoient des étudiants au titre d'une formation complémentaire axée sur la connaissance des différentes religions. De même, l'*Irish School of Oecumenics* fondée en 1970 par le Trinity College de Dublin en Irlande promeut la théologie comparative et la théologie interculturelle. Cette école dispense également des cours sur la connaissance des religions mondiales et plus particulièrement de l'Islam.



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## LA FORMATION DES CADRES RELIGIEUX EN EUROPE – TOILE DE FONDS HISTORIQUE

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Les différentes contributions à cet ouvrage collectif insistent sur la formation contemporaine des cadres religieux dans les États européens mais elles comportent cependant des développements consacrés à l'histoire des modalités de cette formation. Il m'incombe de présenter une synthèse de ces histoires nationales. Les contributions ici rassemblées permettent de constater qu'un peu partout, trois catégories de formations sont évoquées. On s'attache, premier aspect, à la formation des ministres du culte afin que ceux-ci exercent au mieux leurs fonctions pastorales, auprès des populations de fidèles; c'est le pasteur du troupeau qu'il faut former. Un second volet qui retient l'attention, concerne certains ministres du culte, peu nombreux, appelés à des fonctions de responsabilité religieuse qui requièrent une formation intellectuelle spécifique et de haut niveau. Il faut aussi, troisième aspect, dispenser un enseignement adapté auprès des professeurs de religion qui interviendront dans les écoles, du moins dans les pays – nombreux – où un enseignement des religions est organisé. Il s'agit là d'une préoccupation récente, contemporaine, qui n'intéressait guère au cours des siècles car les maîtres en charge des diverses disciplines étant bien souvent des religieux, l'enseignement de la religion se faisait de concert avec les autres enseignements. Dans les siècles passés, la question de la formation des professeurs de religion des écoles ne se posait donc pas en termes comparables à ce que nous connaissons actuellement et n'a pas à être traitée dans ce travail historique. Dans chacune de ces hypothèses, la (ou les) religion(s) se préoccupe(nt) des modalités de formation de ses (leurs) propres ministres; elle est le premier acteur concerné. Néanmoins la puissance publique souhaite également se faire entendre. De fait, le ministre du culte parle aux fidèles, mais dans le cadre d'un État et aux citoyens de cet État et l'autorité publique souhaite connaître le contenu des propos. Le sujet intéresse donc au plus haut point les relations entre religions et État, dans les siècles passés tout comme aujourd'hui.

Je ne m'étendrai pas sur la période, pourtant riche et passionnante, de l'essor des universités à travers la chrétienté de l'Occident médiévale. Ces universités étaient des

établissements de l'Église. Les maîtres étaient des clercs et dans plusieurs de ces universités – parmi les plus fameuses – les étudiants étaient aussi tous des clercs, les laïcs n'étant pas toujours admis. On voulait assurer l'instruction des hommes d'Église sans se soucier de l'ensemble de la population, ni même d'une élite si celle-ci ne s'identifiait pas au monde des clercs. Une université médiévale comptait en principe quatre facultés: des arts, de médecine, de théologie et de droit, ces dernières étant souvent des facultés de Décret, envisageant le droit canonique. La prééminence des sciences religieuses était incontestable. Parmi les quatre facultés constituant une université médiévale, la faculté de théologie était généralement la plus prestigieuse, celle jouissant de la plus grande renommée et de la plus grande autorité. L'opinion de la faculté de théologie et de ses maîtres servait couramment de base à une décision d'un évêque, d'un roi, d'un prince, ou d'une ville. Dans de nombreux débats, on admettait que l'avis de faculté de théologie terminait la discussion. Au niveau inférieur, des écoles et collèges de diverses natures existaient, qui s'adressaient aux clercs. Ainsi, lorsque l'historien scrute le système éducatif dans sa splendeur médiévale, il constate la présence de clercs, maîtres ou écoliers, étudiant les sciences religieuses. Cette étude sera consacrée aux Temps modernes (XVI<sup>e</sup>-XX<sup>e</sup> siècles) adossés au legs médiéval qui va être bouleversé tout en conservant sa marque. Évoquer un bref panorama d'ensemble de l'évolution historique (I), permettra de mieux comprendre quelques enjeux de ces recherches d'équilibre, toujours mouvant, entre les autorités religieuses et la puissance publique (II)<sup>1</sup>.

## I. LE PANORAMA HISTORIQUE

Le panorama historique fait apparaître une profonde mutation dûe à une éventuelle prise en compte de religions minoritaires, phénomène qui se produit à des dates diverses, même si, sur ce point comme sur bien d'autres, l'extrême fin du XVIII<sup>e</sup> siècle marque dans plusieurs pays des changements ou parfois de vrais bouleversements. Les établissements d'enseignement se multiplient (A) et certains sont consacrés aux religions minoritaires (B).

### A. Les établissements de formation des ministres des cultes connaissent un essor réel

Cet essor est notable du XVI<sup>e</sup> à la fin du XVIII<sup>e</sup> siècle. Une nouvelle catégorie d'établissement apparaît, à côté des universités médiévales: les séminaires. Ceux-ci

<sup>1</sup> Ce travail repose essentiellement sur les rapports nationaux reproduits dans la suite de ce volume. Nous ne détaillons pas ce que nous empruntons à chacun. Cette contribution est complétée par un autre de nos articles, «Les enjeux de l'enseignement de la théologie en Europe, aux Temps modernes», à paraître dans les *Mélanges en hommage au Professeur Jacques Bouveresse* et qui retrace dans un cadre plus large l'histoire de l'enseignement théologique.

vont, à partir du XVI<sup>e</sup> siècle, occuper une place déterminante dans ces mécanismes de formation du clergé. Luther, et à ses côtés tous ceux qui contribuent au mouvement de la Réforme protestante, veulent créer et développer ces établissements spécifiques répondant aux conceptions protestantes: le pasteur doit posséder un haut degré d'instruction, pour lui-même mais aussi pour guider chacun dans l'étude de la Bible et le retour à l'Écriture. Au sein de l'Église catholique, le concile de Trente (1545-1564), soucieux de répondre aux protestants, prend de très nombreuses dispositions relatives à la formation du clergé. La plus célèbre est le canon 18 de la 23<sup>e</sup> session (1563), souvent présenté comme ordonnant la création des séminaires diocésains. Cette affirmation nécessite de préciser que, par ce terme de séminaire, les pères visaient des établissements prenant en charge les enfants dès le plus jeune âge parmi lesquels l'évêque distinguerait, au cours des années, ceux qui, pour le bien de l'Église, seraient dirigés vers les charges ecclésiastiques. Le séminaire tridentin n'est pas, comme il l'est devenu aujourd'hui, réservé au futur prêtre; il est plus largement ouvert afin que celui qui est à la tête du diocèse puisse déceler les meilleures vocations. Deux idées fortes apparaissent dans l'ensemble de cette législation tridentine. De nombreuses dispositions sont prises tout au long du concile; elles sont fermes et exigeantes, signe de l'importance accordée à la question. D'autre part, pour chacun des divers mécanismes qu'ils envisagent, les pères tridentins confient ces formations aux évêques; cette constatation n'a rien de surprenant et s'inscrit bien logiquement dans la volonté de l'assemblée réunie à Trente de renforcer l'autorité épiscopale en faisant de l'ordinaire du diocèse le pilier de la réforme religieuse, sous tous ses aspects. La législation prise à Trente ne mentionne pratiquement pas les universités. Tout juste est-il dit que ceux qui sont recrutés pour assurer un enseignement dans les séminaires, dans la cathédrale ou dans d'autres établissements, doivent être pris parmi les gradués des universités; simple allusion aux universités, témoignage de la considération que l'assemblée leur porte. Mais la formation de l'ensemble du monde ecclésiastique ne leur est pas confiée. Ce silence s'impose d'ailleurs car l'assemblée conciliaire n'a aucune compétence pour organiser ou réformer les universités qui obéissent à des statuts spécifiques, négociés selon les cas par un roi, une ville, un prince, un évêque, le pape ou d'autres encore. Toute disposition générale émanant d'un concile est vouée à rester lettre morte. Les pères se sont abstenus.

Les deux niveaux d'enseignement ainsi clairement identifiés demeureront par la suite. Une première catégorie d'établissements est constituée de ceux s'adressant à un assez large public, dès le jeune âge; il s'agit des écoles, des collèges et surtout des séminaires. Les écoles dépendent parfois des paroisses et donc du curé de la paroisse; elles dispensent une instruction sommaire, destinée en principe à un grand nombre d'enfants de la localité, centrée sur l'apprentissage de la lecture et surtout sur la Vérité et la morale chrétienne. Elles ne concernent guère les ministres du culte. Des collèges sont administrés par une ville, un prince, le curé d'une grande paroisse, l'évêque ou encore un monastère. Leur fonction première n'est pas la prise en charge des futurs

prêtres ou des pasteurs réformés, mais l'autorité se montre attentive pour découvrir d'éventuelles vocations à un ministère ecclésial. Les séminaires doivent eux aussi être répertoriés parmi ces établissements largement ouverts. Leur essor ne date que de la fin du XVI<sup>e</sup> siècle et plus souvent du XVII<sup>e</sup>. Les pères tridentins les voulaient accueillant tous les enfants; néanmoins, ils deviendront progressivement le lieu rassemblant les futurs prêtres, destinés à l'exercice des charges pastorales dans les paroisses. Ces institutions sont en lien étroit avec les structures diocésaines et l'autorité religieuse locale. Cette première catégorie d'établissement dépend essentiellement des autorités religieuses, catholiques ou protestantes. Par un biais ou un autre, elles sont sous l'autorité de l'ordinaire catholique pour les unes, ou sous l'autorité du responsable réformé et du prince s'il intervient comme chef de l'Église réformée ou luthérienne pour les autres. À côté de ce premier ensemble, à un niveau supérieur, certains clercs, prêtres, pasteurs, peuvent – ou doivent – prendre des grades, en théologie ou en droit canonique ce qui se fait au sein des universités ou académies.

Dans ce dualisme des Temps modernes entre écoles ou séminaires d'un côté et universités de l'autre, la balance penche parfois en faveur des écoles et séminaires, et parfois en faveur des universités. Diverses constatations s'imposent qui ne permettent pas de dégager une évolution rectiligne. Souvent, dans le contexte intellectuel général des XVI<sup>e</sup>-XVIII<sup>e</sup> siècles, les universités déclinent, même si elles conservent presque partout leur faculté de théologie. Beaucoup ne savent pas mettre à profit le mouvement de l'humanisme et de la renaissance et leur splendeur se ternit alors que les séminaires se développent. D'un autre point de vue, il est souvent plus facile pour un prince ou un roi de mettre la main sur l'institution universitaire, liée à la ville ou à l'État, que sur les établissements d'un niveau inférieur dont l'organisation dépend naturellement de l'autorité religieuse locale et échappe au prince. Si la qualité scientifique des universités stagne parfois, ce lien entre université et puissance séculière peut néanmoins permettre de donner force à une université, dès lors qu'elle agit en accord avec l'autorité princière qui en fait un élément de son prestige et de son autorité.

Sur toutes ces questions, il importe de souligner que les considérations que nous venons de mentionner concernent davantage les instances de l'Église catholique que celles mises en place dans les pays gagnés à la réforme. De fait, c'est au sein de l'Église catholique, et non pas dans les pays protestants, que cette distinction entre pouvoir religieux et pouvoir étatique prend tout son sens. Le prince protestant occupe, au sein de la communauté protestante du pays qu'il dirige, une posture de surplomb qui ne laisse pas place pour des querelles semblables à celles qui, dans l'Église catholique, conduisent à s'interroger sur les prérogatives respectives de l'Église ou du prince.

À la fin du XVIII<sup>e</sup> siècle et au cours du XIX<sup>e</sup>, tout n'est pas bouleversé mais des modifications significatives interviennent parfois. Les profonds changements politiques conduisent au déclin ou à la fermeture de plusieurs facultés de théologie ou de droit canonique, mais aussi de séminaires et collèges religieux. Pourtant, paral-

lèlement, de nouvelles créations s'imposent. Dans l'ensemble de l'Europe, continuent à coexister d'une part des collèges, séminaires, écoles dispensant un enseignement destiné au clergé paroissial présent auprès des fidèles et d'autre part des facultés de théologie, catholiques, protestantes ou orthodoxes, permettant l'acquisition des grades universitaires. Par la suite au XIX<sup>e</sup> siècle, d'importantes universités catholiques ou protestantes ouvriront leurs portes, dans de nombreux pays; l'essor se poursuit.

Outre les changements constatés dans l'accroissement du nombre d'établissements d'une catégorie ou d'une autre, un phénomène nouveau apparaît au cours de l'époque étudiée: ces institutions adoptent souvent une orientation scientifique, voire doctrinale marquée et se trouvent parfois en désaccord avec d'autres. Si nous nous étonnons de la faible prise en considération de l'humanisme ou de la renaissance au XVI<sup>e</sup> siècle, force est de constater la présence de divers courants d'opinion, au cours du XIX<sup>e</sup> siècle, ce qui constitue une importante donnée nouvelle. Dans toutes les religions, apparaît une opposition, plus ou moins marquée mais fréquente, entre deux tendances. Les uns préconisent une continuité traditionnelle, souvent tournée vers le passé, apprenant au ministre du culte l'obéissance et la piété. D'autres se montrent plus novateurs, acceptant les évolutions sociales et souhaitant des ministres du culte capables de les accompagner. Ces deux courants existent au sein de l'Église catholique et se retrouvent dans les textes du magistère romain. Ainsi, dans l'encyclique *Rerum novarum* de 1891, la position de Léon XIII tranche par rapport à celle de ses prédécesseurs; le pape se montre novateur. En revanche, par l'encyclique *Pascendi Dominici Gregis* de 1907, Pie X condamne à nouveau le modernisme. En conséquence, les prêtres qui font leurs études entre 1891 et 1907 font preuve d'une certaine curiosité d'esprit alors que ceux formés après 1907 seront plus réservés en présence de toute nouveauté. Ce second modèle, voulu par Rome, va perdurer dans les universités ecclésiastiques jusqu'aux années 1930. Il est néanmoins parfois contré, notamment par ceux qui, sans se situer en novateurs et sans non plus se montrer particulièrement attachés à la tradition, sont animés d'un certain esprit «anti-romain». Des évêques, plus ou moins nombreux selon les périodes, souhaitent garder les prêtres sous leur autorité, en ne leur accordant qu'une indépendance limitée et en veillant à ce que le clergé diocésain tire ses instructions de l'ordinaire plus que du pontife romain.

## B. La situation consentie aux religions minoritaires

Parallèlement à cet essor des établissements d'enseignement, une question spécifique apparaît aux Temps modernes, ignorée auparavant, celle de l'acceptation d'un pluralisme religieux dans l'État et, ce qui va plus loin, de la formation de ministres du culte appartenant à ces nouvelles confessions. La tolérance religieuse fait son apparition dans certains pays dès le XVI<sup>e</sup> siècle. Elle est plus répandue vers la fin du XVIII<sup>e</sup> siècle et va largement s'imposer au XIX<sup>e</sup>. Ces mutations ne s'effectuent pas partout aux mêmes dates; elles sont propres aux changements politiques, sociaux, religieux de chaque pays

et dans toutes les hypothèses les alliances, les guerres et autres facteurs diplomatiques ou militaires ont une influence déterminante. Ajoutons que ces évolutions, qui interviennent à des dates différentes, ne sont nullement linéaires. Bien des pays ou régions connaissent des périodes de relative tolérance à l'égard de la diversité religieuse, bienveillance qui se trouve subitement remplacée par une intolérance, lors d'un changement politique. Dans les hypothèses où plusieurs confessions coexistent, rassemblant chacune un nombre important de fidèles, faut-il former les ministres des religions minoritaires ? Les autorités religieuses s'en soucient naturellement, mais la puissance publique se sent, elle aussi très fortement concernée. De fait, il existe habituellement une relative entente entre l'État et la religion majoritaire. En conséquence, savoir qui, de l'État ou de la religion, détient la réalité de l'autorité sur une religion majoritaire se limite à une lutte de pouvoir. Sur le fond, l'enjeu est faible car l'État et la confession dominante s'accordent sur le contenu de l'instruction dispensée et sur la mission confiée à ces ministres du culte. En revanche, pour les religions dissidentes, la question est cruciale: si la religion obtient toute liberté pour donner la formation de son choix, va-t-elle servir les intérêts de la puissance publique? L'interrogation existe dans la mesure où la puissance publique se montre attachée à une autre religion. Les luttes entre religions et pouvoirs publics prennent ici un autre sens, plus fondamental et bien souvent l'autorité publique limite l'indépendance accordée aux religions dissidentes pour assurer les formations qu'elles souhaitent. Les tensions entre les deux pouvoirs sont fréquentes.

Les contributions contenues dans cet ouvrage collectif fournissent de nombreux exemples de prises en considération de ce pluralisme et de créations d'institutions destinées aux ministres des religions minoritaires. Cette prise en compte intervient à des époques très diverses, sans attendre le XIX<sup>e</sup> siècle. Quelques exemples suffisent:

— En Hongrie, dès le XVI<sup>e</sup> siècle, protestants et catholiques ont chacun leurs écoles. Pour les catholiques, il s'agit surtout de collèges jésuites, particulièrement prestigieux. Pour les calvinistes, un collège de théologie calviniste est fondé à Debrecen en 1538. Il deviendra plus tard faculté de théologie réformée dans le cadre de l'Université de Debrecen, elle-même fondée en 1912. D'autres instituts de théologie luthérienne furent créés dès le XVI<sup>e</sup> siècle<sup>2</sup>. En 1877 un séminaire juif voit le jour à Budapest, à l'initiative du gouvernement.

— Dans une autre région d'Europe, la Lituanie connaît une histoire politique complexe et constitue un carrefour des religions, qu'il s'agisse des diverses confessions chrétiennes mais aussi de l'Islam car d'importantes populations musulmanes étaient venues de l'empire ottoman. Les jésuites y sont appelés par les autorités séculières dans le mouvement de contre-réforme catholique; de fait, en 1569, six jésuites créent un collège jésuite en s'inspirant du modèle de la Sorbonne. Une loi

<sup>2</sup> Par exemple en 1557 à Sopron.

de tolérance est promulguée en 1573, qui abolit les discriminations pour raisons religieuses et opère une sorte de partage des postes de responsabilité dans l'État, entre catholiques et protestants. En outre, depuis le XVI<sup>e</sup> siècle, Vilnius est aussi un haut lieu de l'enseignement rabbinique. À la même époque les musulmans tartares sont eux aussi bien intégrés dans la société. Cette coexistence sereine est mise à mal pendant tout le XIX<sup>e</sup> siècle, le territoire de la Lituanie étant intégré à l'empire russe; les tsars mènent une politique autoritaire et ferment la plupart des établissements d'enseignement catholiques ou protestants, afin de contraindre les populations à rejoindre la religion orthodoxe.

— La Finlande est un autre exemple de carrefour religieux et d'influences politiques changeantes. Au XVII<sup>e</sup> et au XVIII<sup>e</sup> siècles, le pays est étroitement lié à l'Église luthérienne ce qui fragilise la condition des autres religions, notamment celle des orthodoxes. Puis, à la suite des guerres de Napoléon, la Finlande se trouve rattachée à l'empire russe. Le tsar Alexandre I<sup>er</sup> garantit en principe l'autonomie de l'Église luthérienne mais organise en pratique le déclin des institutions luthériennes. Après l'incendie des bâtiments de l'académie luthérienne de Turku en 1828, cette académie est transférée à Helsinki ce qui a comme conséquence de modifier son lien à l'Église. De fait, auparavant, les chanoines de Turku étaient en même temps professeurs à la faculté de théologie luthérienne de la ville. Le changement de lieu met fin à ce cumul. À Helsinki, la faculté passe en fait sous l'autorité de la puissance publique et ses liens avec l'Église se distendent. Parallèlement, le tsar reconnaît une place officielle à l'Église orthodoxe. À la fin du XIX<sup>e</sup> siècle, l'Église luthérienne prend conscience de la nécessité dans laquelle elle se trouve de pouvoir s'appuyer sur une faculté de théologie lui permettant de maintenir, voire de rehausser sa position. En 1886, elle modifie en ce sens les statuts de sa faculté. En 1919, le gouvernement de la République de Finlande confirme la place de l'Église luthérienne; pourtant la Finlande ne devient pas un État confessionnel; l'Église orthodoxe continue à y être pleinement reconnue et les séminaires orthodoxes sont financés par l'État. On voit à quel point les réalités religieuses et plus encore la vie des institutions d'enseignement religieux sont dépendantes des réalités politiques d'un moment.

— Un autre exemple intéressant est celui de l'Irlande où le Trinity College est fondé en 1592 à Dublin (TCD) pour assurer une formation morale rigoureuse au clergé anglican. En 1795, le Parlement ratifie la création du collège Saint Patrick de Maynooth, destiné aux ministres du culte catholique. St Patrick's College persiste par la suite et, en 1895, il recevra de Rome l'autorisation de conférer les grades canoniques en philosophie, théologie et droit canonique. Le College sera érigé en université pontificale l'année suivante, en 1896. Toujours en Irlande, en 1853, est établi un collège de l'Église presbytérienne d'Irlande et en 1865 la création d'un collège méthodiste est envisagée. Il prend forme en 1926.

Si des évolutions notables se font dès le XVI<sup>e</sup> siècle, d'autres s'affirment au XIX<sup>e</sup> siècle et parfois vers la fin de ce siècle. Donnons quelques exemples:

— L'Autriche, pays profondément catholique, possède de nombreux établissements catholiques réputés, qu'il s'agisse des séminaires ou des universités. Il faut attendre le XIX<sup>e</sup> siècle pour qu'un collège protestant soit fondé, puis érigé en faculté de théologie protestante en 1851 et officiellement incorporé à l'université publique en 1922 seulement, après une longue attente due à l'opposition des catholiques. Toujours en Autriche, à partir de 1848, la nécessité de former des rabbins se fait sentir, mais les projets n'aboutissent que lentement à cause de l'opposition orthodoxe; un collège juif est ouvert à Vienne en 1893, qui s'adresse aux futurs rabbins, mais ne constitue pas une faculté d'université. Citons aussi la faculté de théologie orthodoxe créée en 1875. La formation des ministres des divers cultes devient progressivement réalité, mais cela se fait tardivement. Par la suite, ces institutions sont atteintes par le nazisme et déclinent au cours de ces années.

— Dans les territoires de l'actuelle République Tchèque, l'évolution est assez comparable; aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles, sous la domination des Habsbourg, le protestantisme est interdit mais quelques communautés juives sont tolérées. Après l'édit de Tolérance de Joseph II en 1781, la situation se détend. Les pasteurs peuvent officier dans le pays, mais ils n'y sont pas pour autant formés; certains viennent de Suisse. Diverses institutions protestantes sont instaurées au début du XX<sup>e</sup> siècle; ainsi, une faculté de théologie évangélique est fondée à Prague en 1919, avec un statut d'école publique.

— En Italie, dès 1854 est créée une fac de théologie vaudoise près de Turin; celle-ci est plus tard transférée à Rome. Auparavant, les pasteurs vaudois étaient formés en Suisse. Toujours en Italie, on se préoccupe à la fin du XIX<sup>e</sup> siècle, des cadres juifs, mais il se révèle délicat d'établir un accord entre les responsables religieux d'une tendance particulièrement stricte d'un côté et les libéraux de l'autre côté. Après bien des tractations, la fédération nationale des rabbins voit le jour en 1917. Elle doit protéger les intérêts spirituels de la communauté juive, indice de ce qu'à l'intérieur des communautés juives, le courant «religieux» l'emporte face aux «laïcs». Le collège rabbinique italien est instauré dans cet esprit; il comporte une école rabbinique, des cours d'études juives et un séminaire.

— Dans d'autres pays, la prise en compte du pluralisme et de l'instruction à dispenser aux ministres des cultes dissidents demeure plus hésitante. En Grèce, la prééminence de l'orthodoxie est conservée. En Suède, l'Église luthérienne de Suède garde sa position d'Église nationale jusqu'en 2000. Ce fut seulement en 1860 que les citoyens suédois avaient été autorisés à quitter l'Église suédoise, et ceci uniquement pour une autre religion chrétienne, admise par l'État. Dans l'histoire, seuls comptaient les pasteurs luthériens. Au Royaume-Uni, les évêques anglicans demandent, sans l'obtenir pleinement, que tous les clercs aient fréquenté l'université et celle-ci n'est ouverte qu'aux anglicans. Les ministres des autres confessions sont contraints de suivre des années d'enseignement dans un autre pays, à Utrecht par exemple.

Ce rapide panorama fait apparaître que dans nombre de pays, la prise en compte des religions minoritaires s'accompagne de l'organisation d'établissements d'enseignement ou de formations dédiés à cette religion. Pourtant, les mécanismes sont bien différents selon les pays. Surtout, et la constatation mérite attention, l'évolution vers la tolérance et la reconnaissance d'institutions d'enseignement de diverses confessions n'est pas continue. La marche vers le pluralisme ne suit pas un cheminement linéaire. Le totalitarisme des régimes communistes en est la manifestation récente, mais depuis le XVI<sup>e</sup> siècle, rigidité ou ouverture ont alterné, selon les tensions et oppositions entre les confessions, mais aussi, et bien davantage, selon les réalités politiques et les liens ou oppositions qu'une autorité publique entend établir avec une religion donnée, susceptible d'appuyer son pouvoir mais risquant dans d'autres hypothèses de heurter son programme.

Une tolérance existait aux Temps modernes, du XVI<sup>e</sup> au XVIII<sup>e</sup> siècle. Pourtant, par la suite, de nombreuses institutions accueillant le clergé d'une confession ont dû fermer leurs portes, que cette obligation ait été imposée par l'État ou par la religion dominante. Des pluralismes ont été reconnus et ont permis la création d'établissements religieux qui, par la suite, ont dû disparaître. Cette histoire est tributaire des décisions prises par les autorités religieuses et, plus encore, des politiques menées par les gouvernements étatiques.

## II. LES AUTORITÉS RELIGIEUSES ET LA PUISSANCE PUBLIQUE

La vitalité et le rayonnement des institutions de formation du personnel religieux constituent, partout et à toutes les époques, un enjeu fondamental des relations entre la (ou les) religion(s) et les pouvoirs publics. Les rapports de forces se modifient, selon les situations sans qu'il soit possible de conclure que les États exercent de plus en plus - ou de moins en moins - leur autorité. En fonction des réalités religieuses et politiques d'un moment, les mécanismes diffèrent. Souvent les pays gagnés à la réforme protestante connaissent des situations assez sereines car le prince est lui-même impliqué dans l'organisation de l'Église dont il est toujours un rouage essentiel et habituellement le chef. En revanche, dans les pays du Sud de l'Europe majoritairement catholiques, les tensions et les conflits sont fréquents parce que, si prince et religion s'appuient mutuellement, ils n'en constituent pas moins deux autorités distinctes. Sans limiter notre exposé à ces deux seules confessions, voyons comment les religions d'une part (A), les États d'autre part (B), entendent défendre chacun leurs prérogatives.

### A. Les religions tiennent à leur autorité

Toutes les confessions religieuses veulent conserver une tutelle sur les écoles et collèges, sur les séminaires et sur les facultés et universités. La faculté de théologie représentant l'enjeu primordial, plus important aux yeux de tous que la faculté de

droit canonique. Telle est l'une des conséquences de l'intérêt secondaire traditionnellement accordé au droit canonique<sup>3</sup>. Au sein d'une religion, quelles instances et quels pouvoirs doivent prédominer ? L'exemple de l'Église catholique est particulièrement intéressant pour plusieurs raisons. D'une part, le chef suprême est le pape, étranger aux territoires où vivent les catholiques. Cette réalité pose la question des relations entre un État et ce pouvoir extérieur. D'autre part, le prince, même s'il est un roi de droit divin, n'est pas le chef de cette Église et ne s'exprime pas en tant qu'autorité religieuse. En troisième lieu, l'Église catholique est organisée selon une structure hiérarchique ferme qui donne aux évêques exerçant leur charge dans un État une autorité réelle – une juridiction ordinaire selon la formule des canonistes – sur la vie religieuse de sa circonscription lui permettant de gouverner les clercs et les laïcs.

Dans ce contexte, rechercher qui, à travers tout l'Occident, doit avoir la haute main sur la formation des ministres de l'Église catholique implique de tenir compte des prescriptions tridentines mais aussi des réalités romaines. Les premières demandent des séminaires pour façonner le bon pasteur, et ceci dans le cadre du diocèse. Dans plusieurs pays dont la France, ces séminaires ne se développent que lentement mais aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles ils sont devenus essentiels. Ils relèvent de la juridiction de l'ordinaire. Généralement, l'épiscopat entretient de bonnes relations avec le monarque ce qui n'empêche pas les évêques d'être jaloux de prérogatives qu'ils souhaitent étendues et qu'ils prétendent exercer librement. En accord ou parfois en désaccord avec l'épiscopat, les jésuites entendent diriger les écoles, collèges, séminaires. Les discussions entre évêques et jésuites se placent naturellement dans le cadre des éventuelles tensions entre l'État et Rome. Dans nombre de pays (par exemple en Autriche), les jésuites gardent, du XVI<sup>e</sup> au XVIII<sup>e</sup> siècle, la réalité du pouvoir et agissent dans les couvents ou collèges épiscopaux au détriment de l'université. Pourtant, cette période de splendeur se termine le plus souvent par leur expulsion de l'État et finalement l'ordre est supprimé par Rome en 1773. Pour nous en tenir à la situation des pays catholiques, c'est donc avant tout l'autorité de Rome qui est en cause. Rome détermine le sort réservé à la Compagnie de Jésus, mais intervient aussi et encore plus pour ce qui a trait aux établissements d'enseignement supérieur. Dans ce domaine, le pontife romain tente de s'imposer de deux façons et sur deux séries d'établissements dont la nature est bien différente :

— Il s'agit tout d'abord, des universités pontificales romaines, situées dans la ville même de Rome. Dans quelles hypothèses le pontife romain exige-t-il la formation des clercs dans des universités pontificales romaines ? On connaît le prestige et le

<sup>3</sup> Le consortium qui a organisé cette rencontre rassemble des juristes. Néanmoins, les organisateurs ont choisi d'étudier les facultés de théologie, non les facultés de droit canonique, choix significatif de la place de chacune des deux disciplines.

rayonnement d'institutions comme la Grégorienne<sup>4</sup>, l'université du Latran<sup>5</sup>, l'*Angelicum*<sup>6</sup>, le collège *de Propaganda Fidei*<sup>7</sup>, la *Sapienza*<sup>8</sup>, l'*Augustinianum*<sup>9</sup> pour ne citer que les plus fameuses. Le haut clergé de chaque État y est-il formé et le monarque accepte-t-il de faire alliance avec les élites sortant de ces établissements romains ? Cet enchevêtrement d'autorités affecte les pays majoritairement catholiques et le premier État concerné est naturellement l'Italie. Ces universités pontificales, créées dans les États pontificaux, dépendaient du pape tout à la fois chef de l'Église et chef d'État. L'un des bouleversements qui marqua fortement fut celui subi par la *Sapienza*, université pontificale particulièrement prestigieuse, qui devient université de l'État italien et perd son caractère d'établissement pontifical en 1870, lorsque Rome est capitale de l'État. Nombre de ses professeurs démissionnent. Par la suite, à partir de 1873, les facultés de théologie catholique romaines seront les seules institutions à dispenser l'enseignement de la théologie en Italie. Le Concordat de 1929 autorise l'État à «reconnaître» les titres donnés par les facultés romaines, solution confirmée en 1984. Pendant presque un siècle (jusqu'en 1969) la faculté de théologie conserve le quasi monopole de l'enseignement de la théologie. Cette situation spécifique de l'Italie s'explique naturellement par l'histoire.

— En dehors des États pontificaux, il existe, seconde catégorie, des universités ou établissements qui, dans un pays, sont «de droit pontifical», c'est-à-dire habilités à délivrer des diplômes au nom du Saint-Siège. Rome a veillé à leur développement. Ainsi en Irlande, le collège Saint Patrick est fondé en 1795 en tant que séminaire national. Lors de la célébration de son centenaire, Rome l'autorise à conférer les diplômes pontificaux en philosophie, théologie et droit canonique; il devient univer-

<sup>4</sup> L'université Grégorienne s'inscrit dans la continuité de ce qu'avait été le *collège romain*, dont Ignace de Loyola posait les bases en 1551. Elle est réorganisée à plusieurs reprises, notamment pas un décret de la congrégation des Études du 16 août 1876.

<sup>5</sup> L'université du Latran, que beaucoup qualifient comme étant l'université du pape, apparaît en 1773, lors de la suppression des Jésuites sans être, à cette date, qualifiée d'université. Elle permet la formation de nombreux auxiliaires du pape. Au XIX<sup>e</sup> siècle, elle est située au Palais de Saint Apollinaire, d'où son nom d'*Apollinaire*. Une faculté de droit canonique y est créée en 1853 mais le titre d'université ne lui sera donné qu'en 1959, à la veille de l'ouverture du concile de Vatican II.

<sup>6</sup> Le *studium* médiéval fondé par saint Dominique devient, au XVI<sup>e</sup> siècle, l'*Angelicum* et se situe dans la continuité de la pensée thomiste.

<sup>7</sup> Le *collège de propaganda fidei*, ou université Urbainienne, est créé en 1627 par Urbain VIII pour former les futurs missionnaires; il est supprimé car jugé inutile lors de la Révolution française, puis rétabli mais avec un prestige moindre.

<sup>8</sup> Les origines de la *Sapienza* remontent à une bulle pontificale de Boniface VIII en 1303. Elle reste au cours des siècles un *studium Urbi* étroitement dépendant de l'autorité pontificale, jusqu'à ce qu'elle devienne, en 1870, l'université de Rome en tant que capitale de l'État italien unifié. Elle perd alors ses liens directs avec l'Église et nombre de professeurs démissionnent.

<sup>9</sup> L'*Augustinianum* est l'institut patristique de l'ordre des Augustins.

sité pontificale quelques années plus tard, en 1896. L'établissement est aujourd'hui tout à la fois de droit pontifical et reconnu par l'État.

En Belgique, lors de l'indépendance du pays, l'ancienne université catholique est rétablie et approuvée par le pape en 1833; elle est d'abord ouverte à Malines puis transférée à Louvain en 1834. Ce rattachement à l'Église est voulu; il est aussi une façon de rejeter la domination que Joseph II avait exercée à la fin du XVIII<sup>e</sup> siècle, puis celle de la France, sous la Révolution et ensuite sous Napoléon. L'université catholique de Louvain connaît un bel essor pendant tout le XIX<sup>e</sup> siècle.

Les initiatives de l'Église se font sentir dans bien d'autres pays encore. Elles émanent d'évêques ou de monastères, agissant seuls ou en concertation avec le prince, ou le pape lorsqu'une reconnaissance romaine est souhaitée. En Lituanie, c'est tout à la fois par un privilège du roi de Pologne et par une bulle pontificale que le collège de jésuites de Vilnius est élevé au rang d'académie et d'université jésuite avec mission de combattre la réforme protestante et de ramener les orthodoxes au sein de l'Église catholique. Les jésuites contrôlent cette université jusqu'en 1773.

Les modalités d'organisation sont diverses selon les circonstances et les forces en présence. Une faculté de théologie est-elle «de droit pontifical»? Reçoit-elle des financements sur fonds publics? Délivre-t-elle des diplômes reconnus tout à la fois par l'Église et par l'État? Est-elle incorporée à l'université publique? Les réponses à ces alternatives varient en fonction des pays et des souhaits romains ou politiques, dans un contexte donné à un moment donné.

Nous avons noté les raisons spécifiques imposant leurs caractères aux instances catholiques, mais il est certain que les responsables des autres confessions s'attachent eux aussi à leurs écoles ou facultés de théologie. Ainsi l'Église orthodoxe de Chypre s'efforce, au XIX<sup>e</sup> siècle, de fonder une école des sciences sacrées. Elle y parvient au début du XX<sup>e</sup> siècle et plusieurs établissements sont reconnus par le gouvernement grec. L'influence de la religion est particulièrement notable car l'Église veut, par son rôle éducatif, être un moyen d'affirmation du sentiment national grec. Les protestants ont les mêmes soucis, mais il serait artificiel d'isoler le rôle des autorités religieuses de celui du prince car les deux agissent dans une étroite union. Par exemple, en Suède, jusqu'en 1831 la formation des pasteurs luthériens relève essentiellement de la compétence de l'Église; par la suite, ceux-ci fréquentent davantage les deux facultés de théologie des universités d'État<sup>10</sup>, mutation effectuée sans conflit. Dans cette étude, consacrée aux relations de pouvoirs et notamment aux rapports entre les autorités religieuses et la puissance publique, le cas des établissements protestants ou orthodoxes n'est pas aussi complexe que celui des institutions catholiques. À côté

<sup>10</sup> Il n'y a pas d'université privée.

de la religion —et bien souvent en face d'elle, du moins dans les pays à dominante catholique— la puissance publique entend accroître ses compétences.

## B. Les États s'affirment

Dès l'Ancien Régime, la souveraineté de l'État conduit le prince à étendre ses prérogatives sur les religions et parallèlement sur la formation de leurs ministres. Qu'il soit ou non chef d'une Église dans le pays, il veille à l'organisation des confessions et se montre très attentif au contenu des doctrines dispensées. À la fin du XVIII<sup>e</sup>, puis au XIX<sup>e</sup> et XX<sup>e</sup> siècles, la surveillance de l'État augmente ; elle peut s'accompagner de méfiance, à l'égard des religions minoritaires, mais aussi de la principale religion, dans un contexte de politique anticléricale. L'autorité publique dispose de plusieurs moyens d'action qui sont autant de réponses aux questions que nous avons évoquées. Elle peut ordonner la fermeture et la suppression des facultés de théologie ou d'autres établissements; réduire ou interdire les financements publics; décider de ne plus reconnaître la valeur des diplômes donnés par ces facultés. Elle intervient encore pour modifier le statut de l'établissement. Il est possible qu'une faculté de théologie soit ainsi incorporée à l'université publique et perde son indépendance. Inversement elle peut être contrainte à sortir de l'université publique ce qui lui permet de gagner en liberté mais au risque de perdre un financement public et la reconnaissance de ses diplômes. Ces deux processus peuvent être l'un comme l'autre défavorables à la religion. Les possibilités d'intervention autoritaire du prince sont innombrables.

Au Portugal, dans la célèbre université de Coimbra, le roi Manuel I<sup>er</sup> crée deux chaires de théologie en 1503. Un siècle plus tard, dans les statuts octroyés par le roi à cette université en 1612, le monarque veille à ce que la faculté de théologie soit l'institution phare de tout l'établissement; cette conception persiste dans les divers statuts jusqu'à la fin du XVIII<sup>e</sup> siècle, témoignage de la volonté royale de garder une autorité sur l'université et d'utiliser la théologie pour en faire un appui efficace de la politique qu'il entend mener à l'égard de l'Église. Au XIX<sup>e</sup> siècle, la vie de l'université et ses relations avec l'État sont tumultueuses. Si la Charte constitutionnelle de 1826 reconnaît (art. 6) l'Église catholique comme seule religion officielle et se montre sévère à l'égard des autres confessions, ce n'est pas pour laisser toute liberté à la hiérarchie catholique. La réforme de 1901 témoigne de cette suprématie étatique. Par la suite, la loi de 1911 sur la séparation de l'Église et de l'État contraint les institutions ecclésiastiques à s'organiser dans le cadre du droit privé; toutes les universités sont en revanche publiques et la religion est un fait enseigné dans le cadre des sciences humaines et sociales. Ici, l'autorité de l'État ne se manifeste pas par un contrôle sur les institutions d'Église, mais par l'éviction de ces dernières hors de la sphère de l'université publique. L'évolution du Portugal est largement calquée sur celle qu'avait connue la France quelques années auparavant. Lors du gouvernement

de Salazar (1933), et selon les termes du Concordat de 1940, l'Église catholique obtiendra de posséder ses propres établissements (séminaires et universités), qui sont contrôlés par l'État.

En Autriche, les jésuites avaient maintenu leur position jusqu'au XVIII<sup>e</sup> siècle, mais sous les règnes de Marie-Thérèse et Joseph II, l'empereur prend le pouvoir: l'État contrôle les livres et les formations. Il est interdit d'exercer les fonctions de prêtre sans avoir étudié six années dans l'un des trois grands séminaires situés à Vienne, Graz, Innsbruck, trois établissements emblématiques du josphisme et qui seront, pour cette raison, supprimés à la mort de l'empereur. Les nombreuses réformes ultérieures augmentent ou réduisent les prérogatives de l'État ou de l'Église. Dans ce jeu des autorités, l'Église garde généralement de réelles compétences à l'égard des séminaires, plus que des facultés de théologie, établies au sein des universités publiques; partout elle est présente et peut se faire entendre. L'État approuve nombre de statuts et accorde des financements importants. Les prérogatives de l'Église s'étendent encore au XIX<sup>e</sup> siècle (décret de 1851 puis concordat de 1855) alors que l'État se retire davantage de la formation des prêtres, pour laisser plus de liberté aux évêques. Dans ce schéma, les compétences appartiennent largement à l'Église et le financement vient de l'État.

Les territoires tchèques connaissent une situation assez comparable sous le règne des mêmes souverains Marie-Thérèse et Joseph II qui, à la fin du XVIII<sup>e</sup> siècle, s'opposent aux jésuites et imposent la soumission au roi des directeurs et des établissements dans leur ensemble. La situation évolue suite à la mort de Joseph II.

Cette politique se retrouve encore dans les projets de Joseph II à l'égard de l'université de Louvain que l'empereur souhaite ériger en université d'État, sous son autorité. Finalement il crée en 1786 un «séminaire de théologie», à côté de la faculté de théologie et pour l'affaiblir, réforme très vivement contestée. Peu après, Joseph II transfère à Bruxelles l'ensemble de l'université de Louvain en laissant pourtant dans cette ville, la faculté de théologie et le nouveau séminaire, face à face. Ces institutions sont supprimées par la France en 1797 et les collèges deviennent propriété de l'État. Par la suite, Napoléon mettra la main sur l'université, dans une optique sans doute différente de celle de Joseph II mais avec le même autoritarisme. Les facultés de théologie sont des enjeux importants pour le gouvernement personnel d'un empereur, autrichien ou français.

Autres lieux, autres autorités politiques et autres confessions. Pour affermir sa domination sur l'Irlande, la couronne britannique exige un acte d'allégeance de la part des étudiants du Trinity collège anglican de Dublin. Un même acte d'allégeance est requis des élèves du collège catholique saint Patrick de Maynooth. Ces pratiques durent jusque vers la fin du XIX<sup>e</sup> siècle<sup>11</sup>. Toujours en Irlande, en 1845, sont établis

<sup>11</sup> L'Église d'Irlande est désétablie en 1871, conformément à des décisions prises en 1869. En 1873, les étudiants du Trinity college sont dispensés de cet acte d'allégeance et la même dispense était déjà intervenue pour les étudiants du collège St Patrick en 1862.

trois collèges royaux (Queen's Colleges) qui enseignent la théologie catholique, avec des financements privés. Rome condamne ces collèges «sans Dieu». La querelle s'apaise lorsque Saint Patrick devient université pontificale (1895), l'État ne cherchant pas à maintenir ses prérogatives au détriment de l'autorité romaine. Dans cet esprit, d'autres collèges d'État sont fondés par la suite, mais sans avoir le droit d'enseigner la théologie.

Citons aussi la Grèce, où les moines du Mont Athos prennent l'initiative de fondations vers le milieu du XIX<sup>e</sup> siècle. Parallèlement, à partir de l'existence du premier gouvernement indépendant de la Grèce (1830), les pouvoirs publics ouvrent plusieurs écoles pour la formation des jeunes, catholiques d'une part, orthodoxes d'autre part. Ces établissements sont règlementés par un décret royal de 1833 et connaissent un réel essor. Par la suite, l'État les organise et les finance, tout en reconnaissant le droit de contrôle des instances de l'Église orthodoxe de Grèce. Les écoles hiératiques (ou écoles de sciences religieuses) sont des établissements de droit public et permettent l'accès à la faculté de théologie de l'université d'Athènes.

Dans la France catholique, Louis XIV met la main sur la plupart des collèges royaux et décide l'expulsion des jésuites en 1762. Pourtant, les collèges et séminaires restent aux mains des hommes d'Église et relèvent de l'épiscopat. À l'université, le monarque impose à la faculté de théologie de la Sorbonne la politique religieuse qu'il entend faire triompher dans tout son royaume. La faculté de théologie, moins prestigieuse qu'au Moyen Âge, rassemble des membres du haut clergé appartenant aux catégories supérieures de la société; elle reste l'institution phare de toute l'université. Le roi confirme ses privilèges. Il lui demande de préparer les principaux dignitaires ecclésiastiques du royaume à leurs fonctions auprès du souverain et de lui accorder en outre un soutien politique sans faille. La faculté de théologie est maître de la censure et reçoit donc compétence pour autoriser ou interdire toute publication. Elle est, jusqu'à la fin de l'Ancien Régime, un lieu de prise de positions dans les querelles relatives au gallicanisme, jansénisme ou rationalisme. La Révolution abolit toute cette construction; elle formule quelques projets qui ne sont guère suivis d'effets.

Napoléon entend prendre en main ce secteur, comme l'ensemble des secteurs de la vie sociale. Le Concordat de 1801 et les articles organiques prévoient des séminaires, sans que l'État s'oblige à les doter bien qu'il s'en réserve la surveillance<sup>12</sup>. Napoléon installe également des académies et séminaires protestants (luthériens ou calvinistes); une académie de théologie protestante est instituée à Strasbourg dès 1803. Au cours du XIX<sup>e</sup> siècle, les séminaires resteront sous l'autorité des divers gouvernements qui, toutefois, leur laisseront généralement une relative autonomie.

<sup>12</sup> Napoléon souhaitait des séminaires métropolitains, donc peu nombreux et plus faciles à contrôler, mais ceux-ci ne furent pas mis en place.

Le désir de puissance des Bourbons se retrouve chez Napoléon, à une échelle beaucoup plus large et dans un contexte où l'alliance entre l'Église et l'État est bien souvent tumultueuse. L'université impériale est créée en 1806 comptant dès l'origine une faculté de théologie catholique d'une part, protestante d'autre part<sup>13</sup>. Le droit canonique apparaît en marge de l'université en 1821, à l'École nationale des Chartes. L'université est publique; elle est le monopole de l'État et est étroitement contrôlée par le gouvernement, selon les principes d'autorité de Napoléon. Pourtant, dans ce monopole étatique, l'Église a sa place, à condition d'être soumise à l'État, situation dénoncée par les dignitaires ecclésiastiques. En 1858, le gouvernement impérial demande au pape d'accorder une institution canonique à ces facultés de théologie d'État, mais il se heurte au refus de Pie IX. Lors du gouvernement de l'Ordre Moral, la loi du 12 juillet 1875, dite loi Laboulaye, sur la liberté de l'enseignement supérieur<sup>14</sup>, autorise la création d'universités catholiques. Trois facultés sont nécessaires pour qu'une université soit constituée. Le cardinal Guilbert archevêque de Paris charge son vicaire général, Mgr. d'Hulst, de la fondation d'une université catholique<sup>15</sup>. Celle-ci ouvre dès 1875, avec des facultés de droit, de lettres et de sciences. À cette date, il existe une faculté de théologie catholique au sein de la Sorbonne et les évêques rechignent à en créer une seconde. En 1878, ils instaurent, dans l'Université catholique, une école de théologie, qui deviendra faculté canonique en 1889. Entre temps, la loi du 18 mars 1880, l'une des lois anticléricales des Républicains de la fin du siècle, interdit à ces établissements de se qualifier d'université. Dès lors les Instituts catholiques sont des établissements d'enseignement supérieur privés, condition qu'ils garderont par la suite et qu'ils conservent aujourd'hui encore. Leurs diplômes ne sont pas reconnus par l'État. En 1895, Rome décide de diversifier les formations pontificales à l'intérieur de l'Institut catholique et reconnaît une faculté de théologie, une de droit canonique, une de philosophie. Les trois sont un temps administrées par un même conseil et obtiennent chacune leur indépendance en 1913. D'université catholique d'État, l'établissement est ainsi passé à un statut d'institut catholique privé de droit français, mais il a parallèlement acquis la reconnaissance de trois facultés par l'autorité pontificale. En réponse à l'anticléricalisme de la fin du XIX<sup>e</sup> siècle qui rejetait l'enseignement de la théologie ou du droit canonique hors des universités publiques, l'École Pratique des Hautes Études (créée en 1868) se dote en

<sup>13</sup> B. NEVEU, *les Facultés de théologie de l'université de France, 1808-1885*, Paris, Klincksieck, 1998.

<sup>14</sup> P.-H. PRÉLOT, *Naissance de l'enseignement supérieur libre : la loi du 12 juillet 1875*, Paris, PUF, coll. des Travaux de l'Université de Paris 2, 1987, 139 p.

<sup>15</sup> C. BRESSOLETTE, «Cent vingt cinq ans d'histoire», dans *L'institut Catholique de Paris, un projet universitaire*, dir. P. VALDRINI, Paris, Desclée de Brouwer, 2000, 150 p.

1885 d'une V<sup>o</sup> section consacrée aux «sciences religieuses» dans laquelle l'histoire du droit canonique est enseignée.

Instaurant officiellement un système de pluralisme religieux, Napoléon organise l'enseignement de la théologie protestante à Strasbourg, Genève, Montauban. Par la suite, ces facultés ne seront pas atteintes par les mêmes conflits que ceux touchant les facultés de théologie catholique et se maintiendront jusqu'en 1905. Les pasteurs sont ainsi formés à Strasbourg, Paris ou à Montauban et non plus à Lausanne comme cela avait été le cas jusqu'à la Révolution.

Le cas de Strasbourg est particulier, les instances n'étant pas atteintes par les lois anticléricales de la fin du XIX<sup>e</sup> siècle. En 1902, une convention passée entre le Saint-Siège et le gouvernement allemand instaure une faculté de théologie catholique au sein de l'université. Un institut de droit canonique est érigé en 1920 dans cette faculté et sa direction est confiée à Victor Martin. L'institut délivre, dès 1921, des diplômes qui sont des diplômes d'État, reconnus comme tels par les pouvoirs publics (diplôme d'Études supérieures, doctorat de l'université de Strasbourg, mention droit canonique). En 1924, le Saint-Siège octroie les grades ecclésiastiques de bachelier, licencié et docteur aux étudiants passant avec succès les examens de l'université et qui justifient en outre des conditions requises par les règlements pontificaux. Toujours à Strasbourg, l'actuelle faculté de théologie protestante tire son origine du gymnase protestant institué en 1538 et transformé en académie en 1566 par Maximilien II, puis en université luthérienne au XVIII<sup>e</sup> siècle. Celle-ci, moins combattue par les révolutionnaires, résiste un temps à la tournante des années 1789 et suivantes. En 1803, le séminaire protestant de Strasbourg est réorganisé, en tant qu'institution ecclésiastique. Il sera transformé en faculté d'État en 1818. Les enseignements changent peu mais la nature de l'établissement et les autorités de tutelle sont autres. Il s'agit d'une faculté de théologie protestante concordataire, système en partie conservé de 1871 à 1918 et qui demeure après le Traité de Versailles<sup>16</sup>.

Ce bref panorama du jeu des faveurs ou défaveurs des autorités politiques ne permet pas de conclusions définitives. Il est fondamental de nous garder de toute généralisation et chaque État a son histoire spécifique aux conséquences elles aussi spécifiques sur les séminaires ou les facultés de théologie; rien ne se retrouve identique d'un pays à un autre. Pourtant plusieurs constats apparaissent si l'on s'efforce de dégager des caractères communs. Bien des pays – mais pas tous – ont connu une (ou des) période(s) de crispation, qui ne se sont pas situées au même moment, n'ont pas mis en présence les mêmes religions ou le même type de régime politique et qui ne se sont pas manifestées de façon identique partout. Une ligne se dégage néan-

<sup>16</sup> C. STORNE-SENGEL, «Les études de Charles Wagner à Strasbourg», Actes du Colloque Protestantisme et Libéralisme à la Fin du XIX<sup>e</sup> Siècle, *Bulletin de la société d'histoire du protestantisme français*, 2008, p. 411

moins, opposant parfois d'un côté les pays à dominante protestante dans lesquels la religion majoritaire demeure très liée au prince et à l'Etat et de l'autre côté les pays à dominante catholique où la souveraineté du monarque implique une autorité parfois plus agressive à l'égard des forces cléricales pour tout au moins contenir celles qui sont extérieures au royaume.

Les luttes du XIX<sup>e</sup> siècle ont pu crispier les attitudes et expliquent souvent (par exemple au Portugal ou en France) que la théologie ait été totalement exclue des universités publiques. Toutefois, ces crispations s'étant aujourd'hui estompées, une nouvelle réflexion apparaît sur la place des sciences religieuses dans les universités publiques. Des États, comme la Grèce notamment, opèrent des réformes qui visent essentiellement à harmoniser le nombre d'étudiants, et le nombre de professeurs de religion qu'il convient de former, au nombre d'élèves auxquels ses cours doivent être dispensés. C'est dire que les débats essentiels ne concernent plus la question de savoir si c'est l'État ou l'Église dont l'influence doit prédominer, mais on se soucie de répondre aux besoins effectivement ressentis par les populations. D'autre part, les pouvoirs publics accordent sans doute plus de liberté à la théologie qu'on ne le faisait dans les siècles antérieurs, parce que les étudiants sont moins nombreux et encore davantage parce que l'influence d'une faculté de théologie n'est plus ce qu'elle était lors du conflit opposant Louis XIV à Innocent XI. Les enjeux ont changé d'intensité et même de nature.

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# LES POUVOIRS PUBLICS ET LA FORMATION DES CADRES RELIGIEUX EN EUROPE. LE CADRE POLITICO-NORMATIF ITALIEN

ROBERTO MAZZOLA

## I. EVOLUTION HISTORIQUE DE LA FORMATION DES CADRES RELIGIEUX ENTRE LE XIX ET LE XX SIÈCLES EN ITALIE

### A. Formation des cadres religieux de l'Église catholique

La réflexion sur la formation des cadres religieux s'applique en premier lieu à la formation du clergé catholique qui, dès le Concile de Trente, a vu dans l'organisation des Universités ecclésiastiques<sup>1</sup> (can. 819), mais surtout dans les «séminaires» et dans des institutions similaires l'espace institutionnel dédié à la formation des jeunes destinés au sacerdoce<sup>2</sup> (can. 234 § 1).

À travers l'évolution du système des grands et petits séminaires, il est donc possible de reconstruire les grandes lignes de la formation du clergé catholique qui, jusque vers les années 1990, s'est développé en conservant et en juxtaposant deux manières différentes de penser le rôle du clergé : la conception *traditionaliste* inspirée des principes de la Contre-réforme, et celle *réformiste* soucieuse de bâtir une image du sacerdoce capable d'accepter les défis de la modernité.

La conception *traditionaliste* avait pour but de forger de prêtres obéissants, attentifs à la dimension spirituelle sans trop se soucier des affaires du siècle. Cette séparation entre sacré et profane était portée par l'ecclésiologie de Pie IX. Il était conçu comme un outil pour réaliser deux objectifs différents : faire obstacle dans l'Église à des personnes sans motivation religieuse et pastorale et éviter que les clercs ne s'immiscent trop dans la vie politique et cela au détriment de la pastorale. L'autre conception, au contraire, avait comme but la création de la figure du «prêtre social»

<sup>1</sup> Sur cette question: A. FERRARI, «Entre État et Église: l'enseignement de la théologie catholique en Italie et en Espagne ou de l'actualité d'une séparation», *Studia canonica*, 37 (2003), p. 382.

<sup>2</sup> Cf. M. GUASCO, *Storia del clero in Italia dall'Ottocento a oggi*, Laterza, Bari-Roma, 1997, p. 23.

immergé dans l'histoire et la politique avec la conviction qu'il faut agir pour réduire les injustices, et ainsi démontrer que la religion est nécessaire<sup>3</sup>.

L'alternative entre les deux modèles fut provoquée par les évolutions politiques et sociales en Italie. Pendant la Restauration, les revendications théologiques de nature moderniste ont conduit la hiérarchie ecclésiastique à imposer le modèle contreréformiste. Il faut rappeler, à ce propos, l'influence des séminaires romains, lesquels avaient pour but la formation des clercs inspirée des valeurs de la Restauration en évitant que la pensée laïque ne puisse nuire à l'Église. Il était clair que l'élément essentiel pour l'Église était d'endiguer les formes de protestations et les interprétations les plus libérales au sein de la population catholique, comme le démontre l'épisode des séminaires de Milan et la forte opposition, orchestrée par les Jésuites, à la diffusion de la pensée rosminienne<sup>4</sup>. Pie IX, en effet, souhaitait que les cadres de l'Église catholique aient un caractère trempé et soient doctrinalement fermes et rigoureux. Mais l'Église a dû se confronter aux grandes transformations sociales. Cette situation a engendré le modèle progressiste qui a conduit progressivement à la formation d'un prêtre engagé dans le social.

Cette juxtaposition des modèles a eu d'importantes conséquences du point de vue de la formation du clergé catholique; elle a créé une ligne de fracture entre les nouvelles générations de prêtres éduqués à l'ombre de la *Rerum Novarum* et la vieille génération engagée à défendre l'Église contre les contaminations du siècle et les remous sociaux.

Les prêtres éduqués avant l'encyclique *Pascendi* (1907), sous le pontificat de Léon XIII, ont conservé pour toute la vie une forte curiosité intellectuelle et une forte attention pour les nouveautés et les changements. Au contraire, ceux formés après 1907, furent craintifs envers les nouveautés, méfiants par rapport aux évolutions intellectuelles, à l'étude et à la culture. Ce dernier modèle sera largement dominant dans les séminaires et les Universités ecclésiastiques jusqu'aux années 1930.

Le document qui souligne cette orientation est la constitution apostolique *Deus scientiarum Dominus* du 24 mai 1931 de Pie XI. Dans ce texte, les règles didactiques des facultés ecclésiastiques changent complètement. Mais la sortie concrète de l'approche traditionaliste a eu lieu plus tard avec l'exhortation apostolique de Pie XII *Menti nostræ* de 1957. En effet, elle remet en cause le modèle du Concile de Trente en promouvant les thèmes qui seront développés lors du Concile Vatican II.

Devant le problème de l'organisation des séminaires, le Synode épiscopal extraordinaire de 1967 établit que seules les Conférences épiscopales nationales auront le droit d'écrire la *ratio* pour leur propre pays. En réalité, la lenteur des épiscopats dans la rédaction des nouveaux modèles de formation et la force des instances de centralisation, ont conduit la Curie de Rome à rédiger une seule *Ratio fundamentalis* prenant en considération les demandes de renouvellement présentées dans les dio-

<sup>3</sup> *Ibid.*, p. 129.

<sup>4</sup> *Ibid.*, p. 62.

cèses, et surtout propre à offrir aux différents pays une orientation générale permettant d'introduire les spécificités et les traditions de chaque pays.

La *Ratio* a été établie à Rome entre 1968 et 1970 conformément aux instructions conciliaires. Pour ce document la formation devait : i) consacrer une grande importance au dialogue avec le monde en prêtant une attention aux signes des temps, ii) intégrer davantage le séminaire dans la vie des diocèses iii) développer la formation humaine iv) éduquer au sens de la responsabilité v) promouvoir la formation de petites communautés à l'intérieur du séminaire, c'est-à-dire que les séminaristes pourraient être autorisés, sous la surveillance d'un éducateur nommé par l'évêque, à vivre dans des communautés en dehors du séminaire en assistant aux cours donnés dans le cadre du séminaire. La *Ratio fundamentalis institutionis sacerdotalis* a été promulguée le 6 janvier 1970 et fut envoyée aux Conférences épiscopales afin qu'elles puissent écrire la leur sur la base de la *Ratio* cadre. Les évêques italiens, ont terminé leurs travaux en 1972.

Pendant les années 1990 les évêques italiens ont décidé de mettre à jour les normes fondamentales pour la formation des prêtres publiées en 1972. La nouvelle *Ratio* des études fut publiée en 1984. Elle prévoyait deux années des cours –en grande partie en philosophie – quatre années des études théologiques avec une attention particulière aux expériences pastorales en dernière année et enfin, l'introduction d'un certain nombre de matières optionnelles: missiologie, athéisme et marxisme.

Des modifications furent également introduites par le Code de droit canonique de 1983 (can. 232-264) qui renouvelait l'invitation à orienter la formation de façon que le séminariste puisse avoir la chance de servir aussi l'Eglise dans un diocèse différent de celui d'origine où le besoin pastoral était le plus fort.

Cette réforme sera confortée dans les années 1990. À partir de cette date le Synode des évêques a choisi la formation des prêtres dans l'Eglise contemporaine comme thème d'études et de discussion. Le document préparatoire soulignait trois éléments fondamentaux pour la formation des cadres ecclésiastiques : la piété, l'étude, la discipline et, en plus, la formation pastorale. La conception qui considérait le séminaire comme le temps de la préparation, et les années du sacerdoce comme le temps de la réalisation des éléments transmis a été remplacées par un nouveau modèle de formation. Le cycle d'apprentissage constitue une première phase complétée par la formation permanente indispensable afin de rester dans le monde<sup>5</sup>.

## B. Formation des cadres religieux protestants

En Italie la problématique de la formation des cadres religieux protestants est liée à la mise en œuvre effective de la liberté religieuse des minorités vaudoises-méthodistes. L'évolution des modes de formation des cadres religieux protestants est

<sup>5</sup> *Ibid.*, p. 303.

fortement liée au problème de la lutte pour la reconnaissance du droit d'organisation autonome et du droit à former librement ses cadres dans le respect des règles et de la tradition théologique des églises réformées.

Les formations expérimentées par la communauté vaudoise-méthodiste, sur le modèle de celles existantes pour l'Église catholique, concernent les centres d'enseignement supérieur comme la Faculté Vaudoise de Théologie fondée à Torre Pellice (Piémont) en 1854. Les pasteurs vaudois étaient formés à l'étranger dans les facultés théologiques suisses (Bâle, Genève, Lausanne), hollandaises, anglaises et allemandes. Mais le concept de ministre du culte propre à la doctrine protestante s'adosse à des fondements théologiques très différents de la tradition catholique.

Avant toute chose la conception de «sacerdoce universel», également acceptée par Vatican II, ramène à de plus justes proportions le rôle de la formation des cadres religieux. Dans le protestantisme on ne devient pas prêtre. Le sacerdoce est lié à l'appartenance à une communauté. Le ministre du culte n'est pas ordonné, cette conception modifie le contenu de la formation des ministres du culte. Le caractère sacré des ministres ordonnés du culte catholique est, en effet, inexistant dans la théologie protestante. Conformément à cette approche, les ministres du culte : i) sont toujours révocables; ii) n'ont aucun statut particulier; iii) doivent s'engager dans la communauté et dans la société civile<sup>6</sup>. La pastorat féminin introduit de plus des différences substantielles et pose des problèmes spécifiques. Enfin, le fait que les pasteurs protestants soient élus par la communauté, pose le problème de l'existence d'une liste de personnes qui ont suivi un certain parcours d'étude et ont obtenu la consécration, qui sera différente selon les diverses dénominations<sup>7</sup> à l'intérieur même de la communauté protestante.

C'est dans ce contexte théologique que la Faculté Vaudoise de Théologie développe son activité. Son objectif, comme le rappelle l'art. 1 des Statuts, est de former les pasteurs évangéliques; promouvoir les études théologiques au sein des églises réformées dans une perspective évangélique et œcuménique et, aussi, d'agir comme centre de culture et de recherche théologique protestante et de partager les connaissances théologiques<sup>8</sup>.

### C. Formation des cadres religieux juifs

Il est possible d'affirmer qu'en Italie, entre le XIX<sup>e</sup> et le XX<sup>e</sup> siècles, le problème de la formation des ministres du culte dans les communautés juives italiennes est lié aux questions relatives à l'unification de cette communauté.

<sup>6</sup> G. LONG, *Ordinamenti giuridici delle chiese protestanti*, il Mulino, Bologna, 2008, p. 89.

<sup>7</sup> *Ibid.*, p. 96.

<sup>8</sup> «Statuto della Facoltà valdese di Teologia – Regolamento della Facoltà valdese di Teologia (approvati rispettivamente con gli artt. 64/SI/1990; 70/SI/1991)», *Raccolta delle discipline vigenti nell'ordinamento valdese*, Claudiana, Torino, 1993, pp. 323-342. (Les textes du Statut et Règlement analysés ont été mis à jour au Synode de 2012).

Les valeurs sionistes de nature laïque et les valeurs religieuses propres du paradigme rabbinique-synagogal s'affrontaient dans le cadre de l'effort en vue de la construction d'une communauté juive unie. Dans la première hypothèse, le rôle de la composante religieuse de la communauté aurait été réduit et, avec elle, l'importance même des instituts affectés à la formation des rabbins. Si la deuxième position l'avait emporté, la dimension religieuse aurait gagné du terrain et, avec elle, le rôle et la fonction des institutions responsables de la formation des ministres de la religion. Ce contraste se manifeste avec force en 1917 de pair avec la création de la *Fédération nationale des rabbins*. L'objectif déclaré de cet institut était de protéger les intérêts spirituels et les droits de la minorité juive en Italie au détriment de l'affirmation du sionisme<sup>9</sup>. Il s'agissait d'un véritable défi pour la composante laïque de la communauté juive italienne et d'une évolution importante de l'équilibre qui s'était constitué, dans la communauté, entre le rabbinat et les laïcs. La controverse est devenue féroce. La reconnaissance même de la légalité de la Fédération des rabbins a été mise en cause, par crainte qu'elle aurait pu saper l'unité et compromettre la reconnaissance alors controversée de l'unicité de l'Etat. La réponse des rabbins a été précise et argumentée. Selon eux, il était nécessaire de faire la distinction entre la représentation officielle du judaïsme, légalement aux mains des présidents de la communauté, et la protection du spirituel, dont ils revendiquaient l'exercice exclusif. Par ce système, les rabbins avaient non seulement le droit de représenter officiellement le judaïsme face à l'autorité politique, mais ils étaient encore plus légitimes que d'autres, en raison de leur fonction particulière de docteurs de la Loi. C'est dans ce contexte, qu'a été constitué le *Collège rabbinique italien* dans son articulation tripartite d'*Ecole rabbinique*, de *Cours en études juives* et de *Séminaire David Almagià*, dont la tâche principale résidait dans la formation des rabbins et des professeurs d'origine juive<sup>10</sup>.

#### D. Formation des cadres religieux de la communauté musulmane

La question de la formation des *imams* en Italie est un problème récent dont on attend les développements. En général, il est possible de distinguer les imams étrangers, ou du moins formés à l'étranger, et ceux de la diaspora italienne sans formation particulière. La première catégorie est minoritaire. Les cadres religieux la constituant sont généralement nommés par les autorités des pays d'origine et n'ont qu'une sensibilité et une connaissance réduites de la culture et des valeurs du pays d'accueil. Les imams de la diaspora au contraire exercent l'autorité mais sans avoir suivi des études

<sup>9</sup> Sur ce point, voir: S. DAZZETTI, *L'autonomia delle comunità ebraiche italiane nel Novecento. Leggi, intese, statuti, regolamenti*, Giappichelli, Torino, 2008, p. 26.

<sup>10</sup> Voir: UCEI. *Formazione rabbinica in Italia*, in <[www.romaebraica.it/collegio-rabbinico](http://www.romaebraica.it/collegio-rabbinico)> (visité le 22 mai 2013).

coraniques. Ils s'appuient sur les connaissances acquises dans l'enfance à la madrasa de leur pays d'origine, par des lectures, ou encore grâce à internet<sup>11</sup>.

En Italie, mais en général dans tous les territoires de la diaspora, les conditions pour devenir *imams* ne sont pas codifiées. La communauté se contente de reconnaître un candidat connaissant le Coran en capacité de diriger la prière. Toutefois, l'imam doit également être choisi pour sa capacité à aider, au point de vue moral et spirituel, les membres de la communauté dont il est chef.

La formation d'une personne possédant ces caractéristiques est un problème que les associations islamiques sont en train de résoudre. Des cours de formation pour les imams sont depuis quelque temps créés, soit au niveau local, soit au niveau national. Ils sont organisés en règle générale par des membres d'associations islamiques. La CO.RE.IS, dans sa proposition de statut des imams pour accéder à l'inscription établie par la *Fédération italienne de l'Islam*, a prévu les conditions suivantes : i) être un citoyen italien ou un résident permanent en Italie depuis 5 ans, de sexe masculin, d'un certain âge et de religion islamique; ii) être en possession d'un diplôme d'études secondaires ou d'une autre qualification équivalente iii) n'avoir aucune condamnation judiciaire en Italie ou à l'étranger, ne pas avoir été incriminé, ni avoir eu de liaisons avec des mouvements idéologico-politiques fondamentalistes iv) avoir obtenu le diplôme d'*imam* dans l'un des instituts de formation des *imams* accrédités par la *Fédération de l'islam italien*, ou être diplômé comme imam par des instituts d'Etats étrangers garantissant la liberté de religion et cela à condition que ces diplômes soient validés par la *Fédération de l'Islam italienne* v) ou être autorisés à exercer la fonction d'*imam* par la Fédération grâce à une reconnaissance *ad personam*.

## II. ORGANISATION DES FORMATIONS PAR LES CONFESSIONS RELIGIEUSES

### A. L'Eglise catholique

En plus des séminaires, l'offre de formation pour le clergé catholique est également portée par le réseau des Facultés de théologie (can. 819) qui deviennent, après 1873, les seules à dispenser un savoir théologique en Italie et cela à l'extérieur des Universités publiques. Depuis cette date, l'État se contente d'«offrir une reconnaissance externe successive aux titres canoniques délivrés exclusivement par les institutions de l'Église»<sup>12</sup>. Une situation qui reste inchangée jusqu'à nos jours. En d'autres termes, l'Etat, incompétent en matière théologique, renvoie au droit de l'Eglise. Il se cantonne à la vérification formelle de la compatibilité entre les études ecclésiastiques et les études

<sup>11</sup> On peut lire M. BOMBARDIERI, *Moschee d'Italia. Il diritto al luogo di culto il dibattito sociale e politico*, pref. di S. ALLIEVI, Emi, Bologna, 2011.

<sup>12</sup> A. FERRARI, *Entre état et église: l'enseignement de la théologie catholique en Italie et en Espagne ou de l'actualité d'une séparation*, cit., p. 381.

civiles<sup>13</sup>. De cette manière «les autorités ecclésiastiques prévoient le moins d'étranglement possible des institutions de l'Église vis-à-vis des partenaires étatiques – mais pas forcément le contraire»<sup>14</sup>. Pendant un siècle, l'éducation théologique a été le monopole absolu des facultés théologiques romaines, mais depuis 1969, les équilibres ont cependant changé. À partir de cette date, l'ancienne faculté de théologie du séminaire diocésain de Milan est désormais située dans le centre de la ville, avec un nouveau *statut* celui de Faculté de Théologie de l'Italie du Nord (FTIS). Elle est «confiée à la direction de l'épiscopat des régions ecclésiastiques de la Lombardie, du Piémont, des Trois Venises et, plus tard, de la Ligurie»<sup>15</sup>. Dans le prolongement de ce changement, elle a été réorganisée pour la rendre plus efficace scientifiquement et assurer une liaison plus forte avec les autres universités et centres de recherche nationaux, en permettant notamment l'accès aux laïcs, soit comme étudiants, soit comme enseignants.

Le renforcement de la dimension scientifique et l'ouverture aux laïcs constituent les deux objectifs poursuivis par les Facultés théologiques. «Toujours en 1969, l'ancienne Faculté de théologie du séminaire archiépiscopal de Naples et celle que la Compagnie de Jésus de Naples fusionnèrent dans une nouvelle Faculté Théologique de l'Italie Méridionale (FTIM) qui, à l'instar de la FTIS pour le Nord, était appelée à fédérer progressivement tous les centres d'études théologiques d'importance existant dans le Sud du pays»<sup>16</sup>. Après l'institution des pôles de Milan et Naples il faut attendre presque dix ans avant la création d'autres centres de formation au service des églises particulières et ouverts au laïcat. Ainsi, en 1980, la CEC reconnaît la Faculté théologique sicilienne (FTSi) dans la ville de Palerme et, l'année suivante, la Faculté Théologique de la Sardaigne (FTSa) «obtenait la reconnaissance provisoire de ses statuts renouvelés qui entamaient un nouveau cours pour cette institution, confiée par la Conférence épiscopale sarde à la direction de la Compagnie de Jésus. En 1997, enfin, le dernier morceau de la mosaïque se composa avec la reconnaissance de la Faculté Théologique de l'Italie Centrale (FTIC) avec siège à Florence»<sup>17</sup>.

Toutes les régions ecclésiastiques italiennes sont donc, dès la fin des années 1980, couvertes par un réseau des centres de formation théologique de niveau universitaire, également ouvert aux laïcs. Le cadre est fixé par le Code de Droit canonique aux canons 815-821. Toutefois l'offre de formation dans le milieu théologique catholique ne se réduit pas aux seules Facultés de théologie. Des centres liés à ces facultés ont été créés, il s'agit de a) *Sections parallèles aux Facultés de théologie*. Ces sections ont presque les mêmes prérogatives et les mêmes libertés que le siège central de la Faculté, qui se distingue par

<sup>13</sup> *Ibidem*, p. 393.

<sup>14</sup> *Ibidem*, p. 394.

<sup>15</sup> *Ibidem*, p. 383.

<sup>16</sup> *Ibidem*.

<sup>17</sup> *Ibidem*, p. 384.

sa primauté administrative et souvent par la variété des spécialisations offertes. On trouve un seul exemple de ce système à sections parallèles en Italie, notamment dans la FTIS. En effet, cette Faculté présente quatre sièges parallèles, tous à l'intérieur des séminaires diocésains locaux, à Gênes, Milan/Seveso et Venegono inferieur, Padoue et Turin; b) *Centres associés/agrèés* réglés par l'art. 48§1 de la *Ordinationes à Sapientia Christiana* (O.C.S.). La procédure d'agrément a permis une forte autonomie de ces centres, en acceptant «d'offrir aux étudiants un cycle d'études complet. Ces centres en Italie sont généralement rattachés aux Universités et aux Facultés théologiques romaines. Seulement la FTIM et la FTSi ont des institutions agrèés: deux dans la première institution, une dans la deuxième»<sup>18</sup>; c) *Les Centres affiliés* sont, au contraire, des séminaires diocésains qui sont conventionnés avec des Facultés de théologie et qui sont autorisés à délivrer la licence au nom de ces Facultés. A la différence de ce qui est prévu pour les centres agrèés, ses enseignants participent directement aux jurys d'examens et, plus généralement, surveillent de près le déroulement complet des parcours d'enseignement délivrés par les institutions affiliées. L'affiliation peut permettre aux séminaristes d'obtenir le baccalauréat (reconnu comme titre universitaire par l'Italie et le Saint Siège) sans avoir précédemment suivi un *cursus* académique. Ces Centres, par décision de l'autorité vaticane, sont interdits aux laïcs, qui obtiennent les diplômes en théologie dans les seules Faculté de théologie ou dans les Séminaires agrèés.

## B. L'organisation protestante

La communauté vaudoise-méthodiste, les Baptistes et les Luthériens ont recours à la *Faculté Vaudoise de Théologie* pour la formation de leurs cadres. La Faculté a été créée en 1854 au Collège Valdese de Torre Pellice (Provence de Turin) et elle avait mis en place le premier cours de théologie en 1855. La Faculté a été déplacée à Florence (1860-1921), et transférée définitivement à Rome, où elle se trouve actuellement. La Faculté exerce ses activités de formation sur la base de l'Ancien et du Nouveau Testament et cela en accord avec la confession de foi et la discipline des églises vaudoises et évangéliques méthodistes, conformément à l'accord de 1984 et de la loi du 11 août 1984, n. 449 relatif à l'application de l'accord entre le gouvernement italien et la Table Vaudoise.

Conformément à l'art. 3 du Statut de l'organisation des études et des activités de la Faculté, la nomination et les fonctions des enseignants, ainsi que le fonctionnement et la gestion de la Faculté sont régis par les statuts approuvés par le synode de l'Eglise vaudoise. Il appartient à la Faculté, en application des statuts, de gérer ce qui relève de l'administration de la faculté et de l'enseignement théologique. Le Conseil de la faculté (art. 6 des statuts) nommé par le synode, propose pour nomination et le cas échéant pour révocation les maîtres de conférences. Il nomme et confirme les

<sup>18</sup> *Ibidem.*

assistants et les lecteurs et invite les professeurs d'autres facultés. La tutelle sur les activités menées par la Faculté est exercée (art. 9 de Statut) par un délégué de la *Table vaudoise* qui siège aux réunions du *Conseil de la Faculté* et du *Collège académique*. De plus, à la fin de chaque année académique le travail de la Faculté est soumis au contrôle du Synode statuant en commission spéciale.

L'article premier du Règlement prévoit quatre niveaux d'études supérieures : a) le cours de licence en théologie de 180 crédits en trois ans, b) le cours de licence en sciences bibliques et théologiques de 180 crédits en trois ans; c) le cours ou diplôme en théologie de 120 crédits en deux ans, d) enfin, le cours de doctorat en théologie, qui ne peut être inférieur à trois ans.

La Faculté peut également organiser des cours de spécialisation (Master 1 et Master 2), en collaboration avec d'autres établissements d'enseignement, à condition qu'ils soient effectués selon les procédures énoncées dans l'article 20 de Règlement en concertation avec le Collège académique. L'articulation des cours offerts par la Faculté Vaudoise de Théologie, comme l'exige l'article 14 du Règlement, est structurée sur cinq disciplines fondamentales: Ancien Testament, Nouveau Testament, histoire du christianisme, théologie systématique, théologie pratique et des matières secondaires. Les matières enseignées pour obtenir le diplôme dans les différents programmes d'études sont déterminées par les art. 16, 17, 18 du Règlement.

