

# Requirements for Canon Law Degrees

By Michael Dunnigan

Late last spring a rumor began circulating that the Congregation for Christian Education in Rome had plans to increase the requirements for canon law degrees. The actual shape of these changes remains in doubt because the rumor still is unconfirmed and has taken several different forms over the last several months. We at the Saint Joseph Foundation remain unable to confirm the rumor definitively and officially, despite contacting the Apostolic Nuncio to the United States and the canon law faculties of several pontifical universities. However, by now this rumor has circulated so widely and has come to be believed so universally, that we consider it very likely to be true. At the outset, one might ask why the Foundation would be concerned about these rumored changes at all. It is because our experience has shown that, in order to protect rights, in many cases it is necessary to obtain the services of a canon lawyer who is also a member of the laity. Due to the lack of separation of powers in the governance of the Church and the special obligations that clerics and religious have toward their bishops or superiors, it is difficult or impossible for them to assume the role of advocate in controversial cases.

Thus, if the number of lay canonists decreases significantly, obtaining justice in the Church could become more difficult. To grasp the impact of the rumored changes on aspiring students of canon law, especially those who are neither clergy or religious, it is first necessary to understand the requirements that currently are in place.

To be admitted to a program for the study of canon law, the principal requirements under the current system are a bachelor of arts degree (or the equivalent) and proficiency in Latin. If a person lacks competence in Latin, he still may gain admission to the program on the condition that he study Latin during the course of studies and demonstrate his fluency in the language before completing the program. In addition, the student must have proficiency in the language of instruction. English is the language of instruction for the Catholic University of America, the sole canon law faculty in the United States. Students at the sole Canadian faculty, St. Paul University in Ottawa, must choose either French or English as their language of instruction, and Italian is the language of instruction at all of the Roman universities. There are three stages or in the canon law program. Cycle I consists of one year of graduate study in theology. If a student already has completed a year of graduate theology, such as in a Master of Arts program in theology, he may receive credit for cycle I and proceed immediately to cycle II. Cycle II is the study of canon law proper. It also is called the licentiate cycle because, upon completing it, the student receives a licentiate in canon law (J.C.L.). Cycle II normally consists of two years of course work in canon law. However, one of the Roman universities, the Pontifical University of the Holy Cross, allows a student who already has a degree in civil law to take the first and second year courses of cycle II at the same time and therefore to complete cycle II in a single academic year. After receiving the licentiate, some canonists proceed to cycle III to earn the doctorate in canon law (J.C.D.). Cycle III consists of some additional course work, but the principal requirement is the completion of a doctoral dissertation.

Although the road to a degree in canon law is by no means an easy one under the current system, that road will become a great deal more arduous if the rumors concerning changes to the degree requirements turn out to be true. The change to cycle II will be to increase the course work in canon law from two to three years, but the rumored changes to cycle I are more drastic. First, the study of theology will be increased from one year to two years. Second and more important, very few students will be able to receive credit for cycle I as the result of previous graduate study in theology.

A Master of Arts degree from an American university, even if it represents two or more years of graduate theology study, no longer will be accepted as satisfaction of the cycle I study. As a practical matter, the only students who may receive credit for the theology component of the canon law program are those who hold a Ph.D. in theology. (A licentiate in sacred theology [S.T.L.] also might satisfy the requirements for the few students who have access to such a program.)

The best information that we have been able to obtain is that the new requirements will take effect in the 2003-2004 academic year. We believe that these changes will have a devastating impact on the ability of the laity to study canon law. Most lay students are in a fundamentally different position than priests and members of religious orders who study canon law. Priests and religious generally are supported by their dioceses or orders during their studies, and this support continues for as much time as is required to complete the program. However, most lay canonists support themselves during their studies. The new requirements will work a hardship on the laity for at least two reasons.

First, for most students, the J.C.L. program will increase from two or three years to five years. Second, in almost all cases the student will be required to study theology at the same university at which he studies canon law. Under the outgoing system, a student could complete the cycle I requirements by studying theology at any university that offers a graduate program in Catholic theology. This allowed many lay students to complete the requirements for cycle I without relocating to a different city. Then to complete the cycle II licentiate requirements, a student under the outgoing system would need to enroll in a university in Washington, Ottawa, or Rome for only two years (or, in some cases, for as little as one year). Now, however, a layman, even one who holds a Master of Arts degree in theology from a Catholic university, is faced with the daunting obstacle of having to move for five years to one of the few cities in the world that hosts a canon law faculty.

Our fervent, though unrealistic, hope is that these rumors will turn out to have been either incorrect or else greatly exaggerated. However, if it comes to pass that they are confirmed, then perhaps we can be forgiven for asking,

What good is conferred on the Church by erecting barriers to the study of canon law that are so high as to amount to a practical attempt to exclude the laity from the practice of canon law entirely? =

[Shortly after Mr. Dunnigan completed this article, the new norms were issued and the rumors are now fact. Our comments on these norms will appear in a later issue. Ed.]