En contact étroit avec cette Faculté Vaudoise de Théologie, le *Centre Melancthon* représente le côté luthérien. Il s'agit d'un centre de recherche œcuménique fondé en 2002 par l'Église évangélique luthérienne en Italie (CELI) et la Faculté Vaudoise de Théologie. Il veut être un point de référence pour les théologiens évangéliques venus de toute l'Europe. Les activités les plus importantes du *Centre Melancthon* sont les programmes d'études annuels d'une part et, d'autre part durant l'été à Rome, pour les étudiants non italiens de théologie. Le Centre organise également des conférences internationales et des cours de perfectionnement pour les théologiens actifs dans les domaines scientifiques, universitaires ainsi que pastoraux. Le *Centre Melancthon* est dirigé par un conseil d'administration composé de deux personnes désignées par le consistoire du CELI et deux autres nommées par le Conseil de la Faculté Vaudoise de Théologie. L'activité du Centre est également soutenue par un conseil scientifique composé de membres des organisations internationales. Les questions organisationnelles et administratives sont traitées par le directeur de la formation et du secrétariat<sup>19</sup>.

L'offre de formation théologique confessionnelle correspond aux activités éducatives menées par les Assemblées de Dieu en Italie par l'*Institut biblique italien* créé en 1954, non seulement pour former les cadres et ministres de la religion, mais aussi pour permettre à chacun d'approfondir sa connaissance des écritures. La même

<sup>19</sup> G. LONG, *Ordinamenti giuridici delle chiese protestanti*, cit, p. 90.

remarque doit être faite pour la *culture biblique adventiste de l'Institut de l'Union italienne des Eglises adventistes du septième jour*.

### C. L'organisation juive

L'article 13 (L. 8 mars 1989-101), prévoit, comme cela a déjà été dit, que la formation théologique de la communauté juive est dispensée par le *Collège rabbinique italien* de Rome, par l'*École rabbinique Margulies-Dessins* de Turin et par d'autres écoles rabbiniques approuvées par l'Union. L'école rabbinique assure deux cours principaux: un cours «moyen» et un cours «supérieur». Le premier s'étale sur huit ans, ce qui correspond à la période de l'école intermédiaire et de l'enseignement secondaire. À la fin de cette période, l'étudiant obtient le titre de *maskil*, un titre traditionnel des écoles rabbiniques italiennes, qui équivaut à un baccalauréat. Le *maskil* doit avoir une connaissance complète de la langue hébraïque écrite et parlée; il doit savoir se diriger sans obstacles dans la compréhension de toute la Bible, et avoir une expérience de la littérature exégétique traditionnelle. Il doit connaître en plus les principales étapes de l'histoire juive.

Le «cours supérieur», quant à lui, est de quatre ans. Il est utile à la connaissance du *Talmud* et du *Posqim*. La Bible, l'exégèse, l'histoire et la littérature sont étudiées. À l'issue de ce cours de formation les connaissances sont validées par un examen final (qui comprend également des réponses écrites à des questions sur les pratiques rituelles) et la soutenance de la thèse. Le titre de *Chakham* est attribué aux étudiants ayant réussi les épreuves. En règle générale, les étudiants sont invités à alterner les études en Italie par des périodes d'étude passées à l'étranger dans les instituts rabbiniques accrédités et qui ont un certain rayonnement. Les activités de formation comprennent des cours d'enseignement, des séminaires, et des séances de formation et le Conseil travaille actuellement sur la possibilité de mettre des cours en ligne pour fournir un meilleur service aux étudiants qui ne peuvent assister aux cours. Les trois approches développées dans l'enseignement, historico-philosophique, pédagogico-éducatif et bibliothécaire-archivistique, sont autant de perspectives de carrière pour les étudiants. Le *Séminaire Almagià*, au contraire, vise plutôt à former des professeurs et des enseignants des écoles juives. La formation se poursuit sur quatre ans et comprend des périodes d'étude en Israël, plus particulièrement en ce qui concerne l'étude de la langue hébraïque. Le niveau requis pour accéder à cette formation est un diplôme de baccalauréat. Les principales matières enseignées sont: la langue hébraïque, la Torah, la Tefilla, les rituels, l'histoire, l'enseignement, et enfin la pédagogie<sup>20</sup>.

<sup>20</sup> S. DAZZETTI, *L'autonomia delle comunità ebraiche italiane nel Novecento. Leggi, intese, statuti, regolamenti*, Giappichelli, cit., p. 30.

## D. L'organisation musulmane

Pour les raisons déjà mentionnées, il n'est pas prévu actuellement en Italie un programme de formation à l'intérieur de la communauté musulmane comparable à ceux des autres confessions religieuses sus mentionnées.

## III. L'ENSEIGNEMENT DES SCIENCES RELIGIEUSES PORTÉ PAR LES COLLECTIVITÉS RELIGIEUSES

### A. Formation catholique

Un certain nombre de centres offrent une formation théologique à l'extérieur du réseau des Facultés de théologie catholique. En général l'accès à ces cours suppose que l'étudiant soit titulaire d'un diplôme donnant accès à l'université. Ces études ont dans une moindre mesure que celles des Facultés théologiques, connu après le Concile Vatican II un certain essor en devenant, pour les églises locales, les lieux privilégiés pour la préparation notamment des laïcs et des religieuses à l'enseignement de la religion catholique dans les écoles publiques. Ces études sont sanctionnées par deux diplômes différents : a) le *Diplôme en Sciences Religieuses* (ISR) et b) le *Master en sciences religieuses*. Le premier comporte trois ans d'études, le second quatre. Les «Diplômes en Sciences religieuses ... sont délivrés par les Instituts des Sciences Religieuses (ISR) institutions dépourvues de tout caractère académique. Ils sont fondées par les évêques diocésains et reconnues par la Conférence épiscopale responsable de leur réglementation. Au contraire le Magistère en Sciences religieuses (ISSR) est reconnu par la CEC à la suite d'une convention avec une Faculté de théologie, responsable du niveau des études et de la collation de leurs titres»<sup>21</sup>.

Pour assurer le contrôle de la qualité scientifique de l'offre de formation dispensée par les Instituts de sciences religieuses et du Magistère en études religieuses, les Facultés de théologie ont adopté des stratégies différentes. La FTIS refuse toute reconnaissance des études suivies en dehors des institutions autres que les ISSR académiques directement sous leur contrôle. La FTIS, au contraire, en reconnaissant aussi des institutions dépourvues de caractère académique (ISR et ISSR), s'engage à faciliter l'inscription de leurs étudiants au sein de la Faculté. La question de la reconnaissance réciproque des études entre ISR et ISSR est, en revanche, typiquement italienne. Elle découle de la multiplicité des institutions qui sont en charge des Etudes de Sciences religieuses: Conférence épiscopale; Facultés de théologie; Saint-Siège: Congrégation pour l'Education catholique.

Cette articulation des centres, 65 ISR et 43 ISSR avec une douzaine de branches, peut créer des problèmes en terme de qualité de la formation. Dès lors, la volonté

<sup>21</sup> A. FERRARI, *op.cit.*, p. 388.

de réduire radicalement leur nombre afin de corriger «une certaine balkanisation des études théologiques qui en compromet la qualité»<sup>22</sup> s'impose. La prolifération d'instituts de l'Eglise italienne s'appliquant aux sciences religieuses a été générée par le concordat de 1984 et par l'Entente signée en 1985 entre le Ministère de l'Instruction publique et le Président de la Conférence épiscopale pour la réglementation de l'enseignement de la religion catholique dans les écoles étatiques. Cette entente exigeait pour les enseignants de religion un diplôme équivalent à celui détenu par les collègues enseignant d'autres matières. Cette nouvelle situation qui faisait coïncider *de facto* la naissance des ISR et des ISSR avec la question de l'enseignement de la religion dans les écoles étatiques, eut un fort impact sur la physionomie de ces institutions. «En effet entre la spécialisation pédagogique-didactique, destinée aux futurs enseignants de religion, et celle pastorale ministérielle, pensée pour les aspirantes/aspirants aux autres ministères ecclésiaux, les étudiants ont choisi massivement la première»<sup>23</sup>.

### B. Formation protestante

Les articles 10 (L. 11 août 1984, n. 449), 9 (L. 12 avril 1995, n. 116), 11 (L. 29 nov. 1995, n. 520), et 12 (L. 22 novembre 1988, n. 516) prévoient qu'un enseignement relatif à l'étude du phénomène religieux et à ses implications puisse être organisé dans l'école publique, à la demande des élèves ou de leurs familles.

### C. Formation juive

En dehors de l'offre éducative mise en place par le *Collège rabbinique Italien* il faut signaler la possibilité, conformément à l'article 11 al. 4 de la L. 8 mars 1989, n. 101, d'organiser un enseignement dans les établissements publics à la demande des élèves ou de leurs parents, en tant qu'activité culturelle délivrée par l'école. Dans ce cas, les coûts seront pris en charge par l'Union ou par les Communautés.

Toujours dans le cadre de la formation en dehors du système rabbinique, il existe des services dans le domaine de l'éducation offerte par l'*Office Jeune National* (OJN). Il s'agit d'une agence qui a pour objectif l'éducation des communautés juives italiennes dans le but de renforcer leur identité et leur sentiment d'appartenance au peuple juif.

### D. Formation musulmane

Deux initiatives de formation en lien avec la *Communauté religieuse islamique* (CO.RE.IS) sont à signaler. La première concerne l'enseignement et la recherche

<sup>22</sup> *Ibidem*, p. 392.

<sup>23</sup> *Ibidem*. Voir également: R. MAZZOLA, «Organizzazione non confessionale del «sapere» religioso in Italia», *Quad. dir. pol. eccl.*, 1 (2001), pp. 141-152.

menée par l'*Interreligious Studies Academy* (ISA) dans le domaine du dialogue inter-religieux. La seconde concerne le récent accord signé par la CO.RE.IS et le Ministre de l'Université et de la Recherche (MIUR) pour la promotion de l'inter-culturalisme, c'est-à-dire, une éducation interreligieuse destinée à l'intégration des élèves musulmans mais aussi à promouvoir une meilleure connaissance dans les écoles publiques de la culture islamique et enfin pour prévenir la propagation de l'antisémitisme, de l'islamophobie et du radicalisme.

#### IV. LA RECONNAISSANCE DES TITRES ACADÉMIQUES

En Italie, il est important, faire une distinction claire entre les confessions religieuses dont les statuts relèvent de conventions avec l'Etat et les confessions religieuses organisées dans le cadre du droit commun, c'est-à-dire la loi 1159/1929. Dans la première catégorie se trouvent, en plus de l'Eglise catholique, toutes les minorités religieuses réglementées par un accord conformément à l'article 8 alinéa 3 de la constitution.

Pour ce qui concerne l'Eglise catholique, la reconnaissance étatique des titres en théologie accordée par le concordat de 1929 a été confirmée par le nouveau concordat de 1984. De plus, ce dernier a étendu la possibilité d'une reconnaissance à tous les titres en sciences ecclésiastiques suite à une entente entre autorités italienne et vaticanes (art. 10, n. 2). Conformément à ce texte, les titres en écriture sainte ont été reconnus par l'Etat en 1994<sup>24</sup>. Dans les deux cas (théologie et écriture sainte), les titres théologiques sont reconnus par l'Etat italien sur la simple base de la durée des études, du nombre de cours annuels et des examens prévus pour les obtenir. Ces conditions sont à rapprocher de celles qui sont prévues pour les études civiles de même niveau.

Pour les confessions religieuses réglementées par un accord bilatéral, la matière est réglée par les textes d'application. Sont ainsi pris en considération: l'article 10, al. 1 (L. 22 Novembre 1988, n. 517) relatif aux *Assemblées de Dieu* en Italie. Grâce à cette disposition, l'Etat italien a reconnu les diplômes de formation théologique et culture biblique décernés par l'*Institut Biblique Italien*, conformément à la réglementation, après trois ans d'études pour les étudiants titulaires du diplôme d'études d'école secondaire supérieure; l'article 13 (L. 8 mars 1989, n. 101) relatif à l'*Union des communautés juives italiennes* prévoit que l'Etat italien reconnaisse la licence rabbinique et le diplôme de culture juive délivrés à l'issue des trois ans d'enseignement par le *Collège rabbinique Italien* de Rome, l'*École rabbinique Margulies-Disegni* de Turin et par d'autres écoles rabbiniques approuvées par l'Union, pour les étudiants en possession du diplôme de l'enseignement secondaire. Dans ce cas, les règles doivent être lues et appliquées à la lumière du décret ministériel du 2

<sup>24</sup> A. FERRARI, *op. cit.*, p. 395.

juillet 2003 qui met en œuvre l'article 13 l. 101/1989. Ce décret définit les qualités de la licence rabbinique et du diplôme universitaire délivrés par les écoles rabbiniques

Mais même dans ce cas, la reconnaissance de la valeur juridique du titre d'études est fixé par décret du ministre de l'Éducation, de la Recherche et de l'Université sous réserve d'un avis conforme du Conseil Universitaire National (CUN) .

Il n'y a pas de dispositions relatives à la reconnaissance des diplômes pour *l'Église de Jésus-Christ des derniers jours*, la *Congrégation chrétienne des Témoins de Jéhovah*, le *Saint Archevêché Orthodoxe d'Italie*, *l'Union Bouddhiste Italienne* (UBI), et *l'Union hindoue Italienne*.

Les projets d'accord avec les musulmans intègrent, au contraire, des dispositions sur la formation. Dans ces accords, après les nécessaires contrôles, les diplômes en sciences islamiques délivrés par *l'Institut Culturel de la Communauté islamique Italienne* et les diplômes équivalents délivrés par les universités ou les instituts d'études islamiques à l'étranger seraient reconnus.

Pour *l'Eglise apostolique en Italie*, l'accord signé le 4 Avril 2007 prévoit, dans l'article 11, n. 1, la reconnaissance des titres en théologie. Selon cette disposition sont reconnus les licences et les diplômes en théologie et en culture biblique délivrés par l'École et la Faculté du Centre des études théologiques de l'Eglise apostolique en Italie pour les étudiants en possession du diplôme d'études secondaires.

La loi du 8 Juin 2009 n. 67, modifiant la loi n° 516 du 22 novembre 1988 relative à la ratification de l'accord entre la République italienne et l'Union italienne des *Eglises Adventistes du Septième Jour*, prévoit la reconnaissance des licences et des diplômes en théologie et culture biblique délivrés par *l'Institut adventiste de culture biblique* «Villa Aurora», de Florence.

En Italie, en raison de l'absence d'une offre de formation théologique par les universités d'Etat, il n'y a pas de réelle possibilité de choix. En effet, la procédure de reconnaissance des diplômes ne garantit, ni le pluralisme culturel, ni le pluralisme des titres qui permettent l'accès aux concours publics.

## V. LES NOUVELLES POLITIQUES

Ces nouvelles politiques concernent surtout les minorités religieuses implantées depuis peu en Italie. L'attention du juriste doit être en particulier concentrée sur l'expérience développée au niveau universitaire au travers du Forum International Démocratie & Religion (FIDR)<sup>25</sup> avec le projet: *Nouvelle présence religieuse en Italie*. Une voie de l'intégration vise à former historiquement et juridiquement des

<sup>25</sup> Le FIDR est un Centre Interuniversitaire fruit de la collaboration entre les universités de: Milan, Padoue, l'Université Catholique de Milan, Insubria et Piemonte Orientale. Il s'occupe des problèmes liés à l'intégration et à la liberté religieuse entre les deux rivages de la Méditerranée ([www.fidr.it](http://www.fidr.it)).

cadres des communautés musulmanes italiennes. Premier projet de ce type en Italie, il a pour but de promouvoir la compréhension mutuelle entre l'administration publique (Ministère de l'Intérieur et Ministère de la Coopération et de l'Intégration Internationale) et les principales organisations musulmanes sur le territoire national, dans la perspective du dépassement progressif des principaux obstacles à la jouissance et à la garantie de la liberté de religion des communautés musulmanes et des autres minorités religieuses.



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# LA FORMATION DES CADRES RELIGIEUX EN FRANCE

PIERRE-HENRI PRÉLOT

Le système français de formation des cadres religieux est d'une grande complexité, d'une part parce qu'il n'est pas le même pour toutes les religions, d'autre part parce que les règles ne sont pas uniformes sur l'ensemble du territoire à raison de l'existence d'un régime local en Alsace-Moselle. On se propose d'ordonner la présentation sur un mode historique, comme le suggère la grille envoyée aux rapporteurs, dans la mesure où les formes actuelles, avec leurs incohérences, sont largement héritées d'une histoire complexe qui se déroule dans le long terme.

## I. HISTOIRE DES MODES DE FORMATION DES CADRES RELIGIEUX AUX 18/19<sup>E</sup> SIÈCLES

Durant le siècle qui précède la révolution française de 1789, la formation des prêtres est assurée dans le cadre des séminaires diocésains. Le premier séminaire diocésain «*moderne*» apparaît au milieu du 17<sup>e</sup> siècle, et le modèle va se généraliser progressivement. En 1696, l'archevêque de Paris rend obligatoire le passage par le séminaire à tous les aspirants à la prêtrise de son diocèse, et en 1698 le roi ordonne l'érection d'un séminaire dans chaque diocèse<sup>1</sup>. Autrement dit, c'est au tournant du 18<sup>e</sup> siècle que les séminaires diocésains deviennent ce que Boris Noguès appelle «*la norme*»<sup>2</sup>.

Le passage dans les facultés de théologie des universités permet aux étudiants d'obtenir des grades en théologie, qui remplissent «*une fonction de hiérarchisation et de formation purement intellectuelle*», mais qui ouvrent également l'accès aux

<sup>1</sup> On renvoie ici à Boris NOGUÈS à qui sont empruntées les indications antérieures à 1789: *La formation religieuse en France au XVIII<sup>e</sup> siècle*, ENSL-Service d'histoire de l'éducation, [www.inrp.fr/.../Nogues\\_La\\_formation\\_religieuse\\_a\\_u\\_XVIIIe\\_siecle](http://www.inrp.fr/.../Nogues_La_formation_religieuse_a_u_XVIIIe_siecle).

<sup>2</sup> *Ibid.*, p. 1.

bénéfices en application du Concordat de Bologne<sup>3</sup>. Les collèges des congrégations continuent quant à eux à assurer au long du 18<sup>e</sup> siècle un rôle important en matière de formation religieuse. Collèges, séminaires et facultés contribuent ainsi à leur niveau respectif, et selon un dosage qui varie d'une ville à l'autre, à la formation des ecclésiastiques.

La fonction principale du séminaire est de renforcer la spiritualité des ecclésiastiques, régulièrement mise en cause dans les écrits du temps, en leur imposant une retraite, « *c'est-à-dire une immersion suffisamment longue et profonde dans un monde à part, spécifique à son projet, pour le transformer définitivement* »<sup>4</sup>. La durée de la formation tend ainsi à s'allonger au fil du temps.

Depuis la révocation de l'édit de Nantes en 1685 le protestantisme est interdit en France, et il n'est donc pas question de formation des pasteurs, sinon dans la clandestinité. Quant aux rabbins, ils sont formés au sein de la communauté dans les écoles talmudiques.

La révolution désorganise complètement le système d'enseignement. Le décret du 15 septembre 1793 met en place trois degrés d'instruction, dispensés dans les écoles secondaires, les instituts et les lycées. L'article 3 du décret ordonne en conséquence la suppression de toutes les facultés, qui vont disparaître avec le système universitaire d'Ancien régime pour être remplacées par un système d'écoles. Les facultés de théologie sont englouties avec l'Université royale. C'est Napoléon Bonaparte qui va réorganiser le système d'enseignement et lui donner les contours qui sont aujourd'hui encore les siens, malgré d'importantes évolutions depuis deux siècles.

En ce qui concerne la formation religieuse, la Convention du 26 Messidor An XI (Concordat) est silencieuse sur la formation des ecclésiastiques, mais l'article 11 autorise la réouverture des séminaires, organisés dans le cadre des nouveaux diocèses qui ont été redessinés : « *Les évêques pourront avoir un chapitre dans leur cathédrale, et un séminaire dans leur diocèse, sans que le gouvernement s'engage à les doter* ». Comme on le sait, le Concordat doit être lu à la lumière des articles organiques de la Convention, promulgués en même temps que lui par la loi du 18 Germinal An X (loi du 8 avril 1802). Ces articles soumettent la formation ecclésiastique à un contrôle étatique très étroit. L'article 11 organique subordonne l'ouverture des séminaires diocésains à une autorisation du gouvernement. L'article 23 prescrit que « *les évêques seront chargés de l'organisation de leurs séminaires, et les règlements de cette organisation seront soumis à l'approbation du premier Consul* ». L'article 24 impose quant à lui aux enseignants de ces séminaires de souscrire « *la déclaration faite par le clergé de France en 1682* », et de se soumettre « *à y enseigner la doctrine qui y est contenue* ». Les listes des élèves étudiant dans les séminaires doivent être commu-

<sup>3</sup> *Ibid.*, p. 5.

<sup>4</sup> *Ibid.*, p. 7.

niquées au Conseiller d'Etat en charge des cultes (article 25). Cette réorganisation autoritaire des séminaires au début du 19<sup>e</sup> siècle est essentielle, car aujourd'hui encore c'est dans les séminaires diocésains créés au début du 19<sup>e</sup> siècle que sont formés en France les ecclésiastiques.

Les articles organiques des cultes protestants organisent la formation des pasteurs sur le même modèle catholique des séminaires. Pour la Confession d'Augsbourg, deux «*académies ou séminaires*» sont créés dans l'Est de la France (article 9), et un séminaire est fondé à Genève pour l'instruction des ministres des églises réformées (article 10). Les articles 12 et 13 font de l'étude dans les séminaires une condition pour devenir pasteur. Une académie de théologie protestante est (ré)ouverte en 1803 à Strasbourg.

Pour assurer la formation supérieure du clergé, Bonaparte, sur le projet de Portalis, prévoit l'installation (loi du 23 Ventôse An XII – 14 mars 1804) de séminaires métropolitains, au nombre de dix, où les clercs devront obligatoirement passer en vue d'obtenir leurs certificats de capacité pour devenir évêque, vicaire général, chanoine ou curé de première classe. Ainsi que l'explique Bruno Neveu, le projet de Bonaparte était de fonder, sur le modèle de ce qui existait en droit et en médecine, «*une sorte d'école spéciale pour le clergé..., avec une fin professionnelle*»<sup>5</sup>. A la différence des séminaires diocésains, l'Etat accepte de doter financièrement les séminaires métropolitains. Mais, selon les indications de Bruno Neveu, seuls deux séminaires métropolitains ont vu le jour, à Lyon et Malines<sup>6</sup>.

En réalité, l'enseignement supérieur de la théologie va être incorporé dans l'Université impériale lorsque celle-ci se met en place en 1808<sup>7</sup>. Le décret du 17 mars 1808 qui organise l'Université impériale «*établit des facultés de théologie catholique et protestante, qui constituent le premier des cinq ordres de facultés, avant le droit, la médecine, les sciences et les lettres*»<sup>8</sup>. L'article 7 du décret prévoit que les professeurs des facultés catholiques seront nommés par le Grand-Maître de l'Université, sur présentation par l'évêque ou l'archevêque du chef-lieu de l'académie d'une liste de docteurs en théologie. Quant aux facultés de théologie protestante, les candidats à l'enseignement sont également nommés par le Grand maître, sur présentation des présidents du consistoire de la ville. Six facultés de théologie catholique sont mises en place (Paris, Aix, Bordeaux, Lyon, Rouen et Toulouse), et trois protestantes, à Strasbourg, Genève<sup>9</sup> et Montauban. Ces facultés vont survivre jusqu'à leur dispari-

<sup>5</sup> B. NEVEU, *Les facultés de théologie catholique de l'Université de France (1808-1885)*, Klincksieck, 1998, p. 83.

<sup>6</sup> *Ibid.*, p. 91.

<sup>7</sup> L'Université impériale est créée par la loi du 10 mai 1806, mais c'est le décret du 17 mars 1808 fixant le fonctionnement de l'Université qui marque son point de départ.

<sup>8</sup> *Ibid.*, p. 93.

<sup>9</sup> En 1814, Genève redevient helvétique.

tion, en 1885 pour les facultés de théologie catholique, en 1905 pour les facultés de théologie protestante.

Ainsi que l'explique Bruno Neveu, l'Université qui se met en place est «*une administration publique et une corporation civile*»<sup>10</sup>, et si elle comprend des facultés de théologie les autorités religieuses n'y sont pas représentées en tant que telles. En particulier, elles ne disposent d'aucun pouvoir de contrôle des enseignements ni de sanction à l'encontre des enseignants, qui sont des fonctionnaires d'Etat. Fondamentalement, c'est ce qui permet de comprendre que jamais tout au long du 19<sup>e</sup> siècle l'Eglise catholique n'acceptera d'y former ses clercs, et qu'elle s'empressera de fonder ses propres universités dès que la possibilité lui en sera donnée, en 1875. Toutes les négociations avec le Saint Siège, en vue d'obtenir l'institution canonique des facultés de théologie de l'Université publique, se solderont par un échec. Quant aux protestants, au contraire, ils vont s'appuyer sur les facultés d'Etat de Strasbourg et de Montauban pour assurer la formation de leurs pasteurs<sup>11</sup>, en sorte que ces facultés vont devenir un rouage essentiel du système de la reconnaissance, avec cette conséquence qu'elles ne disparaîtront que plus tard, en 1905 avec la séparation.

## II. LE CADRE INSTITUTIONNEL ACTUEL DE LA FORMATION DES PERSONNELS RELIGIEUX

L'exposé du cadre institutionnel actuel en matière de formation des personnels religieux n'implique pas de rupture avec la méthode historique jusqu'ici adoptée pour la présentation. En effet, ce cadre va prendre sa forme quasi définitive à la fin du 19<sup>e</sup> siècle. C'est sous la troisième République, dans une période qui va de 1875 à 1919, que l'enseignement de la théologie et la formation des personnels religieux vont prendre leur forme actuelle.

La première étape est marquée par la *privatisation*, dans le cadre des communautés, de la formation des personnels religieux. C'est la fondation des Universités catholiques libres, à l'initiative des évêques de France, et au bénéfice de la loi nouvelle du 12 juillet 1875, qui marque le point de départ de ce mouvement. Ces universités catholiques pour être reconnues comme telles par Rome devront obligatoirement comprendre une faculté de théologie. Cinq universités sont fondées à Paris, Lille, Lyon, Angers et Toulouse, et chacune possède en conséquence sa faculté de théolo-

<sup>10</sup> *Ibid.*, p. 128.

<sup>11</sup> Un arrêté du 24 mai 1828 concernant les études dans les facultés de théologie protestante prescrit, ainsi que le souligne Bruno Neveu, «*qu'il ne serait présenté à la présentation du roi les nominations des candidats appelés pour la première fois aux fonctions de pasteur que sur le vu du diplôme de bachelier en théologie. Le lien entre ministère pastoral et grade académique était ainsi établi de manière indiscutable, et l'existence des facultés de théologie protestante justifiée et légitimée, situation bien différente de celle du culte catholique*».

gie. Mais ces facultés de théologie destinées à former le socle des nouveaux Instituts catholiques universitaires vont se heurter à une double difficulté. La première, c'est la résistance des évêques qui ne veulent pas voir dépouiller leurs séminaires diocésains au profit des nouvelles facultés de théologie. La seconde, c'est celle de Rome qui exige au contraire que la formation des clercs soit assurée désormais dans les facultés catholiques, et qui entend bien contrôler ce qui s'y passe, en méfiance d'un épiscopat français à la fois trop libéral et trop gallican. Finalement, chaque évêché étant rattaché à un Institut catholique, la formation de base des ecclésiastiques est restée assurée dans le cadre des séminaires diocésains, une partie de la formation étant suivie dans les facultés de théologie, notamment pour les personnes aspirant à une formation de plus haut niveau, au bénéfice de conventions entre Instituts catholiques et séminaires.

*La seconde étape est marquée par le retrait à peu près complet de l'Etat en matière d'enseignement de la théologie.* L'habilitation accordée par Rome aux facultés libres de théologie catholique à délivrer les diplômes canoniques, ce que les facultés d'Etat n'ont jamais su obtenir quant à elles, va priver de raison d'être les facultés d'Etat. Malgré les efforts désespérés de son doyen, Mgr Maret, en vue d'obtenir l'institution canonique pour la faculté de théologie de la Sorbonne, la seule qui témoignait d'une certaine vitalité scientifique, les six facultés de théologie catholique d'Etat créées par Napoléon vont fermer leurs portes en 1885, leur budget ayant été supprimé par le Parlement. C'est à ce moment (1886) qu'est décidée la création à l'Ecole pratique des Hautes Etudes, d'une troisième section consacrée à l'enseignement des sciences religieuses, selon la méthode rationnelle des sciences sociales de l'époque, en particulier l'histoire et la philologie.

Paradoxalement, la faculté de théologie protestante de Montauban ne va pas être immédiatement affectée par cette suppression des facultés catholiques, car comme on l'a dit, elle participe à la formation des pasteurs réformés et constitue une pièce maîtresse du système de reconnaissance. Il en va de même de la faculté de théologie protestante de Paris, ouverte en 1877 pour prendre la suite de la Faculté de théologie protestante de Strasbourg, devenue allemande en 1871 avec l'annexion. Ces deux facultés seront supprimées par la loi de séparation de 1905, et elles seront prolongées par des Facultés de statut privé, l'une à Paris, et l'autre à Montauban puis à Montpellier. Les deux facultés de Paris et de Montpellier se sont rapprochées pour former aujourd'hui l'Institut protestant de théologie, fondé à l'initiative de l'Eglise réformée de France et de l'Eglise évangélique luthérienne de France. Outre les facultés de théologie protestante de Paris et Montpellier, il existe également une Faculté de théologie réformée à Aix-en-Provence, une Faculté libre de théologie évangélique à Vaux-sur-Seine (Yvelines), et une Faculté adventiste de théologie à Salève (74). La formation des cadres religieux protestants s'inscrit pour l'essentiel, on le voit, dans un cadre privé.

Il convient ici de dire également un mot de la formation des personnels religieux dans le judaïsme. Comme on l'a vu, l'Université nationale fondée par Napoléon

ne comprenait pas de faculté de théologie juive. Mais l'unification structurelle du judaïsme et sa reconnaissance par les pouvoirs publics ont suscité une réflexion, et débouché sur la création en 1829, par arrêté ministériel<sup>12</sup> sur la demande du Consistoire central israélite de France, d'une Ecole rabbinique. Installée à Metz où elle reprend la tradition de l'ancienne école talmudique (*yechivah*) fermée sous la Révolution et rouverte en 1821, elle est transférée à Paris en 1859, sous la dénomination de séminaire israélite de France. Elle bénéficiera jusqu'à la séparation en 1905 du soutien financier de l'Etat. Un projet visant à transformer l'Ecole en Faculté de théologie est présenté par le Ministre de l'Instruction publique en 1867, mais il est refusé par le Consistoire central. L'Ecole rabbinique, qui a survécu aux grands traumatismes du 20<sup>e</sup> siècle, est aujourd'hui encore rattachée au Consistoire central israélite de France, et c'est elle qui assure la formation des rabbins orthodoxes. Le grand rabbin de France est président du Conseil d'administration de l'école.

*La troisième étape, dont le point de départ est purement circonstanciel, et dont l'importance est apparue au fil du temps, correspond à la résurgence dans le cadre français d'un enseignement public de la théologie.* Au départ, cet enseignement fait figure d'exception géographique, une parenthèse ouverte et vraisemblablement appelée à se refermer bien vite dans la France laïque. En 1919, lorsque l'Alsace redevient française, l'ancienne Faculté de théologie protestante de Strasbourg fondée en 1808, et devenue en 1872 l'*evangelisch-theologische Fakultät* intégrée à la Kaiser Wilhelm Universität, est toujours en place. C'est elle qui assure intégralement la formation des pasteurs, le séminaire protestant s'étant quant à lui vu retirer sa fonction d'enseignement. Par ailleurs, une faculté de théologie catholique a été créée par voie de convention entre le Saint siège et le gouvernement allemand du 5 novembre 1902, malgré l'opposition du clergé et de la population. Cette faculté ouvre ses portes en 1903<sup>13</sup>. La loi organique de 1919 qui reconstitue l'Université française de Strasbourg maintient ces deux facultés protestante et catholique, qui se voient reconnaître un caractère public par un décret du 30 mai 1924. Elles existent encore aujourd'hui, avec le statut de droit commun d'UFR. A ces deux facultés, il convient d'ajouter le Centre autonome de pédagogie religieuse, aujourd'hui dénommé Centre universitaire de théologie catholique, qui dispense un enseignement de théologie catholique dans le cadre de l'Université de Metz, et qui a fait l'objet d'une convention entre l'Etat français et le Saint Siège le 25 mai 1974. Sa fonction essentielle est la formation des enseignants de religion dans les collèges et les lycées. Autrement dit, non seulement le modèle strasbourgeois d'enseignement public de la théologie n'a pas été supprimé, mais il a été consolidé au contraire au fil du temps, et il sert de point d'appui pour

<sup>12</sup> Par arrêté ministériel du 21 août 1829.

<sup>13</sup> On reprend l'information du *Traité de droit français des religions*, Lexis-Nexis 2<sup>e</sup> édition, 2013, p. 1879.

un certain nombre d'établissements d'enseignement supérieur de la théologie de la Vieille France, auxquels il est rattaché par des conventions.

Il existe donc aujourd'hui en France deux facultés publiques de théologie, l'une catholique, et l'autre protestante. Mais il n'y a pas de faculté de théologie juive. Il n'existe pas non plus de faculté de théologie musulmane, même si le cadre favorable du droit local est régulièrement mis en avant en vue de soutenir la création d'une telle faculté. En 1988, Etienne Trocmé, alors président de l'Université de Strasbourg, avait ainsi présenté un projet de faculté de théologie musulmane au sein de l'Université de Strasbourg, mais il n'a pas été suivi par les autorités politiques. Dans l'attente d'une hypothétique création, la Faculté de droit a mis en place, sous l'impulsion de Francis Messner, un Master d'*Islamologie, Droit et Gestion* en deux ans, dont la deuxième année propose deux options, une option «*islamologie*» et une option «*finances islamiques*». Il existe également un autre master d'islamologie, dans un cadre public, mais à l'Ecole pratique des Hautes Etudes et pas à l'Université proprement dite.

Envisagé de façon globale, le système français de formation des cadres religieux apparaît donc comme un système mixte, à la fois intégralement privé dans ce qu'on appelle la Vieille France, et public dans l'Alsace-Moselle. Mais alors que les configurations géographiques en matière de régime des cultes conduisent à un système dual, ou juxtaposé, ici compte tenu de la mobilité des étudiants, du nombre réduit des formations et de la possibilité pour les établissements d'enseignement de passer entre eux des conventions, il est plus approprié de parler de système combiné, ou semi public, semi privé. Si l'on veut à tout prix introduire des catégories dans le système de formation des cadres religieux, il faut alors distinguer plutôt entre les religions dont les institutions de formation des cadres sont quasi-intégralement privées, ce qui est le cas du judaïsme et de l'Islam, et celles dont le système de formation des cadres est mixte public-privé, ce qui est le cas du catholicisme et du protestantisme. Dans cette configuration stabilisée depuis un bon siècle, la situation du dernier arrivant, l'Islam, reste encore indécise, la transition vers un système mixte, à laquelle aspirent timidement les pouvoirs publics dans un but d'intégration nationale, restant à l'heure actuelle très indécise.

Les avantages du système universitaire public du point de vue de la formation des cadres sont réels. Il y a tout d'abord la question du financement, à savoir que les facultés de théologie catholique et protestante de Strasbourg sont financées par l'Etat, et que les enseignements sont dispensés par des enseignants chercheurs statutaires. Il y a également la question des diplômes, qui s'inscrivent dans la nomenclature générale des diplômes et des grades de l'Etat, baccalauréat, licence, master et doctorat. C'est là une question symboliquement très importante. En effet, la laïcisation de l'enseignement supérieur en France repose historiquement, on l'a vu, sur cette conviction que la théologie n'est pas une affaire de science et de savoir mais de croyance, et que son enseignement doit relever des religions elles-mêmes sans interférence aucune de l'Etat. En créant ses propres facultés de théologie, c'est l'Eglise catholique

elle-même qui fut au point de départ de la laïcisation de l'Université en France. Le système public postule au contraire qu'indépendamment de la question intime de la croyance il existe un corpus théologique qui est l'objet d'une science à la fois historique, philosophique, juridique, philologique..., et surtout que l'indépendance de l'institution universitaire à l'égard du pouvoir politique offre un contexte favorable pour l'épanouissement d'une science théologique mieux intégrée socialement.

Bien entendu, dès lors que l'Etat reste en retrait du processus de nomination des enseignants, et s'abstient d'intervenir dans le contenu des cursus, il reste une question délicate, qui est celle du contrôle religieux. Les deux facultés catholique et protestante fonctionnent à cet égard de façon assez différente. En ce qui concerne l'Eglise catholique, les relations avec la Faculté de théologie catholique sont fixées de manière conventionnelle, et si le pouvoir de nomination et de sanction appartient aux autorités publiques, en réalité l'Eglise en la personne de l'Archevêque de Strasbourg dispose d'un pouvoir d'agrément que l'autorité administrative est tenue de respecter. De la même façon, l'Archevêque a un droit de regard sur les programmes. Il faut comprendre que les tensions susceptibles le cas échéant de surgir n'opposent pas les autorités religieuses aux autorités publiques, selon la logique historique classique, mais bien plutôt les autorités religieuses au corps enseignant de la Faculté, autrement dit il s'agira pour l'essentiel d'un conflit interne à l'institution religieuse elle-même. Quant à la faculté de théologie protestante, le directoire (pour les luthériens) et le conseil synodal (pour les réformés) n'interviennent plus dans les nominations, et comme le souligne le Traité de droit français des religions, *«les relations entre l'Union des Eglises protestantes d'Alsace et la Faculté de théologie protestante sont fondées sur la confiance et l'attachement du corps professoral à une tradition religieuse. Les deux partenaires sont satisfaits de cette situation»*. Le fonctionnement synodal qui est celui des facultés facilite l'intégration dans le système religieux protestant.

### III. PERSPECTIVES

La situation actuelle en matière de formation des cadres religieux se caractérise moins par des évolutions notoires que par une prise de conscience et une réflexion au niveau des autorités publiques. L'organisation du culte musulman dans le cadre républicain rend en effet nécessaire la formation de cadres religieux, aussi bien d'un point de vue d'acculturation aux valeurs nationales, laïcité, pluralisme et interculturelité, neutralité des autorités publiques, régime des cultes dans le cadre français..., que d'un point de vue purement théologique, au sens d'une théologie intégrée dans les valeurs nationales. Or les instituts de formation théologique qui fonctionnent actuellement dans le cadre de la communauté musulmane ne sont pas en mesure de proposer de telles formations, et c'est pourquoi l'autorité publique réfléchit à une formation publique des cadres religieux musulmans.

Jusqu'ici les initiatives sont restées assez limitées. On l'a dit, un master de théologie musulmane a été mis en place à la Faculté de droit de Strasbourg. Par ailleurs, une formation « *Religions, laïcité, interculturalité* » a été créée en 2008 à l'Institut catholique de Paris, et elle accueille bon an mal an une vingtaine d'imams et d'aumôniers envoyés par la grande Mosquée de Paris. La formation est financée par le ministère de l'Intérieur, qui s'est rabattu sur cette solution du fait du refus des universités publiques, pour des motifs de laïcité, d'accueillir en leur sein un tel module de formation à la laïcité. Plus récemment, à la rentrée universitaire 2012-2013, une nouvelle formation a ouvert ses portes à l'Université Lyon III. Soutenue par la préfecture qui contribue au financement, mais aussi par l'université catholique de Lyon, l'Institut français de civilisation musulmane et le conseil régional du culte musulman, elle comprend deux volets, aboutissant le premier à la délivrance d'un certificat de « *connaissance de la laïcité* » à l'intention des imams et en particulier les imams d'origine étrangère<sup>14</sup>, et d'un diplôme d'université en « *religion, liberté et laïcité* » qui propose quant à lui une acculturation à l'islam pour les personnes (fonctionnaires et agents des services publics, membres d'associations...) qui se trouvent dans leurs activités en contact avec des musulmans.

Dans l'état actuel des choses, la politique de l'Etat en matière de formation des cadres religieux musulmans reste assez impressionniste. L'un des principaux écueils réside dans la difficulté qu'il y a à disposer d'interlocuteurs représentatifs au sein de la communauté musulmane. Il existe par ailleurs en France une solide tradition d'islamologie universitaire et de grands noms qui ont fait la renommée de la discipline, à l'Université de Paris Sorbonne, ou encore à l'Ecole Pratique des Hautes Etudes, mais celle-ci apparaît difficile à mobiliser pour la formation des cadres religieux. Les islamologues qui se sont engagés, dans les années 2000, en faveur de la création d'un Institut des sciences islamiques, soutenu par l'Etat, et où viendrait s'adosser la formation des cadres musulmans, ont dû faire face tout à la fois aux réticences de la communauté musulmane et à l'insuffisance de l'engagement de la puissance publique.

En ce qui concerne les autres religions, les perspectives en matière de formation des cadres religieux s'inscrivent dans une certaine continuité. La seule question qui a fait l'objet de débats dans les années récentes concerne la valeur des diplômes délivrés dans les Instituts et Universités catholiques. Ce débat a été suscité par la signature le 18 décembre 2008 d'une convention entre le gouvernement français et le Saint-Siège, en vertu de laquelle les diplômes canoniques obtenus dans les Instituts catholiques en France sont « *reconnus* » par la France en tant que diplômes délivrés par le Saint-Siège. Cette convention, promulguée par un décret du 16 avril 2009, et qui a été l'objet de critiques virulentes, a vu sa légalité confirmée par le Conseil d'Etat

<sup>14</sup> La formation comprend des enseignements de français langue étrangère pour les imams non francophones. Elle comprend également pour l'essentiel des cours de droit.

(CE Ass. 9 juill. 2010, Fédération nationale de la libre pensée). Mais sa portée reste extrêmement limitée. En effet, elle n'implique en aucun cas que les diplômes en question font l'objet d'une reconnaissance académique qui les classerait au même niveau que les diplômes français, mais elle fixe simplement un cadre pour les équivalences de diplômes en vue de la poursuite d'études dans des établissements d'enseignement supérieur public, sous condition que les établissements publics en question acceptent de telles équivalences. Autrement dit, les facultés de théologie des Instituts catholiques restent tributaires des accords d'équivalence qu'elles pourront passer avec les universités publiques, ce qui était déjà le cas auparavant.

La convention de 2008 n'aura pas produit les effets que ses promoteurs en attendaient. De surcroît, elle présente un caractère unilatéral, au sens où les facultés de théologie protestante restent à l'écart du dispositif. Elle témoigne malgré tout d'un désir légitime, chez les autorités religieuses françaises, de normalisation de l'enseignement des sciences religieuses dans le paysage de l'enseignement supérieur français. Dans l'attente d'une authentique reconnaissance, sous une forme qui reste à définir, des diplômes de théologie ou de sciences religieuses, la seule possibilité pour obtenir la reconnaissance étatique consiste pour les facultés privées, catholiques ou protestantes, à passer une convention avec leur homologue publique de Strasbourg, en vertu de laquelle les étudiants seront évalués dans le cadre de l'Université publique qui leur délivrera le diplôme. Mais une telle solution n'est guère satisfaisante pour les établissements privés.

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**«NOT BY BREAD ALONE»  
THE TEACHING OF THEOLOGY IN PORTUGAL**

JÓNATAS E.M. MACHADO<sup>1</sup>

Since its foundation, in 1142, the identity of Portugal was shaped by the doctrines and institutional practices of Roman Catholicism. The Portuguese Kings saw themselves as Christian Princes, under the Pope, endowed with a clear theological-political mission. The first century of its existence was spent fighting the Islamic occupation in the southern part of the Iberian Peninsula. The following centuries were a time for spreading the Christian message around the world, namely through the maritime discoveries of men such as Magellan, Gama and Cabral and the engagement of various religious orders. The same task was to be performed by the Spanish kingdom of Castile. Throughout the centuries, the teaching of theology in the University, religious orders and seminars was an essential component of State nationality and identity-building, having inescapable political dimensions and implications. The organization and reform of theological studies followed clear patterns of political agenda-setting.

Theology was often seen as a potential threat to different forms of political organization. It was feared because of its subversive potential by both authoritarian and democratic regimes. The inherent message of theology courses has always been that there is a higher law from which transcendent limits to Imperial, Papal, Royal, State, and popular sovereignty may be derived. The potential for its political manipulation and abuse by the clergy was also a concern for those in official positions. The present study focuses mainly on the teaching of theology in the 18<sup>th</sup> and 19<sup>th</sup> centuries and in contemporary Portugal. However, since our country is a very old one by European standards, some reference is also made to earlier periods, to present a clearer picture of the interaction between politics and religion.

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## I. CHRISTENDOM'S THEORY OF EVERYTHING

In the *Respublica Christiana* of the Middle Ages and early Renaissance, theology played a central role in providing meaning and unity to the different intellectual and scientific fields of human inquiry. The creation of the Medieval Universities by the Popes and Monarchs of Christendom relied on the combination of the words 'Unity' and 'Diversity' so as to portray an intelligible unifying theological framework within which the diversity of natural reality and human experience could be accommodated as an expression of God's creative and redemptive acts and of human participation in His eternal and universal plan.

Christian theology was long-sought as the «theory of everything». It provided meaning and purpose to all spheres of knowledge - such as law, medicine, philosophy, literature, science, architecture, arts, music - uniting the different Professors in one body and one main purpose. Knowing God and knowing His Creation were a defining characteristic of human nature and an essential component of the meaning of life. The knowledge of a God (*Theos*) who reveals himself as Reason (*Logos*) was the beginning and the end of every other kind of knowledge. The Christian conviction concerning the existence of a written, historical, factual, reliable and publicly accessible divine revelation required the placement of all rational inquiry under its authority. The «documents of the Christian faith» provided an obvious explanation for the «*intelligibility of nature* and the *intelligence of Man*» that preconditioned any rational inquiry.

Although this was a specific Christian understanding, we can find some similar albeit more diffuse and uncertain lines of thought in the Greek philosophy of Socrates, Plato and Aristotle. For these and other Greek and Roman philosophers, the diversity of nature provides evidence of a single unifying mind. Knowledge was seen as essentially a theological endeavor. It is no accident that, even today, many knowledge-related words, such as *theory*, *theorem* or *theoretical* point to a time when the basic knowing of the truth about the world was a way of contemplating God. But we also find that since the time of philosophers such as Empedocles, Democritus or Epicurus, the idea of a transcendent and universal *Logos* has faced the competition of naturalistic, materialistic and humanistic ideas<sup>2</sup>. This classical tradition was also incorporated in the *social organism* of the Medieval University<sup>3</sup>.

<sup>2</sup> *Classical Philosophy*, Oxford Reader, (Terence Irvin, ed.), Oxford, 1999, 33 ff.; Terence Irvin, *The History of Western Philosophy 1*, Classical Thought, Oxford, 1989, 20 ff.

<sup>3</sup> Olaf Pedersen, *The First Universities: Studium Generale and the Origins of University Education in Europe* (transl. Richard North), Cambridge, 1997, 1 ff.

## II. HISTORICAL NOTES ON THE TEACHING OF THEOLOGY IN PORTUGAL

### A. Middle Ages

King Dinis founded the University of Coimbra in 1290 as a *Studium Generale*. This was confirmed by a Bull of Pope Nicholas IV, and was to be devoted to Liberal Arts and Sciences, following a common medieval pattern<sup>4</sup>. This University is particularly important since it was the only University in the Portuguese Empire until 1911. Initially it did not include the teaching of theology, since this subject was treated with great scholastic competence in several monastic orders, particularly the Augustinians, Benedictines, Cistercians, Dominicans and Franciscans, as part of the education of the clergy and nobility. In fact, there was already a strong interest in theology many centuries before the foundation of the kingdom, during the Visigothic occupation of the Iberian Peninsula. It declined during the years of Islamic occupation, only to return in the 10th and 11th centuries during the Christian retaking of the Peninsula<sup>5</sup>.

The University of Coimbra always defined its identity and mission by confronting the competition, and sometimes opposition, of other religious colleges belonging to different religious orders. It is impossible to know for sure when the teaching of theology became part of the university syllabus, but there is evidence of a chair of theology in the University of Coimbra at the time of King John I of Portugal, during the 14th and 15th centuries. In 1503 King Manuel I determined the existence of two chairs of theology. Eventually, after the Council of Trent (1545-63), the subject became a very important part of University teaching<sup>6</sup>. During the 17th century, the clash between the University and the Jesuits turned theological disputes into disputes about political power and vice versa.

In the 1612 version of the Royal Statutes (Charter) of the University of Coimbra, theology appears as the main faculty, followed in rank by the Faculties of Canons, Law and Medicine. It was very much influenced by the Counter-Reformation and pressurized by the Inquisition. The syllabus of the course included several major and minor subjects. The study of the Holy Scriptures was to be accompanied by the reading of the works of prominent theologians like Peter Lombard, Thomas Aquinas, Ioannes Duns Scotus, Durando a Saint-Pourçain and Gabriel Biel. Through the teaching of theology, canon law and law, the Portuguese medieval University participated

<sup>4</sup> *A History of the University in Europe, University of the Middle Ages I*, (W. RÜEGG [ed.]), Cambridge, 1992, 35 ff., 307 ff.

<sup>5</sup> O. REMIE CONSTABLE, *Medieval Iberia, Readings from Christian Muslim, and Jewish Sources*, Philadelphia, 1997, 1 ff, 109 ff; B.F. REILLY, *The Medieval Spains*, Cambridge, 1993, 51 ff., 90 ff.

<sup>6</sup> M. AUGUSTO RODRIGUES, «Teologia», *Dicionário de História Religiosa do Portugal*, C. MOREIRA AZEVEDO (coord.), Lisboa, IV, 2000-2001, 276 ff.

in the medieval theological and legal debates and *disputationis* which sowed the seeds of Western political ideas and public law<sup>7</sup>.

## B. Enlightenment

The New Statutes (Charter) of the University of Coimbra, enacted in 1772 by the absolutist executive of the Marquis of Pombal, were part of a royalist policy and therefore part of the Church's spiritual, intellectual and moral reform by the State (*ius reformandi*)<sup>8</sup>. This policy aimed to strengthen the rule of the King by centralizing power both on the continent and overseas. Both the Pope and some religious orders, specially the Jesuits, were obstacles to be overcome for Portuguese colonial policy<sup>9</sup>. The prevailing mood was one of conflict: opposing the King and the commercial bourgeoisie to the nobility, the clergy and the Papacy.

On one hand, the New Statutes were aimed at reforming the University syllabus according to Enlightenment, humanist and rationalistic principles, without doing away with the Christian rubber stamp. To accomplish this objective, the Marquis of Pombal counted on the decisive cooperation of famous Rector Francisco Lemos, a prominent politician, lawyer and clergymen born in Rio de Janeiro. On the other hand, reform was based on a forceful and blatant attack on the Jesuit order, held responsible for the prevalence of what they deemed as sterile, subtle and ultimately sophistic theological discussions, around the systems of Lombard, Aquinas, Scotus, Durando and Biel, prescribed by earlier Statutes.

The Jesuits are also openly accused of perpetuating, in the domain of Christian theology and ethics, the undue influence of the «*Atheist Philosopher*» Aristotle<sup>10</sup>. According to the proponents of the New Statutes, this state of affairs had led to the destruction of Christian theology and the abandoning of its original doctrines. Faced with this state of affairs, the King sought to reform the Church and the Christian University. The *odium theologicum* prevalent in the attacks against the Jesuits betrays a political agenda of royal and imperialist centralization, command and control. In spite of its political overtones, theology was still a core subject of higher learning. Christianity remained the higher law of the land. The purpose was to make way for the *via moderna* of theological studies, making them compatible with the most recent developments in political, philosophical and scientific thought.

<sup>7</sup> J. GREENBERG, M.J. SECHLER, «Constitutionalism Ancient and Early Modern: The Contributions of Roman Law, Canon Law, and English Common Law», 34, *Cardozo Law Review*, 2013, 1021 ff.

<sup>8</sup> A.C. ARAÚJO, O. MARQUÊS DE POMBAL e a Universidade, Coimbra, 2000, 9 ss.

<sup>9</sup> I.J. VERÍSSIMO, Pombal, os jesuítas e o Brasil, Lisboa, 1961, 185 ff.

<sup>10</sup> These points are made in, *Compendio Histórico do Estado da Universidade de Coimbra*, Lisboa, Régia Oficina Tipográfica, 1771-1772.

In its Book I, Titles I and II, the New Statutes establish the general, academic and moral requirements of admission, as well as the duration and the content of the theology degree. The 1772 New Statutes' Preamble makes very interesting and informative reading. It states that the teaching of theology is justified on the grounds of its pivotal contribution to Church and State and to the setting of high moral standards for public officials, clerics and the people in general. This Preamble vehemently denounces those who profane the study of theology by entirely missing its spirit and by engaging in vicious and perverse behavior contrary to sound, holy, wise, pure and perfect Christian principles. In the New Statutes, the study of theology comprised many classical subjects such as rhetoric, logic, philosophy and hermeneutics, as well as the subjects of metaphysics, natural theology, natural law, ethics, catechism, history of religion, Church history and various other domains of Christian theology. It also included the study of Latin, Greek and Hebrew.

These subjects were deemed necessary for the critical study and interpretation of the Holy Scriptures. The study of theology was structured on three levels: Bachelor (five years), Magister and Doctorate (both achieved by an additional year of study). Any of these degrees facilitated access to the study of Law. The University Rector was given the responsibility to monitor the progress of teaching activity. The New Statutes assured public control of theological studies, as a part of the royal prerogative over the Church. However, not all that was in the New Statutes became reality because of the shortage of qualified professors and lack of contacts with foreign Universities. This meant that responsibility for this new reform was largely given to old Professors.

### C. Paradigm shift: a naturalistic world view

The 17th, 18th and 19th centuries had been particularly challenging to the central role played by religion in the University. The Enlightenment had subjected the study of religion and science to rationalist, naturalist and uniformitarian assumptions which *a priori* rejected the possibility of any supernaturally revealed truth. This made way for a revised and expanded version of ancient Greek naturalistic philosophy. This was part of a larger political and ideological attempt to defuse the threat of theological conflict after the Wars of Religion. The *leitmotiv* of the new intellectual agenda was to «free the science from Moses»<sup>11</sup>. The obvious target was the Genesis record. For example, Baruch Spinoza (1632–1677)<sup>12</sup> proposed the study of the Holy Scriptures as a purely human construction, on the basis of historical, critical and naturalistic assumptions. Narratives of supernatural events should be understood as primitive

<sup>11</sup> E. BAILEY, *British men of science: Charles Lyell*, Thomas Nelson and Sons Ltd, London, Great Britain, 1962 p. 75.

<sup>12</sup> *Tractatus Theologico-Politicus, 1670.*, R.L., COLIE, «Spinoza and the early English Deists», *Journal of the History of Ideas*, XX, 1959. 25 ff.

myths and culturally conditioned stories<sup>13</sup>. This opened the door to the adoption of the same intellectual approach to various fields of science.

In the field Astronomy, building on the work of Galilei, Copernicus and Kepler, Immanuel Kant and Pierre Simon Laplace<sup>14</sup> developed a naturalistic approach to the origin of the solar system, based on the gravitational collapse of a giant cloud of gas or nebulae. The idea of a sudden supernatural creation by an omnipotent God was discarded as inconceivable. In the field of Geology, James Hutton<sup>15</sup> and Charles Lyell<sup>16</sup> combated what they described as the influence of Moses in geology. They discarded any catastrophist and global flood interpretations of the geological and fossil records, proposing instead a naturalistic and uniformitarian approach, based on the assumption that presently observed processes are the key to understand unobserved past geological events - «*the present is the key to the past*». In the field of biology Charles Darwin proposed a naturalistic theory of the origin and evolution of species based on the slow and gradual processes of natural selection<sup>17</sup>.

These naturalistic and evolutionary assumptions ended up being adopted in various domains of scientific and philosophical enquiry, including the study of philosophy, history and economics (e.g. G. F. Hegel, K. Marx). In the field of theology, these assumptions translated into the notions of *source criticism*, *textual evolution* and *faith evolution*, most notably through the work of German theologians K. Graf (1815-1869) and Julius Wellhausen (1844-1918). The urge to critically undermine any trace of biblical authority was also seen by many European theologians as part of a larger anti-semitic project, increasingly popular in 19th century intellectual circles, seeking to undermine what was seen by many as the excessive weight accorded, in Western culture, to the Jews and their allegedly primitive, mythological and superstitious texts<sup>18</sup>.

This rapid and profound intellectual transformation, a true *paradigm shift* in the sense of Thomas Kuhn<sup>19</sup>, led to an academic environment deeply embedded in scientism, naturalism, materialism, positivism and skepticism. Both the scientific

<sup>13</sup> Not all intellectuals found these ideas ultimately convincing. See, for instance, J. LOCKE, *The Reasonableness of Christianity*, (1695), *The Works of John Locke in Nine Volumes*, (London: Rivington, 1824 12th ed.). Vol. 6., defending Jesus as the Messiah based on a plain and straightforward reading of the scriptures. Isaac Newton, with a Unitarian and Arian approach, was another scholar who upheld the intimate relationship between theology and science. The Newton Project, Newton's Religious Writings, <http://www.newtonproject.sussex.ac.uk/prism.php?id=44>.

<sup>14</sup> *Exposition of a World System*, 1796; *Traité de la Mécanique Céleste*, 1799.

<sup>15</sup> J. HUTTON, «Theory of the earth; or an investigation of the laws observable in the composition, dissolution and restoration of the land upon the globe», *Transactions of the Royal Society of Edinburgh*, 1788.

<sup>16</sup> *Principles of Geology*, 3 volumes, 1830-33.

<sup>17</sup> *On the Origin of Species*, London, 1859.

<sup>18</sup> R.L. SMITH, *Teologia do Antigo Testamento, História, Método e Mensagem*, São Paulo, Vida Nova, 2001, 33 ss.

<sup>19</sup> T. KUHN. *The Structure of Scientific Revolutions XII*, 3d ed., Chicago, 1996, 111 ff. e 160 ff.

evidence and the documents of Judaism and Christianity were now interpreted within a naturalist, humanist and anti-metaphysical framework, which *a priori* excluded the supernatural and the divine. Within this intellectual context, even prominent theological faculties increasingly became academic centers where the promotion of *culture religion*, with its values of modernity and progress and its sense of rational superiority, led to the systematic debunking and discrediting of traditional Christian orthodoxy<sup>20</sup>. The problem with this new paradigm is that it was not totally successful in doing away with theology. It wrongly assumed that only miracles require a supernatural explanation and not the rational intelligence of man and the rational intelligibility of the Cosmos, without which science is not even viable<sup>21</sup>. But both these realities defy a purely naturalistic explanation in the same way as miracles<sup>22</sup>.

#### D. Liberal revolution and the challenges to theology

Portugal experienced a liberal revolution in 1820 influenced by the American and French Revolutions<sup>23</sup>. After some constitutional turbulence associated with the fight between democrats and absolutists, liberals and conservatives, it was granted a Constitutional Charter in 1826. Its article 6.º established the Catholic Church as the official religion of the Kingdom, allowing foreigners to keep their own religions in private. However, this constitutional instrument did not prevent serious political confrontation and civil war, with strong clashes between traditional Catholic forces and more modern and liberal social movements. In the words of a famous 19th cen-

<sup>20</sup> This trend is well documented in books such as, M.D. CHAPMAN, «Ernst Troeltsch and Liberal Theology», *Religion and Cultural Synthesis in Wilhelmine Germany*, Oxford, 2001, 45 ff., 75 ff.; R. BULTMANN, *Jesus*, UTB, Stuttgart, 1988; *Das Urchristentum*, Patmos, 2000; *Anfänge der dialektischen Theologie*, Teil I - Karl Barth - Heinrich Barth - Emil Brunner, 5.ª ed., 1985; E. BRUNNER, *Christlicher Existenzialismus*, Zwingli-Verl. 1956; *Offenbarung und Vernunft*, Zwingli-Verl., 1961; E. VOEGELIN, *Der Gottestmord*, Wilhelm Fink, 1999, 91 ff.; J. MEIER, *A Marginal Jew: Rethinking the Historical Jesus*, Vol. I, New York: Doubleday, 1991; M. BORG, *Meeting Jesus Again for the First Time*, San Francisco: Harper, 1995; J.D. CROSSAN, *Jesus: A Revolutionary Biography*, San Francisco, Harper, 1995; M.J. WILKINS and J.P. MORELAND, editors, *Jesus Under Fire: Modern Scholarship Reinvents the Historical Jesus*, Grand Rapids, Michigan, Zondervan Publishing House, 1996; D. GROOTHUIS, *Searching for the Real Jesus in an Age of Controversy*, Harvest House, 1996.

<sup>21</sup> R. STARK, *For The Glory of God: How Monotheism Led to Reformations, Science, Witch-hunts and the End of Slavery*, Princeton University Press, Princeton, 2003, 121 ff.

<sup>22</sup> K. FOUNDATION. «The universe or the brain: Where does math originate?». *ScienceDaily*, 15 Jul. 2013. Web. 16 Jul. 2013; D. KRIOUKOV, M. KITSACK, R.S. SINKOVITS, D. RIDEOUT, D. MEYER, M. BOGUŃA. «Network Cosmology». *Scientific Reports*, 2012; 2 DOI: 10.1038/srep00793

<sup>23</sup> J.J. GOMES CANOTILHO, *Direito Constitucional e Teoria da Constituição*, Coimbra, 7.ª ed., 2007, 127 ff.

tury Portuguese writer, Alexandre Herculano, the Catholic Church had been *taken by a storm*<sup>24</sup>.

In the context of *theological-political* confrontation, many of the Catholic colleges were closed in 1836. There was a reform in the teaching of theology between 1836 and 1844<sup>25</sup>: a degree in Theology was required as a necessary precondition to the exercise of any clerical or canonical position. This reform was immediately frustrated in 1845 by the admission of Law graduates to the exercise of ecclesiastical positions. During the second half of the 19th century, Portugal lived under the Constitutional Charter of 1826. The ideological strife between catholic conservatives and secular liberals only intensified, alongside the tension between monarchists and republicans. In this context, the number of theology students declined significantly. The Papal Encyclicals *Mirari Vos* (1832), *Quanta Cura* (1864), *Immortale Dei* (1885), only intensified this tension, since they were perceived as an ultra-conservative attack on liberal and democratic ideals and rights<sup>26</sup>.

Against this background, the University of Coimbra Reform of 1901 seemed to be defensive<sup>27</sup>. It was aimed at preserving the study of theology, but had to put forward some justifications for the study of theology at the beginning of the 20th century. The 1901 Reform still acknowledged the importance of theology in higher learning. On the one hand, there was the expectation that the course in theology could serve the purpose of modernizing religion, through the creation of an enlightened, modern and polite clergy. On the other hand, there was the notion that theological education was an important line of defense against naturalistic, materialistic, utilitarian and hedonistic ideologies.

The arguments used in the Preamble of the 1901 Reform are very interesting from a historical point of view and thus worth sharing. One argument made was that the abolition of public theological teaching in France and Italy had deleterious consequences, not only in the training of the clergy and other ecclesiastical personnel, but also in the discussion of important social questions. Unfortunately, this statement is not further explained nor justified, meaning that we do not know exactly what its author had in mind and what was meant. Another argument put forward seeks to underline the positive example of Germany. According to this argument, the fact that Germany kept its Theology Faculties explained why it had excelled in the intellectual world in the several fields of scientific enquiry. The Preamble of the 1901 Reform underscores the support that German theological faculties enjoyed amongst the German intellectual elite and the public at large. The 1901 Reform gives a central role to Catholic Dogmatics, deliberately rejecting the Protestant emphasis on critical exege-

<sup>24</sup> A. HERCULANO, *Eu e o clero. Carta Ao Ex.mº Cardeal-Patriarca*, Lisboa 1850, 18.

<sup>25</sup> Decree of December 5th 1836; Decree of Setember 20th 1844,.

<sup>26</sup> A.M. MARTINS, «Recepção em Portugal das Encíclicas sobre o Liberalismo: *Mirari Vos*, *Quanta Cura* e *Immortale Dei*». *Lusitania Sacra*, 1, 1989, 40 ff.

<sup>27</sup> Decree of December 24th, 1901.

sis, although not without inciting an intellectual engagement and confrontation with it. It created a chair in Applied Christian Ethics and another in Ecclesiastical Law as part of the syllabus. The 1901 Reform still assumed that the State had an important stake in the teaching of theology in the University of Coimbra.

### E. **The Republican revolution of 1911 and the end of the public teaching of theology**

On October 5<sup>th</sup> 1910, a Republican revolution took place in Portugal. The last Portuguese King, Manuel II, was forced to leave the country. This revolution established democratic and liberal principles along with a secular government and public sphere. A few months later, in April 1911, a Law of Separation of Church and State was enacted. It disestablished the Catholic Church as the official religion of Portugal and granted religious freedom and private law status to all religious associations. This revolution erected a wall of separation between the State and the Catholic Church. The revolutionaries saw the Church as a conservative force and a reactionary enemy of the new republican system.

On the one hand, the republican State saw the education of the clergy as the sole responsibility of the Church, from which political and financial support should be divested. On the other hand, the law provided for State interference and control of the teaching of theology in Catholic theological seminaries. Theological teaching was seen as an actual, conservative threat. The Professors, content and textbooks of theology were subjected to public control. Those who had studied theology in Catholic seminaries were granted the opportunity of submitting to the general examinations of the public system of education to receive a more secular education<sup>28</sup>. In the same month of April 1911 there was a new reform of Higher Education. From then on, the universities were to be secular institutions. Religion could be taught only as a field of scientific and philosophical investigation<sup>29</sup>.

The principles of the Law of Separation became enshrined in the Republican Constitution of August 1911. This instrument was very much influenced by the French idea of *laïcité*, and its own Law of Separation of 1905, as well as by the American principles of separation between Church and State, eloquently promoted, among others, by the Brazilian republican jurist Rui Barbosa. Article 3.º/4-8 of the republican constitution established the right of freedom of conscience and belief and prohibits religious persecution and discrimination. It also established the principle of equality among different faiths, allowing for the public expression of religion in buildings with the external appearance of a house of worship. Article 3.º/10 prescribed the religious

<sup>28</sup> Articles 184.º and 188.º of the Law of Separation of Church and State of 1911.

<sup>29</sup> Decree with legal force of April 19, 2011.

neutrality of all teaching taking place in public or in private institutions subject to public supervision. Eventually, this First Republic collapsed amid strong political confrontation, economic crisis and social unrest.

### III. THE PERIOD OF THE «ESTADO NOVO»

The Estado Novo (New State) signifies the authoritarian regime between 1933 and the Carnations Revolution of 1974. It is characterized by the Portuguese Constitution of 1933 and the rule of Oliveira Salazar. The former consolidated the principle of separation of church and state<sup>30</sup>. The latter always tried to assure the supremacy of the state over the Catholic Church. Another important element of the New State is the 1940 Concordat between the Catholic Church and the Portuguese state. Among many other things, this Concordat guarantees the Catholic Church the right to establish, maintain and own theological seminaries and other institutions of higher ecclesiastical learning<sup>31</sup>.

Although the 1940 Concordat prohibits any state interference in these institutions, it requires that they inform the state about the text books they use in their theological studies and that they give an open emphasis to patriotic sentiments of the Portuguese people in the study of history<sup>32</sup>. In 1947, the Catholic Church establishes a Faculty of Theology in the city of Braga. In 1967, the Catholic Church creates its own Portuguese Catholic University, which was recognized by the State in 1971. This University absorbed the existing Faculty of Theology in Braga and established a new one in Lisbon, in 1968. Meanwhile there were two superior institutes of theological studies, established in 1967 in Lisbon and Porto, but they were abolished in 1975 because they were deemed unnecessary due to the existence of the Catholic University<sup>33</sup>.

### IV. TEACHING THEOLOGY IN CONTEMPORARY PORTUGAL

#### A. Constitutional and legal background

After the Carnations revolution of 1974, the Portuguese Constitution of 1976, in articles 41.º and 288.º, guarantees the fundamental right of freedom of religion to individuals and religious communities and the principle of separation between religious communities and the State<sup>34</sup>. Article 41.º/4 determines that *«[c]hurches and other religious communities are separate from the state and are free to organize themselves and to exercise their functions and form of worship»*. Dealing with the

<sup>30</sup> Articles 45.º ff. of the 1933 Constitution.

<sup>31</sup> Articles 6.º and 20.º of the 1940 Concordat.

<sup>32</sup> Article 20.º of the 1940 Concordat.

<sup>33</sup> Instituto Superior de Estudos Teologicos (ISET).

<sup>34</sup> J.J. GOMES CANOTILHO, *Direito Constitucional e Teoria da Constituição*, 7.ª ed., Coimbra, 2003, 226.

right to education, article 43.º/2/3 of the Constitution provides: »[t]he state may not programme education and culture in accordance with any philosophical, aesthetic, political, ideological or religious directives»; and: «[p]ublic education shall not be linked to a religious belief».

This constitutional framework explains the total absence of theological studies from the public institutions of higher education<sup>35</sup>. These and other constitutional provisions are the basis for the *Portuguese Religious Liberty Act 2001*<sup>36</sup>. According to article 23.º c(i) of this, religious communities have the right to teach their doctrines according to the manner and through the people they chose and to establish seminaries or any other educational or cultural religious institution.

## B. Catholic theological teaching

The Catholic Church maintains is theological seminaries, along with its Faculties of Theology in the Catholic University. In 2004 the Portuguese State and the Catholic Church celebrated a new Concordat<sup>37</sup>. As far as the teaching of theology is concerned the 2004 Concordat does not change the *status quo*. Article 21.º mentions the Catholic University, without adding anything new to its legal status. The Catholic University of Portugal offers bachelor, masters and doctorate courses in religious sciences and theology. It develops its teaching in the cities of Lisbon, Porto, Braga, Évora and the Azores Islands, attracting students from all over the country.

The Catholic Church maintains other institutions that provide theological studies at diocesan level. One example is the Superior Institute of Religious Sciences in the city of Aveiro<sup>38</sup>. This institution offers a degree in Religious Sciences that is recognized by the Holy See and by the Spanish State in its territory. The degrees in theology and religious studies obtained in the Catholic University are legal requirements for the teaching of Catholic morals and religious teaching in public schools<sup>39</sup>. This means that those who have completed and obtained their degrees elsewhere are now required to do further studies in the Catholic University in order to obtain the necessary professional qualification for the teaching of the Catholic religion and moral education in public schools.

<sup>35</sup> A. TORRES GUTIÉRREZ, «Church and State Relations in Portugal», *Religions and Churches in a Common Europe*, (ed. János WILDMANN), Bremen, 2012, 99 ff.; M.S. DA COSTA GOMES, *Estudos sobre a nova Concordata: Santa Sé-República Portuguesa, 18 de maio de 2004: actas das XIII Jornadas de Direito Canónico, 4-6 de abril de 2005: estudos vários*, Universidade Católica Editora, 2006.

<sup>36</sup> Lei (Act) n.º 16/2001, of 22-6, in its final version of Lei (Act) n.º 66-B/2012, of 31-12.

<sup>37</sup> TORRES GUTIERREZ, *Church and State Relations in Portugal...*, cit., 107 ff.

<sup>38</sup> <http://www.iscra.pt/>, 18-7-2013.

<sup>39</sup> Despacho Normativo n.º 6-A/90, 31-1-1990; Despacho Normativo n.º 70/88, 13-8-1988.

### C. Theological teaching in other religious communities

Although Portugal is largely a Catholic state, from the point of view of its cultural heritage and of the religion of the majority of its population, it has strong historical ties with other Christian and non-Christian religions, such as the Protestant and Evangelical communities, as well as the Jewish and Muslim communities. However, we are speaking about small communities, without the critical mass and the resources necessary for the establishment of institutions of higher education.

Theology is studied in Bible Institutes and Seminaries in various evangelical Christian communities. These institutions are not recognized as part of the higher education system because they do not satisfy the legal requirements that universities and other higher education establishments must fulfill<sup>40</sup>. The main purpose of these Bible Institutes and seminaries is to train religious ministers and other staff. The evangelical community has several seminaries and bible colleges. The Portuguese Theological Baptist Seminary, instituted in 1969, offers, among other things, a degree in theology, albeit not one recognized by the Portuguese Ministry of Education<sup>41</sup>.

This degree aims to teach a Baptist understanding of Christian theology. It covers such subjects as: church history, church life, ethics, evangelism, apologetics, mission, communications, pastoral ministry, classical biblical languages and hermeneutics. Generally speaking these theological courses take place outside the system of public education, lacking appropriate interaction with it. The Portuguese Bible Institute is an evangelical religious institution established, in 1974, by the *Greater Europe Mission* (GEM). Its three year-long bible and theology courses cover the typical syllabus, with many of the above-mentioned disciplines, and allow for further theological studies with the support of foreign institutions<sup>42</sup>. Often these seminaries and Bible Institutes offer, along with their resident courses, decentralized teaching extensions and e-learning facilities. The resources are limited though. This means that there are many aspects of religion and religious studies that are left out.

Other non-Christian religious communities have their own teaching programs, although many of their clerics are trained abroad. The Jewish Community of Lisbon has its own Jewish education program, including the study of the Hebrew language and of the Jewish religion<sup>43</sup>. The Islamic community of Lisbon has an Islamic College in Palmela, on the outskirts of Lisbon. A significant part of the Islamic community in Portugal comes from former Portuguese-speaking countries and immigrants. It must also be remembered that there was a strong Islamic presence in the Iberian

<sup>40</sup> These requirements are established by Lei (Act) n.º 62/2007, 10-9.

<sup>41</sup> <http://seminariobaptista.com.pt/programa-academico/licenciatura/>, 11-7-2013.

<sup>42</sup> <http://www.ibp-ae.org/> 18-7-2013.

<sup>43</sup> [http://www.cilisboa.org/rel\\_teach.htm](http://www.cilisboa.org/rel_teach.htm), 18-7-2013.

Peninsula for several centuries. Understandably, the Islamic community in Lisbon likes to emphasize that.

#### D. Religious Sciences in the higher education system

There is a record of attempts to create theological degrees in private higher education institutions<sup>44</sup>. A significant achievement has been the creation of a graduate degree in Religious Sciences in a private university, with its headquarters in Lisbon. The «Universidade Lusófona de Humanidades e Tecnologias» (ULHT)<sup>45</sup> has a three year 180 ECTS degree. The purpose is to study religion from a historical, philosophical and scientific perspective. It covers many subjects in the areas of history, archaeology, philosophy, psychology and sociology of religion. It also draws on classical languages, philosophy of language, semiotics, hermeneutic and studies the doctrinal and ethical content of different religions, from traditional denominations to new religious movements. It covers subjects like religion and politics, religion and science, religion and social development. It purports to be a non-confessional and secular project which aims to study religion in an inclusive, objective and impartial way. In spite of its secular outlook, it does not prejudice the possibility of divine revelation and religious truth. It concentrates its attention on the analysis of the individual, communal and social impact of religious belief and practice. It maintains international cooperation with the United Nations Alliance of Civilizations and the Movement of Moderates Foundation. It promotes and takes part in a wide variety of international conferences and research initiatives.

The creation of this course was the result of a concerted effort of leading Protestant and Catholic individuals, who thought that, far from being removed from the University, religion could and should be studied in institutions of higher learning in an open, plural, exploratory and non-dogmatic environment. Although it is not a degree in theology *per se*, its syllabus shows that there is a lot to be learnt about the impact of religion and theological doctrines in society as a whole. Although that may be seen to be foolish to the secular mind, the reality is that religious ideas can have a decisive impact on the development of other spheres of individual and social life. It is also obvious that the study of religion and religious doctrines mobilizes a wide variety of intellectual disciplines and competences. These factors help to build a strong argument for the public study and discussion of religion and religious doctrines.

<sup>44</sup> The Ministry of Education, through Portaria (Decree) n.º 1205/97, 28-11, authorized the creation of a degree in religious sciences in the Superior Institute of Mathematics and Management (!), comprising the study of Catholic, Protestant and Orthodox theology, along with Judaism and Islam, as well as Asian and African religions. There is not much information available about this attempt.

<sup>45</sup> Information about this course can be found in <http://www.ulusofona.pt/escolas-e-faculdades/fcsea/licenciaturas/licenciatura-em-ciencia-das-religioes-1-ciclo.html>, 11-7-2013.

The university degree of religious studies at ULHT has attracted the interest of religious and non-religious professors and students alike, with a common interest in the study of religious matters. It has its own review of religious studies, where it publishes the results of its research. For students coming from theological seminaries of different Christian denominations it provides access to external and comparative perspectives along with the possibility of broadening and deepening their understanding of religious issues. At first, several evangelical Bible Institutes and theological seminaries signed cooperation protocols with the Lusófona University concerning the degree in religious studies. Currently only the Bible Institute of the Assemblies of God maintains such a protocol. This graduate degree has been a conversational platform for the dialogic interaction between different religious groups, such as Christians of different persuasions, Muslims and Jews.

## V. IS THERE ROOM FOR THEOLOGY IN THE PUBLIC SPHERE?

An interesting question confronting the 21st century concerns the plausibility and terms of a possible return of theological studies to a prominent role in the sphere of public discourse. This return is taking place in many Islamic countries, giving rise to a significant body of Islamic political and legal thought. However, even in the west there have been important voices speaking of the *deseccularization* of society<sup>46</sup>. Several lines of argument allow us to raise this question. The interesting point is that these have developed outside the field of theology itself.

The constitutional state is based on moral assumptions and presuppositions that it cannot guarantee<sup>47</sup>. The notion that politics and law are self-contained and self-sustaining systems, able to generate their own values and principles, is groundless<sup>48</sup>. Assumptions about human dignity, autonomy and equality, as well as the universality and supremacy of the values of reason, truth, justice and solidarity, are hard to justify on purely secular grounds<sup>49</sup>. However, these make perfect sense in the light

<sup>46</sup> P. BERGER (ed.), *The Deseccularization of the World: Resurgent Religion and World Politics*, Washington D.C., 1999, 1 ff.

<sup>47</sup> E. WOLFGANG, BOCKENFÖRDE, *Staat, Gesellschaft, Freiheit*. 1976, 60, statement according to which: «*Der freiheitliche, säkularisierte Staat lebt von Voraussetzungen, die er selbst nicht garantieren kann*».

<sup>48</sup> This notion has been popularized, among others, by N. LUHMANN, *Social Systems* (trad. J. BEDNATZ, Jr., D. BAECKER), Stanford, 1995, 12 ff. e 177 ff.; *Die Gesellschaft der Gesellschaft*, II, Frankfurt am Main, 1997, 595 ff.

<sup>49</sup> Charles DARWIN, *The Origin of the Species and the Descent of Man*, New York, 1936, 411 ss., suggesting that the notion of human dignity is essentially based on natural pride and natural prejudice. Adopting the same naturalistic assumptions, Legal Scholar and Justice Oliver Wendell Holmes, said: «[I] see no reason for attributing to man a significance different in kind from that which belongs to a baboon».

of Judeo-Christian theological tradition<sup>50</sup>. A naturalistic theory of the universe, based on irrational, random and purposeless processes, will have trouble explaining the existence and legitimacy of rational and moral norms and sentiments, since neither are part of physical reality<sup>51</sup>.

As legal theorist John Finnis persuasively shows, the notions of normativity and legal obligation are easy to justify on transcendent objective grounds but ultimately impossible to explain on purely secular and subjective grounds<sup>52</sup>. Political philosophy and legal theory point to a counter-factual moral and transcendent realm<sup>53</sup>. Discussions about God are becoming more common in political and legal settings when one is called to provide reasons to back political and legal decisions with inescapable moral dimensions<sup>54</sup>.

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or a grain of sand» *Apud* A.W. ALSCHULER, «A Century of Skepticism», *Christian Perspectives on Legal Thought*, (ed. M.W. MCCONNELL, R.F. COCHRAN, JR., A. CARMELLA), New Haven, Conn., 2001, 95

<sup>50</sup> H. VAN ROMPUY, *Christentum und Moderne, Werte für die Zukunft Europas*, Kvelaer, 2010, 24 ff.; O. DEPENHEUER, «Religion als ethische reservoir der säkularen Gesellschaft», *Nomos und Ethos*, (eds. O. DEPENHEUER, M. HEINTZEN, M. JESTAEDT, P. AXER), Berlin, 2002, 3 ff.

<sup>51</sup> D. BERLINSKI, *The Devil's Delusion, Atheism and its Scientific Pretensions*, 2.<sup>a</sup> ed., New York, 2009, 35: «If moral sentiments are about something, than the Universe is not quite as science suggests it is, since physical entities, having said nothing about God, say nothing about right or wrong, good or bad. To admit this would force the philosophers to confront the possibility that the physical sciences offer a grossly inadequate view of reality».

<sup>52</sup> J. FINNIS, *Natural Law and Natural Rights*, Oxford, 1980, 371 ff.; «Does Free Exercise of Religion Deserve Constitutional Mention?», 54, *The American Journal of Jurisprudence*, 2009, 51: «[t]he world we find and do not make includes not only the normativity or directiveness of logic, but also the normativity of basic practical principles such as those that pick out knowledge and truth as an intelligible good to be preferred to ignorance and muddle, or again pick out harmony with other persons as another such good, to be preferred to hatred and war; and so forth. For both these reasons, it is reasonable to think of the creator-the transcendent, intelligent and freely choosing source of reality and meaning, and of intelligible goods and our directedness towards them-as being somehow personal, and as personally, so to speak, anticipating human fulfillment and leading us, via our own understanding, deliberation and free choices, towards such possible fulfillment». The same idea can be seen in F.J. BECKWITH, «The Courts, Natural Rights, And Religious Claims As Knowledge», 49, *Santa Clara Law Review*, 2009, 551: «[g]iven God's existence, moral realism is natural. But given an atheistic universe..., objective morality - along with its assumptions of human dignity, rights, and moral responsibility - is unnatural and surprising and «queer». Thus, given the natural moral law, there are really only two options concerning its origin: it exists, but it is an accident, a product of chance; or it is the result of intelligence».

<sup>53</sup> J. FINNIS, «Religion And State: Some Main Issues And Sources», 51, *The American Journal of Jurisprudence*, 2006, 118 ff., remarking that «neither atheism nor agnosticism is the rational default position for political philosophy».

<sup>54</sup> Y. BLANK, «The Reenchantment Of Law», 96, *Cornell Law Review*, 2011, 633 ff., stating that [t]he religious revival observed throughout the world since the 1980s is making its mark on legal theory, threatening to shift the jurisprudential battleground from debates over law's indeterminacy and power to conflicts over law's grounds, meaning, unity, coherence, and metaphysical underpinnings.»

The conclusion, recently put forward by former dean of atheist philosophy, Anthony Flew<sup>55</sup>, that not only does God exist but also that his existence is entirely rational as well as rationally impossible to rebut, has shaken the promise of an intellectually fulfilling atheism. Although the apologetic works of neo-atheists such as Richard Dawkins<sup>56</sup>, Sam Harris<sup>57</sup> or Christopher Hitchens<sup>58</sup>, have been trying to keep this promise, they have contributed to mainstream discussions about God in the sphere of public discourse, while at the same time exposing the scientific, philosophical and moral shortcomings of existing naturalistic world views<sup>59</sup>.

The available scientific data of biology, geology, physics or astrophysics have made apparent the serious scientific problems confronting a purely naturalistic world view<sup>60</sup>. There is simply no obvious reason why each and every secular world view would be intellectually superior to each and every religious world view. These developments severely limit the persuasive power of secular theories of *justice*, *public reason* and *communicative action*, such as those proposed by John Rawls<sup>61</sup> or Jürgen Habermas<sup>62</sup>.

As Michael Sandel points out, far from contributing to the advancement of human rights and social justice, they have led to the colonisation of the public sphere by market discourses.<sup>63</sup> Sandel's «punch line» seems to be that man shall not live by the markets alone, corroborating the old Christian idea according to which «...

<sup>55</sup> A. FLEW, R.A. VARGHESE, *There Is a God: How the World's Most Notorious Atheist Changed His Mind*, New York, 2008, 83 ff.

<sup>56</sup> R. DAWKINS, *The God Delusion*, New York, 2008, 51 ff; *The Greatest Show On Earth, Evidence of Evolution*, New York, Free Press, 2009, 3 ff.

<sup>57</sup> S. HARRIS, *The End of Faith: Religion, Terror, and the Future of Reason*, New York, 2004, 11 ff.

<sup>58</sup> C. HITCHENS, *God Is Not Great: How Religion Poisons Everything*, New York, 2007, 1 ff.

<sup>59</sup> RICHARD BARNES, *Dawkins Proof for the Existence of God*, 2009, 9 ff. and 115 ff.; J. SARFATI, *The Greatest Hoax on Earth, Refuting Dawkins On Evolution*, Atlanta, 2010, 11 ff.

<sup>60</sup> M. DENTON, *Evolution: A Theory in Crisis*, Burnet Books, London, 1985; M. BEHE, *Darwin's Black Box: The Biochemical Challenge to Evolution*, The Free Press, New York: 1996; Lee SPETNER *Not By Chance! Shattering the Modern Theory of Evolution*, The Judaica Press, New York: 1997.; D. AGER, *The Nature of the Stratigraphic Record*, Macmillan Press, London, 1983; The New Catastrophism, Cambridge Univ. Press, Cambridge, 1993; R.T. PENNOCK (ed.), *Intelligent Design Creationism and Its Critics: Philosophical, Theological, and Scientific Perspectives*, MIT Press, 2001 Berlinski, *The Devil's Delusion, Atheism and its Scientific Pretensions...*, cit., xv, saying that «[w]e do not know how the Universe began. We do not know why it is here. Charles Darwin talked speculatively of life emerging from a «warm little pond». The pond is gone. We have little idea how life emerged, and cannot with assurance say it did».

<sup>61</sup> J. RAWLS, *A Theory of Justice*, Oxford, 1971 (1991); *Political Liberalism*, New York, 1993 (1996). M.V. HERNANDEZ, «Theism, Realism, and Rawls», 40, *Seton Hall Law Review*, 2010, 905 ff.

<sup>62</sup> J. HABERMAS, *Zwischen Naturalismus und Religion*, Frankfurt am Main, 2005, 27 ff. 106 ff.

<sup>63</sup> M.J. SANDAL, *What Money Can't Buy: The Moral Limits of Markets*, New York, 2012, 3 ff.

*Man shall not live by bread alone, but by every word that proceedeth out of the mouth of God»<sup>64</sup>.*

If, as Flew and Finnis conclude, there is strong rational and moral evidence for the existence of a rational and moral God, then there should be enough room for the public discussion of the resulting social, political and legal implications. This may be a surprising and unpalatable conclusion for some, but it seems inescapable. However the historical lessons of theological-political strife must certainly not be forgotten. The challenge is to structure an ideal speech situation where theological teaching and discussion can take place, free from religious and political coercion. The university, with its tradition of independent, open, plural and exploratory discourse, may provide an appropriate forum.

Several avenues can be opened. One would be the introduction to different theological subjects in philosophy courses. Another possibility would be the creation in public universities of degrees on religion and religious studies, with an additional option of theology. Another would be State recognition of confessional theological institutions and degrees if necessary according to specific criteria. Other subjects such as history, archaeology, paleography, classical languages, philosophy and science in general, could well benefit from the spiritual and cognitive energies unleashed by the return of theological reflection to a free and open public sphere.

Theology was an important part of the syllabus of the Portuguese University until the republican revolution of 1910 although subjected to the significant theological-political trepidation. Since then it has mostly become a private and confessional endeavor. In the current democratic system there seems to be a renewed need of public reflection in theological and religious subjects. The challenge for the future is to create the appropriate environment and conditions which allow for that kind of reflection in an open, exploratory, politically independent and non-dogmatic way. *This would provide* opportunities for open and frank dialogue about the historical and scriptural foundations of theological claims, between individuals and communities of different religious and non-religious persuasions.

<sup>64</sup> Mathew 4:4.



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# **PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN SPAIN**

MIGUEL RODRÍGUEZ BLANCO

The purpose of this paper is to describe the legal framework governing the training of religious personnel, whether members of the clergy or administrative staff, in Spanish law. Its main focus is the dispositions of national law regarding the regulation of religious training centres and the recognition for academic purposes of the studies pursued in such centres.

The paper is divided into three sections. The first reviews the system of religious training that had been in place in Spain prior to the 1978 Constitution. The second concentrates on current legislation regarding the training of clergy and religious administrators. Finally, the third part presents the new policies concerning the training of religious staff.

## **I. HISTORY OF THE MODE OF TRAINING OF RELIGIOUS STAFF**

### **A. Training given in seminaries or training centres for clergymen**

Except for the period of the Second Republic (1931-1939), until the current Constitution was promulgated in 1978, Spain had been a confessional state which recognised Roman Catholicism as the official state religion. According to article 12 of Spain's first Constitution of 1812, «The religion of the Spanish nation is and will forever be the catholic, apostolic, Roman, single and true religion. The Nation protects it with wise and just laws». It was forbidden to practice faiths other than Roman Catholicism publically, and such faiths lacked any sort of legal recognition. The second half of the nineteenth century saw the gradual growth of some measures of religious tolerance which found paradigmatic expression in article 11 of the 1876 Constitution: «No one in Spanish territory will be interfered for their religious opinions or for carrying out worship, provided that Christian morality is shown due respect. However, public ceremonies or displays other than those of the state religion will not be permitted».

The Holy See's Concordat of 1851, which remained in force until 1953 (except during the Second Republic), proclaimed the state's Roman Catholicism in its first article. As a direct consequence of the proclamation of Roman Catholic Church as the state official church, the second article established that teaching in universities, colleges, seminaries and public or private schools, of all kinds would be in conformity with Catholic doctrine.

Article 28 of the Concordat attributed to the government, with the prior consent of the Holy See, the obligation to found seminaries for the training of the young men whom the church hierarchy deemed necessary to attend to the needs of the different dioceses. The Concordat did not regulate expressly the academic validity of the studies pursued in the seminaries. On 25 October 1787 academic recognition had been granted by Royal Charter of Charles III to the training given in the seminaries. On 10 September 1866, with the Concordat already in force, that validity would be endorsed by a Royal Decree, the first article of which indicated that the secondary education received in the seminaries entitled one to obtain the qualification of Bachelor in Arts and to proceed to university studies. Later, a Decree dated 29 July 1874 stipulated that in order for academic validity to be granted nationally to the studies pursued in the seminaries, the same requirements should apply as for private educational centres.

Under Franco's dictatorship (1939-1975) a system of recognition of the Roman Catholic Church as the official state church was adopted. This system was tolerant of other faiths. Thus, article 6 of the Lex Fori of the Spanish People (*Fuero de los Españoles*) laid down that: «[t]he profession and practice of the Catholic religion, which is that of the Spanish State, will enjoy official protection. No one will be interfered with for their religious beliefs, or for the private practice of their faith. No ceremonies or external displays will be permitted other than those of the Catholic religion». This tolerance underwent a marked evolution in the course of the Franco regime: if at first it was rigid and discriminated openly against those who professed non-Catholic beliefs, with time it became an open tolerance which accepted, with some restrictions, the exercise of religious freedom, the best indication of which was Act 44/1967 (28 June), which regulated the exercise of the civil right of freedom in matters of religion.

Articles 25-28 of that Act provided for the legal authorisation of clergymen from non-Catholic churches, subject to their registration as such in a public register held by the Ministry of Justice. Registration therein empowered them to act nationwide as clergymen. Article 29 of the same Act permitted non-Catholic churches to set up centres for the education of their members, in conformity with current legislation and subject to permission from the Ministry of Justice. For its part, article 30 provided for the opening of training centres for clergymen, subject once more to permission from the Ministry of Justice.

As for the Catholic Church, article 31 of the Concordat with the Holy See of 1953, whose first article proclaimed Roman Catholicism as the religion of the State,

recognised the right of the Church to organise and run public schools of any class or kind. Article 31 of the Concordat prescribed that religious universities, seminaries, and other Catholic training and cultural institutions for clergymen and members of religious orders would continue to answer exclusively to the church authorities while enjoying the recognition and guarantee of the State.

## B. Theological studies

Theological studies had been on the curricula of Spanish universities since the first of these were founded in the Middle Ages. Article 19 of a Decree of 21 October 1868 was to change that state of affairs drastically with its suppression of the theology faculties in the public universities and its empowerment of the diocesan bishops to organise the study of theology in seminaries in whatever shape or form they deemed appropriate. In its Preamble the decree explained the reason for suppression of such studies in the public universities as follows:

*«The State, to whom it falls only to accomplish the temporal ends of life, must remain aloof of the teaching of dogma and allow instead the diocesan bishops to direct such teaching with all due Independence. Different rules apply to university learning and theology, and it would be wise to keep each independent within its own sphere of activity. Their separation, without impeding the research required if they are to achieve their objects, will not only avoid their hampering each other and thus forestall dangerous conflicts, but will also avoid the conflicts theological teaching usually implies for the Government. Once theology is suppressed in the universities, the State is no longer accountable for the errors of those who hold chairs in it and closes the door on the sort of bothersome grievances it is its duty to avoid. Politics then, in line with the law, advises the suppression of a faculty, the teaching of whose few students lays a considerable burden on the public purse, a burden which brings no advantage to the country and has no justification in common justice».*

Article 28 of the 1953 Concordat also referred to theological training. Subject to the agreement of the competent church authority, public universities were allowed to run systematic courses, especially in Scholastic Philosophy, Divinity and Canon Law, whose syllabuses and textbooks were to be approved by the Church. These courses could be taught by priests, members of religious orders or laymen who had obtained the *nihil obstat* from the Diocesan Ordinary and were in possession of higher academic qualifications awarded by an ecclesiastical university or, in the case of members of the religious orders, of equivalent degrees obtained in their own order.

## II. THE MODES OF TRAINING OF RELIGIOUS STAFF: CURRENT LAW

Article 16 Section 1 of the Spanish Constitution of 27 December 1978 recognises the right of groups and of individuals to ideological and religious freedom (including freedom to worship), with no other restriction on their expression than may be necessary to maintain public order as protected by law. Section 3 of the

same article lays down the principle of the state's neutrality and of cooperation between public authorities and religious faiths: «There shall be no State religion. Public authorities shall take the religious beliefs of Spanish society into account and shall in consequence maintain appropriate co-operation with the Catholic Church and the other denominations».

The same article has been developed by means of Organic Law 7/1980 (5 July), concerning Religious Freedom: article 2.2 recognises the right of religious denominations to appoint and train their ministers as one of the manifestations that falls within the scope of the protection of the fundamental right to religious freedom.

## A. Catholic Church

A few days after the Constitution came into force, on 3 January 1979 the Spanish State signed four concordat-type agreements with the Holy See: the Agreement on Legal Affairs; the Agreement on Economic Affairs; the Agreement concerning Religious Attendance of the Armed Forces and Military Service of Clergy and Members of Religious Orders; and the Agreement on Educational and Cultural Affairs. The first of these, the Agreement on Legal Affairs, recognizes, in article I, the right of the Catholic Church to carry out its apostolic mission and guarantees the church free and public exercise of those activities inherent to it; especially worship, jurisdiction, and teaching. Accordingly, the Catholic Church's right to carry out its own activities, including the teaching and training of its personnel, is expressly guaranteed.

All matters relating to Catholic teaching and training are regulated in the Agreement on Educational and Cultural Affairs. In the following account of its contents, two themes will be explored: a) the recognition that the training received in seminaries and centres for higher ecclesiastical education has validity in the public sphere; and b) training activities of a religious nature carried out in public universities.

### 1. *Recognition that the training received in seminaries and centres for higher ecclesiastical education has validity in the public sphere*

The training of its personnel by the Catholic Church is regulated in article VII of the Agreement on Educational and Cultural Affairs. The article states that the Catholic Church may establish diocesan and religious minor seminaries, the specific nature of which shall be respected by the State. In order to be considered elementary, secondary or high schools, the general legislation shall be applied, although neither a minimum number of registered students nor the acceptance of students in accordance with their geographical origin or family residence shall be required. This article makes it plain that the Church has the right to set up seminaries and makes them equivalent to state centres of non-university education. The matter of equivalence is regulated by the Ministry of Education and Science's Order of 28 February 1994 regarding the

authorisation as private teaching centres of minor diocesan seminaries and of religious orders within the Catholic Church<sup>1</sup>.

Article XI of the Agreement on Educational and Cultural Affairs has as its object the establishment of educational centres catering specifically for the training of the Church's own staff: the Catholic Church, in accordance with its own law, maintains its autonomy in the establishment of universities, departments, institutes of higher learning and other centres of ecclesiastic science for training priests, members of religious orders and laymen. Confirmation of studies and recognition by the State of the civil effects of degrees conferred by these centres of higher learning shall be the subject of specific regulation between the competent authorities of the Church and the State<sup>2</sup>.

The development of this article of the Agreement on Educational and Cultural Affairs, as agreed to by Church and State, is given definition in Royal Decree 1619/2011 (14 November), which established the new system of equivalences between university-level religious studies and degrees and official Spanish university degrees, in fulfilment of the provisions of the Agreement on Educational and Cultural Affairs between the Spanish State and the Holy See of 3 January 1979<sup>3</sup>.

Article 3 of Royal Decree 1619/2011 states that civil effects are recognised for the advanced ecclesiastical degrees of Baccalaureatus, Licentiatus and Doctor conferred by higher education centres of the Catholic Church, created in accordance with Canon Law or approved by the Church itself, in accordance with the provisions of the Holy See as set out in the Apostolic Constitution *Sapientia Christiana* of 15 April 1979, which regulates the existence, rules and development of Ecclesiastical Universities and Faculties, and in the Instruction regarding Religious Higher Education Institutes, of 28 June 2008, which regulates the existence, rules and development of such institutes.

The civil effects conferred on the ecclesiastical university degrees of Baccalaureatus, Licentiatus and Doctor correspond respectively to the university academic levels of Graduate, Master and Doctor, in accordance with the university structure set out in article 34 of Organic Law 6/2001 (21 December) regarding Universities, as modified by Organic Law 4/2007 (21 April).

The list of degrees awarded by Religious Higher Education Centres and granted civil effects is as follows:

<sup>1</sup> By the Ministry of Education and Science's Order of 11 January 1996, the curriculum and timetable of compulsory secondary education and of sixth-form school education was adapted to the special nature of the diocesan minor seminaries and the religious orders of the Catholic Church.

<sup>2</sup> The same article further establishes that the confirmation and recognition of studies carried out and degrees obtained by clergymen or laymen in departments approved by the Holy See abroad shall also be regulated by common consent between the competent authorities of the Church and the State.

<sup>3</sup> This Royal Decree is modified by Royal Decree 477/2013 (21 June).

- a) Degrees equivalent to the official university degree of Graduate (with a minimum accredited length of 240 ECTS credits).
- Degree of Baccalaureatus in Theologia, awarded by faculties of Catholic Theology and studied in said Faculties or higher education centres affiliated to them.
  - Degree of Baccalaureatus in Philosophia, awarded by ecclesiastical faculties of Philosophy.
  - Degree of Baccalaureatus in Scientiis Religiosis, awarded by faculties of Catholic Theology and studied at Religious Higher Education Institutes.
- b) Degrees equivalent to the official university degree of Master (with a minimum accredited length of 300 ECTS credits).
- Degree of Licentiatus in Theologia, awarded by faculties of Catholic Theology (details of speciality are to be given: Systematic Theology, Holy Scriptures, Moral Theology, Pastoral Theology, Spiritual Theology ...).
  - Degree of Licentiatus in Philosophia, awarded by ecclesiastical faculties of Philosophy (details of speciality are to be given: Theoretical Philosophy, Practical Philosophy, Social Philosophy...).
  - Degree of Licentiatus in Iure Canonico (studied after obtaining an ecclesiastical degree of Baccalaureatus or Licentiatus or of a civil university degree as the Catholic Church may determine) awarded by ecclesiastical faculties.
  - Degree of Licentiatus in Sacra Scriptura, awarded by ecclesiastical faculties or institutes «ad instar Facultatis».
  - Degree of Licentiatus in Sacra Liturgia, awarded by ecclesiastical faculties.
  - Degree of Licentiatus in Historia Ecclesiastica, awarded by ecclesiastical faculties.
  - Degree of Licentiatus in Archeologia Christiana, awarded by institutes «ad instar Facultatis».
  - Degree of Licentiatus in Studiis Orientis Antiqui, awarded by ecclesiastical faculties.
  - Degree of Licentiatus in Studiis Ecclesiasticis Orientalibus, awarded by ecclesiastical faculties.
  - Degree of Licentiatus in Iure Canonico Orientali, awarded by ecclesiastical faculties.
  - Degree of Licentiatus in Missiologia, awarded by ecclesiastical faculties.
  - Degree of Licentiatus in Musica Sacra / in Cantu Gregoriano / in Organo / in Directione Choralis, awarded by ecclesiastical faculties or Institutes «ad instar Facultatis».
  - Degree of Licentiatus in Litteratura Christiana et Classica, awarded by faculties of Christian and Classical Literature.
  - Degree of Licentiatus in Scientiis Religiosis, awarded by faculties of Catholic Theology and studied at Religious Higher Education Institutes (details of

speciality to be given: Teaching the Catholic Religion, Catechetical Instruction, Youth Pastorship...).

- c) Degrees equivalent to the official university degree of Doctor.
- Degree of Doctor in Theologia, awarded by faculties of Catholic Theology.
  - Degree of Doctor in Philosophia, awarded by ecclesiastical faculties of Philosophy.
  - Degree of Doctor in Iure Canonico, awarded by ecclesiastical faculties.
  - Degree of Doctor in Sacra Scriptura, awarded by ecclesiastical faculties or Institutes «ad instar Facultatis».
  - Degree of Doctor in Sacra Liturgia, awarded by ecclesiastical faculties.
  - Degree of Doctor in Historia Ecclesiastica, awarded by ecclesiastical faculties.
  - Degree of Doctor in Archeologia Christiana, awarded by Institutes «ad instar Facultatis».
  - Degree of Doctor in Studiis Orientis Antiqui, awarded by ecclesiastical faculties.
  - Degree of Doctor in Studiis Ecclesiasticis Orientalibus, awarded by ecclesiastical faculties.
  - Degree of Doctor in Iure Canonico Orientali, awarded by ecclesiastical faculties.
  - Degree of Doctor in Missiologia, awarded by ecclesiastical faculties.
  - Degree of Doctor in Musica Sacra / in Cantu Gregoriano / in Organo, awarded by ecclesiastical faculties or institutes «ad instar Facultatis».
  - Degree of Doctor in Litteratura Christiana et Classica, awarded by Faculties of Christian and Classical Literature.

Royal Decree 1619/2011 lists the Ecclesiastical Science Faculties belonging to the Catholic Church in Spain whose degrees are officially recognised by the state.

- a) Faculties of Catholic Theology
1. Faculty of Theology of Catalonia (Barcelona).
  2. Faculty of Theology of Granada.
  3. Faculty of Theology of the North of Spain (see of Burgos).
  4. Faculty of Theology of the North of Spain (see of Vitoria).
  5. Faculty of Theology of the St Damaso Ecclesiastical University (Madrid).
  6. Faculty of Theology «San Vicente Ferrer» (Valencia).
  7. Faculty of Theology of the University of Deusto (Bilbao).
  8. Faculty of Theology of the University of Navarre (Pamplona).
  9. Faculty of Theology of the Comillas Pontifical University (Madrid).
  10. Faculty of Theology of the Pontifical University of Salamanca.
  11. St Stephen Faculty of Theology of the Dominican Preachers of Salamanca.
- b) Faculties of Canon Law
1. Faculty of canon Law of the San Damaso Ecclesiastical University (Madrid).
  2. Faculty of Canon Law of the University of Navarre (Pamplona).

3. Faculty of Canon Law of the Comillas Pontifical University (Madrid).
  4. Faculty of Canon Law of the Pontifical University of Salamanca.
  5. St Vincent Martyr Faculty of Canon Law of the St Vincent Martyr Catholic University of Valencia.
- c) Faculties of Ecclesiastical Philosophy
1. Faculty of Philosophy of Catalonia (Barcelona).
  2. Faculty of Philosophy of the St Damaso Ecclesiastical University (Madrid).
  3. Ecclesiastical Faculty of Philosophy of the University of Navarre (Pamplona).
  4. Faculty of Ecclesiastical Philosophy of the Comillas Pontifical University (Madrid) under the aegis of the Faculty of Human and Social Sciences.
  5. Faculty of Philosophy of the Pontifical University of Salamanca.
- d) Other ecclesiastical faculties
1. St Justin Faculty of Christian and Classical Literature of the St Damaso Ecclesiastical University (Madrid).

All these faculties of Ecclesiastical Sciences located in Spain must be entered in the Register of Universities, Centres and Degrees, held by the Ministry of Education, in accordance with article 2 of Royal Decree 1509/2008 (12 September).

In order to be recognized for civil effects, the degree of Baccalaureatus must demonstrate a minimum study-load of 240 ECTS credits. The additional training leading to the degree of Licentiatus must amount to between 60 and 120 ECTS credits and thus be able to demonstrate an overall duration of training amounting to a minimum of 300 ECTS credits. These degrees must be issued by any of the Catholic Church's Centres of Higher Ecclesiastical Learning listed above and, if they are to be recognised for civil effects at the level of the state, must be accompanied by the corresponding European Diploma Supplement (EDS), containing information about the level and contents of the studies pursued in the terms of the ECTS credit system. Likewise, recognition of civil effects requires that the documents issued in certification of the degrees be vouched for by the competent authorities of the Catholic Church in Spain, which will certify to their authenticity. The degree recognition procedure is set out in detail in article 7 of the Royal Decree.

## 2. Religious training activities at public universities

Article V of the Agreement with the Holy See on Educational and Cultural Affairs establishes that the State guarantees the Catholic Church's capacity to organise voluntary educational courses and other religious activities in the public universities, using said universities' premises and resources to this end. The church hierarchy will reach agreement with the universities' authorities on the proper conduct of each and every aspect of those activities. Article XII of the Agreement, meanwhile, permits the public universities to set up centres of advanced studies in Catholic theology, subject to the prior agreement of the competent church authority.

The Agreement on Educational and Cultural Affairs indicates that the actual form these matters will take will be defined in future agreements between church authorities and universities. Preferring not to regulate this matter expressly, the Agreement leaves the definition of its contents to subsequent agreements signed, as appropriate, by the Church and the universities.

These provisions have taken shape in the signing of collaboration agreements between various dioceses and public universities. According to the 2004 findings of the Episcopal Subcommittee on Universities of the Spanish Episcopal Conference<sup>4</sup>, twenty-eight of Spain's fifty public universities – just over half – had signed agreements of this type. Roughly speaking, these agreements covered three areas: pastoral care, theological studies and the use of church property by university staff for the purposes of teaching or research.

The agreements provide for the organization of courses in theological training, Church History and Christian Culture. The contents and teachers of these courses are decided by the church authorities with the prior consent of the universities and are recognized for academic effects. Some agreements create self-standing centres or chairs of theology within a given university's organigram, but these are never given the status of faculties or departments.

## B. Religious minorities

*Article 7 of Religious Freedom Act 7/1980 specifies that the State may, if appropriate, enter into cooperation agreements or covenants with religious communities that meet two requirements: 1) they are entered in the Ministry of Justice Register of Religious Entities (Religious Freedom Act, article 5); 2) they have, thanks to their reach and number of believers, obviously taken root in Spain. As specified in this article, these agreements must be approved as law by Parliament. Therefore, once an agreement has been signed between the Government and a religious denomination, it must be passed by Parliament as an Act in order to be incorporated into the legal system. Otherwise, i.e. in the absence of parliamentary approval, it will be a mere political act without legal significance and its fulfilment cannot be exacted before the courts.*

Three agreements have been signed to date in keeping with article 7 of the Religious Freedom Act, and they have been approved by Act 24/1992 dated November 10, 1992, whereby the State's cooperation Agreement with the Federation of Evangelical Religious Entities of Spain is passed; Act 25/1992 dated November 10, 1992, whereby the State's cooperation Agreement with the Federation of Israelite Communities of

<sup>4</sup> Conferencia Episcopal Española. Subcomisión Episcopal de Universidades, *Acuerdos académicos y pastorales entre diócesis y universidades*, EDICE, Madrid, 2004.

Spain is passed; and Act 26/1992 dated November 10, 1992, whereby the State's cooperation Agreement with the Islamic Commission of Spain is passed.

These three agreements signed with the evangelical churches and with the Israelite and Islamic communities deal with education in their respective articles 10, which provide for the possibility that the evangelical churches and the Israelite and Islamic communities organize, with the agreement of the academic authorities, religious education courses at public universities, being able to use those universities' premises and resources to this end. At the same time, the right of these religious bodies is recognised to establish and run teaching centres at pre-university levels, as well as university centres and centres dedicated to Evangelical, Judaic or Islamic training, all subject to current general legislation on the matter.

The regulation contained in the three Cooperation Agreements of 1992 was developed by Organic Law 4/2007 (12 April), which modified Organic Law 6/2001 (21 December) regarding Universities. Acting on the proposal of the ministries responsible for justice and the universities, its eleventh additional provision empowered the Government to regulate the terms regarding the recognition of the civil effects of academic university-level degrees in the areas of theology and ministerial training taught in higher education centres belonging to the Evangelical, Israelite and Islamic religious bodies which had signed the 1992 Agreements with the State.

To-date, this legal provision has only been applied in the case of the evangelical churches belonging to the Federation of Evangelical Religious Entities of Spain, which are subject to Royal Decree 1633/2011 (14 November). This decree defines the system of equivalences for university-level degrees taught in centres dependent on the said Federation.

To be more precise, this Royal Decree recognises the civil effects of the university-level degrees awarded by centres or faculties of Protestant theology, dependent on the Federation of Evangelical Religious Entities of Spain, which have been accredited by the Accreditation Commission for Protestant Theological Centres and Degrees. The civil effects granted to these theological degrees are equivalent to the university academic titles of Graduate and Master, respectively, as defined in article 34 of Organic Law 6/2001 (21 December), regarding Universities, modified by Organic Law 4/2007 (12 April).

To achieve the recognition of civil effects referred to in Royal Decree 1633/2011, titles of Graduate in theology must demonstrate a minimum study-load of 240 ECTS credits. As for theological Master's degrees, they must involve additional training of at least 60 ECTS credits, being able to accredit altogether a training total of at least 300 ECTS credits.

The following degrees have achieved recognition in terms of their civil effects:

- a) Degrees equivalent to the official university degree of Graduate (being able to accredit a minimum study-load of 240 ECTS credits):
  - Title of Degree in Theology issued by the EBUS Protestant Faculty of Theology, in Madrid - Evangelical Baptist Union of Spain (face-to-face teaching).

- Title of Degree in Theology issued by the BITSS International Faculty of Philosophy, in Madrid - Bible Institute and Theological Seminary of Spain (face-to-face teaching).
  - Title of Degree in Theology issued by the Assemblies of God Faculty of Theology, in Cordoba (face-to-face teaching).
  - Title of Degree in Theology issued by the Adventist Faculty of Theology, in Valencia (face-to-face teaching).
  - Title of Degree in Theology issued by the UETS Faculty of Theology, in Madrid – United Evangelical Theological Seminary (face-to-face teaching and distance learning).
- b) Degrees equivalent to the official university Master's degree (being able to accredit a minimum study-load of 60 ECTS credits and a minimum of 300 ECTS credits between undergraduate studies and Master's studies):
- Degree of Master in Theology issued by the Protestant Faculty of Theology, EBUS, in Madrid (face-to-face teaching).
  - Degree of Master in Theology issued by the Adventist Faculty of Theology, in Valencia (face-to-face teaching).

For the purposes of recognition of civil effects as provided for by Royal Decree 1633/2011, degrees issued by the Protestant centres and faculties of theology must be accompanied by the corresponding academic certificate containing information regarding the level and content of the studies pursued, all expressed in the terms of the ECTS credit system. Recognition of civil effects entails that the interested party demonstrates that he or she gained access to the relevant studies by meeting the requirements established by Spanish law in matters of university entrance. The recognition of civil effects of theological degrees further requires that the certifying documents be vouched for previously by the Accreditation Commission for Protestant Theological Centres and Degrees, dependent on the Federation of Evangelical Religious Entities of Spain. The procedure for recognition of civil effects of degrees is regulated by article 6 of the Royal Decree. Finally, article 7 of Royal Decree 1633/2011 establishes the requirement that degrees be monitored and assessed by the Ministry of Education every four years.

### III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

At its meeting on 11 January 2008, and at the proposal of the President of the Government, the Council of Ministers adopted the National Plan of the Kingdom of Spain for the Alliance of Civilizations<sup>5</sup>. The goals of this Plan included encourage-

<sup>5</sup> Order PRE/45/2008 (21 January), whereby publicity was given to the Agreement of the Council of Ministers of 11 January 2008, according to which approval was given to the National Plan of the King-

ment for an academic training scheme for the religious personnel of the minority denominations through a cooperation agreement with the State and a scheme of grants and financial aid for that training. The whole design of the Plan was in response to the urgent need to close the gap that was opening between the West and the Arab and Muslim world. It was also consistent with the principles of international ethics which underpinned the Government's foreign policy, namely, a commitment to international legality, full respect for human rights with no discrimination of any sort on the grounds of sex, and support for the multilateralism represented by the United Nations.

Academic training for religious personnel has taken institutional shape in the Pluralism and Coexistence Foundation (*Fundación Pluralismo y Convivencia*), a public body created by agreement of the Council of Ministers on 15 October 2004 and constituted by the Ministry of Justice on 25 January 2005. According to its statutes, its ends are to «contribute to the execution of programmes and projects of a cultural and educational kind, with a view to the social integration of the non-Catholic denominations which have signed a Cooperation Agreement with the Spanish State or which have obviously taken root in Spain»<sup>6</sup>.

The Pluralism and Coexistence Foundation has two lines of activity.

A) Financial aid:

- It supports federations or organisations which coordinate religious denominations by means of an annual aid campaign for strengthening the institutions and coordination among the religious communities, and for the improvement and upkeep of the infrastructures and equipment of the federations of religious denominations (Evangelical, Jewish or Muslim) party to Cooperation Agreements with the Spanish State.
- By means of an annual aid campaign it supports local projects of a cultural or educational nature, or those which work towards social integration, and also the improvement and upkeep of the infrastructures and equipment of the federations by the entities, religious communities and places of worship belonging to religious denominations party to Cooperation Agreements with the Spanish State.
- It supports flagship and other representative projects of faiths and denominations with a recognised established presence in the Spanish State (Buddhists, Jehovah's Witnesses, Church of Christ of the Latter-day Saints, Orthodox Church).

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dom of Spain for the Alliance of Civilizations. By Order PRE/1329/2010 (20 May) was published the Agreement by which approval was given to the Second National Plan for the Alliance of Civilizations.

<sup>6</sup> Order ECI/935/2005 (8 March), whereby the Pluralism and Coexistence Foundation is registered in the Register of Foundations of the Ministry of Education and Science.

- By means of six-monthly aid campaigns it supports activities aimed at promoting religious freedom and conviction, and improving awareness about the minority faiths among the Spanish population at large.
- B) Promoting and managing knowledge:
- The promotion of research into religious pluralism in the Spanish State.
  - Consciousness-raising and dissemination of knowledge through publications and electronic resources.
  - The creation of support tools for the public management of religious diversity.
  - The development of training and empowerment activities related to religious diversity and its public management.
  - Cooperation with other entities and participation in national and international networks and projects concerning the promotion of freedom of conscience and religious freedom.

In the period 2010-2012, as part of its training activities, the Pluralism and Coexistence Foundation taught three specialization courses in collaboration with the National University of Distance Learning. These courses are Social and Legal Aspects of Islam in Spain, Islam and the Principles of Democracy, and Human Rights and Religions in Spain<sup>7</sup>. These courses study the current state and practice of Islam in Spain. Some of their goals are to contribute to training ministers of Islam who conduct their ministry in Spain, helping them to contextualize the social, cultural, political and legal context in which they have to carry out their functions.

In addition to this ministerial training of a general kind, there is a specific area where there is provision for ministerial training. This is pastoral care in prison facilities carried out by minority religious denominations and regulated by Royal Decree 710/2006 (9 June), in development of article 9 of the 1992 Cooperation Agreements with Evangelicals, Jews and Muslims. The aim of the Royal Decree is twofold: a) to ensure that the accreditation and authorisation procedure concerning ministers dispensing pastoral care offers maximum guarantees of legal certainty; b) to ensure that there are better guarantees for the full exercise of religious freedom on the part of Evangelical, Jewish or Muslim inmates of prison facilities.

Article 4.2 of this Royal Decree provides for the possibility that the competent prison authority organizes compulsory short courses or training sessions for ministers nominated by the religious denominations. This training is in prison issues affecting ministerial work. According to the regulation on this matter, it is to be inferred that a

<sup>7</sup> In addition to these courses organized by the Pluralism and Coexistence Foundation, private universities like the Camilo José Cela University, and religious entities, such as the Islamic Council of Catalonia and the Islamic Federation of Murcia, have organized private training courses for imams; see J. FERREIRO, *Islam and State in the EU. Church-State Relationships, Reality of Islam, Imams and Training Centres*, Peter Lang, Frankfurt am Main, 2011, pp. 270-272.

minister who does not participate in the training activities will be refused permission to enter the prison facility or, of already in possession of permission, will have that permission revoked.

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# THE TRAINING OF MINISTERS OF RELIGION IN IRELAND

CELIA G. KENNY

A close reading of religious history in Ireland disrupts the traditional tri-partite model of church/state relations, providing evidence for Sandberg and Doe's claim that «it is an examination of church-state relations in Ireland that illustrates the limitations of [the so-called separation category]»<sup>1</sup>. In 1985, historian, Patrick Corish, surveying the ecclesiastical history of Ireland, wrote that there was «much to be said for regarding Ireland about 1880 as having two church establishments, one Catholic and the other Protestant, despite the fact that there was no longer a legally established church»<sup>2</sup>. In 1957, *The Irish Times* reported the remark of Pope Pius XII that Catholicism had been made «an organic party of Irish culture»<sup>3</sup>. These observations should be borne in mind in an interpretation of the following historical and comparative account of the training of religious personnel in Ireland. Note that, while the focus of this report is on the Republic of Ireland, the ecclesiastical history requires to be contextualized within the political entity of the whole island before the point of partition following the Treaty of 1921<sup>4</sup>.

The report is in three sections. The first section will present a historical overview of clergy education, with specific regard to the Church of Ireland and the Roman Catholic Church. The second section looks at religion in relation to the Irish Constitution of 1937. The third section, which focuses on the increasingly pluralist landscape of contemporary Irish society, is grounded in the empirical findings of the national

<sup>1</sup> R. SANDBERG and N. Doe, «Church-State Relations in Europe», *Religion Compass* 1/5 (2007): 567.

<sup>2</sup> P. CORISH, *The Irish Catholic Experience: a historical survey* (Dublin: Gill and Macmillan, 1985), 226.

<sup>3</sup> *Irish Times*, 5 October 1957.

<sup>4</sup> The six North-Eastern Counties (Northern Ireland) remained part of the United Kingdom, these having largely Unionist and Protestant populations.

census of 2011, with the addition of relevant data from a special report on the changing patterns of religiosity in Ireland, undertaken by the Irish School of Ecumenics, Trinity College Dublin.

## I. HISTORICAL OVERVIEW

### A. The Church of Ireland

Historically, the training of Church of Ireland clergy is inextricable from the history of Trinity College Dublin (TCD), founded in 1592, for the moral and religious advancement of the students. In 1833, the system of training changed, narrowing down from a more general education to a two-year Divinity Testamonium course, which remained as the basis of clergy training until the 1960's. Notably, during this period (1840), a chair of Irish was established by public subscription, with a view to training clergy for the West of Ireland (the *Gaeltacht*), and this continued to be part of the divinity school until 1918. In 1888, a professorship of pastoral theology was endowed, with appointments being made by the Provost and fellows of the college from a list of nomination provided by the bishops. While the bishops retained the right to examine candidates, the academic content of the Testamonium was under the provenance of TCD. Under the influence of Archbishop Whately, plans were laid to establish a Hall along the lines of Lampeter and Chichester (1830's), but it was not until 1913 that the Church of Ireland Divinity Hostel opened. From 1913 until the 1960's, ordinands divided their time between the Hostel and their classes in TCD. The Church of Ireland was disestablished in 1871, following the Irish Church Act of 1869. TCD, however, continued the requirement that scholars, fellows and professors should be Anglican, which was formalized by the College Board and the House of Bishops in 1911.

Up until 1873, TCD required students to take an oath of allegiance to the British Crown. Such test oaths were abolished in TCD, following Fawcett's Act (1873), with the exception of the Divinity School. Although this, in theory, opened the way for Catholics to attend TCD, the Catholic hierarchy actively discouraged entry for Catholic students, who, in some cases, applied for a papal dispensation. Under such pressure, the majority of TCD students and professors continued to be drawn from the Protestant community until the late 1960's.

In 1911, the management of the divinity school passed to a council, composed of members of the board of TCD, Church of Ireland Bishops, and the teaching staff of the divinity school. The council undertook responsibility for the teaching curriculum and appointments to the board. This was ratified by letters patent, changeable only by royal assent. The arrangement continued until the board ceased to function in 1978. In 1979, The Testamonium for divinity students was replaced by a three-year professional diploma, which, by 1986, had become the degree of B.Th.

By 1982, formal ties between TCD and the Church of Ireland had been broken and the training of Church of Ireland clergy was transferred to The Church of Ireland Theological College, situated in a suburb of South Dublin. This followed lengthy discussions between the House of Bishops and TCD, begun in 1968, on the future of ordinand training. What was envisaged was a structural division between: biblical studies and theology, which would remain the provenance of TCD; and the pastoral training of the clergy, to take place in the Theological College. A new non-denominational chair in TCD was created in January 1981, to which Sean Freyne (Roman Catholic) was appointed. In 1990, women were ordained to the priesthood in the Church of Ireland.

During the last 30 years, the make-up of theological students has changed in three significant ways: 1) the number of non-clerical candidates has increased; 2) women are now included on the teaching staff and the student body; 3) the importance of non-stipendiary ministry is openly acknowledged as necessary for the flourishing of the contemporary church. The responsibility of training non-stipendiary ordinands (now 50% of the student body) has shifted from being the responsibility of the dioceses to the Theological Institute. A new course has been developed, to include nine residential weekends and a three-year placement, adapted from modules of the St. John Nottingham Certificate in Christian Education, with the addition of Church history and Liturgy as appropriate to Irish candidates.

Between 2004 and 2005, the House of Bishops commissioned a review of the Church of Ireland Theological College, followed by discussion with TCD (2006) and a presentation to the General Synod (May 2007). Curriculum changes were approved by the Executive of the Aspirant School of Religions, Theology and Ecumenics, TCD, thence to Graduate Studies, and the University Council (2007). The relation between the two bodies was set out in a Memorandum of Understanding, passed by the House of Bishops and by the Board of TCD (2008).

In 2007, following a Bishops' Report, the Church of Ireland Theological College was reconstituted as the Theological Institute, with the post of Principal being replaced by a Directorship. The key recommendations of the Bishops' report called for integration of the theory and practice of ministry, a more inter-disciplinary approach to the study of scripture and theology and a move away from the two-tier system which had differentiated between stipendiary and non-stipendiary ministry. It was also decided to develop a degree at Masters level. In addition, the Institute widened its student body to include lay as well as clergy, recognizing the implicit changes which would be required in the programme of study.

For contextual clarity, it is important to note some policy proposals and changes made since the 1960's. Under the Minister for Education, Donough O'Malley, discussions took place aimed at merging Trinity College Dublin with University College Dublin, with separate Catholic and Protestant schools of theology (it was left unclear

whether these would be funded by state or church)<sup>5</sup>. The consequences for the divinity school were debated. Three important outcomes of these deliberations were: 1) the establishment of a moderatorship in biblical studies within the Faculty of Arts, TCD (1971); 2) the founding of the Irish School of Ecumenics (1970); and 3) the development of the Jesuit-run School Milltown Institute in South Dublin, leading to a degree in religious studies open to non-ordinands. These were significant moments in the move towards the creation of a new chair in non-denominational theology in Trinity College (1981) and the recent establishment of the Loyola Institute, also in Trinity College (see section 1.5)<sup>6</sup>.

## B. The Roman Catholic Church

In 1795, Grattan's Parliament passed an Act creating St. Patrick's College, Maynooth, for «the better education of persons professing the popish or Roman Catholic religion»<sup>7</sup>. Thus was the national seminary of Ireland founded, with a curriculum which included courses in philosophy and theology, Classics, English, Irish, Modern Languages, Science and Mathematics. From 1795 until 1862, trustees, students and staff were required to swear an oath of allegiance to the Crown, since the college received funding from the British Government. This prompted some clerics to study for the priesthood elsewhere, and the Irish College in Rome trained over 1,000 students between 1826 and 1926, 20 of whom became bishops.

During the decades, 1846 to 1878, the training of clergy was influenced by the rise of ultramontaniam, an increase in the number of clergy in Ireland, and closer supervision by the bishops. The training of Roman Catholic clergy in these years was dominated by the patterns laid down at Trent, which means that the curriculum was designed to prepare priests for the confessional, and to provide catechetical instruction according to a fixed, diocesan programme (rather than speculative theology). Moral theology was approached from a casuistic perspective, with priests trained to instill a set of truths to be believed which would then give rise to social duties<sup>8</sup>. There were few signs that Roman Catholic clergy education was influenced by the social,

<sup>5</sup> The Church of Ireland Board of Education strongly urged separate school of theology (1970). Note that Trinity College Dublin, unlike the national University, was never prohibited from teaching theology; but was prevented from using public monies for the purpose.

<sup>6</sup> See J. Bartlett, «From Divinity to Theology in Four Centuries», in C. Holland, ed. *The Idea of a University* (Dublin: Trinity College Press, 1991), 224-237. I am indebted to John Bartlett, not only for supplying me with this article, but also for discussing it with me.

<sup>7</sup> This can be read as a pragmatic counter-move to avert the danger of priests who might return from the continent with revolutionary intent.

<sup>8</sup> According to Corish, in the mid-19th century, Maynooth was «a crucial target for anti-popey agitation...[especially concerning]... the nature and extent of papal authority, and confessional practice, especially in sexual matters.» Corish, 1985, 200.

cultural and political challenges of the 19<sup>th</sup> century. With regard to the formation of religious sensibility at all levels of Irish society, it is noteworthy that, during this period, there emerged a national system of primary and secondary education which was clergy-controlled. The involvement of Catholic clergy in national education at all levels continues to cut across the constitutional separation of church and state<sup>9</sup>.

In 1845, the Queen's Colleges were established in Belfast, Cork and Galway by government endowment, but with the teaching of theology to be funded by private endowment. The Vatican condemned these 'godless' colleges, a view which was intensified at the Synod of Thurles in 1850. Rome then recommended the founding of a Catholic University, but prevented priests from accepting teaching posts. In 1895, St. Patrick's College, Maynooth was granted a Charter as a Pontifical University, with permission to confer canonical degrees in Philosophy, Theology and Canon law.

In 1908/1909, The National University of Ireland was established, with colleges in Dublin, Cork and Galway, and the trustees of Maynooth were granted recognition as a college of the National University of Ireland. None of these colleges, however, was granted the right to teach theology. In 1997, an Act of *Dail Eireann* restructured the National University, and, under the terms of the Act, the seminary of St. Patrick's College, Maynooth and the National University of Ireland, Maynooth (NUIM) became independent of one another. Since then, in the wake of the steep fall in vocations to the priesthood, St. Patrick's has become the sole location for the training of RC clergy in the Republic. Currently, it operates two educational streams. One is the canonical stream, leading to the B.D. which covers Catholic theology and tradition, and is set within the parameters of magisterial teaching. The other is the non-canonical stream, leading to the B.Th. and open both to male and female lay students, who now form the majority of the student body.

Since 1992, and the continuing exposure of abuse scandals involving the clergy, a major change has taken place in the vision and curriculum of the B.D. Formerly, the model on which clergy were trained rested on the idea of 'training for the priesthood'. In consultation with educators, counselors and theologians, it became evident that a crucial element had been missing in the development of the ordinands, and so the emphasis has changed from 'training' to 'formation', where the academic pillar is now contextualized within a reflective understanding of the nature and construction of human identity, including the centrality of sexuality in the development of the person.

During the 1880's, the Jesuits established a School of Philosophy and Theology at Milltown Park in South Dublin, which became a Jesuit Pontifical Faculty in 1932. In 1968, the School became known as the Milltown Institute, a Pontifical Athanaeum, with a programme of studies in Theology and Philosophy, which, throughout the

<sup>9</sup> P. COLTON, «Schools and the Law: A Patron's Introspection», in *Irish Educational Studies*, Vol. 28 (3) [2009].

following decades, widened its student body to include lay men and women. As such, the Institute was recognised as both a College of the National University of Ireland (NUI) and a Pontifical Athenaeum. In November 1989, it was granted designated status under the National Council for Education Awards Act 1979, developing civil programmes leading to Bachelor, Masters and Doctoral awards. These changes reflect the widespread recognition in former seminaries, of the expressed need for theological education, spiritual formation and pastoral training among the laity. The new approaches adopted by Irish seminaries can be interpreted as being both visionary and pragmatic.

### C. **The Presbyterian Church in Ireland (PCI)**

In 1853, what is now called Union Theological College was established as the theological college of the Presbyterian Church in Ireland, and known as Assembly's College. In 1976, Magee College in Derry/Londonderry became amalgamated with Assembly's College, the whole to be renamed as Union College. Currently, no training of Presbyterian clergy takes place in the Republic of Ireland.

### D. **The Methodist church in Ireland**

In 1865, a decision was taken to build a college for the training of Methodist ministers (Methodists in Ireland numbered 23,000 at that point). In 1926, Edgehill Theological College was established in Belfast for the training of ministers in the Methodist Church in Ireland (ratified by the Northern Ireland Parliament Act of 1928). The college is affiliated to Queen's University, Belfast. It offers degrees and Professional certificates in theology and ministry through St. John's College, Nottingham, validated by the University of Chester. In conjunction with Mater Dei Institute in Dublin (part of Dublin City University), Edgehill College promotes a number of reconciliation initiatives and supports the programme, *Exploring Theology Together* which is supported by the European regional Development Fund.

### E. **The Irish School of Ecumenics (ISE)**

In the social and political context of Ireland, and in terms of the formation of religious personnel, the work of the Irish School of Ecumenics is of the utmost importance. Since its foundation in 1970, ISE has disseminated its inter-church, inter-faith vision through teaching in the colleges and seminaries of Ireland (All Hallows, Mater Dei, Kimmage Manor and the Milltown Institute); and also through local projects (involving both laity and clergy) which have engaged with the social and political divides in Ireland, North and South. ISE is run by a Trust which funds some of the projects, while the staff are employed by TCD. ISE has campuses in both Dublin and Belfast, each of which draws international students.

With regards to the curriculum, the vision of ISE has moved beyond a comparative model of theology to critical engagement and inter-cultural theology. Presently, ISE has re-aligned itself as part of the newly formed School of Religion, Theology and Ecumenics in TCD, which also provides teaching on Islam, and offers modules in world religions, as well as teaching theoretical approaches to the study of religion. In 2011, the newly-established Loyola institute was incorporated into this confederal School, further expanding the College's theology teaching<sup>10</sup>. The Loyola Institute's aim is to engage in critical reflection on the Christian faith, social justice and contemporary culture, using the intellectual resources of the Catholic tradition. The extent to which the Catholic hierarchy will encourage ordinands to avail of this theological and social resource remains to be seen.

## II. Church/State relations in Ireland

Ireland before independence was officially sectarian, divided between the legally privileged Church of Ireland and the (majority) Roman Catholic Church. The Constitution of the Irish Free State (1922) referred minimally to religion, adhering to the emerging European pattern, which was to guarantee freedom of religion and conscience, and freedom from discrimination on grounds of religion. In addition, according to Article 8, «no law may be made either directly or indirectly to endow any religion...»<sup>11</sup>. It is important to note, however, that the Declaration of Independence (1919) framed the nationalist project in overtly religious terms, linking political destiny and the revolutionary struggle with the name of Almighty God.

The constitution constructed under De Valera's government (*Bunreacht na h'Éireann*, 1937) reiterated the liberal guarantees of religion, conscience and non-discrimination, but went further than the 1922 constitution in linking the nation with a distinctive religious role for the state, and, as Mr. Justice Donal Barrington put it, made «an open profession of Christianity»<sup>12</sup>. Moreover, the Preamble of the 1937 Constitution has been cited in a number of cases to argue an exclusive connection between the Irish people and Christianity<sup>13</sup>.

Article 44.2.2, however, confirms that «the State guarantees not to endow any religion», thus imposing an effective Church/State separation, working from a model of state neutrality towards religion, while respecting the internal autonomy

<sup>10</sup> The Loyola Institute Trust will work within Trinity to develop the new Institute, funding both teaching positions and academic activities such as conferences and scholarships.

<sup>11</sup> Constitution of the Irish Free State (Saorstát Éireann) Act, 1922

<sup>12</sup> D. BARRINGTON, «The Irish Constitution X. Article Forty Four. II. Church and State» (1953) 81 *The Irish Monthly* 1, p 3.

<sup>13</sup> *Quinn's Supermarket Ltd. v Attorney General* [1972] IR 1 at 23; *Norris v Attorney General* [1984] IR 36 at 64.

of religious bodies. (Article 44.2.5)<sup>14</sup>. The special position of the Catholic Church was acknowledged as being the guardian of the faith of the majority (93%), while ‘recognizing’ other religious denominations existing in Ireland at the time. In 1972, the fifth amendment to the Constitution removed the clause relating to the special position of the Roman Catholic Church<sup>15</sup>.

With regard to the framing of the 1937 Constitution, it is crucial to note that De Valera insisted upon the recognition of a number of fundamental rights (*bunchearta*) which were understood to pre-date the constitution, these being inferred from natural rights and not positive law. The significance of this is particularly acute in contemporary pluralist perspective, evidenced in the need to balance the democratic impetus of the constitution with the conception of theistic natural rights promulgated through Irish educational and health-care policies. This is a live and potentially divisive issue, in the theological training of clergy and of lay religious personnel.

### III. DEMOGRAPHICS

According to the Central Statistics Office, Republic of Ireland, the 2011 Census lists religions (including atheists’, ‘other stated religions’, ‘no religions’, and ‘not-stated’). It also gives a percentage change between the last two censuses: that is, between 2006 and 2011. The fastest growing religions in Ireland are: Apostolic or Pentecostal (increase of 73%), Muslim (increase of 51.2%), Orthodox (increase of 117.4%). The number of those who describe themselves as having no religion increased by 44.8%. While some of the increases signify a trajectory from a very small base, the figures, nevertheless, speak of a rapidly changing religious landscape. One of the most significant developments, for the purpose of this report, is the fact that a large number of immigrant faith-groups, rather than remaining within existing main-line churches, have opted to start up immigrant-led religious groups. The Directory of Migrant-led churches and chaplaincies lists over 327 churches and chaplaincies in the Republic alone.

Currently, in the Republic of Ireland, there is no training of religious leaders for the following communities: Muslim, Hindu, Sikh, Jewish, or Orthodox. In conversation with representatives of these faith groups, I learned that it has been, and remains, common practice to ‘import’ leaders. One Jewish scholar reported to me that, in 1938,

<sup>14</sup> See *McGrath and O’Ruairc v Trustees of Maynooth College* [1979] ILRM 166 which aims to contextualize the internal freedom conferred upon religious organizations within the overall objectives of the constitution. Note that the Report of the Constitutional Review Group (1996) recommended an amendment to reflect a potentially divisive state religious affiliation in the increasingly plural state.

<sup>15</sup> To put this in context: 1972 was a pivotal period in the history of the state, turning around such issues as membership of the EEC, women’s rights in relation to marriage and work, debates on contraception, and the reduction of the voting age from 21 to 18.

Justice Minister Ruttledge asked Robert Briscoe why the Jews could not train their own rabbis instead of importing ‘aliens.’ Briscoe replied that maybe Ireland should stop sending Maynooth-trained missionaries to China, since China could supply its own priests.

In terms of religion and pluralism, two surveys went out live on April, 15<sup>th</sup>, 2009 and closed on July, 31<sup>st</sup>, 2009. Set to target everyone living in the Republic or Northern Ireland, one of the surveys was directed at lay people of all faiths or none<sup>16</sup>; the other was designed specifically for faith leaders: clergy, pastors, and ministers, both in the Republic and in Northern Ireland<sup>17</sup>. A full report of the results of results and analysis can be found on the website: [www.ecumenics.ie](http://www.ecumenics.ie). I turn to three salient points from the section marked ‘summary of key findings’.

First, 73% of respondents reported that immigrant or ethnic minorities were part of their congregational worship. If we add this to the national figure which has already been mentioned (that, in the Republic alone, over 300 new faith communities have sprung up outside of mainstream church life), at least two things can be inferred: the first is that religious life and worship form an important part of the life of immigrant communities; and second, immigrant groups are becoming embedded into the religious life of Ireland to the extent that they are finding avenues for their religious values and practices in a variety of ways. These include: a) the intentional identification with religious communities which have historic roots in Irish society; and b) the establishing of new and innovative ways to become faith communities in which they might be able to express their religiosity through cultural patterns carried over from their country of origin. Each of these examples of what might be called ‘immigrant settling’ pose challenges for the training of religious personnel of all churches. In the case of immigrants who have opted to join existing churches throughout Ireland, a residue of resistance exists among members to the fact that long-established patterns of worship in the historic churches are being adapted to meet demographic and congregational changes<sup>18</sup>.

The second significant point is that 12% of those who responded to the survey described themselves as atheist, agnostic, or as having no religion, which suggests that there is a need to extend our understanding of the meaning, and the significance in practice, of our conceptions of *faith* and *religion*. If this is accepted, then there are clear implications for the training of religious leaders.

<sup>16</sup> G. GANIEL, *21<sup>st</sup> Century Faith: Results of the Survey of Laypeople in the Republic of Ireland & Northern Ireland* (Irish School of Ecumenics, Trinity College Dublin).

<sup>17</sup> Ibid.

<sup>18</sup> The challenges reported included: the language barrier, the wish to have newcomers adapt to Irish ways instead of expecting the Irish to change, and an admission of ‘unspoken racism’.

Finally, Ganiel's census indicates a radically altered view of the conceptualization of reconciliation among the faith leaders who responded to the survey. A sizeable proportion now understands the work of reconciliation to involve building relationships between Christians and people of other faiths; not simply, as previously, between Roman Catholics and Protestants. Notably, in terms of the purpose of this report, most of the faith leaders stated that they have received inadequate training for this new aspect of their work<sup>19</sup>.

#### IV. CLOSING REMARKS

Two points deserve to be foregrounded in research which is concerned with clergy education in relation to the Irish Constitution, as does the link between them. The first is the ideological force of a particular interpretation of natural law which continues to pervade religious positions and moral debates in the Republic<sup>20</sup>. Aquinian natural law, and the notion of the common good which is built upon it, underpins the approach to religion in the Irish Constitution. As indicated above (section 2), De Valera, in drawing up the constitution of 1937, enshrined a number of fundamental rights (*bunchearta*) which are designed to be particularly resistant to change, these being held in higher regard than positive law. In addition, there has developed, in the minds of Irish legislators<sup>21</sup> and educators, a conflation of the idea of Aquinian natural law with what is perceived to be the essentials of Roman Catholic moral theology.<sup>22</sup> Since Catholicism is the majority religion in the state, this has contributed to educational policies which promote an impression of a seamless fit between Irishness and an adherence to a set of Catholic social principles which are inspired by an arguably reductive reading of natural law.

The second point arises from the first, which is that there is a historical and contemporary tension between: on the one hand, the liberal, secular and republican

<sup>19</sup> Reflected in the answers from faith leaders to the question of how they conceptualize 'reconciliation'. Many of them admitted that they felt unequipped to preach or teach about reconciliation in the changing demographic context of Ireland. (24% of clergy said that their training for this was inadequate).

<sup>20</sup> For an account of Irish case law, natural law and religious education, see D. Glendinning, *Education and the Law*, second edition (Dublin: Bloomsbury Professional, 2012), chapter 3.

<sup>21</sup> Constitutional lawyer, Eoin Daly, puts it baldly: «The influence of the Catholic Church has been secured informally through the obeisance of legislators, abdicating, in practice their constitutionally supreme position, in a sometimes supine acceptance of a duty to legislate in accordance with Catholic imperatives, as interpreted by the Irish hierarchy.» Eoin Daly, *Religion, Law and the Irish State* (Dublin: Clarus Press, 2012), 5,6.

<sup>22</sup> See J O'HANLON «Natural Rights and the Irish Constitution» (1993) 11ILT (ns) 8, quoted in Glendinning, 2012. Glendinning adds that O'Hanlon stated that, according to Article 6 and the Preamble of the Irish Constitution, the Holy Trinity is the source of the higher law against which all positive law must be interpreted.

vision behind the constitutional separation of church and state; and, on the other, the construction and management of key social policies which rest on theistic and essentialist conceptions of the nature and purpose of human life, and the moral duties which flow from that<sup>23</sup>. It is the contention of this paper that this tension pervades contemporary clergy training in Ireland, currently interrupting the potential for new models of ministry which might cut across the imagined boundaries of culture, gender, religion and sectarian accounts of faith.

At many levels, there is a growing acknowledgement that theology cannot be undertaken in a cultural bubble; nor can pastoral care be administered without attending to the multi-cultural context in which crises and celebrations now occur. There are, however, a number of indications that clergy training is not rising to the challenge of contemporary religious belief and practice in Ireland. These signs come through: current debates in the politics of reproduction and laws on abortion; the persistence of a patriarchal desire to control the sexuality and bodily comportment of women; the residue of hurt and confusion in the wake of the misuse of power among church leaders which often included physical abuse of minors; and a notable resistance, among ordinands and educators, to engage deeply with the neuralgic issues of gender and sexuality which underpin the religious and political debates currently dividing Irish society. Since these are problems which must be shared by church and state, the place to begin might be in seminaries and halls of academia, disrupting old notions of privilege and certainty traditionally invested in religious personnel.

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<sup>23</sup> The use of papal encyclicals by the judiciary is interesting. In *Ryan v Attorney General*, Kenny J cited the authority of *Pacem in Terris*. A decade later, in *McGee v Attorney General*, Walsh J, citing *Humanae Vitae*, reached an opposing conclusion; the point being that it was deemed acceptable to appeal to papal encyclicals to establish constitutional rights.

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# **PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN HUNGARY**

BALÁZS SCHANDA

The training of religious personnel and training in theology have been almost identical until recent times. At some points in the past, public authorities showed interest in the formation of clergy, and at other times higher education was an issue of concern to the state; indeed, sometimes the state seemed to be interested both in universities and prospective clergy. As a consequence of the strict legal separation of church and state, today the training of religious personnel is not an issue of public concern. However, with regard to theology, university autonomy and church autonomy require a special legal regime for higher education in theology. But the training of religious personnel is an entirely internal church affair; religious personnel may qualify as such without any kind of training.

## **I. HISTORY OF THE MODE OF TRAINING OF RELIGIOUS STAFF IN THE 18TH/19TH CENTURY**

Until the 18<sup>th</sup> century the college of theology and the seminary of the diocese were identical. Several diocesan (Tridentian) seminaries were entrusted to the Jesuits in the counter-reformation and Protestants set up their schools training ministers in the 16<sup>th</sup> century. Ministers of religion were trained at denominational institutions until Josephinist tendencies emerged (Joseph II ruled Hungary as emperor from 1780 to 1790). During the Josephinist era seminaries were centralized in four major centers (Eger, Pest, Zagreb and Bratislava). The training of the clergy in these institutions was strictly controlled by the state.

From the late 18<sup>th</sup> century to the communist takeover, some clergy received higher education in theology at denominational theological faculties of state/public universities (seminaries certainly remained as church institutions). The first solid university of Hungary having a Catholic faculty of theology was set up by Cardinal Péter Pázmány in 1635. The most important Reformed faculty (Debrecen) was incorporated into a state university in 1912; the Lutheran faculty of Sopron was incorporated in

1923 to the University of Pécs. The Jewish Rabbinical Seminary in Budapest was set up by government decision in 1877. As well as public institutions a number of both Catholic and Protestant institutions were run by their own church organs. These, however, had no university status but qualified as «colleges».

The only university level faculty of Catholic theology was set up in 1635 by Cardinal Pázmány, archbishop of Esztergom (as his seat was under Ottoman occupation he resided in Tirnava (today Slovakia)). The university was put under state control under Maria Theresa in 1769 and moved to its present seat in (Buda)Pest in 1777. Instead of professors from the dissolved Jesuit order the Queen appointed new professors. Joseph II has moved the Faculty to Bratislava (until 1848 the capital of Hungary). The emperor attempted to set up a central seminary under state control. From 1790 to 1805 there was only an examination board to control the professors or candidates from all the dioceses of the country. The Theological Faculty was set up again in Pest 1805 by a royal decree as part of the university. In 1950 the Faculty of Theology was detached from the University and entrusted to the Bishops' Conference. Whereas for centuries the Faculty served exclusively the training of clergy, from the late 1970s lay students were also admitted. Discussions on an eventual re-integration to the state university were rejected both for constitutional reasons (the interpretation of separation seemed to rule out mixed – non-neutral – public institutions), and by the Church which decided to launch a Catholic University based on the Faculty of Theology in 1992. It has to be noted that a significant number of young clergymen receive training abroad, especially at pontifical faculties in Rome. The Jesuit College for German and Hungarian seminarians has played an important role in this since the 16<sup>th</sup> century<sup>1</sup>.

For the post-graduate training of clergy the Pontifical Hungarian Academy has a special role and is mentioned in concordatarian arrangements. This institution was founded in the 1920s when the Hungarian government purchased the Falconieri palace in the centre of Rome. The palace is the home of two prestigious institutions: an institute of culture (the Hungarian Academy in Rome) and the Pontifical Hungarian Institute, a post-graduate institute for Hungarian clergy (usually young priests working on their doctorates at one of the pontifical universities). As the Hungarian State partly used church funds for purchasing the palace the Institute enjoyed the free use of a part of the building in return. The 1964 document signed by the Holy See and the government of the Peoples' Republic of Hungary restated that bishops had the right to

<sup>1</sup> The Collegium Germanicum – an institution founded by the pope in 1552 entrusted to the Jesuits to combat Protestantism in German-speaking countries by training German priests in Rome – has become the «Pontificium Collegium Germanicum et Hungaricum» when institutions were merged in 1580. With, in historical terms, a short interruption (e.g. due to the French occupation the Collegium ceased its activities from 1798 to 1818) the Collegium plays an important role in the training of a clerical elite. Most of its seminarians attend the Pontifical Gregorian University in Rome.

send young clergymen to the Institute which was put under the direction of the Bishops' Conference. As the 1964 document was no longer in force when the diplomatic relations between the Holy See and Hungary were re-launched in 1990 the status of the Institute was not addressed. The Amendment to the 1997 Agreement between the Holy See and Hungary on financial issues concluded in 2013 settles the difficulties arising from the common use of the palace by dividing the property. Maintenance costs, however, rest with the Hungarian Academy as was originally the case.

The Reformed (Calvinist) Theological College (University) was founded in 1538 in Debrecen. In 1912 it became the Faculty of Reformed Theology of the University of Debrecen. Since 1949 it has been independent of the state university and maintained by the Church District of the Reformed Church. Training in Reformed Theology was provided at schools from the 1530s in Sárospatak and Pápa. The Reformed Theological Academy in Budapest was set up in 1855. Whereas in Sárospatak and Pápa the Theological Colleges were re-opened after the fall of communism, in Budapest the Reformed Theological Faculty did not close but is still active as the part of a Reformed University.

The most important Lutheran institute of theological training was founded in 1557 in Sopron. Incorporated into the University of Pécs in 1923 (almost 300 km from Sopron), in 1950 it was detached from the university and a year later the Lutheran Academy of Theology moved to Budapest where it functions today as the Lutheran University of Theology. ([www.teol.lutheran.hu](http://www.teol.lutheran.hu))

The Rabbinical Seminary was set up by a ministerial decree in 1877 as an important step of Jewish emancipation. Since 1999 the institution functions as the «Rabbinical Seminary – Jewish University» where not only rabbis and cantors receive formation but also courses in Judaism are offered. The university is maintained by the Alliance of Jewish Congregations of Hungary (with is in fact the major, conservative Jewish congregation in Hungary). ([www.or-zse.hu](http://www.or-zse.hu)).

## II. THE MODES OF FORMATION OF RELIGIOUS STAFF: CURRENT LAW

There have been no theological faculties at state universities in Hungary since 1950, when theological faculties were detached from state universities and their maintenance entrusted to the relevant religious communities. Some seminaries were also closed; religious orders too with their formation institutions were banned. After the collapse of the communist system the interpretation of separation and neutrality ruled out the re-integration of theological faculties in public universities, as religion-affiliated institutions cannot be maintained by or linked with the state. Certainly courses on religion may be delivered at state institutions, but courses of religion may not. Religious training and training in theology can be provided by church-run institutions of higher education. These institutions also have the right to provide training in fields other than theology.

An interesting and special case is the Liszt Ferenc Music University (the Liszt Academy); its Church Music Institute provides training for church musicians. Despite the content of the training the degrees are not ecclesiastical, but entirely lay in character. At some universities there are courses for the study of religions but not linked to any religion or religious community; neither teaching, nor staff, nor students are exclusively affiliated with a church. (<http://lisztacademy.hu/>).

Church institutions can be acknowledged by the state to issue recognized degrees. State acknowledgement does not change the purely ecclesiastical nature of church institutions. A list of the theological institutions – extended several times – is annexed to the Act on higher education<sup>2</sup>. Besides the institutions themselves, the courses (e.g. MA in Catholic theology, catechist–pastoral assistant, teacher of Catholic religion) are accredited and acknowledged. The content of theological courses is not subject to scrutiny, only material conditions (like the existence and the quality of the library) and the qualification of the personnel are controlled. Degrees are recognized by the state. The law has detailed provisions which confer exemptions for church institutions from various obligations, while in other cases no distinctions are made. Differences partly derive from the ecclesiastical nature of theological colleges, but a practical aspect plays a role too as the size of theological institutions is usually very small in comparison with public institutions. For example, theological institutions are not bound by the principle of equal treatment with regard to religion (they may have exclusive policies both for their teaching staff as well as their students), but they are certainly bound by other elements of equal treatments policies, like accessibility. Theological higher education is exempted from the entrance examination regulations, but high-school graduation is certainly required.

At present there are five church universities (a Catholic, a Lutheran, a Jewish and two Calvinist), as well as twenty-one other institutions of higher education, ten of which are Catholic (one Greek Catholic). Religious orders run a Catholic theological college in Budapest, with the nearby Catholic Theological Faculty of Péter Pázmány Catholic University. Seven colleges belong to various smaller Protestant churches that are not particularly numerous in Hungary (Baptists, Adventists, Pentecostals, etc.). There is also an accredited Buddhist Theological College and ISCON college. Some of these institutions may function with a very low number of students. Due to the limited number of Muslims in Hungary the creation of an Islamic institution of higher education is not yet envisaged.

These arrangements do not mean that in reality church institutions are cut off from other institutions of higher education. This is determined by local arrangements between church institutions and universities. In some university cities the church in-

<sup>2</sup> Act CCIV/2011. Earlier acts on higher education had the same structure.

stitution and the public university have developed a close cooperation with a number of students who attend courses in both institutions.

### III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

The system of higher education is open to emerging or immigrating religious communities. Public authorities have no role in enhancing institutional training: this is up to the particular religious community. With the set-up of a new institution there are two stages at which public authorities are involved: first, institutions and courses need accreditation from the independent Hungarian higher education committee in order to acquire public recognition. Second: state scholarships are the subject of agreements between the government and the appropriate church organ. Whereas some communities may not want to receive public funding, the government in general seems to be generous to minority theological colleges and most of their students enjoy state scholarships. This means in practice that the state pays the institution a *per capita* funding equal to the *per capita* funds for teacher training.

Some examples of institutions of non-mainstream communities:

The Dharma Gate Buddhist College (established in 1991) was first accredited in 1999. Thus, it became the first (and, as of now, the only) European Buddhist institution of tertiary education that is accredited and supported by the state. The accreditation was reconfirmed in 2001. Until 2006, the institution offered 4-year college courses. With the introduction of the Bologna process in 2005, the College applied for the accreditation of its 3-year BA course and its 2-year MA course. The accreditation was granted in 2006. In the same year, the first BA course was launched; the first MA course started in 2007. The latter is launched exclusively in the full-time system, every two years. As a result of a second round of accreditation evaluation in 2008, the accreditation of both programmes was extended until 2016. The number of state scholarships for full-time students is 30-90, for evening students 20-30, which is a generous support with regard to the number of Buddhists in Hungary. (<http://www.tkbh.hu/>) Other students (e.g. those who have already completed higher education and «consumed» that way their right to a state scholarship) pay tuition fees.

Exceptionally, Sola Sriptura College, maintained by a breakaway Adventist community, does not accept state subsidies ([www.sola.hu](http://www.sola.hu)). State scholarships are available for BAs and MAs of all other colleges run by religious communities small or large - from John Wesley Theological College (maintained by a breakaway Methodist community, the Evangelical Brotherhood) to the Baptist Theological Academy, Pentecostal Theological College, College of Faith Church (Saint Paul Academy) and institutions like the College of ISCON. Starting in 2009 the College offered the possibility to earn a Bachelor's degree in Vaishnava Theology. The teaching offered is in accordance with the Vedic educational tradition. The degrees are in accord with the Bologna Treaty of the European Union and are internationally accepted. A university

level education at Bhaktivedanta College is a unique in the entire world. The college even offers off-site courses in Finland which are delivered in English (and in Finnish if all the students are Finnish). ([www.bhf.hu](http://www.bhf.hu)).

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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN EUROPE. A REPORT FROM POLAND

MICHAŁ RYNKOWSKI

## I. HISTORICAL OVERVIEW

The first university in Poland – or as it was known at the time, the first *Studium generale* - was founded in Cracow (Kraków) in 1364, 16 years after the establishment of the Prague University, one year before the University in Vienna and three years before the University in Pécs<sup>1</sup>. Against the will of the founder, King Casimir the Great (the last of the Piast-dynasty), the Pope did not allow to establish a faculty of theology<sup>2</sup>. It was only after second opening of the University, in 1400, when this faculty was added. For almost 200 years it played the central role in the theological education in Poland.

The situation changed significantly in the 16<sup>th</sup> century, when the Jesuits reacted to the Reformation. The Jesuit college in Vilnius was transformed by the king Stephen Bathory into a Jesuit University (1579) and it included a faculty of theology, the second in the country. Following the Council of Trent, in the second half of the 16<sup>th</sup> century bishops decided to found first seminaries, aiming at education of the future priests. The seminary open by the Primate in 1598 in Gniezno was already the seventh, the one in Kraków followed in 1601 (in parallel to the existing faculty of theology at the Kraków University, nowadays known as Jagiellonian University). The protestant youth went for studies mainly abroad<sup>3</sup>: however, for a short period of time (1602-1630) there existed also Akademia Rakowska in Raków<sup>4</sup>, which was a

<sup>1</sup> F. KIRYK, *Nauk przemożnych perła*, Kraków 1986, p. 57.

<sup>2</sup> J. BARDACH, B. LEŚNODORSKI, M. PIETRZAK, *Historia ustroju i prawa polskiego*, Warszawa 2009, p. 141.

<sup>3</sup> J. BARDACH, *op. cit.*, p. 263.

<sup>4</sup> There is no spelling mistake: no K at the beginning: Raków is a small town in South-East Poland.

higher school of the Arians, also known as Polish Brethren, negating the Holy Trinity. The academy attracted a number of students and professors from Poland and abroad, however it was closed after riots, allegedly caused by its students. Generally, the seminaries were run exclusively by the church; to open a university, the consent of the Sejm (Parliament) and of the Pope was required. This remains valid also today: creation of every university is based on an act of the Parliament (*ustawa*), and for Catholic university additionally approval of the Holy See is required. The university-alike institutions, but called «Higher School» may function provided they obtained a permission from the Minister of Science, who is in charge of the list of such entities<sup>5</sup>. This refers to religious and non-religious higher schools.

The end of the 18<sup>th</sup> century saw the partitions of Poland (1772-1795). The governing powers: Orthodox Russia and Protestant Prussia were anything but enthusiastic about Catholic seminaries and Catholic faculties of theology. Even the catholic Austria, in the spirit of Josephinism, was closing and merging the seminaries. There were some short brighter moments: a fully new university in Warsaw was created by the tsar of Russia in 1816 and it included the faculty of (Catholic) theology. Several years later the November Uprising of 1830 was a reason for closing this University. All in all, with short interruptions, the seminaries existed, however were closely monitored by the partition powers, leading to conflicts and even imprisonment of local hierarchy - archbishop of Poznań M. Ledóchowski, who refused the (Prussian) state control over seminaries, was imprisoned; the seminaries were closed for 11 years. Only in the Austrian part functioned (but also with short interruptions) the University in Lwów (Lviv, Lvov, Lemberg, Leopoldis), with its faculty of theology.

The newborn Republic (1918-1939) was very friendly towards the Catholic institutions: following the Concordat of 1925<sup>6</sup>, the Catholic seminaries were exempted from any form of the state control. This concordat formally and theoretically remained in force also after the World War II, however it was clear it ceased having effects after 1945.

The War World II was another interruption to the function of the faculties of theology and seminaries. The major part of the academic staff was murdered or deported by both occupying powers: the Nazi Germany and the Soviet Union. The seminaries existed in underground, as a part of the Polish underground state – one of the students was Karol Wojtyła (who as of 1942 studied in Kraków).

1944 brought a new political factor: the new government in Lublin, communist and dependent from Moscow. However, the new government needed first support from the population, so did not start with a war against seminaries and faculties of

<sup>5</sup> Regularly updated on the website of the Ministry of Science: <https://polon.nauka.gov.pl/opi/aa/rejstry/run?execution=e1s1>, access on 26.02.2014.

<sup>6</sup> OJ 1925, No. 72, item 501.

theology. Gradually the government was taking more and more anti-ecclesiastical course: for example, the faculty of theology at the Jagiellonian University was closed in 1954. In 1960 the repressions of the government reached its high point: the control of the seminaries by the officials of the Ministry of education from Warsaw became regular and omnipresent, requiring access to all records, controlling even the teaching of theological subjects, confiscating books from the libraries in the seminaries, calling the students to the army service<sup>7</sup>. Despite this pressure, the seminaries did not cease to exist, however were under constant a close surveillance. The undersigned still remembers the agents of the security services, constantly watching from the windows of the local hospital opposite the seminary in Wrocław: they observed everyone entering and leaving the seminary, till 1989. The faculties of theologies at the universities were closed or simply not open at newly created universities. The only exception remained the Katolicki Uniwersytet Lubelski, funded in 1918, which functioned during all the years of the communism, the only private (and Catholic) University in the whole of Easter block. It remained fully financed by the Church – the money was mainly collected on the second Christmas Day, 26 December, in all churches across the Poland. Karol Wojtyła was one of the lecturers at KUL.

During the communist time (1954) the Christian Academy of Theology in Warsaw, known under the acronym of ChAT, was created by the state<sup>8</sup>. It was deemed to be a continuation of the Faculty of the Protestant Theology of the University in Warsaw, alluding also to the Orthodox tradition<sup>9</sup>.

## II. CURRENT LEGISLATION

Current period begins with 1989, which is known in Poland as the Third Republic (to the confusion of foreign readers, the Kingdom till 1795 is called the first Republic, as the noblemen were electing the kings, 1572-1795).

The right of Churches and religious communities to establish higher theological schools is confirmed in general in the statute on the guarantees of freedom of conscience and religion of 1989 in the Art. 22. This right is repeated also in the Concordat<sup>10</sup>, but also in the individual statutes, e.g. in the statute on the relations between the Polish State and the Catholic Church in Art. 23, in the statute on the relations between the Polish State and the Lutheran Church in the Art. 19. Also for the Polish

<sup>7</sup> Extensively on this subject: A. MEZGLEWSKI, *Szkolnictwo wyznaniowe w Polsce w latach 1944-1980*. Studium historyczno-prawne, Lublin 2004.

<sup>8</sup> D. WALENCIK, *Status prawny Chrześcijańskiej Akademii Teologicznej w Warszawie*, *Studia z Prawa Wyznaniowego*, vol. 11 (2008), p. 99.

<sup>9</sup> More about ChAT nowadays in part II.

<sup>10</sup> K. WARCHAŁOWSKI, *Nauczanie religii i szkolnictwo katolickie w konkordatach współczesnych*, Lublin 1998, p. 186-188.

Autocephalous Orthodox Church this right is guaranteed in the Art. 19 of the relevant statute<sup>11</sup>. This latter statute clearly states that the titles awarded by the Orthodox Seminary are treated like the titles awarded by the state schools.

A creation of a public university, religious or not, requires an act of the Parliament (ustawa, i. e. statute), as stated in the Art. 18 of the statute on higher education of 2005<sup>12</sup>. For example, the Cardinal-Stefan-Wyszyński-University in Warsaw was created in 1999, by the statute of 3 September (published in Dz. U. 1999, no. 79, item 884), on the basis of the Academy of Catholic Theology, which was established in 1954.

The Catholic faculties of theology, which were created by the Church in various towns in 1960's and 1970's as independent bodies, in the 1990's got integrated into the state universities and nowadays constitute one of their faculties. This is the case for Katowice or Poznań. The newly created universities in Opole and Olsztyn have the faculties of the theology from the beginning. At the University in Białystok there are two independent chairs of theology, Catholic and Orthodox. Where two universities function in one city: a state one and Catholic one, the faculty of theology exists only at the latter. This is the case in Warszawa (Warsaw University v. Cardinal-Stefan-Wyszyński-University, Jagiellonian University v. John-Paul-II-Papal University in Kraków, and Maria Curie-Skłodowska-University v. Catholic University in Lublin). Only a few state universities decided not to integrate the local (Papal) faculty of theology into its own structure, e.g. universities in Wrocław and Gdańsk. The Wrocław University which itself was once established by the Prussian King (1811) on a basis of a Jesuit Academy, opposed the integration of the Papal Faculty of Theology into the university. This faculty was established in 1968, as of 1974 has the right to use the adjective «Papal» in its name, obtained legal personality only in 1981, it continues to exist as a separate and independent entity.

As regards the Catholic education, they are still two main streams: faculties of theology and seminaries. Almost each diocese runs its own seminary (currently, there are 38 seminars); there are also several seminaries, run by the provinces of the religious orders.

As stated in the concordat (Art. 15), the agreements between the State and the Catholic Church create basis for recognition of diploma given by the religious institutions. Such agreements serve as basis for the legal acts of the state. One of the last acts of the communist government - a few weeks after the famous 4 June 1989 election - was the agreement from 30 June 1989 (published in M.P. 1989, no. 22, item 174). It listed which faculties of which (Catholic) Academy are entitled to award titles of doctor and doctor «habilitowany». Following the ratification of the Concordat, and

<sup>11</sup> M. WINIARCZYK-KOSSAKOWSKA, *Ustawy III Rzeczypospolitej o stosunku państwa do Kościołów chrześcijańskich*, Warszawa 2004.

<sup>12</sup> Statute of 27 July 2005, OJ 2005, No. 164, item 1365; consolidated text OJ 2012 item 572.

in particular its Art. 10, a new agreement between the government and the Catholic Bishops' Conference was reached on 1 July 1999 and is still in force<sup>13</sup>. It lists Catholic Universities and high schools in Poland, confirms that they have legal personality and lists which of them have the rights to award academic titles. Such awards are allowed only under the condition that these universities respect provisions of the state law as regards the academic titles. Catholic institutions have to submit to the State authorities a statute (bylaws) of the university and any related changes. They have to notify curricula and any related changes, changes as regards rectors/ deans and submit a list of academic teachers according to the specialization of studies. If an academy/high school complies with all these requirements, the minister in charge of science issues a decision, stating the titles awarded by such an institution are honoured by the State. The Chief Council of the Science and Higher Education, being a form of self-government of academic world and at the same time an advisory body to the Minister of Science, sets minimal requirements as regards curricula of all studies in Poland, including specialization «theology» and «canon law».

Another issue is linked to the financing: the statute on the guarantees of the freedom of conscience and religion of 1989 provides that the Polish State does not fund churches and religious communities and that every exception from this rule must be based on an act of the parliament (Art. 10 of this statute). According to the concordat (Art. 15 para. 3), the Catholic University in Lublin and the John-Paul-II Papal University in Kraków are financed from the State budget. Moreover, according to the statute of 5 April 2006 three other Catholic institutions receive funding from the State: Papal Faculties of Theology in Warsaw and Wrocław and Philosophical-Pedagogical Higher School «Ignatianum» in Kraków.

The alumni of the seminaries (i.e. priests) may obtain title of «magister» on the basis of agreement between their seminary and a local faculty of theology; in this respect, Polish law points at the apostolic constitution *Sapientia Christiana*, and declares that will honour such agreements and such titles. Another Communiqué of the Minister of 24 August 2000 (published in OJ of the Ministry, 2000, no. 4, item 21) lists the decisions of the Ministry, which academies are entitled to run master courses.

The non-Catholic (or more precisely, non-Roman Catholic and non-Catholic) theological education is assured by the Christian Academy of Theology (ChAT) and some smaller protestant high schools. ChAT prepares young man and woman to serve as clergy of the Lutheran, Orthodox and Old-Catholic Churches. The Academy was founded by the State in 1954; its functioning is currently regulated by the statute of 16 March 2000 (OJ 2000, No. 39, item 440). ChAT is financed from the state budget. Some smaller private schools exist in various cities, e.g. the Evangelical Higher

<sup>13</sup> OJ 1999, no. 63, item 727.

School of Theology, established in Wrocław in 2006, with many members of the staff from the English-speaking countries. As it is a high school, but not a university, it received permission from the Ministry and is on the list of educational institutions, managed by the Minister of Science.

The Orthodox Church, apart from the ChAT, runs a seminar for its future priests, which is also explicitly mentioned in the statute on the relations between the State and the Polish Autocephalous Orthodox Church of 1991. In 2008 a group of deputies to the Sejm launched initiative to obtain state funds for this seminar. Their argumentation that this way the Orthodox seminar would be treated like the Catholic ones was not fully correct, as the Catholic institutions (faculties of theology and academies) are funded by the State, but not the seminaries. After three years, on 13 May 2011 a statute on state financing of the Orthodox seminary was adopted (OJ 2011, No. 144, item 849).

### III. OUTLOOK

The statute on relations between the Polish State and the Jewish Religious Communities mentions the education of rabbies only in the context of a suspension of conscription for men attending rabbinical training in Poland or abroad (Art. 15 of the statute of 1997, OJ 1997 No 41, item 251; since the conscription is suspended, the provision seems to be of limited importance). Art. 33 of the statute on relations with the Muslim Religious Association (OJ 1936 item 240) mentions the right of this Association to establish in Poland schools in order to educate the religious leaders. However, this statute dates from 1936 and is basically regarded as not applicable (desuetude) – the same statute provides that the seat of Mufti of the Republic of Poland is in Vilnius (Art. 4 para. 2).

Indeed, the leaders of non-Christian denominations active in Poland were educated outside of Poland: chief rabbi of Poland M. Schudrich studied in the USA, while mufti T. Miśkiewicz received shariah education in Saudi Arabia. As of 2008 functions in Warsaw Jeshiwa, a school for young men who would like to become rabbies; the first group received diplomas in 2008. The Muslim community in Poland consists of two groups: the descendants of the Tartars, whose families have been living in Poland for centuries, and the new groups, who arrived in recent decades, mainly for studies, and stayed in the country. Their religious leaders are usually foreigners who learned to speak Polish (mainly during their studies), but received religious training abroad.

Generally it can be stated that except for rabbis and Islamic leaders, the overwhelming majority of clergy is brought up and educated in Poland. Due to social (and statistical) circumstances it seems that at the moment there is no need to create a special institution aiming at education of non-Christian spiritual leaders; it may be the case in the near future though. On the contrary, Polish priests and nuns often leave Poland to serve Catholic communities all around the world. Other national reports comment on that issue and mention some challenges related to it.

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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN EUROPE – THE GERMAN PERSPECTIVE

MATTHIAS PULTE

## I. HISTORY OF THE MODE OF TRAINING RELIGIOUS STAFF IN THE 18<sup>TH</sup>/19<sup>TH</sup> CENTURY

The training of religious staff on an academic basis has a rich tradition in Germany. Since the middle ages, the scientific study of theology had its roots in the study of science and law at university; with medicine and law, theology was the nucleus of the university<sup>1</sup>. Most modern faculties in state universities have their roots in the universities of the 15<sup>th</sup> and 16<sup>th</sup> century. These were usually supported by the local princes or the bishops if they too were territorial rulers. They equipped the new universities with assets from different sources. When the education of the clergy was proposed, financial aid for the faculty usually came from secularized church property, the conventional means of support. Precise information can only be gleaned by researching the foundations of each faculty in question. We have to bear in mind that Germany was a huge territory of sovereign states where every ruler arranged the education and formation of the clergy in cooperation with the church in his own way. Mainz University may be offered as an example.

The Archbishop of Mainz, Diether von Isenburg, Elector and Chancellor of the German Nation, founded the University of Mainz in 1477. By doing this he realized the dream of his predecessor. His actions were wholly in line with the spirit of the time, as regional universities had already been founded in almost all of the larger territorial states. In Mainz, theology, medicine, Church law and Roman law were taught in addition to the seven liberal arts, i.e. grammar, rhetoric, dialectics, arithmetic, geometry, astronomy, and music. This range of subjects was a quite unique feature at the time, because most European universities offered only one or two of these «higher

<sup>1</sup> Cf. H. HALLERMANN, «Theologie und Professorenbesetzung», in J. SCHMIEDL, J. E. HAFNER (ed.), *Katholische Theologie an der Universität. Situation und Zukunft*, Ostfildern 2009, 30-45, 32.

faculties». The University of Mainz flourished. In its first few decades, the number of students rose to about 200. In 1508 Petrus Ravenna chronicled that Mainz University was already «highly renowned». However, repeated attempts at reform—in 1523, 1535, and 1541—reflect that the university had already experienced its first crisis. This was caused, primarily, not only by its inadequate economic foundation, but also by conflicts between the two different theological schools at Mainz.

The Protestant Reformation left its mark on theology in Mainz. By opening a Jesuit college in 1561, to introduce a catholic reform against the more or less liberal faculty of theology, the Archbishop of Mainz pursued several goals. He undertook a great educational initiative to aid the Catholic Reform and helped to renew and stabilize the university; he succeeded in doing so not only in the field of theology but also in the field of medicine. In the end, there was even need of a new building: the *Domus Universitatis* which was built between 1615 and 1618.

In Mainz, as elsewhere, the Thirty Years War (1618-1648) resulted in a significant decline in the number of students. When Swedish troops occupied the city, the members of Mainz University went into «exile» to Cologne, for example, where they continued teaching. After the war, the University of Mainz was slow to recover. Following the suppression of the Jesuit Order in 1773, its Mainz College was disbanded that same year. This required another reform of the university statutes. Finally in 1781, the Mainz University Foundation Fund was established creating a secure economic foundation for the university; two very rich monasteries (Karthause and Reichsclara) had been closed and their temporal goods had been secularized by the prince-bishop. This was the basis for the extension of the range of subjects and disciplines at the University.

In reference to theology and the education of the clergy we have to realize that academic education was foreseen only for the higher clergy - those coming from the nobility or the emergent urban upper class<sup>2</sup>. Sometimes young men from the lower classes received a scholarship from the rich. For the rest there remained only a rudimentary education in theology and in how to serve as a priest. When Bishop Colmar became bishop in Mainz in 1803, he found a very simply-educated lower clergy serving in the parishes who had very poor discipline. Because of this he recognized a great need to reform clerical education and formation as the basis for the development of his new diocese<sup>3</sup>.

<sup>2</sup> Cf. M. PULTE, 34 «Der kanonistische Nachlass von Weihbischof Ludwig Philipp Behlen (1714–1777) in der Mainzer Martinus-Bibliothek – ein erster Forschungsbericht», in H. HINKEL (ed.), *Bibliothek S. Martini Moguntina. Alte Bücher – Neue Funde*, Mainz, Würzburg, 2012, S. 263-278, 263.

<sup>3</sup> Cf. A. EGLER, «Das Priesterbild Bischof Colmars in Seminar- und Diözesanstatuten», in *Archiv für Mitterheinische Kirchengeschichte*, 28 (1976), 209.

Looking back to the 18<sup>th</sup> century before the changes stimulated by the French revolution, we see clergy in similar situations all over Germany. Another example: according to the ordination protocols of the Archdiocese of Cologne 52% of ordained men came from cities, more than 13% were from Cologne, and overall they came out of the property-owning classes. Country parishes were not the target of the priests, but even the country priests came from higher classes. This means that a gap opened up between urban ministers and ministers from the small farming communities. The formation of priests often concluded with preparation to read the Latin Mass; even in the 17<sup>th</sup> Century most clergy had no theological training. The establishment of seminaries often failed for lack of money. The first seminar opened in Cologne in 1736. In 1749 only one year at the seminary was required in this diocese. Prior to approval as a priest, a pastoral examination had to take place<sup>4</sup>.

The educational system in the Archdiocese of Mainz seemed little better. Shortly after, the Council of Trent Archbishop Daniel Brendel von Homburg founded (in 1561) a tridentine seminary to refurbish clerical education according to the decrees of Trent. His successor Johann Philipp von Schönborn (1647-1673) renewed the tridentine seminary and refunded the trust for this institution very generously (according to witnesses at that time)<sup>5</sup>. However, the academic training remained in the Faculty. All this was lost in 1803. The property was confiscated by the French government and the building was put to another use. The French Revolution (1789-1799) left many traces in the Rhine area, in Mainz, Cologne and elsewhere. Teaching at Mainz University, however, ceased due to war, permanent unrest, and the conquest and recapture of the city of Mainz. The faculty of theology closed in 1801 with the resignation of the prince-bishop of Mainz, Karl Joseph von Erthal. The legal basis for this was the French concordat of 1801 between Pope Pius VII and the emperor Napoleon Bonaparte. Only the faculty of medicine continued; it awarded doctorates until 1818, but had to close five years later. In 1803 the French founded a new diocese of Mainz in the occupied territory. The first Bishop of the new diocese of Mainz, Joseph Ludwig Colmar, former preacher at Straßburg cathedral, found only 4 seminarians left at Mainz. So he decided to erect a new tridentine seminary which was not only responsible for the spiritual life and education of the students, but also the academic institution for the theological education of the clergy. This seminary was formally ruled by universal and diocesan church norms. But Bishop Colmar had to obtain recognition of the statutes of the seminary from Napoleon.

<sup>4</sup> Klerus und geistliche Bewegungen im Mittelalter, online: [http://www2.erzbistum-koeln.de/erzbistum/geschichte/geschichte\\_ebk/epochen3/epochen3-03.html](http://www2.erzbistum-koeln.de/erzbistum/geschichte/geschichte_ebk/epochen3/epochen3-03.html).

<sup>5</sup> Cf. *Protocollum Seminarii episcopalis Moguntini (Handschrift) Fundus Liebermann, Dom- und Diözesanarchiv Mainz*, 5.

It is not inaccurate to say, therefore, that at that time the church law in force was under the control of the secular authority. Depending on the extent of subjection of the diocesan authority, we may conclude that there were no norms presented to the emperor which were not consistent with the state law of the time. On the other hand, from the canon law of the time we see that these norms also conformed to the universal church law. The Bishop had the right to install the director of the seminary and the professors. The minimum of academic studies required was two years. The disciplines to be studied were: dogmatic and moral theology, pastoral matters, liturgy, homiletics, church history, Latin, Greek and French and philosophy. Canon law was not a subject of study at that time. The administration of the temporal goods lay in the hands of the director, the financial administrator and a financial commission. The members of this board were also appointed by the director. One particular provision underscores the dependence of the Mainz Church on Napoleon: the duty of professors to sign the Gallican articles of 1682<sup>6</sup>. On this basis, Napoleon approved the seminary statutes on 11<sup>th</sup> November 1805<sup>7</sup>. A most difficult situation arose in the relations between state and church when the organic articles to the 1801 concordat were put into effect by the emperor. The academic staff had to sign those norms thereby submitting to the superiority of the state; neither the bishop nor the director of the seminary refused to sign, perhaps a sign of the overwhelming nature of state authority. Those statutes remained in force until 1830. They were replaced by new statutes of Bishop Joseph Vitus Burg in the year of his succession. The reason for the revision was to adapt the regulations to the prevailing conditions, not to replace Napoleonic law. This is not the place to discuss the norms in detail. It is interesting to see that for the first time in the new diocese of Mainz there was no direct state influence on church legislation regarding the education of seminarians.

From 1801 on only the Mainz University Foundation Fund (a Catholic seminary), and the Mainz «Accouchement» (a school for midwives founded in 1784), continued, preserving a little of the university's tradition until its reopening in 1946. Before that

<sup>6</sup> The Declaration of the Clergy of France of 1682: 1. St. Peter and the popes, his successors, and the Church itself have dominion from God only over things spiritual and not over things temporal and civil. Therefore kings and sovereigns are not beholden to the church in deciding temporal things. They cannot be deposed by the church and their subjects cannot be absolved by the church from their oaths of allegiance. – 2. Authority in things spiritual belongs to the Holy See and the successors of St. Peter, and does not affect the decrees of the Council of Constance contained in the fourth and fifth sessions of that council, which is observed by the Gallican Church. The Gallicans do not approve of casting slurs on those decrees. – 3. The exercise of this Apostolic authority (*puissance*) must be regulated in accordance with canons (rules) established by the Holy Spirit through the centuries of Church history. – 4. Although the pope has the chief part in questions of faith, and his decrees apply to all the Churches and to each Church in particular, yet his judgment is not irreformable, at least pending the consent of the Church.

<sup>7</sup> Cf. R. FISCHER-WOLPERT, «Die Anfangsjahre unter Colmar und Humann (1805-1829)», in Bischöfliches Priesterseminar Mainz (ed.) *Augustinerstr. 34. 175 Jahre Bischöfliches Priesterseminar Mainz, Eltville 1980*, 15-27, 18.

date, there had been continual discussions about reestablishing the entire university-level teaching operation - but all these plans failed due to a lack of funds.

Until the end of the 18<sup>th</sup> and the beginning of the 19<sup>th</sup> century the church itself was responsible for the higher education of young clergymen. Bishops erected schools of theology in their sees or founded universities and promulgated the legal framework for these institutions. The situation changed in Germany after secularization and the new circumscription of dioceses as a result of the Vienna conference 1803. In the following decades the diocesan bishops founded faculties of theology at their diocesan seminaries. These became important for the independence of the church against the dominant state in Germany during the 1870s when church and state struggled in a most intense and unfriendly manner. Religious orders acted in the same way in their jurisdiction but state law on the freedom of establishment of orders, which really was the most effective instrument against the religious orders, ended with the suppression of academic institutions run by them.

The Mainz seminary and its academic teaching were suppressed by the Prussian Kulturkampf in the mid-19<sup>th</sup> century. In 1851 Bishop von Ketteler was able to re-establish the seminary and academic studies at Mainz. The seminary regulations were based on the norms enforced by Bishop Colmar 1805. According to the secular norms in the state of Hessen-Nassau, the bishop had to ask for the approval of the statute. Four interesting changes may be mentioned. First, the statutes were approved for the Mainz *theological* seminary. This means that not only pastoral formation but also theological formation was an integral part of clerical training. Secondly, the college of professors (not only the director of the seminary) had the right to propose appointments to the chairs in sacred theology. Thirdly, the professors had the right to elect a dean of the faculty, an office distinct from that of the director of the seminary. Fourthly, the faculty remained under the sole supervision of the bishop<sup>8</sup>. The Kulturkampf forced a break in the education of religious personnel at Mainz. The main reason for this was the anti-Catholic legislation of Prussia and this state following Hessen-Nassau. Legislation from 1871 required a three-year academic education for seminarians at a state-run university, a nationally recognized church-run academic institution, or a papal university in Rome<sup>9</sup>.

In 1885 a final reestablishment of the Seminary and theological studies took place. This time the old norms were used again. We can see a great degree of continuity from the beginning of the 19<sup>th</sup> century until the end of the period. This was the legal situation until the end of the period at Mainz.

When the German states founded their secular universities in the first half of the 19<sup>th</sup> century, the state had an interest in influencing the academic education of clergy.

<sup>8</sup> Cf. R. FISCHER-WOLPERT, *Die Statuten unter Bischof Ketteler und nach der Wiedereröffnung 1887*, a.a.O., 95-104.

<sup>9</sup> Cf. HALLERMANN (Fn.1), 33.

The state wanted to ensure that only German priests, well-educated at German universities or comparable institutions, could be appointed as parish priests or superior clergy in the diocese. This was one of the major interests of the state in negotiations with the church on the question of concordats. For both parties it was obvious that the integration of the education of the clergy is a typical *res mixta* which could only be sufficiently regulated if church and state worked together on it. Unfortunately, Germany was not a nation like others in the region. Germany was a national state of partly sovereign states, especially on the topic of religion and education. In the 1820s some concordats had been contracted, three of them are relevant here:

(a) **The Concordat with Prussia 1821:** This was concluded with the Holy See through Prince von Hardenberg, the chancellor, King Frederick William III on 23 August, 1821. It was recognized as a law binding on Prussian Catholics. It contains the circumscription of the archbishoprics and bishoprics, and regulations concerning the erection of dioceses and chapters, the qualities of candidates, the taxation of episcopal and archiepiscopal churches by the Apostolic Camera, etc.

(b) **The Concordat of the Upper Rhine Provinces 1821:** This consisted of a Papal Bull issued by Pius VII and accepted by the King of Württemberg, the Grand Duke of Baden, the Elector of Hessen, the Grand Duke of Hessen, the Duke of Nassau, the free city of Frankfort, the Grand Duke of Mainz, the Dukes of Saxony and Oldenburg, the Prince of Waldeck, and the Hanseatic cities, Bremen and Lübeck. By this concordat the bishoprics were divided among the provinces as follows: Freiburg im Breisgau, the metropolis, was the see for Baden; Rottenburg for Württemberg; Mainz for Hessen-Darmstadt; Fulda for Kurhessen and Saxe-Weimar; Limburg for Nassau; and Frankfurt.

(c) **The Concordat with the Upper Rhine Provinces 1827:** Entered between Leo XII and the above-mentioned provinces, this contained agreements on the election of bishops, the *processus informativus*, the holding of a second election when the first had not been canonical or the person elected lacked the required qualities, the institution of chapters, the establishment of seminaries, etc.

However, the churches' favoured position in the constitution results from the so-called «Weimar church compromise». The interwar Weimar democracy sought a constitutional compromise between a state church (as in England) and a private one (as in France). The two main German churches were not to be part of the state, on the one hand, or completely separate, on the other. Instead, they received intermediate status as «public corporations».

Agreements may be made with German churches because they are public corporations, not private ones. Being a public corporation allows the Church, as Cardinal Lehman puts it, to «be outside the private sphere» without being integrated into government<sup>10</sup>.

<sup>10</sup> «Lehmann warnt Staat vor Gleichgültigkeit gegenüber Christentum», DDP, 19 June 2007. <http://www.pr-inside.com/de/lehmann-warnt-staat-vor-gleichgueltigkeit-gegenueber-r158242.htm>.

The practice of dealing with religious groups by means of treaties between State and Churches (*Vertragsstaatskirchenrecht*) began after World War I when the abdication of the last Kaiser ushered in the Weimar Republic. The new Weimar Constitution separated church and state on the one hand<sup>11</sup>, and made the churches self-governing on the other<sup>12</sup>. In order to bridge this gap between a religiously neutral state and religious groups which ran their own affairs (and many of Germany's social services), the government resorted to agreements. The power of German churches was such that the state was obliged to negotiate with the churches over the laws that would govern them.

The Weimar articles on religion were taken over by the present Constitution (1949). This national constitution, unlike the constitutions of several of the twenty states in the German federation, makes no explicit mention of agreements as a potential source of laws concerning religion. However, by assuming Weimar treaty obligations, it acknowledges the continuing validity of accords made with religious groups before 1919<sup>13</sup>. It also effectively permits the conclusion of new ones. It does this by giving to the individual German states jurisdiction over religion, by default<sup>14</sup>, and then allowing them to use this jurisdiction to conclude treaties with foreign countries, so long as they get permission from the national government<sup>15</sup>. Actually, the Constitutional Court has ruled that in the case of concordats the individual states need no clearance from the national government<sup>16</sup>.

<sup>11</sup> Cf. the Weimar Constitution [http://www.zum.de/psm/weimar/weimar\\_yve.php](http://www.zum.de/psm/weimar/weimar_yve.php) (WRV), 1919. The parts of it relating to religion which were taken over by the present German Constitution, 1949, are listed at the end under «Appendix to Basic Law» <http://www.psr.keele.ac.uk/docs/german.htm> For separation of church and state see, for example, WRV Art. 136.1: «Civil and political rights and duties are neither dependent upon nor restricted by the practice of religious freedom»; WRV Art. 137.1: «There is no state church».

<sup>12</sup> Ibid., WRV Art. 137.3: «Each religious body regulates and administers its affairs independently within the limits of general laws...».

<sup>13</sup> Art. 138 I WRV: «State contributions to religious communities, inasmuch they are based on law, treaty or specific legal claim, are to be handled by state legislation.» [This seems to be missing from the (smoother) translation of the Weimar Constitution available in the Constitution or Grundgesetz, (GG.).]

<sup>14</sup> *Grundgesetz der Bundesrepublik Deutschland (1949)*: Art. 70 I GG: «The *Laender* [individual German states] have the power to legislate insofar as this Basic Law does not confer legislative powers on the Federation».

<sup>15</sup> Art 32 III GG: «Insofar as the *Laender* have power to legislate, they may, with the consent of the Federal Government, conclude treaties with foreign states».

<sup>16</sup> [Constitutional Court Judgement of 26 March 1957, III. 2. (BVerfG, Urteil vom 26. März 1957 - 2 BvG 1/55 - KirchE Bd. 4, S. 91.) [http://www.ekd.de/staatskirchenrecht/inhalt/urteilevolltext/kirche4\\_46.html](http://www.ekd.de/staatskirchenrecht/inhalt/urteilevolltext/kirche4_46.html)].

## II. THE MODES OF FORMATION OF RELIGIOUS STAFF: CURRENT LAW

The current state church law on the training of religious personnel in Germany were until now based on the regulations of the Weimar Constitution. The Grundgesetz from 1949 integrated the former constitutional law concerning the religious affairs by Art. 140 GG, which says: «*The provisions of Articles 136, 137, 138, 139, and 141 of the German Constitution of August 11, 1919 shall be an integral part of this Grundgesetz (Constitution).*» From those articles, Art. 137, 1-4 are interesting in this context. They say: «*(1) There shall be no state church. (2) The freedom to form religious societies shall be guaranteed. The union of religious societies within the territory of the Reich shall be subject to no restrictions. (3) Religious societies shall regulate and administer their affairs independently within the limits of the law that applies to all. They shall confer their offices without the participation of the state or the civil community. (4) Religious societies shall acquire legal capacity according to the general provisions of civil law.*» The German constitution guarantees religious freedom and autonomy in wide measure. There is no control over religious communities by the state. The academic and pastoral training of the clergy is totally under the authority of the church. But, according to the concordats and church-state agreements, the academic instruction of the students in most cases takes part in state run universities. Based on the German concordats of the early 20<sup>th</sup> century, the church is according to Art 20 RK free to erect their own faculties of theology<sup>17</sup>. There is no need to say that this norm in practice was not guaranteed during the Nazi-regime. The Faculty of Saint Augustine SVD for example was confiscated by the Nazis and turned into an institution of SA during wartime. In Art 19 RK the state guarantees the existence of the established faculties of theology at state universities in Germany<sup>18</sup>. This is a very interesting norm because some Bavarian faculties in the 1990s experienced how this guarantee was not that cast-iron, as they suspected. Concordat law is a dynamic norm-system. Every concordat has a clause of friendship which means that differences or problems will be solved in agreements. One example is Art 33 RK: «*Should differences of opinion arise regarding the interpretation or execution of*

<sup>17</sup> Article 20 RK: Where other agreements do not exist, the Church has the right to establish theological and philosophical colleges for the training of its clergy, which are to be wholly dependent on the Church authorities if no state subsidies are sought.

The establishment, management and administration of theological seminaries and hostels for seminarians is, within the framework of the laws valid for all, the exclusive prerogative of the Church authorities.

<sup>18</sup> Article 19 RK: Catholic theological faculties in state universities are to be maintained. Their relation to Church authorities will be governed by the relevant concordats and by their supplementary protocols with stated regulations, having due regard for the relevant Church decrees. [12] The Reich Government will endeavour to secure for all of these Catholic faculties in Germany uniformity of treatment.

*any of the Articles of this Concordat, the Holy See and the German Reich will reach a friendly solution by mutual agreement.*» According to this regulation the Apostolic See and the country of Bavaria agreed that there has to be a reduction of faculties, because of the ongoing loss of students in the full-time theological program at Passau and Bamberg. Those faculties were reduced to Institutes of theology. They further on provide a decentralized theological education for future religious teachers. The dioceses in the church province of Bamberg decided to collaborate in the education and formation of the seminarians. As a result, theological education was centralized for this province in the KU of Eichstätt. While the state of Bavaria wanted to reduce the financial responsibility, the Apostolic See wanted to strengthen the situation of Theology at KU Eichstätt. The canonical reason for this strategy can easily be found in the Code of Canon Law, cc. 807 and 809<sup>19</sup>. This legislation massively supports the erection and elaboration of catholic universities, because of the greater influence the church can exert over them in comparison to state-run faculties. However, the intention to undertake new negotiations were quite different, it is an interesting fact, that the bishops of Passau and Bamberg had not been involved in the state-church negotiations at that time. Looking at the formal responsibilities for church-state affairs, this seems to be according to the law, but we have to admit, that this is not a good example of the practice of subsidiarity in the church. Talking about the role of the public authorities, in the field of theological education for clergy, reference must be made to Art. 33 RK. This states, that all matters relating to clerical personnel or Church affairs, which have not been addressed in the concordat, will be regulated for the ecclesiastical sphere according to current Canon Law.

Finally we have to discuss the regulations for those seeking to become parish priests according to c. 519 CIC. Art. 14 RK, according to the legislation from 1871, states that Catholic clerics who hold an ecclesiastical office in Germany or who exercise pastoral or educational functions must: (a) be German citizens, (b) have earned a secondary-school graduation certificate which permits study at an institution of higher learning, and (c) have studied philosophy and theology for at least three years at a German state university, a German ecclesiastical college, or a papal college in Rome. The secret attachment to the concordat says that they can be given dispensation from these three regulations by the state administration. In relation to the lack of priests in Germany, the question has to be asked if there can be dispensation

<sup>19</sup> Can. 807 The Church has the right to erect and direct universities, which contribute to a more profound human culture, the fuller development of the human person, and the fulfillment of the teaching function of the Church.

Can. 809 If it is possible and expedient, conferences of bishops are to take care that there are universities or at least faculties suitably spread through their territory, in which the various disciplines are studied and taught, with their academic autonomy preserved and in light of Catholic doctrine.

from all of these conditions or only from one or two. The norms are not clear on this point. Therefore we must look at administrative practice. As far as I can see in my residential diocese, the permission will be asked from time to time to have foreign priests who have undertaken a prior pastoral examination at the seminary. This of course is not a fulfilment of the conditions named in Art 14 RK, which is the last in force Kulturkampf-law. However the civil authorities act generously in these cases.

Religious personnel of course are not only the clergy, but also the lay collaborators in the pastoral fields. For them, more or less, the same regulations are in force as for the clerics. The major difference is that those students earn a state degree as a diploma or mag. theol., while the seminarians receive a church degree. Due to the central functions of the faculties as institutions for the development of priests, the academic teaching for all Christian faithful according to c. 229 § 1 CIC and scientific research it is an open question if the education of the later clerics is the central function of a faculty of catholic theology as the Roman documents point out.

Finally, there is a third group to be considered: teachers of religious. Under Art. 7 GG, education in schools is a responsibility of the state. Regarding religious education, however, there is a slight difference. As a consequence of the religious neutrality of the state, no state authority may provide any teaching that is bound to a certain faith. On the flip side the state, especially in Germany, has made the discovery that a religiously-educated citizen is better regarding the morality of his behaviour in the state. This is the reason why the state wants the churches to collaborate with them in the field of education. Art. 7 III GG therefore states that the religious education of the pupils, regarding the content of this type of education, is the responsibility of the religious community. The administrative equipment and the salary for teachers have to be provided by the state. This is the most relevant example of a *res mixta*. Religious education needs the collaboration of both parties. This is why Art. 21 RK seeks to guarantee some state influence on education of this special type, namely religious personnel. It says: «*Catholic religious education in elementary, vocational, secondary schools and institutions of higher learning is a regular school subject, and is to be taught in accordance with the principles of the Catholic Church. In religious education, special emphasis will be given to inculcating a patriotic, civic and social sense of duty in the spirit of the Christian faith and the moral code, just as happens in all other subjects. The curriculum and the selection of textbooks for religious education will be arranged in agreement with the Church authorities. The opportunity will be given to the Church authorities to check, with the agreement of the school authorities, whether the pupils receive religious education in accordance with the teachings and specifications of the Church.*» This contractual norm has been transferred into law in many states of Germany. Mostly we find the same words and syntax in those norms. There is, therefore, no need to cite them here.

One developing problem is related to the loss of religiosity in modern society. In countries where we find a decreasing religiosity, we predict that there will be a

lack of teachers of religious education in the future. The situation in reality is that a religious education according to Art 7 GG, linked to the denomination, cannot be realized in all primary and secondary schools. Is an ecumenical Christian education the solution for the present and the future?

### III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

There are very few norms in the constitutions of German states on the training of religious staff. In the last 50 years the state has seen no reason to change anything in these norms. It is a matter of religious freedom to leave the theological authority over training religious personnel to church administration and legislation. This is one side of the coin. On the other hand, the loss of vocation for clerical ministry changes the policy of the bishops as to the training of priests. It is obvious that there is a certain need for most of the dioceses belonging to one ecclesiastical province to work together in this field. But we must see from the same point of view, that a state will not be obliged to support a faculty of theology any longer if the bishop sends his students to another faculty. At the moment this is the situation in the diocese of Essen with its faculty at the Ruhr University Bochum. The bishop has decided. No seminarians remain in the full program of theology. The state seems to consider that the church has lost her interest in the faculty as a training institution for clergy. Currently the state and church are in negotiations about the future of this faculty. Surprisingly the secular university wants to keep this faculty open because of the interdisciplinary collaboration of this faculty with others on the campus. One other problem may be on the horizon. If one or more faculties close their doors in the future there will be a dramatic loss of positions as academics for scientific young people.

An additional problem of the loss of vocations is the need for some bishops to invite priests from the so-called third world to serve in their dioceses. Their academic degrees are not accepted as a full program of theology in Germany. If they want to undertake postgraduate studies they have first to receive a licence in theology or canon law. If they have graduated with an A or B they may continue. A further condition is the language certificate of DSH. Only stage 2 is sufficient for the enrolment at a German faculty. Those two conditions, to my mind, also have to be fulfilled if foreign priests want to serve as pastors in German parishes.

I have already pointed out that the state does not intervene if those priests were appointed as pastors according to c. 519 CIC with all the requirements met. It is positive to see that the state does not intervene in the appointments of parish priests - a further sign of religious neutrality. However, we must realize that the loss of supervision by the state leads to a loss of quality in pastoring because of a decline of clergy education, and competence in language. The state has not only the right but also the obligation to ensure a certain quality and competence for those clerics who serve in a responsible position, even in the field of local church and state collaboration. At the

moment this issue seems to be of no significance to the church and state. It is possible this lack of interest stems from the view that Christianity can only play the role of intellectual leadership in society, as long as there is a powerful presence of the church, even on the local stages of church and state relationship in the parish and the local communities. Currently the experiences of clergy coming from India and Africa are too few to give a fair representation as to whether the secondary education of those priests, in the pastoral seminaries of the dioceses, is sufficient for the pastoral needs of a postmodern and secularized society.

#### IV. ISLAMIC THEOLOGY AND THE TRAINING OF ISLAMIC MINISTERS

During the last 15 years the issue of the training of religious personnel took a new direction, not only in Europe but also in German states. Denominational pluralism increased after the end of the Cold War. People from Eastern Europe came to Germany to find a new life without poverty and discrimination. As a result the Islamic population increased. Now we have the third generation of Muslim citizens of the German nation. They have asked for their religious identity in this society dominated by the Christian religion, despite the fact that less than 60 percent of people are members of one of the Christian churches. One major problem for the religious education of Islamic pupils is that the German constitution has no normative basis for developing a similar system to that which currently exists for Christian denominations only. Speeches at the German Juristentag in 2010 clearly pointed out that this problem cannot be solved easily. The Islamic community does not want to elaborate church-like structures. This does not fit with the identity of their religion. Islamic theologians say that Islam does not need church-like structures as Islam is focused on the individual's faith, rather than on community structures.

In relation to this institutional problem, the question arises as to whether religious education on Islam should be based on the neutral provision of information in the sense of religious studies or religious education according to Art. 7 III GG. We have to realize that there is no general position on this in Germany to-date. As a result of the independence of the German states in cultural affairs there is no possibility of such a general position in the future. This also depends on the different situations of the Islamic population and their confessions in the individual states. We have to understand that each state will have its own view on the matter.

Recently jurists have recommended that the more or less pragmatic approach of single states to religious education causes problems with constitutional law. The main points of interest here are state control over the constitutional conformity of education and the training of teachers of religious education. If such teachers are to be educated at state universities in Germany, there is a constitutional necessity to organize collaboration between state and church according to Art. 7 III GG. Several German state constitutions declare directly the need for approval of such teachers by the relevant

religious community. Others refer indirectly to this condition, by declaring that such teaching has to be organized according to the regulations of the religious community in question. If we look *pars pro toto* at the norms of the Catholic Church, c. 805 CIC (*ius nominandi aut approbandi*) is the legal basis which is integrated in the secular law by those constitutional norms. Some states do not have any regulations on religious education and therefore none regarding personnel. Bremen plays a special role as religious education there is not bound to a specific faith. Consequently, there are no regulations for religious teachers either.

If certain states want to establish Islamic religious teaching in addition to the confessional religious teaching of the Christian communities, they have to negotiate contracts with certain Islamic communities as they are responsible for the education and the teachers. Islamic theology must therefore be established in a proportion of German educational institutions, in order to guarantee that the education and training of the religious teachers is in accordance with the standards set by the established religious communities.

Currently there is in place no established religious education in schools across Germany. However, there are in some schools experiments on a contractual basis with diverse Islamic communities. The only connection between those communities is membership in the German Islam Conference. A distinction has to be made between denominational and religious educational school initiatives, and confessional Islamic teaching. The religious educational classes give students neutral information about religion, whilst confessional Islamic courses are taught by teachers who belong to that religion. So far none of the approaches correspond to an (Islamic) religious education within the meaning of Article 7 III GG, which generally represents the legal basis for religious education in schools.

The reality: since 1999 in Northrhine Westphalia (NRW), schools have introduced religious teaching in the German language. Since 2010 the NRW administration has wanted to establish courses on Islam in the German language at schools with a certain number of Muslim pupils. At Münster university a chair for Islamic religious teaching was erected for the education and training of teachers in this subject.

In Lower Saxony a school has successfully started Islamic teaching in German at the secondary education level. This initiative was extended to the primary education level in 2007. The requirement that the principles of the Islamic religious community comply with the constitution is fixed institutionally by a «roundtable for Islamic religious instruction» in the Lower Saxony Ministry. Of course this is not according to Art. 7 III GG, but the approach may represent a solution as to how incompatibility between this religion and the constitutional law could be overcome.

In Bavaria an experiment by a school in Islamic teaching under the scientific supervision of the University of Erlangen-Nürnberg started in Erlangen in 2004. This experiment has been successful. It is planned to extend the experiment to other schools and school-forms where comparable circumstances exist to those in Erlangen.

The cooperation partner of the state was the Erlangen Islamic community. In the long run a country-wide form of Islamic teaching is to be provided. This has failed thus far due to the absence of a contact person at country level.

In Rhineland-Palatinate Islamic religious education has been piloted in the German language since 2003/04 - at a primary school in Ludwigshafen. This is based on a curriculum authorized by the Ministry in consultation with local contacts. In the school year 2008/09, such denominational religious instruction was introduced at a second elementary school in Mainz. Starting in the next school year, the Islamic teaching will be expanded in Ludwigshafen and in other cities in secondary schools.

At the beginning of the school year 2006/07, Baden-Württemberg started a pilot school project for denominational Islamic religious education in twelve elementary schools; this lasted until 2010. The basis for this teaching was a curriculum for grades one to four. It was developed by a steering group including representatives of the four applicant Sunnite organizations, an educationist and a religious pedagogue educator at the University of Karlsruhe, under the direction of the Ministry of Culture. This control group exists due to the absence of a representative Muslim religious community. Local and regional parents' associations and mosque communities should act as the contact for the country administration. If this school experiment leaves a positive impression, it will be expanded into religious education properly so-called.

In Hessen for quite some time there has been no interest in organizing Islamic teaching in the school system. Recently, there have been plans to introduce Islamic teaching in a fashion similar to the Lower Saxony model. The institutional contact for this would be a round table with several Muslim organizations. Now (2013), Hessen has been the first state to adopt Islamic teaching on the basis of Article 7 III GG. The two religious communities, DITIB Hessen eV and the Ahmadiyya Muslim Community, in the Federal Republic of Germany eV, fulfill the formal requirements of Art. 7 III GG and are thus cooperation partners for the establishment of confessional Islamic teaching in Hessen. Islamic teaching on this basis is a regular subject under state auspices according to state curricula in the German language and by state teachers. The Islamic training options at the University Gießen (JLU) are the educational basis for the Islamic denominational religious instruction being taught in primary schools, commencing in the school year 2013/2014. The preparations for the qualification of teachers standing in the Hessian service started in March 2013.

Having considered these experiments in relation to the integration of Islamic teaching into the German educational system, there are questions concerning the confessional identity of the teacher, subject and pupils as the German constitution requires. As the local cooperation partners and the Muslim pupils at the schools do not belong to the same denomination, we must ask: for whom does the country provide religious education? Is this implementation a more or less helpless attempt to accommodate Islamic pluralism which is not compatible with the constitutional system? Is this way of implementing new structures therefore only a quick-fix by politicians

to keep an increasingly confident community quiet? Is this an attempt to prevent Islamistic action? And what about the teachers and their training? Do they receive a theological education at any German university, or are the chairs of Islam more or less chairs for Islamic science, as they were before? Let us keep in mind that the typical Islamic confession only reaches so far as the authority of the referring school, to which the individual Muslim wants to belong. A full compatibility of European state and Islam communions does not seem to be available for me, despite the fact it will be more advantageous in relation to collaboration. The further question is whether this is necessary for a minority of approximately 4 % of the German population. This is not a question of religious freedom, which is granted for everybody in this country. It still remains as a question of political opportunity.

Regarding the foundation of chairs of Islamic theology at German Universities, we can recognize a certain interest of the Universities and the state to build those institutions. One major problem is the appointment of chair-holders in these institutions, as Islamic communities claim a right of collaboration in the election of the professors. The Universities provide a consulting committee, although the authority of these committees is not clear thus far. The state of NRW, for instance, has developed the curriculum of the Islamic teachers at Münster University. This is in conjunction with a consulting committee, but in reality other Islamic groups (Deutscher Islamrat) disagree with the state as to the validity of the representation of the committee, and if the committee is sufficient according to Art. 7 GG. All these questions remain unanswered - most significantly the question of the education of the Islamic preachers. The religious communities seem to be divided in opinion, in an area where the state has no influence. The issue is whether the German state has a desire to recover more authority in this area. There may be good reasons for this as can be seen in the problem of importing foreign clerics into Germany. But this is a political not a legal question. Until now the function of those chairs is to educate the religious teachers in Islam in the German language so a supervision of the teaching, according to the constitutional conformity, is possible. Whether the respective education would be sufficient for the education of Islamic preachers is a question that can only be answered by the responsible religious community.



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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN EUROPE. A REPORT FROM GREECE

LINA PAPADOPOULOU<sup>1</sup>

This report deals with the involvement of public authorities in the training of religious personnel and other relevant staff by exploring the system developed in Greece. The report has three parts: (1) history; (2) contemporary law; and (3) emerging mechanisms. The term ‘ecclesiastical education’ means educational structures institutionalised by both the Church and the State with the purpose of educating and training prospective religious personnel and accommodating the needs of the Church; it is used throughout the report to describe the subject field. As the highly important recent law (L 3432/2006)<sup>2</sup> states: «the aim of Ecclesiastical Education is to promote and train the clergy and laymen of the Orthodox Church in Greece so as to raise the level of their education and Christian ethos». In other words, ecclesiastical education mainly, but not exclusively, aims to develop executives for recruitment into various sectors of the Church, on the basis of their specific interests and talents, as well as to support those who choose to be appointed priests and join the clergy. As will be shown below, ecclesiastical education in Greece was undertaken for a short period of time by the Church itself, although in modern Greece it has been the State itself that has organised and financed the preparation and training of Orthodox Christian ministers, through a complicated and fluid system. The same does not apply, however, to Muslim ministers, who are educated partly in Greece and partly outside the country.

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<sup>2</sup> Art 2 of Law 3432/03-02-2006, Government Gazette (henceforth GG) issue 14, vol A’, on «Structure and Function of Ecclesiastical Education».

## I. HISTORY OF THE MODE OF TRAINING OF RELIGIOUS STAFF IN THE 18<sup>TH</sup>, 19<sup>TH</sup> AND 20<sup>TH</sup> CENTURIES

### A. General presentation: modes of training of ministers in the prevailing Greek Orthodox Church

#### 1. *The 18<sup>th</sup>-19<sup>th</sup> centuries*

Ecclesiastical education in Greece is rooted in the monasteries of the 17th century. It was revived in the 1720s after the establishment and operation of the ‘School of Patmos’ (*Patmiada Scholi*)<sup>3</sup>. In 1749 monks from Mount Athos (*Agion Oros*) took the initiative to found a school near the Monastery of Vatopedi, which would later be named ‘Athonias Ecclesiastical Academy’, and this attracted many students from the whole of the Orthodox world and beyond. In Corfu, which was not yet united with Greece, the British philhellene, Earl Frederick North Guilford, founded the first Hieratic School (*Kapadochos*), 1824-5.

After the formation of an independent Greek state, the first governor, I. Kapodistrias, established the first seminary (Hieratic School) in Poros in 1830<sup>4</sup>. In the ‘Hieratic Schools’, 13-18 year-old students were educated and prepared for the clerical profession. In this sense, this specialised form of education for prospective clergymen, which was first developed by the Roman Catholic Church, was gradually adopted by the Orthodox Church. Since then more than 65 ecclesiastical schools of varying types have been established.

Formal ecclesiastical education in Greece was established through Royal Decree (RD) 14/1833<sup>5</sup>. In 1844 the ‘Rizarios School’<sup>6</sup> was founded and has since occupied a predominant position in ecclesiastical education. In 1856, a law<sup>7</sup> provided for the foundation of ecclesiastical schools running four-year courses for those preparing to serve in the Orthodox Church<sup>8</sup>. These schools belonged, in administrative terms, to the Ministry of Ecclesiastical Affairs<sup>9</sup>, and functioned under the supervision of the Holy Synod (*Iera Synodos*) of the Church of Greece. They were administered by a five-member supervisory committee, presided over by the local bishop (*metropolitan*), two lay people and two clergymen, who were nominated by the metropolitan and

<sup>3</sup> See M MALANDRAKIS, *The Patmias School*, Athens: Leonis Pubs 1911, p 1 (in Greek).

<sup>4</sup> Art 15 of Resolution 409/03-02-1830 (GG 1830, 57) establishes «an ecclesiastical school for those dedicated to ecclesiastical service». See K. Diouvouniotis, ‘The First Ecclesiastical School in free Greece’, *Ieros Syndesmos* [journal], 88/1909, 1 and 89/1909, 11.

<sup>5</sup> ‘Concerning the formation and competence of the Secretary of Ecclesiastical Affairs and Public Education’.

<sup>6</sup> Recognised by RD 12/24-05-1841.

<sup>7</sup> Law 367 (ΤΕΖ) ‘On Hieratic Schools’.

<sup>8</sup> Art 1 of Law 367 (ΤΕΖ)/05-10-1856 (Government Gazette 54/vol. A).

<sup>9</sup> RD/25-10-1856 ‘on special taxes for the maintenance of Hieratic Schools’ was issued.

approved by the Minister of Ecclesiastical Affairs and Public Education. By offering scholarships and accommodation to all students<sup>10</sup>, the state tried to induce qualified young Greeks to join the clergy<sup>11</sup>. The director of each school (*Scholarchis*) was appointed by the Ministry, which was also required to approve the curriculum and the books proposed by the Holy Synod.

Another type of seminary appeared in the early second half of the 19<sup>th</sup> century: the *Ierodidaskaleia* (teacher training hieratic schools), and their graduates could serve as both priests and school teachers. Since the graduates of the Teacher-Training Schools (Central School - 1829, the Model School of Mutual Teaching Methodology – 1830, and the first schools at Nafplio and later Athens - 1834) were insufficient for the learning needs of the independent state; and parish priests were - officially, since during the Ottoman Empire they exercised this duty unofficially - assigned to undertake teaching duties in 1844. Thus, the difference between Hieratic Schools (*Ieratikes Scholes*) and the Teacher-Training Schools (*Ierodidaskaleia*) lies in the fact that the latter could officially educate teachers<sup>12</sup>.

## 2. *The first half of the 20<sup>th</sup> century*

In 1909<sup>13</sup> the age of students eligible to attend the ‘Hieratic Schools’ was extended to cover the 14-21 age range while an *apolytirio* (certificate of completion of upper secondary education) issued by a Greek school became a prerequisite for attendance at them<sup>14</sup>. A ‘General Ecclesiastical Fund’ was also established<sup>15</sup> to finance the work of the preachers (*Ierokirikes*)<sup>16</sup>, teachers and professors teaching theological courses. In 1917<sup>17</sup>, the duration of studies at the Hieratic Schools increased from 4 to 5 years and entrance examinations were introduced. The Minister of Education decided upon the curriculum after consultation with the *Holy Synod* and exercised his supervision over the Hieratic Schools through the relevant school supervisor (in respect of pedagogical courses) while the competent metropolitan, and thus the Holy

<sup>10</sup> RD/11-01-1857.

<sup>11</sup> Th CHRISTOFORIDIS and Aik ROSSIOU, *Explorations into Ecclesiastical Education* (Kilkis: ed Ziti 2006), 24f.

<sup>12</sup> See also A KORAKIDES, *Ierodidaskaleio* of Vellas 1911-1989 (Athens: ed. Vassilopoulos 1993), 49 (in Greek).

<sup>13</sup> Law 3435 (ΓΥΛΕ΄) (4-12-1909, GG GG 282).

<sup>14</sup> RD/13-10-1911 (GG 287) changed the courses taught.

<sup>15</sup> Law 3414 (ΓΥΙΑΔ) (/19-11-1909 (GG 270), Art 2.

<sup>16</sup> The education of *Ierokirikes* was regulated by L 4596/02-05-1930, GG GG 138. Like all the other institutions these special schools were abolished and re-established several times during the 20<sup>th</sup> century.

<sup>17</sup> Through RD/10-06-1917 (GG 105).

Synod, supervised the theological courses. The graduates of these Schools were entitled to be admitted only to the University Faculties of Theology<sup>18</sup>.

In 1918<sup>19</sup>, the ‘Rizarios School’, which had been an Ecclesiastical Gymnasium since its foundation, functioned for a decade as a *Ierodidaskaleio*, which boosted the number of its entrants. Its graduates had the right to enter the Faculty of Theology at the University of Athens and, following the completion of a 4-year course, could work as schoolteachers, while those wishing to become priests could attend the Seminary Preparatory School. Later<sup>20</sup>, they also acquired the right to teach theology in schools and after the age of 30 they could also be ordained priests and/or serve as supervisors of elementary schools. After a 1921 law<sup>21</sup>, stipulating that those seeking to be appointed as priests in small towns were required to complete a six-month ecclesiastical internship<sup>22</sup>, ‘Preparatory Ecclesiastical Schools’ were established, although they only survived for two years<sup>23</sup>.

In 1926 most of the twenty two Hieratic Schools in existence at that time were abolished<sup>24</sup>, on the grounds that the number of their graduates was disproportionate to the Church’s needs, while the elementary education sector had become overloaded with their graduates, who were considered to be incompetent as teachers<sup>25</sup>. In 1927 the remaining Hieratic Schools, which were restricted to 15 in number, were organised on the basis of the ‘Rizarios’ model and offered a five-year study program<sup>26</sup>. Graduates could either be appointed as teachers or enrol at university, though only in the Faculty of Theology<sup>27</sup>. Graduates of the 3<sup>rd</sup> grade of the ‘Hellenic School’ could sit for the entrance examinations provided that they were healthy Greek Orthodox males and that they submitted a certificate from the local metropolitan. Pedagogy and theology were the main courses taught. The Schools were organised as Legal Entities of

<sup>18</sup> Christoforidis / Rossiou, 56f.

<sup>19</sup> On the grounds of Law 1432/1918 «On the Organisation of the Rizarios Ecclesiastical School and the *Ierodidaskaleio*».

<sup>20</sup> Through RD/11-09-1897, GG GG 129.

<sup>21</sup> According to Arts 6 & 7 of Law 2677/19-08-1921 (GG 147).

<sup>22</sup> Christoforides / Rossiou, 81.

<sup>23</sup> They were abolished by LD/31-12-1923 (GG 390).

<sup>24</sup> Through RD/17-3-1926 (GG94).

<sup>25</sup> Ministry of Education, General Report on the Draft Laws, submitted on 2.04.1929 by the Minister of Education, Athens, p. 41, as mentioned in: Christos Antoniou, *The Education of Greek Teachers* (1828-2000) (Athens: Ellinika Grammata 2002), p. 92 (in Greek). It is worth noting that most graduates of the Hieratic Schools preferred to be appointed as teachers rather than priests due to the fact that teachers’ salaries were higher.

<sup>26</sup> Through RD of 12-11-1927 (GG 251, A’) on the ‘Organisation of Public Hieratic Schools’, which explicitly mentions ecclesiastical education.

<sup>27</sup> This right was later abolished by Law 4368/17-08-1929 (GG 291), which stipulated that graduates only had the right to enrol at the Gymnasia or Teacher-Training Schools (*Didaskaleia*).

Public Law and they were entitled to establish ‘Preparatory Schools’ of at least one year’s duration within their organisational context<sup>28</sup>.

The 1929 Reform<sup>29</sup> transformed all the *Ierodidaskaleia*<sup>30</sup> into 4- or 6-grade Hieratic Schools (*Ieratikes Scholes*), whose number was also limited to six.<sup>31</sup> Soon afterwards, all the Hieratic Schools were abolished except for the ‘Rizarios’ and the Saint Anastasia Schools, to which the students from all the abolished schools were transferred while the length of studies was increased once more to five<sup>32</sup>. Graduates had the right to enter the Faculty of Theology or to be ordained priests. A special Tutorial Centre (*Frontistirio*) for Preachers (*Ierokirikes*) was established at the ‘Rizarios School’<sup>33</sup>. The same law<sup>34</sup> provided for the foundation of four<sup>35</sup> Hieratic Tuition Centres (*Frontistiria*), including two at senior level, for High or *Didaskaleio* School graduates with studies of one year’s duration, and two at junior level. Their aim was to prepare prospective candidates for the clergy. In 1932 the relevant legislation was codified<sup>36</sup>. In the meantime the Church was trying to guarantee the right to be appointed as schoolteachers for the graduates of these Hieratic Schools<sup>37</sup>.

In 1935, by virtue of a Synodical Encyclical, all metropolitan sees could establish ‘Ecclesiastical Preparatory Schools’, instead of the abolished hieratic tutorial centres (*Frontistiria*) with the aim of educating parish clergy. Compulsory Law 887/1937 led to the re-establishment of the *Ierodidaskaleia* and stipulated that the existing ‘Preparatory Schools’ could be converted to *Ierodidaskaleia*. During 1936-1938, the six-grade Ecclesiastical Schools were established. Along with the Greek Orthodox schools, a Hieratic School of the Roman Catholic Church and a corresponding Ottoman School also operated in Athens.

In 1940, during World War Two, Law 2553<sup>38</sup> established six Hieratic Schools, where those selected to become parish priests were obliged to study before ordination, as well as two Ecclesiastical Schools (in Corinth and Saint Anastasia) with six-year courses, equivalent to the state lower secondary schools (*gymnasia*). Graduates pos-

<sup>28</sup> RD/12-11-1927, GG 251.

<sup>29</sup> Law 4370/21-08-1929 (FEK 303).

<sup>30</sup> It is worth mentioning that the *Ierodidaskaleia* placed an emphasis on agricultural training, see Christoforides and Rossiou, 119f.

<sup>31</sup> According to the Supervisory Board of Ecclesiastical Education, in 1929 there were 14 Hieratic Schools, see *Ecclesia* (Official journal of the Greek Church), 25/1929, pp 191-195.

<sup>32</sup> Law 5142/16-07-1931 (FEK 207).

<sup>33</sup> Law 4596/02-05-1930 (FEK 138).

<sup>34</sup> Law 5142/16-07-1931 (FEK 207).

<sup>35</sup> These were established within the framework of the Rizarios and Saint Anastasia Hieratic Schools. The following year they moved to Corinth and Vellas respectively.

<sup>36</sup> Art 6 of L 5408/25-04-1932 (FEK 131).

<sup>37</sup> Christoforides and Rossiou, 113.

<sup>38</sup> Compulsory Law 2553/17-09-1940 (FEK 294).

sessed the rights of both parish priests (*ephimerioi*) and gymnasium graduates. At the same time the five-grade Hieratic Schools were abolished. Also, in order to meet the needs of restructuring, many Farming Schools were established, including the Ecclesiastical Farming Schools<sup>39</sup> which survived for only two years before becoming 'Tuition Centres' for the training of parish priests.

Since the primary objective of the *Ierodidaskaleia* had been to educate and prepare clergy, women were not admitted, despite the fact that they had the right to enrol at the secular *Didaskaleia* (Teacher-Training Schools)<sup>40</sup>. It was only in 1943<sup>41</sup> that women were allowed to enter the newly-created second-year 'Senior class for Women' at the *Ierodidaskaleia*. Graduates of the latter were awarded a certificate equivalent to that awarded by the Pedagogical School. This measure, made possible as a result of the war, did not last long.

### 3. *Since World War Two*

After World War Two, it was observed that Greek ecclesiastical education had proved to be ineffective<sup>42</sup>, for two reasons. First, the types of schools had been changing too often - six different types until then, namely: (i) Hieratic Schools; (ii) Hieratic Tutorial Centres [*Frontistiria*]; (iii) Ecclesiastical Schools; (iv) Preparatory Schools; (v) Hieratic Teacher-Training Schools (*Ierodidaskaleia*); and (vi) Ecclesiastical Farming Schools. Secondly, these schools did not exclusively aim to train the clergy. On the basis of Law 540/1945<sup>43</sup> the types of ecclesiastical educational institution were limited to three. Ecclesiastical Schools became seven-grade schools and admitted those who held a graduation certificate from a six-grade primary school. Graduates could be ordained parish priests or appointed to metropolitan sees, churches and other organisations as administrative staff, and/or they could enter the University School of Theology.

In 1958<sup>44</sup>, all Ecclesiastical Schools became six-grade schools. Graduates with a certificate of completion of the second grade of the six-grade high schools were entitled to be admitted to these schools. At the same time the Higher Ecclesiastical School of Thessaloniki, offering a three-year course of study, was founded «for the education of parish priests of the borderland territories», while those appointed parish priests could also serve as teachers in the same village if the teaching position was

<sup>39</sup> Law 328/14-07-1943 (FEK 205).

<sup>40</sup> According to an 1834 law by von Maurer 'on elementary schools'.

<sup>41</sup> Law 748/07-10-1943 (FEK 340).

<sup>42</sup> See in detail P. ZOGRAFOS, *Ecclesiastical Education and Clergy* (Athens, 1969) p 11ff (in Greek), where the author estimates that only 25% of the graduates of the Higher Ecclesiastical Schools joined the Clergy.

<sup>43</sup> Compulsory Law 540/07-09-1945 (FEK 230).

<sup>44</sup> Legislative Decree (LD) 3885/1958.

vacant. It is to be noted that the parish priests who also worked as teachers were paid for both occupations.

During the dictatorship from 1967-74 two interesting developments occurred. First, the possibility of distance training was established at the Higher Hieratic Tuition Centre (*Frontistirio*) on Tinos for those wanting to work as parish priests<sup>45</sup>. Secondly, the Ecclesiastical Schools acquired<sup>46</sup> the status of 'legal entities of public law' functioning under the financial control of the State, while their teaching staff appointments had to be sanctioned by the Holy Synod. It is also worth noting that until 1971 ecclesiastical education was part of the public education system. From that year<sup>47</sup>, the responsibility for administering, organising and running ecclesiastical schools was assigned to the Church of Greece. This was the status quo until 1976, when<sup>48</sup>, mainly due to financial hardships, these schools were placed back under State custody and sponsorship<sup>49</sup>.

Between 1957 and 1984, a school for women, the 'School of Social Work', trained deaconesses (*diakonesses*). It was not until 1983, however, that a long-term possibility was established for women to be admitted into the Ecclesiastical School of Patmos. During the three years from 1976 to 1979 ecclesiastical education comprised two levels, the middle and the higher levels. The middle-level graduates could be appointed to parish priest posts of the second wage category (class B) while the higher-level graduates were to be paid in accordance with a higher wage category (class A). The Secondary Tuition Centres re-appeared in 1976<sup>50</sup>, when the one-year 'Special Schools for Hieratic Education' were also established<sup>51</sup> in order to educate prospective parish priests. In 1977<sup>52</sup>, ecclesiastical education was divided into two sectors: (a)

<sup>45</sup> Compulsory Law 137/03-10-1967. See Christoforides and Rossiou, 194ff.

<sup>46</sup> LD 126/17-02-1969.

<sup>47</sup> By virtue of LD 876/17-05-1971 (FEK 95). It is interesting to note that the special annual budget dedicated to the Greek Church, and especially Ecclesiastical Education, destined for the payment of staff and the operation of the Ecclesiastical Schools, was transferred to the Standing Holy Synod (*Diarkis Iera Synodos* - DIS) in a lump sum or in instalments, in order to cover the same needs. Amongst other types of school, schools were then functioning for clergy and candidate clergymen, monks, cantors and deaconesses, nurses, and for Christian missions abroad. The Higher Hieratic Schools were also re-established (Church Regulation K.23/12-07-1971, GG 134) in order to prepare those whose were graduates of Gymnasia and wanted to become Church ministers. Also seven-year 'Hieratic Schools of Secondary Education' were established for elementary school graduates aged fifteen, for the preparation of future clergymen (Church Regulation K.22/14-07-1971, GG 138).

<sup>48</sup> Law 476/18-11-1976 (FEK 308).

<sup>49</sup> Law 389/27-07-1976 (FEK 195) raised again the budget for ecclesiastical education, which was cut in half after the Church had taken over.

<sup>50</sup> DP 178/20-03-1976 (FEK 65). Three year study program for graduates of elementary schools up to 16 years of age.

<sup>51</sup> Law 346/10-06-1976 (FEK 142).

<sup>52</sup> PD 1025/10-11/1977, GG 344.

the Secondary Education sector (*Mesi Ekpaidefsi*, *mesi* meaning middle), consisting of *Frontistiria*<sup>53</sup>, three-grade *Gymnasia* and four-grade *Lykeia* (Lyceums, the second tier of secondary education), and the ‘Rizarios’ Higher Hieratic School of Athens; and (b) the Higher Education sector (*Anotera Ekpaidefsi*), consisting of two Ecclesiastical Teacher-Training Academies (Vellas and Thessaloniki), the ‘Athonias’ Ecclesiastical Academy and the Higher Ecclesiastical School of Athens. The students of all these institutions (except for those of the ‘Rizarios’ School) received state funding.

The *Ierodidaskaleio* of Vellas and Higher Ecclesiastical School of Thessaloniki had been renamed the ‘Ecclesiastical Pedagogical Academy of Thessaloniki and the Convent of Vellas, respectively, and continued their work until the entry into force of Law 1566/1985 which brought an end to the tradition whereby Ecclesiastical Schools combined the education of priests and teachers alike and led to a reduction in their students’ numbers<sup>54</sup>. In 1992 four ‘Higher Ecclesiastical Schools’ (in Thessaloniki, Vellas, Crete and Athens) operated and accepted students while ‘Ecclesiastical Institutes of Professional Training’ were also established<sup>55</sup>.

In 2003<sup>56</sup> there were: (a) eighteen four-grade ecclesiastical lycea<sup>57</sup>; (b) six ecclesiastical lower secondary schools (*Gymnasia*); and (c) four three-grade ecclesiastical preparatory secondary schools. Each school was governed by a school board (*eforia*), appointed by the respective Prefect, presided over by the local bishop and holding financial and administrative responsibilities. Certificates awarded by ecclesiastical schools of any type were completely equivalent to the corresponding certificates issued by regular (secular) schools<sup>58</sup>.

## B. Administration of religious education

In 1925, a special ‘Directorate for Religions’<sup>59</sup> was added to the structure of the Ministry of Religious Affairs and Public Education, to which the competency for all religious affairs, including ecclesiastical education, was transferred<sup>60</sup>. The latter was abolished in 1952 and the General Directorate for Education became competent for all

<sup>53</sup> These ceased to exist 88 years after they were first introduced in 1918.

<sup>54</sup> Christoforides / Rossiou, 344f.

<sup>55</sup> Art 20 of Law 2009/1992 (FEK 18).

<sup>56</sup> S Troianos and G Poulis, *Ecclesiastical Law*, 2nd ed, Athens-Komotini: Ant Sakkoulas 2003, 346 (in Greek).

<sup>57</sup> PD 1025/77, Law 2525/97 with a special executive note for issuing additional presidential decrees on the matter, Art. 1§12.

<sup>58</sup> The operation and curriculum of the schools are governed by PD 287/97 (students entering tertiary education), 407/98 (unified ecclesiastical schools), 215/01 (evaluating students of unified ecclesiastical lycea), 73/01 (rules of operation for HESs).

<sup>59</sup> See also Law 180/1945.

<sup>60</sup> LD 29-12-1925, GG 423, A’.

matters of ecclesiastical education. Consequently, a professor of a theological faculty was appointed as Head of the General Directorate<sup>61</sup>. In 1959 it was explicitly declared that ecclesiastical education was to come under the aegis of General Education and not of Vocational/Professional Education. In 1967<sup>62</sup>, the ‘General Directorate of Religions’ of the Central Service of the ‘Ministry for National Education and Religions’ was restructured and divided into two units covering ecclesiastical administration, and ecclesiastical education and research. The latter became the competent authority for - among other things - the organisation, supervision and administration of the schools belonging to the ecclesiastical education sector along with its personnel, while in a more general manner it was assigned the theological and hieratic education of parish priests<sup>63</sup>.

Through PD 417/1987<sup>64</sup>, a ‘General Secretariat of Religious Affairs (GSRA)’ was established in the Ministry of Education and Religious Affairs, which was entrusted with the supervision of all religious affairs and the implementation of government policy in this field. At one time it used to exercise general State supervision of all religions. It was divided into the Directorate of Ecclesiastical Administration, the Department of Ecclesiastical Education, and the Directorate for Non-Orthodox Christians and Adherents of Other Faiths. The Directorate of Ecclesiastical and Religious Education<sup>65</sup> monitored the operation of the Ecclesiastical Secondary Schools and ‘Hieratic Second Opportunity Schools’ (*ISDE*). It was made responsible for educational matters, curricula administrative issues, and issues relating to preachers of the Church of Greece. In 2000 the competencies for both elementary and middle-grade public schools were transferred to the Prefectures<sup>66</sup>.

## II. THE TYPES AND MODES OF EDUCATION AND FORMATION OF RELIGIOUS PERSONNEL: CURRENT LEGISLATION

### A. Ecclesiastical education

The current system of ecclesiastical education was introduced to revise the previous provision by Law 3432/2006<sup>67</sup>. This law laid down that ecclesiastical schools should train recruits for the Orthodox Church in Greece and should be supervised by the Ministry of National Education and Religious Affairs (Art 1). Almost all ecclesi-

<sup>61</sup> Law 3283/01-07-1955, GG 168, A’.

<sup>62</sup> RD 230/30-03-1967, GG 43, A’.

<sup>63</sup> Art 4 RD 230.

<sup>64</sup> PD 417/19-10-1987, GG 186

<sup>65</sup> This directorate was established by PD 147/1976 (FEK 56 A’).

<sup>66</sup> See Law 2817/14-03-2000 & PD 161/23-06-2000, A’, on «Transfer to Prefectures of competencies of local interest’.

<sup>67</sup> Law 3432/03-02-2006 (FEK 14) on ‘Structure and Function of Ecclesiastical Education’.

astical educational schools operate as boarding schools providing free accommodation and meals to their students. More specifically, according to the above-mentioned law, ecclesiastical education was to be provided by the following institutions (see also Table 1):

### 1. *Ecclesiastical lower (gymnasia) and higher (lykeia) secondary schools*

Three-grade ecclesiastical *gymnasia* and three-grade ecclesiastical *lykeia* have the same curriculum as all other state secondary schools, as well as specialised ecclesiastical subjects such as the Old and New Testaments, Byzantine music, hagiology and the Divine Liturgy<sup>68</sup>. Their primary aim is to educate and sufficiently train learners in the values of Orthodox faith and Christianity, to staff the Orthodox Church and to fulfil the Church's needs for secular clergy. Graduates are granted a certificate equivalent to those issued by all other state secondary schools and their graduates are entitled to participate in the applicable admission system for university entrance<sup>69</sup>.

### 2. *Supreme Ecclesiastical Academies*

Until 2006 there were four 'Higher Ecclesiastical Academies' (HEA), which operated in accordance with the rules in force for the HEA in Athens<sup>70</sup>. In 2006, they were renamed 'Supreme Ecclesiastical Academies'<sup>71</sup>, and they now constitute a part of the state tertiary education sector, admitting graduates from any lyceum through the General (Pan-Hellenic) University Admission Exams, provided that they are Orthodox Chris-

<sup>68</sup> N. MAGHIOROS, «Religion in Public Education – Report on Greece», in: G. ROBBERS (ed), *Religion in Public Education*, Proceedings of the Conference Trier, 11 – 14 November 2010, Germany 2011, pp 195ff (204).

<sup>69</sup> Art 20 para 2 of Law 3432/2006.

<sup>70</sup> The HEA of Athens [governed by the royal decrees (RD) 45/68, 643/72 and Presidential Decree (PD) 1025/77], The HEA of Heraklion, Crete (Art. 10 Law 1999/91), the HEA of Thessaloniki (decree 3885/58, PD 1025/77 and Art 69§3 of Law 1566/85 and Art 62 of Law 1946/91) and the HEA of Vellas (Law 887/37, PD 1025/77, 511/78, Art. 69§3 of Law 1566/85 and Art. 62 of Law 1946/91).

<sup>71</sup> This transformation and elevation in status was criticised by many of the professors in the two Theology Faculties, who insisted that there was no need to add to the already high number of theology graduates. This criticism was justified if one takes into account the idea – according to the political explanations of the then Minister of Education and Religious Affairs - that their sole aim was to produce parish priests. If this was true, then the Schools should have remained 'Higher' – and not become 'Supreme' - in order to be in line with Art 16 para 7 of the Greek Constitution, which provides that «Professional and any other form of special education shall be provided by the State, through schools of a higher level and for a time period not exceeding three years, as specifically provided by law which also defines the professional rights of the graduates of such schools; professional and any other form of special education shall be provided by the State through schools of a higher level, with a duration of no more than 3 years, as stipulated by the law, which defines the professional rights of their graduates».

tians. They offer studies<sup>72</sup>, of eight semesters' duration, which aim to train recruits for the Greek Orthodox Church in Greece and grant tertiary education degrees. It should be noted that especially for the programmes of clerical studies only male students are eligible (Art 4 para 1 L 3432)<sup>73</sup>. Their graduates are exclusively appointed to positions in the Greek Orthodox Church and may not be appointed as teachers in schools.

### 3. *Ecclesiastical Institutes of Vocational Training*

The Ecclesiastical institutes of Vocational Training provide post-secondary ecclesiastical training that lasts for two semesters and falls within the category of non-compulsory, post-secondary, non-tertiary vocational training. Their operational costs are covered by the Ministry of National Education and Religious Affairs budget. There are also eleven departments of ecclesiastical training, located in the state Institutes of Vocational Training<sup>74</sup>.

### 4. *'Second Opportunity Hieratic Schools' (ISDE)*

'Second Opportunity Hieratic Schools' (ISDE) are institutions of lifelong learning offering two-year programmes which are followed by members of the clergy or laymen over the age of 18<sup>75</sup>.

### 5. *School for Church Ministry (Diakonia-Diaconate)*

Art 27 of Law 3432/2006 provided for the foundation of a School for Church Ministry (Diakonia-Diaconate), aiming to provide life-long learning and further

<sup>72</sup> The Curricula pertaining to all the Higher Ecclesiastical Academies are as follows: (a) In all cases, the Curriculum of Hieratic Studies; (b) The Programme of Teaching on Handling Sacred Church Relics, in Athens and Thessaloniki; and (c) The Programme of Ecclesiastical Music and Chanting, in Herakleion and Ioannina (Vellas). Likewise, the Programme of Correspondence of the Certificate issued for graduates of the Higher Ecclesiastical Academies runs for all those interested and lasts for two semesters.

<sup>73</sup> Sexual discrimination is a huge issue for the Greek Orthodox Church, which does not allow women to join the clergy. Another issue of discrimination is raised by the provision of Art 4§2 L 3234 according to which: Especially for admission to the Hieratic Studies programme, a recommendation letter issued by the bishop of the place of residence of the candidate is to be taken into account. The letter should confirm if the candidate possesses an appropriate inclination and aptitude and if the requirements for the hieratic office are fulfilled. Art 14 of Law 3687/2008 stipulates that a Ministerial Decision may be issued to regulate the admission of students to the programmes implemented by the Higher Ecclesiastical Academies without a prior examination and without the submission of a recommendation letter.

<sup>74</sup> See N. MAGHIOROS, «Religious Education in Greece», in *The Routledge International Handbook of Religious Education*, D. DAVIS and E. MIROSHNIKOVA (EDS.), (Oxford: Routledge, 2013), p. 130ff (137).

<sup>75</sup> Art. 21 para 2 Law 3234.

education for Church ministers, either clergymen or lay people, as well as (Art 26) the establishment of a legal entity of private law called the ‘Centre of Ecclesiastical Education’ (*Estia Ekklisiastikis Ekpaidefsis*) which functions under the auspices of the Church and takes care of the ecclesiastical school students’ accommodation and welfare.

## 6. *Training institutions*

Apart from the aforementioned state schools, the Church is equally entitled to found educational institutions (Art. 43§1 of the ‘Charter<sup>76</sup> of the Orthodox Church’), exclusively for the purposes of training and continuing or further education. The Standing Holy Synod of the Church of Greece is empowered to issue executive orders for the regulation of specific issues pertaining to these training facilities.

### B. **Administrative structure of the ministerial Directorate for Ecclesiastical Education**

Those working in the ecclesiastical education sector are civil servants<sup>77</sup> of the Ministry of National Education and Religious Affairs. The administrative personnel of ecclesiastical schools are hired and promoted in accordance with the principles that apply to all Public Administration personnel, as stipulated in Law 2683/99 (see Table 2).

The ‘Directorate of Ecclesiastical Education and Religious Formation’<sup>78</sup> is competent for all issues relating to ecclesiastical education. It is divided into two sections: (i) the Personnel Section, responsible for the appointment, transfer, posting, promotion and layoff of staff and general personnel issues in the ecclesiastical education schools, as well as in the Overseas Missions Division (*Apostoliki Diakonia*) of the Church of Greece, which organises the missionary and cultural activities of the Church, and preachers; and (ii) the Administrative Section, which is responsible for the establishment, suspension, modification, and transfer of ecclesiastical schools, as well as their administrative rules and all issues pertaining to the registration, transfer and evaluation of students, and also for monitoring the administration of the ‘Rizarios’ Ecclesiastical School and the Athonias Ecclesiastical Academy. Within this Directorate there are two special corporate bodies: (i) the ‘Government Council of Ecclesias-

<sup>76</sup> The new Charter was passed through Law 590/31-05-1977 (FEK 146).

<sup>77</sup> Issues regarding their employment status are also governed, apart from the laws stated above, by laws 1517/85, Art. 1§6, 1566/85 Art. 69, 2530/97 Art. 18§§6,7, 2126/98 Art. 2§10, 2942/02 Art. 4, and presidential decrees 292, 1025/1977, 1249/81, 333/85, 366/89, 357/93, 332/98.

<sup>78</sup> PD 147/1976.

tical Education<sup>79</sup> (*Y.S.D.E.E.*), which is concerned with personnel issues, and (ii) the Supervisory Board for Secondary Ecclesiastical Education (*E.S.D.E.E.*)<sup>80</sup>, which is concerned with educational matters related to the schools of ecclesiastical education.

### C. Faculties of theology in public and private universities

Two Schools of Theology (in the Universities of Athens and Thessaloniki respectively) operate in Greece, both of them public and without a formally confessional character, accepting lyceum graduates on the basis of their performance in the generally applicable Pan-Hellenic university entrance exams. In the University of Athens, the Faculty of Theology was the first to be established out of the first four Faculties in 1837. Since 1982, the Faculty has had two Schools: Theology and Social Theology. The Faculty of Theology of the Aristotle University of Thessaloniki had already been established by law in 1925 but it was actually founded in 1942. Since 1964 it has comprised three Schools: Theology, Pastoral Theology (*Poimantiki Theologia*) and Social Ministry (*Koinoniki Diakonia*), which was later abolished because it did not appeal to a satisfactory number of students. In 1994 the School of Pastoral Theology was renamed ‘School of Pastoral and Social Theology’.

Theology School graduates seek employment mainly as members of the clergy or in the state education sector. In the former case, they may cover significant needs of the clergy within Greece but also in the wider context of the Greek diaspora (Europe, America, Australia, Africa and Asia), while they may equally be recruited as secular clergy in different services of the Church’s social ministry. In the state education sector, they may serve as teachers in secondary schools, thus occupying posts of regular civil servants.

The Schools of Pastoral Theology constituted an evolution of the pre-existing ‘Departments of Hieratic Training’ which were, upon their foundation (PD 434/1977), placed under the «service of the Church», aiming to «offer special training to executives of the Church, clergymen and lay people for their recruitment to posts in the Church’s ministry». Despite this original and statutory objective, these Departments were turned into Schools of ‘Social Theology’ and their graduates, although they did not initially have the right to be appointed as teachers in the secondary education

<sup>79</sup> Art 25 Law 3234/2006, as amended by Art 39§6 Law 3848/2010. It is worth noting that since this law was passed none of the Members of this Council has been proposed by the Church.

<sup>80</sup> As provided for by Art 24§1 L 3234/2006. The Supervisory Board for Secondary Ecclesiastical Education (*E.S.D.E.E.*) as amended by Art 39§4 L 3848/2010). Of the five members of the Council, one is proposed by the Holy Synod of the Greek Church along with his deputy, another one is proposed by the Regional Synod of Crete along with his deputy and the rest are appointed by the Minister of Education and Religious Affairs.

sector, eventually acquired this right in 1983<sup>81</sup>; as a result, there is no distinction between them and the graduates of the Faculties of Theology.

#### D. The Muslim minority

The officially recognised<sup>82</sup> Muslim minority of Western Thrace makes up almost two per cent of the total population of Greece and is found in the region of Western Thrace. The Treaty of Lausanne gave the minority a unique legal status and certain rights that the Greek government was obliged to protect, such as bilingual education, government salaries for muftis and other religious ministers<sup>83</sup>, the operation of mosques and *auqafs*, and the recognition of elements of Islamic Law (*Shari'a*) in family (law) matters. The muftiship in Western Thrace is divided into three territories, Xanthi, Komotini and Didymoteicho, whilst there are another three mosques with two *imams* and one mufti on the islands of Rhodes and Kos<sup>84</sup>.

Nowadays there are more than 400 Muslim ministers (*muftis*, *imams*, *hatibs* and *muezzins*). The mufti is the religious leader and he also has the jurisdiction of *qadi*, that is, the judge entitled to act as the highest religious teacher and interpreter-judge of *shari'a* law. The mufti is appointed by the Greek state by virtue of a presidential decree after nomination by the Greek Ministry of Education and Religious Affairs and receives a civil servant's salary<sup>85</sup>. The government, in consultation with a com-

<sup>81</sup> Art 6§10 L 1351/1983.

<sup>82</sup> Its legal status was first regulated by the Convention of Peace between Greece and Turkey (1913, known as 'The Treaty of Athens'). This status was altered through the Lausanne Conference (1923), which is still in force.

<sup>83</sup> By virtue of Art 36 Law 3536/2007, as amended by Art 53 of Law 4115/2013, 240 religious education teachers for the teaching of the Koran were appointed in Western Thrace. «Religious education teachers (*Ierodidaskaloi*) should be Greek citizens of the Muslim Minority and holders of a certificate issued by a University Faculty of Theology in Greece or abroad, while in the latter case the certificate should be recognised by the National Academic Recognition Information Centre (DOATAP). If candidates with the aforementioned qualifications are fewer than the posts available, appointment to the post of religious education teacher may be granted to the holder of a certificate from a Higher Education Institution in Greece, provided that the latter is a graduate of one of the Hieratic Schools of Thrace». In any event, Art 73 par 3 of Law 3536/2007 as amended by Art 53 of Law 4115/2013, stipulates that «By a resolution of the local Mufti and in order to cover urgent needs, religious education teachers may offer their services to the Central Service of the Muftiship as assistant administrative personnel and within the statutory time, with a consequent decrease in their main occupation and without any additional remuneration».

<sup>84</sup> The individual muftiship of Kos ceased to exist in 1948, and that on the island of Rhodes in 1974. See A. ZIAKA, «Greece - Debate and Challenges», in M.S. BERGER (ed.), *Applying Shari'a in the West - Facts, Fears and the Future of Islamic Rules on Family Relations in the West* (Leiden: Leiden University Press), pp 125-140 (129).

<sup>85</sup> More recently, by virtue of a relevant government decision, the imams are considered to be public officials who are to serve as regular Greek state officials in a similar manner to Orthodox Church priests. This measure has been only partly enforced.

mittee of Muslim leaders, appoints all three muftis in Thrace for a ten-year term of office with the possibility of extension. The muftis may also, in turn, appoint imams to serve in the community's mosques.

The mufti must be a graduate of Muslim Studies in theology and law and he needs to have a command of the old Ottoman language, in which the decrees (*fatwa-fetva*) are written<sup>86</sup>. He must also have served as an imam for at least a decade, and needs to be of outstanding moral character and to possess excellent theological qualifications<sup>87</sup>. Although the law has provided for the foundation of a clerical school for Imams, this has not yet been realized. Muftis (and some Imams) have been trained by means of their own resources in Saudi Arabia, Egypt and Turkey, especially Mecca or Medina<sup>88</sup>.

While the requirement for the appointment of a Mufti is a high level of education, a lower level of education and fewer qualifications are sufficient for an imam, who is selected for appointment by the local village community<sup>89</sup>. Imams are graduates of the Thracian *madrastas* or may have graduated from the *imam hatib* in Turkey (comparable to the *madrastas*), or may have completed a junior or senior high school education. In some cases they may have completed theological university studies in Turkey or in Arab countries, such as Saudi Arabia, Syria and Egypt.

The *Madrastas*<sup>90</sup> (in Greece there are two, in Komotini and Echinós) are private Muslim religious schools under the Mufti's supervision. In the past they were exclusively intended to train imams and hotzas but nowadays they also serve as 'minority schools' of secondary education and their diplomas are recognised by the Greek state as being equivalent to those of the state Greek-language lycea<sup>91</sup>. Their trilingual curricula comprise, among other subjects of general and theoretical orientation, courses of Islamic education (the Quran and its interpretation, religious education, Arabic, Islamic history and law, life and the sayings of the Prophet Muhammad), while there is additional in-depth religious teaching in the fields of Muslim Law (Sharī'a), the Sunna and Hadīth, the Quran and exegesis of the Quran and Arabic, in addition to Greek, Turkish, and (since 1987) English<sup>92</sup>. Educators in the Madrasas are both Muslim and Christian, and

<sup>86</sup> The rulings of the mufti in the religious court are translated from Ottoman into Greek and are then routinely validated by the Greek Courts of Law.

<sup>87</sup> ZIACA, «Greece - Debate and Challenges», *op. cit.*, 129.

<sup>88</sup> See in detail, K TSITSELIKIS, *Old and New Islam in Greece: From Historical Minorities to Immigrant Newcomers* (Leiden: Martinus Nijhoff 2012), p 367ff.

<sup>89</sup> A ZIACA, *Interreligious Dialogues, Vol. B, Encounters between Christianity and Islam* (Thessaloniki: Pournaras, 2010), 343 (in Greek).

<sup>90</sup> LD 2203/1952, Art 4, Law 2621/23.6.1998, FEK A 136.

<sup>91</sup> M KOTAKIS, *Thrace: The Minority Today* (Athens: Nea Synora, 2000), p. 116 (in Greek).

<sup>92</sup> S SOLTARIDIS, *The History of the Muftis in Western Thrace* (Athens: Nea Synora, 1997), 147-154 (in Greek).

their teaching duties are allotted in accordance with the course material<sup>93</sup>. Most Muslim priests, like the imams, hotzas and hatipides, are graduates of such schools.

### III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

#### A. Life-long learning

There are needs for further education and life-long training among the clergy that are not yet properly covered<sup>94</sup>. However, recently there have been attempts on the part of the Church to cover these needs; the Holy Synod and various metropolitan sees in particular have founded ecclesiastical institutes for life-long learning in order to offer all kinds of education and vocational training in the subject fields of ecclesiastical, theological, philosophical and humanistic studies, to teach Greek to foreign students who are due to be admitted following the recommendation of Patriarchates and Churches of the same denomination, and also to train the clergy and other Church personnel<sup>95</sup>. These objectives are pursued through the foundation of Centres for the Education and Vocational Training of theologians, clergymen and individuals within the broader aim of supporting their qualitative training. This endeavour is to be funded by the Church as well as, for example, by private individuals and the EU.

#### B. School of Islamic Studies?

Recently, discussions have been taking place concerning the foundation of a School of Islamic Studies within the Faculty of Theology at the Aristotle University of Thessaloniki. One of the proposals is that the school would train Muslim theologians and perhaps religious leaders. Ministers of the Greek Church have, however, expressed concern as to whether such a development would confirm the *non-confessional character of the Faculty of Theology*.

#### C. A liberal proposal for reformation

A major problem that needs to be addressed concerns the fact that the Church is very actively involved in ecclesiastical education and intervenes more directly than

<sup>93</sup> A ZIAKA, «Religion in Public Education, Multicultural and Muslim Schools: Greece a case study», in: N. MAGHIOROS (ed), *Teaching about Religion and State Interaction – An analysis of Religion and State studies in Europe* (Thessaloniki, 2010), 254ff (266) (in Greek).

<sup>94</sup> CHRISTOFORIDES and ROSSIOU, *op. cit.*, 359.

<sup>95</sup> See, for example, Holy Synod Resolution 222/2011 (FEK 103 A) concerning the «International Academy of Theological and Philological Studies ‘Saints Kyrillos and Methodios’ of the Holy Metropolis of Langadas, Litis and Rentinis». Similarly, in March 2012 the creation of a ‘Foundation for the Training and Improvement of Parish Clergy’ at the Dimitriada Metropolis was announced by the metropolitan bishop Ignatius mainly aiming to provide continuing training for the local clergy.

necessary<sup>96</sup>, while the latter is financed by the State. In this direction, in 2005, the Hellenic League for Human Rights (HLHR), an NGO working for and on the protection of human rights in Greece, submitted a proposal in the form of a draft law on the ‘Regulation of relations between the Church and State, religious unions and the consolidation of religious freedom’. According to the proposal (Article 7) concerning ecclesiastical education, all ecclesiastical schools should acquire the status of private schools of equivalent level<sup>97</sup>. Based on the latter, three proposals were submitted to Parliament by leftist parties and liberal independent deputies<sup>98</sup>; these were discussed in March 2006 but none of them was voted on<sup>99</sup>. It is submitted that a possible distinction between the Ecclesiastical Schools and the other state schools would possibly lead to a radical reduction in student numbers. Thus, the Church is not willing to return to the 1971-1976 regime, when it bore full responsibility for ecclesiastical education; rather it prefers the latter to be supported by the State while the Church has the power to make many independent decisions.

#### IV. ECCLESIASTICAL EDUCATION: A BURDEN BORNE BY BOTH CHURCH AND STATE

This brief historical survey reveals the unstable character of Greek ecclesiastical education, with multiple types of educational institutions undergoing changes within

<sup>96</sup> CHRISTOFORIDES and ROSSIOU, 359.

<sup>97</sup> Art 7 of the draft law ([www.hlhr.gr/index.php?MDL=pages&SiteID=317](http://www.hlhr.gr/index.php?MDL=pages&SiteID=317)) on ecclesiastical education

1. The superior Ecclesiastical Schools, the Ecclesiastical Academy «Athonias», the Ecclesiastical Academy, the Ecclesiastical Unified Upper Secondary Schools and the Ecclesiastical Lower Secondary Schools are subject to the liability, supervision, and financial support of the Church of Greece, the Church of Crete, the Ecumenical Patriarchate and the Holy Community of Mount Athos, according to the place where these institutions are located. 2. The institutions mentioned in the first paragraph of this article operate as private institutions, subject to the familiar provisions regarding private education. Until the supervising institutions suitably reform the institutional frame of their organisation and their operation, the regulations which were in force upon commencement of this law apply, except for those which acknowledge greater competences than that of the general supervision to organs of the Greek state authorities, which are exercised in private institutions. 3. The students in institutions mentioned in the first paragraph of the said article who do not wish to remain in these institutions under this new legal status, can transfer to public institutions of equivalent rank of their choice.

<sup>98</sup> Cf MAGHIOROS, «Religion in Public Education – Report on Greece», *op. cit.*, p. 208.

<sup>99</sup> See Acts of the Parliament, 11th Period, 2<sup>nd</sup> Synod, Session 114, pp. 5560–5595 (in Greek) [www.parliament.gr/ergasies/showfile.asp?file=end060330.txt](http://www.parliament.gr/ergasies/showfile.asp?file=end060330.txt). It is also worth noting that the Metropolitan of Thiva and Livadia, Ieronimos Liapis, had already in 1992 expressed the view, in his capacity as Head of a Committee formed by the Church and the Ministry of Education, that the best way forward for ecclesiastical education would be for it to come only under the jurisdiction of the Church. Nevertheless, he concluded that, despite this being the ideal way forward, the Church was not yet ready to undertake this task (as mentioned in Christoforides and Rossiou, 360).

very short periods of time, which in turn has led to a wide variety of formal qualifications for its users. A further essential feature of Greek ecclesiastical education is that it has always been free of charge for students as a result of state funding. The privileged position of the Greek Orthodox Church in the modern, Greek state has also been demonstrated. This position is reflected in – rather than regulated by – Art 3§1 of the Greek Constitution that declares Orthodoxy to be ‘the prevailing religion’. This results in the ‘State law rule’ over ecclesiastical matters being a core element of the actual system of relations between Church and State in Greece in general<sup>100</sup>, and the role that the latter plays in educating and training Greek Orthodox Church staff in particular.

Based on the fact that the Theological Faculties were neither accountable to nor allowed the Church to decide upon their own operation and/or curricula, the Church insisted on the elevation of the ‘Higher’ Ecclesiastical Schools to ‘Supreme’ (2006). This persistence is attributed to the Church’s desire to gain more influence without bearing the financial cost, despite its vast stock of movable and immovable assets<sup>101</sup>. Law 3432/2006 proceeded not to relax these extremely close and intricate relations between State and Church, but rather to intensify their interconnectedness. In other words, the operation of the ecclesiastical schools and especially of the Supreme Ecclesiastical Academies has ensured the prevalence of official church opinions and positions, and mainly those of the church’s leadership, since the latter exercises control.

However, the Church has not been satisfied. According to the Archbishop of Athens, Ieronimos, ecclesiastical education should be based on collaboration between State and Church, and the latter should not be a mere spectator without any say in these issues<sup>102</sup>. Moreover, the Church claims the right to equip the Holy Synod with the possibility of training ordination candidates in matters of Church ethos, while it also demands to be involved in the selection of principals and teachers for the

<sup>100</sup> Cf Ch PAPASTATHIS, «The Hellenic Republic and the Prevailing Religion», in: *Brigham Young University Law Review*, 4 (1996), 815ff; Idem, ‘Church and State in Greece’, in *Church and State in the European Union*, ed. G. Robbers (Baden-Baden, 2005), 116.

<sup>101</sup> CHRISTOFORIDES and ROSSIOU, 376.

<sup>102</sup> Archbishop of Greece Ieronimos, Address at the One-Day Conference on Ecclesiastical Education, Rizarios Ecclesiastical School of Athens, 03.05.2011, in: *Ecclesia* [journal] May 2011, pp 313ff (314). At the same one-day conference, however, Metropolitan Nikodimos, Head of the Synodal Committee for Ecclesiastical Education, (‘Information on the Church’s position on the latest educational reforms, in: *Ecclesia* [Official Newsletter of the Greek Church] May 2011, pp 217ff [318]), expressed an even more radical view stating that «the first word in ecclesiastical education as well as the full monitoring must belong to the Church..., since there cannot be a mutual understanding between the Church and the State». According to him neither L 3234/2006 nor L 3848/2010 took into account the pre-existing and directly expressed views of the Church.

ecclesiastical schools whilst also participating in curriculum design at all levels of education<sup>103</sup>.

A perennial and still unresolved question<sup>104</sup> is the concern of who exactly has the right to have an ecclesiastical education, i.e. whether this right should be exclusively reserved for those intending to join the clergy, or the secular ministry of the Church, or open to any other interested parties<sup>105</sup>. The fact is that only a low percentage of the graduates of the ecclesiastical schools of all levels eventually decide to become church ministers, while most of the graduates have always preferred to be appointed to educational and other public posts. In this context, the Church's criticism also focuses on the selection system for University Schools, which fails to ensure<sup>106</sup> that students opt for theological studies out of genuine love and interest for the spirit and teachings of the Church<sup>107</sup>. Academics at these Schools have been sharp in criticising the Church for wanting to exercise its power and determine the content of studies at the Faculties of Theology<sup>108</sup>. This close State-Church relation and the privileged position of the Greek Orthodox Church may be cast in doubt by the ongoing fiscal crisis.

Table 1

<b>GREECE</b> <b>Ecclesiastical Educational Institutions</b>
<b>Previously: PD 1025/10-11-1977, FEK 344, A'</b>
4 Higher Schools
18 Lycea (3 -year second tier of secondary education, constituting non-compulsory upper secondary education)
6 Gymnasia (lower secondary education)
4 Secondary Tuition Centres (Frontistiria)

<sup>103</sup> See Metropolitan Nikodimos, *op.cit.*, 321; Metropolitan Dorotheos, Ecclesiastical Gymnasia and Lykeia. Historical route and perspectives, in: *Ecclesia*, Oct 2008, p 685 (in Greek).

<sup>104</sup> Cf K. FRANGOS, «Ecclesiastical Education: Thoughts for Renewal», in: *Rizarios Ecclesiastical Education*, A. Fytrakis (ed), vol. C (Athens, 1984), pp 85ff (101) (in Greek).

<sup>105</sup> I. PETROU, «Theological studies in the state universities» (in Greek), in: *2nd Conference of the Schools of Theology* (Athens: ed. National University), 111ff, where the author pleads in favour of a pluralist model accommodating different needs and users of public university education.

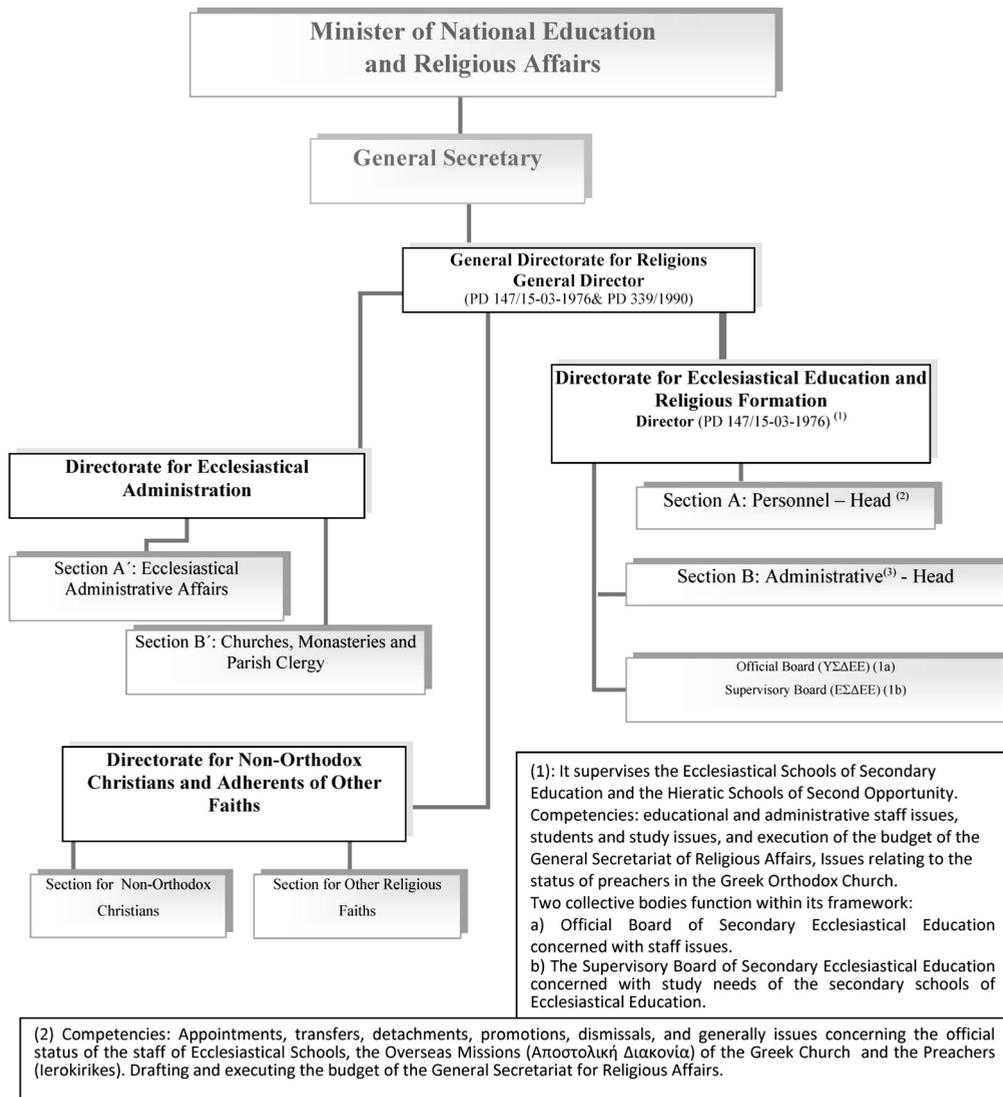
<sup>106</sup> This was the official argument that the Church used in order to succeed in changing the old Higher Ecclesiastical Schools into 'Supreme', i.e. tertiary educational institutions.

<sup>107</sup> There has been criticism of the Church's 'fundamentalism' in aiming to control the University Faculties of Theology; see K. DELIKOSTANTIS, «The perspectives in the relationship between theology and ecclesiastical education», in: *2nd Conference of the Faculties of Theology* (Athens: ed. National University), p. 97ff (103) (in Greek).

<sup>108</sup> See PETROU, «Theological studies in the state universities», *op. cit.*

<b>Law 3432/03-02-2006 (FEK 14, A') (status July 2013)</b>
<b>4 Supreme Ecclesiastical Academies</b>
<p>There are 4, in Athens, Thessaloniki, Vellas near Ioannina and Heraklion, Crete.  They train ministers of the Greek Orthodox Church and they offer education and issue certificates equivalent to those of the Institutions of tertiary (University) education.</p> <p>Those eligible to study should be:</p> <ul style="list-style-type: none"> <li>-Holders of a Higher Secondary Education (Lykeio) Certificate, according to the rules stipulated by the Law regulating access to tertiary education (L. 3432/2006 FEK 14 A'/2006),</li> <li>-Required to be Christian Orthodox</li> <li>-Of male gender, in the case of the Hieratic Studies program offered by the Supreme Ecclesiastical Academies.</li> </ul>
<b>General Ecclesiastical Lycea (17)</b>
- Those eligible to attend should be graduates of lower secondary education (Gymnasia, either ecclesiastical or any other kind of public or private ones).
<b>Ecclesiastical Gymnasia (10)</b>
These accept graduates of elementary school and operate with the respective General Ecclesiastical Lykeia, with which they usually occupy the same site.
<b>Second Opportunity Hieratic Schools (ISDE) (3)</b>
<p>These operate as autonomous educational units.</p> <ul style="list-style-type: none"> <li>- First cycle: for clerics or lay staff aged over 18 who have not completed the obligatory 9-years of education</li> <li>- Second cycle: for clerics or lay staff who have graduated from a gymnasium (and thus completed the obligatory 9 years of education) or who have completed the First Cycle of ISDE.</li> </ul>
<b>School of Church Ministry</b>
Aiming to provide life-long learning and further education for Church ministers, either clergymen or lay people.
<b>Ecclesiastical Institute of Vocational Training (1)</b>
<p>Vocational Training Institutes (life-long learning).  Both male and female students of any religion are accepted.</p>
<b>11 Departments of Ecclesiastical Training at the State Institutes of Vocational Training (IEK)</b>
Vocational Training Institutes (life long learning) that offer –.among other things- programs of ecclesiastical studies.

**Table 2: Organisation Chart of the Ministry of National Education and Religious Affairs**  
 – General Directorate for Religious Affairs (<http://www.minedu.gov.gr>, access 11/07/2013)



**(3) Competencies:**

- Foundation of Ecclesiastical Schools, suspension of their function, transformation of their type, transfer of their locations, merger and abolition, curricula of the Ecclesiastical Schools and matriculation and exam issues, according to the law in force.
- Supervision of the operation of the School of Secondary Ecclesiastical Education (*Mesi Ekpaidefsi*).
- Issues concerning the administration and supervision of the Schools within the frame of the "Rizarios Ecclesiastical School" and the "Athonias Ecclesiastical Academy"
- Issues of equivalence between the Ecclesiastic Schools and the rest of the state education sector.
- Issues concerning the religious formation.



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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN ROMANIA

EMANUEL TĂVALĂ

## I. HISTORY OF THE MODE OF TRAINING OF RELIGIOUS STAFF IN THE 18<sup>TH</sup>/19<sup>TH</sup> CENTURY

We can speak of organized and continuous theological education in Romania only from the first half of the nineteenth century, when the theological seminaries of Moldavia and Wallachia were founded. However, there were also schools or sporadic training courses for the clergy, either in monasteries or episcopal residences. Between 1490-1585 a school functioned in the Monastery of Putna, in Moldavia; it had the character of a theological seminary in which theological and humanist disciplines, traditions, notions of astronomy and Pascal computation, and church music, were taught by prestigious teachers. A school with a long tradition in the training of clergy from Braşov and Burzenland was that of St. Nicholas' Church from Braşov Schei founded at the end of the fifteenth century and reorganized in 1597. Other candidates for the priesthood acquired training in schools linked to the bishops of Bucharest, Râmnic, Buzău or Argeş in Wallachia and Iaşi, Roman, Rădăuţi and Huşi in Moldavia. In Transylvania there was a school attached to the Cathedral of Alba Iulia, but many young Transylvanians prepared themselves for the priesthood at the monastic schools across the mountains, namely those from Cozia, Argeş, Colţea, Neamţ or Putna.

However, the training of prospective priests was inadequate, as evidenced by a decision of the council convened by Bishop Athanasius Anghel in Alba Iulia, in September 1700: *The deacon who wishes to enter the priesthood has to have a prescription from the archbishop and know the Psalter and the hymns and all the Sacraments of the Church and if he does not spend 40 days with the Metropolitan, he will not be received into the priesthood.*

### A. The First Theological Schools in Moldavia and Wallachia

Much the same occurred in Wallachia and Moldavia. The Phanariot ruler, Constantin Mavrocordat, in successive reigns in the two countries, initiated a series of reforms

aimed at raising the level of instruction for the clergy. The first attempts to organize courses in the Romanian Principalities for the clergy occurred very late on - in the eighteenth century. These attempts resulted in Prince Constantin Mavrocordat setting up the first courses for clergy in the diocesan centers of Moldavia. Later on, priests and deacons from here were assembled annually to receive some pastoral-missionary guidance from a cleric with greater education and experience. Well-known are those courses of 40 days organized in 1714; after several years the priests and deacons would be called to the church of the Princely Court where they would receive guidance. Such measures were also provided for priests in Wallachia, but these were not aimed at candidates for the priesthood; this was a time of priestly dynasties rather than one for the admission of low-class candidates to ordination.

In 1764, Ștefan Racoviță, ruler of Wallachia, ordered the establishment of a Romanian school attached to St. Demetrius' Church, Craiova; its aim was to provide for those «acquiring the priestly divine ordinances by those worthy to be ordained»<sup>1</sup>. Such initiatives were not unique: they were followed by other similar ones in both Romanian Countries.

The first theological seminary, in the true sense of the word, was established at the beginning of the nineteenth century, in 1803, at Socola, near Iași (Moldavia), on the initiative of Metropolitan Veniamin Costache, who was supported in this by Prince Alexandru Moruzi. In the nineteenth century, there followed others similaries in Neamt, Huși and Roman (Moldavia).

The Metropolitan of Moldavia, on 1 September 1803, decided to establish at Socola a school to educate the sons of priests and deacons, who were to be ordained later. At the insistence of the Metropolitan, the Prince of Moldavia gave this school an annual grant of 2.500 lei from the treasury of the country. Initially, only the sons of priests and deacons were admitted. 1846 saw the establishment of regional catechetical schools, but with a very limited educational program; from these emerged candidates for admission to seminary or ordination. On 15 December 1859 the school was closed and converted into primary school. In 1851 the country's Public Assembly enacted «The Rule to Organize Religious Teaching in Moldavia»; this was of three types: (1) regional religious schools (catechetical) at which two years of study were undertaken – they were like elementary schools, preparatory for the seminary; (2) the first section of the seminary, for the «lower clergy» with four years of study; and: (3) the second section of the seminary, for the «higher clergy», also with four years of study. General management was provided by the Metropolitan of the country, the two suffragan bishops and the Ministry of Religious Affairs.

<sup>1</sup> M. PĂCURARIU, *Istoria Bisericii Ortodoxe Române (History of the Romanian Orthodox Church)*, 3<sup>rd</sup> tome, 3<sup>rd</sup> Edition, Trinitas Publishing, Iași, 2008, p. 218.

In Wallachia, *The Rule for Seminaries, Deacons and Priests* (from 11 April 1834) provided for the establishment of seminaries attached to diocesan centers and, thus, the Metropolitan of Bucharest. In Bucharest, Nifon Bălășescu was appointed director and sole teacher (1 January 1835) of one such seminary; he was responsible for the preparation of candidates for the priesthood in the «School for Vergers», and for its general management. Opened on 2 February 1836, it had 42 students, all of whom were sons of priests from all over Moldavia. Later, an appeal was made to all the archpriests to send to the seminary five students from each protopresbyterate.

Although reform of the educational system was attempted in terms of religious education, young people wishing to become clergy had to wait until «*they would be called to share the things they wanted to acquire from teaching designed specifically for the rank of priesthood*»<sup>2</sup>.

The Seminary at Arges also opened in 1836, as did, on 8 November 1837 the Seminary at Râmnicu Vâlcea. All seminarians underwent four years of study. The seminaries accepted graduates from primary school and grammar school and less skilled candidates who knew how to read and write and who were familiar with church ordinances. The costs were first met by the bishoprics. As there was a lack of priests in Wallachia, there were also courses which ran parallel to those in the Seminaries (i.e. grammar courses) lasting several months. They were needed especially after 1848 when Seminaries' courses were interrupted for three years following the entry of foreign armies in the country and the fact that almost all of their teachers participated in the revolution.

These «schools» produced graduates «with no other science than that of the ordinances of the church»; they were a combination of elementary and vocational schools. Courses did not have a fixed duration, but varied between five months and two years. Grammar schools, in addition to seminaries, existed until 1863, although the Ministry of Religious Affairs excluded them from the budget after 1861.

## B. Seminaries in Romania after 1860

The parlous condition experienced by all theological Seminaries (e.g. frequent changes of teachers, improprieties in administration, etc) led the Government to put them under the supervision of the Ministry of Religious Affairs and Public Education in 1860.

Thereafter, the bishops were entitled (as stated in a letter from the Ministry to the Metropolitan) «to watch over the conduct and morals of students and of those charged with their development and education, and to ensure that theological education is delivered in good order...»; the Metropolis and Dioceses were the «intermediate points

<sup>2</sup> V. A. URECHIA, *Istoria școalelor (History of Schools)*, p. 319.

between the Ministry and Seminary». A commission on seminary teachers was then established which proposed the reorganization of seminaries. Among other things, it was proposed that all seminaries were to provide six years of study; the seminary in Bucharest was to be established as a «superior or central seminary» to «serve as an ecclesiastical academy or theological faculty for all the dioceses in the country». It was also required that young people, who did not complete four years at elementary school, would no longer be accepted in the seminary; only graduates of a 6-year seminary program would be ordained.

In the same year, measures were also taken to reorganize the seminaries in Moldavia. The seminaries at Socola, Roman and Huși had programs identical to those of the gymnasium, with the addition of theology. The curriculum of Moldavian seminaries was superior to that of Wallachia.

In 1862 there were several proposals for the reorganization and unification of seminaries in the new Romanian state. This was achieved through the Public Instruction Law of 25 November 1864 - this contained detailed provisions on the organization of theological seminaries. The law provided two types of seminary: state-maintained (i.e. under the Ministry of Public Education and Religious Affairs which had «superior inspection over the seminaries»); and episcopal: the bishops had «the right to supervise the overall condition and progress of the seminary in their diocese and inform the Ministry of any irregularity, lack or improvement». The same Law set up a Catholic seminary in Iasi.

The law was welcomed: it put theological education in order and stopped ordinations of those without training (for ordination one had to graduate with at least four seminary classes).

In 1893, further changes occurred in the life of the theological seminaries, as a result of the Law of Secular Clergy and Seminaries. This law radically reorganized education in seminaries, increasing the courses to eight years of study. It provided two types of seminary: the lower, with three classes; and superior, with five years (a total of eight classes). The Law allowed ordination only to the graduates of a seminary with eight classes; four classes graduates, not ordained at the moment of the passing of the law, could work for parishes in Dobrogea, or work as church singers.

On 9 July 1901, whilst Minister of Religious Affairs and Education, Spiru Haret abolished the lower seminaries. Courses at the two remaining seminaries were further reduced to seven classes. After a few years, things improved; the same minister, appreciating the increasing lack of priests, allowed some of the old seminaries to re-open, with a full course of seven classes.

### **C. The First Theological Schools in Transylvania**

On the basis of the experiences in Moldavia and Wallachia, efforts were made to set up clergy courses in Transylvania in the second half of the eighteenth century. The confessional circumstances were completely different from the other two Romanian

countries; the Transylvanian situation became further complicated in the eighteenth century. In 1783, the Romanian Orthodox Bishoprics of Transylvania (Sibiu) and Bukovina (Cernăuți) were subjected in dogmatic spiritual matters to the Serbian Metropolitan from Karlowitz. On 8 December 1786 the jurisdiction of the Metropolitan of Karlowitz was extended to administrative matters. These circumstances were unfavorable to the Orthodox Church in Transylvania. In turn, questions arose about the setting up of a special school for the training of clergy and prospective teachers in rural schools run by the Church. The Greek Catholic Diocese of Blaj founded a school for clergy in 1754. We must say that theological education in Transylvania was influenced by what was happening throughout the Hapsburg Empire. In the last three decades of the eighteenth century, due to Enlightenment ideas diffused throughout the empire, leaders were concerned about the spread of mass culture and literacy as well as strengthening the multinational Hapsburg rule. On 6 December 1774 the first law for schools was approved for basic education in the Hapsburg Empire: «*Allgemeine Schulordnung für die deutschen Normal-, Haupt- und Trivialschulen in sämtlichen Kayserl. Königl. Erbländern*». Until this law, which provided guidance on all aspects of elementary education, there were few Romanian schools functioning in Transylvania under the aegis of the Church from which graduates were recruited for ordination. Transylvanian education from the middle of the Age of Enlightenment may be understood as unitary only due to its confessional nature; a school belonging to a particular church meant not only religious boundaries, or even a national-ethnic delimitation, but also another system of organization, a different curriculum, and other programs and textbooks. A new Law for schools appears in 1777, *Ratio Educationis*: this set various levels of development creating further degrees of social functionality. After 1760, education officially became a political issue; that year also saw the establishment of the Aulic Commission on the management of school affairs.

Elementary schools were organised differently on the basis of *Ratio Educationis*; they were provided for each group to be taught in its native language; it gave priority to the German language. In 1781, new legislation was enacted in Transylvania entitled *Norma Regia*. This dealt almost exclusively with the organization of secondary schools, Latin schools; it sought standardization in the content of education amongst the different denominational secondary schools in Transylvania. *Norma Regia* was applied to all religious secondary schools in Transylvania until the second half of the nineteenth century. Later, other laws were added. By a decree of 28 April 1784, the supervision of elementary schools in Transylvania was entrusted to the priest or to a particular community inspector. Parishes were required to watch over school buildings, and to support the local school through contributions in cash or kind; they were also responsible for the payment of teachers.

In the general context of educational reform in Transylvania, representatives of the «Romanian Enlightenment» formulated new ideas about the social and political emancipation of Romanians; these ideas included education in the mother tongue.

On 7 October 1784, a request was made to the Imperial Court for the establishment of Romanian schools; indeed, there were 292 young Transylvanians belonging to the Orthodox Church who were attending monastic schools in Bucharest, Argeş, Iaşi or elsewhere. In 1785, a new imperial rescript on education provided for the establishment of elementary schools for Romanians and for a seminary in Timișoara (to train Orthodox clergy). The director of schools in Transylvania, I. Martonfi, future Roman Catholic Bishop of Alba Iulia, was expected to make concrete proposals on this matter, with the Orthodox Bishop Ghedeon Nichitici. On 4 November 1785, they submitted a proposal to the Government of Transylvania; this spelt out the need for a seminary to train Orthodox clergy. Costs would be covered by the Orthodox «Provincial House». On 20 September 1786, Dimitrie Eustatievici was appointed director of the schools of the Romanian Orthodox Church; he initiated courses for prospective teachers of Orthodox schools in Transylvania at Sibiu. Along with its first teachers, four candidates for the priesthood and three young men who were to become singers attended the courses. Thus, we see in Sibiu the first institution exclusively devoted to the formation of priests; it is today the Faculty of Orthodox Theology in Sibiu. Indeed, in a letter to one of his senior clergy, Bishop Ghedeon Nichitici states: *from now on all priests and singers must attend the normal school and show a certificate from their teacher regarding their instruction*<sup>3</sup>. The first systematic training courses for Romanian Orthodox clergy were opened in Sibiu on 15 March 1811; these were coordinated by the young Gheorghe Lazăr, who had studied Theology in Vienna. The courses lasted six months and they were organized in two annual cycles.

When he came to Sibiu, Andrei Șaguna was actively involved in both the organization of the Church and in theological education. The first Synod of the diocese, called on 12 March 1850, decided that the clerical school of the diocese was to become its theological-pedagogical institute.

In 1852 the studies were increased to two years, and from 1861 to three.

In the *west of the country*, theology courses were introduced sporadically at the end of the eighteenth century, but they were not organized effectively until 1822. After much discussion between Serbian Bishop Stephen Stratimirovic, of Karlowitz, and the Court in Vienna, in 1822 saw the approval of a proposal to establish clerical schools for each diocese; this was implemented immediately with such schools opening in Arad, Timișoara and Vrsac. In the fall of 1876, the theology school of Arad merged with the pedagogical school there to prepare prospective priests and teachers. The Theological Seminary in Caransebeș was also founded in the nineteenth century.

The *Greek-Catholic Church* of Transylvania had a system of theological education in the mid-eighteenth century. The establishment of a seminary at Blaj was

<sup>3</sup> M. PĂCURARIU, *200 de ani de învățământ teologic la Sibiu (200 Years of Theological Education in Sibiu)*, Sibiu, 1987, p. 21.

discussed at the diocesan synod convened by Inochentie Micu in 1738; but it was not until 1754 that training for clergy was established at the Holy Trinity Monastery of Blaj. In 1760 a new seminary was established at the Monastery of the Annunciation, close to the bishop's residence in Blaj; here, 12 young people (and then 24) were trained to be monks. Samuil Micu, one of the graduates, records that the bishop maintained 300 students in Blaj with food, clothes and books. Both the students and the schools experienced considerable financial hardship in so far as the Church met the bill. To improve the endowment, the Greek Catholic Bishop of Blaj bought an estate whose income was to be used to support the seminary close to the bishop's residence; he also used income from diocesan printing. The two seminaries were unified in 1773; later, by a Decree of 25 March 1783, after the reforms of Emperor Joseph II, central seminaries were set up in Eger and Lvov and replaced the diocesan ones. After 1784, the students of Blaj were sent to Lvov (Ukraine). King Leopold II overturned some of Joseph II's measures, including those related to Greek Catholic theological education, by a Decree of 20 May 1790. The diocesan seminary of Blaj reopened in 1791; after 1854 it became archdiocesan.

Young Greek Catholics in the west of the country were prepared (in the Hungarian language) in the Roman Catholic seminary at Blaj; but on 30 January 1792, the Romanian United Youth Seminary was set up in Oradea to educate prospective Romanian priests and teachers.

There was no requirement for *Roman Catholic* clergy to undertake training in Romanian territory given the possibility of studying abroad. However, in 1636, a Jesuitical school was set up in Satu Mare. In the eighteenth century, the Piarist order had an important role in religious education in the schools established in Carei and Sighet.

In the case of *Protestant denominations* in Transylvania, various diets between 1556-1557 approved the establishment of high schools – and the first of these were set up in Târgu Mureş, Cluj and Oradea. Material stock and welfare of pupils were provided for by the religious community. By the mid-nineteenth century, most Reformed colleges had department in which students were trained to become ministers or teachers in denominational schools. The Theological Institute operated, from 1858-1895, in Cluj and Alba Iulia, but after 1895 only in Cluj.

In the case of the Evangelical Church in Transylvania, theological education for prospective pastors had a different history, as there was no faculty of theology; the candidates spoke German and were able to train at universities in Germany, such as Tubingen, Halle, Leipzig, Heidelberg, etc.

#### **D. The First Faculties of Theology in Romania**

As already mentioned, the first Orthodox theological college in the present-day territory of Romania was set up in 1786 (see above for Sibiu), and seminaries generally which were organized around monasteries or episcopal centers. However,

after various political developments, the first faculties of theology were set up in the Universities of Iași and Bucharest in the second half of the nineteenth century. The Law for the reorganization of public education in the Principality of Moldavia (1850) provided for the establishment of an Academy in Iași with four faculties, including one for Orthodox theology. It was only on 26 October 1860 that a new university was established in Iași with four faculties. The number of students was very small because of the harsh conditions of maintenance and lack of teachers. The faculty ran for only four years until 1864. After this there were several attempts to establish new faculties in Bucharest. The Synod of the Orthodox Church in 1880 even prepared a draft law for the establishment of a Faculty of Theology which would be subject to approval by Parliament - but the Metropolitan did not wait for legal recognition and solemnly opened the new institution and its courses on 12 November 1881. Recognition from the Ministry of Religious Affairs and Public Education came only in 27 October 1884 through its appointment of the first three teachers, in addition to those who had functioned within the faculty since 1881. From the 35 students enrolled, 20 had state scholarships; a theological boarding school was set up for them. Public funds from the Ministry and donations from church members provided support.

#### E. Bukovina

Another significant institution in the history of theological education was the Orthodox theological school in Chernivtsi. In 1786, a school for the training of prospective priests was set up at the Monastery of St. Elijah in Suceava; it later moved to Chernivtsi. The courses there lasted three years and there were about 10 scholarships in each class; but because there were only 2 teachers, the school did not live up to expectations and was disbanded in 1817. On 4 October 1827, a Theological Institute with four years of study and classes in Romanian, German and Latin was opened at Chernivtsi. This was maintained from church funds and operated until 1875 when the new University in Chernivtsi was opened; this had a theology faculty with classes in German and Romanian. It was to become one of the best faculties of Orthodox theology in the world.

As we have seen, the training of clergy was a matter of the utmost importance for each of these denominations and it was dependent on historical and political circumstances. In the case of the Orthodox Church in Romania, preparation began with the collaborative initiatives of princes and bishops who established such institutions around bishoprics or monasteries (especially in Moldavia and Wallachia). However, in Transylvania local initiatives are relatively late and some of them were ephemeral. The vast majority of those to be ordained were forced to study over the mountains. It was only towards the end of the eighteenth century that we can talk about obvious attempts to organize such courses of theology, which often were the responsibil-

ity of churches and religious communities. As a mode of training, legally, we see a combination of action by the state (which issued decrees, equipped the schools with necessities, or provided financial support), and by ecclesiastical authority (which appointed teachers and established rules to be applied in these institutions). These institutions trained those who sought ordination and, in the nineteenth century, those who were to become teachers in religious schools. Indeed, sometimes, a graduate of an educational institution had first to become a teacher and only then could become a priest. It was an interesting way for a community, typically in Transilvania, to know their future priest first as a teacher. However, these schools also prepared prospective church singers, especially from the nineteenth century.

The abolition of institutions of theological education occurred most often because of material shortages or lack of students; though sometimes there were hostile socio-political reasons for closure. So: the emergence of theological faculties, in the true sense of the word, is a relatively late development - in the second half of the nineteenth century - and their establishment was effected through the laws of the State, as with the Faculty at Iași, or by unilateral decision of the Church, for the Faculty at Bucharest (though the latter was subsequently recognized by state law).

Initially, the denominations provided the funds; only later did the state give public funds.

## II. THE MODES OF FORMATION OF RELIGIOUS STAFF: CURRENT LAW

Most of the Faculties of Theology in Romania are of recent date. They appeared after 1990, even though some may claim a longer history. Where it existed, this tradition was interrupted in 1948, when the Communist regime was established. The situation in Romania was similar in this regard, to that of Russia or Ukraine, rather than to that of the German Democratic Republic (where the faculties of theology continued to function in state universities) and in Poland (which maintained a Catholic university in Lubin)<sup>4</sup>. In Romania, only four theological institutes survived the Communist period: two Orthodox (in Bucharest and Sibiu), one Catholic (in Iași), and one Protestant (in Cluj, which prepared clergy for Reformed, Evangelical, and Unitarian Churches)<sup>5</sup>. The inclusion of theology in universities was justified as a return to the natural state before

<sup>4</sup> S.P. RAMET, *Nihil Obstat: Religion, Politics, and Social Change in East-Central Europe and Russia* (Durham & London: Duke University Press, 1998), p. 6.

<sup>5</sup> Several theological seminaries were added to these. The Romanian academic theological education in the last decades of the communist period was one of relative success. In 1980, the four institutes enrolled 1142 students, of which 1097 were studying at the two Orthodox Theological institutions. See STAN and TURCESCU, *Religion and Politics...*, p. 150.

1948; the principle of restorative justice was also invoked in support of the *status quo ante* communism and official atheism<sup>6</sup>.

This justification only partly reflects the more complex reality preceding World War II. Unlike the current situation, in which state faculties of theology are under the supervision of the Patriarchate (see below), the Orthodox Theological Faculties at public universities had, before 1948, «no connection with the hierarchy, the Church and its needs, as this had no right, and was unable, to exercise any leadership or guidance over them»<sup>7</sup>. This situation is now considered «deficient, just because [education] was scholastic and broken by the practical realities and needs of the Church» - but the interwar realities are partially at odds with the claim of the Romanian Orthodox Church that the reorganization of theological faculties is a return to the situation before the Communists came to power. The Statute on Theological Faculties, which as public institutions are «part of the Romanian Patriarchate», clearly represents not a trivial difference to the situation before the war. Otherwise, interwar realities should not necessarily be considered an appropriate standard for the standards of today – neither in theology nor other matters.

Thus, after 1989, the expectation was that the return of academic theology within the university would not take too long. In 1991, the theological university institutes became faculties of theology at the state universities. This followed a protocol between the Ministry of Education, the State Secretariat for Religious Affairs (SSRA) and the Romanian Patriarchate. The Protocol, signed in May 1991<sup>8</sup>, took into account three existing institutes, in Bucharest, Sibiu and Iași (established in 1990). The Protocol was implemented at the start of the new academic year (1991-1992). Under the Protocol, the schooling figure was to be fixed, for the Department of Pastoral Theology (whose graduates could seek to become clergy), by the Patriarchate; and for the double specializations (Letters/Theology, Theology/Social Assistance), by the Patriarchate and the university (Article 4)<sup>9</sup>.

From the Church's perspective, the Protocol solved several issues simultaneously. First, it solved the problem of financing theological institutes; this passed to the State. Transforming private theological institutions into public faculties allowed, as a result, the development of academic theology. Within a decade, the number of Orthodox theological schools increased from three (at the date of signing the Protocol) to fifteen (eleven faculties and four departments of Orthodox theology). The number of students

<sup>6</sup> See, for example, N.D. NECULA, «Raportul dintre universitățile și facultățile de teologie ortodoxă din România» (Relationship between Universities and Faculties of Orthodox Theology in Romania), *Studii teologice (Theological Studies)* 1 (2005).

<sup>7</sup> *Ibidem*.

<sup>8</sup> Protocol No. 9870 of May 30, 1991.

<sup>9</sup> See [http://www.ftoub.ro/index.php?option=com\\_content&view=article&id=88%3Aistoricul-facultatii&catid=8%3Astatic&Itemid=286&lang=en](http://www.ftoub.ro/index.php?option=com_content&view=article&id=88%3Aistoricul-facultatii&catid=8%3Astatic&Itemid=286&lang=en), read on August 2, 2013.

and teachers has also increased, along with the institutional and financial capacity of the Orthodox theology to finance research, organize congresses, edit publications, etc.<sup>10</sup>.

The decision to turn theological institutions into state faculties was little discussed at the time, even within the Orthodox Church; and no academic has discussed this matter in detail (unlike in other countries in the region after the fall of communism)<sup>11</sup>. This has been the case despite the fact that «many administrators and professors felt that [the Theological Institute of Bucharest] did not meet academic standards of excellence»<sup>12</sup>. The situation was different in, for example, Sibiu, where the Theological Institute enjoyed greater prestige and credibility as to the newly established university there, which could boast a faculty of theology with a history of over 200 years.

The reorganization of university courses in 2005 attracted a great deal of skepticism about the public regulation of theology. Adopting the «Bologna system» had an affect on the profile of theology faculties; they have lost some of their specialization, although they have kept pastoral theology (for 4 years)<sup>13</sup>. Despite having received official approval and support from the Orthodox Church, the Bologna process was met with concern by some theologians. The new organization was charged with, for example, the «superficialization» of theology, removing optional specializations, encouraging the methods, standards and «stereotypes» of modern theology, and the pursuit of external academic standards (for research, publishing and so on)<sup>14</sup>.

Theology as taught at public universities is a partnership: the State (University) provides the money and the Church, its blessing. According to the *Framework Regulation on the Faculties of Orthodox Theology in the Romanian Patriarchate* (approved by Decision 2411 of the Holy Synod 4-5 June 1998)<sup>15</sup>, these structures «are under

<sup>10</sup> According to figures from the National Statistics Institute (NSI), *Învățământ superior la începutul anului universitar 2008-2009 (Higher Education at the Beginning of the Academic Year 2008-2009)* (Bucharest: NSI, 2009), pp. 8-11.

<sup>11</sup> We refer to the opposition from Russia and Ukraine to the integration of theology in the university, in part because of the existence in the universities in those countries of opposite interests, particularly, in the former, «scientific atheism». See L. FILIPOVYCH and A. KOLODNY, «Theology and Religious Studies in Post-Communist Ukraine», *Religion in Eastern Europe* 23.6 (2003); I.K. MAKTUSOV, «Theology in Higher Education in Post-Communist Russia (1991-2008)», *Journal of Religion in Europe* 1 (2008).

<sup>12</sup> STAN and TURCESCU, *Religion and Politics...*, p. 168.

<sup>13</sup> As engineering, medical or legal specialties.

<sup>14</sup> D. SANDU, «Ortodoxia românească la răscruce: trecut și prezent în educația teologică» (Romanian Orthodoxy at a Crossroads: Past and Present in Theological Education), *Scientific Annals of University Al. I. Cuza: Orthodox Theology* 9 (2006); also, M. PĂCURARIU, «220 de ani de învățământ teologic sibian...» (200 Years of Theological Education in Sibiu), *The Theological Review* 3 (2006).

<sup>15</sup> Note that, according to the title of this document, the faculties of theology are part of the Romanian Patriarchate, a significant detail—at least in terms of the ROC—on the relationship between the Church and these institutions.

[the] dual subordination of the Romanian Orthodox Church and the public universities» to which those structures belong (Art. 1). The framework in which theology faculties operate is also regulated by the Education Law (1/2011), the Academic Charter, the Statute of Organization and Functioning of the Romanian Orthodox Church (Part II, chap. 1, art. 115-121) and the Protocol signed on 30 May 1991 between the Orthodox Church and the Ministry of Education (through which the older theological institutes in Sibiu and Bucharest were absorbed into the newly established Faculty of Theology in Iasi).

According to the Framework Regulation, the mission of the faculties of Orthodox theology is to «contribute to strengthening the unity of faith and the promotion of Orthodox spirituality and the mission of the Church» in Romanian society (Art. 3). The document introduces here an important distinction as to the duties of the two entities to which the faculties of theology are subordinated, namely: the Church and the Ministry of Education. According to this regulation, «organizationally, administratively, technically and financially» the faculties are subordinate to the universities they belong to, while in terms of the «theological and spiritual canon» they are subordinate to the ecclesiastical authorities (Art. 4). In turn, the Commission mentioned above consents to the curriculum. On 18 June 2012 a committee of the Romanian Patriarchate was formed for dialogue with the Romanian Ministry of Education with regard to the faculties of Orthodox theology - the large number of schools of theology in Romania had become problematic as did the quality of theological education. The Holy Synod decided to establish a committee for dialogue with the Ministry of Education to undertake an objective assessment of all educational institutions, to develop measures to improve education at Bachelor, Masters and Doctorate level.

The Framework Regulation does not address possible tensions between the secular organization of theology faculties, which mirrors that of all the other faculties, and the external control of the Church over academic activities, teaching, research, or leadership and elections.

One area of tension is the relationship between, on the one hand, the rights of the Church «over» theology faculties, and, on the other hand, the rights and freedoms of university professors and research under Romanian law.

These rights are conferred by Education Law 1/2011 (art. 118-119, 123, 131 and 135), the Law on Teaching Staff<sup>16</sup>, state universities charters and other regulations of the public universities in Romania. All of these instruments provide, in one form or another, for the right to academic freedom. Although in Romania the precise terms of this right are not defined, and despite the fact that there is no law that specifically circumscribes its exercise, the core of the right to academic freedom is in large meas-

<sup>16</sup> See especially Art. 96-99, Art. 116-123 and Art. 138 of the Law on the Teaching Staff Statute (no. 128/1997).

ure at the discretion of the university. Activities such as the structure of the course, the selection of materials and topics to be discussed, the perspective from which they are approached, selecting the right system, and, in part, assessment standards etc., are assigned to the professors, without external interference. Also, the development of textbooks for each subject is an issue as is the permissibility of differences between what is taught in the Orthodox theology faculties (though this could have implications for the freedom of the teachers).

### III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

It is often suggested that theology faculties have no place in a modern university.

Moreover, we must recognize that theology in general, and Orthodoxy in particular, is in a state of crisis, including one of identity. Indeed, the crisis in Orthodox theology is an old one. The contribution of Dumitru Stăniloae, George Florovsky or Justin Popovici was great, but not enough to overcome the crisis completely. Professor Georgios Kapsanis in Athens said that *Orthodox theology has broken [away] from God, the Church and modern man*, on the basis of the theology taught at theology faculties. Regarding alienation from God, we must say that academic theology seems to be developed into a synergistic process, although in itself it teaches that nothing can work without synergism. A methodological distinction has even been made between scientific theology, and, on the other hand, charismatic or spiritual theology; the former is identified with the theology produced by the professors of theology, and the latter with that of Church Fathers<sup>17</sup>.

As to alienation from the Church, the dynamics of church life have resulted in richness and diversity of acts, gestures, habits which are not found in the theology of the Church (in terms of either theme or object of study). Father Dumitru Stăniloae has also recognised this alienation of academic theology from the reality of church life, when he recalled his first encounter with academic theology at Chernivtsi: the God he was taught about in theological study had nothing in common with the One he knew from experience in his church. This raises serious issues.

#### A. Alternative Methods of organizing Theological Study

It has been said repeatedly that the organization of academic faculties of theology in secular universities, is not only a return to position pertaining prior to 1948, but also an alignment to the situation of theology in European higher education generally. This is not exactly accurate; in some higher education systems, faculties of confes-

<sup>17</sup> The idea of the so-called dual methodology was promoted by Prof. N. MATZOUKAS from Thessaloniki.

sional theology are part of the public education system and more often than not belong to large universities offering a broad educational spectrum<sup>18</sup>.

Romania opted for transplantation of the old theological institutes into the existing higher education institutions. With regard to the majority confession, this led to a degree of inertia. The Romanian Orthodox Church did not establish private theological institutes (as other denominations did), in a manner, let us say, less subject to restrictions imposed by the public nature of universities. Moreover, it did not set up private religious universities with different study programs (as other Orthodox churches have done in other countries) in which to assume the rigors of a complex academic exercise<sup>19</sup>.

In this context, it should be noted that the current formula of organizing academic theology sometimes leads to organizational structures which are difficult to reconcile with the logic of the Romanian higher education system. At the University Babeș-Bolyai, for example, several theological faculties offer specializations in History: Greek Catholic Theological Faculty (Oradea), Faculty of Reformed Theology and that of Roman Catholic Theology. Of course, UBB offers a specialization in History also under the tutelage of the Faculty of History and Philosophy. In other words, the University offers four «different» specializations in History through four distinct units (faculties), of which three are theological<sup>20</sup>.

At the University Aurel Vlaicu from Arad, Pentecostal didactic theology falls under the Faculty of Humanities and Social Sciences, while Orthodox theology is subject to the Faculty of Orthodox Theology. A similar situation is found at the University of Oradea, where the specialization of Baptist didactic theology is subject to the Faculty of Letters, but also within the University is a faculty of Orthodox theology. A solution from an administrative point of view is found in North University of Baia Mare: its Faculty of Theology offers all theological specializations - two Orthodox and two Greek Catholic.

The integration of denominational «theologies» united in one state faculty would have had many advantages over the current solution. It would have allowed better use of resources, as some subjects could be taught, regardless of religion, by the best professors in the field. (This happens today in some private theological institutes, although for reasons that are rather to do with the shortage of professionals affiliated

<sup>18</sup> Charles University in Prague has three confessional theology faculties and the Comenius University in Bratislava two.

<sup>19</sup> See K.I. PETRENKO and P.L. GLANZER, «The Recent Emergence of Private Christian Colleges and Universities in Russia», *Christian Higher Education* 4 (2005).

<sup>20</sup> See GD 749/2009, published in Official Monitor No. 465 from 06 iulie 2009. Faculties of Reformed and Roman Catholic Theology offers only specializations in Hungarian.

to the tutelary confession.) It would have provided, in this way, a higher degree of objectivity of a non-dogmatic nature<sup>21</sup>.

As already mentioned, every denomination provides for the education of its clergy, in part through faculties of theology integrated into public education system. Considering that Romania is not a country that would be a destination for emigration, the training of imams or other Muslim has not arisen as an issue. The Muslim community is confined to south eastern Romania (Dobrogea), which was for a long time under Turkish rule. Training occurs abroad, but the mufti of the Muslim community in Romania is a PhD candidate at the Faculty of Orthodox Theology in Constanța.

Currently, in Romania, there are over 30 faculties, departments and institutes of theology in public and private institutions, most of them Orthodox (15). In addition, there are three Roman Catholic Faculties of Theology and a Faculty – separate and older – of Greek-Catholic Theology. The University of Cluj holds «the record of ecumenism» regarding faculties of theology, with four: Orthodox, Roman Catholic, Greek Catholic and Reformed. The State University of Bucharest has the Faculty of Orthodox and Roman Catholic Theology, and a Baptist Faculty of Theology, with two majors (theology-social assistance and didactic theology). At the University of Oradea, Baptist didactic theology is under the auspices of the Faculty of Letters. The Faculty of Humanities and Social Sciences at the University Aurel Vlaicu (Arad), has specialism in Pentecostal didactic theology. At the North University of Baia Mare, the Faculty of Theology offers – in addition to Orthodox theology – two Greek Catholic theological specializations. Finally, Lucian Blaga University at Sibiu has recently established a Department of Protestant Theology (with a unique specialization in Protestant pastoral theology, which is actually the successor of the Protestant Theological Institute at Sibiu which, for lack of students, could not cope outside the university).

More particularly, Emanuel University, Oradea (EUO) is a private university with a Baptist affiliation; operating since the 1990s, EUO offers, besides Baptist theology, other courses common to the «theology» and management degree. Other private institutions offering *accredited* theological specializations are: the Roman Catholic Theological Institute, Pentecostal Theological Institute and Baptist Theological Institute, all three in Bucharest, along with the Roman Catholic Theological Institute in Alba Iulia. Finally, at Partium Christian University, Oradea - separated in the mid-1990s from the Reformed Theological Institute, Cluj - there are 10 majors in Reformed pastoral theology.

<sup>21</sup> To give just one example: the history of Romanian churches under Communism would not have been taught differently by Greek Orthodox and Catholics historians. See in this respect also C. VASILE, «Studiu introductiv» (Introductory Study), in C. VASILE, *Istoria Bisericii Greco-Catolice sub regimul comunist, 1945-1989: Documente și mărturii (History of the Greek Catholic Church under Communism: Documents and Testimonies)* (Iași: Polirom Publishing, 2003), pp. 23 and follow.

As well as *accredited* higher education institutions, several theological institutes in Romania are *authorized*: the Adventist Theological Institute (Cernica), the Protestant Theological Institute (Cluj), the Roman Catholic Theological Institute (Iași), the Franciscan Roman Catholic Theological Institute (Roman), and the Timotheus Christian Evangelical Theological Institute (Bucharest).

In short, twenty years after the regime change of 1989, theology in Romania is a well-developed academic field. Almost all recognized religions, with a substantial number of believers, have one or more institutions providing theological training to meet their needs. The main Romanian churches are almost all represented in academic theology at state universities (mostly in the largest and oldest universities) and in this way provision is made for the training of personnel needed to serve the Church(es) and religious organisations.

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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN AUSTRIA

RICHARD POTZ

## I HISTORY OF THE MODE OF TRAINING OF RELIGIOUS STAFF SINCE THE 18<sup>TH</sup> CENTURY<sup>1</sup>

Following the Counter-Reformation, particularly effective in Austria, since the end of the 16th Century theological education has been mainly in the hands of the Jesuits, who were largely obstructive of major reforms in higher education until the middle of the 18<sup>th</sup> Century. The standard of theological training by the Jesuits was relatively high - but the extremely poor funding of secular university teachers resulted in a lower standard at the other faculties. In the 1730s and 1740s ever louder calls for reform resulted in the establishment of state superintendents and the withdrawal of traditional state support for the Jesuit Order. Moreover, between 1630 and 1732, theological schools were established in almost every major Austrian monastery; these were able to largely escape State or Jesuit supervision. Therefore, the training of priests remained dependent on the specific efforts of the bishops and monasteries until education took a new direction within the framework of a state-led «reform-Catholicism» under the reign of Maria Theresia (1740-1780) and Joseph II (1780-1790). The consequences for the training of the religious staff were far-reaching; indeed, the use of books selected by state authorities was compulsory for teachers and students alike. The reforms culminated in 1783 when Joseph II ordered that no-one should be admitted to ordination or a religious order if they had not completed six years of study at a state General-Seminary. Within the boundaries of present-day Austria, there were three such seminaries: in Vienna, Graz and Innsbruck. These General-Seminaries were regarded as the key measure of the Josephine «reform-Catholicism» and were dissolved immediately after Joseph II's death. However, the state supervision of the

<sup>1</sup> For the history of education in Austria cf. especially H. ENGELBRECHT, *Geschichte des österreichischen Bildungswesens*, 5 vol., Vienna 1982-1988.

re-established episcopal and monastic seminaries remained, dominating the further development of the training of religious staff for a long time.

In the first half of the 19th Century, no fundamental reform was carried out; only single reforms sought an intensification of pastoral and educational subjects. It was not until after the revolution of 1848 that there were decisive reforms for the Austrian university system, covering also the study of theology. In 1850 a new regulation on Catholic theology faculties and diocesan and monastic colleges was issued by the Minister of Cult and Education (RGI No 319/1950). In it the bishop's competence was strengthened and the former absolutist state supervision was reduced. For diocesan and monastic colleges, a four-year study was provided and fully recognized by the State. Moreover, the doctoral program still had to be completed at a theology faculty. The study regulations for theology faculties at state universities were set out in detail by a Ministerial Decree of 16 September 1851.

As a result of the Concordat with the Holy See in 1855, which generally brought the Josephine system to an end, the State distanced itself even further from the formation of priests. According to Article 17 of the Concordat, the bishops were free to regulate the teaching of seminarians according to church law. Subsequently, the Bishops' Conference enacted uniform guidelines for the colleges and these received the imperial approval in 1858. The influence of the State persisted in so far as the financing of the seminaries was dependent on government grants to the *Religionsfonds*, which resulted in state regulation of the number of seminarians.

After its termination according to international law in 1870, the Concordat was replaced by a «Law regulating the external legal relations of the Catholic Church» (*Katholikengesetz*, RGI 50/1974) enacted on 13 May 1874, which was basically committed to the system of *Staatskirchenhoheit*. Under § 30 para 1 leg. cit., the establishment of Catholic theology faculties would be regulated by a separate law. § 30 para 2 provided the same for the training of candidates for ordained ministry. Neither law came into effect since, as was noted at the time, the «prevailing extraordinary shortage of priests made it practically impossible» to introduce new requirements on candidacy for the priesthood. Therefore, the measures from 1850 and 1851 continued in force and the training of Catholic priests in diocesan colleges remained exclusively in the hands of the bishops.

As for other churches and religious societies in the territory of present-day Austria, the theological college of the Protestant Church was raised to the status of a faculty in 1850, but not included in the state university, mainly due to opposition from the Catholic Theology Faculty<sup>2</sup>. After 1848, there were also increased efforts for the establishment of a college for rabbis and Jewish religious teachers, which, however,

<sup>2</sup> Cf. K.W. SCHWARZ/F. WAGNER, (Ed.), *Zeitenwechsel und Beständigkeit*. Beiträge zur Geschichte der Evangelisch-Theologischen Fakultät in Wien 1821-1996, Wien 1997.

were mostly opposed by orthodox circles. Nevertheless, in 1863 a *bet ha-midrash* was founded in Vienna, and on 15 October 1893 the college (*Israelitisch-theologische Lehranstalt*) was opened as a non-university faculty in Vienna. This college served both the training of rabbis and Jewish religious teachers as well as Jewish scholarship in general<sup>3</sup>.

Also worth mentioning is the foundation of the Orthodox theology faculty in Czernowitz/Chernivtsi in 1875 on the initiative of the Viennese canonist Joseph von Zhishman (also closely involved in the development of the curriculum)<sup>4</sup>.

After 1918, the legal basis of theology faculties and diocesan and monastic schools remained unchanged and thus the dual system for the education of Catholic clergy persisted. In 1926, the period of study was extended to five years (though a six-year study was prescribed in the CIC 1917); this contained an introductory two-year *Philosophicum* - but this could not be carried out in Austria for financial and organisational reasons. The duration of theological study continued to be the subject of negotiations between Austria and the Holy See until recent times – that is, up until debate about the EU Bologna system.

The Concordat of 1933 confirmed the dual system. Under Article V para 1, the scientific education of clergy was to occur at state universities and in colleges established by the Church. The existing state faculties were guaranteed and the establishment of diocesan and monastic schools was left to the Church without restriction. This law is still in force<sup>5</sup>.

In 1922 the Protestant Theology Faculty was formally incorporated into the University of Vienna. The Israelite theological college flourished until the Nazi takeover in March 1938.

The Catholic theology faculties were particularly affected by Nazi policies; and with the abolition of the Concordat of 1933 their legal basis was lost. The Catholic theology faculties in Vienna and Graz were merged; those in Innsbruck - at that time the largest German-speaking theology faculty - and Salzburg were closed; and the Protestant Theology Faculty ceased for practical purposes.

After 1945, with restitution, the theology faculties and diocesan and monastic colleges resumed their activities. Thereafter, the theology faculties shared the fate of the universities – university reforms took place at ever shorter intervals (University laws 1955, 1975, 1993, 2002). All these laws contain reservations in favour of the Concordat of 1933 and since 1961 in favour of the Law for the Protestant Church enacted in this year.

<sup>3</sup> Cf. P. LANDESMANN, *Die Rabbinerausbildung in Wien*, Phil. Diss. Univ. Vienna, 1994.

<sup>4</sup> Cf. T.M. NÉMETH, «Joseph Ritter von Zhishman und die Errichtung der orthodoxen theologischen Fakultät in Czernowitz»: *Ostkirchliche Studien* 54 (2005), 279 – 291.

<sup>5</sup> Cf. below 2.2.1.

In 1999, there was a significant reform in Austrian higher education: the *Universitäts-Akkreditierungsgesetz* (BGBl I Nr. 168/1999)<sup>6</sup> put an end to the State monopoly on universities and made it possible for private universities to be established. In 2000, the former diocesan college of Linz – now the Theological Private University of Linz – made use of this provision<sup>7</sup>.

## II. THE MODES OF FORMATION OF RELIGIOUS STAFF: CURRENT LAW

### A. The guiding principles for theological studies at public universities

The Austrian constitutional system contains no explicit guarantee of theological research at state-run higher education institutions. Although the existence of religious instruction is assumed in the Constitution, there is no obligation for the State to provide for the training of teachers of religion; this is because, in Austria, it is the churches and religious societies (not the State) which provide religious instruction in public schools. For this reason, the Constitution does not require the inclusion of theology amongst university subjects.

Nevertheless, an overview of the constitutional principles applicable to law on religion shows that the undertaking of this task by the State would conform to the Austrian system. The starting point is the assumption that the principle of secularity does not mean that the State has to ignore religion.

The principle of religious neutrality not only allows the State to take religion into consideration, but it also requires the State to take into account religious interests in a pluralistic society as part of its socially legitimated purposes. The State, therefore, must avoid infringing its religious neutrality by an exclusion of religion, thus becoming an ideological «player» with a secular character.

Theology faculties belong to those areas in which cooperation with religious communities (as socially effective factors) is not only permissible, but required. State universities operating under the umbrella of academic freedom may not be used by the State to enforce a scientific concept of theology which denies its qualification as a science. Therefore, it does not contradict the guarantee of genuine scientific standards to take into account the specificity of theology.

This overview of the constitutional basis of Austrian law on religion finds substantiates the guarantee for the existence of theology faculties in the Concordat 1933, the Protestants Act 1961, and university law. According to Article V of the Austrian Concordat 1933, the State guarantees the preservation of the existing state-funded

<sup>6</sup> Replaced 2011 by the *Bundesgesetz über Privatuniversitäten (Privatuniversitätengesetz – PUG)*, BGBl. I Nr. 74/2011.

<sup>7</sup> Cf. H. KALB, Die «Katholisch-Theologische Universität Linz. Von der diözesanen Lehranstalt zur Privatuniversität», *Österr. Archiv f. Recht & Religion* 47 (2000), 363-383.

Catholic theology faculties for the scientific education of the clergy; and § 15 Protestants Act 1961 contains a guarantee of the existence of the Protestant Theology Faculty at the University of Vienna.

It is deduced from the wording of these provisions that the churches commit themselves to accept that individuals may attend theology faculties at state universities to prepare for service in the church. Moreover, one can assume that each extension of university theological or religious education training to other religious communities in principle has to follow the same logic.

Increasing religious pluralism presents state theology faculties with some challenges. The religious neutrality of the State allows differentiation between churches and religious societies only if based on secular grounds, e.g. statistical data, or on the self-understanding of the individual confessions.

The Catholic Church and Protestant Church, due to their historical involvement in the state university system, may not be privileged over others religious societies which are in a comparable situation. In principle, the possibility of establishing state faculties must also be offered to other religious communities if they meet the relevant conditions. This means that the self-understanding of religious communities has to be taken into account. Education at state institutions requires the agreement of the churches and religious communities concerned.

First, there is the fundamental question as to whether and in what form a religious community conducts theological research at all<sup>8</sup>. Furthermore, the question arises as to whether the religious community concerned is willing to entrust theological research and teaching to the state university system.

From our synopsis of Austrian religion law and university law, therefore, it follows that the establishment of university theological structures should be provided for those religious communities which, on the one hand, have an adequate social significance and, on the other hand, trust the state university to teach theology as a science under the guarantee of religious freedom.

Apart from the Catholic and Protestant Churches, for which the conditions are traditionally met, we must mention Islam which in the last decade has striven intensively for the establishment of an Islamic Theology Faculty. The existence of this ambition makes it clear that, from the perspective of the Islamic community in Austria, the integration of Islamic Pedagogics and Theology in state universities does not mean the imposition of a structure foreign to Islam.

Relevant here is the integration of Orthodox Theology in the Austrian university system; that is, the historical precedent of the Orthodox Theology Faculty established

<sup>8</sup> Cf. H.M. HEINIG, «Wie das Grundgesetz (vor) Theologie an Staatlichen Hochschulen schützt. Eine Erwiderung auf Carsten Bäcker», *Der Staat* 48 (2009), 619.

at Czernowitz/Chernivtsi in 1875<sup>9</sup>. Also, for the training of religious instruction teachers, Orthodox churches participate in the Ecclesiastical College of Education Vienna/Krems established under the Higher Education Act of 2005. Preparations are currently being made for a master's degree in «Orthodox Religious Education» at the University of Vienna.

Finally, Alevism should be mentioned. An Alevi group, the Islamic Alevi religious community in Austria, was legally recognized in 2003 and will soon introduce the establishment of Alevi religious education.

The willingness of religious communities to entrust theological research and teaching to state universities presupposes, on the part of the State, that theology is generally carried out in a manner associated with a particular confession<sup>10</sup>. Making the faith and doctrine of socially relevant religious communities part of state university teaching and research is the *raison d'être* for integrating their theology in state university system<sup>11</sup>.

The organization of theological research and teaching at state universities takes into consideration not only the religious neutrality of the State and the self-determination of religious communities, but also the guarantees for teaching and research – both in terms of the institutional side of academic freedom (i.e. the constitutionally guaranteed autonomy of universities and the individual fundamental rights of the theologians concerned). The result is a complex web of relationships between State, Church, university, and individual theologians with sometimes converging, sometimes colliding legal positions which often extend into the sphere of fundamental rights. Such cases require a careful balance to meet the guarantees of the affected legal goods. This means above all that the right of self-determination of those religious communities must be respected, when their theologies are the subject of research and teaching.

Therefore, the academic freedom of professors of theology finds its own limits in this right of self-determination of religious communities; and this requires a fair balance in the event of a clash of interests<sup>12</sup>. To a certain extent, the different forms of confessional links in theological research must also be considered; this implies the admissibility of a certain disparity in the involvement of the official church.<sup>13</sup> This means essentially participatory rights both in the establishment of university

<sup>9</sup> Cf. above.

<sup>10</sup> Cf German BVerfG 2008 in the case of Lüdemann (BVerfGE 122, 89), a consideration which is followed by the German Wissenschaftsrat, Drs. 9678-10/29. 01. 2010, <http://www.wissenschaftsrat.de/download/archiv/9678-10.pdf> [12.07.2013], 15 ss.

<sup>11</sup> HEINIG (fn. 8), 622.

<sup>12</sup> Cf. BVerfGE 122, 89, 50.

<sup>13</sup> There are, for example, various forms of participation of the respective Protestant Church in the law of the Evangelical Theological Colleges in Germany, cf. HEINIG, (fn 8), 626s.

theological institutions, as well as in the design of the curriculum and especially the employment or dismissal of staff.

## **B. Theological Study at State Universities**

### **1. *Catholic Theology Faculties in Particular***

The legal basis of Catholic theology faculties is currently the Concordat of 1933. Article 5 of the Concordat guarantees the continued existence of the Faculties of Catholic theology at the Universities of Vienna, Graz, Innsbruck and Salzburg, financed by the State for the purpose of the academic education of the clergy. Their internal organisation and educational practice has to be regulated by the State in accordance with the relevant rules of the Church.

The term «internal organisation» refers to the organisational provisions of the *Universitätsgesetz* (UnivG) 2002; the term «educational practice» refers to the provisions of this law on academic studies. The law itself includes an explicit proviso in favour of the provisions of the Concordat (UnivG Section 38 (1)).

The appointment or admission of professors and lecturers must be agreed by the competent church authority. If church authorisation is withdrawn, the teacher must be excluded from teaching. The majority opinion is that the disciplinary measure of the compulsory redundancy of a theology professor whose authorisation has been withdrawn (according to Article 5 (4) of the Concordat) does not violate the rights of freedom of religion and conscience, freedom of expression, and freedom of academic teaching and research, since the aim is to educate pastors and teachers of religious education<sup>14</sup>.

According to Article 5 para 2 academic degrees in theology awarded by a papal university in Rome or any other papal academy have the legal status of state degrees in Austria.

In 2011 at the four faculties of Catholic theology 1.030 students were enrolled in theology and 963 in religious pedagogics. 427 students were enrolled in the doctoral program.

### **2. *Faculty of Protestant Theology in Particular***

The Federal State is obliged to maintain a Faculty of Protestant Theology with at least six permanent chairs at the University of Vienna to guarantee the academic education of ordinands, theological research and teaching (*Protestantengesetz* Section 15). Teachers at the faculty must be members of the Protestant Church. When appointing a professor to a chair, the commission charged with the appointment

<sup>14</sup> See Constitutional Court VfSlg. 6998/1973, Administrative High Court VwSlg. 8419 A/1973.

must consult the Protestant Church authorities. The curriculum is designed without the direct formal involvement of the Protestant Church, but nonetheless substantive agreement is sought.

In 2011 at the Faculty of Protestant Theology, 149 students were enrolled in theology and 20 in religious pedagogics. 36 students were enrolled in the doctoral program.

### 3. *Islamic Pedagogical and Theological Studies at the University*

In 2009, the study of Islamic religious education was established at the Faculty of Philosophy and Pedagogics of the University of Vienna. Since the autumn of 2011, it is possible to attend lectures for the Master's program in Islamic Religious Education (which is also at the University of Innsbruck).

In 2011 67 students enrolled on Islamic religious pedagogics. Islamic theological studies in Vienna start in 2014; the curriculum is currently under development.

### C. **Diocesan and Monastic Theological Colleges**

On the basis of Article 5 para 1 of the Concordat, theology may also be studied at theological colleges established by competent church authorities. Actually, the College of St. Pölten is the only one which still exists under this provision. The Theological College of the diocese of Linz has been converted into a Private University. In 2007, the monastic College in the Cistercian monastery of Heiligenkreuz was given the status of a pontifical institution (Philosophisch-Theologische Hochschule Benedikt XVI).

In 2012/2013, at the Catholic Theological Private University of Linz, 446 students enrolled, including 222 at the Catholic Theology Faculty (Theology and Religious Pedagogics). In 2012, at the Philosophisch-Theologische Hochschule Benedikt XVI Heiligenkreuz, 208 students enrolled and at the Diocesan Theological College St. Pölten, 69 students (Theology and Religious Pedagogics).

### D. **Pedagogical Colleges**

The «Federal Law on the Organisation of the Pedagogical Colleges and their Studies» 2005 (*HochschulG*)<sup>15</sup> provides for the independent incorporation of Teachers' Training Academies into the tertiary sector of education (which includes bachelor's degree for teachers). This law put an end to a transitional period which started in 1999. Until that time, the Religious Education Teachers' Training Academies (Religious-Pedagogical Academies) had been established as denominational private

<sup>15</sup> BGBl. I 2006/30. Cf. R. POTZ/B. SCHINKELE, «Religionsrecht im Überblick», Wien <sup>2</sup>2007, 86.

schools pursuant to the Law on Private Schools; and they had acquired public law status on this legal basis.

Denominational colleges are private institutions. The legal relationship with their students is based on a contract under private law. The structure, organisation, and academic level of these colleges are the same as at public institutions and must be guaranteed. Consequently, denominational colleges must observe the general provisions concerning the qualification of teaching staff (including performance review, academic autonomy, students' co-determination, personal staff, and material equipment). In this regard, the relevant principles explicitly provide for the development of social competence in connection with imparting social, moral-ethic and religious values.

In order to ensure comparability between these studies and degrees with those of the public teachers' training colleges, the law provides for recognition (§§ 4 to 7 *HochschulG*). Till now, four Catholic religious-pedagogical colleges have been established. Protestant, Orthodox and Old-Catholic studies are also connected with the Viennese Catholic College.

Both the Islamic Religious Community and the Jewish Religious Society have also established independent courses of studies.

In 2011, the numbers of students enrolled at the pedagogical colleges of the religious communities were: Catholic, 465 students; Protestant, 52 students; Orthodox, 34 students; Oriental-Orthodox, 3 students; Jewish, 68 students; and Islamic, 187 students.

### III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

#### A. The Intercultural Academy for Priests

The Intercultural Academy for Priests was founded for priests who come from other countries to serve in the Archdiocese of Vienna. It seeks to assist them in the first two years of their work there. Therefore, the two focal points of the Academy's program are the knowledge and understanding of the pastoral situation in the Archdiocese of Vienna and the improvement of language skills. This program is compulsory for all priests coming from other countries.

#### B. Training for Imams

Following the introduction of Islamic religious instruction in 1993, an Academy for Islamic Religious Pedagogics was established in 1999<sup>16</sup>.

<sup>16</sup> Cf. above.

As far as the training for imams is concerned, there are different programs. Since November 2008, the *Türkisch-Islamische Union für Kulturelle und Soziale Zusammenarbeit in Österreich (ATIB)* is connected with the Turkish Office of Religious Affairs (*Diyanet*) in cooperation with the Austrian Ministry for European and International Affairs. It organizes training for Turkish Imams and religious representatives who have been sent to work in Austria. Its aim is to inform them about the land, people and culture, about the Austrian political system, and about the relationship between State, society and religion<sup>17</sup>.

Since the academic year 2009/2010, the University of Vienna has also offered a one-year university course «designed for imams and other personnel for pastoral care. Admission requires relevant professional activity in Austria. In addition, participants should have a degree in Islamic theology. These requirements arise from the character of the course, which is intended as further education for the target group.» Therefore, this course is not training for imams in a narrow sense, but should «convey knowledge of the legal, social, political and religious situation in Austria and Europe at university level». In addition, the successful completion of the training program «enables graduates to understand Islamic subjects in the European context, including gender-specific matters. The participants will learn about Islamic traditions, with particular attention to those positions relevant for the everyday life of the Muslim population in Europe»<sup>18</sup>.

<sup>17</sup> Cf. the press-releases of the Austrian Ministry of Foreign Affairs: <http://www.bmeia.gv.at/botschaft/ankara/aktuelles/presseaussendungen/2010/entsendung-tuerkischer-imame-nach-oesterreich-verabschiedung-in-ankara.html>; <http://www.bmeia.gv.at/aussenministerium/presse/presseaussendungen/2011/tuerkische-religionsbeauftragte-fuer-oesterreich-in-ankara-verabschiedet.html>.

<sup>18</sup> The course brochure is available under [http://mie.univie.ac.at/fileadmin/user\\_upload/proj\\_muslime\\_eu/Brosch%C3%BCre\\_2011\\_12\\_final.pdf](http://mie.univie.ac.at/fileadmin/user_upload/proj_muslime_eu/Brosch%C3%BCre_2011_12_final.pdf) [25.11.2011].

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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN CYPRUS

ACHILLES C. EMILIANIDES\*

The aim of this paper is to identify the elements of the current system for the training of religious personnel in the Republic of Cyprus. Following a succinct historical introduction, the current system will be analysed, with emphasis on the training of the religious personnel of the Orthodox Church of Cyprus which is the dominant religious corporation of the island. Training of religious personnel in other religious communities will also be addressed.

## I. HISTORICAL INTRODUCTION

During the Turkish rule of Cyprus, the great majority of clergymen of the Orthodox Church of Cyprus were uneducated. Educated clergymen during this period studied at various hieratical schools which functioned in monasteries on the island<sup>1</sup>. This situation was a cause for major concern for the Orthodox Church which, especially after the 1821 Greek revolution and the subsequent independence of Greece in 1832, considered that clergymen should be educated so as to successfully guide their flock to political and spiritual freedom<sup>2</sup>. This was due to the fact that during the Turkish and British rule of Cyprus, the Orthodox Church constituted the nation-leading

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<sup>312</sup> See generally J. HACKETT, *A History of the Orthodox Church of Cyprus* (London: Methuen & Co, 1901), T. STAVRIDES, «The Holy Monastery of Kykkos and the Education of the Cypriot Clergy during the Turkish and British Rule» (2001) *5 Yearbook of the Centre of Studies of the Monastery of Kykkos* 69-85 (in Greek).

<sup>2</sup> See generally T. PAPADOPOULOS, *The History of the Greek Church and People under Turkish Domination*, 2<sup>nd</sup> Ed., (Variorum: Aldershot, 1990), H. LUKE, *Cyprus under the Turks 1571 – 1878: A Record Based on the Archives of the English Consulate in Cyprus*, (London: Oxford University Press, 1921), M. MICHAEL, *The Church of Cyprus during the Ottoman Era* (Nicosia: Cyprus Research Centre, 2005).

political organisation of the Greeks under foreign sovereignty; thus, the Archbishop of Cyprus was both the spiritual and political leader of Greek Cypriots<sup>3</sup>.

There were various efforts by the Orthodox Church of Cyprus to found a hieratic school during the 19<sup>th</sup> century, efforts which became more intense when the Ottoman Empire assigned to Great Britain the rights of possession and administration of Cyprus, by signing the Convention of Defence Alliance on 4 June 1878 in Constantinople<sup>4</sup>. With the signing of the Treaty of 1878, the period of British rule in Cyprus officially began<sup>5</sup>. In 1910 the Orthodox Church (and particularly the then Metropolitan of Kition, Meletius Metaxakis)<sup>6</sup> founded the Pancyprrian seminary (*hierodidaskalion*) at the Monastery of Saint George Kontos in Larnaca<sup>7</sup>. The Greek Government recognised the seminary of Larnaca as equivalent to the Rizarios ecclesiastical school. Furthermore, the Educational Board of the colonial government of the island recognised that graduates of the seminary could be employed as teachers.

Despite the efforts of the Orthodox Church, however, only high-ranking religious personnel, such as Archbishops, Metropolitans or Monks, remained educated. Most of the graduates of the seminary opting to become teachers, instead of members of the clergy, a fact which undermined the aim of the Holy Synod to improve the educational standards of clergymen<sup>8</sup>. Following the disturbances of 1931<sup>9</sup>, the colonial Government withdrew the recognition of the seminary and cut off its funding; with the Metropolitans of Kition and Kyrenia having been deported from the island by the colonial Government, the seminary was shut down<sup>10</sup>. When the Holy Synod was reinstated in 1948, one of its first decisions was to found a hieratical school from the

<sup>3</sup> A. GAVRIELIDES, *Nomocanonical and Political Study on the Unfrocking of Bishops in Cyprus in Conjunction to the Exercise of their Ethnarchical Rights*, 2<sup>nd</sup> Ed., Nicosia, 1973, Idem, *The Ethnarchic Rights and the Plebiscite for Union with Greece*, 2<sup>nd</sup> Ed., Nicosia, 1972.

<sup>4</sup> See G. GEORGALLIDES, *A Political and Administrative History of Cyprus 1918 – 1926 with a Survey of the Foundations of the British Rule* (Nicosia: Cyprus Research Centre, 1979) 3ff, L. DWIGHT, *Great Britain and the Cyprus Convention Policy of 1878*, Harvard Historical Studies: Cambridge, 1934.

<sup>5</sup> See in particular A. EMILIANIDES, «Justice and Human Rights during British Rule in Cyprus» *Cyprus Law Tribune* 3 [2006]; pp. 66 - 96 (in Greek), S. SYMEONIDES, «Introduction to Cypriot Law» in F. FRANTZESKAKIS, D. EVRIGENIS, S. SYMEONIDES, *Comparative Law*, Thessaloniki: Sakkoulas, 1978: 375ff.

<sup>6</sup> A. FYTRAKIS, *The Ecumenical Patriarch Meletius Metaxakis*, Athens, 1973.

<sup>7</sup> In 1914 it was relocated at the house of the former Director of Larnaca, Claude Delaval Cobham.

<sup>8</sup> See C. KOKKINOFTAS, «The Hieratical School of Apostolos Varnavas and the Education of the Cyprus Clergy» Hieratical School of Apostolos Varnavas: Nicosia, in Greek, available in <[www.churchofcyprus.org.cy/ap\\_varnavassxoli.shtml](http://www.churchofcyprus.org.cy/ap_varnavassxoli.shtml)>, november 2008.

<sup>9</sup> P. STYLIANOU, *The Movement of October of 1931 in Cyprus*, Nicosia, 1984, in Greek; V. LIVADAS, G. SPANOS, P. PAPANOLYVIU, *The Insurrection of October 1931* (Nicosia, 2004, in Greek).

<sup>10</sup> See also G. GEORGALLIDES, «Church and State in Cyprus october 1931 to november 1932: A Systematic Humiliation of the Autocephalous Church of Cyprus» *Yearbook of the Cyprus Research Centre* 19 (1992); pp. 361 - 448.

academic year 1949-1950 onwards; the Monastery of Kykkos offered to finance the new hieratical school<sup>11</sup>.

## II. THE MODES OF FORMATION OF RELIGIOUS STAFF: CURRENT LAW

### A. The General Philosophy of the System

According to Cypriot law, a legal person is considered to be a legal person under public law, if it has been established by law, is endowed with decisive public law competences and is under the control of the State<sup>12</sup>. The majority of the Supreme Court of Cyprus has held that the Orthodox Church of Cyprus does not fulfil the requirements of the aforementioned definition, since it is not under the control of the State, it does not function as a governmental body or organ and it does not exercise any state powers. It has accordingly been held that the Orthodox Church of Cyprus should be properly considered as a peculiar legal person under private law and not as a legal person under public law<sup>13</sup>. These principles also apply with regard to the three constitutionally recognized religious groups of the Republic, namely the Maronites, the Armenians and the Roman Catholics, as well as the Islamic religion, an approach which is consistent with the principles of the system of coordination, as applied in the Republic of Cyprus<sup>14</sup>. Therefore, the Orthodox Church, the three religious groups of the Republic and the Vakfs should properly be considered as legal persons of private law.

In view of the above, religious authorities are not considered as legal persons of public law under the Cypriot legal system. The system prevailing in Cyprus effectively safeguards religious pluralism by acknowledging that the state and the various religions occupy in principle different societal structures; religious neutrality is achieved both because there is religious autonomy and through positive measures on behalf of the

<sup>11</sup> See C. KOKKINOFTAS, «The Hieratical School of Apostolos Varnavas and the Education of the Cyprus Clergy» (Hieratical School of Apostolos Varnavas: Nicosia, in Greek).

<sup>12</sup> *Elias Petrou and Others v. The New Co – Operative Society of Karpashia* 3 RSCC 58.

<sup>13</sup> *Autocephalous Orthodox Church of Cyprus v. The House of Representatives* [1990] 3 CLR 338 (in Greek). For an assessment see A. EMILIANIDES, «Religious Entities as Legal Persons in Cyprus» FRIEDNER L (ed), *Churches and other Religious Organisations as Legal Persons* (Peeters, Leuven, 2007): 49 - 53. See further K. CHRYSOSTOMIDES, «Cyprus Ecclesiastical Law» in *Tribute to the Parish of Agion Panton of London*, (London, 1968): 131, C. PAPASTATHIS, «The Power of the Church to Have Recourse in the Supreme Court under Article 139» *Review of Public Law and Administrative Law* 34 (1990): 321 – 325 (in Greek).

<sup>14</sup> A. EMILIANIDES, *Religion and Law in Cyprus* (Kluwer: The Hague, 2011), Idem, «The Constitutional Framework of the Relations between Church and State in the Republic of Cyprus» *Nomokanonika* 1 [2006]: 37ff (in Greek), C. PAPASTATHIS, *On the Administrative Organisation of the Church of Cyprus* (Thessaloniki, 1981): 34.

state, which aim at the protection of religions<sup>15</sup>. The general philosophy of the system implies that the state has recognized broad discretionary powers in favour of the major religions and creeds of the island and does not have the right to intervene in their internal affairs. Article 110 of the Constitution, in particular, provides that the five constitutionally recognized religions have the exclusive right of regulating and administering their own internal affairs and property in accordance with their internal religious laws. The executive or legislative authorities of the Republic may not act inconsistently with the right of the five major religions to administer their internal affairs and property<sup>16</sup>.

The right to religious autonomy is therefore considered as an integral part of the right of religious freedom, the principle of autonomy being in principle an all-encompassing one, in so far as it is applied within the boundaries of the law. As a consequence of this general philosophy of the system, whereas the state supports in principle the training of religious personnel and other staff working in religious communities, public authorities do not involve themselves in the actual training of religious personnel since this would be considered as interfering with the internal affairs of the various religious corporations and violating the principle of autonomy. The state might potentially finance or otherwise support certain activities of religions which aim at the training of their religious personnel; however, such training may not be conducted by public authorities, or with the direct involvement of public authorities. It is for the religious corporations themselves and not for the state or public authorities to set up or identify universities or schools which might train religious personnel.

This approach has also been confirmed by the Supreme Court which held that religious ministers, even if performing a spiritual function, are properly considered as employees and thus the general provisions of employment law are applicable with respect to their status as employees<sup>17</sup>. Religious ministers are not considered as public servants and are governed by contractual employment relations of private law. In the case of *Sideras*, the petitioner was a member of the clergy of the Orthodox Church and was employed as a religious minister in the Metropolis of Limassol. The Director of Social Securities informed the petitioner that he was classified as a self-employed person, for social security purposes - because «members of the clergy in general perform spiritual functions and in view of such functions, they cannot be considered

<sup>15</sup> A. EMILIANIDES, «Secularism, Law and Religion within the Cypriot Legal Order» in P. CUMPER, T. LEWIS (eds), *Religion, Rights and Secular Society: European Perspectives*, Edward Elgar: Cheltenham, 2012; pp. 169-188, Idem, «Equal Promotionist Neutralism and the Case of Cyprus» in M. MORAVČICOVA (ed), *Financing of Churches and Religious Societies in the 21<sup>st</sup> Century*, Institute for State-Church Relations: Bratislava, 2010; pp. 135-144.

<sup>16</sup> A. EMILIANIDES, «State and Church in Cyprus» in G. ROBBERS, *State and Church in the European Union*, Nomos Verlagsgesellschaft: Baden – Baden, 2005; pp. 237-258, Idem, «Law and Religion in Cyprus», *Kanon* 20 (2008); pp. 7-21.

<sup>17</sup> *Sideras v. The Minister of Labour and Social Securities* [1989] 3 CLR (in Greek).

to be employees, irrespective of the fact that they receive compensation with respect to such function by the Government, or the respective Metropolis».

The Supreme Court had no difficulty in holding that the decision of the Director of Social Securities was legally wrong; the petitioner was an employee of the Metropolis of Limassol. The Court observed that despite any spiritual mission of the petitioner, he was also an employee receiving instructions and salary from the employer, namely the Metropolis of Limassol. In any event he would not be a self-employed person, also due to the fact that performing the functions of a religious minister may not appropriately be considered as a profession or occupation which is carried out in compensation for money; a religious minister undoubtedly belongs to a peculiar category of employees, despite the fact that he should most definitely be considered as an employee.

### **B. The Apostolos Varnavas Hieratic School**

The hieratic school *Apostolos Vanavas*, bearing the name of the founder of the Orthodox Church of Cyprus, operates in Nicosia, under the supervision of the Holy Synod, as a dependence of the Monastery of Kykkos. The school was founded, as described in the historical introduction, in 1949 and currently offers two distinct levels of courses for persons who seek to become priests. The lower level of courses is designated for graduates of elementary schools, gymnasiums or technical schools, while the higher level is designated for graduates of lyceums who have successfully passed the placement exams organised by the school. The duration of the higher level is two years, whereas the duration of the lower level is three years. Graduates of the lower level of courses may, however, proceed to the higher level. Furthermore, in exceptional cases, a graduate of a gymnasium might be directly admitted to the higher level, subject to success in the placement exams organised by the school.

Pupils are enabled to become acquainted with the main aspects of the Orthodox Christian teaching and the various ecclesiastical ceremonies, while also acquiring general knowledge which deemed necessary to carry out their duties. The everyday program normally begins at 6.30 in the morning with participation in the Orthodox liturgy. From 8.00-13.15 the pupils study the main theological courses, such as theology, ecclesiastical history, interpretation of the Holy Scripture, study of religions and hymnology; examinations for all lessons are held at the end of the academic year. After lunch, from 14.45-16.15 the pupils study ecclesiastical music from Monday-Wednesday and computers on Thursday. Following the completion of the afternoon liturgy, the pupils are expected to study for one or two hours at least until dinner<sup>18</sup>.

<sup>18</sup> See the interview of the Director of the hieratic school Antonis Kalogirou, Simerini newspaper, 11/3/2012, available at <http://www.sigmalive.com/simerini/news/social/471640>.

The school also functions as a boarding house for those pupils who wish to stay there during their courses. In practice, the great majority of pupils of the hieratic school reside in the school during the entire duration of their courses, so as to become better acquainted with their spiritual mission. There are no fees for studying in the school and the pupils further receive a monthly stipend of 250 euro to cover their immediate everyday needs. All expenses of the school are covered by the Monastery of Kykkos. The number of pupils of the school ranges from 30-35 for both levels of courses. In the 2013 graduation ceremony there were four graduates from the lower level and 8 graduates from the higher level of courses<sup>19</sup>. Other than the hieratic school, the Orthodox Church does not operate any training programs (other than occasional seminars) for its religious personnel, either clergymen or laypersons.

### C. University Schools of Theology

At the state University of Cyprus, as well as at private Universities in Cyprus, there is no School of divinity or theology. Those who wish to study theology at a University level have resorted primarily to Greece, as well as to other countries, where Orthodox theological academies enjoy the status of a University or a college. It should be noted, however, that a newly founded University, the Neapolis University of Paphos, has introduced from the academic year 2011-2012 an accredited Master program in Theology which is taught in Greek. The specified aim of the program is to provide education at a postgraduate level, primarily to graduates of schools of theology or divinity, in order to enable them to improve the teaching of religion in schools and to contribute to the spiritual mission of the church. The duration of the program is two years; students study biblical studies, ecclesiastical history, Christian education, religiosity, the spiritual and social work of the Church, Christian patristic theology, systematic theology, canon law, byzantine archaeology and art, byzantine music, liturgies and hymnology<sup>20</sup>. The majority of the academic faculty are for the time being retired Professors from the University of Athens and the Aristotle University of Thessaloniki. The tuition fees for the academic year 2012-2013 amounted to approximately 6.000 euro.

The program has officially been supported by the Orthodox Church<sup>21</sup>, which further provided a significant number of scholarships<sup>22</sup>. It has been recently announced that part of the program will be offered in the Arkalohori of Crete in collaboration with the Greek Metropolis of Arkalohori, Castelli and Viannou; this is an effort to attract a greater num-

<sup>19</sup> <http://www.churchofcyprus.org.cy/article.php?articleID=3302>.

<sup>20</sup> <http://www.nup.ac.cy/en-gb/postgraduate/masterintheologicalstudies/programme.aspx>.

<sup>21</sup> «Theological Studies in Cyprus» *Fileleftheros newspaper*, 9/7/2012, p. 22 (in Greek).

<sup>22</sup> <http://www.churchofcyprus.org.cy/article.php?articleID=2237>.

ber of students from Greece<sup>23</sup>. The Ministry of Education and Culture of the Republic of Cyprus has recognised the program, following the same procedure as with any other academic program offered by private universities in Cyprus, but does not intervene in the preparation of the curriculum or selection of members of the faculty or students. The elaboration of the curriculum, and selection of students and of members of the faculty are issues to be decided by the private university which offers the program and not by the State, in so far as such decisions are in accordance with the general provisions of the legislation applicable to any other academic program.

#### D. Indirect Promotion of the Training of Religious Personnel by the State

Religious lessons given in primary and secondary schools follow the doctrine of the Eastern Orthodox Church. In secondary education, the courses are given by graduates of university schools of divinity, while in primary education they are given by the class teacher. Attendance is compulsory for Orthodox pupils; atheists or members of other religions, however, may be excused<sup>24</sup>. Teachers of theology in public schools are appointed by the Government, and are members of the educational service of the Republic. Thus, the Republic provides for all their salaries and pensions. A person may become a teacher of religious education, called a teacher of theology, in secondary education, only so long as s/he has graduated from a theological academy of a Greek University, or from an equivalent Greek Orthodox theological school; this indirectly promotes the training of religious personnel by the State, since graduates from a school of theology may be employed in the educational service of the Republic as teachers of theology in public schools.

In the case of *Stavrou* the applicant was a teacher of religious education in the private school of the American Academy of Larnaca<sup>25</sup>; the applicant was a Greek Orthodox Christian, holding a Bachelor in religious studies from the University of Lancaster. The Consulting Committee for Education had concluded that the applicant did not possess the necessary legal requirements for being a teacher of theology. While the recourse of the applicant was pending before the Supreme Court, the Ministry of Education decided that graduates of non-Orthodox universities may also teach in private schools, so long as they are Orthodox Christians and the teaching is in Greek.

What counts as service for a teacher of theology was examined in the case of *Ioannou*<sup>26</sup>. According to Regulation 3 § 1 (f) (i) of the Regulations of 1997 regarding

<sup>23</sup> <http://www.romfea.gr/oikoumeniko-patriarxeio/arxipiskopi-kritis/17597-2013-06-20-09-04-44>.

<sup>24</sup> A. EMILIANIDES, «Religion in Public Education in Cyprus» in G. ROBBERS (ed), *Religion in Public Education* (European Consortium for State and Church Research: Trier, 2011): 87-98.

<sup>25</sup> *Stavrou v. The Republic* [1996] 3 CLR 2796 (in Greek).

<sup>26</sup> *Ioannou v. The Republic*, App. 1131/2002, Decision of the Supreme Court of Cyprus of 12 May 2004 (in Greek).

Educational Officers (Determining Recognised Service for the Purpose of Appointment, Promotion and Remuneration), educational service also includes service in the respective Offices of Religious Elucidation of the Archdiocese or the Metropolises, «so long as it contains the element of guidance and teaching». The applicant had been a teacher of theology in secondary education since 2002; however, from 1989 until 2000 he had been working in the Office of Religious Elucidation of the Metropolis of Paphos. The applicant requested that the Educational Service Committee recognises his prior service to the aforementioned Office of the Metropolis of Paphos.

The Education Service Committee decided that such a service was in general of an administrative character; however, it considered that his service as teacher at Sunday schools, which had been confirmed by the local ecclesiastical committees, could be recognised as prior educational service. The Supreme Court held that the decision of the Educational Service Committee was flawed; not only teaching at Sunday schools, but also guiding young couples with respect to their potential marriage, delivering religious speeches, providing guidance to the youth in order to join the church's activities and solve their various problems, were all activities containing the necessary element of guidance and teaching provided for in the Regulations of 1997. Therefore, prior service for the purpose of the Regulations of 1997 is not restricted to teaching theology.

### E. The Islamic Religion

The Interim Committee of Turkish Affairs observed in its 1949 Report that the Kemalic reforms and the principles of sections 82-145 of the Civil Code of Turkey of 1926 ought to be adopted with respect to Turkish Cypriot Muslims. Sharia law was thus largely substituted by secular principles in line with the Kemalic reforms which had taken place in Turkey<sup>27</sup>. It should be noted that Turkish Cypriots, like most Turkish nationals, are in general followers of Sunni Islam and are predominantly in favour of a secular state<sup>28</sup>. Turkish Cypriot religious personnel were normally taught Islamic theology in universities in Turkey, such as the Istanbul and Ankara Universities, or the famous El Azhar University in Cairo.

Article 87 of the Constitution provides for two communal chambers: a Greek communal chamber and a Turkish communal chamber, which shall have legislative power in educational, cultural, religious and other matters of purely communal nature; the Turkish communal chamber would therefore, by virtue of the constitutional provisions, have power over the training of religious functionaries of the Islamic religion.

<sup>27</sup> Cyprus Government Printing Office, *Interim Report of the Committee on Turkish Affairs: An Investigation into Matters Concerning and Affecting the Turkish Community in Cyprus*, (Nicosia, 1949).

<sup>28</sup> A. EMILIANIDES, «Islamic Faith as a one of the Main Religions: The Case of Cyprus» in Institute for State - Church Relations, *Islam in Europe* (Bratislava, 2005): 220-229.

The Vakf (or Evkaf) and the Mufti are the Muslim institutions that regulate religious activity for Turkish Cypriots. The Evkaf was one of the cornerstones of the Turkish Communal Chamber and is one of the largest landowners in Cyprus. The Mufti is the spiritual head of the Turkish Cypriot Islamic community, but has lost his influence over matters such as law, marriage and education, due to the secularisation of the Turkish Cypriot society. As a result of the abnormal situation pertaining since the Turkish invasion of 1974<sup>29</sup>, the religious institutions of the Turkish Cypriot Muslim community of Cyprus operate only in the area not controlled by the Republic of Cyprus. Furthermore, the Turkish Communal Chamber may not operate because of the relocation of the great majority of Turkish Cypriots to the north. This implies that the main religious institutions of the Muslim community and the legislative framework governing the Islamic community of Cyprus does not fully apply in practice with respect to Muslims (either Turkish Cypriot, or not), who reside in the areas controlled by the Republic of Cyprus.

### III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

The right of religious minorities to set up and operate their own schools (including schools for the training of religious personnel) is safeguarded as an indispensable part of the constitutional right to religious freedom. It could be well argued that there is a continuous effort to maintain the special characteristics of the various religious communities with regard to education. In principle financial assistance is provided to the three religious groups of the island (Armenians, Maronites and Roman Catholics)<sup>30</sup>; religions and creeds, other than the five major religions of the island, may set up and operate their own schools if they so wish, but will not be financially assisted by the State. In practice the training of religious personnel of minority religions normally takes place in other countries and not in Cyprus.

With respect to religious ministers hailing from foreign countries, it should be noted that the Orthodox Church of Cyprus employs a number of religious personnel who are not Cypriots and who have studied in an Orthodox school of theology. The same is true with respect to the religious groups of the Republic who, however, employ a limited amount of employees due to their small size. Public authorities do not

<sup>29</sup> A. EMILIANIDES, *Constitutional Law in Cyprus* (Kluwer: Hague, 2013), Idem, *Beyond the Constitution of Cyprus* (Sakkoulas: Thessaloniki, 2006, in Greek), K. CHRYSOSTOMIDES, *The Republic of Cyprus: A Study in International Law* (Martinus Nijhoff Publishers, The Hague, 2000), D. CONSTANTOPOULOS, *The Turkish Invasion of Cyprus from the Aspect of International Law* (Thessaloniki, 1978), C. TORNARITIS, *The Turkish Invasion of Cyprus and Legal Problems Arising therefrom* (Nicosia, 1975).

<sup>30</sup> See Second Report submitted by Cyprus pursuant to article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, 27 October 2006, para. 28ff. For the period before 1974 see C. TORNARITIS, *Promotion and Protection of Human Rights of National, Ethnic and Other Religious Minorities in the Republic of Cyprus*, (Nicosia, 1974): 7.

interfere in principle with the integration of religious staff of foreign origin, as they recognise full religious autonomy to the religious communities concerned; the only reason for public authorities to intervene would be a violation of the constitutional right of non-discrimination.

The strict immigration laws set up by the Republic might, however, indirectly hinder the efforts of religious staff of foreign origin to integrate successfully in the Republic<sup>31</sup>. The case of *Levantis* is of note. The applicant was a Greek national married to a Greek Cypriot, and resident in Cyprus. He impugned by means of recourse before the Supreme Court of Cyprus, the decision, whereby his application for a permit to work as a Religious Officer of the Church of God of Prophecy, was rejected<sup>32</sup>. It was argued by the applicant that he is prevented to exercise and express his religious duties as a Religious Officer of the Church of God of Prophecy in Cyprus, that there is discrimination and unequal treatment against the applicant as a religious officer of the said Church, that the freedom of worship is violated, as well as that the applicant is compelled in a manner tantamount to the exercise of moral pressure to change his religion.

The Supreme Court rejected the application and held that article 18 of the Constitution safeguards freedom of religion and not entitlement to work permit, a matter which is regulated specially by the Laws of Cyprus. The applicant was free to profess any religion he wished, while the refusal of a work permit did not prevent him from attending his Church or otherwise manifesting his religion or belief. Thus, it was held that there was no violation of article 18 of the Constitution. While it can be generally accepted that granting work permits to aliens falls within the discretionary powers of the State and that religious freedom does not entail a right to be granted a work permit, it is suggested, on the other hand, that the aforementioned decision of the Supreme Court presents certain problems. The said alien was a resident of Cyprus who had married a Cypriot and who intended to work as a religious minister of a Church; rejecting his application for a work permit should not be arbitrary so as to cause concerns that is was due to his religious beliefs and to the fact that he wanted to work as a religious officer of the particular Church. There seemed to be no justification why the application for a work permit was rejected in the case of *Levantis* and this raises serious concerns of religious discrimination.

<sup>31</sup> A. EMILIANIDES, «Immigration and Religion in Cyprus», in A. MOTILLA (ed.), *Immigration. National and Regional Laws and Freedom of Religion*, Peeters, Leuven, 2012; pp. 27-34.

<sup>32</sup> *Levantis v. The Republic* [1988] 3 CLR 2483.

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# **PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN EUROPE. REPORT CZECH REPUBLIC**

JIŘÍ RAJMUND TRETERA AND ZÁBOJ HORÁK

## **I. THE HISTORY OF THE MODE OF TRAINING OF RELIGIOUS STAFF IN THE 18<sup>TH</sup>/19<sup>TH</sup> CENTURY AND IN THE 20<sup>TH</sup> CENTURY UNTIL THE GREAT CHANGE IN 1989**

The historical background of the legal regulation of training religious staff in Czech lands does not end with the close of the 19<sup>th</sup> century. The real turning point in this legal history is the revolutionary year of 1989.

The earlier position may be divided into three periods with remarkable differences:

1. The first is the period when Czech lands together with Austrian lands constituted one State (the western «Austrian» part of the later Austria-Hungarian Monarchy) ruled by common «Cis-Leithanian» law (from unification of the Bohemian and Austrian Court Chambers in 1749 until the fall of the Monarchy in 1918).
2. The second period is when Czech lands were part of the newly-constituted Republic of Czechoslovakia, a State of a classical democratic type close to west-European democracies (1918–1948). This period was interrupted only during the time of Nazi occupation (1939–1945).
3. The third period is that of the Communist dictatorship over Czechoslovakia (1948–1989).

### **A. The Hapsburg Monarchy until 1918**

After the defeat of the Czech Estates Revolution in the Battle of White Mountain (1620), the Protestant churches in Czech lands were outlawed, Christian inhabitants were re-Catholicised, and only the Jewish minority was tolerated.

The Czech kingdom was originally connected to Austrian lands only by a personal union represented in the ruling dynasty. Their real unification was implemented

by the acceptance of the so-called Pragmatic Sanction by the relevant assemblies in 1713. This incorporation of Czech lands in the Hapsburg monarchy lasted until 1918, the year of upheaval and renewal of Czech independence in the framework of the new Czechoslovak state.

### 1. *Seminaries*

At the time of re-Catholicisation some new Catholic dioceses and diocesan seminaries were founded by the Church in: Litoměřice (1655), Hradec Králové (1664), Brno (1777) and České Budějovice (1785). Catholic clergy were trained at either diocesan seminaries or colleges of religious orders. Study at the archdiocesan seminary in Prague and the diocesan (later archdiocesan) seminary in Olomouc was combined with study at the theological faculties of public universities in these towns.

### 2. *Theological Faculties*

The theological faculty in Prague was a part of Charles University founded by King Charles IV's royal charter from 7<sup>th</sup> April 1348. King Ferdinand III published the Unification Decree on 23<sup>rd</sup> February 1654, which united the Jesuit College in Prague (Clementinum) founded about 1556, with the Charles University (Carolinum) under the common name Charles-Ferdinand University. The University was declared to be a so-called 'landlord's institution', i.e. a State university.

The theological faculty in Olomouc was originally part of the Jesuit University founded in 1570, later a separate theological faculty under the sovereignty of the 'landlord'.

### 3. *Reforms of Both Seminaries and Theological Faculties*

In 1752 the influence of the Jesuit order over the administration of the theological faculties ended. Maria Therese published a new curriculum for all faculties within the territory of her hereditary lands (formulated by her collaborator Gerhard van Swieten, a representative of the Enlightenment). Each faculty was led by a study director who was independent on the faculty and subordinate only to the Monarch. After the global cessation of the Jesuits in 1773 further changes were made. Theological studies were organized afresh according to a reform proposed by the abbot of Prague-Břevnov Benedictine monastery, František Rautenstrauch, a devoted adherent of Enlightenment absolutism, on 3 October 1773. The new system of clergy education was no longer focused on speculative methods of thinking, but on pastoral practice and obedience to the Monarchy.

Emperor Joseph II (1780–1790) abolished diocesan seminaries and those of orders and replaced them with General Seminaries led by State; these were located only in the chief cities, usually the university towns. Their aim was to educate clergy

in the utilitarian spirit of the Enlightenment. General Seminaries operated only in the years 1783–1790. They were abolished after the death of Joseph II, and diocesan seminaries were renewed.

#### 4. *Jewish and Protestant Training of Religious Staff*

Throughout the 18<sup>th</sup> century, the only minority religious communities permitted in the Czech lands were Jewish communities, their rabbis trained in *jeshivas*.

The Letter of Tolerance (1781) enabled renewal of the Protestant churches in the Czech and Austrian lands. Pastors for the Czech parish congregations of the Helvetic Confession were called from Hungary, and pastors for those of the Augsburg Confession from modern-day Slovakia. They graduated mainly from the Sáros-Patak Helvetic College, or at the Budapest Protestant Academy. Some Czech students graduated there later, too. The public Evangelical Theological Faculty for all Austrian and Czech lands was founded in Vienna in 1821. The Faculty was not incorporated into the University. The Czech students of Protestant theology preferred studying abroad, especially in Switzerland (Basel), Germany (Heidelberg), and Scotland (Aberdeen). However, they were obliged to stay one «obligatory» semester at the Vienna Evangelical Theological Faculty, to complete *inter alia* the course on Austrian State law applicable to churches. This state of affairs lasted until 1918.

#### 5. *The Modernisation of the School System after 1848*

As for the training of Catholic clergy, no substantial changes were made in the period 1790–1848. This period could be characterised as an absolutist and non-constitutional period.

After the March revolution of 1848 in Vienna, the modern legal order was developed on the basis of constitutional and other legal norms. In 1849 a complex of school reforms was initiated by Minister of Education Count Leo Thun. The status of universities was regulated by legal norms and they acquired greater independence from the Crown. Even the relation between seminaries and theological faculties was set by legal norms from the 1850s. Paradoxically, thanks to the liberalization of society and implementation of principles of legality, the influence of bishops on the administration of theological faculties increased. According to imperial decree No. 152/1850, professors of Catholic theology had to obtain permission from the bishop to teach theology.

#### 6. *Cooperation of State and Church under the Hapsburg Monarchy: Overview*

During the time that Czech lands were under the Hapsburg monarchy, the influence of the State in the training of clergy was high. Also, the cooperation of State and university authorities with bishops was maintained. Private universities were not

founded. Neither public theological faculties nor Church seminaries were suppressed at that time (with exception of during the very short rule of Joseph II).

### 7. *The Double Formation of Catholic Clergy under the Hapsburgs*

A system of double formation – in the faculties or in the seminaries – operated in the Czech lands. Both faculties and seminaries prepared senior clergy as well as parish clergy. The main difference between them lay in the exclusive right of theological faculties to confer academic degrees (licentiates and doctorates). Therefore, the faculties of theology were regarded as more scientific. The bishops usually sent seminarians, who had proved their ability after some years of seminary study, for further studies at the theological faculty. These students then attended the archdiocesan seminary for spiritual formation and returned to serve as ministers in their home diocese. The State authorities did not oppose this practice.

### B. **Democratic Czechoslovakia 1918–1939 and 1945–1948**

The separation of Church and State, as originally suggested, was not implemented either by the Constitution of Czechoslovakia 1920 or by subsequent legislation. The former excessive entanglement of Church and State was dissolved (e.g. Catholic bishops were no longer nominated by the head of State). But there were no substantial changes in the training of religious staff. It went on in the public theological faculties, and in the diocesan seminaries as well as those of the religious orders. No one was suppressed.

In April 1919 the Evangelical Theological Faculty in Prague was founded by Act of the Czechoslovak Parliament as a public school to train staff of the Protestant churches. Some churches founded their own private seminaries (e.g. Jews, Methodists and Baptists). The newly-founded Czechoslovak Church tried to operate its own high-level theological school (1932), but after two years it ceased because of financial difficulties. In 1935, a department was founded for this Church at the Evangelical Theological Faculty, in agreement with the leadership of the Czechoslovak Church, the Evangelical Theological Faculty and the Ministry of Education.

On 17<sup>th</sup> November 1939, during the Nazi occupation of Bohemia and Moravia, all Czech universities were closed, including the Catholic theological faculties (at Prague and Olomouc) and the Evangelical Theological Faculty (Prague). The training of religious staff went on at seminaries of several religions. A ban on teaching was imposed on former professors of the theological faculties, which concerned teaching at seminaries, other school facilities, public and private. Professors, who disobeyed the ban, were persecuted. This lasted until liberation in May 1945. The German Catholic theological faculty in Prague was suppressed in 1945, in connection with a transfer of the German minority.

In 1945 democracy was renewed in the liberated Czechoslovakia on the basis of the doctrine of the continuity of the legal order in force until 30<sup>th</sup> September 1938. This state of affairs lasted until the communist upheaval in February 1948. At that time, the number of students at the theological faculties, as well as at the seminaries, was higher than ever before.

### C. The Communist Dictatorship 1948–1989

The ultimate aim of the communist regime was the entire liquidation of all religious communities. But the Communist Party and State authorities decided to proceed step by step. In 1950 all seminaries, Catholic and Protestant, were abolished, in the whole territory of Czechoslovakia. The Catholic theological faculty in Olomouc was also abolished. The training of religious staff in Czech lands was provided at only three State theological faculties, outside the universities. The first one was the Catholic faculty in Prague, later (1953) relocated to the north Bohemian town of Litoměřice. The faculty was united with an inter-diocesan seminary for all Catholic dioceses in the Czech lands. The second one was for all Protestant churches, and the third one for the Czechoslovak Church, which later changed its name to the Czechoslovak Hussite Church (1971). The nomination of professors and admission of students was to be decided by the State administration – i.e. the political offices of the communist party. The admission of students was limited by the *numerus clausus*. A similar situation was introduced for the Slovak part of Czechoslovakia and this lasted beyond the federalisation of Czechoslovakia to 1<sup>st</sup> January 1969.

During the last years of the Czechoslovak communist regime theological training was organised underground (the so-called «flat seminars») in both parts of the federal Czechoslovak State by means of clandestine measures taken by the Catholic Church. Their graduates were ordained by publicly recognized bishops abroad or by clandestine bishops at home.

## II. THE MODES OF FORMATION OF RELIGIOUS STAFF: CURRENT LAW

The principles of the current situation for the training of religious staff were set up afresh after the Czechoslovak democratic «velvet» revolution in November–December 1989. Only some of these principles had their roots in the historical tradition developed prior to 1948. Some of these new principles are at odds with rules applied under the communist regime 1948–1989 which were evidently in conflict with freedom of religion. Many of the new principles are accepted thanks to international agreements and foreign models.

The process of democratisation in the whole Czech and Slovak Federal Republic (1990–1992) continued after the dissolution of the federal State and the founding of the independent Czech Republic and Slovak Republic (1<sup>st</sup> January 1993).

The Czech legislator looks for and finds new solutions in the conditions of a democratic State based on principles of State neutrality in relation to religion. The constitutional provisions of the Charter of Fundamental Rights and Freedoms<sup>1</sup> confirm that the State may not be bound either to an exclusive ideology or to a particular religious faith (Art. 2 Section 1). It also recognises the autonomy of religious communities. The neutrality of the State in religious affairs does not exclude State support for scientific and pedagogic activities as to theological studies at public schools. State neutrality in ideological and religious affairs does mean 'value neutrality'. The State is prepared to support all sciences including theology as well as the educational efforts of the inhabitants in this field. Support for theological studies helps in the formation of religious staff and brings positive benefits to those inhabitants who are members of religious communities and to others who benefit from the social, health and cultural activities of religious communities.

The Czech Republic is a secular State open to cooperation with religious communities. Religious communities can train their religious staff either at their own schools, or at public schools, or at both of these. They have absolute freedom of choice.

## A. **Theological Faculties in Public and Private Universities and other Theological Schools and Facilities**

### 1. *Public Universities*

Three theological faculties, existing at the time of upheaval, were incorporated in the Charles University in Prague by Act of the Parliament No. 163/1990, on Theological Faculties, in May 1990. They were incorporated according to the wishes of all of the religious communities concerned. They use the names: The Catholic Theological Faculty of the Charles University, The Evangelical Theological Faculty of the Charles University and The Hussite Theological Faculty of the Charles University.

The Catholic Theological Faculty moved back from Litoměřice to Prague. The Evangelical and Hussite faculties were incorporated in the public university for the first time in modern history.

The Catholic Faculty of Theology in Olomouc was re-established by the same Act and incorporated in the Palacký University in Olomouc. It is called the Cyril and Methodius Theological Faculty of the Palacký University in Olomouc.

In 1991 several regional public universities were founded. One - the University of South Bohemia - was completed by the newly-established theological faculty. It is the fifth faculty of theology in the Czech Republic, the third faculty of Catholic theology.

<sup>1</sup> It was published as a part of the Czech constitutional system under No. 2/1993, Czech Collection of Laws.

There were 3,300 students at Catholic public theological faculties<sup>2</sup>, and more than 1,000 at the Evangelical and Hussite public theological faculties in the academic year 2011/2012. Candidates for ministry represent a minority of students as between all five theological faculties. All Czech theological faculties have features of considerable de-clericalisation. Most of the students (among whom are many women) prepare to become teachers of religious education at public schools or Church (parish) catechists, parish or diocesan pastoral assistants, social and charity workers both in the religious or the secular sphere, free-time educators, employees in secular cultural centres, etc. A new specialised department for the history of Christian art was established at the Catholic Theological Faculty of the Charles University, Prague. There is also an Institute for Judaism, a Department for Orthodoxy, and provision for Old-Catholic Theology at the Hussite Theological Faculty of the Charles University, Prague, and The Ecumenical Institute at the Evangelical Theological Faculty of the Charles University.

Theological faculties bestow such publicly recognized academic titles as: Bachelor, Master in undergraduate studies, Licentiate of Theology, and Doctor of Theology in post-graduate studies.

### 1. *Private Universities*

The Act on Universities No. 111/1998 makes enables the establishment of private universities, among them the private universities of religious communities. No religious community, registered in the Republic, has applied for this until today. The only private university of such a type is The *International Baptist Theological Seminary* in Prague, which was founded by the European Baptist Federation and opened in 1997.

### 2. *Seminaries*

Not all former diocesan seminaries and those of the religious orders, as well as seminaries of other religious communities, have been re-established. This is the case despite new legal regulation from 1990 enabling religious communities to found Church schools and this facility is used as much as ever before the war<sup>3</sup>. Two existing archdiocesan seminaries in Prague and Olomouc are for the spiritual formation

<sup>2</sup> Česká biskupská konference (ed.), *Katolická církev v České republice*, [Czech Bishops' Conference, ed., Catholic Church in the Czech Republic], Karmelitánské nakladatelství, Kostelní Vydří, 2013, p. 72.

<sup>3</sup> About 130 church schools and 30 school facilities were founded after 1990 in the Czech Republic. There are kindergardens, basic schools, grammar schools, industrial schools, health schools, social and juridical schools, academies of music and higher schools of different types. See J.R. TRETERA, Z. HORÁK, *Religion in Public Education in the Czech Republic*, in G. ROBBERS (ed.), *Religion in Public Education, Proceedings of the Conference of the European Consortium for Church and State Research*, Trier, 2011, pp. 100-104.

of students of theology, i.e. candidates for the Catholic priesthood and students of the Catholic theological faculties in Prague and Olomouc.

### 3. *Theological Higher Schools*

What is quite new are thirteen Church higher schools, founded by religious communities, providing theological and other special education. These schools admit students who have passed the school leaving examination at grammar schools. Thus, they have a character close to that of universities but their students do not obtain academic degrees but only the title DiS (Specialist with Diploma). These schools prepare students for the teaching of religion, for social work, for pastoral assistance and jobs in journalism. Examples include the: *Hussite Institute of Theological Studies*, founded by the Czechoslovak Hussite Church to prepare deacons, pastoral assistants and other auxiliary members of the Church staff; *Jabok*, Church Higher Social and Pedagogical and Theological School, founded by the Salesian Congregation for a wide range of social and pedagogic activities with different Church and charity bodies.

### 4. *Departments of Religious Education and Social Work at the Non-Theological Faculties of Public Universities*

Four Czech universities<sup>4</sup> have founded departments at their faculties offering study programs of religious education and social work. The graduates prepare above all for work as teachers of religion and for secular social work.

Moreover, some other Czech universities, even technical universities, offer courses of basic knowledge in theology. The aim is not to train religious staff but to widen the students' intellectual horizons.

Overview of types of theological schools in the Czech Republic

	CATHOLIC	OTHER RELIGIONS	WITHOUT RELIGIOUS AFFILIATION
Public theological faculties	3	2	
Private theological seminaries		1	
Church higher schools	6	7	
Departments of religious education and social work at non-theological faculties of public universities			4

<sup>4</sup> In Hradec Králové, Liberec, Ostrava and Brno.

## B. Training of Ministers of Religion in Public Universities

### 1. *Juridical Status and Financing*

The main legal instrument regulating theological faculties is Act No. 111/1998, on Universities. Theological faculties have the same position as other faculties of public universities. They are financed the same way; the main source is a yearly contribution from the State budget for educational and scientific activities.

The universities and faculties have their internal rules (the statutes, study rules, disciplinary rules, etc.). But theological faculties are different from other faculties of the university concerning the procedure to approve the internal faculty rules. After their approval in the faculty senate and before transmission to the university senate for final confirmation, they must be sent to the relevant Church authority for endorsement. This is only if such is required by the internal provisions of the Church concerned<sup>5</sup>. In case of Catholic theological faculties, the statutes are sent to Congregation for Catholic Education in Rome.

### 2. *Nomination of Teaching Body*

In the statutes of Catholic theological faculties there are provisions concerning *missio canonica* or *venia docendi*, which are conferred upon the professors in selected subjects by the Great Chancellors of those faculties (Archbishop of Prague, Archbishop of Olomouc, and Bishop of České Budějovice).

Professors of the Evangelical Theological Faculty of the Charles University in Prague are traditionally members of different denominations, Protestant and others. There is no quota for any particular religious community. Scientific and pedagogic ability play the most important part in this process.

A multi-denominational body of professors is typical for the Hussite Theological Faculty of the Charles University, Prague. Most of the theologians and other teachers are from the Czechoslovak Hussite Church, Federation of Jewish Communities, Orthodox and Old-Catholic Church; but some are Protestants or Catholics. Even some teachers at Catholic theological faculties are not Catholics.

### 3. *Elaboration of the Curricula*

The curricula of all faculties are prepared by those faculties, i.e. by professors. The Ministry of Education decides on their accreditation. The religious communities influence the curricula through their own professors. Each faculty has its own curriculum. Even curricula of Catholic theological faculties differ one from another.

<sup>5</sup> Act No. 111/1998, on Universities, Art. 33, Section 2.

Personalities of professors, as well as the official documents of religious communities, play a role in the preparation of particular curricula.

#### 4. *Selection of Students*

Students of public faculties of theology and Church higher schools are selected on ability. Their religious adherence is not taken into account and nobody make enquiries about this. Students of theology may legally belong to different confessions and they do so in practice, or they can be non-denominational. The same applies to students of religious education and social work at non-theological faculties of public universities.

#### 5. *Studies Abroad*

Students of Catholic theological faculties in the Czech Republic can study abroad, or continue their home studies abroad, in the subjects of theology, canon law and philosophy. They study mainly at the John Paul II Catholic University of Lublin (Poland) or the Pontifical universities in Rome (candidates for the priesthood or priests are formed at the College Nepomucenum in Rome). Students of theology of other religious communities can study abroad, or continue home studies abroad.

### C. **The Value of Qualifications and Degrees Conferred by the Faculties of Theology of Private Universities**

There is only one private university with a faculty of theology in the Czech Republic: the *International Baptist Theological Seminary*, Prague. Its study programs, accredited according to Act No. 111/1998, on Universities, by the Czech Ministry of Education, have automatic recognition in the Czech Republic.

### D. **The Creation of Faculties of Theology for Newly Emerging Religions**

There are 36 registered religious communities and several not yet registered in the Czech Republic. The rules for their registration are found in Act No. 3/2002, on Churches and Religious Societies. Most are Christian. Each denomination has an opportunity to found their own schools to train their staff. But such staff may study at existing theological faculties, which is what they do in practice. The Evangelical Theological Faculty of Charles University in Prague in particular is known for the wide denominational diversity of its students.

Several non-Christian and non-Jewish denominations in the Czech Republic were registered during the last few years. These include Hindus, Hare Krishna, Buddhists and the Centre of Muslim Communities. None of these religious communities has more than 10.000 members; they are not widespread as yet. Each of these denominations has the right to found their schools and educate their staff. There is no practical reason to establish theological faculties for them. The reason for the relatively small

number of Muslims in the Czech Republic is the low level of immigration from Muslim countries. Most foreign workers in the Czech Republic come from Vietnam and the Ukraine. They are particularly active in filling vacancies in the job market.

### **III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF**

As mentioned above, the study of theology is relatively well organised in the Czech Republic today; and it may take many possible forms. All religious communities with a substantial organisation use the current legal possibilities. Therefore, they do not require any new forms of training for their religious staff. Nor do State authorities instigate changes or reform.

Many small Protestant Churches, Revivalists, and Pentecostals, have extended their activities and have established new parishes and spiritual centres over last twenty years. They operate their own schools, or use the public theological faculties, or send their candidates for religious ministry to study abroad.

#### **A. Using Polish Priests in Czech Spiritual Administration**

The only numerically large group of religious staff from abroad are Polish priests. They come at the request of the Czech Bishops' Conference to help in Catholic parish administration, above all as parish priests, because of a lack of Czech priests. Czech bishops enter agreements with their Polish counterparts on lending particular priests incardinated in Polish dioceses, usually for a term of five years. The time can be extended. Some Polish religious priests come at the request of the superiors in the Czech orders to help with the renewal or creation of monasteries.

State authorities issue permits to these priests, allowing a temporary stay in the Czech Republic. There are no issues with the theological training of these. They are usually graduates from Polish universities and seminaries. They study the Czech language, usually, at the start of their work. This raises no problems because the Czech language is very much like Polish.

Nowadays Polish priests represent more than 5 percent of Catholic clergy in the Czech Republic and are spread around the archdioceses and dioceses. They often avail themselves of theological study in postgraduate programs at Czech theological faculties. Several Polish priests teach as professors at Czech theological faculties or Church higher schools.

#### **B. Using Members of Staff of Religious Communities from Some Other Countries**

There is an active Catholic minority among Vietnamese immigrants in the Czech Republic (perhaps it is the only group of Vietnamese in the Czech Republic which actively profess a religion). Representatives of the Catholic Church in the Czech

Republic provide spiritual care for them. Because Vietnam is a socialist country, it is quite impossible to receive any priest from there. Some Vietnamese pastoral assistants came from Germany; others are trained in the Czech theological schools.

### C. **Hindus and Buddhists**

Two Hindu and two Buddhist denominations registered in the Czech Republic consist many of Czech members, admirers of Oriental cultures. They are led by the gurus and other superiors usually from abroad, who are in the teaching relation to all believers. They do not require any other studies at the moment.

### D. **Muslims**

The position of the Centre of Muslims and four Muslim local communities is similar to the positions of Hindus and Buddhists. The only difference is that most Muslims are immigrants (above all from Afghanistan, Iraq and Syria). Actual participation at Friday worship does not exceed 1,000 people. The estimated number of all Muslims in the Czech Republic is approximately 10,000 people (including children). Relations among different groups of Muslim are – in spite of the efforts of both Czech and foreign leadership – rather confused.

There exist no conventions or agreements between public authorities and institutes or faculties of theology created by the Muslim community or the institutions representing the administration of religious affairs of a foreign country.

### E. **Training of Religious Staff of Foreign Origin**

Religious communities are free to invite foreigners as religious staff. But there is no need to invite them. The only exception is the need for Catholic priests from Poland.

The new religions and denominations are usually introduced by native Czechs, educated abroad. The number of foreign immigrants to the Czech Republic, adherents of new religions and denominations, is low.

These are the reasons why Czech public authorities do not put in place special training for religious staff of foreign origin to enable integration in the host country.

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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS STAFF IN LITHUANIA

ANDRIUS SPRINDZIUNAS

## I. HISTORICAL REVIEW OF THE MODE OF TRAINING OF RELIGIOUS STAFF IN LITHUANIA

### A. Christian religious communities in Lithuania

Examining the historical interactions between church and state educational efforts in Lithuania, the first significant event occurred when the government invited the Jesuits to educate clergy in the late 16<sup>th</sup> century. The counter-Reformation movement in Lithuania led to increasing educational efforts amongst Christian churches. Due to their late Christianization (1387, 1413), Lithuanians, the so-called «last pagans of Europe», kept their tradition of religious tolerance and avoided violence during the Reformation period. That was enhanced by Polish-Lithuanian legislators, when the Warsaw Confederation, in 1573, adopted the law on religious tolerance and formally abolished discrimination on religious grounds. It is interesting to note that although Protestants had gained the majority among Lithuanian senators, having Roman Catholic kings during the Polish-Lithuanian Commonwealth<sup>1</sup> kept the country moving towards Catholicism. Regarding religious tolerance during the Republic of the Two Nations, historical evidence suggests that only nobles, and not their subjects, could practise religious freedom<sup>2</sup>. The rule *cuius regio, eius religio* was no longer valid even in the private estates of the nobles of Lithuania after the mid-17<sup>th</sup> century. Then, the Roman Catholic Church came to represent loyalty to the King and gained dominant positions within the territory of the Polish-Lithuanian Commonwealth.

In 1569, the first group of six Jesuits arrived in Vilnius and founded a college based on the model of the *Collège de Sorbonne* in Paris. Historical sources tell us that

<sup>1</sup> «Polish-Lithuanian Union», or «Republic of the Two Nations», in the period since 1569 to 1791.

<sup>2</sup> L. JOVAISA. *The Age of Church Reforms // Christianity in Lithuania*, Vilnius, Aidai, 2002.

the Jesuits came from various lands (i.e., Spain, Poland, Portugal and Scotland) and soon started «pastoral activities hitherto unseen on such a scale»<sup>3</sup>.

In 1579, by means of privilege granted by the King of the Polish Lithuanian Commonwealth, Stephen Bathory, and by means of Papal bull, the College of Vilnius was elevated in status and became the *Alma Academia Et Universitas Vilnensis Societatis Iesu*<sup>4</sup>; the intention was to reserve the reformation, to integrate Orthodox with Roman Catholics and, in that way, to strengthen the monarchy and legitimacy of the Commonwealth<sup>5</sup>.

Most of the first professors in the newly founded Faculty of Theology at the *Academia Et Universitas Vilnensis* came from the *Collegium Romanum*. They represented «Spanish theology» and based their lectures on the works of St. Thomas Aquinas<sup>6</sup>.

The Jesuits controlled Vilnius University until 1773, when the Commission on Education took over their role. The Commission sought to institute the Polish-Lithuanian Enlightenment, developing *educatio populi*. At the beginning of the 19<sup>th</sup> century, under tsarist Russian rule, Vilnius University still maintained the scientific and political ideas of the Enlightenment. Theology and related subjects were included in the programme of moral and political sciences and did not accord with Canon law. The Bishop of Vilnius could not control the teaching of Theology since professors were appointed by the University Council.

The Chief Seminary of Vilnius was opened in Vilnius in 1803; the total number of seminarians was 50, including 33 Roman Catholics and 17 Greek Catholics. Long discussions were needed before a decision was made to open a Faculty of Theology, subject to the Bishop of Vilnius. Yet it did not come to fruition, because Vilnius University was closed in 1832 as a consequence of the Polish-Lithuanian insurrection against the tsarist regime. In 1834, a Roman Catholic Academy was opened in Vilnius.

Later, the tsarist administration took radical measures against the Greek Catholic Church, its monasteries, and its schools. In the former territory of the Polish-Lithuanian Commonwealth millions of believers were forced to join the Russian Orthodox Church and thousands of priests had to renounce their affiliation to Rome<sup>7</sup>.

Under Soviet occupation, Soviet officials did not allow the Greek Catholic Church to function either. After 1946, its leaders were put under arrest and the remaining believers could not resist incorporation into the Russian Orthodox Church. The Greek Catholic Church ceased to exist during the Soviet era.

<sup>3</sup> Ibid., p. 73.

<sup>4</sup> Vilniaus universiteto istorija 1579 - 1803. Vilnius, «Šviesa», 1976.

<sup>5</sup> Stanisław Bednarski. Geneza Akademji Wilenskiej. Wilno : Druk Józefa Zawadzkiego, 1929, p. 12.

<sup>6</sup> Vilniaus universiteto istorija 1579 - 1803. Vilnius, «Šviesa», 1976, p. 139.

<sup>7</sup> D. BARNAS, R. CERNIUS, L. JOVAISA, L. PAKNYS, E. RAILA, A. STREIKUS, P. SUBACIUS, *Krikščionybės Lietuvoje istorija*. Vilnius, Aidai, 2006, pp. 333-334.

After the restoration of the independent Republic of Lithuania in 1990, the Greek Catholic Church emerged from underground. In present-day Lithuania, there are around 900 Greek Catholic believers, served by three priests and one newly ordained bishop.

There are two significant historical branches of the Protestant Church in Lithuania: the Lutheran Church and the Reformed Evangelical Church. The Lutheran Church in Lithuania had its ups and downs for many centuries, until it was recognized as a traditional religious community in the Republic of Lithuania after 1990 with its 38 active parishes. In 1992, in the State University of Klaipeda (former Memel), a department of Theology introduced a study programme for the Evangelical Lutheran priesthood. At present, Lutherans have 54 communities with 21 priests<sup>8</sup>. Every Lithuanian Lutheran community is self-contained. It has the right to elect (subject to confirmation by the Lutheran Consistory) and fund its priests.

The Evangelical Reformed (Genevan) Church of Lithuania, together with Lutherans, fulfilled their mission in Lithuania to question and improve the understanding of biblical truths, ecclesial life, the role of the clergy, pastoral ministry, etc. In particular, the Protestant churches in Lithuania had a strong impact in fostering the Lithuanian language, as well as advocating national Catholic Church reform<sup>9</sup>. Since their «golden period» between the 16<sup>th</sup> and 17<sup>th</sup> centuries in Lithuania, the number of congregations has declined to 14 congregations and parishes in various regions of Lithuania today.

The Russian Orthodox Church has very old historical roots in Lithuania. It was openly protected by the Russian tsarist administration and entered into complicated relations with Catholics. In the period between World War I and World War II, the Russian Orthodox Church in Lithuania had no seminary. They practiced the ordination of self-educated priests and applied to the Lithuanian government for permission to establish a government spiritual school or at least courses to prepare prospective priests. The Department of Education of the Republic of Lithuania issued permission to introduce two-year long courses for that purpose, but did not provide any funds<sup>10</sup>. Until the start of World War II, only the older generation of Orthodox priests in Lithuania had received higher theological education. And they still had to resist Catholic proselytism, especially among their younger members.

After its congress in Moscow in 1943, the Russian Orthodox Church received exclusive rights to re-create its structure and to open its spiritual seminaries, etc.

<sup>8</sup> G. BERESNEVICIUS, D. GLODENIS, A. PAZERAITE, E. RACIUS, H. KOBECKAITE, V. ALIULIS, V. MOCKUS, H. LAHAYNE, G. POTASENKO, *Religines bendruomenes. Mokslo ir enciklopediju leidybos institutas*, Vilnius, 2009. p. 179.

<sup>9</sup> L. JOVAISA. *The Age of Church Reforms // Christianity in Lithuania*. Vilnius, Aidai, 2002.

<sup>10</sup> R. LAUKAITYTE. *Staciatikiu baznycia Lietuvoje XX amžiuje. Lietuvos istorijos institutas*, Vilnius, 2003, p. 59.

The Orthodox spiritual seminary in Vilnius began functioning and accepted its first 20 seminarians in 1946. Later, after the death of Stalin, the Soviet administration increased pressure on the Orthodox Church throughout the Soviet Union. The cutting of state funding brought closure to many Russian Orthodox institutes. The process was not so intense in Lithuania, where Soviet officials saw the Orthodox Church as a counterbalance against the Catholic Church.

At present, Russian Orthodox clergy may acquire initial spiritual formation in monasteries in Lithuania, but formal Russian Orthodox theological education is only available abroad.

The branch of the Russian Orthodox Old Believers in Lithuania, historically, had no priests. Instead, they chose spiritual fathers to serve the community. Men (and sometimes women) were prepared through self-contained studies and through experience in church service. At present, some Lithuanian Old Believers clerics graduated at Orthodox Old Believers' schools of spiritual formation in Riga (Latvia) and St. Petersburg (Russia).

## B. Non-Christian religious communities in Lithuania

*Jews* settled in Lithuania during the 14<sup>th</sup> century and perhaps even earlier. They contributed much to its culture, science, trade, and economic development. Before the World War II Holocaust in Lithuania, the Lithuanian Jewish population was about 7% of the total population, and about 45% of the total population of Vilnius<sup>11</sup>. The so-called «Litvaks» (meaning Lithuanian Jews) encompassed territories in present-day Lithuania, Belarus, Ukraine, and also parts of Poland and Russia as a corroboration of the former supra-national Lithuania or Litwa<sup>12</sup>.

Since the 16<sup>th</sup> century, when famous rabbis and teachers of the Talmud arrived from Poland, the Czech Republic, and Germany, Vilnius became a prominent center of highly intellectual Torah and Talmudic studies. Among the most respected was the famous Talmudist and Cabbalist Elijah ben Shlomo Zalman Kremer, Vilna Gaon (1720-1797).

Before World War II, there were over 100 synagogues (houses of prayer) and 10 yeshivas (Judaic schools and spiritual centers) in Vilnius alone. Significant yeshivas and synagogues were also operating in many other parts of Lithuania<sup>13</sup>.

<sup>11</sup> Yiddish «Vilne», Hebr. «Vilno», «Vilna».

<sup>12</sup> Orig. «Lietuva», slavic «Litwa» ethymology contains the same root meaning of *amalgam*, or liquids put together but not intermixed.

<sup>13</sup> G. BERESNEVICIUS, D. GLODENIS, A. PAZERAITE, E. RACIUS, H. KOBECKAITE, V. ALIULIS, V. MOCKUS, H. LAHAYNE, G. POTASENKO, *Religines bendruomenes. Mokslo ir enciklopediju leidybos institutas*, Vilnius, 2009, pp. 60-65.

At present, there are several thousand Jews living in Lithuania, working to restore their communal life. Their old traditions were broken and property confiscated. Just after the restoration of the independent Lithuanian Republic in March 1990, the Head of the Lithuanian Supreme Council, Vytautas Landsbergis, made an appeal to the Lithuanian government and people, stimulating restoration of justice with regard to the Lithuanian Jewish community, including respect for the memory of the Holocaust victims and further development of Jewish institutes of culture, science, and religion (Supreme Council of Lithuania, May 8, 1990).

Since the middle of the 15<sup>th</sup> century, a group of *Muslim* Tatars also settled in Lithuania. Tatars have lived in close communities with their number never exceeding thirty thousand<sup>14</sup>. Yet, they still live in present-day Lithuania and constitute a cultural community of Lithuanian Sunni Muslims. Isolated from other Islamic groups (in a long historical perspective), Lithuanian Muslims did not speak Arabic, but they did read and memorize their sacred texts. The lack of knowledge of the Koran was compensated for by authentic prayers, which often came close to Catholic prayers in form and in some instances content. Lithuanian Muslims practised exclusive loyalty to the State, and their men served in the army - dozens of them became generals or even reached the next-highest position in the Lithuanian army in various historical periods. In 1991, when a Soviet tank ran into a crowd of protesting and unarmed Lithuanian people, a young lady, daughter of Lithuanian Tatar, was killed. It is important to emphasize this unique example in Lithuanian history where Muslims and Christians have lived peacefully together for a period of 600 years – as have other religious communities in Lithuania.

Historical sources suggest that there was no Mufti in Lithuanian mosques until the 1930s<sup>15</sup>. Tatar communities had elected councils of elders and prayer leaders. For a long period, they resisted attempts to subordinate themselves to larger foreign Mufti groups. At present, Lithuanian Muslims have Mufti on the basis of an arrangement with the support of the Turkish Embassy in Lithuania. The Lithuanian Tatar community still keeps its ancient traditions and resists Muslim new-comers into its communal religious life.

The last representative sociological survey (2001) revealed 3265 Tatars living in Lithuania, 2860 Muslims (1679 Tatars among them), and up to 400 Lithuanians converted to Islam in 2011<sup>16</sup>.

The *Karaite* community settled in Lithuania as early as the end of the 14<sup>th</sup> century. For centuries, they preserved their autonomy as a Karaite religious community with

<sup>14</sup> *Ibid.*, p. 74.

<sup>15</sup> *Ibid.*, p. 81

<sup>16</sup> *Ibid.*, p. 88.

their priests called *hazzan*, senior priests known as *ullu hazan*, and prayer houses called *kenesa*.

The Soviets neglected the needs of the Karaite community and closed (nationalized) their *kenesa* in Vilnius. It was a typical example of Soviet bureaucracy against religious communities: Soviet officials based their solution on the assertion that «there were only 15 believers and no priests», when there were actually 200 believers with their spiritual leader. Indeed, the Head of the Karaite religious community had been forced by the Soviets to renounce his priesthood<sup>17</sup>. The *kenesa* in Trakai (the ancient capital of Lithuania) was the last and the only prayer house of Karaites in Europe during the Soviet occupation. Since 1989, the *kenesa* of Vilnius was returned to the Lithuanian Karaites. The number of Lithuanian Karaites continues to decrease: historical sources indicate around 380 families of Karaites arriving to settle in Lithuania in 1397 by the permission of Duke Vytautas Magnus, and hundreds of Karaites were registered in Lithuania in 1923. In 1959, there were 433 and in 2001, there were 273.

### C. Training religious personnel in the Roman Catholic Church under Soviet persecution

During the Soviet occupation, there were countless violations of the rights of believers of all religions in Lithuania<sup>18</sup>. One may discern several periods in Soviet attitudes toward religion, yet the principal goal, under the Soviet Union, was the total eradication of religion. Although the Constitution of the Union of Soviet Socialist Republics guaranteed freedom of religion, Soviet officials were expected to annihilate religions gradually. As recent research suggests, the Soviets used deliberate tactics to achieve this. They closed most of the convents, thus eliminating the historical spiritual refuge and backbone of Christian communities. Then, the training of religious staff was restricted severely and controlled by the state, along with a strict prohibition on priests to teach children. Priests were actually treated as «servants of the cult» and were required to stay within the limits of the traditional liturgy and common ecclesiastical services. In the context of general suppression, two major religious communities with their particular yet different *modus vivendi* survived under the Soviet regime. The Russian Orthodox Church, after suffering inconceivable losses after the Soviet Revolution in 1917, finally came to better meet the requirements of the Soviet officials. The Russian Orthodox Church also served as proof to the international community that religious freedom and the observance of the basic human rights of people did exist in the Soviet Union. Meanwhile, the Roman Catholic Church became a symbol of disloyalty to the Kremlin in the sense of opposing the Soviet regime, and

<sup>17</sup> *Ibid.*, p.101.

<sup>18</sup> Chronicle of the Catholic Church in Lithuania. Issues 1 to 81, 1971-1989.

yet keeping its headquarters in the Vatican, i.e. outside the Soviet Union. It may not be self-evident now but subordination to a non-Soviet head abroad was treated as a serious anti-Soviet matter at that time. Consequently, the Catholic Church in the Soviet Union became one of the leading anti-Soviet agents, with its periodical «Chronicle of the Catholic Church in Lithuania» (CCCL, 1971-1989).

In soviet Lithuania, the implementation of strict separation of the church and state was realized by closing all schools, faculties and institutes of religious formation, with the exception of only one Catholic Theological College/Seminary in Kaunas. The annual number of the new students in the Kaunas Catholic Seminary was strictly limited by state officials; the applicants had to attend meetings with the state security agents, and some of them would have their applications rejected. Yet official reports kept informing society that all applicants, wishing to join the Kaunas Catholic Seminary, were admitted<sup>19</sup>. As a result, the number of Catholic priests in Lithuania gradually decreased though some determined men did join the Seminary.

The phenomenon of *underground Catholic seminarians and secret ordination* to the priesthood also appeared in Lithuania. It was initiated by seminarians whose applications to join the only Kaunas Catholic Seminary had been rejected annually (for a period of 10 and even more years), to include those who were removed from the Seminary by the direct pressure of soviet officials. Most of them were very conscious of their religious vocation, or they were close to «extremist» priests (in soviet terms), and/or they refused to sign contracts of collaboration with KGB agents. The leaders of the Catholic Church in Lithuania faced a reducing number of clergy and were willing to ordain more new priests. There was a period of attempts to educate groups of seminarians secretly, but later individual teaching and formation occurred to avoid the risk of discovery of the underground seminary by Soviet officials.

The clandestine formation of priests reached its peak after the appointment of a «secret Cardinal» in Lithuania by Pope John Paul II in 1979.

Quite interesting details were revealed in CCCL about various Soviet officials regularly coming to read lectures and attend discussions with the seminarians of the Kaunas Catholic Seminary in order to form them as loyal Soviet priests, and prevent them from effective pastoral ministry (i.e. anti-Soviet action). For instance, the Minister of Education of the Lithuanian Socialist Republic himself attempted to convince seminarians that *Christos* in Greek and Hebrew was an appellative word, and, therefore, there is no evidence that Jesus Christ could exist as a historical person<sup>20</sup>. Then, other high Soviet officials kept coming to the Seminary and «educating» seminarians in the final courses with explicit demands to «stay away from politics,» not join any

<sup>19</sup> *Chronicle of the Catholic Church in Lithuania*. Volume 10, Issue 76. Kingsport Press, Kingsport, Tennessee, USA, 1992. p. 46.

<sup>20</sup> *Ibid.*, p. 48.

fighting for the rights of believers, avoid meetings with children and young people, and only participate by «satisfying the religious needs» of believers<sup>21</sup>.

During the Soviet period, other Christian denominations - the Greek Uniates, Lutherans, and Reformed churches - were brought to near-extinction in Lithuania, as well as in other areas of the Soviet empire. Clergy of some Evangelical churches and new Christian groups, Baptists and the Seventh-day Adventist Church members, experienced the most pressure exerted by Soviet officials, namely: the State Deputy of Religious Affairs, court prosecutors, *militia* or KGB agents, various clerks of the State Ministry of Science and Education, heads of local agencies, teachers, members of the Communist Party of the USSR, etc. A multitude of precedents of the Soviet state clerks interacting with religious staff members and ordinary religious people were collected and published in issues of the Chronicle of the Catholic Church in Lithuania, 1971-1989. The Chronicle did not limit itself to Catholic issues as it kept reporting on actions against other religious communities as well. Thus, the Catholic Chronicle took responsibility for, and a real risk to represent, the struggle of all believers for their rights to practise religion. By summarizing the scope of the Chronicle of the Catholic Church in Lithuania, it is important to note that not only its publishers were hunted by Soviet security agents, but also most of the informants were investigated by Soviet officials to check the facts, to disclose the organisation of the publishers of the CCCL, and possibly to destroy it.

In 1984, a Catholic priest, Rokas Puzonas, published the details of the KGB attempt to recruit him. He publicly appealed to the Head of the Security Committee of the Soviet Republic of Lithuania with his request and demand in four articles:

1. To revoke his promise of collaboration with the state security, signed in 1977, because it was achieved by means of moral violence;
2. To stop violence and the bull-doing of young men seeking the priesthood;
3. To allow Lithuanian bishops and the heads of the Seminary to decide on the suitability of candidates to the priesthood, without interference by the State Deputy of religious affairs;
4. To give bishops freedom to appoint or to move a particular priest to any parish under their jurisdiction<sup>22</sup>.

At present, the Roman Catholic Church in Lithuania operates four Spiritual Seminaries in various towns. A university degree in Catholic studies is also available at the Faculty of Catholic Theology at Vytautas Magnus University, Kaunas. There are two more State universities with courses in Catholic theology within the study programmes for teachers of Catholicism in public schools.

<sup>21</sup> *Ibid.*, p.49-51.

<sup>22</sup> R. PUZONAS. *Pogrindžio kunigu seminarija*. Kataliku Akademija Vilnius, 2002, p. 195. (free translation).

Facing the decreasing number of new spiritual vocations over the last decade, four Catholic spiritual seminaries have become a significant financial burden for the Catholic Church in Lithuania, yet every one of them represents a precious tradition.

## II. THE MODES OF FORMATION OF RELIGIOUS PERSONNEL: CURRENT LAW AND NEW POLICIES

The Law on Education of the Republic of Lithuania recognizes the right to religious education on the basis of free choice within the context of compulsory moral education: «Religion shall be an optional part of moral education. Moral education shall be a part of primary, basic and secondary education. Upon the request of parents (or guardians), the subject of religion may be included in the pre-school education of their children. Non-formal religious education and informal education in religion may be carried out»<sup>23</sup>.

Education at the college and university level is regulated by the national Law on Science and Studies, which does not mention religion at all. Instead, the national Law on Science and Studies recognizes the autonomy of the higher schools (colleges, universities) and allows their subordination to the government department of Science and Education and other related government institutions. It is important to note, that Art. 2 of the Law on Science and Studies of the Republic of Lithuania makes an exception for both the Military Academy of Lithuania and for theological colleges (literally: seminaries for the priesthood)<sup>24</sup>. Article 2.2. of the national Law on Science and Studies reads that the current law is applicable to the theological colleges to the extent that it does not contradict the provisions of the Agreement between the Holy See and the Republic of Lithuania on Co-operation in Education and Culture (The Concordat between Vatican and the Republic of Lithuania). Its Article 5 reads: «The Catholic Church may organise courses and engage in spiritual-religious education in universities and other establishments of higher education in agreement with the administration of these institutions»<sup>25</sup>. Article 10 states: «The Contracting Parties shall mutually recognise diplomas and academic qualifications in education at the University level (10.1.)»; and: «the competent authority of the Church may establish diocesan and inter-diocesan seminaries for the spiritual and intellectual preparation of candidates for the priesthood. Diplomas of higher education granted by the seminaries

<sup>23</sup> Art. 31, Law on Education, Republic of Lithuania, Vilnius (As last amended on 17 March 2011 – No XI-1281) [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_e?p\\_id=399271&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=399271&p_query=&p_tr2=2).

<sup>24</sup> Art. 2, Law on Science and Studies, Republic of Lithuania, Vilnius, 2009 [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=424020](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=424020).

<sup>25</sup> Art. 5, Agreement between the Holy See and the Republic of Lithuania on Co-operation in Education and Culture. [http://www.lcn.lt/b\\_dokumentai/kiti\\_dokumentai/AS-LR-sutartis-svietimas.html](http://www.lcn.lt/b_dokumentai/kiti_dokumentai/AS-LR-sutartis-svietimas.html).

shall be recognised in the Republic of Lithuania, provided that the level of studies meets the qualification requirements set for higher education (11.1.)»<sup>26</sup>.

Analogous agreements between the Republic of Lithuania and other religious communities and associations do not exist.

Lithuanian universities, colleges and institutes of science and research use their academic autonomy to provide courses, research projects and study programmes, grounding them on the needs of the students, the peculiarity of the region, and strategic vision.

The current situation regarding theological education for clergy in Lithuania consists of four Catholic seminaries, one Faculty of Catholic Theology in a state university (Vytautas Magnus, Kaunas), a department of historical research of the Protestant churches in the state University of Klaipeda, and studies of Lithuanian cultural groups/cultural minorities in the state university of Vilnius (including studies of Orthodox Old Believers, Yiddish and Judaist, Karaites, Tatars, Roma people), along with several centres of Asian studies (Arabic, Indian, Japanese studies, Confucian institutes), all of which seem to satisfy current spiritual needs of the Lithuanian society. From these, only four confessional Catholic seminaries prepare religious personnel in a strict sense.

### III. CONCLUSIONS

Any person wishing to become a minister of any religious group in Lithuania is free to attend studies in a foreign country. In general, more and more students from Lithuania attend universities abroad while British universities seem to be among the most desirable. Altogether, a tendency of pragmatic choice becomes more noticeable with an evident decrease of spiritual vocations if compared with the last decade of the 20<sup>th</sup> century in Lithuania. A general decrease in the choice of humanities could also be a related characteristic of educational patterns in modern Lithuanians.

In present-day Lithuania, the State distances itself from the formation of religious staff of any religion - thus realizing the constitutional principle of separation of church and state. National government departments work together and assign funds to preserve architectural monuments and masterpieces of art, belonging to religious communities and recognized by laws as a part of national cultural heritage. There is collaboration between religious institutes and governmental structures in the field of social care and security. Also, governmental institutes of justice and equal opportunities, along with non-governmental institutes monitor the development of traditional and new religious groups in the country - but no evidence of interference in the formation of religious personnel has been uncovered in recent decades.

<sup>26</sup> Ibid., Artic. 12,11.

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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN SLOVENIA

BLAŽ IVANC \*

## I. INTRODUCTION

This paper first presents the historical aspects of various modes of training of religious staff that are typical of the public authorities that ruled over the whole Slovene territory or over its respective parts (nowadays a constituent part of the Republic of Slovenia) during the period between the 18<sup>th</sup> century and the late 19<sup>th</sup> century. The second part of the discussion deals with various current legal acts, principles and rules that are operative in relation to various modes of formation of religious staff. Finally, the discussion turns to Slovenia's policies that concern the training of religious staff in the future.

In the past three centuries, before the proclamation of the independent state in June 1991, Slovenes have lived under numerous State Regimes: the Federative Socialist Republic of Yugoslavia, the State of Serbs, Croats and Slovenes, the Kingdom of Serbs, Croats and Slovenes, the Kingdom of Yugoslavia, the Austro-Hungarian Empire, the Austrian Empire, the Habsburg Monarchy, the French Republic, the Kingdom of Italy and also the triple occupation by Nazi Germany, Fascist Italy and Hungary. Various public authorities, including all three totalitarian regimes of the 20<sup>th</sup> century, have had different perceptions of State-Church relations and consequently different attitudes towards the training of religious staff. Despite this colourful complex of public authorities, this discussion concentrates on the training of religious staff as organized mainly by the Catholic Church. The main reason for this is found in the course of historical events and the dominant position of the Catholic Church – this was the only religious organization which provided for the higher education of religious staff in this period on the Slovene territory. Another important reason is that other large

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churches or religious communities, whose adherents mainly immigrated to Slovenia from Bosnia and Herzegovina, Serbia, Kosovo etc., still educate their religious staff abroad (e.g. the Muslim Community, the Serbian Orthodox Church). No significant data are publicly available about the education of religious staff belonging to smaller religious communities.

## II. HISTORY OF THE MODE OF TRAINING OF RELIGIOUS STAFF IN THE 18<sup>TH</sup>/19<sup>TH</sup> CENTURY

The beginnings of theological studies in Slovenia during the Middle Ages may be traced to the monastic theological schools of various religious orders. The activities of Slovene Protestants in the field of education (translation and publication of religious books, establishment of schools, etc.) were reduced in the period of the anti-protestant reformation which took place at the time of the Habsburg Monarchy. Following the Council of Trent and its legislation on the study of theology, in 1759 at Gornji grad, the Catholic bishop Janez Tavčar established a seminary that provided higher theological study for prospective priests. Already, in 1619, the Jesuits College in Ljubljana offered lectures in casuistry (moral theology) as part of *studia superiora*, but the College did not have the power to confer academic titles. The religious orders of Cistercians, Franciscans, Conventual Franciscans, Carthusians and Capuchins established their own theological schools. Because the Jesuit order was dissolved in 1773, theological studies which took place in the Jesuit College were transferred to the seminary. In 1710 a diocesan seminary school was set up in Koper.

In the period of Josephinism (1783-1791) the monastic and diocesan theological schools were closed and schooling of prospective clergy was only possible in the general seminary in Graz. In 1791 the Lyceum (*Archiducale Lyceum Labacense*) Ljubljana was established; it had three study courses, including theology, and the right to confer academic titles. The religious orders were once again free to establish their own theological schools.

The situation changed once again with the establishment of the Illyrian Provinces after the French occupied the Slovene territory (1809-1813). The French authorities established the Central school (*École Central*) by transforming the Lyceum in Ljubljana. The rector and the chancellor of the Central school were theologians and the school had the power to confer all academic degrees. In November 1811 the Central school was renamed as an Academy, a community of faculties, including the Faculty of Theology. Thus, the Central school, or later on the Academy, could be considered as being a full university.

Austrian authority over Slovene territory was re-established in 1814 and theological studies returned to the Lyceum in Ljubljana. The term «Faculty of Theology» was replaced by the term «Theological College Seminary». After the Lyceum ended its activities in 1848, the higher study of theology moved to the Ljubljana Diocesan

Seminary – *Collegium Carolinum*. In 1846, the Ordinary of Ljubljana, Bishop Anton Alojzij Wolf, established a secondary school seminary, the *Collegium Aloysianum*, for around 80 pupils who intended to become priests. Only some monastic schools of theology began to operate after the year 1850. The Lavantine Bishop Anton Martin Slomšek transferred the episcopal see from Št. Andraž to Maribor in 1859 and at the same time established the Lavantine Seminary College in Maribor to ensure theological education for prospective priests (Dolinar, 2007). The Lavantine Seminary College later on became the Higher Theological College in Maribor (1940).

The Faculty of Theology was one of the first five faculties of the University of Ljubljana which was established in 1919. The establishment of the University of Ljubljana had a decisive influence on the educational, cultural, artistic, political and national development of the Slovene nation. Because of the German occupation, the Higher Theological College in Maribor ceased activities in 1941 but resumed under the administration of the Faculty of Theology in Ljubljana in 1968 (being basically a dislocated department). After the end of the Second World War monastic schools of theology discontinued their work.

For 16 years (from 1928 until 1944) the Salesian Religious Congregation operated a Higher Theological School in Rakovnik near Ljubljana as a private higher school. The students came from Slovenia, Croatia and Czechoslovakia.

In October 1949 the communist authorities ousted the Faculty of Theology from the University of Ljubljana by the enactment of the Higher School Settlement Bill (1949). However, the faculty remained part of the public educational community with a public status until 1952 when it lost the status of a public higher educational institution. The diploma of the faculty also lost its public validity, and the State funding of the faculty was abolished. Thus, the Catholic Church in Slovenia (like the Catholic Church in Croatia for the Faculty of Theology in Zagreb) decided that the bishop ordinary would be responsible, acting as the chancellor of the faculty, for the functioning of the faculty. A separate Church Faculty fund was established which provided for private funding of the faculty. Later on, the State provided for the funding of the Faculty of Theology but at a high price: the Religious Commission, appointed by the State, exercised strict control over the faculty, including the power to veto the appointment of teachers (Ambrožič, 2010).

### III. THE MODES OF FORMATION OF RELIGIOUS STAFF: CURRENT LAW

The democratic Constitution (December 1991) provides for freedom of education in Article 57 and guarantees the autonomy of universities and higher schools (Article 58). In May 1991 the National Assembly adopted significant changes to the 1976 Act on the Legal Status of Religious Communities in the Socialist Republic of Slovenia. The first democratically-elected Slovene Parliament got rid of the statutory provision that separated religious communities not only from schools but also from

other educational and social care institutions (Article 3). Thus, a statutory prohibition imposed on all religious organizations to perform activities of general benefit (e.g. social care, health care, education) was lifted. Consequently, Article 10 of the bill, which conditionally allowed only the establishment of religious schools for the education of priests, and imposed strict control over them, was annulled. The school-leaving certificates and diplomas of Church educational institutions were given public validity. Finally, the State *ex tunc* acknowledged the public validity of school-leaving certificates/diplomas issued by the Religious secondary school in Vipava, by the Religious secondary school in Želimiše and by the Faculty of Theology in Ljubljana.

The Catholic Faculty of Theology regained its legal status as a public educational institution in May 1991 and was reintegrated into the University of Ljubljana on 18<sup>th</sup> November 1992. As a member of a public university, the Faculty of Theology enjoys autonomy (guaranteed by the Constitution). It is open to students of all denominations and world views. The Faculty of Theology is financed only in the framework of the University of Ljubljana's budget. The Archbishop of Ljubljana holds the position of a great Chancellor of the faculty and the Catholic Church has influence on the nomination of teachers.

The Catholic Church in Slovenia established the Catholic Institute in September 2008. The Catholic Institute is a founder of the Faculty of Business Studies which – as a private law entity with full autonomy – started educational activities in the academic year 2010/11. The Catholic Institute's intention to establish a private Catholic university was communicated to the general public and forms a part of its basic mission. Other churches and religious communities have not established their own higher school institutions and have not yet publicly communicated an intention to do so.

The Religious Freedom Act acknowledges the role of Churches and religious communities as institutions of general benefit when they perform important functions in public life, e. g. the operation of educational activities (Articles 3 and 5). The law enables the State to provide material support for the operations of registered Churches and religious communities if they perform activities that contribute to general benefit (Art. 29 of the RFA).

The Agreement between the Republic of Slovenia and the Holy See on Legal Issues (signed in 2011 and in force since 2004) provides that in accordance with the legislation of the Republic of Slovenia and canon law, the Catholic Church is entitled to establish and manage schools of all types and levels, secondary schools and university students' halls of residence, and other educational institutions (Paragraph 1 Article 10). Both parties agreed that the State shall support these institutions under equal conditions as other private institutions of the same kind (Paragraph 2 Article 10). The status of church secondary schools and university students and pupils at these institutions is equal to that of secondary schools and university students and pupils of public institutions (Paragraph 3 Article 10). Special State-Church agree-

ments were concluded with the Evangelical Church in the Republic of Slovenia, with the Pentecostal Church in the Republic of Slovenia, with the Serbian Orthodox Church, with the Islamic Community in the Republic of Slovenia and with the Buddhist Congregation Dharmaling (Čepar, 2008). These agreements explicitly provide for freedom to establish educational institutions and have basically the same content as the provision in Article 10 of the Agreement between the Republic of Slovenia and the Holy See on Legal Issues.

#### IV. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

After the democratic Republic of Slovenia was established in 1991, the National Assembly and Government did not produce a political document that would comprehensively elaborate new policies related to churches and religious communities. This also applies to State policies on training religious staff. In practice, the training of religious staff is closely linked with Church's suitable premises that enable the courses for religious staff to take place.

The right-wing Government in 2008 decided to co-finance the erection of a parish pastoral centre for the Serbian Orthodox Church in Slovenia with a sum of 500.000 EUR. The left-wing Governments in 2009-2011 and in 2013 were not in favour of financial aid to the Muslim Community of Slovenia for the erection of the first Mosque in Slovenia and of the Muslim cultural centre that would provide space for religious teaching. One may say that the situation in Slovenia somehow reveals weak points considering the integration of immigrant populations and the implementation of religious plurality.

#### V. FINAL REMARKS

Having analysed the historical aspects of various modes of training of religious staff, the current state of law that applies to the formation of religious staff, and the future policies that concern the training of religious staff, we might offer the following final remarks:

1. Historically, training religious staff in Slovenia was perceived by the various public authorities governing the Slovene territory as one of the most important activities with repercussions for Church–State relations. A strong totalitarian interference into the organizational, financial, personal, legal and practical aspects of the training of religious staff was a particular characteristic of the Communist period.
2. The Religious Freedom Act acknowledges the role of Churches and religious communities as institutions of general benefit when they perform important functions in public life, e. g. the operation of educational activities (Art. 5). The law enables the State to provide material support for the operations of registered Churches and religious communities. The Agreement between the

State and the Holy See and other special State-Church agreements explicitly provide for freedom of establishing educational institutions.

3. Slovenia did not produce comprehensive policies that would determine the attitude or the role of the State in relation to the training of religious staff.

Thus, we are able to determine that a period of totalitarian interference of public authorities in Slovenia in the training of religious staff (1945-1991) was succeeded by a democratic period in which the Faculty of Theology was reintegrated into the University of Ljubljana and the freedom of Churches and religious communities to establish educational institutions (with a possibility of public funding) was legally recognised. However, in the light of the principle of cooperation, the Republic of Slovenia might prepare policies that would include concrete financial, organizational and other positive measures which would stimulate religious plurality, general equality, and the integration of migrants, and contribute to the general benefit of all the inhabitants of Slovenia.

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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL. SWEDEN

LARS FRIEDNER

## I. HISTORY OF THE MODE OF TRAINING OF RELIGIOUS STAFF IN THE 18<sup>TH</sup>/19<sup>TH</sup> CENTURY

From the year 1527, and in the centuries which followed, Sweden had a Lutheran state church<sup>1</sup>. No other religion was accepted. However, from the 18<sup>th</sup> century, foreigners of other religious affiliations were allowed to practice their religions in Sweden. This started with those of the Anglican and Reformed traditions and then Roman-Catholics and Jews<sup>2</sup>. But it was not until 1860 that Swedish citizens could leave the state church to become members of another Christian church or religious community - though opting-out of the Lutheran church was only accepted if the other church (or religious community) was recognized by the State<sup>3</sup>. From this time Christian minority churches also started to grow, i.e. Baptists, Reformed, and later Pentecostal.

Thus, the Swedish history of training religious staff during the 18<sup>th</sup> and 19<sup>th</sup> centuries is mostly the history of the Lutheran state church. But in the late 19<sup>th</sup> century, some training within the Christian minority churches also began, but this paper does not deal with these.

The history of the training of religious staff in the Lutheran state church (*Church of Sweden*) is that of the formation of priests. It was relatively late on that deacons formed part of the church staff<sup>4</sup>.

<sup>1</sup> GÖRANSSON, *Svensk kyrkorätt – en översikt*, Stockholm 1993 p. 26 f.; whether the decision of the Parliament in 1527 actually created a state church is a matter of debate; in any event, the effect was such.

<sup>2</sup> *Ib.* p. 38

<sup>3</sup> *Ib.* p. 39

<sup>4</sup> The formal integration of deacons in the staff of the *Church of Sweden* was completed first in 2000: see *Church of Sweden Church Ordinance* 32:1 (CsSkr 1999:3 p. 2-219ff.). In practice, the educa-

Until 1831 the education of Lutheran priests was a matter for the upper secondary schools of those towns in which a bishop's see was located<sup>5</sup>. From then and on their education took place at the theological faculties of the universities, of which there were two in Sweden at the time, Uppsala and Lund, both run by the State. As the Lutheran church was the state church, both state universities sought to educate priests for that church. At that time, no one would have regarded this as inappropriate, either from the State's or from the Church's point of view. There were at that time no private universities or private theological faculties in Sweden.

The history of the state-run theology faculties goes back to the foundation of the two Swedish universities of that time, Uppsala and Lund. The university in Uppsala and its theology faculty was founded in 1477<sup>6</sup>, and the university in Lund (and its theology faculty) in 1668<sup>7</sup>.

The training of pastors for the emergent Christian minority churches was divided between the churches and religious communities which acknowledged the need for academic studies for their pastors and those which saw such studies only as an unnecessary theoretical matter incidental to the proclamation of the «word of God». In the latter group the Pentecostal Movement was prominent<sup>8</sup>, and in the former the Baptist Community had started to educate its pastors in 1866<sup>9</sup>.

## II. THE MODES OF FORMATION OF RELIGIOUS STAFF: CURRENT LAW

When the current law on the training of religious staff is compared to what was described above, one should bear in mind the changes in Swedish society which occurred during the 20<sup>th</sup> century. One big change in this regard is the new state-church relations from the year 2000, which has meant that Sweden no longer has a state

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tion of deacons had already started, as a private initiative but connected to the *Church of Sweden*, in 1849, followed by other initiatives in the later 19<sup>th</sup> century and early 20<sup>th</sup>: see BÄCKSTRÖM&al, *För att tjäna – en studie av diakoniuppfattningar hos kyrkliga befattningshavare, Svenska kyrkans utredningar 1994:1*, Uppsala 1994, p. 12. See what follows for the education of deacons.

<sup>5</sup> BEXELL, *Prästutbildning, prästtjänster och prästerlig befordran i äldre tid – en kyrkorättslig översikt, Strängnäs stifts herdaminne*, vol. 4, Strängnäs 1995 p. 16; BÄCKSTRÖM, *Präst år 2000 – en studie av svensk prästutbildning inför 1990-talet*, Uppsala universitet, pedagogiskt utvecklingsarbete, rapport no. 86, Uppsala 1987 p. 6 f. During some decades of the 17th century, the university in Lund was responsible for the education of Lutheran priests in the newly conquered, former Danish southern provinces. This system was abolished in 1695. See, OLSSON&al (ed.), *Theologicum i Lund – undervisning och forskning i tusen år*; Malmö 2001, p. 21. Also, there was education at the universities for those priests who taught the new priests, see ASKMARK, *Samlingar och studier till Svenska kyrkans historia 7. Svensk prästutbildning fram till år 1700*, Stockholm 1943, p. 140.

<sup>6</sup> www.teol.uu.se.

<sup>7</sup> OLSSON&al, *ib.*

<sup>8</sup> Betänkandet (SOU 2009:52) *Staten och imamerna*, p. 68.

<sup>9</sup> *Ib.* p. 69.

church. The Lutheran *Church of Sweden* is still a national church, but no longer a part of the State. Another big change, which in part was one of the reasons for the new state-church relations, is the contemporary religious landscape of Sweden. Due to high levels of immigration, a lot of Swedes are today Roman-Catholic, Orthodox, or Muslim. A third factor might be the overall increase in educational standards; this has meant that today the former schools for the education of pastors have become university colleges.

A key stage of development in the education and training of priests for the *Church of Sweden* occurred in the 1970s. Until then, the education of priests was a matter for the state universities. As already mentioned, it was no problem for the universities to teach the Christian faith in its Lutheran form. But from 1973, Lutheran theological education at the universities was replaced by non-confessional education in religion<sup>10</sup>. Nevertheless, the practical training of Lutheran priests took place in the last semester of education at university. But from 1980, the *Church of Sweden* assumed responsibility for this latter stage of training<sup>11</sup>. This might be seen as one of the first signs of the new state-church relations: the *Church of Sweden* was still part of the State – thus, the change from a state university education to a state-church education might not have been too great.

Ever since the 1950s, religious freedom in Sweden has meant that anyone could to opt out of the state church, without becoming a member of any other church or religious community<sup>12</sup>. This was mirrored in university education. The universities – including their theology faculties – were only supposed to teach science and not the beliefs of a specific church, although this change, as mentioned, came about step-by-step. Regardless of this supposition, there was no obstacle to theology faculties educating the prospective Lutheran priests. As the practical element of priestly formation was a matter for the *Church*, the system remained even after the introduction of new state-church relations in 2000.

Another change came in 2007, when Sweden adjusted its system of university education to the EU *Bologna*-process. Since then, there has been no examination at a Swedish university on priestly ministry in the *Church of Sweden*<sup>13</sup>. The main reason for this change was the new state-church relations and the State's view that it must

<sup>10</sup> Royal Writ September 26, 1969, quoted in *Religionsvetenskaplig utbildning – betänkande avgivet av utredningen angående den religionsvetenskapliga utbildningens mål och organisation (RUMO)*, Stockholm 1971, p. 7ff.; Royal Decree (1973:411) on Education at Theological Faculties (Sw. Kungörelse om utbildning vid teologisk fakultet); a Royal Decree (1969:333) on Education at Theological Faculties, already stated that the education should rest on a scientific basis and seek critical training.

<sup>11</sup> BÄCKSTRÖM, *ib.*, p. 17.

<sup>12</sup> Act (1951:680) on Freedom of Religion (Sw. religionsfrihetslagen).

<sup>13</sup> Regulation (2007:638) on Amendment of the Regulation (1993:100) on Universities and University Colleges (Sw. förordning om ändring av högskoleförordningen).

be neutral in religious and confessional matters. Students seeking to become priests in the *Church of Sweden* now have to choose and study different university courses that are accepted by *the Church* as the basis for practical priestly education.

A step in the opposite direction was taken quite recently when the universities were invited by the State to find ways to co-operate with the future employers of students. Several universities, in accordance with wishes of the *Church*, once again started to arrange practical training for priests<sup>14</sup>. This change was noted by the *Swedish National Agency for Higher Education*<sup>15</sup> but has not to-date led to a restoration of the former system.

The education of deacons in the *Church of Sweden* followed a different path. This started through initiatives which did not originate in the State. Their education took place in separate institutions, theoretically linked to the *Church* but in practice independent both from the *Church* and from the State. Initially, these institutions provided for their entire education of deacons; indeed, to become a student at such an institution it was normal that the candidate had undertaken prior training for example as a nurse or social worker; and in those days deacons were mainly women<sup>16</sup>.

Continuing what had already begun in the 19<sup>th</sup> century, during the 20<sup>th</sup> century the Christian minority churches (and religious communities) set up their own systems for the education of pastors. Some of their institutions eventually acquired the status of private university colleges. As a result, the delivery of courses at these colleges came to be broader than what was needed for the education of pastors<sup>17</sup>. (As a matter of fact, the Swedish National Agency for Higher Education in its 2008 report did not scrutinize these university colleges).

A special arrangement applied to the *Swedish Evangelical Mission*<sup>18</sup>, an Evangelical movement within the *Church of Sweden*. Since 1990, pastors of the *Swedish Evangelical Mission* have been regarded as priests of the *Church*<sup>19</sup>. In the 20<sup>th</sup> century, the school for the education of pastors of the *Mission* became a private university college, as did similar institutions in several other churches and religious communi-

<sup>14</sup> A probable reason for the new interest from the universities in the practical training of priests is the fact that the universities – as mentioned later – receive funds from the State in proportion to their numbers of students.

<sup>15</sup> Sw. HÖGSKOLEVERKET; *Rapport 2008:41 R Granskning av utbildningarna inom religionsvetenskap och teologi* p. 21.

<sup>16</sup> i.e. [www.erstadiakoni.se](http://www.erstadiakoni.se), [www.brackediakoni.se](http://www.brackediakoni.se), [www.varsta.se](http://www.varsta.se); Melin, *Från diakonissanstalt till diakonigård – Vårstaperspektiv med särskild utgångspunkt från åren 1976-2006, Studier och uppsatser IX, Härnösands stiftshistoriska sällskap*, Härnösand 1994.

<sup>17</sup> [www.ths.se](http://www.ths.se), [www.orebromissionsskola.se](http://www.orebromissionsskola.se).

<sup>18</sup> Sw. Evangeliska Fosterlandsstiftelsen, EFS.

<sup>19</sup> CsSkv 1990:4, KEu 1990:3, kskr 1990:14.

ties. Today the school not only educates pastors for the *Mission* but also priests for appointment to ordinary positions in the *Church*<sup>20</sup>.

During the 20<sup>th</sup> century, the Roman Catholic Church, Orthodox Churches, Jewish congregations and Muslim communities did not make provision in Sweden for the training of their religious staff. All the prospective priests of these churches, as well as rabbis and imams, were educated and trained abroad. In Sweden, there is no academic education which caters for atheist groups.

Though historically there were only two theology faculties (at the universities in Uppsala and Lund), today religion or theology may be studied at 17 universities or university colleges in Sweden. Most are state institutions, but (as mentioned above) some are private. These private institutions are mostly financed by the State, but they normally receive private donations as well. All universities and university colleges are under the supervision of state authorities, although the universities (and university colleges) have quite a high degree of freedom to create their curriculum for the students. Provisions on examinations are in the hands of the state authorities.

The state-run universities and university colleges are free of influence from religious groups, although - of course - the teachers may have a religious affiliation. As mentioned above, some private university colleges are owned by churches or other religious communities (or have some kind of connection to a specific church). Even among church-owned university colleges there is, at least in theory, no special selection of students; but students affiliated to that church might be more interested to study there than other students. The main impression is that there is quite strong competition between the minor universities (and university colleges) in Sweden to attract students, as financial state support is determined mainly on the basis of student numbers.

### III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

A new factor with regard to theological education in Sweden is the foundation of a private university college in Uppsala, run by the Roman-Catholic Jesuit Order. The college was founded in 2010, and the state authorities the same year granted it the right to hold examinations in theology<sup>21</sup>. It does not seem to have been said expressly, but the inception of the college may well be a first step towards Swedish education for Roman-Catholic priests. The state decisions in this matter do not obviously contradict the trend outlined earlier, i.e. that the state tries to maintain a distinction between state and religion - but these developments point in the other direction<sup>22</sup>.

<sup>20</sup> [www.johannelund.nu](http://www.johannelund.nu) .

<sup>21</sup> [www.newman.se](http://www.newman.se).

<sup>22</sup> There is, as well, an organization in Sweden for Orthodox education, although not on an academic level, see [www.sanktignatios.org](http://www.sanktignatios.org).

A state report on the education of imams in Sweden appeared in 2009<sup>23</sup>. It concluded that no state initiatives should be taken to establish a Swedish system for the education of imams. The reason was that such a decision would not correspond to either the confessional neutrality of the State or the autonomy of the religious communities. A practical point of view was that there was no consensus among the different Muslim communities in Sweden regarding the appropriate modeling for such a system<sup>24</sup>. Since this report was published, the State has taken no initiatives regarding the matter. Now and then, there is an initiative from other actors for a system of education for imams, but still no comprehensive education for them has been organized<sup>25</sup>.

However, Jewish academic education has recently been introduced in Sweden. It does not seem, though, that the object of this is the education of rabbis for the Jewish communities<sup>26</sup>.

The *Church of Sweden* is about to re-arrange its training of priests and deacons, mainly for economic reasons. The training will be centralized in one single organization, although courses will be held in different parts of the country<sup>27</sup>. This means that *the Church's* economic support for the *Swedish Evangelical Mission's* university college is at stake.

It is not easy to draw an over-arching picture of the education of religious staff in Sweden. On the one hand, the step-by-step nature of the evolution of university education in theology suggests a movement gone from the education of Lutheran priests into a more common education in religion. On the other hand, the universities today are more engaged in the practical education of clergy than they have been for several decades – and also, the State authorities have recently acknowledged a new private Roman Catholic-run university college.

<sup>23</sup> Betänkandet (SOU 2009:52) Staten och imamerna.

<sup>24</sup> *Ib.*, p. 109.

<sup>25</sup> Uppsala University has in 2012 started an education for a Bachelor of Divinity exam, targeting at Islamic theology, although it is expressively mentioned that the education does not aim at the training of imams. See *Signum* 3/2013 p. 24 ff.; see also [www.zidni.se](http://www.zidni.se), where The Swedish Institute for Islamic and Arabic Studies offers education regarding the Koran.

<sup>26</sup> Paideia – The European Institute for Jewish Studies in Sweden, see [www.paideia-eu.org](http://www.paideia-eu.org).

<sup>27</sup> See KsSkr 2013:1 p. 19.

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# THE TRAINING OF MINISTERS OF RELIGION IN THE UNITED KINGDOM

NORMAN DOE

What follows provides, briefly: an overview of the historical development of departments of theology and/or religious studies at public universities in the UK and the development of theological colleges and seminaries in the Christian tradition during the nineteenth and twentieth centuries; contemporary denominational institutions for the training of ministers of religion, most from within Christianity, but some from within the Jewish and Islamic traditions, including the training of persons for religious ministry from overseas and for ministry overseas; and training in church and State law in Christian theological colleges<sup>1</sup>.

## I. HISTORICAL OVERVIEW: ANCIENT UNIVERSITIES AND MODERN THEOLOGICAL COLLEGES

The medieval universities of Oxford and Cambridge were essentially religious foundations, each with its own faculty of theology<sup>2</sup>. The University of Oxford today has a Faculty of Theology and Religion - the Divinity School is one of the oldest buildings in the university (1423) - and the University of Cambridge has its own ancient Faculty of Divinity. The same applied in Scotland to the universities of St Andrews (1410), Glasgow (1451) and Aberdeen (1495); at St Andrews, St Mary's College, home to Divinity teaching in the university, was founded in 1539; Edinburgh

<sup>1</sup> I am grateful to Emma Cuerden, a student at Cardiff Law School, for research assistance with this paper, and to Frank Cranmer, at the Centre for Law and Religion Cardiff Law School for invaluable comments.

<sup>2</sup> For religion and higher education in the UK, see F. CRANMER, «La présence religieuse dans l'enseignement supérieur au Royaume-Uni», in *Actes de manifestations scientifiques du Centre Société, Droit et Religion en Europe* (Strasbourg, 2010).

University with its own theology faculty was founded in 1583. Attendance at these university faculties was the usual route to ordained clerical ministry.

Following the Reformation in the sixteenth century (and after it as a result of the Act of Uniformity 1662) until the nineteenth century, in England there were religious tests for admission to Oxford and Cambridge universities which meant that only members of the Church of England were eligible to study in them (and their theology faculties). Those who did not belong or conform to the Church of England either studied in Scotland, or abroad (such as Protestant students at Utrecht or Catholic seminarians at the English College Rome, founded 1579), or they attended the so-called «Dissenting Academies» run by the Non-Conformists; for instance, from 1690 the «Presbyterian Fund Board» provided scholarships for ministry training at these, and from 1743 the Coward Trust funded the Daventry Academy within the Congregational tradition. The Schism Act (1714 to 1718) resulted in closure of several. But some of these academies survived. For example, what is now Homerton College in the University of Cambridge began life as one of the dissenting academies<sup>3</sup>.

However, the nineteenth century witnessed the establishment of secular higher education institutions, such as University College, London – its foundation in 1826 was opposed by the Church of England and it was not until 1836 that it acquired the right to award degrees; today it has an Institute of Jewish Studies (established in 1959). In response, King's College London was set up as a Church of England establishment, and the University of Durham was founded in 1832 under the control of the (Anglican) Dean and Chapter of Durham Cathedral. Religious tests were removed with the enactment of the Universities Tests Act 1871. By way of contrast, Protestant religious tests for holding office at the Scottish universities of St Andrews, Glasgow, Aberdeen and Edinburgh were abolished in the early twentieth century<sup>4</sup>.

At the start of the nineteenth century, one ambition of the bishops of the established Church of England was that all clergy should be university graduates. The ambition did not come to fruition. Instead it was proposed that any non-graduates prior to ordination should have sufficient education for effective ministry in new theological colleges to be sponsored by the Church of England. Theological colleges were set up, for example, at St. David's College Lampeter, in Wales, established in 1822 by royal charter as a college for the training of Anglican clergy (to obviate the need for travel to Oxford and Cambridge) – after Oxford and Cambridge this was the first institution to be awarded degree-conferring powers in England and Wales (and the first in Wales). The nineteenth century saw the foundation of a series of specialist theological colleges for ordination training, most of which were linked to the local

<sup>3</sup> See e.g. J.W.A. SMITH, *The Birth of Modern Education: The Contribution of the Dissenting Academies 1660-1800*, London, 1954.

<sup>4</sup> Churches (Scotland) Act 1905 and Universities (Scotland) Act 1932, s. 5.

cathedral: Chichester (1839), Wells (1840), Lichfield (1857), Salisbury and Exeter (1861), Gloucester (1868), Lincoln (1874), and Ely (1876). In addition, St Aidan's College, Birkenhead (1847) and St John's Hall, Highbury (1863) were established as avowedly Evangelical colleges in reaction to what was seen as high church dominance within the «cathedral» colleges<sup>5</sup>. This was followed by the establishment of the high church foundation of Kelham at the end of the nineteenth century. A centralized system of church examinations was introduced in the 1870s but the institutions were very much free in terms of their internal governance<sup>6</sup>. A similar trend may be discerned as to clergy training in the Scottish Episcopal Church<sup>7</sup>. Likewise, in the Roman Catholic Church prior to the restoration of the hierarchy in England around 1850 and as a result of a rapid increase in the Catholic population, seminaries were founded at St Edmund's, Ware, Hertfordshire (1793), St Mary's, Oscott, Birmingham (1794), and St Cuthbert's, Ushaw, Durham (which moved to Durham from Douai in 1808, affiliated to Durham University in 1968, but closed in 2011); for one historian, the Catholic bishops in the period «advocated a training which isolated seminarians from contemporary developments in secular education and which was marked by a deep suspicion of the world»<sup>8</sup>.

The twentieth century has seen an increase in higher education institutions entitled to award degrees and many have grown out of church colleges for training teachers. For instance, Canterbury Christ Church University College and the Universities of Chichester, Winchester and Gloucestershire all evolved from Church of England teacher training colleges, and Liverpool Hope University is a joint initiative of the Roman Catholic Church and Church of England<sup>9</sup>. There is no general legal rule against universities providing teaching in theology or religious studies. Most of these institutions have their own department of theology and/or religious studies – these are open to any qualified person including potential candidates for ministry training. Moreover, teaching of theology in the universities is academic rather than confessional, though a small number of professorial chairs (at Oxford and Durham) are annexed to cathedral canonries and thus open technically only to members of the Church of England. Generally, however, university teaching posts in theology are open to those of all faiths and none, and degree programmes and courses or other

<sup>5</sup> D. A. DOWLAND: *Nineteenth-Century Anglican Theological Training: The Redbrick Challenge* (Oxford: The Clarendon Press, 1997) 68.

<sup>6</sup> Ibid.

<sup>7</sup> G. WHITE, *The Scottish Episcopal Church: A New History*, Ch. 14: <[www.episcopalhistory.org.uk](http://www.episcopalhistory.org.uk)>.

<sup>8</sup> P. DOYLE, «The education and training of Roman Catholic priests in nineteenth century England», 35 *Journal of Ecclesiastical History* (1984) 208.

<sup>9</sup> M. HILL, R. SANDBERG, and N. DOE, *Religion and Law in the United Kingdom* (Wolters Kluwer, 2011) 180.

schemes of study in theology and/or religious studies are regarded as academic disciplines like any other<sup>10</sup>.

Universities are public institutions usually set up by royal charter and funded by various public higher education funding bodies and councils. Generally, they subscribe to the Quality Assurance Agency for Higher Education the function of which is to safeguard quality and standards in UK universities and colleges, so that students have the best possible learning experience<sup>11</sup>. As universities are public institutions they also have the status of public authorities for the purposes of human rights legislation. As we shall see more fully in the next section, there are also several private colleges which provide training for ministers of religion and many of these prepare students for qualifications either awarded by or validated by a public university; e.g. the Free Church College in Edinburgh awards successful students a Bachelor of Theology degree which is taught within the college but validated by the University of Glasgow. It is unlawful for an institution to discriminate on grounds of religion in the provision of goods, facilities or services, the management of premises and in the exercise of public functions<sup>12</sup>. It is also unlawful for institutions of higher education to discriminate on grounds of religion in its admissions policy or in the way it treats students (which may include students preparing for ministry) once they are admitted to the institution, or to subject to harassment any student at the institution or any person who has applied for admission to it. However, there are exceptions: where the discrimination only concerns training for employment for which «being of a particular religion or belief is a genuine and determining occupational requirement»<sup>13</sup>. As such: «Colleges for the training of clergy which are associated with universities are therefore entitled to restrict entry to persons of their own denominations – though a secular university theology department would not be so entitled»<sup>14</sup>. Higher education institutions have set up a central Equality Challenge Unit, funded jointly by the institutions» representative bodies and the higher education funding bodies in the UK which issues guidance on equality issues<sup>15</sup>. University theology and/or religious

<sup>10</sup> Ibid., 182; there are four chairs open to members of the Church of England, four at Oxford and one at Durham, though the Oxford Chair in Ecclesiastical History (attached to a canonry at Christ Church) has been held by a Roman Catholic – who duly took his turn as Canon in Residence at the Cathedral. In 2008, Durham University established the Bede Chair in Catholic Theology which is partly funded by the university and partly by various Roman Catholic trusts. Its current occupant is a Roman Catholic.

<sup>11</sup> The QAA is an independent body, a registered charity and a company : <[www.qaa.ac.uk](http://www.qaa.ac.uk)>

<sup>12</sup> Equality Act 2006, Part 2.

<sup>13</sup> Employment Equality (Religion or Belief) Regulations 2003, Regulation 20.

<sup>14</sup> M. HILL, R. SANDBERG, and N. DOE, *Religion and Law in the United Kingdom* (Wolters Kluwer, 2011) 181

<sup>15</sup> See <[www.ecu.ac.uk/](http://www.ecu.ac.uk/)>; for guidance on religion and belief, see <[www.ecu.ac.uk/subjects/religion-and-belief/](http://www.ecu.ac.uk/subjects/religion-and-belief/)>. Also, individual institutions have had to establish formal policies on religion as part of their general codes of practice on equality and diversity.

studies departments may or may not be attended by students preparing for ministry depending on what arrangements exist between the university in question and the ministerial training institution to which that student belongs. It is to this we turn in the next section.

## II. DENOMINATIONAL COLLEGES TO TRAIN MINISTERS OF RELIGION TODAY

The training of ministers of religion is regulated primarily by the norms of religious organisations and norms created by their own educational institutions; these address the erection of such institutions, their governance, discipline within them (including academic discipline on the admission of students, the course of study, and exclusion of students), and their dissolution<sup>16</sup>. Institutions to train ministers of religion are also subject to civil law applicable to them directly or indirectly: for example, the law of trusts (applicable to their trust property); employment law (applicable to staff who function under contracts of employment); and immigration law (applicable to students and ministers of religion from overseas)<sup>17</sup>. The following sets out the provision of training of ministers of religion at specific institutions run by a variety of different churches. A common theme which emerges is that these denominational institutions – theological colleges and seminaries – provide in-house training, enable ministry students to attend courses on the basis of agreements with local or other public universities in their departments of theology and/or religious studies, and enter agreements with public universities to prepare students for qualifications either awarded or validated by a university. Whilst public universities subscribe to the Quality Assurance Agency (see above), in England, theological colleges of the Church of England, Methodist Church, Baptist Union of Great Britain, and United Reformed Church have all subscribed to a separate regime of quality assurance (which includes inspection, curriculum approval, and moderation)<sup>18</sup>. The section treats each tradition – Christian, Jewish and Islamic – *seriatim*.

*Church of England:* According to the canon law of the established Church of England, candidates must be «called, tried, [and] examined» prior to ordination, and the Ministry Division of the Archbishops» Council, and its Vocation, Recruitment

<sup>16</sup> For Christian theological colleges and seminaries, see e.g. N. DOE, *Christian Law: Contemporary Principles* (Cambridge, 2013) 203-209.

<sup>17</sup> For ministers of religion under UK immigration law, see D. MCCLEAN, «Immigration and religion in the United Kingdom», in A. MOTILLA (ed), *Immigration, National and Regional Laws and Freedom of Religion* (Peeters, Leuven, 2012) 247 at 251: Immigration Rules, Appendix A, pars. 85-92. These educational institutions may also be subject to elements of higher education law (e.g. on quality assurance).

<sup>18</sup> Quality Assurance and Enhancement in Ministerial Education: Inspection, Curriculum Approval, and Moderation – Handbook 2010 (e.g. in the Church of England the House of Bishop oversees inspection).

and Selection Committee advises the Council and House of Bishops on ministry strategy<sup>19</sup>. The candidate must: have been involved with the Anglican Church for some time; consult his/her incumbent priest; contact his Diocesan Director of Ordinands (DDO), and obtain approval; attend the Bishops» Advisory Panel and once approved may commence training. Provision is made for Initial Ministerial Education (IME), Continuing Ministerial Education (CME), funding for ministerial training, the validation of courses at Church of England theological colleges, their enjoyment of higher education funding, and the evaluation of new training proposals<sup>20</sup>.

The training delivered at Ridley Hall, Cambridge (founded 1881) is typical; the college is not part of the University of Cambridge but students there training for ministry may be awarded degrees of (and designed by) Cambridge University as well as qualifications validated by other public universities (such as Anglia Ruskin University)<sup>21</sup>. Students under 32 who do not already have a Theology degree must complete one of the following three year courses offered by the University of Cambridge: Bachelor of Arts (BA) in Christian Theology, «a full vocational degree in Christian Theology which leads to ordination»; Bachelor of Theology, «a vocational degree for Christian ministry leading to ordination» combining «theological and practical study»; or Bachelor of Arts in Theological and Religious Studies combined with a Certificate in Theology for Ministry (CTM): this two-year BA is «appropriate for [those] who want a more academic focus» and the one-year CTM «covers the ordination requirements for a theology graduate». Those aged over 32, or those with a significant amount of theological study already, must complete one of the following two year courses (unless permission is granted for them to train for an alternative amount of time): Foundation Degree Award, «a vocational degree for Christian ministry leading to ordination» (made up of the first two years of the BA course); Bachelor of Arts in Christian Theology; the two-year Bachelor of Theology; and the Certificate in Theology for Ministry. In terms of the curriculum, for example the BA in Christian Theology: «The ecumenical programme is divided into three streams» entitled Bible (e.g. exegesis); Christian Life and Thought (e.g. doctrine and liturgy); Church and World (e.g. Pastoral Theology and Practice); other courses include e.g.

<sup>19</sup> Canon C1; see M. HILL, *Ecclesiastical Law*, 3<sup>rd</sup> edn., Oxford, 2007, par. 4.04.

<sup>20</sup> House of Bishops' Regulations for Training; Higher Education Funding (GS Misc. 990 (2011)); Funding Ministerial Training (GS Misc. 990A); Principles for the evaluation of new training proposals agreed by the House of Bishops in May 2010; Formation and Assessment in Curacy (approved by the House of Bishops in May 2010); The Learning Outcomes for IME (as approved by the House of Bishops in May 2005); see also The Hind Report: Formation for Ministry within a Learning Church, 2003.

<sup>21</sup> <[www.ridley.cam.ac.uk](http://www.ridley.cam.ac.uk)>; most residential students are training to be ordained ministers in the Church of England, but some are training for Ordained Pioneer Ministry (to work in «fresh expressions» churches).

Mission and Ethics. Teaching is provided by, *inter alia*, the members of the Theological Federation at Cambridge University<sup>22</sup>. The three-year BA covers, e.g., Biblical Hebrew; New Testament Greek; Psychology and Religion; Christian Culture in the Western World; Christian Ethics; Church History; Judaism, Christianity and Islam in Encounter; and Feminist Theology. There is also provision for optional modules in Judaism, Islam, Hinduism and Buddhism<sup>23</sup>.

*Church in Wales (Anglican)*: The training of those preparing for ordination in the Church in Wales is regulated by the norms of the Church and the Bench of Bishops plays a key role in its oversight; and the Church administers a fund (derived primarily from the donations of the faithful) to train candidates<sup>24</sup>. The church has one institution to train its candidates for ordination: St Michael's Theological College in Cardiff; this is also recognised as a training college for lay, reader and ordained ministry by the Church of England and the Methodist Church and it works closely with the South Wales Baptist College<sup>25</sup>. Initial ministerial training can be either residential (the norm) or non-residential (particularly for those training for non-stipendiary ordained ministry in the Church in Wales). For those who undertake residential training, the course taken depends on the individual's previous education, for example: a Diploma in Higher Education, a Bachelor of Theology degree, a Bachelor of Arts degree in Theological Studies or a Graduate Diploma in Theology. Non-residential students normally take a Diploma in Practical Theology. As to curriculum, the Diploma in Higher Education and Bachelor of Theology take «an integrated practical theology approach, including the option of language study». Students may select modules «from a wide theological field of biblical, historical, doctrinal, liturgical, ethical and pastoral study options». The course contains an element of traditional academic theology but places emphasis upon practical theological learning. The BA in Theological Studies takes «a Liberal Arts approach to theology with a strong emphasis on the study of biblical languages». Many modules are shared with the Bachelor of Theology. Students on the Graduate Diploma in Theology select modules from the Bachelor of Theology Course; it is skills-based and «theological knowledge is grounded in practical experience». The College also offers the MTh in Chaplaincy Studies and the IME (Initial Ministerial Education) and CME (Continuing Ministerial Education) qualifications<sup>26</sup>.

<sup>22</sup> <[www.theofed.cam.ac.uk](http://www.theofed.cam.ac.uk)>.

<sup>23</sup> <[www.theofed.cam.ac.uk](http://www.theofed.cam.ac.uk); <http://www.ridley.cam.ac.uk/images/documents/courses/ba-tripos.pdf>>. Moreover, the Ministry Division of the Church of England has an agreement with Durham University to validate its training: <<http://www.dur.ac.uk/news/newsitem/?itemno=14864>>.

<sup>24</sup> N. DOE, *The Law of the Church in Wales* (Cardiff, 2002) 147 (the bishops) and 343 (the fund).

<sup>25</sup> <[www.stmichaels.ac.uk/index.php](http://www.stmichaels.ac.uk/index.php)>. Ordination candidates often train outside Wales (at e.g. English theological colleges of which Wycliffe Hall and St Stephen's House in Oxford are popular).

<sup>26</sup> The MTh in Chaplaincy Studies covers: Reflective Practice; Ethics; Social Context; Models of Chaplaincy; and two specialist modules (moral and spiritual values; Chaplaincy, organisations and

The ordination courses are delivered by Cardiff University, and are full-time and take two or three years, on the basis of a «three-way partnership» between St Michael's College, the South Wales Baptist College and the School of Religious and Theological Studies of Cardiff University<sup>27</sup>. Cardiff University is institutionally reviewed by the Quality Assurance Agency. However, the non-residential training is part-time and takes two or three years to complete (and it is again validated by Cardiff University)<sup>28</sup>. There is no formal interview for entry but candidates must have been recommended for training in accordance with the norms of the Church; overseas students who will exercise ministry in the UK have training in British culture, history and politics<sup>29</sup>.

*Roman Catholic:* Clerical formation in the Roman Catholic Church is governed *inter alia* by the Code of Canon Law 1983 and particular norms (including those issued by national episcopal conferences, such as those published by the Bishops» Conference of Scotland in 2005)<sup>30</sup>. Under the auspices of the Bishops» Conference of England and Wales, the National Office for Vocation exists to build a culture of vocation and to promote the calls to specific vocations, including the priesthood and the diaconate<sup>31</sup>. Clerical formation is delivered at several seminaries; Allen Hall in London is typical: under the authority and guidance of the Archbishop of Westminster, formation occurs «in the light of the Scriptures, the Tradition, and the Magisterium of the Church, and in the service of [its] mission» – training lasts six years and involves human, intellectual (e.g. theology), spiritual and pastoral formation<sup>32</sup>. Allen Hall is not affiliated to a public university. By way of contrast, Blackfriars Hall Oxford is a

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professional values). The IME and the CME is taught by the training officers of the Church in Wales. The IME aims «to support the essential development and growth of both curate and training incumbent», while the CME is «designed to support and enhance professional performance at all stages of [an individual's] journey in ministry».

<sup>27</sup> «St Michael's College, the South Wales Baptist College and the School of Religious and Theological Studies of Cardiff University together make up the Faculty of Religious and Theological Studies of Cardiff University. Tutors from the colleges teach in the University and this is where college students have their lectures».

<sup>28</sup> The Diploma in Practical Theology is taught at three regional centres across Wales: St Michael's College (Cardiff); Trinity St David's University (Carmarthen); and Glyndwr University (Wrexham).

<sup>29</sup> Each Diocese has its own selection procedures which culminate in the person considering ministry attending a Provincial Selection Board. This Board may provide the required recommendation for ministerial training.

<sup>30</sup> See J.J. CONN, «Norms for priestly formation in the Latin Church: universal and particular», in N. DOE (ed), *The Formation and Ordination of Clergy in Anglican and Roman Catholic Canon Law* (Cardiff, 2009) 141; for the Scottish norms, see 144: *Norms for Priestly Formation* (June 2005).

<sup>31</sup> The inspiration for its creation is *New Vocations for a New Europe* 1997 (*In Verbo Tuo*).

<sup>32</sup> Other seminaries are St Mary's Oscott (Birmingham) and St John's Seminary Wonersh (London). Students may also attend the Venerable England and Welsh College in Rome and other seminaries worldwide.

Permanent Private Hall of the University of Oxford, a Dominican Priory, and a Centre of Theological Studies of the English Province of the Dominican Friars - students there, as part of their formation in the religious life, may study for degrees of Oxford University<sup>33</sup>.

*Methodist:* In the Methodist Church of Great Britain, training is compulsory prior to ordination<sup>34</sup>. Two Methodist colleges may be compared: one at Cambridge, the other at Birmingham. Wesley House, Methodist Theological College, Cambridge, works in partnership with Cambridge University, Anglia Ruskin University, and Cambridge Theological Federation «to train presbyters, deacons and lay people for ministry in the British Methodist Church»; it offers «full time and part time study programmes for independent and international students, and... short courses for those engaged in various ministries and those exploring vocations»<sup>35</sup>. The courses are basically the same as those offered by Ridley Hall, Cambridge, namely those provided by the Cambridge Theological Federation (see above). However, importantly: «Benchmarks are set by the Methodist Conference and the progress of each student is monitored by the local Oversight Committee of the Methodist Church»<sup>36</sup>.

By way of contrast, the Queen's Foundation, Birmingham, is an ecumenical theological college, a recognised training college for those going into ordained ministry in the Methodist Church and Church of England; it also welcomes students from a variety of denominations<sup>37</sup>. The normal route for initial ministerial training is the Foundation Degree in Mission and Ministry: «It is designed for those preparing for some form of recognized ministry in their sponsoring church, and thus attracts students from a variety of denominations.» The college also offers a Graduate Diploma in Theology, a BA in Theology, Research Degrees (M. Phil and PhD) and a number of Taught Post Graduate Programmes (e.g. Post Graduate Certificates in: Black Ministries and Leadership; Inter Faith Engagement; Leading in the Church; Transformative Theologies of Gender; Theology and Practice). Students who have successfully completed a Post Graduate Certificate may go on to study for a Graduate Diploma in Theology and Transformative Practice. Students who complete an extended dissertation can gain the MA in Theology and Transformative Practice. As to curriculum, the Foundation Degree in Mission and Ministry comprises both content-based and practice-based modules; content-based modules include the Introduction to New Testament Studies, while practice-based modules include Foundations in

<sup>33</sup> <[www.bfriars.ox.ac.uk](http://www.bfriars.ox.ac.uk)>.

<sup>34</sup> See N. DOE, *Christian Law* (2013) 82; the vocation of the candidate is tested in the Circuit, then the District, followed by a selection committee of the Connexional Church, prior to ordination by the Conference.

<sup>35</sup> <[www.wesley.cam.ac.uk/index.html](http://www.wesley.cam.ac.uk/index.html)>.

<sup>36</sup> <[www.theofed.cam.ac.uk](http://www.theofed.cam.ac.uk)>.

<sup>37</sup> <<http://www.queens.ac.uk>>.

Christian Worship. Students also participate in practical placements and attachments as part of the programme. The Graduate Diploma consists of a number of modules offered within the Foundation. The BA in Theology covers *inter alia*: Introduction to Hebrew Bible; Introduction to New Testament; and Introduction to Christian Theology. Optional modules «[take] account of students» prior knowledge and skills, along with any other requirements from sponsoring churches». Optional modules include: Foundations in Christian Worship; Black and Asian Christian Theology; Pastoral Theology; and Introduction to Christian Mission. The Post Graduate Certificate in Interfaith Engagement comprises two modules: Theology in Dialogue; and Christian Practice in a Multi-Faith World. The Post Graduate Certificate in Leading the Church also comprises two modules: the core module, Transformative Christian Leadership, and one from: Supervision Skills; Evangelism and Emerging Church; Transformative Theologies of Gender; and Christian Practice in multi-faith contexts. The Foundation Degree is taught part-time over three years; it is «designed to integrate several different modes of learning»; practical placements are also «a key element in the development and assessment of competence for ministry». The Graduate Diploma can be studied for one year (full-time) or two years (part-time). The BA in Theology can be studied full or part time. Modules are typically assessed by essays or other coursework (e.g. presentations, group work, theological conversations, and portfolios) rather than by examinations). The Foundation Degree is validated by Newman University College, Birmingham on the basis of a «collaborative programme». The Graduate Diploma in Theology is offered «in partnership» with Newman University College. The BA in Theology and Taught Post Graduate Programmes are validated by Newman University College. The Research Degrees are validated by the University of Gloucestershire. There are students from overseas<sup>38</sup>, and the Queen's Foundation «has undergone a review for educational oversight by the Quality Assurance Agency for Higher Education».

The Centre for Black Ministries and Leadership at the Queen's Foundation «celebrates the major contribution of Black and Asian Christians to the life of the churches in Britain» and seeks «to equip and resource Black and Asian Christians, including lay and ordained ministers, through theological education». It offers a range of programmes for those seeking to develop «skills and expertise in ministry and leadership». Its focus is: vocation, calling and entry into ministry; discipleship

<sup>38</sup> International students must also achieve a satisfactory score in a recognised English language competence test or submit other proof of proficiency in English; «International students are an important part of community life at Queen's, and particularly within our M.A. and research programmes. We presently have students from about 20 different nations living and studying with us, and our teaching, worship and life together all reflect this international diversity. A number of our international students are participants in the SALT scholarship scheme, a fund related to our SOCMS centre, but we welcome those who are independently funded for study in the UK».

training; training in ministry and leadership for serving ministers and clergy; and opportunities for theological study include the MA in Theology and Transformative Practice with a pathway in «Black Ministries and Leadership». The Centre seeks «to widen access to theological education and to enable the development of the vocations, gifts and leadership of Black and Asian Christians, lay and ordained, in the Church of England» and «to provide theological education, ministerial and leadership training to lay and ordained members of participating Black Majority Churches». It also seeks: «to develop expertise in inter-cultural ministry so as to provide consultancy, research and training to enable the churches to meet the challenges and opportunities that exist in congregations and communities of ethnic and cultural diversity»; and «to gain support and participation from other churches so as to widen and deepen the ecumenical dimension of the Centre»<sup>39</sup>.

*Baptist:* In the Baptist Union of Great Britain, candidates to train for ministry must satisfy various religious tests<sup>40</sup>. Bristol Baptist College provides a good example of the several Baptist colleges in Britain<sup>41</sup>. It offers a wide range of courses to prepare people for ordained ministry, youth or children's ministry, ministry as a lay pastor, or those seeking to study theology their own development and growth<sup>42</sup>. There are three possible routes to ministry: a college-based course, congregation-based learning, and mission-context based training. Each of these routes «can be accompanied by different degree or diploma courses up to PhD level». Students with a theology degree can study the Advanced Diploma in Ministerial Theology. The college-based courses offered to ministerial students are: Certificate in Theological Studies; Diploma in Theological Studies; Bachelor of Arts in Theological Studies; and Graduate Diploma in Theological Studies. The congregation-based ministerial course is «an in-service course of ministerial formation»; it results in an academic qualification recognised by the Baptist Union Ministry Department and those who have completed it can be entered onto the Baptist Union's ministerial accreditation list. The student is put on placement in a local Baptist Church, as the «minister-in-training», for at least three years, usually four (if the minister is studying the BA in Theological Studies). There is also a missional ministry course on urban mission and church planting which

<sup>39</sup> <<http://www.queens.ac.uk>>.

<sup>40</sup> For the denominational selection process, see <<http://www.baptist.org.uk/exploring-a-call.html>>; see also Baptist Union document – «Called to Pastoral Ministry»; e.g. to be admitted the person must be a baptised believer and recommended by the Congregational Meeting and the appropriate Baptist Association. On completion of training the college will commend the person for ministry and on recommendation from the Association the final test is a call from a local Baptist church; the person has the status of a Newly Accredited Minister (a probationary period) leading to Fully Accredited status.

<sup>41</sup> Others include the South Wales Baptist College and Regent's Park College Oxford: see section 3 below.

<sup>42</sup> <[www.bristol-baptist.ac.uk](http://www.bristol-baptist.ac.uk)>.

leads to a Baptist Union recognised qualification and entry on the Union's ministerial accreditation list. The Baptist History and Principles course is compulsory for most of those preparing for ordained ministry in the Baptist Church<sup>43</sup>. Three themes «permeate the whole of [the] curriculum»: Bible; Discipleship and Leadership; Mission and Evangelism. The subjects taught are Biblical Studies (e.g. Hermeneutics and Languages); Church past and present (e.g. Church history, Christian doctrine and worship); Discipleship and Leadership (pastoral theology, spirituality, ethics); Mission and Evangelism (history, theology, context and practice)<sup>44</sup>. The undergraduate and postgraduate courses in Theology are validated by the University of Bristol and taught in partnership with Trinity College, Bristol. The Youth and Children's Ministry courses are validated by the University of Gloucestershire and Staffordshire University. The missional ministry course is a partnership with the West of England Baptist Association and Urban Expression<sup>45</sup>. There are prescribed academic qualifications for entry of a student to the college<sup>46</sup>. Overseas students may be admitted if they are recommended by their own church. The Ministry Department of the Baptist Union takes part in the ecumenical Quality in Formation Panel programme which inspects periodically every Baptist College<sup>47</sup>.

*Presbyterian*: Presbyterian churches have complex norms on the process leading to ordination, a process which is characterised typically by the participation of the local (Kirk) Session, the regional Presbytery, and the national General Assembly<sup>48</sup>.

<sup>43</sup> The college also delivers e.g. a BA Honours Degree in Children and Family Work and Practical Theology; and a BA Honours degree in School, Youth and Community Work and Practical Theology.

<sup>44</sup> The courses vary from 1 year to 3 years full-time, and 2 years to 6 years part-time. Assessment is usually by essays, learning journals and placements. As to the congregation-based ministerial course, there are allocated slots in church work, college work and free time each week. The mission ministry course is largely vocational and focuses on four competencies: pioneer; community formation; urban and bi-vocational. The Baptist History and Principles course can be completed by correspondence. It is assessed by essays.

<sup>45</sup> The University of Bristol is represented on the college's Academic Board and Examination Board and inspects the college regularly. It approves the appointment of external examiners its Department of Theology and Religious Studies appoints a representative to the college's selection panels to recruit teaching staff.

<sup>46</sup> For the BA course, students under 25 must have passed 3 A Levels, students over 25, 5 GCSEs at grade C or above. Those without these qualifications can study the Certificate in Theology with the possibility of upgrading to the degree if successful in their studies.

<sup>47</sup> «The state offers no formal recognition of Baptist ministers and does not pay for their formation. It has no authority to monitor quality and does not do so...Baptist Union of Great Britain ministers are required to attain a certain level of formal general theological education. This means that our students hold qualifications accredited by universities and these are monitored by the State. Our College is subject to monitoring by the University of Bristol, QAA and Home Office. The formal...elements of ministerial formation are therefore subjected to a degree of state monitoring but not the ministerial formation process itself»: Response from Dr Finamore.

<sup>48</sup> N. DOE, *Christian Law* (2013) 83.

In Scotland, the Highland Theological College (HTC), affiliated to the University of the Highlands and Islands (UHI), may be offered by way of illustration<sup>49</sup>. The college is «an official training provider for the Associated Presbyterian Churches, Church of Scotland and United Free Church of Scotland. Our student body is not restricted to these denominations and many ministers and lay readers from other denominations (including Baptist, Congregational, Free Church and Presbyterian Church of Ireland) have undertaken study with us»; it is «a partner college within the UHI network». Thus: «HTC is at the same time both an independent college run by its own Board and one of thirteen colleges and research institutions which together make up the University of the Highlands and Islands». Each college within the UHI network is self-governing, with its own Board of Management. The governance structure of HTC is headed by the Highland Theological Trust (a charity)<sup>50</sup>. To run the college, the Trustees have formed Highland Theological College Ltd – this is a company under civil law<sup>51</sup>. The University of the Highlands and Islands is regulated by the Quality Assurance Agency.

The normal route for initial ministerial training is the Bachelor of Arts in Theological Studies: «[t]he ideal course for prospective ministers, pastors, religious workers, and missionaries»; this is followed by «The Master of Theology...used by the Church of Scotland as part of their training for the ministry requirements». With regard to Ordained Local Ministry and Readership Training is «to the standard of a Diploma in Higher Education...and must include the Sacramental Theology module. The programme for the academic element of Readership training is to the standard of a Certificate in Higher Education». The BA in Theological Studies is a four year course and includes: Jesus and the Gospels; Introduction to Systematic Theology; Pastoral and Practical Theology; Pentateuch; Greek Grammar; Protestant Reformation; Understanding Worship; Evangelism (Year 1, Certificate of Higher Education); Old Testament Prophecy; Greek and Hebrew Grammar; Early Church History; Biblical Theology of Mission; Cross-Cultural Mission; Youth Ministry; Exploring Other Faiths; Counselling Theories; Sacramental Theology (Year 2, Diploma of Higher Education); Hebrew Texts; Scottish Church History; Homiletics; Christian Ethics; Christian Spirituality; Theological Project; Counselling in a Pastoral Setting; and Placement (Year 3, BA); Quest for the Historical Jesus; Luke/Acts; Holy Spirit and the Word; Hermeneutics (Year 4, BA Honours). There are also Masters» degrees in Reformed Theology (e.g. the History of Reformed theology; Scottish covenant the-

<sup>49</sup> <<http://www.htc.uhi.ac.uk>>. The example, however, is an unusual one when compared to other such colleges which are not generally so deeply entangled with the institutional structures of public universities.

<sup>50</sup> Scottish Charity Registration Number SC022838.

<sup>51</sup> Scottish Company No. 149728 and Scottish Charity Registration No. SC029190.

ology; Calvin and Calvinism; Reformed theology and pastoral ministry; Method in Reformed theology; Zwingli and the Swiss Reformation) and in Pastoral Theology (e.g. Reformed theology and pastoral ministry; Spirituality; Counselling and pastoral care; Christian communication in a post-modern world; Chaplaincy ministry; and Homiletics). The BA (Honours) in Theological Studies can be studied either full-time (four years) or part-time (eight years) structured or unstructured). The MTh Courses may also be studied full-time (1 year) or part-time (2-6 years). Students are taught by lectures at Highland Theological College and by way of independent study. For admission: «Candidates training for Ministry of Word and Sacrament, Ordained Local Ministry (OLM) or Lay Readership should contact [their own] denomination as well as the HTC Registry Officer for advice regarding academic requirements»<sup>52</sup>. In the Church of Scotland, potential Ministers of Word and Sacrament and potential candidates for Ordained Local Ministry go through the following process: the call to ministry (run by the Ministries Council); Vocations Conference (which involves Enquiry and Assessment); Extended Enquiry (which usually involves a placement); Local Review followed by a national Assessment Conference (including interviews by Church Assessors and a Psychologist Assessor) which reaches «a final decision on whether or not you should become a Candidate in Training for Ministry».

*Religious Society of Friends (Quakers)*: Quakers do not have any separate category of ordained ministry: in Quaker ecclesiology, *all* are «ministers» and anyone present at a Meeting for Worship may minister if moved by the Spirit to do so. However, every Local Meeting (equivalent of a church congregation) and Area Meeting (the basic ecclesial unit of the Society) has particular functions that must be carried out by members appointed for that purpose: at the very least, there must be elders to provide spiritual leadership for the meeting, overseers to provide pastoral oversight and care, a treasurer, and a clerk to facilitate meetings for business and maintain meeting records. While there is no formal training for office-holders, Woodbrooke Quaker Study Centre at Selly Oak in Birmingham provides short courses for elders, overseers, treasurers and clerks, usually held at weekends. Also, there are various regional day conferences arranged by groups of Area Meetings. Local and Area Meetings will normally assist financially office-holders to undertake appropriate training. In addition to training for office-holders, Woodbrooke also provides more general short courses in such areas as Quaker spirituality and Quaker history. In association with the Graduate Institute for Theology and Religion of Birmingham University (which validates its degrees) its Centre for Postgraduate Quaker Studies also offers a taught Postgraduate Certificate, a partly-taught MRes and research supervision for the MA, MLitt and PhD<sup>53</sup>.

<sup>52</sup> <<http://www.htc.uhi.ac.uk/courses/ministry-training>>.

<sup>53</sup> I am very grateful to Frank Cranmer for this inclusion.

*Islamic:* Partnerships between Muslim colleges and public universities has been encouraged in recent years by the government<sup>54</sup>. What follows contrasts two Islamic colleges both of which are in London<sup>55</sup>. In the Islamic College, London, although there is no specific Imamship Programme, the Hawaza Programme «provides students with an excellent platform for a career as an Islamic lecturer and researcher or as a minister of religion»<sup>56</sup>. The Hawaza Programme consists of a Bachelor of Arts (Honours) in Hawaza Studies plus Complementary Hawaza Studies (CHS). The BA is validated by Middlesex University, as are many other courses at the Islamic College. The BA (Honours) in Hawaza Studies «is consistent with the subjects taught in traditional centres of Hawaza studies such as Qum and Najaf, and incorporates some additional modules that suit the needs of Muslims living in the West». The first year modules are: Islamic Laws; Arabic Syntax; Logic; Research Methodology for Hawaza Studies; Islamic Theology; Formative Period of the Shi'a; and Qur'anic Sciences and Approaches to Exegesis. These modules are all compulsory. The second year compulsory modules are: Principles of Jurisprudence; Demonstrative Jurisprudence; Islamic Ethics; and Hadith Studies. Students must choose two optional modules from: Thematic Exegesis; Arabic Rhetoric; Current Issues in Muslim Societies; Muslims in the West; and Abrahamic Faiths. The compulsory third year modules are: Principles of Jurisprudence; Demonstrative Jurisprudence; Project; Islamic Philosophy; Islamic and Mysticism. Students must choose two optional modules from: Biographical and Narrative Studies; Jurisprudential Maxims; Principles of Qur'anic Exegesis; Muslim Social and Political Thought; and Islamic Education and Teacher Training. The curriculum of Complementary Hawaza Studies comprises modules in: Islamic Law, Arabic, Recitation of the Qur'an, Shi'a Islam, Women in Islam, Exegesis of the Qur'an, Nahj al-Balaghah, Sahifat

<sup>54</sup> See R. JARRAR and L. COLLARD, University of Westminster, *A Model for Collaboration in designing and delivering Islamic Studies modules between a HE institution and a Muslim community college* (2012): this includes a model Memorandum of Understanding; in the academic year 2011/12 the following Muslim colleges claimed to be accredited by HEIs: Al-Maktoum College of Higher Education in Dundee (accredited by the University of Aberdeen), the Islamic College in London (accredited by Middlesex University), and Markfield Institute of Higher Education in Leicester (accredited by the University of Gloucestershire). The partnerships pursued by these institutions mainly involve the HEI validating courses hosted by the colleges at their own site. They often require the Muslim college to pay considerable sums for the privilege of accreditation.

<sup>55</sup> Universities may also have centres to study Islam: e.g. Cardiff University has a Centre for the Study of Islam in the UK; this aims to promote scholarly and public understanding of Islam and the life of Muslim communities in the UK from the inter-disciplinary perspectives (especially sociological and anthropological methodology).

<sup>56</sup> <<http://www.islamic-college.ac.uk>>. Also, the Hijaz College Islamic University (Nuneaton near Birmingham) offers a Diploma in Islamic Law and the London University external LLB: <[www.hijazcollege.com/](http://www.hijazcollege.com/)>.

al-Sajjadiyyah, Comparative Theology, Islamic Sects and Schools of Thought, and Skills Workshops (e.g. research skills, cultural management skills, translation skills). Further, the optional modules that are not taken as part of the BA (Honours) are studied as part of the CHS course. The BA (Honours) in Hawaza Studies can be studied full-time for 3 years, or part-time for 5 years. The Complementary Hawaza Studies course is taught by way of Research Seminars; Open Discussions; the Spiritual Development Programme (consisting of «traditional sessions on Islamic Ethics conducted by different scholars, and one-to-one consultations on spiritual, psychological and family-related matters»); and Educational and Cultural Trips (one to an Islamic country and the others to UK destinations). One optional module on both courses is Abrahamic Faiths. There are academic entry requirements<sup>57</sup>, and overseas students may also be admitted<sup>58</sup>.

The Muslim College, London, is «a post-graduate Islamic seminary based in West London that is geared towards engagement with wider society by providing comprehensive studies of Islam to its students and visitors. It offers theoretical understandings and enlightening experiences of the workings and challenges faced by all faith communities living in a modern secular society»<sup>59</sup>. The College offers an Imamship programme: «The way British Muslim chaplains/Imams are trained is very much dependent upon where they choose to perform their duties. Although the chief responsibility of a Muslim chaplain/Imam is to offer personal and spiritual advice and care, the context within where they are operating very much affects the delivery of their course». As such: «The Muslim College Imamship programme delivers a comprehensive and holistic training programme that will grant participants all the skills required in Britain's charities, hospitals, prisons, hospices, universities and mosques fully engaging them with all other departments in the organization». The curriculum of the Imamship Programme includes: British culture and history; Introduction to the major issues of Muslim's concerns in the light of Fiqh; Introduction to the history of Islam and Muslims in Britain; Perception of Muslims in the West; Islam in the Media; Major Muslim groups and organisations in Britain; Islam and citizenship; Defences forces and Imams; Madaras/School Management; Mosque Management: Youth Participation; Charity Commission (and its relationship with Muslim organisations); Fund-Raising; Dispute resolution; Marriage and Divorce: Rules and Regulations; the National Health Service and Imams (e.g. the importance of hygiene in Islam);

<sup>57</sup> «A-levels grade CCC or equivalent, plus knowledge of the Arabic language or successful completion of the Foundation Year in Qur'anic Arabic. Students from outside the UK may also apply. Non-native English speakers must have an IELTS score of 6.5.» Students must apply through UCAS.

<sup>58</sup> International students are welcomed. «Muslims in the West» is an optional module for the BA (Hons) and, if not chosen, will be studied as part of the Complementary Hawaza Studies Course anyway. The CHS course includes Skills Workshops and one of these is in cultural management skills.

<sup>59</sup> <[www.muslimcollege.ac.uk](http://www.muslimcollege.ac.uk)>

Education in Britain; Sex Education; Interfaith in the United Kingdom; Dawah work in the United Kingdom; Public Speaking; British Laws affecting Muslims, Mosques and Islamic organisations; Prison service and Imams; Muslim Women in Britain; Spirituality, ethics and community building; Mental Health and Bereavement Care; Immigration Laws and Imams; Islam and racism; Local councils and working with the Muslim community; Counselling and Meditation. The programme is taught mostly at the college, but there are also practical elements to the course (such as visits to external sites)<sup>60</sup>.

The Muslim College in London also offers the MA in Islamic Studies, and an International Programme, namely: «a specialist course attended by mature government officers from the *Department of Islamic Development, Malaysia*, drawn across all sectors of the civil service and NGOs»; its aim is «to introduce participants to the workings and challenges faced by a modern secular state»; this postgraduate degree consists of 16 modules and an 11-12,000 word dissertation in prescribed topics<sup>61</sup>. Applicants for courses at the college must satisfy various academic criteria<sup>62</sup>; and if from overseas they must be proficient in English<sup>63</sup>. Moreover: «The [imam] programme provides participants with learning opportunities to become receptive to the needs of individuals and the congregation they are serving, maintain a high degree of confidence, and *develop pastoral skills for the service of the British community*» (emphasis added); as seen above, the relevant modules include: British culture and history; Perception of Muslims in the West; Islam in the Media; Education in Britain; British Laws affecting Muslims, Mosques and Islamic organisations; and Muslim Women in Britain. As to the teachers: «teaching staff of the Muslim College are all specialists in their designated fields: from classical exegetical studies to Muslims liv-

<sup>60</sup> «The programme comprises of classroom based learning with specialists coming from a broad array of subject. Theological and scholastic studies will take place largely at the Muslim College London and will provide participants of the programme to examine and discuss topic related to the needs and demands of the British community from an Islamic perspective. In addition to the theoretical component of the course, there will also be opportunities for practical exercises and excursion many of London's reputable faith and community establishments so that the participants of the programme will have a more hands on approach in what is required from a Muslim faith representative in modern Britain».

<sup>61</sup> Namely: Islamic Theology and Philosophy; Qur'an and Hadith Studies; Islamic Jurisprudence; Islamic History and Civilisation; Arabic Language and Literature; World Religions; Western Philosophy.

<sup>62</sup> «Applicants...are assessed on an individual case by case basis – provided they have completed their A-Level or equivalent overseas qualifications. We may also consider your work experience in the related fields». For the MA in Islamic Studies, «all applicants MUST have a good first degree or the overseas equivalent».

<sup>63</sup> International students «must demonstrate an English Language competency. Applicants who did not have English as the formal language of instruction are expected to demonstrate a reasonable command of the language by taking an IELTS test for an IELTS test a score 5.5+ is required».

ing in the post-modern world. Between them, the scholars have decades of teaching and research experience». The college website does not indicate that the courses are validated by a university.

*Jewish:* The Leo Baeck College, London, for example, offers rabbinical training for «Progressive Judaism»<sup>64</sup>. The normal route is the five-year Rabbinic Programme consisting of academic studies, placements and apprenticeships, and vocational modules, namely: the Graduate Diploma in Hebrew and Jewish Studies - first year - high holy day apprenticeship and placement and vocational modules (homiletics, including services, weddings, and funerals, listening, service-leading skills, education, and reflective skills); second year – high holy day placement and vocational modules (life cycle excluding bereavement, *chagrim* (the use of festivals) and education); Postgraduate Diploma in Hebrew and Jewish Studies – third year – high holy day placement and apprenticeship and vocational modules (Jewish care); MA in Applied Rabbinic Theology – fourth year – congregational placement and vocational modules (dying, death and bereavement, mental health, spirituality and social action); MA (continued) – fifth year – high holy day placement and congregational placement – vocational modules (transition to the rabbinate and leadership and management skills). As to method: «A variety of teaching methods including tutor led, group work and independent study will be used. Types of assessments include: examinations, essays, presentations, textual analyses, sermons, short tests, designing a service». The college also has an Interfaith Programme and «has pioneered the work of Jewish-Christian-Muslim dialogue for over 50 years both for its rabbinic students and the wider community. For over 40 years, the College has been co-hosting an Annual Jewish-Christian-Muslim Student Conference in Wuppertal, Germany and an Annual Jewish-Christian Bible week in Osnabruck, Germany which is open to all».

For the Rabbinic Programme, the «General Criteria for Admissions» include: appropriate motivation; academic ability to complete the programme; willingness and potential to grow and develop through the programme; religious commitment and personal integrity; dedication to «the Principles of Progressive Judaism»; and intellectual maturity. The «Specific Criteria» include: proficiency in Hebrew; a BA degree of a good standard (2:1 or higher) or the academic equivalent; willingness to spend time in an accredited academic programme in Israel; Jewish status (as recognised by a Beit Din of the Liberal, Masorti or Reform rabbinate or an Orthodox Beit Din and to have held that status for a minimum of five years prior to entry); a reference preferably from their community rabbi; a minimum of 21 years of age at the time of application; prospective students are expected to have been active in Jewish commu-

<sup>64</sup> <[www.lbc.ac.uk](http://www.lbc.ac.uk)>.

nity life prior to application<sup>65</sup>; and proficiency in English<sup>66</sup>. All rabbinic candidates are interviewed over a period of three days and this includes an academic interview, and structured and unstructured group interviews. Psychological assessment of the candidate is also required. Candidates for the other courses are selected on the basis of their application form or by interview. International students are provided with additional support e.g. there are allocated members of staff that assist them with personal, welfare, residential and visa issues. The College also offers a Bachelor of Arts (Honours) and a Master of Arts in Jewish Education. All the courses at the college are validated by the University of Winchester.

### III. THE TRAINING OF CHRISTIAN MINISTERS OF RELIGION IN CHURCH AND STATE LAW

The theological colleges and seminaries of the Christian denominations studied here usually provide that students training for ministry are required to be introduced to at least elements of their own systems of church law and church polity. However, only some of them make provision for the study of State law applicable to their own church and their ministry.

*Anglican:* Theological colleges of the Church of England make some provision for the training of ministers in ecclesiastical law (the law of England applicable to the Church of England)<sup>67</sup>. Since its establishment in 1987, the Ecclesiastical Law Society has undertaken several initiatives to encourage the study of ecclesiastical law as part of initial and continuing ministerial education in the Church of England<sup>68</sup>, including a guide and teaching aid on canon law for the newly ordained – to meet the expectation of the Ministry Division of the Church of England that, at the point of ordination, candidates should «demonstrate familiarity with the legal, canonical and administrative responsibilities appropriate to the newly ordained and those working

<sup>65</sup> For example: membership of a local Liberal, Reform or Masorti Synagogue, or if from the USA, Reform, Reconstructionist or Conservative Synagogue, or European equivalent; regular attendance at Shabbat, Festival and Holy High Day services; regular home observance of the major festivals and occasions in the Jewish year; engagement with educational programmes organised within a local synagogue or wider Jewish community.

<sup>66</sup> «Prospective students for whom English is not a first language must obtain a minimum level B2 on the Common European Framework of Reference for Languages (CERF)».

<sup>67</sup> See N. DOE, «The teaching of church law: an ecumenical exploration worldwide», 15 *Ecclesiastical Law Journal* (2013) 267.

<sup>68</sup> *An Ordered Church: A Syllabus Introducing the Canon and Ecclesiastical Law of the Church of England*, Ecclesiastical Law Society in Conjunction with the Ministry Division of the Archbishops' Council (1999).

under supervision»<sup>69</sup>. The guide asserts: «All clergy are, to a certain extent, practitioners of ecclesiastical law and should be aware of their legal responsibilities» on the basis that: «The general public are entitled to expect the same level of service and expertise from the clergy as they would expect from any professional person»<sup>70</sup>. Nevertheless, there is still no national formal freestanding provision in the Church of England itself, or its theological colleges, to train its clergy (as part of initial or continuing ministerial education) or its legal officers in the canon and ecclesiastical law they administer<sup>71</sup>; rather, the teaching is on an *ad hoc* basis, often by members of the Society<sup>72</sup>; yet there are at UK law school courses in canon law<sup>73</sup>, or aspects of it are treated in courses on law and religion<sup>74</sup>. There is modest training in law for Anglican clergy in Wales<sup>75</sup>, Scotland<sup>76</sup>, and Ireland<sup>77</sup>.

*Roman Catholic:* The study of canon law as part of priestly formation is designed to enable seminary students to understand how canon law applies to everyday ministry as parish priests, for them to know, explain and apply the law with confidence in the decisions they make which affect people; teaching is also provided at a more advanced level in the faculties of canon law at pontifical universities to prepare those to be engaged in the exercise of administrative and judicial offices, and the licentiate (JCL) takes three years<sup>78</sup>. The Sacred Congregation for Catholic Education provides,

<sup>69</sup> The Ecclesiastical Law Society, in association with the Ministry Division of the Church of England, *Canon Law for the Newly Ordained: A Brief Guide and Teaching Aid*, L. YATES and W. ADAM, 3<sup>rd</sup> edn., 2011.

<sup>70</sup> *Ibid.*, 9, 18.

<sup>71</sup> Canons of the Church of England, Can. G4: to qualify for appointment as provincial and diocesan registrars, candidates must be «learned in the ecclesiastical laws», but no formal training is provided by the church; no such requirement attaches to candidates for the office of diocesan chancellor: Can. G.2.

<sup>72</sup> Canon David Parrott has produced a book for clergy, *Your Church and the Law*, 2<sup>nd</sup> edn., London, 2011, based on his experience of teaching curates in the south east of England.

<sup>73</sup> The Cardiff LLM in Canon Law deals critically with the laws of the Church of England and other churches in the global Anglican Communion, as well as comparative church law (and religion law in the UK and Europe).

<sup>74</sup> Ecclesiastical law appears in LLB law and religion modules at e.g. Bangor, Cardiff, and Oxford Brookes.

<sup>75</sup> St Michael's Theological College, Llandaff, has a two-day course on canon law for ordinands (with material prepared by D.G. BELCHER, *Canon Law for those in Public Ministry in the Church in Wales*); at provincial level continuing ministerial education in canon law is given by the Centre for Law and Religion, Cardiff Law School.

<sup>76</sup> A two-hour course on the law of the Church of Ireland is given at the Church of Ireland Theological Institute, Dublin by the Bishop of Cork, the Rt Revd Dr Paul Colton (a graduate of the Cardiff LLM in Canon Law).

<sup>77</sup> Scottish Episcopal Church ordinands are introduced to its canons.

<sup>78</sup> J. CONN SJ, «The teaching of canon law in the (Roman) Catholic Church», unpublished paper delivered at the 14<sup>th</sup> Colloquium of Anglican and Roman Catholic Canon Lawyers, Rome 26-27 April 2013: graduate level programmes exist at e.g. the pontifical Gregorian, Angelicum, and Lateran

*inter alia*, that teaching should cover: the theological foundations of canon law; the application of canon law to concrete the circumstances of pastoral life; administrative and judicial practice; and ecumenical aspects of canon law; also, canon law should be treated in the continuing education of clergy<sup>79</sup>. In terms of the purpose of training: «Competent canonists are needed in teaching theology, in the structures of diocesan curial offices, in regional Church tribunals, [and] in the governmental structure of Religious Families»; moreover: «even a priest who is directly occupied with the care of souls needs an adequate training in law to carry out suitably his pastoral ministry in the way a shepherd should»<sup>80</sup>. As to the methods of study: «Canon law should be taught in relation to the mystery of the Church as more profoundly understood by the Second Vatican Council. While explaining principles and laws, the point should be made plain, apart from anything else, how the whole system of ecclesiastical government and discipline is in accord with the salvific will of God, and, in all things, has as its scope the salvation of souls»<sup>81</sup>.

*Methodist*: The approaches of two institutions may be compared - in Great Britain and in Northern Ireland. The Queen's Foundation, Birmingham, teaches «Methodist law and polity» (at BA level 5/6) as a compulsory subject for all Methodist pre-ordination students, and, for a smaller number, at MA level as part of their leadership work; it is designed to introduce students to «the concept of living within authority»<sup>82</sup>. Teaching begins with the foundational documents, the Deed of Union (1932) and the Constitutional Practice and Discipline of the Methodist Church. Students then «engage with the authority of the Conference including the historical developments from the first Conference, Wesley's Rules for the Societies and Rules for the Helpers»; they explore notions of «corporate episcopate, the connexional principle and Being in Full Connexion with the Conference» and «order and accountability»<sup>83</sup>. Students cover the workings of the Methodist Conference, Law and Polity. Moreover: «Those training as presbyters are taught their responsibility for ensuring [that] Methodist law and polity

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universities in Rome and the Catholic University of America (Washington), St Paul University (Ottawa), and Catholic University (Leuven).

<sup>79</sup> Ibid; Conn cites the Circular Letter 2 April 1975, On the Teaching of Canon Law to those Preparing to be Priests, and other key instruments on the teaching of canon law such as *Sapientia Christiana* 29 April 1979, Art. 75 of which states: «A Faculty of Canon Law, whether Latin or oriental, has the aim of cultivating and promoting the juridical disciplines in the light of the law of the Gospel and of deeply instructing the students in these, so as to form researchers, teachers, and others who will be trained to hold special ecclesiastical posts».

<sup>80</sup> Circular Letter 2 April 1975, On the Teaching of Canon Law to those Preparing to be Priests, II.

<sup>81</sup> *Ratio fundamentalis institutionis sacerdotalis* (Congregation for Catholic Education, 1970) 174: see Conn.

<sup>82</sup> Revd Helen Cameron, Oversight Tutor, Co-Director of the Centre for Ministerial Formation, The Queen's Foundation, Birmingham (UK) (email 15-4-2013).

<sup>83</sup> The principal document is the Conference Statement *Called to Love and Praise* (1999).

are communicated and upheld in the life of the local Church at local level»<sup>84</sup>. Edgehill Theological College, Belfast, trains ordained ministers for the Methodist Church in Ireland. All ministerial students take a compulsory course called «Preparation for Circuit Ministry» for 2 semesters; the course is not university-validated. About 6 weeks involve «examination of the Manual of Laws» and the sessions will deal with: the duties of the minister in relation to church structures; disciplinary procedures; church governance – especially the annual Conference; and doctrine (also dealt with in a separate module on Methodist history, ethos and theology)<sup>85</sup>. These courses at Birmingham and Belfast study only the laws of the relevant Methodist Church, and not the wider civil laws applicable to these churches.

*Presbyterian:* In the Church of Scotland, students in their years of ministerial training attend conferences at which «the Church’s practice on matters such as Baptism, Communion, Ordination etc. are taught» and in their final year all probationers are taught the «Church of Scotland Law»<sup>86</sup>. This study is «compulsory for all new entrants and for ministers coming from other churches and from other Presbyterian churches overseas» and is taught over four years with some 24-30 hours of lectures/seminars which includes «interactive learning» and a «mix of theory and practice». They cover church governance, ministry, doctrine, liturgy, rites (e.g. marriage), property, and ecumenism. Students undertake 30 weeks of part-time practical work during college studies and 15 months of full-time probation during which «they are introduced to the practical application of the law at all levels» – namely, the Kirk Session (local), the Presbytery (regional), and the General Assembly (national). Students must complete a 1500-2000 word essay on «an issue that requires some knowledge of a wide range of the Church’s law». Refresher courses are offered throughout ministry, «especially [for] Presbytery Clerks who have to handle the law and its implications every day»<sup>87</sup>.

*Baptist:* In the Baptist colleges the study of Baptist «polity», «principles», or «ecclesiology» is often «a compulsory part of the course for ministerial students»<sup>88</sup>. One purpose of the course at the Bristol Baptist College, on Baptist History and

<sup>84</sup> Revd Helen Cameron (email 16-4-2013): «I can confirm that we teach Methodist law and polity in various places throughout the course [as] compulsory sessions for Methodist pre-ordination students in their third year».

<sup>85</sup> Revd Dr Richard Clutterbuck, Principal (email 16-4-2013).

<sup>86</sup> The Acts of General Assembly: <[http://www.churchofscotland.org.uk/about\\_us/church\\_law/acts](http://www.churchofscotland.org.uk/about_us/church_law/acts)>.

<sup>87</sup> Rev John P Chalmers, Principal Clerk, Church of Scotland (email 16-4-2013); the parish minister is *ex officio* moderator of the Session and so needs to have at least a basic understanding of church law.

<sup>88</sup> Regent’s Park College, Oxford - Revd Anthony Clarke, Tutor in Pastoral Studies and Community Learning (email 18-4-2013). See also Bristol Baptist College (UK), Baptist History and Principles: «The unit is mandatory for most ministerial students» - Stephen Finamore, Principal (email 16-4-2013); South Wales Baptist College, Cardiff: «all candidates for ordained Baptist ministry are required to

Principles, is to ensure that «a genuinely Baptist Christian culture is ingrained into the way we do things and relate to one another»<sup>89</sup>. At Regent's Park College Oxford, «Baptist Ecclesiology» may be integrated into the diploma or degree programme for undergraduates and taught alongside other things for masters students. It is taught at different times through the three years of ministerial formation and with different aspects (historical, theological, and practical) having an emphasis at different times. In the third year it lasts for 16 hours, and is taught by «interactive seminar/class» and other methods (such as guided reading) - and it is examined. Study covers the Baptist Union of Great Britain, «Associations, local congregations, covenants, models of church, ordination, ecumenical relations, the nature of ministry, church governance, authority, liturgy, trustee issues, finance, administration, safeguarding responsibilities, weddings, [and] funerals»; the course may also cover «membership, church offices, and church and state»<sup>90</sup>. Separate courses may be run on the administration of worship and doctrine<sup>91</sup>. In the South Wales Baptist College (Cardiff): «In the first year of their training ministerial students have an overnight visit to the National Resource centre for the Baptist Union of Great Britain to meet with staff [there] and with staff from BMS World Mission... This gives ordinands some idea of how the denomination seeks to function»<sup>92</sup>. Reading material is prescribed<sup>93</sup>.

#### IV. CONCLUSION

In general, there is no distinct body of State law in the United Kingdom which explicitly addresses the training of ministers of religion. Historically, in the medieval period (and afterwards) clergy obtained their theological education at the ancient universities in England and Scotland. Today most universities have faculties or departments of theology and/or religious studies (and some grew from teacher training establishments run by churches). These universities are funded wholly or partly from

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complete modules on Baptist History and Baptist Principles - Revd Dr P.K. Stevenson, Principal (email 16-4-2013).

<sup>89</sup> Stephen Finamore (email 16-4-201).

<sup>90</sup> Revd A. Clarke (email 18-4-2013). For teaching on the Union, associations, congregations, see also Northern Baptist Learning Community, Manchester (UK): compulsory courses cover «history, governance, ministry, Baptist Declaration of Principle, theology and practice of baptism and communion» and «non-accredited formational learning at all levels including CME on worship, rites of passage, property» (e.g. «Managing Trusteeships, Trusts Deeds etc.») - Revd Dr A. Phillips (email 16-4-2013).

<sup>91</sup> Bristol Baptist College: Free Church Worship is a 10 credit unit at Level 1 and mandatory for ministerial students; «Ecumenism is taught within the non-accredited programme» and «is practised through our partnership with Trinity College, Bristol»; doctrine is covered in accredited units on systematic theology.

<sup>92</sup> Revd Peter K. Stevenson, Principal (letter, 16-4-2013).

<sup>93</sup> Ibid., e.g. N.G. WRIGHT, *Free Church, Free State: The Positive Baptist Vision*, Paternoster, London, 2005; S. HOLMES, *Baptist Theology: Doing Theology*, T & T Clark, London, 2012.

public funds and have the status generally in civil law of public authorities. However, following the Reformation in the sixteenth century, in England the bar to admission to the ancient universities meant that religious groups other than the Church of England set up their own so-called «dissenting academics» or else their members trained for ministry abroad. The nineteenth century in particular witnessed the rise of Church of England, Roman Catholic, and other theological colleges to train candidates for ordained ministry. The twentieth century, and the religious pluralism which has emerged during it, has seen the rise of Islamic and Jewish colleges for the training of imams and rabbis. Broadly, these religious colleges offer courses (for ministry candidates) which are either validated by or delivered at the theology and/or religious studies departments of public universities (themselves subject to State higher education law and independent quality assurance standards). Some religious colleges provide training in other faiths, civil culture and civil law. The colleges are subject to the general law (on e.g. employment and charity) but may enjoy exemptions under equality law (e.g. to restrict admission of students within the faith in question). There are also specific rules in immigration law about ministers of religion and those training for this. The colleges may or may not be regulated by trust deeds and other instruments (e.g. articles of association in the case of a company) which provide for their governance, inspection, admission, staff, property and academic discipline. Religious laws are the principal means of regulation.

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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN ESTONIA

MERILIN KIVIORG<sup>1</sup>

Religious education has been one of the most contested issues regarding religion in Estonia today, and, in fact, throughout its history as an independent State. However, most of the debates have been related to religious education in basic and upper secondary schools. There has been no real discussion on training the clergy for religious communities. Issues that have been discussed and sometimes hotly disputed in many other European states, such as control over religious teaching and state financing, are not yet on the agenda in Estonia. Although many aspects of the relationship between State and religious communities are still under discussion, the relationship between religious communities and the State is generally amicable and cooperative. Estonia also does not consider itself a country of immigration. The social fact is that it is not yet facing any of the challenges related to the growing Muslim communities experienced in other European countries. History, however, knows a few controversies that have emerged in relation to training clergy on Estonian territory<sup>2</sup>. Different rulers have had different ideas for this training. The autonomy of the training institutions and through that the autonomy of religious institutions to select and acquire qualified personnel has been to some extent fluctuating. The following will give a brief account of the history from the 18<sup>th</sup> century onwards and focus on the current law, trends and issues.

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<sup>2</sup> Many of the clergy has been trained in seminaries and educational institutions outside Estonia. This article focuses on the training in Estonia.

## I. HISTORY OF THE MODE OF TRAINING OF RELIGIOUS STAFF SINCE THE 18TH CENTURY

Estonian history since the 13<sup>th</sup> century is marked by multiple conquests by Germans, Danes, Swedes and Russians who fought against Estonians and among themselves for the control of this territory, each one having a turn in ruling and consequently in influencing the development of Estonia, its religious life and the training of clergy. The beginning of the 18<sup>th</sup> century marked the end of Swedish rule in Estonia. Estonia came under the sovereignty of Sweden in the seventeenth century. This meant systematic reorganization of social and religious life under the Lutheran Church. The Catholic Church was practically expelled from Estonia during that period.

Under Swedish rule, the Lutheran church was elevated to the status of the state church. Three academic secondary schools were opened (in Tartu in 1630, in Riga and Tallinn in 1631). On the initiative of Governor-General Johan Skytte, the secondary school in Tartu was transformed into a university (*Academia Dorpatensis*) by ordinance of King Gustav II Adolph on 30 June 1632<sup>3</sup>.

The Faculty of Theology became the leading faculty at the university. The educational work was modelled on the Faculty of Theology of Uppsala University. Pursuant to the University's bylaws, the theological orientation of the University and its Faculty of Theology was to fit into the frame of Lutheran orthodoxy. The University provided qualified people to serve as church ministers in Livonia and in Estonia, but also on Saaremaa Island<sup>4</sup>. Many former students also became school teachers influencing development of future generations. In this sense the university also provided the basis for establishing a network of public schools in Estonia. University alumni made a significant contribution to Estonian language religious literature.

The end of Swedish rule came with the Great Northern War at the beginning of the eighteenth century waged by Russian Tsar Peter I and his Danish, Polish and Saxon allies against Sweden. In 1710 the area encompassing present day Estonia came under Russian rule. The same year the university was closed. As a result, in the 18<sup>th</sup> century many of Estonia's Lutheran clergy was trained in educational institutions abroad.

The University of Tartu (Kaiserliche Universität zu Dorpat/ Imperatorskij Jur'evskij Universitet) was reopened in Tartu in 1802 as a German-speaking Russian state university. In the 19<sup>th</sup> century, theology was foremost associated with the German-language Faculty of Theology of the University of Tartu (1802-1918), at which pastors were trained for Lutheran churches all across Russia. This was also the time when the first generation of ethnic Estonian theologians received their education.

<sup>3</sup> University of Tartu, Faculty of Theology, <http://www.us.ut.ee/en>, accessed 1 august, 2013.

<sup>4</sup> Ibid.

In 1823, the Faculty of Theology was reformed in the spirit of Pietism. All of its professors were either dismissed or pensioned off as emeriti and replaced with new lecturers<sup>5</sup>.

In the 1890s it became difficult to acquire new Faculty members. This was partly because of the governmental Russification campaign, during which it was usual practice to appoint lecturers without consulting the Faculty. It was also no longer possible to invite lecturers from Germany.

In 1916, the Faculty was ordered to transfer to Russian as the language of instruction. The professors resigned in protest, and the Faculty dissolved itself. It resumed operation briefly under German occupation in autumn 1918. In the aftermath of establishing the independent Estonian Republic in 1918 the university was re-opened as the state university (Republic of Estonia University of Tartu) where instruction was carried out in Estonian.

After the opening of the University of Tartu in the Republic of Estonia, the teaching of theology and theological research were continued at its Faculty of Theology<sup>6</sup>. This Faculty has persisted in operation until today, although not always under the same name or under the University of Tartu. After the Soviet invasion in 1940, the Soviet authorities abolished the theological department. In 1941, German occupation forces did not allow the reopening of the faculty. Under Nazi German occupation in 1941-44, the faculty bore the name Institute of Theology and was not part of the University. In the late 1940s, operation was continued initially under the name of the Estonian Evangelical Lutheran Church (EELC) Higher Proof Committee of Theology and was later converted into the Theological Institute of the Estonian Evangelical Lutheran Church, which operates to this day. In 1991, the Faculty of Theology was reopened at the University of Tartu. The Faculty's structure has basically remained the same, except that in 1940 the Chair of Orthodoxy terminated its activity; since 1991 the Faculty is no longer denominational but evangelical, and in 2001 the Chair of Lutheran Theology was established.

The Lutheran Church had been the largest religious institution in Estonia since the sixteenth century. During the first independence period (1918–1940), approximately 78% of the population belonged to the Estonian Evangelical Lutheran Church (EELC). The numbers refer to both active and passive members of the church. The second-largest Church was the Estonian Apostolic Orthodox Church (EAOC). According to the 1934 census, approximately 19% belonged to the latter church<sup>7</sup>. Up to 1991 we can primarily talk about the training of Lutheran and Orthodox clergy.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Riigi Statistika Keskbüroo, 'Rahvastiku koostis ja korteriolud: 1 III 1934 rahvaloenduse andmed' (Tallinn: Riigi trükikoda, 1935), Vihik II.

As to statistics today, according to the last population census from the year 2011, 54% of the adult population (those aged 15 and above, 1 094 564 from the total population 1 294 455) declared that they do not adhere to any particular creed. Only 29% considered themselves adherent to any creed. Of this figure, about 10% declared themselves to be Lutherans. The majority of Lutherans are ethnic Estonians. The largest religious tradition in Estonia is that of the Orthodox Church. Of the 29% of the population following any creed, 16% considered themselves as Orthodox<sup>8</sup>. Since the 2000 census the Orthodox community has grown in numbers and has become bigger than the historically dominant Lutheran church. All other Christian and non-Christian religious communities have adherents of approximately 3% of the adult population. The largest religious communities among those are Roman Catholics, Old Believers, Baptists, Pentecostals, and Jehovah's Witnesses. There are several Jewish organizations in Estonia and a new synagogue was opened in 2007. There is a small Muslim community in Estonia. Muslims have lived on Estonian territory since approximately the eighteenth century. The majority of Muslims are ethnic Tatars. So far there have been only a limited number of new arrivals<sup>9</sup>.

## II. THE MODES OF FORMATION OF RELIGIOUS STAFF: CURRENT LAW

There are certain rights and principles stemming from the Constitution which are relevant when one talks about the training of clergy. The Estonian Constitution protects both individual and collective religious freedom and provides for the autonomy of religious communities. In the current context it would also mean the right to determine the rules and qualification requirements for their clergy. The general right to self-determination of persons, both individuals and collectives, stems from Article 19 of the Estonian Constitution. Article 19(1) of the Constitution states that: «all persons shall have the right to free self-realization». The right to religious (church) autonomy is also considered to be an essential part of collective freedom of religion which is protected by Article 40 of the Constitution and by the Articles 48, 19(1) and 9(2).

Although the Constitution sets forth the principle of the separation of State and Church, it has not been interpreted as a rigorous policy of non-identification with religion. The cooperation between the State and religious associations in areas of common interest is an established practice today. In practice it has also manifested itself in the financing of religious organisations and their educational institutions. For example, the State makes annual allocations to the Estonian Council of Churches. It also has been financing specific projects including ones related to preparation of teachers of religious education or chaplains for public institutions.

<sup>8</sup> Population and Housing Census 2011, <http://www.stat.ee/phc2011>, accessed 1 August, 2013.

<sup>9</sup> See also M. KIVIORG, *Law and Religion in Estonia*. The Hague, Kluwer Law International, 2011.

As to the law on education, Article 37 of the Estonian Constitution<sup>10</sup> creates the basis for the entire school system. It also sets forth that the provision of education shall be supervised by the state. In addition to Article 37, Article 38 states that universities and research institutions are autonomous within the restrictions prescribed by law.

Training of Estonian clergy takes place in both public and private educational institutions. Estonian law allows religious organizations to set up private educational institutions. According to § 2 of the Private Schools Act (PSA, *Erakooliseadus*)<sup>11</sup> a private school can be established by profit making and non-profit making organisations (including religious associations). There is no difference in treatment depending on the nature of the organisation (e.g. it being a religious organisation). The owner of a private school has to have a separate budget for the private school which has to be kept apart from the accounts of other agencies and undertakings of the owner (PSA, § 22 (1)).

The PSA regulates the establishment of private educational institutions at all school levels (pre-school, basic, secondary, vocational and higher education)<sup>12</sup>. The right to provide instruction in higher education and to award the corresponding academic degrees and diplomas is granted to a private school by the Government of the Republic (§5<sup>1</sup> (1)). The license is issued for a certain period of time, but not for less than an academic year. Private schools have some access to public funding. The license is also necessary in order to apply for this funding and projects financed by the State or municipal government.

Only a very few religious organisations have established educational institutions in accordance with the PSA. Just recently there were four applied higher education establishments (*rakendusõrgkool*) of theology operating in Estonia: the EELC Institute of Theology, the Theological Seminary of the Estonian Methodist Church in Tallinn, the Higher Theological Seminary of the Union of Estonian Evangelical Christian and Baptist Congregations, and the Tartu Academy of Theology<sup>13</sup>.

The Tartu Academy of Theology grew out of the courses provided for religious education teachers at the beginning of the 1990s. The academy has an ecumenical ethos. It was established by the EELC, Orthodox Church of Estonia, Estonian Methodist Church and Union of Free Evangelical and Baptist Churches of Estonia. The academy offers among other courses BA or MA degree studies for teachers of religion

<sup>10</sup> RT I 1992, 26, 349.

<sup>11</sup> RT I 1998, 57, 859; RT I, 13.12.2013, 5 (last amended).

<sup>12</sup> Ibid.

<sup>13</sup> Eesti Hariduse Infosüsteem [Estonian Education Information System], 'Koolid', <www.ehis.ee/>, 1 May 2013.

and ethics. On 1 July 2013, the Academy joined the EELC Institute of Theology as one of its departments.

The Institute of Theology of the EELC is an educational centre for the entire Estonian Lutheran church: its main mission is to prepare clergy, other church workers, lay people, church musicians, etc., for various types of work within Lutheran congregations. The institute also trains teachers of religious education in public schools, as well as military, prison and hospital chaplains and people who are to work in the mass media. The institute had been the oldest private university in Estonia, established in 1946 after the Soviet regime had closed the only faculty of theology in Estonia at the University of Tartu. The Institute continued to educate prospective clergy for the EELC and is still doing so. In 2011, however, it lost its status as an accredited university and has operated as an institution of professional higher education. The institute not only provides degree programs in theology but also continuing training for both pastors and other professionals and volunteers in church ministry. As an institution of professional higher education, the institute is open to everyone who has interest in a humanistic education in the field of theology or education or who would like to learn more about the interaction of Christianity and Western culture and society<sup>14</sup>. There was an interesting development in January 2014. The Institute of Theology of the EELC and the St. Platon Seminary of the Estonian Apostolic Orthodox Church signed a cooperation memorandum which envisages opening the Chair of Orthodoxy at the EELC institute in the autumn of 2014. There seems to be a general trend to consolidate training of clergy in Estonia. The trend is caused by limited financial and human resources and the need to meet the standards set by the state for higher or professional education institutions.

As to theology education at public universities, as mentioned before, the Faculty of Theology has existed at the University of Tartu since 1632, but in 1940 the Soviet authorities abolished the theological department. In 1941, German occupation forces did not allow the reopening of the faculty; however, they granted permission to form a Theological Examination Commission at the Consistory, thus providing an opportunity for students to complete their theology degrees. After the Second World War, theological education continued, and the Examination Commission was converted into the Theological Institute of the EELC, which operates to this day as described above. In 1991, the Faculty of Theology was reopened at the University of Tartu. Since 1991 the Faculty has been non-denominational but evangelical. The Faculty of Theology, as part of a public university, is fully funded from the state budget. The activities of the faculty include theology and religious studies (religious anthropology), with theology traditionally having a greater emphasis on protestant theology. In

<sup>14</sup> Estonian Evangelical Lutheran Church, Institute of Theology, <<http://ui.eelk.ee/english.php>>, 1 may 2010.

the theology Masters program one can also specialize in the field of religious pedagogy. Graduates can teach religious education classes in general education schools, and many also serve as chaplains in public institutions such as armed forces, prisons and police.

The Faculty of Theology offers a higher theological education, but does not automatically authorize the graduate to serve in the church. The faculty only gives a theoretical preparation for practical work as a minister. Ministerial qualification implies confessional studies in a relevant educational institution. In the case of the Evangelical Lutheran Church this situation is solved in cooperation with the Theological Institute of the Evangelical Lutheran Church. Graduates of the Faculty of Theology can continue their confessional studies in the pastoral seminary of the Theological Institute of the Evangelical Lutheran Church. There is also a cooperation agreement with another private higher education institution providing confessional studies: the Theological Seminary of the Union of Free Evangelical and Baptist Churches of Estonia.

The faculty is connected with churches by several agreements. The purpose of the agreements is to maintain the quality of theological education, and to increase the cooperation between the faculty and private universities belonging to the churches. As of 1999, it is connected with the Estonian Evangelical Lutheran Church (EELC) by one of these cooperation agreements (a third party is the Theological Institute of the EELC). The ties with the EELC are also manifested in the fact that some of the faculty members have been or are working in the EELC as ministers. In addition to graduates, many students, especially the ones in the master's degree and doctoral studies, are working in the EELC. Among the students there are also parish ministers, provosts and chaplains who work in the defence forces and prisons.

In 2002, the Faculty concluded a protocol of joint intentions with the Estonian Orthodox Church. Grigorios Papatomas from Paris was giving lectures on Orthodox theology as a visiting professor from 2005-2009. His work was financed by the Greek Ministry of Education<sup>15</sup>. The theology of the Roman Catholic Church has been introduced by some visiting professors as well.

There is also the protocol of common interests signed between the Estonian Council of Churches and the University of Tartu in October 2005. This protocol gave a framework for the cooperation and an opportunity to commission scientific projects from the faculty<sup>16</sup>.

Although higher education institutions enjoy a certain amount of autonomy, both the Faculty of Theology as a part of the public university and other higher education institutions have to comply with the standards set by laws to their specific level of

<sup>15</sup> University of Tartu, Faculty of Theology, <http://www.us.ut.ee/en>, accessed 1 August, 2013.

<sup>16</sup> Ibid.

education<sup>17</sup>. Their curriculum, teaching and research needs to meet the standards set for higher education institutions. There is periodic supervision to assure they meet the requirements to be able to continue operating and to issue degrees and diplomas. As noted before, meeting the standards has proven to be challenging which has created the need for tighter cooperation between very different religious communities and their educational institutions. Regarding financing one can argue that the state is indirectly financing the training of clergy for Estonian Christian religious communities and primarily for the EELC through providing funding for the University of Tartu and its Department of Theology. Although one of the disputed issues in Estonia has been the preferential treatment of Christian communities and especially of the EELC, the financing of the training of clergy has not raised any concerns.

### III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

As already indicated in the introduction, there has been no real discussion on training the clergy for religious communities. There is no major discussion over it in media or politics. Issues that have been discussed and sometimes hotly disputed in many other European states, such as training clergy of Muslim communities or (state) financing of preparation of ministers or other personnel for religious communities, are not yet on the agenda in Estonia.

Estonia is not yet facing any of the challenges related to the growing Muslim communities experienced in other European countries. Muslims have lived on Estonian territory since approximately the eighteenth century. The majority of Muslims are ethnic Tatars who arrived in Estonia during the late nineteenth and early twentieth century<sup>18</sup>. In 1940 the Soviet regime prohibited the activities of these communities. During the occupation the Muslim community carried on its activities unofficially. The ethnic composition of the Muslim community changed during the Soviet period due to new arrivals from other republics of the former Soviet Union, such as Azerbaijan, Uzbekistan, Kazakhstan and other traditionally Muslim nations of the Caucasus and Central Asia. However, Tatars maintained their leading role in cultural and religious activity<sup>19</sup>. The majority of the Estonian Muslim community is still made up of individuals who came from the territory of the former Soviet Union: Tatars, Chechens, Azers, etc. They have integrated well into Estonian society. So far there are only a limited number of new arrivals. They are from different regions globally, and do not form any significant ethnic religious communities. Clerics of Muslim and

<sup>17</sup> University Act [*Ülikooliseadus*], RT I 1995, 12, 119, last amended RT I, 10.07.2012, 2; University of Tartu Act [*Tartu Ülikooli seadus*], RT I 1995, 23, 333, last amended RT I, 30.05.2012, 1.

<sup>18</sup> R. RINGVEE, «Islam in Estonia», in *Islam v Európe* (Centrom pre európsku politiku: Bratislava, 2005), 242-243.

<sup>19</sup> Ibid.

also Jewish communities are not trained in Estonia. There is no institution for imam training in Estonia. Two of the four active imams have received their higher religious education abroad (in Russia and Saudi Arabia respectively). The remaining two are self-taught. Currently four Estonian-born Muslims are studying Islamic theology in Saudi Arabia<sup>20</sup>. Considering the limited number of Muslims and conservative immigration policies it is unlikely that a need for local imam training will arise in the foreseeable future.

Subsequently, and as a result of freedom afforded religious communities to dictate the method of their leader's education and the acceptance by Estonia and Estonians of the guarantee of individual and collective freedom of religion, there is not likely to be new policies in this area; at least not in the foreseeable future. Considering previous debates on the preferential treatment of Christian communities, questions may be raised about spending public funds towards this endeavour, but at the moment this financing seems to be at the generally acceptable level and has not stirred up society's sensibilities. For these reasons, no major changes in policy can yet be identified regarding the control, financing or assisting of the training of religious staff. Changes in the attitudes and policies may occur if Estonia faced significant changes in the religious composition of the population due to migration. Currently there only exists the need to conceptualise and learn from other countries' experiences to prevent and tackle potential future problems.

<sup>20</sup> R. RINGVEE, «Estonia», *Yearbook of Muslims in Europe*, Volume 5 (Brill, 2013), 229-236.



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# PUBLIC AUTHORITIES AND THE TRAINING OF RELIGIOUS PERSONNEL IN LATVIA<sup>1</sup>

EDVINS DANOVSĶIS<sup>2</sup>

## I. HISTORY OF THE MODE OF TRAINING OF RELIGIOUS PERSONNEL IN THE 18<sup>TH</sup>/19<sup>TH</sup> CENTURY

The training of religious personnel in universities in the territory of Latvia has to be discussed in two periods: before and after 1918 (the declaration of independence). In Tsarist Russia the nearest higher education institution where it was possible to acquire theological education, was the University of Tartu founded in 1632 (in Swedish times). From its foundation, it had four faculties (in accordance with the tradition of the times): Philosophy, Theology, Law, and Medicine<sup>3</sup>. Likewise, after its reinstatement in 1802, the Faculty of Theology was maintained in it<sup>4</sup>. From 1802 to 1918, 219 Latvians studied theology there; only 187 studied law<sup>5</sup>. See also the Estonia report for the University of Tartu.

After the declaration of independence in Latvia, theology as an academic subject could be studied at the Faculty of Theology of the University of Latvia. Extensive research on the establishment of the Faculty of Theology at the University of Latvia was carried out in 1939 on the twentieth anniversary of the University of Latvia. The most important quote from the book is as follows:

<sup>1</sup> For more information on religion in general education in Latvia please see: R. BALODIS, «School-Religion Relations: Republic of Latvia», *European Review of Public Law*, vol. 17, No. 1, Esperia Publications Ltd, p. 397-407; R. BALODIS, «Religion in Public Education – Latvian Experience», *Religion in Public Education*. G. ROBBERS (ed.), 2011, p. 273-294; R. BALODIS, «Religious education in Latvia», *The Routledge International Handbook of Religious Education*, D.H. DAVIS, E. MIROSHNIKOVA (ED.)m Routledge: 2013, p. 202-211.

<sup>2</sup> University of Latvia, Faculty of Law, Department of Constitutional and Administrative Law.

<sup>3</sup> A. VĪKSNA, *Tērbatas*, Universitāte. Rīga: Zinātne, 1986, 10.lpp.

<sup>4</sup> TURPAT, 26.lpp.

<sup>5</sup> TURPAT, 94.-95.lpp.

«The [Latvian] requirement in the training of Latvian theologians and priests initially came from the so-called national professorships project. Around 1905, the church-sympathetic Latvian and Estonian communities considered that, alongside existing training chairs in the German language at the Faculty of Theology of the University of Tartu [...], Latvian and Estonian national professorships in practical theology would be desirable to train Latvian and Estonian parsons. [...] A meeting of the Latvian Evangelical ministers, convened in consultation with the Ministry of Interior in Riga on 6 and 7 August [1919] [...] unanimously expressed [a need for a] Faculty of Theology in the University of Latvia, in the name of the evangelical Lutheran traditions, adhering to the principle that only an academically educated theologian with a wide comprehensive vision may serve as an evangelical pastor. [...] [On 24 December 1919 the Cabinet of Ministers, on a proposal by the Minister for Education, decided that]: «The cost of opening the Faculty of Theology at the higher education institution [meaning the University of Latvia] for the time being has to be entrusted to the Treasury, while the Constituent Assembly will settle the question of the relationship between the state and the Church in principle»<sup>6</sup>. The Faculty of Theology of the University of Latvia was non-confessional - but it was in close contact with the Evangelical Lutheran Church. «The Faculty was given a free hand to create its own curriculum in accordance with the content and scope of theology, and practical requirements for employees [at the level of] higher [and] comprehensive theological education. However, a narrow confessional character has not been [...] imposed on the Faculty»<sup>7</sup>.

In 1938 the University of Latvia also established the Roman Catholic Faculty of Theology, «Its predecessor is the Theological Seminary of the Archdiocese of Riga, which was founded by the Archbishop of Riga [...] on 3 October 1920. [...] In order to acquire academic rights legally, it was intended to be re-named as the Riga Roman Catholic Academy of Theology; the expectation was that the government would recognise its higher education institution rights as well. When in 1928 the Academy Statute was submitted for approval to the government at the time, the Minister of Education sent the same to the University of Latvia for comment. The latter came up with a proposal to open the Roman Catholic Faculty of Theology at the University of Latvia. [...] When everything needed was ready, at the beginning of 1938 the *Nuncio* of the *Holy See* to Latvia [...] and [...] the Foreign Minister [of Latvia] [...] arrived at the Vatican City in order to sign a covenant supplementary to the Concordat between the Holy See and the government of Latvia, which, *inter alia*, would also provide for the establishment of the Roman Catholic Faculty of Theology at the University of

<sup>6</sup> L. ADAMOVIČS, «Teoloģijas fakultāte», in *Latvijas Universitāte divdesmit gados, 1919-1939*, I. Rīga, Latvijas Universitāte, 1939, 809-813.lpp.

<sup>7</sup> Ibid, 820.lpp.

Latvia. With bilateral benevolence, on 25 January 1938 the additional covenant was signed [...]».<sup>8</sup> In 1938, Pope Pius XI issued an instrument which, in particular, stated: «[...] For that reason his Holiness himself, the Prefect of this sacred congregation, shall establish the Faculty of Catholic Theology at the said University and with this writ announces it to be established with the right to grant academic degrees pursuant to the Apostolic Constitution *Deus scientiarum Dominus* [...]»<sup>9</sup>. Members of the teaching staff of the Faculty were selected by the *Metropolitan Archbishop of Riga*, who submitted them for the approval of the Holy See<sup>10</sup>. The Faculty worked until the occupation of Latvia in 1940, but was not reinstated.

## II. THE MODES OF FORMATION OF RELIGIOUS PERSONNEL: CURRENT LAW

During the Soviet occupation, there were no programmes recognised by the state providing religious education. However, during the Soviet period, theological education was provided in unofficial groups. For example, in 1969 Academic Theological Courses were established (from 1976 at the Theological Seminary) on an informal basis, to provide theological education for prospective Lutheran clergy – these were equivalent to the pre-war training programmes at the Faculty of Theology of the University of Latvia<sup>11</sup>. On this informal basis, in 1990, the Faculty of Theology was reinstated at the University of Latvia. The Faculty of Theology was the first higher education institution in Latvia after the restoration of independence, where one could acquire higher education in theology. The reinstatement of the Faculty may be explained largely by the desire to reinstate historical traditions, as well as the desire to ensure the character of a classical university for the University of Latvia.

The current self-assessment report of the Faculty of Theology specifies that «in terms of tradition the UL Faculty of Theology represents the Western critical line of research and underlines its non-confessional (interconfessional) nature. However, according to its content and substance the bachelor's programme is Lutheran, as in most European Faculties of Theology»<sup>12</sup>.

There are three levels of programme at the Theology Faculty: bachelor; masters; and doctoral. Each year 30 students (on average) are enrolled on the bachelor's programme, and on the master's programme an average of 15 students. There were 32

<sup>8</sup> P. STRODS, «Romas katoļu teoloģijas fakultāte 1938-1939», in *Latvijas Universitāte divdesmit gados. 1919-1939*, I. Rīga, Latvijas Universitāte, 1939, 905.-907.lpp.

<sup>9</sup> *ibid*, 908.lpp.

<sup>10</sup> *Ibid*, 908.lpp.

<sup>11</sup> R. AKMENTIŅŠ, «Teoloģijas fakultāte», in *Latvijas Universitāte 75*, Rīga: Latvijas Universitāte, 1994, 234.lpp.

<sup>12</sup> LU Teoloģijas fakultātes 2007. gada akreditācijas vajadzībām sagatavotais pašnovērtējuma ziņojums. <http://www.aiknc.lv/zinojumi/lv/LuTeolBM2007.doc>.

students enrolled on the bachelor's programme in 2013. Of these, 30 students study at the expense of the state<sup>13</sup>. In these study programmes one can learn all the classical theological sub-disciplines: New and Old Testament, Systematic Theology, Practical Theology, Church History and Research of the Religions of the World<sup>14</sup>.

The education acquired in the Faculty of Theology does not automatically qualify a person for admission to religious office in any Latvian Church.

It is possible to acquire religious education recognised by the state in three other higher education institutions. Within the meaning of the Law on Institutions of Higher Education these are private higher education institutions. The «Latvian Christian Academy» is a private higher education institution, offering bachelor and master's programmes in theology. The content of the study programme is not linked to any particular religion. In addition, there are also two denominational higher education institutions established by Churches with the aim of recruiting their religious personnel. The *Evangelical Lutheran Church of Latvia* has established the «Luther Academy», where the bachelor's study programme is offered. Its aim is to «train potential Lutheran clergy having academic knowledge and competence in practical theology to serve in parishes of the *Evangelical Lutheran Church of Latvia*»<sup>15</sup>. The Roman Catholic Church has established the Riga Higher Institute of Religious Sciences – this is affiliated to the Pontifical Lateran University, Rome. For those who complete this study programme, «opportunities on the labour market shall be determined by the demand of the Catholic Church for religiously trained personnel of parishes and various Church institutions, and the demand in schools for Christian teaching and ethical teachers»<sup>16</sup>. The Riga Higher Institute of Religious Sciences also offers the master's programme of professional higher education. Persons may enrol on this programme if they have a humanities degree in religion, a professional bachelor's degree in religion, or appropriate higher education acquired in an educational establishment recognised by the Congregation for Education, Vatican City, at the Pontifical Lateran University or its affiliates<sup>17</sup>.

<sup>13</sup> 2. kārtas apstiprinātie pieteikumi uzņemšanai pamatstudiju programmās. Pieejams: <https://latvija.lv/Statistics/Default.aspx#lu>.

<sup>14</sup> LU Teoloģijas fakultātes 2007. gada akreditācijas vajadzībām sagatavotais pašnovērtējuma ziņojums. <http://www.aiknc.lv/zinojumi/lv/LuTeolBM2007.doc>.

<sup>15</sup> Luterā akadēmija. Bakalaura studiju programma Teoloģija. Akreditācijas dokumenti. Pieejams: <http://www.aiknc.lv/zinojumi/lv/LATEologijaBSP12lv.pdf>.

<sup>16</sup> Laterāna Pontifikālās Universitātes filiāle. Rīgas Augstākais Reliģijas Zinātņu Institūts. Augstākās izglītības iestādes pašnovērtējuma ziņojums. 2006. Available at: <http://www.aiknc.lv/zinojumi/lv/RarziHEIlv.pdf>.

<sup>17</sup> Rīgas Augstākais reliģijas zinātņu institūts. Profesionālā maģistra studiju programma reliģijā. Kvalifikācija – pastorālais konsultants (kods 46221). Pašnovērtējuma ziņojums. Rīga, 2012. Available at: <http://www.aiknc.lv/zinojumi/lv/RARZIReligijaPMSP11lv.pdf>.

The existence of this educational establishment is also determined in the Agreement between the Republic of Latvia and the Holy See:

«Chapter 3: *Riga Theological Seminary*

Article 20:

1. *The Riga Theological Seminary is an institution of the Catholic Church in Latvia, offering academic education to candidates for the priesthood and providing an opportunity to study Catholic theology.*

2. *The Riga Theological Seminary may obtain the status of a higher education institution under the procedure prescribed by law.*

3. *Diplomas and study courses of the Riga Theological Seminary that are consistent with national laws and other statutory enactments, will be considered valid and will be equivalent to the diplomas and training courses of national educational institutions.*

4. *Within the legislative framework the state ensures economic support to the Riga Theological Seminary as well as to other equivalent institutions».*

In 1938 the Faculty of Catholic Theology was established in the University of Latvia, in the light of the Concordat provisions. This Faculty has not been reinstated, even though Article 21 of the Agreement between the Republic of Latvia and the Holy See provides that «The Reinstatement of the Faculty of Catholic Theology within the University of Latvia will be negotiated in the future between the Holy See and the Government of the Republic of Latvia».

In sum: the state ensures and partly provides funding to acquire higher theological education in the Faculty of Theology at the University of Latvia. The *Evangelical Lutheran Church of Latvia* and the Roman Catholic Church, within the framework of the Law on Institutions of Higher Education, have set up private higher education institutions with the right to provide a nationally recognised higher academic and professional education in theology. In addition, there is one private higher education institution in Latvia with no express denominational adherence, also implementing nationally accredited higher education study programmes in theology. The state does not participate in the financing of these higher education institutions.

In addition to higher education institutions, there are also other educational institutions of religious organisations; however, these do not function as state-recognised higher education institutions and cannot provide higher education.



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# FROM STATE-CHURCH TO NON-DENOMINATIONALISM PUBLIC AUTHORITIES AND THEOLOGICAL EDUCATION IN FINLAND

ILKKA HUHTA

## I. HISTORICAL BACKGROUND

### A. Finnish theological education: the Middle Ages to the foundation of the Academy of Turku

The earliest Christian influences came to the region of Finland both from the east and the west. The latter proved clearly more powerful in the Middle Ages, with the result that the area became part of western Catholic Christendom. The Dominicans had extended their education system into Finland by the end of the 1300s, and many friars of the convent of Turku were sent to study at the *studia* of the Dominicans in different parts of Europe. However, the University of Paris became the most important destination for Finnish theological students travelling abroad during the 1300s. By the end of the 14<sup>th</sup> century, the spread of the university system into Germany improved the chances for Finns to study abroad<sup>1</sup>.

During the Middle Ages, studying theology at university had been intended mainly for an elite who were prepared to sacrifice years for the consideration of theoretical questions. Such a readiness was not required of the ordinary clerics of congregations. During the centuries subsequent to the Reformation, Finland adopted a Lutheran state-church system, which included as a central principle the demand for religious unanimity. From the 1530s, the University of Wittenberg became the most important destination for students travelling abroad<sup>2</sup>. Because Sweden (including

<sup>1</sup> The first time Finnish students are mentioned in the written record is 1313 at University of Paris. J. NUORTEVA, 1997, p. 523-533, *Suomalaisten ulkomainen opinkäynti ennen Turun akatemian perustamista 1640. Summary: Finnish Study Abroad before the Foundation of the Royal Academy of Turku (Academia Aboensis) in 1640*, Bibliotheca Historica 27, Helsinki, 1997.

<sup>2</sup> S. HEININEN, *Die finnischen Studenten in Wittenberg 1531-1552*, Schriften der Luther-Agricola-Gesellschaft A 9, Helsinki, 1980.

Finland) was a Lutheran state, its universities were confessional also. The supervision of right doctrine and of confession was an important task not only for the church, but also for the whole university.

After the Reformation, new attention had to be paid to the education of the clergy. The clerics' main task was no longer simply the administration of the sacraments, but preaching sermons and teaching. University reform, which occurred in Sweden in the early 15th century, increased the total number of university students and led to the majority of Finnish students travelling to the University of Uppsala. The first university in Finland (Academy of Turku) was founded in 1640<sup>3</sup>.

Finland's location at the meeting point of East and West contributed its own special characteristics to the religious policy of the country. Lutheran confessionalism as state ideology meant that the position of the Orthodox minority was difficult, especially after the Treaty of Stolbovo (1617) between Sweden and Russia, when Sweden (including Finland) gained control over the Karelia region and the Orthodox in the area were forced to convert to Lutheranism<sup>4</sup>. The reasons for converting the Orthodox minority lie, above all, in Swedish foreign policy; the Orthodox congregations were subject to the Russian Church and its clergy came from Russia. The Treaty of Åbo (1743) largely returned the eastern Orthodox areas back to Russian rule, which made life easier for the Orthodox minority<sup>5</sup>.

## B. Enlightenment and theology

In the 18th century, the education of the Lutheran clergy took place at the Academy of Turku. According to the regulations applicable to it, which were issued in the 1700s, no-one was allowed to pass the examination for ordination if he had not participated in academic theological education at the university. However, the actual ordination examination was taken in the cathedral chapter, and the ordination was at the discretion of the bishop and the chapter. There was no final academic theological degree awarded at the university<sup>6</sup>

<sup>3</sup> S. HEININEN, «Kirkko, teologia ja yliopisto», in *Teologia kirkossa ja yhteiskunnassa*, H. MUSTAKALLIO & S. PEURA (eds.). STKSJ 180 & SKHST 158, Helsinki 1992, p. 62-62; Also M. HEIKKILÄ, 164, «Teologia», in *Suomen tieteen vaiheet*. P. TOMMILA & A. KORPPINEN (eds.), Helsinki University Press, 2003.

<sup>4</sup> P. LAASONEN, *Novgorodin imu. Miksi ortodoksit muuttivat Venäjälle Käkisalmen läänistä 1600-luvulla?* Summary: *Pull of Novgorod. The reasons for the Orthodox migration from Käkisalmen province to Russia in the 17th century*. Suomalaisen Kirjallisuuden Seura, 2005, p. 155-159.

<sup>5</sup> T. LAITILA, *Suspicion, negligence et respect. Les relations entre l'Église luthérienne et l'Église orthodoxe en Finlande après la Seconde guerre mondiale*, in ISTINA LIII, Paris 2008, p. 365-379.

<sup>6</sup> E. Murtorinne, *The History of Finnish Theology 1828-1918*, Societas Scientiarum Fennica, Helsinki, 1988, p. 12.

The influence of the Enlightenment was also seen in the Finnish university theological systems, but in rather moderate forms<sup>7</sup>. Even though the different, radical views of the Enlightenment were known within the circles of the Academy of Turku, Enlightenment theology surfaced there in the guise of a moderate interpretation of Neology, which was one of the main trends of Enlightenment theology in Germany. The main emphases of Neology, such as an aspiration to produce harmony between reason and revelation, and the practical character of Christianity, were especially evident in the thinking and actions of Professor (later Archbishop) Jacob Tengström (1755–1832)<sup>8</sup>.

These practical interests appeared particularly in reforming of clergy training. Instigated by Jacob Tengström, a theological seminary, associated with the Academy of Turku, was founded in the early 19th century. Models of this kind of seminary existed in Germany and Denmark, and the educational task was to improve students' practical abilities for ordained ministry. Among other subjects, special attention was paid to both theoretical and practical instruction in homiletics, canon law, catechetics, and liturgy. On the whole, the theological seminary was the clearest expression of Enlightenment theology and its practical nature in early 19th century Finland. The seminary reflected the aims of Neology, in favour of practical and comprehensible Christianity<sup>9</sup>.

The purpose of the theological seminary was not to replace the education provided by the university, but to supplement it. In 1824 a statute came into force concerning the «order of the ordination examination» in an attempt to regularize university studies for the clergy. A lower-level preliminary examination (for *sacri ministerii* candidates) came into use. However, the process of qualifying for priests' orders continued to take place in the cathedral chapter. Later on, by a statute of 1846, the university ordination examination in theology was required<sup>10</sup>.

### C. The era of the autonomous Grand Duchy

Following the Napoleonic wars, Finland was made a part of the Russian Empire and given the status of an autonomous grand duchy. In religious policy, the impact of this change was twofold. First, it was essential for the Lutheran Church that the Russian Emperor as the Grand Duke of Finland would guarantee that the legal po-

<sup>7</sup> More about Enlightenment in Finnish culture see M. AHOKAS, *Valistus suomalaisessa kirjallisuudessa 1700-luvulla*, Summary: *The Enlightenment in eighteenth-century Finnish book culture*. Societas scientiarum Fennica, Bidrag till kännedom av Finlands natur och folk 188, Diss. Helsinki, 2011.

<sup>8</sup> More about J. Tengström, see G. BJÖRKSTRAND, J. TENGSTROM. *Universitetsman, kyrkoledare och nationsbyggare*, Skrifter utgivna av Svenska litteratursällskapet i Finland 772, Helsinki, 2012.

<sup>9</sup> E. MURTORINNE, 1988, p. 12.

<sup>10</sup> E. MURTORINNE, 1988, p. 11-13.

sition of the Lutheran Church would be kept intact. The Diet of Borgå (1809) saw Alexander I ratify the Lutheran faith of the grand duchy as well as the constitutions then in force. The only significant change in the relation between Church and State was that the Emperor abolished the rule in the former system of government that the sovereign must be a Lutheran. In validating the position of the Finnish Lutheran Church and legislation from the time of Swedish rule, the Orthodox Emperor kept the position of highest authority in the Finnish Lutheran Church for himself<sup>11</sup>. Secondly, for the Orthodox population, this period of autonomy meant a stronger position under the protection of the Emperor. The small Orthodox minority began to enjoy a rather important political role in comparison to its size<sup>12</sup>.

Even though the State was economically responsible for the maintenance of the university, in the early 19<sup>th</sup> century the control of teaching still belonged mainly to the Church. However, the change of the political situation in Finland affected the future development of theological education in many ways. First, the desire of Emperor Alexander I to show conscious benevolence towards the cultural life of Finland led to a discernible preferential treatment for the university. Thus, on the basis of the estimate of expenditures for the year 1811, the Academy of Turku was granted a number of new academic posts, and an allowance, substantially exceeding any previously given, was put at its disposal<sup>13</sup>. Secondly, and even more influentially, was the decision made after the fire of Turku in 1827, to transfer the university to the new capital of Finland. In 1828, the Imperial Alexander University commenced its activities in Helsinki, the capital of Finland from 1812.

These changes had their effects on the relationship between university theology and the Church.

The weakening of connections between the Church and the university was unavoidable; the cathedral chapter stayed in Turku but, given their relocation, professors of the theology faculty could no longer be members of the chapter<sup>14</sup>. Furthermore, Bishop Jacob Tengström had not been the vice-chancellor of the university since

<sup>11</sup> M. KLINGE, *Keisarin Suomi*. Schilds, Espoo 1997, p. 17-18; and P. TOMMILA, *Suomen autonomian synty 1809-1819*, Edita, Helsinki, 2008, p. 103.

<sup>12</sup> M. Nokelainen, *Vähemmistövaltiokirkon synty. Ortodoksisen kirkkokunnan ja valtion suhteiden muotoutuminen Suomessa 1917-1922*, Zusammenfassung: *Die Entstehung einer Minderheitsstaatskirche. Die Ausgestaltung der Beziehungen zwischen orthodoxer Kirche und Staat in Finnland 1917-1922*. Societas Historiae Ecclesiasticae Fennica 214, Diss. Helsinki, 2010, SKHS, p. 5-6.

<sup>13</sup> A. VELI-MATTI, *Yliopiston virkanimitykset. Hallinto- ja oppihistoriallinen tutkimus Turun Akatemian ja Keisarillisen Aleksanterin Yliopiston opettajien nimityksistä Venäjän vallan alkupuolella 1809-1852*, Suomen historiallinen seura. Historiallisia tutkimuksia 115, Diss. Helsinki, 1981, p. 8-9; and E. MURTORINNE, *The History of Finnish theology 1828-1918*, Societas Scientiarum Fennica, Helsinki, 1988, p. 11-13.

<sup>14</sup> S. HEININEN, «Kirkko, teologia ja yliopisto», in *Teologia kirkossa ja yhteiskunnassa*, H. MUSTAKALLIO & S. (eds.), STKSJ 180 & SKHST 158, Helsinki, 1992, p. 66.

1817. When in post, his task had been to supervise the work and conduct of the teachers and students, and also to participate in making the most important decisions affecting the university. This tie between Church and university broke in 1817<sup>15</sup>.

Also, the substantial transformation in the European ideal of science and the university affected the direction of change. A new conception of the university's tasks had a fundamental effect on theology and the position and structure of the theological faculty. The change was especially clear in the development of the nature of the professorial chairs in the faculty of theology. The new division into theological disciplines took place in the statutes of 1828. According to the new statutes, the faculty of theology had four professorships: dogmatics, biblical exegesis, ecclesiastical history and moral theology. The post of practical theology was formed in 1846 by combining the teaching of moral theology with the teaching syllabus of the professor of dogmatics and by founding, in its place, the chair of practical theology<sup>16</sup>.

This new direction was continued when the above-mentioned theological seminary had to be closed in 1846, and it was decided that the provision of practical exercises for students would be assigned to the new professor of practical theology. At the same time, a regulation was issued declaring that the ordination examination in theology was to be obligatory for all ordinands. This meant that emphasis was placed on university theological education, and theology began to gain its independence. Furthermore, when the system of benefice parishes was finally abolished in 1865, teachers in the faculty of theology were no longer dependent upon the Church – the theological faculty became an institution for scholarly research and teaching independent of the Church<sup>17</sup>.

At the end of this period of autonomy (in the late 19th and early 20th centuries), the significance of Lutheranism for the developing Finnish State was strengthened. As the Lutheran faith of the majority of the Finnish people separated Finland from Russia more clearly than the countries' political relations, it was also in the interests of the Finns to have a strong Lutheran Church in the future. The influence of this political issue may be seen in the Church's attempts to increase its independence vis-à-vis the state, as governed by the Emperor, and also in its desire to cherish the image of unanimity within the Lutheran Church. This political situation affected that position of theology in the university which remained strong, and it became a task of the theology faculty to serve the needs of the Lutheran church. This can be clearly seen in the formulation of the statute (1886) concerning the «education of *future pastors* at the Alexander University».

<sup>15</sup> E. MURTORINNE, 1988, p. 12.

<sup>16</sup> E. MURTORINNE, 1988, p. 21.

<sup>17</sup> E. MURTORINNE, 1988, p. 22.

## II. CURRENT SITUATION

### A. Legal status of the theological education

The introduction of the republican system of government in Finland (1919) meant a fundamental change in the relationship between the State and the Lutheran Church - but at the same time it confirmed the special legal position of the Lutheran and Orthodox Churches. On the one hand, the State no longer officially recognised the significance of religion as a cohesive ideology – rather, non-denominationalism and religious impartiality were fundamental starting points. On the other hand, the state ratified the legislative procedure for the Lutheran Church and its resulting special legal position<sup>18</sup>. The Constitution Act (1919) also indirectly ratified the special legal position of the Orthodox Church based on the national church treaty from 1918. The Orthodox Church also became a national church and state authorities had a notably large say in its affairs<sup>19</sup>. Although it was expressed in the constitution that Finland was a non-confessional state, the change was not immediately visible in legislation concerning theological education. Instead, the change did affect the training of Orthodox Church personnel, even in 1918 – this will be explained further below.

The statute (1886) mentioned above was operative until 1938, and it connected theological studies with Lutheran ordination and the pastoral practice of ministry. The 1938 decree brought a change to this situation. The earlier formulation «education of *future pastors* at the Alexander University» had been replaced in the new decree with «*a degree to be passed* at the theological faculty of Helsinki University (459/38)»<sup>20</sup>. The change implied a shift to the interpretation prevailing today that it is not up to the faculty to determine the office for which the degree provides a qualification.

Yet, the 1938 decree still contained some regulations implying a connection between the Faculty and the Lutheran Church. For example, paragraph 9 of the decree stated that the diploma awarded to a student should recite whether the student «has the moral seriousness required by Church Law 108 § [necessary] to obtain pastoral ordination». This regulation was omitted from the 1947 decree.

This official connection between the Faculty of Theology and the Lutheran Church decreased gradually in the 1900s. The latest decree (572/1970) was on the office of university lecturer. Its 4<sup>th</sup> paragraph required, among other qualifying conditions, that applicants for the post of lecturer in theology also had to meet the requirements for the office of pastor in the Finnish Lutheran Church. But there was

<sup>18</sup> M. HEIKKILÄ, J. KNUUTILA, M. Scheinin, «State and Church in Finland», in G. ROBBERS (ed.) *State and Church in the European Union*, 1996, p. 288.

<sup>19</sup> J. SEPPO, *Uskonnonvapaus 2000-luvun Suomessa*, Edita: Helsinki, 2003, p. 40-41; and M. NOKELAINEN, 2010, p. 5-6.

<sup>20</sup> Report 1977:21, *Church-State Committee*, p. 195-201.

never a decree about the denominational affiliation of other faculty teachers. At that time Lutheran Church membership was self-evident - later on such a regulation was considered impossible, due to the principle of freedom of research and education at the university.

The Theological Faculty of the University of Helsinki was until 1924 the only university institution providing theological education in Finland. Åbo Akademi, founded with private funding in 1918, started theological training in 1924, targeted primarily at the Swedish-speaking population<sup>21</sup>. Although the academy and its theological training were funded by a private foundation until coming under state ownership in 1981, its position was no different from the University of Helsinki; the decree (152/1926) concerning the latter was also applied to the Åbo Akademi theological faculty<sup>22</sup>.

A third faculty of theology was founded at the beginning of 2002 when the Faculty of Theology at the University of Joensuu started operating as an independent faculty. Its founding was connected to a decades-long discussion about a second Finnish faculty of theology, and the training of Orthodox theologians in a state university, which started in 1988 at the University of Joensuu<sup>23</sup>.

## B. Orthodox pastoral training

Finnish independence in 1917 also meant a redefinition of the status of the Orthodox Church, with a new decree on that denomination issued in 1918. A state-financed Orthodox seminary was founded the same year, and until 1988 it provided education for Orthodox clergy, teachers of religion and cantors. Since then such education has been provided by the University of Joensuu (the University of Eastern Finland since 2010).

Within the denomination, serious debate about transferring Orthodox education to the university began in the 1960s. This was related to the reform of Finnish higher education, and especially the establishment of new universities in Eastern Finland<sup>24</sup>. The 1972 decree was the last to regulate the status, purpose, teaching and students of the old-model Orthodox Seminary<sup>25</sup>. The Seminary's administration

<sup>21</sup> <http://www.abo.fi/institution/en/tf>.

<sup>22</sup> Report 1977:21, *Church-State Committee*, p. 195.

<sup>23</sup> H. MAKKONEN, «Ortodoksisen teologikoulutuksen suuntaa etsimässä», in *Golgatanmäeltä karjalaiselle. Joensuun yliopiston Ortodoksisen teologian laitos 10 vuotta*, Publications of The Department of Orthodox Theology of the University of Joensuu, 1998, 40. P. KETTUNEN, «Joensuun teologisen tiedekunnan synty – sadan vuoden prosessi. (Abstract: Birth of the Faculty of Theology in Joensuu)», in *Teologinen aikakauskirja* 6/2006, p. 515-535.

<sup>24</sup> H. MAKKONEN, 1998, p. 28-29; J. NUMMINEN, «Yliopistolaitoksen hajasijoitus», in *Omalla pohjalla Euroopassa*, 2002; P. KETTUNEN, 2006, p. 515-535.

<sup>25</sup> Asetus ortodoksisesta pappisseminaarista 593/1972.

became subject to the Ministry of Education, but it was managed and supervised by the Orthodox Church Council. The role of the State was also manifested in the practice by which the Ministry of Education nominated the Rectors and the teachers of theological subjects, even though it followed the recommendation of the Orthodox Church Council. Unlike in other faculties of theology, teachers had to be members of the Orthodox Church<sup>26</sup>.

The special status (under government protection) of the Orthodox Church is illustrated by the fact that the Parliamentary Church-State Committee that completed its work in 1977 did not take a stand on Orthodox pastoral training; the Committee was in favour of maintaining the *status quo*. It merely stated that «as society is responsible for Lutheran pastoral training in faculties of theology, it is justified that it also provides economic resources for the Orthodox Seminary»<sup>27</sup>. Critical discussion within the Orthodox Church about improving the quality of pastoral training was, however, visible in a statement (about the report of the Church-State Committee) of the General Synod addressed to the Ministry of Education; instead of a *status quo*, the Church expressed its wish to develop Orthodox pastoral training in the direction of university-level education<sup>28</sup>.

After several preparatory phases, the decree, of 1988<sup>29</sup>, provided for an Orthodox theological programme in the Joensuu University Faculty of Humanities. The commencement of university education meant a decrease in the authority of the Orthodox Church as to the content of teaching and research; but, on the other hand, limiting theological research and teaching to Orthodox theology was a sufficient measure to guarantee the position of an independent Orthodox Church. Furthermore, the Orthodox Seminary was not closed; its role was redefined by a new decree. The new decree about the Orthodox Seminary stated that its primary function was to organise applied studies (practical training) related to theological studies at the University of Joensuu. The new decree did not change the relationship between the Orthodox Seminary and public authority; it remained a government-funded school under the administration of the Ministry of Education<sup>30</sup>.

The programme of Orthodox theology in Joensuu also gave a new boost to the plans to found a second Finnish language faculty, which had been under discussion for decades. In the 1990s a professorship of General Theology was also opened in Joensuu; the Evangelical Lutheran teaching of the pedagogy of religion was strength-

<sup>26</sup> Report 1977:21, *Church-State Committee*, p. 195

<sup>27</sup> Report 1977:21, *Church-State Committee*, p. 201.

<sup>28</sup> H. MAKKONEN, 1998, 29.

<sup>29</sup> <http://www.finlex.fi/fi/> : Asetus teologisen perustutkinnon järjestämisestä Joensuun yliopistossa 644/1988.

<sup>30</sup> <http://www.finlex.fi/fi/> : Asetus ortodoksisesta seminaarista 760/1988.

ened by creating the post of Lecturer of Religion; and serious plans were being made for an «ecumenical» faculty at the University of Joensuu<sup>31</sup>.

Moreover, due to the joint efforts of the Lutheran Church, the University of Joensuu and the Ministry of Education, the economic requirements for the new faculty were met at the beginning of the 2000s. On 1 January 2002 it began as an administratively independent faculty that houses study programmes for both Orthodox and Western theology.

### C. Theological studies, churches and religious communities

The current situation in Finland results from the historic development described above. Theological education is provided by faculties of theology at the University of Helsinki and Åbo Akademi, as well as the School of Theology at the University of Eastern Finland which started in 2010 when the universities of Kuopio and Joensuu were united to form a single University of Eastern Finland. Having operated for ten years, the Faculty of Theology of the University of Joensuu became a School of Theology under the Philosophical Faculty of the University of Eastern Finland<sup>32</sup>.

Each unit in the field of theology has its own special features and emphases, but their common feature is that they are not denominational. Most Masters of Theology graduates are still employed by the Finnish Lutheran Church. The second largest group of graduates is teachers of religion in schools. Theological education has provided a good basis for work in the media, research, the third sector and different international fields. The main employer of graduates of the programme of Orthodox Theology at the University of Eastern Finland is the Orthodox Church.

University studies of theology are open and non-denominational, and no membership of a church or religious community is required of the students. According to the same principle, qualifying requirements for teachers in theological faculties accord with the general qualifying requirements of universities, and they are not linked to requirements specific to clerical offices in any denomination.

However, both the Lutheran Church and the Orthodox Church include a university degree in theology in their qualification criteria for the priesthood<sup>33</sup>.

University degrees meeting the criteria set by the Bishops' Conference include individual study modules as an obligatory part of the master's degree for those to be ordained pastor. It has therefore been reasonable for units providing university edu-

<sup>31</sup> P. KETTUNEN, 2006, p. 526-527.

<sup>32</sup> <http://www.uef.fi/en/filtdk/teologia>.

<sup>33</sup> <http://www.finlex.fi/fi>: Suomen evankelisluterilaisen kirkon Kirkkolaki, luku 5 § 1 and Kirkkojärjestys, luku 5 § 2. Ortodoksisen kirkon kirkkojärjestys 174/2007, 132 §.

cation to take into account the applicability of university degrees from the Church's point of view. The theological education coordination group nominated by the Bishops' Conference also includes representatives from the universities.

Guaranteed by public authority, the connection between the university-level Orthodox theological study programme and the Orthodox Church is still tighter than that for the Lutheran Church. The clearest sign of this is the special national mission set for the Philosophical Faculty of the University of Eastern Finland to train employees for the minority church<sup>34</sup>. For this purpose, the Ministry of Education and Culture gives separate funding for the study programme. Funding, in the case of other units of theology, follows the general principles of university funding.

The great importance of the Lutheran Church as an employer of theologians has meant that theological faculties have in their study programmes taken into account the needs of church employees' professional training. The consequence of this has traditionally been that the number of non-church members in the faculties was for a long time quite low. The situation has become more varied only over the last few decades. For historical reasons, the State has only financed the training of theologians for the Lutheran and Orthodox churches. Other churches and religious communities have trained their own personnel in their own institutions from their own funds<sup>35</sup>.

### III. NEW POLICIES CONCERNING THE TRAINING OF RELIGIOUS STAFF

The situation described above has, however, slowly changed during the last few decades. First, the rapid weakening of the membership basis of Lutheran churches, especially in the 2000s, has inevitably raised questions about the special status of the majority church. Second, the growing independence of university theological research vis-à-vis the churches has compelled the Church to continuously evaluate the usefulness of research-based education for the Church. Third, due to immigration, the question about the societal importance of research and education has gained new dimensions that undoubtedly affect university-level theological education in the future.

These three matters have become relevant in public debate about religious education in schools, but also as to the issue of the commencement of training for imams in Finland.

<sup>34</sup> [http://www.uef.fi/documents/11461/898556/Filttdk\\_Strategia\\_2013.pdf/3a3a5b9d-9ea3-4107-a2a9-657882c65b8a](http://www.uef.fi/documents/11461/898556/Filttdk_Strategia_2013.pdf/3a3a5b9d-9ea3-4107-a2a9-657882c65b8a).

<sup>35</sup> About financing of religious associations, see *Matti Kotiranta* 2011, p. 411-429: *The Financing of Churches and Religious Associations in Finland*. In *Kirkkohistorian alueilla*. Societas Historiae Ecclesiasticae Fennica 217. Helsinki 2011.

### A. New law on freedom of religion and the question of religious education

As required by the new law on freedom of religion in 2003, the term «education according to individual religious affiliation» in the law on comprehensive and senior/upper secondary education was replaced with «teaching the pupil's *own religion*»<sup>36</sup>. According to the current legislation, all pupils in Finland have the right to receive education according to their own religion, provided that the criteria on the number of pupils per group are met.

Of religions that meet these boundary conditions, three forms of Christianity are taught in schools (Lutheran, Orthodox and Catholic) and Islam, Buddhism, Baha'i and the Krishna religion among non-Christian religions. The teaching of Judaism is centred on the Jewish School of Helsinki. The right guaranteed by the law has however not led to practical equality between different religions.

The new law on freedom of religion links religious education to membership of a denomination. The membership requirement is no problem for Lutherans, but in the case of other religions it tends to create confusion. Adherents of other religions may not see it necessary to register as members of a religious community. For this reason the new law has been viewed, from the perspective of multiculturalism, as one that was outdated when it came into force. According to *Tuula Sakaranaho*, Professor of Comparative Religion, the law «reflects institution-centred thinking of the majority culture and fails to observe the difference and plurality of minority religions. The new law has been created from the majorities' point of view and it does not change the advantage of the prevailing religion, Lutheranism, vis-à-vis the minorities. In short, the new law expands the rights enjoyed by the majority for the benefit of minorities, but strictly on terms dictated by the majority»<sup>37</sup>.

In addition to what has been said above, the new situation manifests itself especially in the question of how, in the future, we are to train qualified teachers of religion. Thus, the issue of training teachers of religion other than Lutheran or Orthodox is still unsolved, and the situation raises expectations for existing theological study programmes as well. One of the frequently presented models of the future in recent debates is to organise religious education in schools as a subject common for all – the Finnish term «uskontotieto» refers to neutral information on religions. This could be the solution to the problem of teacher training, but the proposition has its strong opponents within the majority church and minorities alike.

<sup>36</sup> <http://www.finlex.fi/fi>: Perusopetuslaki 13 § (6.6.2003/454) and Lukiolaki 9 § (6.6.2003/455).

<sup>37</sup> T. SAKARANAHO, «Pienryhmä- ja vähemmistöuskontojen opetus», in A. KALLIONIEMI & E. SALMENKIVI (eds.) *Katsomusaineiden kehittämishaasteita*, 2007, p. 6-7, <http://www.helsinki.fi/vokke/english/katsomus.pdf>.

## B. Training of imams

The number of Muslims is estimated at around 60,000 and there are more than 60 registered Islamic communities in Finland. However, there are, as yet, no schemes for supplementary or basic vocational imam training. The training of teachers of Islam for Finnish schools began in 2007 at the University of Helsinki. Because of the current situation, Finnish Muslims have in several contexts expressed their concern to secure trained imams and other religious personnel familiar with the Finnish circumstances and legislation. Most Finnish Muslim communities use self-taught imams.

The current public discussion of imam training has led to a project organized by the Finnish civil society organization FOKUS (Forum for Culture and Religion). One of its main tasks has been to gather systematic information on the educational background of Finnish imams and their needs for training in the future. The survey *Imams in Finland* was published in the summer of 2013<sup>38</sup>. One of the main results of the study is that most of self-educated imams in Finland would prefer fully trained and qualified imams. They also welcome educational programs for imams.

## IV. CONCLUSION

During the sixteenth and seventeenth centuries, Sweden (including Finland) adopted a Lutheran state-church system. The strong demand for religious unanimity meant that universities were confessional and the supervision of right doctrine was an important task for the university. The historical background of Lutheranism, and Finland's geographical position between eastern and western cultures, have both strongly influenced the religious policy of Finland.

In the 18th and 19th centuries, the education of Lutheran clergy took place mainly at university. However, until 1824, no final academic theological degree was awarded. The actual qualification for priests' orders continued to take place through the cathedral chapter. After the statute of 1846, the university ordination examination in theology was required. This change reflected a new ideal of science and a new understanding of the university's tasks, which had a fundamental effect on theology and the position of the theological faculty. Gradually, the theological faculty became an institution for scholarly research and teaching independent of the church.

However, the wording of the 1886 statute implies that there was still a strong tie between church and university theology, as evident in its reference to «education of *future pastors* at the Alexander University». This connection between theological studies and Lutheran pastoral ordination was valid until 1938, when a new decree changed the wording to «*a degree to be passed* at the theological faculty of Helsinki

<sup>38</sup> The study is written in Finnish with an English summary. Open access document: <http://www.kulttuurifoorumi.fi/fin/julkaisut/?id=125>.

University». This change suggests a shift to today's prevailing interpretation that it is not for the faculty to express for which office the degree qualifies.

Until 1924, the Faculty of Theology at the University of Helsinki was the only university institution providing theological education in Finland. Åbo Akademi, founded in 1918, started theological training in 1924, and primarily targeted the Swedish-speaking population. A third faculty of theology was founded at the beginning of 2002, when the Faculty of Theology at the University of Joensuu started operating as an independent entity. Its founding was connected to a decades-long discussion about offering a second Finnish faculty of theology in Finland, and the training of Orthodox theologians in a state university; this training began in 1988, at the University of Joensuu.

The current situation in Finland has resulted from the historical developments described above. Theological education is provided by faculties of theology at the University of Helsinki and Åbo Akademi, as well as the School of Theology in Joensuu at the University of Eastern Finland.

While each unit in the field of theology training has its own special features and emphases, all of them share one attribute: they are not denominational. Theological studies are open and non-denominational, and membership in a church or religious community is not required.

As guaranteed by public governance, the connection between the university-level Orthodox theological study program and the Orthodox Church is a bit tighter than that of the Lutheran Church. The clearest sign of this is the special «national mission» set for the Philosophical Faculty of the University of Eastern Finland: to train employees for the minority church. However, the great importance of the Lutheran Church as an employer of theologians has also meant that each theological faculty has taken into account the need for church employees' professional training.

Due to the historical context in Finland, the State has only financed training of theologians for the Lutheran and Orthodox churches; other churches and religious communities continue to train their own personnel in their own institutions and with their own funds. Nevertheless, the training of personnel in minority denominations and religions is an important issue today in public debate in Finland. Also, the issue of training non-Lutheran and non-Orthodox schoolteachers of religion is still unresolved; the situation also raises expectations for existing theological study programmes.



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